



Fellsmere

CITY COUNCIL MEETING
22 S. Orange St., Fellsmere FL
May 16, 2024 – 7:00 P.M.

AGENDA

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **PLEDGE OF ALLEGIANCE**
4. **INVOCATION:**
5. **APPROVAL OF MINUTES:** (a) City Council Meeting of May 2, 2024.
6. **PRESENTATION:** (a) Life Saving Medal to Officer Steven Hellyer.
7. **PROCLAMATION:** (a) National Police Week
8. **PUBLIC HEARINGS:**
(a) **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 GARAFOLIO; 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./ **2nd Reading and 1st Public Hearing for May 16th, 2024 at 7:00pm.**

Recess as the City Council and Reconvene as the Board of Adjustments

(b) 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./ **1st Reading and Public Hearing for May 16th, 2024 at 7:00pm.**

Recess as the Board of Adjustment and Reconvene as the City Council

(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.**

9. PUBLIC COMMENTS:

10. MANAGER'S MATTERS:

11. MAYOR'S MATTERS:

- (a) Grants Report
- (b) Police Department Report –April
- (c) Public Works Department Report - April
- (d) Water System Monitoring Report

12. COUNCIL MEMBER'S MATTERS:

13. CITY ATTORNEY'S MATTERS:

14. NEW BUSINESS:

- (a) Approval of Work Authorization #2 with Renker Eich Parks Architects for architectural services related to the Recreated Train Village project.
- (b) **RESOLUTION NO. 2024-53/** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DIVISION OF CULTURAL AFFAIRS CULTURAL FACILITIES PROGRAM REQUESTING \$300,000 FOR THE FELLSMERE HISTORIC TRAIN VILLAGE, AND FURTHER AUTHORIZING AN AMOUNT OF \$300,000 AS THE CITY'S REQUIRED MATCHING FUNDS.
- (c) Approval of changes to multiple sections of Part 1 – Standard Operating Procedures.
- (d) Approval of Kimley Horn Proposal for creation of required Water Supply Facilities Work Plan.
- (e) Award proposal and authorize Mayor to execute contract with sole bidder Dickerson Florida for the Alleyway Grading. (Grant Award is \$1,000,000)
- (f) Award proposal and authorize Mayor to execute contract with sole bidder Dickerson Florida for the Alleyway Grading. (Grant Award is \$850,000)
- (g) **RESOLUTION NO. 2024-52/**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA LOCAL GOVERNMENT CYBERSECURITY FY 24/25 GRANT PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE SUCH GRANT IF AWARDED; AND PROVIDING FOR AN EFFECTIVE DATE.
- (h) **RESOLUTION NO. 2024-01/** A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, CREATING AN ANTI-FRAUD, WASTE AND ABUSE POLICY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM; FURTHER PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE

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

15. 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/513769589>

To join meeting using your phone call 1-872-240-3412 Access Code: 513-769-589

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.

CO20240516AGENDA.DOC

**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 107th 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 101st 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 91st 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 107th 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 now 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 14th.

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

Attorney Rhodeback stated that if they make payment by May 14th, 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 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***

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 16th, if 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 16th 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 16th 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 1st Reading and Set the 2nd Reading and 1st Public Hearing for May 16th,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./ **1st Reading and Set the 2nd Reading and 1st Public Hearing for May 16th, 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 1st Reading and Set the 2nd Reading and 1st Public Hearing for May 16th,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 19th and back to Council on June 20th. 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 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

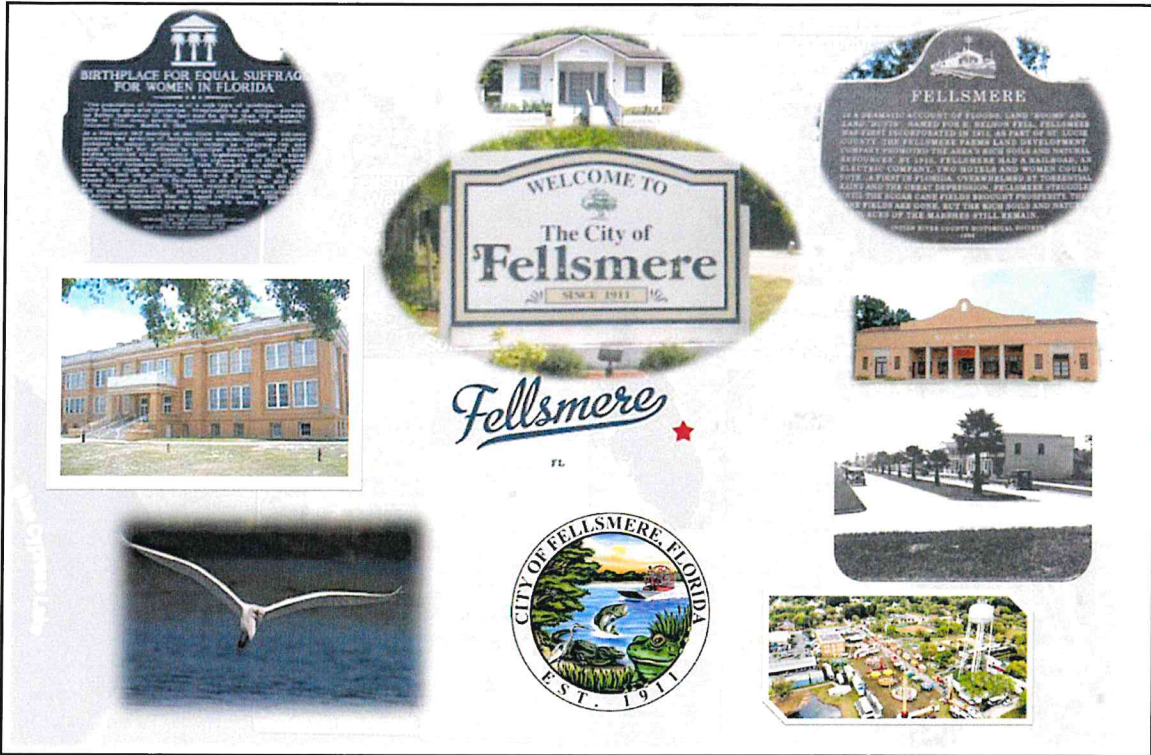
MOTION CARRIED 5-0

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 ____day of May 2024

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



1

AGENDA

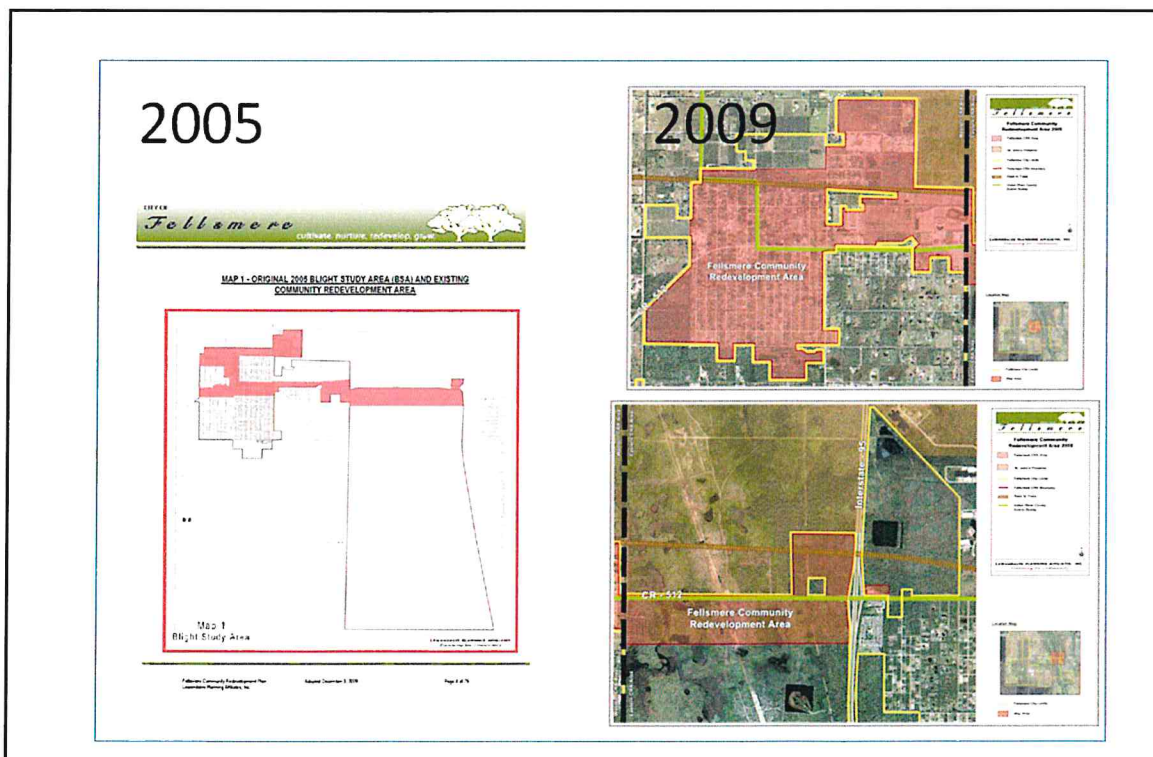
- INTRODUCTIONS
- WHAT WE'RE DOING AND WHY?
- HISTORY-REVIEW ACCOMPLISHMENTS
- THE PROPOSED PLAN
- PAYMENT PLANS
- CAPITAL PROJECTS
- TIME FRAMES
- NEXT STEPS

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:

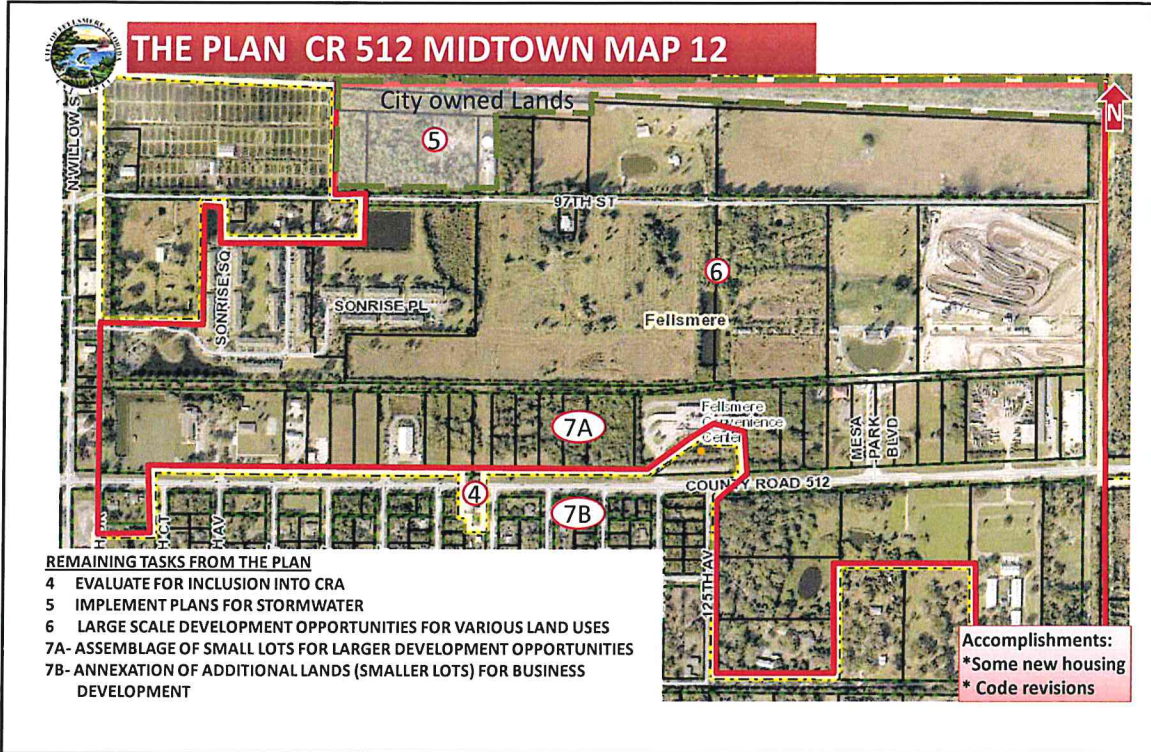
- * Fellsmere Preserve Trail Head
- ^ Gateway Feature and Rails to Trails Greenway
- ② Recent annexations

REMAINING TASKS FROM THE PLAN

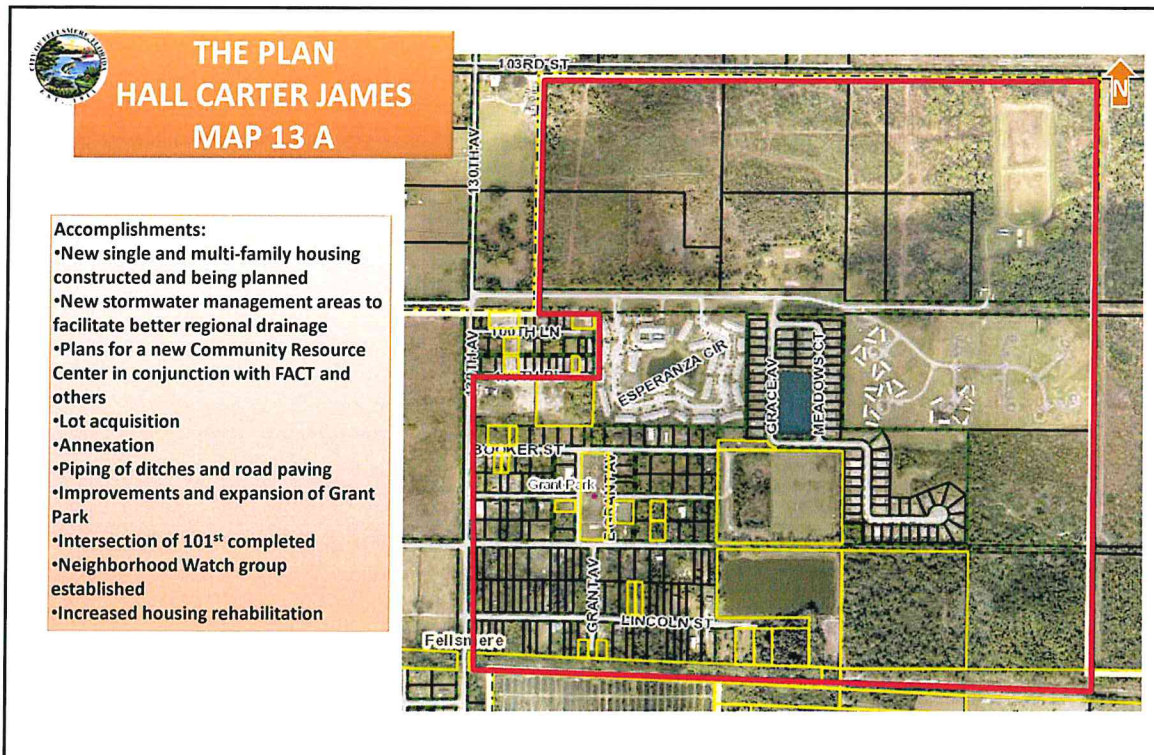
- 1 INTERCHANGE LAND USE DEVELOPMENT OPPORTUNITIES
- 2 EVALUATE NEWLY ANNEXED AREA FOR INCLUSION INTO CRA
- 3 PROMOTE AND ENHANCE LINEAR TRAILS/HORSE TRAILS; CORRIDOR IS PART OF IRC SCENIC BY-WAY

2022 Update/Replacement


8



9



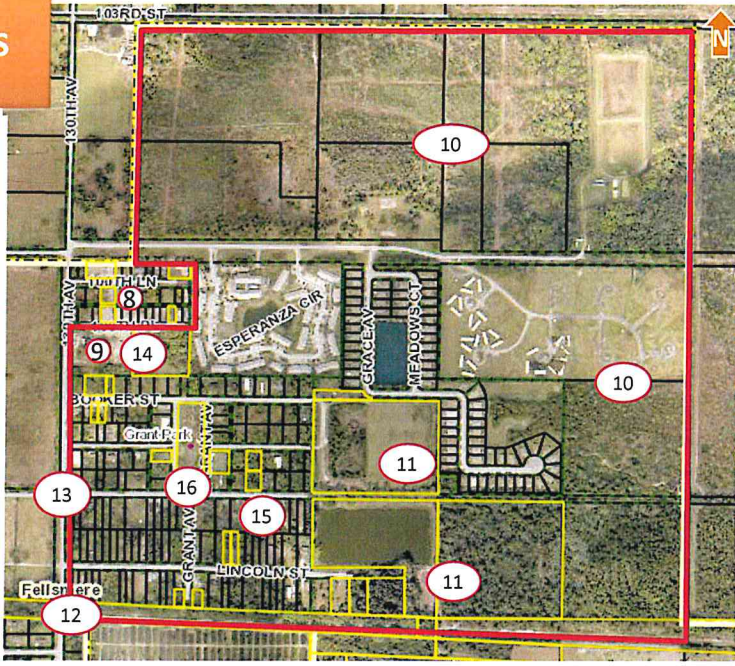
10



THE PLAN

HALL CARTER JAMES

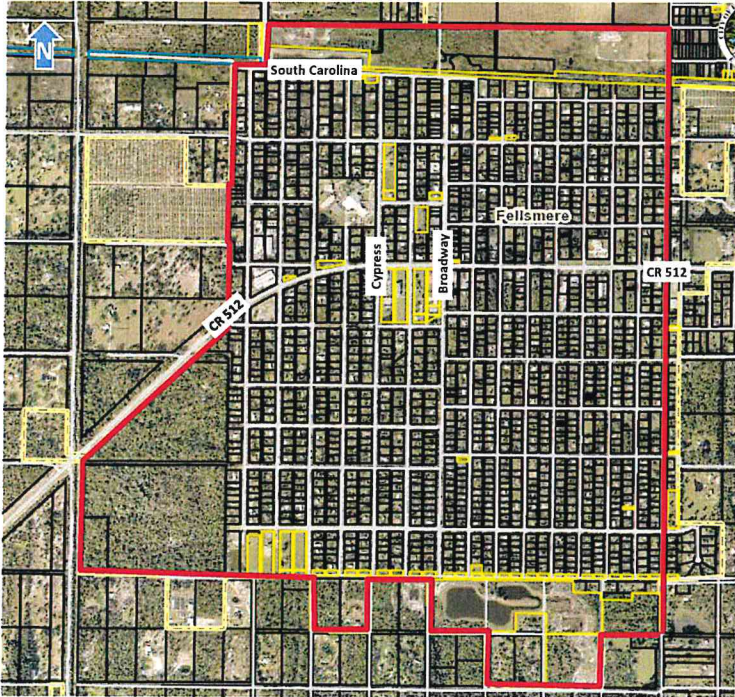
MAP 13 B



ACTION ITEMS REMAINING FROM THE 2009 PLAN

- 8 EVALUATE NEWLY ANNEXED AREA FOR INCLUSION INTO CRA
- 9 DEVELOP INTERAGENCY COMMUNITY RESOURCE CENTER
- 10 LARGE SCALE DEVELOPMENT OPPORTUNITIES FOR MIX OF HOUSING BY PUBLIC AND PRIVATE SECTORS AND NORTHERN BY-PASS
- 11 FUTURE STORMWATER PARK
- 12 TRAIL HEAD/EDUCATIONAL/WATER STOP
- 13 INTERSECTION IMPROVEMENTS
- 14 WORK WITH OTHER AGENCIES TO PROMOTE BUSINESS DEVELOPMENT: FOOD STORES, INTERNET CAFÉ, SMALL BOUTIQUES OF HAND MADE GOODS AND PRODUCTS, COMMUNITY KITCHEN
- 15 OFFER INDIVIDUAL PROPERTIES FOR PRIVATE HOME-OWNER PURCHASE THROUGH RFP PROCESS
- 16 MAINTAIN/ENHANCE GRANT PARK AS COMMUNAL FOCAL POINT


11



THE PLAN

VILLAGE CENTER

MAP 14



Accomplishments:

- Completion of renovation of historic City Hall at the old Fellsmere School
- New Broadway Master Plan, Fell Library Plans, and Parking plans
- Began implementing 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

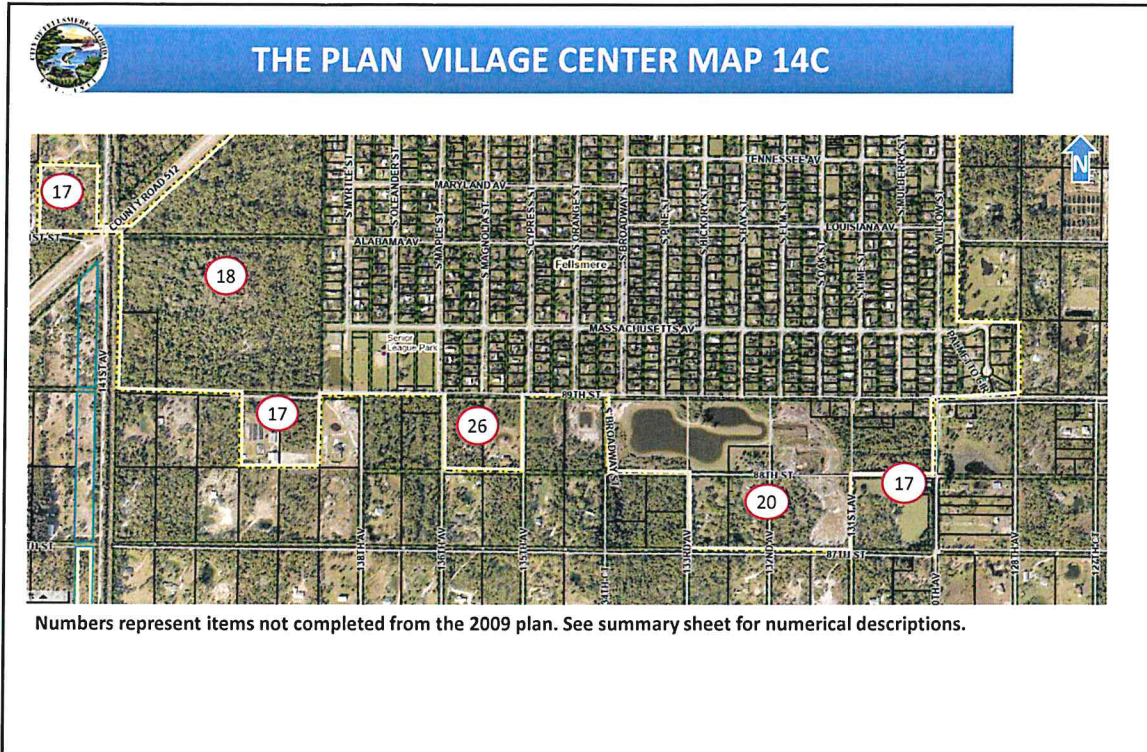
12



13



14



15

THE PLAN VILLAGE CENTER MAP SERIES SUMMARY

ACTION ITEMS NOT COMPLETE FROM THE 2009 PLAN*:

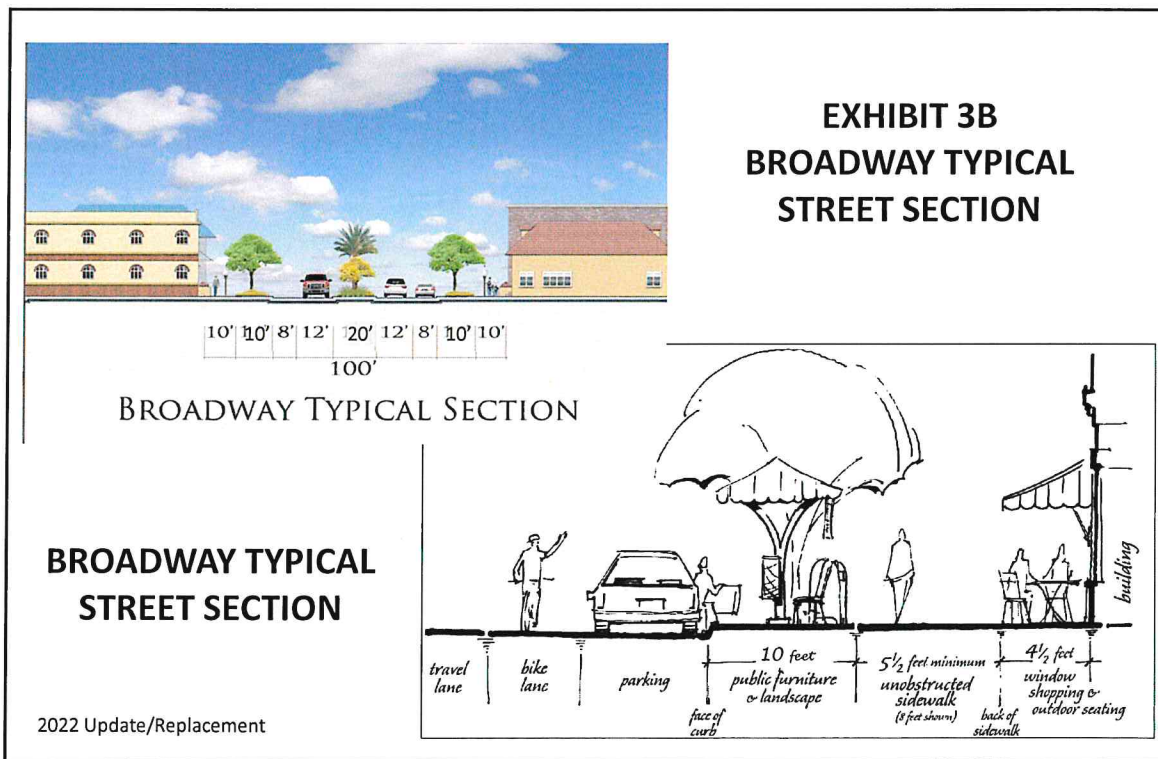
- 17 EVALUATE NEWLY ANNEXED AREAS FOR INCLUSION INTO CRA
- 18 LARGE SCALE DEVELOPMENT OPPORTUNITIES FOR MIX OF HOUSING BY PUBLIC AND PRIVATE SECTORS
- 19 WELCOME/GATEWAY SIGN
- 20 SOUTH REGIONAL STORMWATER LAKE
- 21 PENNSYLVANIA PARK AND BUS STOP
- 22 INTERSECTION IMPROVEMENTS
- 23 'ON BROADWAY': ESTABLISH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

16



17



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

19

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	\$95,708	\$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
Presentation 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			
Marianelli 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

20

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)

21

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.

22

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.

23

GETTING THERE

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

24

	FELLSMERE POLICE DEPARTMENT <i>Integrity, Respect, Honesty, Professionalism</i>	MEMORANDUM NUMBER 24-06 April 30, 2024
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TO: Officer Steven Hellyer

FROM: Chief Keith M. Touchberry 

SUBJECT: Life Saving Medal

After careful review of your performance during a call for service on April 9, 2024, and after consulting with Deputy Pat Ayers, the recipient of your medical efforts, it has been determined that your actions on that date are in keeping with the standards outlined in General Order 65 "Awards and Recognition" and you are hereby awarded the Fellsmere Police Departments Life Saving Medal.

"Awarded for an act performed that, through disregard of personal safety or through prompt and alert action, resulted in saving a life."

Specifically, on April 9, 2024, you were on the telephone with Deputy Ayers when you noticed a distinct change in his behavior. He told you his vision was failing and you detected his speech sounded abnormal and incoherent.

You asked Deputy Ayers where he was and immediately traveled to that location summoning Fire/Rescue along the way. Upon seeing his condition; flushed face, incoherent, and the inability to stand on his own, you immediately rendered first aid until Fire/Rescue arrived and transported him to the Cleveland Clinic. While enroute, his condition was upgraded and the Clinic was prepared to receive him as a stroke patient.

I spoke with Deputy Ayers while he was in recovery and he explained to me the medical symptoms he had been experiencing days before the event as well as what he was feeling while on the telephone with you. It is without question he was experiencing the onset of a stroke and because of your prompt and alert action, Deputy Ayers personally credits you with saving his life.

COPIES: File



PROCLAMATION

**National Police Week
May 12-18, 2024**



WHEREAS, there are more than 900,000 law enforcement officers serving in communities across the United States; and...

WHEREAS, there are more than 85,000 law enforcement officers serving in the state of Florida; and...

WHEREAS, since the first recorded death in 1786, more than 26,600 law enforcement officers in the United States, with 951 being from the state of Florida, have made the ultimate sacrifice and been killed in the line of duty; and...

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C. and Memorials throughout the country; and...

WHEREAS, 224 new names of fallen heroes that include three from Florida are being added to the National Law Enforcement Officers Memorial this spring who lost their lives in the line of duty in 2023, and...

WHEREAS, 56 law enforcement officers in the United States have already made the ultimate sacrifice this year with 23 of them the result of felonious actions; and...

WHEREAS, the current leading cause of law enforcement officer line of duty deaths is gunfire; and...

WHEREAS, the service and sacrifice of all officers killed in the line of duty was honored during the National Law Enforcement Officers Memorial Fund's Annual National Peace Officers' Candlelight Vigil on Saturday, May 11, 2024 in Washington D.C.; and...

WHEREAS, May 15th is designated as Peace Officers Memorial Day in honor of all fallen officers and their families and U.S. flags should be flown at half-staff; and...

THEREFORE, BE IT RESOLVED that THE CITY OF FELLSMERE formally recognizes May 12-18, 2024, as National Police Week and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

PASSED AND ADOPTED this 16th day of May, 2024 by Joel Tyson, Mayor, City of Fellsmere.

Joel Tyson, Mayor



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

Meeting Date: May 16, 2024

Agenda Item No. 8 (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 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 public hearing and authorize transmittal to the State of Florida.

Approved by City Manager *Marianne Matha* **Date:** 2-9-24

Originating Department:	Costs: Funding Source: Acct. #	Attachments: Ord. 2024-20 Comp 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 was heard extensively at first reading; informational items are not included in this packet.

**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 Inocensia 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 Inocensia 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 Forty-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- Board of Adjustment
Agenda Request Form**

Meeting Date: May 16, 2024

#8(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 type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | |
| <input checked="" type="checkbox"/> Other: VARIANCE | |

SUBJECT: The City Council, acting as the Board of Adjustment, to allow site parameter variances for a commercially zoned property, relief from the minimum dimensional standards for the C-1 zoning district.

RECOMMENDED MOTION/ACTION: Approve relief as indicated in Resolution #2024-30.

Approved by City Manager Mario Matta Date: 2.9.24

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: 1. CC Resolution. #2024-30, 2. 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 <input checked="" type="checkbox"/> or Not applicable in this case <input type="checkbox"/> (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-1 Commercial Zoning district classification. The property is part of an older subdivision and does not meet the minimum standards for the C-1 district. 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'.

**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 Suarez-Sanchez, CMC, City Clerk

SITE DATA:

ADDRESS 1005 N. VERNON ST. ZONING: C-1 / GEN. COM.	
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: *

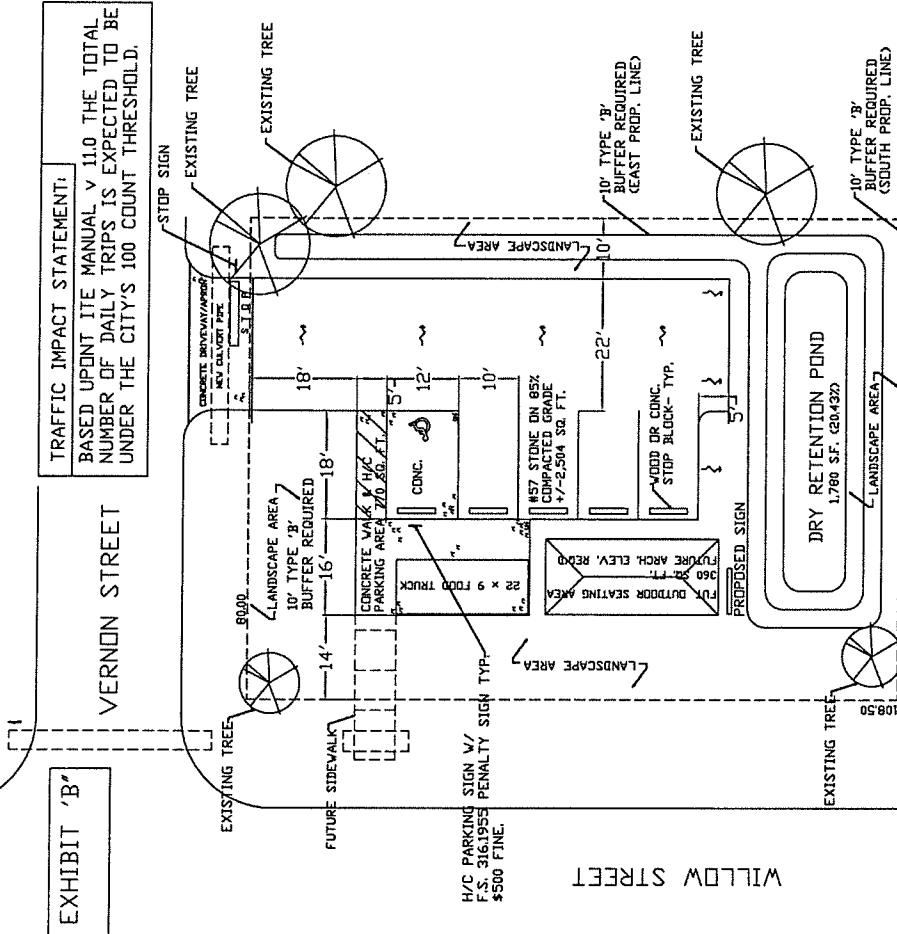
LOT DEPTH- 100' MIN. TO 80'
 LOT AREA- 12,000 SQ. FT. MIN. TO 8,712 SQ. FT.
 FRONT SETBACK - 35' MIN. TO 14'
 DEFER FROM SIDEWALK BEING CONSTRUCTED ALONG EAST R.O.W. AT WILLOW STREET.

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



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

RL: 3/17/2024

CONTACT INFORMATION
 PASTOR ANJIE BROUN
 jbroun@pms7eyanoc.com

Project No. 17-2024
 Date: 3-17-2024
 Sheet: 1 of 1
A-1

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

Meeting Date: May 16, 2024

#8(c)

- | | |
|--|--|
| <input checked="" type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input type="checkbox"/> Public Hearing | <input 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: Conditional Use Permit and Site Plan Approval for one (1) permanent food truck with future outdoor seating.

RECOMMENDED MOTION/ACTION: Table 2nd Reading and Public Hearing for June 6th, due to public notice requirements not being met.

Approved by City Manager Mark W. [Signature] Date: 2-9-24

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: 1. CC Resolution #2024-32, 2. 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 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.

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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.

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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 Inocencia 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 Suarez-Sanchez,CMC, 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. COM.	
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%
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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
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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.W. 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.

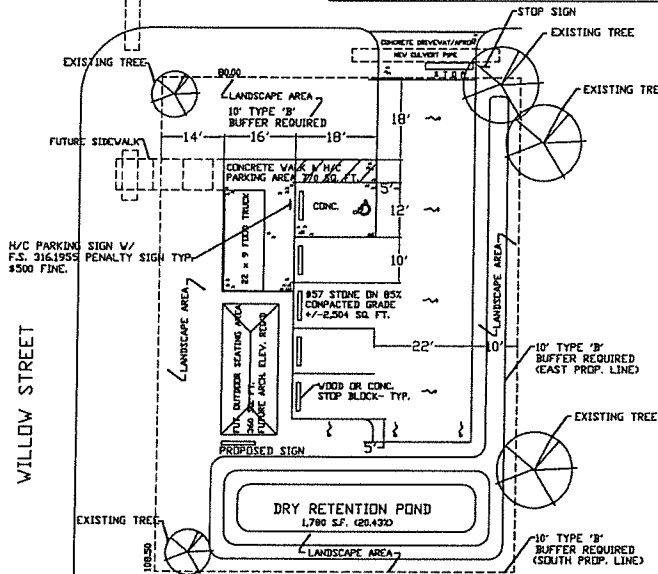
LEGAL DESCRIPTION:
 TRACT 1354, BLOCK 6, LOTS 147 & 148

EXHIBIT 'B'

VERNON STREET

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

DATE: 3/17/2024

CONTACT INFORMATION:
 PASTOR ANNE BROWN
 pabrown571@yahoo.com

Sheet: A-1
 Date: 3-17-24

GRANT	Status as of 4/6/24	STATUS	AMOUNT	LOCAL MATCH	NOTES
CDBG CR - N Broadway Revitalization	Design		\$ 700,000	\$ -	Grant Awarded. M&M design underway.
CDBG DR - New York Ditch Pipes	Construction		\$ 825,000	\$ 150,000	Florida Site Contracting selected for project.
CDBG DRI - 97th / Water Plant	Design		\$ 4,300,000	\$ 50,000	Haley Ward design underway.
CDBG-CV - Broadband Middle Mile	Design		\$ 2,755,000	\$ 150,000	Negotiations with Comcast after RFP response
CDBG-ED - Surf Park	Application		\$ 1,785,000		Hillpointe has purchased land; working with Jordan Grants re CDBG-ED application
CR512 Left Turn Lane	Design				Financed with ARPA funds. Design adjustments/permitting underway
Cultural Facilities - Recreated Train Village	Application		\$ 300,000	\$ 300,000	2022/23 grant not awarded. Reapplied for 2023/24 grant period. ARPA as match.
CW SRF - Sewer to Farm	Application				Kimley Horn submitted application for early 2024 funding
Cybersecurity	Application			\$ -	Application for Cybersecurity software submitted
DEO RIF Sewer to Farm	Awarded		\$ 750,000	\$ -	Awarded. See CW SRF for additional grant
FACT Resource Center	Application		\$ 250,000		ARPA grant provided to FACT: design/fundraising. RIF grant applied for to reduce cost.
FDEM HMGP - Watershed Planning Initiative	Design		\$ 75,000	\$ 25,000	Stormwater Master Plan Update 85% done. Coord. w/ Resilient grant below.
FDEP 259 S. Pine Stormwater Basin	Design		\$ 250,000	\$ -	7/1/24 construction target date. No permitting required.
FDEP Alleyway Grading	Construction		\$ 1,500,000	\$ -	6/15/24 construction target date. No permitting required. Dickerson submitted sole
FDEP Microbasins	Design		\$ 1,000,000	\$ -	9/1/24 construction target date. No permitting required. RFP finalized.
FDEP Stormwater Greenway	Design		\$ 1,750,000	\$ -	8/1/24 construction target date - Design underway by ISS; obtain adjacent TIF lands
FDEP-GSI - N. Broadway Tree wells	Design		\$ 500,000	\$ 100,000	Amendment to Tree wells/pervious pavers approved.
FEMA Mitigation (road dirt)	Appeal		\$ 1,875,000	\$ 125,000	Appealing FEMA denial of award
FRDAP FY24/25 - Senior League Renovation	Application		\$ 400,000	\$ 200,000	Application submitted 9/14/23. Awards not announced.
Historic - Old School Windows	Design		\$ 400,000	\$ 134,000	Bid opening held. Alternate options being investigated to lower total cost.
HLMP Water Plant Hardening	Construction		\$ 194,000		Boromei Construction selected
HPSC Comm. Center Windows/Doors	Awarded		\$ 144,107	\$ 48,036	Awarded. Grant to commence after Old School Windows.
RAISE CR512 North	Application				Application submitted.
Resilient Florida Alleyways	Construction		\$ 850,000		6/1/24 construction target date. No permitting required. Dickerson submitted sole bid
Resilient Florida Lift Station No. 3	Awarded		\$ 1,500,000	\$ -	Agreement received. Use Natural Gas Generator and City Gas to pay for gate station.
Resilient Florida Stormwater Master Plan	Awarded		\$ 100,000	\$ -	Stormwater Master Plan Update 85% done. Coord. w/ FDEM HMGP above.
RIF Paving Road 507 to Stick Marsh	Application		\$ 1,500,000	\$ 150,000	Application submitted on 11/6/2023
RTP 22/23 - Preserve	Design		\$ 400,000	\$ 100,000	Design underway by Carter.
SJRWMD - State Street Reservoir	Awarded		\$ 500,000	\$ 100,000	Design underway by MBV. Grant agreement fully executed.
Small Match Nat. District Walking Tour	Construction		\$ 50,000	\$ -	Project to be completed by May 31, 2024
TAP Rail Trail (Broadway to State Park)	Awarded		\$ 1,216,958	\$ 434,977	Design underway. Construction targets 2/1/2025 date.
USDA Comm. Fac. - Yard/Barn/Vacuum	Pre-Application		\$ 250,000	\$ 250,000	Local Match via ARP. Apply early 2024.
USDA Comm. Fac.- ILF Alpha Mower	Application		\$ 139,700	\$ 114,300	Application submitted April 2024
USDA SRF - Sewer to Farm/N Myrtle	On Hold		\$ 2,500,000	\$ 150,000	Local Match via Developers. Application preparation underway - On Hold
USDA Stormwater/Road Paving	Pre-Application		\$ 13,000,000	TBD	Awaiting FEMA road dirt authorization prior to finalizing application.
	TOTAL		\$ 41,759,765	\$ 2,581,313	



FELLSMERE POLICE DEPARTMENT

April 2024 Monthly Total Annual Total Monthly Average

	Monthly Total	Annual Total	Monthly Average
911 Hangup/Open line	10	48	4.00
Alarm	5	19	6.33
Animal Incident	4	23	7.67
Area Check	379	1230	410.00
Assault	0	0	0.00
Assist	20	93	31.00
ATV/Dirt Bike	1	4	1.33
Burglary Auto	0	4	1.33
Burglary Residence	0	0	0.00
Burglary Business	0	0	0.00
CFS Fax	3	17	5.67
Civil	7	15	5.00
Crash Report	12	25	8.33
Criminal Mischief	0	4	1.33
DAV/Traffic Hazard	0	0	0.00
Death	0	1	0.33
Disturbance	12	35	11.67
Drug Incident	1	3	1.00
Follow Up	10	27	9.00
Found Property	2	6	2.00
Fraud	0	1	0.33
Larceny	1	1	0.33
Liquor Violation	1	1	0.33
Lost Property	0	1	0.33
Miscellaneous	55	177	59.00
Motor Vehicle Theft	0	1	0.33
Noise Disturbance	6	8	2.67
Parking Violation	0	17	5.67
Recovered Stolen Vehicle	0	0	0.00
Robbery	0	0	0.00
Runaway/Missing	1	5	1.67
Search	3	10	3.33
Shoplifting	0	0	0.00
Suspicious Incident	18	54	18.00
Suspicious Person	4	12	4.00
Traffic Incident	15	56	18.67
Transport	2	6	2.00
Trespass	3	6	2.00
TOT	1	11	3.67
Verbal Warning	34	97	32.33
Warrant Arrest	3	5	1.67
Training	14	16	5.33
CommendationAwards	0	0	0.00

TRAINING:

Ethics - 4hrs

Admin. Asst. Miriam

CORE II - 4 hrs

Admin. Asst. Miriam

Physiological Response - 1hr

Ofc. Jones

Mental Health & Wellness - 2hrs

Ofc. Jones

Victims of Sexual Offenses - 2hrs

Ofc. Jones

Ofc. Hellyer

ID & Invest Human Traffick - 4hrs

Ofc. Hellyer

Domestic Violence - 2hrs

Ofc. Jones

Misuse of Electronic Database-1hr

Ofc. Jones

Juvenile Sexual Invest - 2 hrs

Ofc. Jones

FCIC/NCIC Limites Access - 2hrs

Ofc. Jones

Firearms Instructor - 8hrs

Det. Taylor

1410 Recognizing Head Injuries in Infants/Children - 1hr

Ofc. Hellyer

Discriminatory Profiling & Prof. Traffic - 2hr

Ofc. Jones

Volunteers

Terry Sharkey - 80 hrs

David Norfolk - 56.5 hrs

Respectfully Submitted,

Keith Touchberry
Chief, Keith Touchberry
Date: 5.9.24

MARK MATHES
CITY MANAGER

PUBLIC WORKS

CITY OF FELLOSMERE



PUBLIC WORKS DIVISION

APRIL 2024

MONTHLY REPORT

Andy Shelton
Director of Public Works

April 2024

**City of Fellsmere
Public Works
Total Monthly Hours**

Assignment	Hours
Administration	0.0
Training	0.0
Edging	0.0
Weedeating	26.0
Blower	0.0
Weeding	23.0
Sprinklers	22.0
Mowing	27.5
Ditchwork	0.0
Catchbasins	10.0
Alleyways	17.0
Bushhog	22.0
Backhoe	6.0
Grading	118.5
Roadwork	23.0
Potholes	18.0
Storm Debris	2.0
Trash P/U Roads	18.5
Trash P/U Parks	176.5
Park Maintenance	197.0
Assist PD	0.0
Assist WD	0.0
Street Cleaning	4.0
Equipment Maintenance	18.5
Cemetery	1.0
Shop/Parts/Supplies	5.5
Building Maintenance	94.5
Water System	0.0
Sewer System	5.0
Other	50.0
Paid time off	67.5
Total Hours	953.0

Public Works Director
Andy Shelton

April 2024

City of Fellsmere
Public Works
Total monthly Hours

Employee	Administration	Training	Edging	Weedeating	Blower	Weeding	Sprinklers	Mowing	Ditchwork	Catchbasin	Alleyways	Bushhog	Backhoe	Grading	Roadwork	Potholes	Storm Debris	Trash P/U Roads	Trash P/U Parks	Park Maintenance	Assist PD	Assist WD	Street Cleaning	Equipment Maintenance	Cemetery	Shop/Parts/Supplies	Building Maintenance	Water System	Sewer System	Other	Paid time off	Total Hours
Tommy	0.0	0.0	0.0	17.0	0.0	0.0	0.0	10.0	0.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	6.5	96.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0	9.0	33.5	175.0
Ivan	0.0	0.0	0.0	0.0	0.0	0.0	19.0	0.0	0.0	0.0	0.0	0.0	6.0	0.0	0.0	0.0	0.0	0.0	0.0	31.0	0.0	0.0	0.0	11.5	0.0	5.5	63.5	0.0	0.0	29.0	8.0	173.5
Vinny	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	118.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.0	10.0	132.5
Guillermo	0.0	0.0	0.0	2.0	0.0	23.0	3.0	0.0	0.0	3.0	0.0	8.0	0.0	0.0	13.0	18.0	2.0	0.0	11.0	61.0	0.0	0.0	4.0	0.0	0.0	0.0	23.0	0.0	0.0	5.0	0.0	176.0
Jesus	0.0	0.0	0.0	7.0	0.0	0.0	0.0	17.5	0.0	5.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	11.0	69.5	0.0	0.0	0.0	2.0	0.0	0.0	0.0	0.0	5.0	3.0	0.0	120.0	
Lencho	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	17.0	14.0	0.0	0.0	10.0	0.0	0.0	1.0	0.0	105.0	0.0	0.0	0.0	5.0	0.0	0.0	8.0	0.0	0.0	0.0	16.0	176.0
Totals	0.0	0.0	0.0	26.0	0.0	23.0	22.0	27.5	0.0	10.0	17.0	22.0	6.0	118.5	23.0	18.0	2.0	18.5	176.5	197.0	0.0	0.0	4.0	18.5	1.0	5.5	94.5	0.0	5.0	50.0	67.5	953.0

Director of Public Works
Andy Shelton

Water System Monitoring Report

TESTING

Testing conducted to date:

- April 17, 2024 EPA sampling
- September 25, 2023 Sampled for complete Drinking water scan, lead & copper, well chlorides and TTHM & HAA5.
- August 18, 2023 Ordered A rain gauge to monitor rain fall. It is directly related the precipitation re charging the City's production wells.
- August 15, 2023 Started the chlorine burn.
- June 26, 2023 Kenny, Jerry, Moises sampled all the production wells to do a feasibility study for the hydrogen peroxide. We were quite pleased with the results. The hydrogen peroxide should be quite effective for organic removal. There is also a hydrogen peroxide test to detect the levels in the water. Moises trained the Kenny and Jerry on that process.
- June 22, 2023 135 N Bay St had an issue with their hot water heater.
- May 23, 2023, Kenny went to JD Marquis to check out his water. His water was clear. The water was discolored due to the fire hydrant maintenance.
- May 22, 2023, customer called and was concerned about the city water leaving white spots on her plants and killing her plants. I mentioned that we disinfect the water with chlorine which may cause harm to plants. I advised her to leave a pitcher of water out for a few days to evaporate the chlorine.
- May 8, 2023, Indian River County Utilities started the annual fire hydrant maintenance. We have received many customer complaints about color and odor. We placed auto flushers at the various trouble areas to help clear the lines.
- April 25, 2023 - 6N Orange St. There was an email from a customer. He stated he had poor water quality. Kenny sampled water and it had no issues. Customer said it was good that day.
- April 4, 2023 continuous daily process control sampling
- April 2, 2023 TTHM and HAA5 samples were taken at the POE and Sr. League. These samples were taken for process control.
- March 28, 2023, Black water complaint at 65 S. Cypress St. No discoloration at the point of entry into the house or in the house. Requested they let us know when it happens again so we can trouble shoot the issue.

Water System Monitoring Report

- March 22, 2023, Foul smell at 58 S. Hickory in the hot water system. Water going into the house had no smell. Determined it was the hot water heater.
- February 21, 2023 Kevin and Kenny spot checked 63 S Bay St., 67 S Bay St and 101 S Bay St. Testing for color issues.
- January 2023 - Area Testing at this time (generally S. of CR512 between Bay & Cypress and currently using four (4) random sample locations.

All samples taken from outside of private residences.

- *Color* – Two level test. Initial level by Staff. Second level is a laboratory test used when initial level indicates discoloration or when different opinions exist on initial test results. Color is secondary treatment standard. Initial color testing will occur with each sample drawn for any purpose. Color tests will only be reported on laboratory tests.
- *Odor* – This is an in-house, manual test performed upon any sample used for any other purpose. Subjective results will be reported only if a problem is encountered.
- *Compliance Testing (At Plant and one Remote Site)*
 - *Bacteriological Samples (monthly)*
 - *Chlorine Samples (daily)*
 - *Ammonia Samples (daily)*
 - *TTHM/HAA5 (quarterly)*
 - *Primary Standards (three year cycle)*

Compliance Report provided to FDEP on a monthly basis of all test results conducted that month. Provided to Council and the Public annually.

- *Operational Testing (At Plant and one Remote Site)*
 - *fluoride*
 - *monochloramines*
 - *free ammonia*
 - *total chlorine*
 - *free chlorine*

Operational Report are internal tests to manage chemical levels in system. Test results are available upon request.

Water System Monitoring Report

Area Testing – Additional Compliance and Operational Testing for areas of concern. Continues until water concern is resolved. Test results are available upon request.

WATER TOWER

No adjustments to water tower at this time. In the future if we continue to have issues, the City will discontinue use of the water tower as another test for solution.

Flush Schedule: · No flushing leads to stale, smelly water.

- Fast flushing leads to concentration of bad water pockets to locations around water tower.
- Slow flushing will be underway to balance between above realities – expected by end of March.
- Auto-flusher installed at water tower.

- Repairs and painting are complete.
- August 21st Repairs and painting of the water tower started.
- The water tower is scheduled to be painted this fall.

PIPING

Adjustments to pipe network to date.

- March 2023, placed auto flushers in strategic areas to draw water to maintain movement within the system.
- May 8, 2023, Indian River County Utilities started the annual fire hydrant maintenance. We have received many customer complaints about color and odor. We placed auto flushers at the various trouble areas to help clear the lines.

Auto Flushers – Devices attached to hydrants that allow water within piping system to move toward flusher. These are being used to draw out bad pockets of water and increase flow to minimize concentration of pockets. May result in temporary discoloration as bad pockets move through system.

Water System Monitoring Report

Valve Exercising – Ongoing program to find and exercise all water valves to ensure valves are not causing dead end pipe runs. May result in temporary discoloration as valve deposits are released into system.

Pipe Material – Pipe system is largely plastic with ductile iron for ditch crossings and at fire hydrants. Ductile iron may be a source of discoloration.

Utility Atlas Update – Update to inventory of pipes, valves, etc. to ensure all dead-ends and valves are located and addressed.

PLANT

Plant/Operational adjustments to date.

- Annual chlorine burn occurring until May 15, 2024
- FDEP permit in hand to change treatment to hydrogen peroxide
- Hired a new water and wastewater operator.
- Continue to wait for DEP approval for our permit modification to start the addition of peroxide.
- September 12, 2023 Hydrogen peroxide system in place on majority of the wells just waiting for DEP approval to start the new process.
- September 20, 2023 Met with K-H to go over plans for future water plant and well.
- September 19, 2023 Met with GIS/mapping software vendor.
- September 9, 2023 Rate study was finished.
- August 23, 2023 pictures of the hydrogen peroxide setup were sent to contract engineer to be included in the DEP permit modification.
- July 28, 2023 Carbon filters back online.
- July 27, 2023 Carbon arrived and was placed into the filters.
- July 24, 2023 the Carbon was scheduled to be replaced. There was an issue and the date was moved to July 27, 2023.
- July 18, 2023 Hydrogen Peroxide meeting with Moises, Kenny and Jerry to go over what was needed for the implementation of the peroxide system.
- July 6, 2023 and July 7, 2023 Carbon was removed from the filters.
- Kenny and Jerry by passed the charcoal filters in preparation for the charcoal replacement.

Water System Monitoring Report

- June 22, 2023 Water Quality Workshop. Moises from FRWA attended to add some clarification for our customers about our water quality issues and future adjustments planned for the water plant.
- June 15, 2023 the 2022 Consumer Confidence Report was mailed in the water bill.
- We are in the process of getting 3 quotes to replace the charcoal in the Granular Activated Charcoal filters. This is extremely necessary and important to eliminate the Total Organic Carbons (TOC). This must be done in conjunction with the addition of Hydrogen Peroxide to be able to stop using Chloramines (chlorine and ammonia) and use straight chlorine.

- May 31, 2023, meeting with City Utility Engineer to go over the plans for a new water system and well. Discuss evaluating the distribution system in regards to chlorine detention time, dead ends and possibly a chlorine re pump station.
- May 30, 2023, signed contract with Florida Rural Water Association to help with the process of adding Hydrogen Peroxide to our well water.
- May 30, 2023, contractor was chosen to change the activated carbon in our filters.
- May 30, 2023, spoke with Moises from FRWA to set up date and time to perform jar test on production wells to determine the correct dosage of hydrogen peroxide.
- May 26, 2023, spoke with engineer to add hydrogen peroxide system to each of our production wells. This should eliminate organic carbons that cause the cancer causing by products. He also will work with us with a permit modification to go from chloramines to straight chlorine. This will eliminate the discoloration and possible the smell from the hot water heaters.
- April 13, 2023, diluted the ammonia concentration to be able to control the ammonia concentration feed rate.
- March 2023, Chlorination of the entire system.

The primary cause of yellow water is the use of chloramines and ammonia as treatment agents. These chemicals form weak bonds in our water system and when broken, the free ammonia causes the water to turn yellow. There is no health risk. The problem is purely aesthetic.

Water System Monitoring Report

The City uses these chemicals in lieu of stronger chemicals like chlorine due to the well water used as the City's water source. The City's wells are only 75' deep and the water at that depth contains a lot of organic matter. Using stronger chemicals with this type of water causes a byproduct which is cancer causing. This well water issue combined with the rudimentary treatment method (charcoal filters) does not allow the city water to be treated to the same level as other systems. This said, the City water meets all standards for safe consumption.

Coordination

Florida Rural Water Association – Met with Moises from the FRWA. He suggested speaking with Sensible Municipal Water Systems. Met with March 29, 2023. Exploring other cheaper options.

Workshop – MDM to Set for Summer 2023

Long Term Actions

The City began the process of designing a modern water treatment plant last year. The City will be designing a Nanofiltration Plant that will allow the City to eliminate the use of chloramines and ammonia and provides a superior water quality. The design will take about six to 12 months. As the design nears completion, funding will be arranged through grant applications from State or Federal sources. The City of Fellsmere does not have the resources to cover this expense without assistance. Construction would then follow in two to three years.

Our Commitment

We continue to take all water related issues seriously. We investigate each complaint in a timely manner. We DO NOT leave any issue related to the water distribution system unresolved. We continue to address the particular issue until it is resolved.

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

Meeting Date: May 16, 2024

Agenda Item No. 14 (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: Architectural services related to the Recreated Train Village project

RECOMMENDED MOTION/ACTION: Approve Work Authorization #2 with Renker Eich Parks Architects

Approved by City Manager *Marianna* Date: 2-9-24

Originating Department: Grants	Costs: \$6,140.00 Funding Source: ARPA funds	Attachments: Work Order #2 Scope of Services
Department Review: <input checked="" type="checkbox"/> City Attorney Warren Dill <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 Thursdays of each month. Agenda submittal deadline to the City Clerk is 12:00 noon 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:

Paul Palmer of Renker Eich Parks is currently providing (under proposal approved by Council on January 4, 2024) professional architectural services relative to updates/compliance for Building Code changes in connection to three previously designed railroad era structures (Machine Shop, Warehouse, and Blacksmith Shop), as well as design of a fourth structure (Passenger Station); signed and sealed construction documents; budget cost estimating, permitting, and bidding services for improvements for the recreated Train Village project, under the master contract, as Renker Eich Parks was the architect on the prior phase of this project. Cultural Facilities grant funds will be awarded in summer 2024, and if no grant is awarded, staff will seek permission to construct some of the buildings using local funds and ARPA funds.

At the City's request, alterations have been made to the original scope, resulting in the need for additional design services at a cost of \$6,140.00. Work Order #2 outlines the scope of these alterations. The design changes will rotate the machine shop to fully relate to the adjacent outdoor space to extend opportunities for outdoor use. Change also adds data to the Train Depot to allow for future electronic message board.

CITY OF FELLOSMERE

WORK ORDER NO. #2

**NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT DATED
SEPTEMBER 21, 2023**

Professional: Renker Eich Parks Architects

Project Title: Fellsmere Railroad Structures Reconstruction

Type of Work (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> General Consulting | <input type="checkbox"/> Preliminary Design (30%) |
| <input type="checkbox"/> Code Plan Review | <input type="checkbox"/> Design Development (60%) |
| <input type="checkbox"/> Ordinance/Rule Development | <input checked="" type="checkbox"/> Construction Documents (100%) |
| <input type="checkbox"/> Studies and Reports | <input type="checkbox"/> Bid Services |
| <input type="checkbox"/> Expert Witness | <input type="checkbox"/> Construction Engineering Inspection |
| <input type="checkbox"/> Other | <input type="checkbox"/> Surveying |

Attachments:

- Scope of Work
 Costs
 Schedule

Acknowledgements

- Professional is in receipt of the project-related Program Statement
 Professional is in receipt of the project-related Total Project Budget

The Professional shall assist the City of Fellsmere with professional services for the Project. This Work Order authorizes the work described herein in accordance with the terms of the Non-Exclusive Professional Services Agreement. The work is outlined in the attached Scope of Work (Fellsmere Railroad Structures Additional Services 01), schedule and costs and shall not exceed \$6,140.00 without prior written consent.

Professional



(signature)

Paul C. Palmer, AIA, Principal

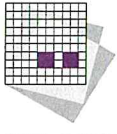
(print Name & Title)

City of Fellsmere

(signature)

(print name & Title)

Date: _____



May 3rd, 2024

Mr. Mark Mathes, City Manager
The City of Fellsmere
22 S. Orange Street
Fellsmere, FL 32948-6714
Cc: Laura Hammer

**Re: Fellsmere Railroad Structures
Professional Services Proposal – Additional Services 01**

Dear Mark,

Please let this letter serve as our proposal to provide additional professional design services for the above mentioned project.

Additional Scope:

1. Rotate plan of the Machine Shop (Meeting Hall) 180 degrees, so public entry faces east.
2. Mirror the location of the side door to face south towards the new public shared-use trail.
3. Add Telecom/Data to Meeting Hall & Passenger Station (Restrooms) buildings.

Architectural	Fee	\$ 3,240.00
Mechanical/ Plumbing	Fee	\$ 500.00
Electrical	Fee	\$ 2,000.00
Structural	Fee	\$ 400.00
Total Add Services 01	Fee	\$ 6,140.00

Task Hourly Worksheet:

Please find attached Task Hourly Worksheet.

Design Schedule:

The time to complete Additional services is anticipated to be 11 additional calendar days.
New date for submittal of 100% CD's is 05/21/2024.

If you have any comments or questions, please do not hesitate to contact us.

Sincerely,
Renker Eich Parks Architects

Paul C. Palmer, AIA LEED AP, Principal

Attachments:

- Task Hourly Worksheet – Architect
- Consultant Fee Proposals
- Sketch New Layout

Fellsmere RR Structures - Task Hourly Worksheet

Renker Eich Parks Architects
 May 3rd, 2024

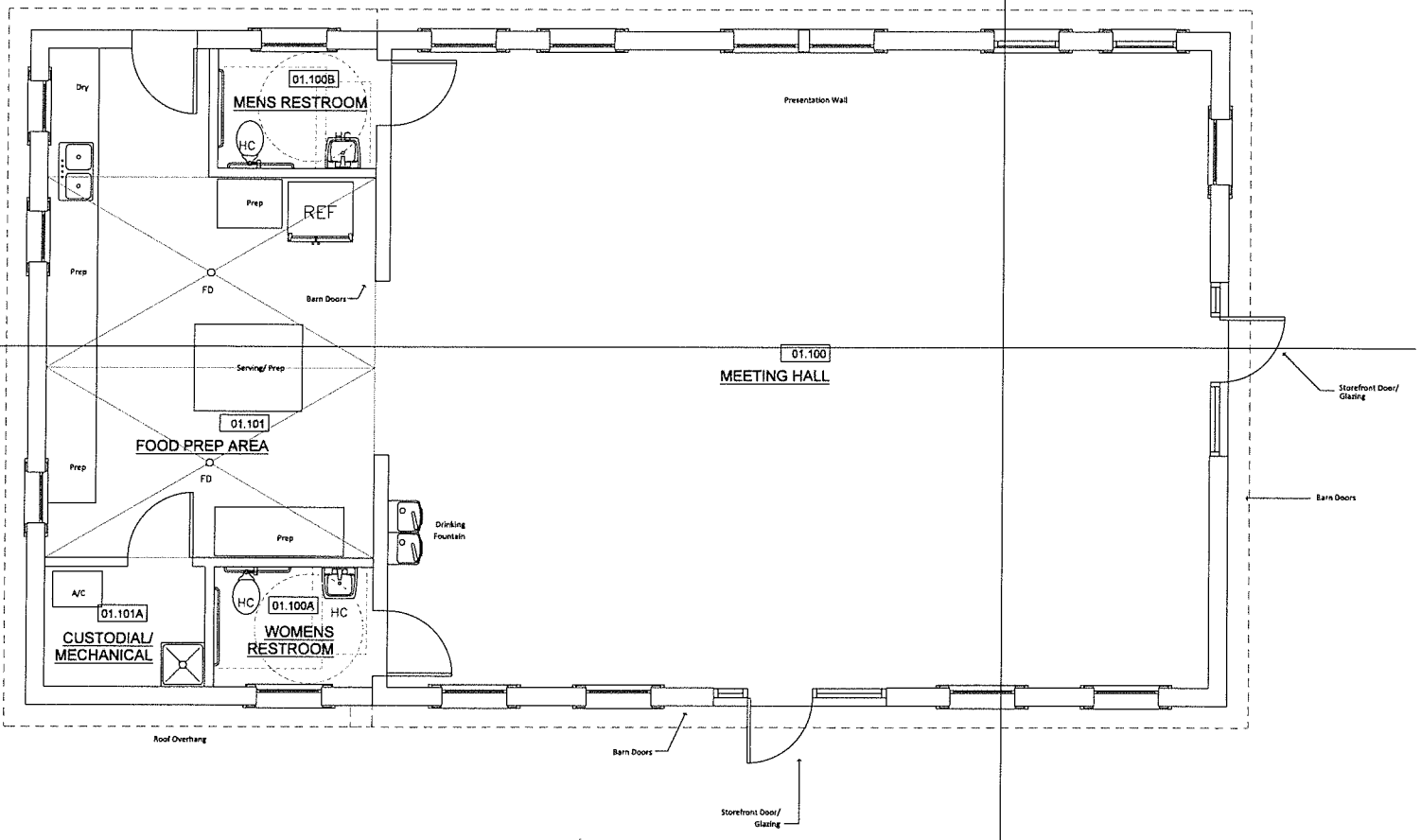
Task Hourly Worksheet - Additional Services 01

#	Task	Architectural										Total Hours	Labor Total	
		Principal	Project Manager	Project Manager	Architect	Spec Writer	Cost Estimator	Graduate Intern	CADD Operator	Junior Designer	Admin Clerical			
	Additional Services 01													
1	Meeting Hall - Floor Plans				1.0			3.0					4.0	
2	Meeting Hall - Reflected Ceiling Plans				1.0			3.0					4.0	
3	Meeting Hall - Roof Plans				1.0			3.0					0.0	
4	Meeting Hall - Elevations				1.0			3.0					4.0	
5	Meeting Hall - Sections				1.0			3.0					4.0	
6	Meeting Hall - Details, Schedules, Notes				2.0			2.0					4.0	
7	Team Administration		2.0								4.0		6.0	
													0.0	
	Total Man-hours	0.0	2.0	0.0	7.0	0.0	0.0	17.0	0.0	0.0	4.0	30.0	TOTAL LABOR	
	Contract Labor Rate per Hour	\$195.00	\$175.00	\$165.00	\$145.00	\$135.00	\$125.00	\$95.00	\$85.00	\$75.00	\$65.00			
	LABOR TOTAL	\$0.00	\$350.00	\$0.00	\$1,015.00	\$0.00	\$0.00	\$1,615.00	\$0.00	\$0.00	\$260.00			\$3,240.00

\$3,240.00

A4.1
1

2
A3.1





240 Pine Ave. North
Oldsmar, FL 34677

MPS ENGINEERING

www.mpseng.com

813.855.2721

AN M.P. SPYCHALA COMPANY

ADD SERVICES PROPOSAL

Date: 5/3/2024
To: Paul Palmer – Renker Eich Parks Architects
From: Edward Wolanin, PE
RE: Fellsmere RR Structures – Meeting Hall Reconfiguration / Data Addition
MPS Job No: 24010

Dear Paul,

The following proposal is for scope that is additional to the original project scope as described below.

Scope:

Reconfigure meeting hall building for new orientation and door relocation. This includes the new utility transformer location and revised locations of other service equipment. Also included is the addition of data service to the meeting hall and restroom buildings.

Additional Services:

- CAD work to reconfigure the building orientation
- Redesign of service entrance for new transformer location
- Add data utility conduits and termination board to meeting hall and restroom building
- Provide data raceways to owner requested port locations
- Specify conduit raceways for data connections by others at three additional locations

Refer to the original project proposal for additional requirements and stipulations that will carry through with this additional service.

Additional Electrical Engineering Services Fee

\$ 2000.00

Additional Expenses:

Unless already included in above base proposal, all direct expenses for printing, shipping, courier service, travel outside of the Tampa Bay area, preparation of electronic files for contractor or vendor use and other expenses incurred on behalf of the owner shall be reimbursable at cost unless otherwise noted. These items will be identified and listed separately on our invoices.

Additional Services:

If additional services are requested, we will perform the services requested at our standard hourly rates. Our rates for this project are stated below. If definite scope of work is determined for the additional service, we can provide a fee quotation for the work. We will need written authorization for additional services before we proceed.

Principal	\$200.00/hour	Designer	\$125.00/hour
Professional Engineer	\$175.00/hour	CAD Technician	\$85.00/hour
Project Manager	\$150.00/hour	Clerical/Admin	\$65.00/hour


Terms and Conditions:


MPS Engineering, Inc. shall perform the services outlined in this proposal/agreement for the stated fee arrangement.



240 Pine Ave. North
Oldsmar, FL 34677

MPS ENGINEERING

 www.mpseng.com

 813.855.2721

AN M.P. SPYCHALA COMPANY

Access to Site:

Unless otherwise stated, MPS Engineering, Inc. will have access to the site for activities necessary for the performance of the services. MPS Engineering, Inc. will take precautions to minimize damage due to these activities, but has not included in the fee the cost of restoration of any resulting damage.

Dispute Resolution:

Any claims or disputes made during design, construction, or post-construction between the Client and MPS Engineering, Inc. shall be submitted to non-binding mediation. Client and MPS Engineering, Inc. agree to include a similar mediation agreement with all contractors, sub-contractors, sub-consultants, suppliers, and fabricators, thereby providing for mediation as the primary method for dispute resolution between all parties.

Billings / Payments:

Invoices for MPS Engineering, Inc.'s services shall be submitted, at MPS Engineering, Inc.'s option, either upon completion of such services or on a monthly basis. Invoices shall be payable within 30 days after the invoice date. If the invoice is not paid within 30 days, MPS Engineering, Inc. may, without waiving any claim or right against the Client, and without liability whatsoever to the Client, terminate the performance of the service. Retainers shall be credited on the final invoice.

Late Payments:

Accounts unpaid 60 days after the invoice date may be subject to a monthly service charge of 1.5% (or the legal rate) on the then unpaid balance. In the event any portion or all of an account remains unpaid 90 days after billing, the Client shall pay all costs of collection, including reasonable attorney's fees.

Indemnification:

The Client shall, to the fullest extent permitted by law, indemnify and hold harmless MPS Engineering, Inc., his or her officers, directors, employees, agents and sub-consultants from and against all damage, liability and cost, including reasonable attorney's fees and defense costs, arising out of or in any way connected with the performance by any of the parties above named of the services under this agreement, excepting only those damages, liabilities or costs attributable to the sole negligence or willful misconduct of MPS Engineering, Inc.

Certifications:

Guarantees and Warranties: MPS Engineering, Inc. shall not be required to execute any document that would result in it certifying, guaranteeing, or warranting the existence of conditions whose existence MPS Engineering, Inc. cannot ascertain.

Limitation of Liability:

In recognition of the relative risks, rewards, and benefits of the project to both the Client and MPS Engineering, Inc., the risks have been allocated such that the Client agrees that, to the fullest extent permitted by law, MPS Engineering, Inc., total liability to the Client for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this agreement from any cause or causes, shall not exceed the value of this contract. Such causes include, but are not limited to, MPS Engineering, Inc., negligence, errors, omissions, strict liability, breach of contract or breach of warranty.

Termination of Services:

This agreement may be terminated by the Client or MPS Engineering, Inc. should the other fail to perform its obligations hereunder. In the event of termination, the Client shall pay MPS Engineering, Inc., for all services rendered to the date of termination, all reimbursable expenses, and reimbursable termination expenses.

Ownership of Documents:


All documents produced by MPS Engineering, Inc. under this agreement, shall remain the property of MPS Engineering, Inc., and may not be used by the Client for any other endeavor without the written consent of MPS Engineering, Inc.



240 Pine Ave. North
Oldsmar, FL 34677

MPS ENGINEERING

 www.mpseng.com

 813.855.2721

AN M.P. SPYCHALA COMPANY

Authorization to proceed, whether or not this proposal is signed and returned, constitutes acceptance of the terms listed herein.

If you have any questions about this proposal or about any of our assumptions, please call me at your convenience to discuss them. Thank you once again for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Edward Wolanin".

Edward Wolanin, PE
Principal / Electrical Engineer

Accepted By:

(Signature)

(Date)

(Printed Name/Title)

ADDITIONAL SERVICE AUTHORIZATION

DATE:	May 2, 2024	GEI PROJECT NO.:	24011
ATTN:	Paul Jackson	REVISION NO.:	1
COMPANY:	Renker Eich Parks Architects	PROJECT NAME:	Fellsmere Railroad Structures
TELEPHONE:	727-821-2986	LOCATION:	Fellsmere, FL
FAX:		GEI PM:	JWY

DESCRIPTION OF WORK TO BE PERFORMED

Mechanical and Plumbing engineering design services for rotating the Meeting Hall p 180 degrees.

FEE AND SCHEDULE INFORMATION

Start Date: Construction Documents

Completion Date: Permit Sey

ADDITIONAL SERVICE FEE

Lump Sum Fee: \$500.00

Additional Comments:

Approved by: _____
Sign

Name (Please Print): _____

Terms are net thirty (30) days. In the event legal action is necessary to enforce the payment terms of this Agreement, GEI shall be entitled to collect from this client any judgment or settlement sums due plus reasonable attorney's fees, court costs, and other expenses incurred by GEI in connection therewith and, in addition, the reasonable value of GEI's time and expenses spent in connection with such collection action, computed according to the prevailing fee schedule and expense policies.

MILLER STRUCTURAL ENGINEERING, INC.

320 W. KENNEDY BLVD • STE 700 • TAMPA, FLORIDA 33606 • 813-259-9116

May 2, 2024

Mr. Paul Palmer
Renker Eich Parks Architects
1609 9th Street North
St. Petersburg, Florida 33704

Re: Fellsmere RR Structures Proposal (Add services)

Dear Paul:

Thank you for considering Miller Structural Engineering for the newly revised Fellsmere RR Structures project.

Based on our conversations and the scope of work, following is my understanding of the proposed project. Review and revise drawings for the new code. Design and detail a new bathroom structure for a total of 4 structures.

Machine Shop, Warehouse Building, Blacksmith Shop, and added Passenger Station (Restroom). The following is the proposed scope of Structural Consulting Services.

1. Coordination Meetings with Architect.
2. Areas to be designed and detailed:
 - Conventional shallow foundation system
 - Wall and bracing systems
 - Roof framing system and anchorage
3. Provide ACAD format contract documents as follows:
 - General Notes and Schedules
 - Foundation / Roof Plans
 - Sections
 - Details
4. Specifications will be in General Note format on the drawings.

5. Construction Administration consists of the following:

- Shop Drawing Review
- RFI Processing
- Site visits, if required, during construction will be additional services and billed at our hourly rate of \$150/hr x 8hrs = \$1,200 + mileage per visit.

Additional services will be billed at an hourly rate of \$150.00/hr.

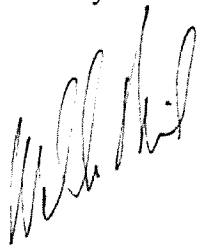
Added services for the revisions to the Meeting Hall is as follows:

Total fee \$400

Note: If this proposal is acceptable and no written contracts are executed, this letter will become the Architect/Consultant Agreement for Professional Services based on the Terms and Conditions of the AIA Document C401 "Standard Form of Agreement Between Architect and Consultant".

I look forward to the possibility of working together on this project. If you have any questions, please call.

Sincerely:



Walter W. Miller, P.E.

Accepted:

Renker Eich Parks Architects

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

Meeting Date: May 16, 2024

Agenda Item No. 14(b)

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input type="checkbox"/> Public Hearing | <input 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: Approval of grant application for FY24/25 FLORIDA DIVISION OF CULTURAL AFFAIRS CULTURAL FACILITIES PROGRAM to construct the Historic Train Village.

RECOMMENDED MOTION/ACTION: Provide direction as desired and authorize submittal of grant application via Resolution #2024-53.

Approved by City Manager *Mano Matha* Date: 2-9-24

Originating Department: Grants	Costs: \$ 600,000 Funding Source: Infrastructure/ARP/ Grant Acct. # TBD	Attachments: 1. Resolution #2024-53
Department Review: <input checked="" type="checkbox"/> City Attorney Warren Dill <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 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 noon 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: Staff is requesting City Council support for a grant application to construct the Historic Train Village along the Rail Trail adjacent to South Carolina Avenue. Estimated costs are approximately \$600,000. Staff anticipates that a portion of the local match will be provided through the American Rescue Plan COVID funds. The desired improvements through this grant include recreation of the Machine Shop as a community event venue and historic interpretive building, recreation of the historic blacksmith shop to locate the electric generator, warehouse, and potentially the passenger depot. The grant will also provide the supporting infrastructure such as water, sewer and electricity to the building and required pedestrian access and South Carolina on street parking.

Grant	\$300,000
ARP Funds	\$300,000
TOTAL	\$600,000

An application was submitted for the FY21/22, FY22/23, and FY23/24 grant cycles, but the City did not fall within the fundable range of all submitted applications. This will be the fourth attempt at grant funding.

RESOLUTION NO. 2024-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DIVISION OF CULTURAL AFFAIRS CULTURAL FACILITIES PROGRAM REQUESTING \$300,000 FOR THE FELLSMERE HISTORIC TRAIN VILLAGE, AND FURTHER AUTHORIZING AN AMOUNT OF \$300,000 AS THE CITY'S REQUIRED MATCHING FUNDS.

WHEREAS, The City of Fellsmere has the opportunity to apply for funding in the amount of \$300,000 from the Cultural Facilities Program for the Historic Train Village, with the stipulation of 1 to 1 matching funds; and

WHEREAS, funding in the amount of \$300,000, necessary for the required match, will be available on July 1, 2025;

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, adopted, and incorporated herein as legislative finds of the City Council.

SECTION 2. AUTHORIZATION. The Mayor and/or City Manager are authorized to file an application with the Florida Division of Cultural Affairs Cultural Facilities Program Grant 2024/25 funding cycle and to execute a grant agreement and grant administrative forms, if awarded.

SECTION 3. BUDGET AUTHORIZATION. The City Council hereby authorizes expenditure of \$300,000 to be available by July 1, 2025, in required matching funds for a grant application to the Florida Division of Cultural Affairs in quest for funding the Historic Train Village.

SECTION 4. MAINTENANCE. The City Council hereby commits to the ongoing operation and maintenance of the proposed project.

SECTION 5. 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 6. EFFECTIVE DATE. This resolution shall become effective 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 Renick	_____
Council Member Jessica Salgado	_____

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

CITY OF FELLOSMERE, FLORIDA

Joel Tyson, Mayor

ATTEST:

(SEAL)

Maria Suarez-Sanchez, City
Clerk

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

Meeting Date: May 16, 2024

Agenda Item No. 14(c)

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION No. |
| <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: Approve changes to multiple section of Part 1 – Standard Operating Procedures (SOP)

RECOMMENDED MOTION/ACTION: Approval

Approved by City Manager Mauro Nofalo Date: 2-8-24

Originating Department: Finance	Costs: N/A Funding Source: Acct. #	Attachments: SOP track changes, other supporting docs
Department Review: <input 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:

Staff is recommending the following changes to the Standard Operating Procedures to better align with current operations, new staffing, and to enhance benefits. Along with adding new staff job descriptions and updating the organization chart, we would like to enhance current leave benefits offered to allow for flexibility in transferring sick leave to those who qualify for FMLA leave. Currently the transfer of sick leave is only allowed for employees who have a qualifying event, we would like to extend the qualification to include sick leave to care for immediate family. This would better align with current FMLA qualification requirements. To adjust for inflationary cost, we are recommending increasing the benefit amount for City uniforms. Specifically, Public Works boot allowance and uniform allowance. The current boot allowance would increase \$50, which is currently set to \$150 annual allowance changing it to \$200. To enhance uniform care and replacement benefits, the option to provide \$300 annually to each employee for the purchase of work pants/shorts along with providing twelve (12) High-Vis shirts would be added. This is a secondary option to providing uniform care and replacement by a third-party vendor. Below is a list of the Sections being amended.

Section 2 – Definition of Terms (adding sick leave transfer to the term “immediate family”)

Section 3.12 (C) – Dress Language and Appearance

Section 7.01 – Basic Workweek – Full time Employees (correcting department office hours)

Section 10.07 – Transfer to Other Employees (adding FMLA qualifying situations to include immediate family)

PART 1 - STANDARD OPERATING PROCEDURES

- B. Unless release of information is a normal part of their duties, an employee will decline courteously to reveal information and shall direct such inquiry to the Department Head or City Manager. It is not the intent of the City to intrude on employees' free speech rights or to be secretive or to withhold valid information but rather to assure that all information released is the most up-to-date information as well as accurate and true.
- C. From time to time any City employee, especially those in supervisory and managerial positions, may be requested or subpoenaed to make a statement to an attorney or law firm regarding City business. Should an employee receive such a request or subpoena, the matter shall be discussed first with the Department Head who in turn, will notify the City Manager or his designee to coordinate the employee's schedule and legal representation if necessary. This provision shall not apply to police personnel.

3.09 Solicitation and Distribution

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- B. City employees are prohibited from soliciting any other employee of the City on behalf of any organization, during their working hours or the working hours of the employee sought to be solicited.
- C. City employees are prohibited from distributing printed material during working hours in any area where the work of an employee is performed.

3.10 Employee Debts

- A. An employee's financial transactions, except as provided in § 61.12, Florida Statutes, or other applicable laws, are the employee's personal affair. The City will not act as a collection agent for an employee nor for collection agencies unless required to do so by a valid court order. The City will fully comply with writs of garnishment and income deduction orders.

3.11 Use of City Property

Employees shall neither use City Property, equipment, material, supplies, vehicles or any other City property, except in the performance of official duty, nor permit their use by an unauthorized person either on or off duty.

3.12 Dress, Language and Appearance

- A. City employees are expected to maintain high personal, moral, and ethical standards. Among the most noticeable expressions of personal standards is dress, language and appearance. No attempt is made to set specific standards. The important factor is the overall impression created by an employee's dress, language and appearance.
- B. What is appropriate for employees in one department may not be appropriate for another. Work clothes and uniforms provided for departments generally set the standard for their functions. Determination of an employee's specific dress and appearance is a supervisory responsibility and will be treated as such. Personal appearance standards may be established in departmental rules.
- C. When department rules require the wearing of a city uniform, the City shall pay for such uniform as follows:

Public Works - \$~~150~~200 annual boot allowance

PART 1 - STANDARD OPERATING PROCEDURES

- Full Cost uniform care and replacement or the City will provide 12 High-Vis shirts to each hourly employee along with a clothing allowance of \$300 for purchase of work pants/shorts each fiscal year
Police Department - See Police Policies and Procedures Manual
Code Enforcement - \$200 annual shirt allowance

3.13 Physical Examination

The city reserves the right to require all employees to have an annual physical examination by a doctor of the City's choice which may include, a psychological examination, and testing for alcohol, drugs, and controlled substances. If the City questions the ability of an employee to perform his or her job in a safe and satisfactory manner, the City may request that the employee submit a statement by a physician of the City's choice, that the employee is physically and mentally able to perform the essential functions of the job in a manner that does not interfere with the safety or health of the employee or any other person. If the physician does not certify that the employee can perform the essential functions of the job with or without reasonable accommodation, the City may place the employee on a leave of absence.

3.14 Drug-Free Workplace

See Part 6 – Drug Free Workplace policy.

PART 1 - STANDARD OPERATING PROCEDURES

SECTION 2 - DEFINITIONS OF TERMS

- ALLOCATION - The assignment of a position to its appropriate class in relation to duties performed.
- ANNIVERSARY DATE - The date an employee begins employment and the same date in following years. It is also the date from which vacations and sick leave are computed. (This date changes only if an employee is in a non-pay status for a period of thirty (30) days or more, and then the anniversary date is deferred by an equivalent amount).
- APPEAL - An application for review of an alleged grievance submitted or instituted by an employee to the next higher authority.
- CLASS - A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class specifications and pay range.
- CLASSIFICATION - The act of grouping positions in classes with regard to duties and responsibilities, requirements as to education, knowledge, experience, ability, tests of fitness, and ranges of pay.
- CLASS DESCRIPTION (Job Description) - A written description of a class consisting of a class title, a general statement of the level of work and of the distinguishing features of work, examples of duties, and the qualifications for the class.
- CLASSIFICATION PLAN - The official or approved system of grouping positions into appropriate classes.
- CLASS TITLE - The title in the classification plan which describes the nature of work performed by an employee.
- COMPENSATION – The standard rates of pay which have been established for the respective classes or work, as set forth in the compensation plan.
- COMPENSATION PLAN - The official schedule assigning rates of pay to each class title.
- COMPENSATORY TIME - Time off in lieu of monetary overtime compensation or in lieu of Holiday Pay.
- DEMOTION - Assignment of an employee from one class to another which has a lower pay range.
- DISMISSAL - Involuntary separation from City Employment.
- EMPLOYEE - An individual who is legally employed by the City and is compensated through the City pay roll for services on an hourly basis. Individuals or groups compensated on a fee basis are not included.
- EXEMPT EMPLOYEE - An individual who is legally employed by the City and is compensated through the City pay roll for services on a salary basis. Individuals or groups compensated on a fee basis are not included.
- FULL TIME - Appointment to a position that requires an employee to work thirty-seven and one half (37.5) hours or more per week or an exempt employee to work forty (40) hours or more per week.
- IMMEDIATE FAMILY - Includes spouse, children, parent, brother, sister, father-in-law, mother-in-law, or any other relative living in the same household. (This definition is for purposes of medical leave, sick leave transfer to other employees, and funeral leave only).

PART 1 - STANDARD OPERATING PROCEDURES

SECTION 7 – ATTENDANCE

7.01 Basic Workweek – Full-Time Employees

- A. The basic work week for non-exempt employees, other than police officers, shall consist of thirty-seven and one half (37.5) hours unless otherwise specified or scheduled by the City Manager to meet particular requirements of individual departments. Individual Department Heads shall establish the basic work week and hours of work best suited to meet the needs of the department and provide superior service to the community. Nothing in these rules shall be construed as a guarantee or limitation of the hours to be worked per week. Sworn police officers work eighty (80) hours in a consecutive fourteen-day period. Exempt employees work forty (40) hours per week.
- B. Except as otherwise set forth herein, the hours of operation for City business by department shall be from Monday through Friday of each week as further set forth below unless specified or scheduled otherwise by the City Manager or his designee to meet the particular requirements of individual departments. When the City Manager deems it necessary, work schedules different than the basic work week may be established. Exempt employees wishing to deviate from the basic work week for more than a period of two weeks shall seek approval from the City Manager.

The hours of operation are hereby set for the following departments:

- 7:00AM – 12:00PM and 1:00PM to 3:30PM – Public Works
- 8:30AM to 12:00PM and 1:00PM to 5:00PM – Community Development
- ~~8:30AM to 12:00PM and 1:00PM to 5:00PM – Utility~~
- 8:30AM to 5:00PM – ~~Finance-Utility Customer Service~~ (to remain open during the lunch hour)
- 8:30AM to 12:00PM and 1:00PM to 5:00PM – ~~UtilityFinance~~
- 8:30AM to 12:00PM and 1:00PM to 5:00PM – City Clerk
- 8:30AM to 12:00PM and 1:00pm to 5:00PM – Police Administration

The Police Department is a 24-hour department. The City Manager shall be available 24 hours and shall maximize time in office but shall not have expected office hours.

- C. Lunch hours are scheduled at the discretion of the Department Head but shall in no event exceed one (1) hour in length. Lunch periods are unpaid.
- D. Non-exempt, regular, temporary or probationary employees who work a minimum of 37.5 hours in one week up to 40 hours in one week shall be paid for 40 hours. Non-exempt employees who work more than 40 hours in one week shall be paid for 40 hours plus time and one-half for all time in excess of 40 hours. Holidays may count toward the minimum 37.5 hours; however, sick leave and annual leave shall not count on a daily basis.

7.02 Attendance

- A. Department Heads are responsible for the recordkeeping of their personnel.
- B. All employees are expected to report for duty at the times scheduled by their department head.

PART 1 - STANDARD OPERATING PROCEDURES

Florida in all cases of reported illness. Abuse of sick leave shall constitute grounds for disciplinary action.

- C. Sick leave may not be used for absences due to illness or injury sustained while engaged in outside employment.
- D. If an employee does use sick leave during their first six (6) months of employment and resigns or is otherwise terminated during the first six (6) months probationary period, he/she will reimburse the City for all sick leave taken by deduction from his/her final paycheck. Reimbursement shall mean that the employee shall repay the City the employee's daily wages for each sick day leave the employee takes off.
- E. An unused sick leave balance is forfeited upon an employee's separation from City Employment.
- F. Many slight injuries and sickness may prohibit the performance of regularly assigned duties; however, there may be other duties that such employees may be able to perform without aggravating such injuries or sickness. Providing the physician states that light duty work is acceptable, the employee may, at the Department Head's option, report to his/her supervisor for assignment within the department. The department may assign such duties as the health and condition of the involved employee permit, only in cases where bona-fide jobs or duties are available. In addition, such assignments will be allowed only when the supervisor determines that the employee can be productively employed at light duty.

10.05 Charging Leave

Sick leave shall be charged to a non-exempt employee for the actual time the employee is away from work. For an exempt employee, the minimum charge against the accrued sick leave balance is eight hours. Eight hours shall be deducted from an exempt employee's accrued sick leave balance for each full day that an employee is actually absent from work due to reasons set forth in Section 10.04.A. Pursuant to the Code of Federal Regulations Section 541.602, no deduction shall be made for partial sick day leaves.

10.06 Transfer to Part-Time Employment

If an employee accrues sick leave while employed as a full-time employee that accrued sick leave shall remain to the credit of the employee if the employee is transferred to the status of a part-time employee.

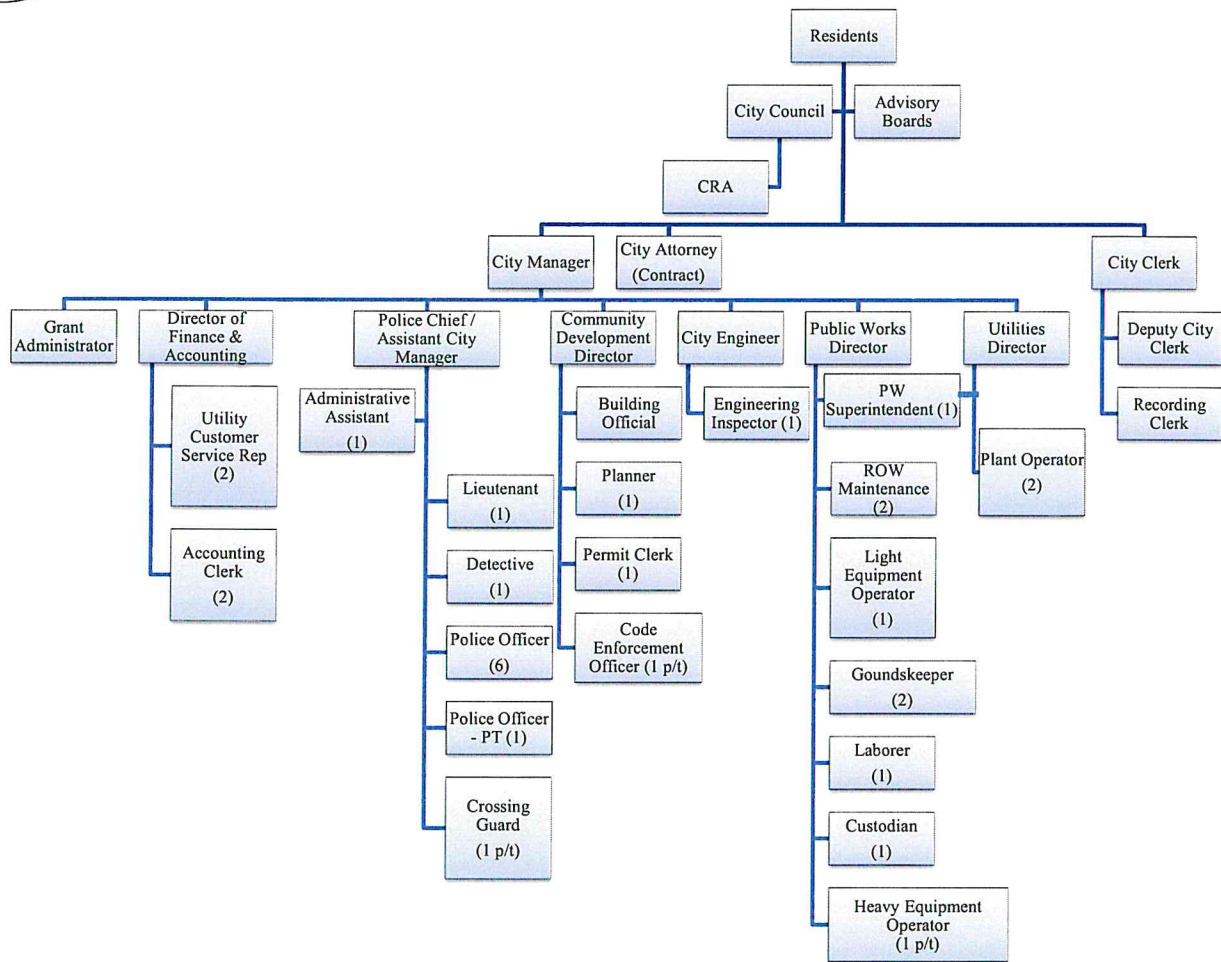
10.07 Transfer to Other Employees

An employee may transfer earned sick leave to another employee for qualifying situations for which the employee does not have sufficient earned sick leave themselves. Qualifying situations include an employee who is suffering from an illness or caring for an immediate family member with a serious health condition, and does not have sufficient earned sick leave themselves. Such transfers are taxable events for the receiving employee in accordance with state and federal law.

1. Only regular, full-time employees are eligible to donate sick leave and to receive sick leave donations. Employees must be on leave for a qualifying Family and Medical Leave Act or COVID-19 related reason or be authorized to receive donations for approved intermittent leave for a regimen of care related to their own serious medical condition under Family and Medical Leave Act as approved by the City Manager, if applicable.
2. All requests for sick leave donations must be submitted for approval through the department head to the Human Resources Department using the attached "Sick Leave Donations Request Form." Employees must provide the Human Resources Department with a completed "Certification of Health



City of Fellsmere
 Organizational Chart
 FY 2023 -2024



PART 5 – POSITION CLASSIFICATIONS AND PAY PLAN

PUBLIC WORKS ENGINEERING INSPECTOR

Salary: \$50k-\$80k

MAJOR FUNCTION

Performs quality assurance inspections on all phases of construction of Public Works to ensure compliance with plans, standards, specifications, codes, permits and ordinances. Serves as field resource for both City staff and contractors. Assists in the implementation of the City's illicit discharge detection and elimination program and storm water management plan. Factors such as regular attendance at the job are not routinely listed in job descriptions but are an essential function.

ILLUSTRATIVE DUTIES

Essential duties and responsibilities may include, but are not limited to, the following:

- Performs field inspections of construction improvements for compliance with plans and specifications to approve and/or reject all phases of construction.
- Monitors contractor schedules to ensure milestones are met and resolve potential problems.
- Ensures proper signage, barricading and construction are according to plans.
- Enforces City ordinances associated with on-site and off-site improvements.
- Reviews and evaluates requests for information, third party material testing, change orders, and pay applications for accuracy.
- Coordinates work with City departments and other agencies and attend construction and project related meetings with other agencies, contractors, and utility companies.
- Review construction documents and structural specifications for system and material requirements.
- Prepare reports and document project activities and data, scan field division files, plans, and records.
- Review and approve traffic control plans; ensure compliance with Manual on Uniform Traffic Control Devices (MUTCD) regulations, inspects temporary traffic control, road closures and restrictions.
- Process right-of-way permits; tabulate payments for permits; posting inspection results.
- Verifies permits, license, and insurance certificates.
- Conduct citywide inspections and complete reports for the City's public works.
- May collect geographic information systems (GIS) data and perform limited survey work.
- Ensure compliance with safety procedures.

MINIMUM QUALIFICATIONS

- High School or GED and four (4) years paid fulltime experience performing construction inspection of public improvements (roads, bridges, storm drains, curbs, public or private buildings, facilities, utilities, etc.) .
- Knowledge of business, English, punctuation, arithmetic, and spelling.
- Ability to follow departmental regulations and policies.
- Ability to work independently and to carry out assignments to completion with minimum instruction.
- Ability to maintain complex records and produce reports with extreme accuracy.
- Ability to work well with others.
- Working knowledge and capable of using computer hardware and software normally used in office work.
- Knowledge of modern construction methods, practices, materials, and equipment as applied to review of plans and specification and the inspection of public works, buildings, and structures.
- Read, interpret, and analyze plans and specifications for major public works, buildings, and structures.
- Analyze problems, identify alternative solutions, project consequences of proposed action and implement recommendations in support of goals.

PART 5 – POSITION CLASSIFICATIONS AND PAY PLAN

- Communicate clearly and concisely, both orally and in writing.
- Knowledge of construction local, state, and federal site safety regulations.
- Establishing and maintaining cooperative working relationships with contractors, coworkers and other individuals in contact during the course of work.
- Communicating clearly and concisely; following instructions; working with little or no direct supervision.

KNOWLEDGE AND SKILL

City and Department procedures, policies, and guidelines; City Code; City ordinances; City Engineering Standards; Manual on Uniform Traffic Control Devices (MUTCD); Indian River County standards and specifications; Florida Department of Transportation (FDOT) standards and specifications.

TRAINING AND EXPERIENCE

Graduation from high school or equivalent certification, supplemented by four (4) years paid fulltime experience performing construction inspection of public improvements (roads, bridges, storm drains, curbs, public or private buildings, facilities, utilities, etc.). Must possess a valid Florida Motor Vehicle Operators License. Individual licensed and experienced in any the following Florida Building Codes is desirable:

- | | | |
|---------------------|---------------|-----------------|
| - Building | - Residential | - Accessibility |
| - Mechanical | - Plumbing | - Fuel Gas |
| - Existing Building | - Electrical | |

PHYSICAL ABILITIES

Field work is performed in an outdoor environment and will require operation of a vehicle. May be required to perform a full range of motion with lifting and/or carrying items weighing up to 50 pounds. Some work is performed in a standard office environment. May require frequent sitting and continuous operation of a personal computer.

- Ability to work outdoor setting and perform inspection, which may require climbing ladders, standing, crawling, kneeling, or sitting for extended periods of time and the lifting, carrying, pushing, and/or pulling of objects and materials more than 20 pounds, and traveling to various work locations.
- Regularly required to see, speak, hear, and use hands and fingers to communicate or operate a computer, telephone, or other electronic device.
- Ability to work within a confined area.
- The employee may be subject to work hazards including loud noise, vibrations, moving mechanical parts, exposure to chemicals, fumes, odors, poor ventilation, and oils.
- The physical environment requires the employee to work inside and outside in heat/cold, wet/humid, and dry/arid conditions.
- May be requested to work overtime and weekends for special events.
- Will be required to be a mandatory emergency response personnel responsible for damage assessment with the assistance of other staff and outside vendors.

EQUAL OPPORTUNITY EMPLOYER/VETERANS PREFERENCE/DRUG-FREE WORKPLACE:

The City of Fellsmere is an equal opportunity, and drug-free workplace employer. All applicants receive consideration for employment without regard to age, ancestry, color, marital status, national origin, physical disability, political affiliation, race, religious creed, sex, or other non-merit factors (except as limited by law, personnel rules, collective bargaining agreements, or bona fide occupational requirements). Women and minorities and veterans are encouraged to apply. **Fellsmere participates in E-Verify.**

PART 5 – POSITION CLASSIFICATIONS AND PAY PLAN

BUILDING OFFICIAL

Salary: \$80k-\$110k

MAJOR FUNCTION

Under the supervision of the Community Development Director, and with the support of a Fire Official, Permit Clerk, City Planner, and Code Enforcement Officer, the Building Official shall manage, supervise, and coordinate the work and services of the Building Division by ensuring enforcement of building codes adopted by the City, including all associated systems, such as electrical, plumbing, mechanical, accessibility, fuel gas, fire, residential, existing buildings and general building to protect property values and the public welfare. As the City grows and additional staff are required to conduct the affairs of the Building Division, the Building Official shall select, train, motivate, and evaluate building inspector and plan review personnel; plan, direct, coordinate, and review the work of Building Division staff; review and evaluate work products, methods, and procedures; identify and resolve problems. The position will also coordinate the work with the Fire Official, which may be provided by a private vendor under contract with the City.

ILLUSTRATIVE DUTIES

- Perform all phases of building plan review and inspection (fire excepted).
- Coordinate with Fire Official all phases of building plan review and inspections for compliance with the fire code.
- Attend meetings and/or coordinate with Applicants and Contractors on plan review, permitting and inspection issues that may arise.
- Issue Stop Work Orders, Certifications of Completion/Occupancy or other administrative directives to Applicants as needed.
- Assist Code Enforcement Officer in investigating and enforcing the Florida Building Code.
- Ensure compliance with the City of Fellsmere Flood Ordinance for building related components.
- Formulate and apply uniform policies and standards for the building inspection programs.
- Formulate, interpret, and explain specific building codes, ordinances and administrative orders.
- Attend meetings with the City Council and conduct presentations detailing the current affairs of the Building Department.
- Prepare clear and concise administrative and financial reports.
- Represent the City before other agencies and groups on building inspection and enforcement matters.
- Develop and maintain partnerships with City Departments, property owners, contractors, and vendors.
- Perform related duties as required by the Community Development Director.

MINIMUM QUALIFICATIONS

- Knowledge of business, English, punctuation, arithmetic and spelling.
- Ability to follow departmental regulations and policies.
- Ability to work independently and to carry out assignments to completion with minimum instruction.
- Ability to maintain complex records and produce reports with extreme accuracy.
- Ability to work well with others and to assist the public cooperatively and courteously.
- Working knowledge of and be capable of using computer hardware and software normally used in office work and more specifically for building permit administration and review.

PART 5 – POSITION CLASSIFICATIONS AND PAY PLAN

- Knowledge of modern construction methods, practices, materials and equipment as applied to approval of plans and specification and the inspection of buildings and structures.
- Read, interpret, and analyze plans for major structures with extensive knowledge of all functions relevant to the processing and approval of building construction projects in the respective trade/discipline, e.g. plan review, licensing, permitting, inspections.
- Analyze problems, identify alternative solutions, project consequences of proposed action and implement recommendations in support of goals.
- Communicate clearly and concisely, both orally and in writing.

TRAINING AND EXPERIENCE

Graduation from high school or equivalent certification, supplemented by successful experience and/or equivalent combination of training and experience leading to certification with the State of Florida as a licensed Building Plan Examiner, Standard Building Inspector, and Building Official (Standard or Provisional). Must be able to convert a Provisional to Standard certificate within one year of hire. Must possess a valid Florida Motor Vehicle Operators License. Bilingual in English and Spanish highly preferred. Individual must be licensed and experienced in all the following Florida Building Codes:

- | | | |
|---------------------|---------------|-----------------|
| - Building | - Residential | - Accessibility |
| - Mechanical | - Plumbing | - Fuel Gas |
| - Existing Building | - Electrical | |

PHYSICAL ABILITIES

- Ability to work outdoor setting and perform inspection, which may require climbing ladders, standing, crawling, kneeling, or sitting for extended periods of time and the lifting, carrying, pushing, and/or pulling of objects and materials in excess of 20 pounds, and traveling to various work locations.
- Regularly required to see, speak, hear, and use hands and fingers to communicate or operate a computer, telephone or other electronic device.
- Ability to work within a confined area.
- The employee may be subject to work hazards including loud noise, vibrations, moving mechanical parts, exposure to chemicals, fumes, odors, poor ventilation, and oils.
- The physical environment requires the employee to work inside and outside in heat/cold, wet/humid, and dry/arid conditions.
- May be requested to work overtime and weekends for special events.
- Will be required to be a mandatory emergency response personnel responsible for damage assessment with the assistance of other staff and outside vendors.

EQUAL OPPORTUNITY EMPLOYER/VETERANS PREFERENCE/DRUG-FREE WORKPLACE:

The City of Fellsmere is an equal opportunity, and drug-free workplace employer. All applicants receive consideration for employment without regard to age, ancestry, color, marital status, national origin, physical disability, political affiliation, race, religious creed, sex, or other non-merit factors (except as limited by law, personnel rules, collective bargaining agreements, or bona fide occupational requirements). Women and minorities and veterans are encouraged to apply.

Fellsmere participates in E-Verify.

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

Meeting Date: May 16, 2024

Agenda Item No. 14 (d)

- PUBLIC HEARING
- Ordinance on Second Reading
- Public Hearing

RESOLUTION

DISCUSSION

ORDINANCE ON FIRST READING

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

SUBJECT: Creation of required Water Supply Facilities Work Plan

RECOMMENDED MOTION/ACTION: Approve Kimley Horn ("KH") proposal

Approved by City Manager M. W. [Signature] Date: 2-9-24

Originating Department: Utilities	Costs: \$55,700.00 Funding Source: Water Department Professional Services	Attachments: Work Order #2 Proposal
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 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 St. Johns River Water Management District ("SJRWMD") requires a Water Supply Plan ("WSP") from all municipalities to be submitted within 18 months following the adoption of the SJRWMD regional WSP. The purpose of the WSP is to regulate water usage while also promoting conservation and implementation of alternative water supplies to provide levels of protection to Florida's water supply. The City does not currently have a WSP and has requested that KH assist with development of the City's first WSP.

A copy of the proposed Work Order #2, Work Summary and Fee Estimate from KH is attached for reference.

Council is asked to approve the proposal from KH in the amount of \$55,700.00.

CITY OF FELLSMERE
WORK ORDER NO. 2
WATER SUPPLY FACILITES WORK PLAN

NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT

Professional: Kimley-Horn

Project Title: Water Supply Facilities Work Plan

Type of Work (check all that apply):

- | | |
|---|--|
| <input checked="" type="checkbox"/> General Consulting | <input type="checkbox"/> Preliminary Design (30%) |
| <input type="checkbox"/> Code Plan Review | <input type="checkbox"/> Design Development (60%) |
| <input type="checkbox"/> Ordinance/Rule Development | <input type="checkbox"/> Construction Documents (100%) |
| <input checked="" type="checkbox"/> Studies and Reports | <input type="checkbox"/> Bid Services |
| <input type="checkbox"/> Expert Witness | <input type="checkbox"/> Construction Engineering Inspection |
| <input type="checkbox"/> Other | <input type="checkbox"/> Surveying |

Attachments:

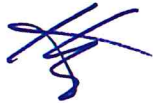
- Scope of Work
 Costs
 Schedule

Acknowledgements

- Professional is in receipt of the project-related Program Statement
 Professional is in receipt of the project-related Total Project Budget

The Professional shall assist the City of Fellsmere with professional services for the Project referred to the Water Supply Facilities Work Plan. This Work Order authorizes the work described herein in accordance with the terms of the Non-Exclusive Professional Services Agreement. The work is outlined in the attached Scope of Work, schedule and costs and be provided at a lump sum fee of \$55,700.00 for work described under Task 1.

Professional



(signature)

Michael F. Schwartz, P.E., Senior Vice President

(print Name & Title)

Date: 05/05/2024

City of Fellsmere

(signature)

Joel Tyson, Mayor

(print name & Title)

Date: _____

City of Fellsmere
Water Supply Facilities Work Plan
Work Order No. 2

PROJECT UNDERSTANDING

The St. Johns River Water Management District (SJRWMD) requires a Water Supply Plan (WSP) from all municipalities to be submitted within 18 months following the adoption of the SJRWMD regional WSP. The purpose of the WSP is to regulate water usage while also promoting conservation and implementation of alternative water supplies to provide levels of protection to Florida's water supply. Each local government that falls within an area subject to a regional WSP is required to amend its comprehensive plan to adopt criteria within the WSP covering at least a ten-year period. A WSP is required of municipalities every 5 years. The City is part of the Central Springs/East Coast region within the SJRWMD.

The latest Central Springs/East Coast regional work plan was issued February 2022. WSPs were due from each local municipality within 18 months or by August 2023. Based upon conversations with the SJRWMD staff, they recognize that some smaller municipalities were overlooked in this process and request that the City move forward with the development of their WSP. They have requested that the WSP be submitted prior to the end of 2024. The City does not currently have a WSP and has requested the professional services of Kimley-Horn and Associates, Inc. (Kimley-Horn or Consultant) to assist with the development of their first WSP.

The scope of services to be provided by Kimley-Horn are described below:

SCOPE OF SERVICES

Task 1: Water Supply Work Plan Development

Consultant will coordinate with the City staff in acquiring water treatment plant monthly operating reports (MORs), population data for the last ten (10) years, interlocal agreements, records of water sales, information on raw water facilities, future land use maps, population projections and available water system loss audits.

Consultant will attend (1) meeting with the City to discuss existing and future service area limits, future developments, upcoming capital improvement projects, current and future water supply capacity needs, plant operations, current and future levels of service, permit limitations, water conservation programs, and known events that could impact the City's ability to provide system demands over the next 10 years.

Consultant will review historical population data and potable water production data to establish and/or confirm the existing level of service (LOS), and the Annual Average Daily Flow (AADF).

Consultant will develop future water demands for the next 10 years based on the population projections from the City's water distribution system masterplan and the LOS developed under this task.

Consultant will submit a draft copy of the WSP with exhibits to the City for review. Consultant will incorporate comments from the City into the WSP.

Consultant will review the City's Comprehensive Plan and determine which sections will need to be amended for compliance with the WSP. Consultant will provide a summary of recommended changes to be incorporated into their Comprehensive Plan by the City staff, along with the recommended Comp Plan Elements that are to be revised/added in a WORD format with track changes for City's use.

Consultant will conduct two (2) meetings with the SJRWMD to review the draft WSP and comments received during the comprehensive plan amendment process.

Consultant will update the WSP up to two (2) times based on comments received from the SJRWMD.

Consultant will prepare and submit the final WSP to the SJRWMD and the City.

SCHEDULE

Consultant will complete these tasks in a timely manner in accordance with the SJRWMD timeline noted above and mutually agreed upon schedule below. The following schedule for each task is estimated below. Actual schedule may vary based on coordination with the City and the SJRWMD.

Draft Submittal	4 - months
<u>Final Submittal</u>	<u>2-3 months</u>
Total: 6-7 Months	

FEE SCHEDULE

We will provide these services in accordance with the Non-Exclusive Professional Services Agreement dated December 11th, 2023, by and between the City of Fellsmere a political subdivision of the State of Florida ("City") and Kimley-Horn and Associates, Inc., ("Consultant").

The Consultant will provide professional services for a lump sum fee of \$55,700.

ADDITIONAL SERVICES

The following services can be provided as additional services under separate future task order:

- Site visits.
- Additional meetings, beyond those provided herein.

INFORMATION PROVIDED BY OWNER

- Population projections
- Monthly Operation Reports
- Water loss audits
- Billing information
- Comprehensive Plan Amendments
- Future Land Use Maps

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

Meeting Date: May 16, 2024

Agenda Item No. 14(e)

- | | |
|--|---|
| <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 checked="" type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | |
| <input type="checkbox"/> Other: | |

SUBJECT: City of Fellsmere Alleyway Grading Bid Award

RECOMMENDED MOTION/ACTION: Approve Dickerson Florida, Inc. as the sole bidder and authorize Mayor to sign contract.

Approved by City Manager *Mano Mata* Date: 2-9-24

Originating Department:	Costs: \$1,000,000 Funding Source: Florida Dept. of Environmental Protection Grant	Attachments: Dickerson Florida Bid Draft Construction Contract
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 Thursdays of each month. Agenda submittal deadline to the City Clerk is 12:00 noon 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:

In June 2023, the City entered into an agreement with the State of Florida Department of Environmental Protection for a grant to fund City of Fellsmere Stormwater Improvement Projects. This project entails constructing a swale stormwater management system for certain North-South alleys within the historic plat of Fellsmere, to treat stormwater and provide additional flood mitigation. The grant award is \$1,000,000 with no local match.

An RFP for Design and Construction of Alleyway Grading was issued on March 11, 2024. Dickerson Florida, Inc. was the sole bidder.

The sole bid is acceptable to staff. The Florida Department of Environmental Protection stated that a single bid is sufficient under their bid requirements. City has confirmed that Dickerson Florida, Inc. is in good standing regarding debarment.

CONTRACT

IN CONSIDERATION OF the mutual promises, covenants and conditions contained herein this agreement is made on _____ (*date*), by and between the City of Fellsmere, a municipal corporation of Indian River County in the State of Florida (hereinafter referred to as *City*), and Dickerson Infrastructure, Inc. dba Dickerson Florida, Inc. of 3122 N. 25th Street, Ft. Pierce, St. Lucie County, Florida, duly licensed as a contractor in Florida, holding currently valid Contractor's License no. CGC060797, (hereinafter referred to as *Contractor*), effective as hereinafter set forth.

1.0 The Work. Contractor shall furnish, except as otherwise provided, at contractor's own cost and expense, all labor, services, material, and work for the construction and completion of the work to be done under this contract (hereinafter referred to as *the Work*), which is generally described as follows:

DESIGN AND CONSTRUCTION OF ALLEYWAY GRADING

Construction of stormwater conveyance and treatment swales along alleyways and construction of control structure and outfall pipe to the Fellsmere Water Control District Ditches, where required.

(hereinafter referred to as *Project*).

Contractor will construct and complete the Work in a thorough, skillful and substantial manner in every respect to the satisfaction and approval of Andy Shelton, City of Fellsmere Public Works Director, 22 South Orange Street, Fellsmere, FL 32948 [hereinafter referred to as *the Project Manager*], within the time specified in this contract and in strict accordance with the instructions and information contained in the Request for Proposals, Proposal Forms, this contract, any performance or other surety bond, the specifications, and drawings. including all addenda incorporated in any of the above-mentioned documents before the execution of this contract. All of the above documents are made a part of this contract and form the *Contract Document* as fully as if set forth at length herein.

1.2. Contractor shall execute work shown on the drawings even though not particularly described in specifications and all work described in the specifications even though not shown on the drawings. Contractor shall furnish everything necessary for the proper and complete execution of the work even though express reference to any detail of it is omitted from either the drawings or specifications.

2.0 City Representative. The Project Manager shall act as City's representative, assume all duties and responsibilities, and have the rights and authority assigned to the Project Manager in the Contract Documents with respect to completion of the Work in accordance with the Contract Documents.

3.0 Contract Time. All of the Work shall be completed for the entire Project and ready for

final payment within _____ () calendar days from the date when Contract Time commences to run. The parties recognize that time is of the essence with respect to this Agreement and the Work. Failure to timely complete the Work as provided herein shall subject the Contractor to the Liquidated Damages provision which is set forth in Article G. of the Supplemental Conditions. The construction of the Work shall commence no later than ten (10) days after the date for commencement in the Notice to Proceed.

4.0 Drawings And Specifications.

4.1. The Contract Documents, which comprise the entire agreement between City and Contractor concerning the Work, are set forth in the attached Exhibit "A." There are no other Contract Documents other than those set forth on Exhibit "A." Contract Documents shall be amended as provided in paragraph 3.04 of the General Conditions to incorporate the required Contractor survey and set final elevations. Contract Documents may be further amended, modified, or supplemented as provided in paragraph 3.04 of the General Conditions.

4.2. Any copies of the drawings and specifications that are reasonably required for the execution of the work will be furnished to contractor free of charge, unless otherwise provided.

4.3. Contractor shall keep him/her/itself supplied with the latest issues of all drawings and specifications and shall keep one copy of the same at the site of the work in good order available to Designer.

4.4. The drawings and specifications, and any copies of the drawings and specifications, are and shall remain the property of City and shall not be reused on other work by contractor. These documents shall be delivered to the Designer at the completion of the work, or earlier if required.

4.5. City shall promptly furnish contractor with any additional instructions, by means of drawings or otherwise, as are required to proceed with the Work. Specifically, Contract Documents shall be amended as provided in paragraph 3.04 of the General Conditions to incorporate the required Contractor survey and set final elevations. All such drawings and instructions shall be consistent with, and reasonably inferable from, the contract. The Work shall be executed in conformity with these instructions. Contractor shall do no work without proper drawings and instructions.

5.0 Contract Price; Compensation. In addition to the extra charges expressly mentioned and provided for herein, City shall pay and Contractor shall receive the prices stipulated in the proposal attached to this contract as Exhibit "B" as full and complete compensation for everything furnished and done by Contractor under this contract, including loss or damage arising out of the Work or from the action of the elements; for any unforeseen obstruction or difficulty encountered in the prosecution of the Work; for all risks of every description associated with the Work; for all expenses incurred due to the suspension or discontinuance of the Work; and for well and faithfully completing the Work as provided in this Agreement.

6.0 Method Of Payment.

6.1 Contractor shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by Project Manager as provided in the General Conditions.

6.2 Progress Payments. City shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payments as recommended by Project Manager, on or about the 10th day of each month during construction as provided below. All progress payments will be on the basis of the progress of the Work measured by the schedule of values established in paragraphs 2.05 and 2.07 of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements. Partial and final release of liens satisfactory to the City and the Project Manager demonstrating that the previously paid monies have been used to satisfy all cost incurred in the performance of the work shall be required. (Submit application to the Project Manager by the 25th of preceding month)

6.2.1. Prior to Final Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Designer determine, or City may withhold, in accordance with paragraph 14.02.B.5. of the General Conditions:

95% of Work completed, and
95% of materials and equipment not incorporated in the Work (but delivered, suitably stored and accompanied by documentation satisfactory to City as provided in paragraph 14.02 of the General Conditions).

6.3. Final Payment. Upon final completion and acceptance of the Work in accordance with paragraph 14.07 of the General Conditions, City shall pay the remainder of the Contract Price as recommended by the Designer as provided in said paragraph 14.07.C.

6.4 The monies due hereunder shall not bear interest.

7.0. Contractor's Representations. As an inducement for City to enter into this Agreement Contractor makes the following representations.

7.1. Contractor has familiarized itself with the nature and extent of the Contract Documents, the Work, site, locality, and all other local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.

7.2. Contractor has carefully studied all reports of explorations and tests of subsurface conditions and drawings of physical conditions, which are identified in the Supplemental Conditions as provided in paragraph 2.05 of the General Conditions.

7.3. Contractor has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and

studies (in addition to or to supplement those referred to in paragraph 7.2 above) which pertain to the subsurface or physical conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the Work as Contractor considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of paragraph 4.02 of the General Conditions; and no additional examinations, investigations, explorations, tests, reports, studies or similar information or data are or will be required by Contractor for such purposes.

7.4. Contractor has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities are or will be required by Contractor in order to perform and furnish the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of paragraph 4.04 of the General Conditions.

7.5. Contractor has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

7.6. Contractor has given the Designer written notice of all conflicts, errors, or discrepancies that it has discovered in the Contract Documents and the written resolution thereof by Project Manager is acceptable to Contractor.

8.0 Notice. Notice shall be given as provided in Article 17 of the General Conditions. The addresses of City, Contractor, and the Project Manager for the purpose of giving notice are as follows:

City of Fellsmere:
Grant Administrator
City of Fellsmere
22 South Orange Street
Fellsmere FL 32948-6714
Email: grantadmin@cityoffellsmere.org

Contractor:
Richard J. Forlifer, Chief Estimator
Dickerson Infrastructure, Inc. dba Dickerson Florida, Inc.
3122 N. 25th Street
Ft. Pierce, FL 34946
(772) 429-4477
rickf@dfifl.com

Project Manager:
Andy Shelton, Public Works Director
City of Fellsmere
22 South Orange Street
Fellsmere, FL 32948-6714
Email: pwdirector@cityoffellsmere.org

9.0 Archeological Requirements. If any archeological remains are discovered during ground disturbance or construction, work shall cease immediately and the City of Fellsmere and the Florida Division of Historic Resources shall be contracted immediately to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.

10.0 Public Records.

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

10.1 Requirements. The Contractor shall comply with Florida public records law, specifically to:

10.1.1 Keep and maintain public records required by the City to perform the service.

10.1.2 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., as amended, or as otherwise provided by law.

10.1.3 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 contract term and following completion of the contract if the Contractor does not transfer the records to the City.

10.1.4 Upon completion of the contract, transfer, at no cost, to the City all public records in possession of the Contractor or keep and maintain public records required by the City to perform the service. If the Contractor transfers all public records to the City upon completion of the contract, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon completion of the contract, the Contractor 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.

10.2 Requests. Requests for public records shall be processed as follows:

10.2.1 If Contractor receives a request to inspect or copy public records relating to the City's contract with the Contractor, the Contractor 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 the Contractor of the request, and the Contractor must provide the records to the City or allow the records to be inspected or copied within a reasonable time.

10.2.2 If the Contractor does not comply with the City's request for the records, such refusal to comply shall constitute grounds for immediate cancellation of this contract at the sole discretion of the City.

10.2.3 Should the Contractor fail to provide the public records to the City within a reasonable time the Contractor may be subject to penalties under Section 119.10 F.S.

10.3 Enforcement. Enforcement of requests for public records by civil action will be processed as follows:

10.3.1 If a civil action is filed against the Contractor to compel production of public records relating to the City's contract for services, the Court shall assess and award against the Contractor the reasonable costs of enforcement, including reasonable attorneys' fees, if:

- (a) The Court determines that the Contractor unlawfully refused to comply with the public records request within a reasonable time; and
- (b) At least 8 business days before filing the action, the plaintiff provided written notice of the public records request, including a statement that the Contractor has not complied with the request, to the City and to the Contractor.

10.3.2 A notice complies with subparagraph 17.03.1(b) if is sent to the City's custodian of public records and to the Contractor at the Contractor's address listed in this contract or to the Contractor's registered agent. Such notice must be sent by common carrier delivery service or by registered, Global Express Guaranteed, or certified mail, with postage or shipping paid by the sender and with evidence of delivery, which may be in an electronic format.

10.3.3 A Contractor who complies with public records request within 8 business days after the notice is sent is not liable for the reasonable costs of enforcement.

11.0 Execution. City and Contractor each binds itself, and as the case may be, its partners, its permitted successors and assigns, and its legal representatives to the other party hereto and to that parties' partners, permitted successors and assigns, and legal representatives with respect to all covenants, agreements and obligations contained in the Contract Documents. If not otherwise specifically set forth, this Agreement shall be effective on the date of the last of the parties to sign.

IN WITNESS WHEREOF, each party to this Contract has caused it to be executed in triplicate at _____ (*place of execution*) on the date(s) indicated below. This Contract will be effective on _____.

Dated: _____

Dated: _____

City of Fellsmere

Contractor: _____

By: _____
Print Name and Title

By: _____
Print Name and Title

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____ (name of person) as _____ (type of authority, . . . e.g. officer, trustee, attorney in fact) for _____ (name of party on behalf of whom instrument was executed).

Notary Public - State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced: _____

EXHIBIT "A"

**CONTRACTORS DOCUMENTS
OUTLINE**

- **Statement on Public Entity Crimes**
- **Build America Buy America (BABA) Certification**
- **Byrd Anti-Lobbying Amendment Certification**
- **General and Supplemental Conditions**
- **Technical Specifications**

EXHIBIT "B"

RFP DUE APRIL 23, 2024
CITY OF FELLSMERE
DESIGN & CONSTRUCTION OF ALLEYWAY GRADING

BIDDER: DICKERSON INFRASTRUCTURE, Inc. dba DICKERSON FLORIDA, Inc.

City of Fellsmere
22 S. Orange St.
Fellsmere, FL 32948

Please accept this letter as Dickerson's intent to provide a proposal for the City of Fellsmere Design & Construction of Alleyway Grading.

The contact person for this bid shall be:


Richard J. Forlifer, Chief Estimator
Dickerson Infrastructure, Inc. dba Dickerson Florida, Inc.
3122 N. 25th Street
Ft. Pierce, FL 34946
(772) 429-4477 – direct office
(772) 260-0516 – mobile
rickf@dfifl.com

In addition to the completed RFP, the following documents are enclosed:

- 📎 Narrative of Work/Method of Construction
- 📎 List of Equipment
- 📎 Project Timeline/Duration
- 📎 GC License
- 📎 Business Tax Receipt
- 📎 3 references for similar projects
- 📎 E-Verify Statement
- 📎 Proof of SAM.gov registration.

We appreciate the opportunity to provide a proposal.

Sincerely,


Larry T. Dale
President

FDEP Priority Alleyways – from Figure 1

Item	Unit	Quantity	Unit Price	Extension
Survey (Initial and As-built)	LS	1	13,500.00	13,500.00
Mobilization	LS	1	20,000.00	20,000.00
Clearing	AC	5.4	16,500.00	89,100.00
Tree Removal 6"-12" diameter	EA	TBD	1100.00	1100.00
Tree Removal 12" – 18" diameter	EA	TBD	1300.00	1300.00
Tree Removal 18" – 24" diameter	EA	TBD	2000.00	2000.00
Tree Removal 24" – 30" diameter	EA	TBD	2200.00	2200.00
Tree Removal Greater than 30" diameter	EA	TBD	3000.00	3000.00
Mitered End Section	EA	26	3500.00	91,000.00
12" ADS Pipe	LF	7600	15.00	114,00.00
15' Swale Construction	LF	15,600	27.00	421,200.00
20' Swale Construction	LF	0		
Dirt Road Trench Repair	EA	8	6000.00	48,000.00
			TOTAL	\$ 806,400.00

Resilient Florida Priority Alleyways – from Figure 2

Item	Unit	Quantity	Unit Price	Extension
Survey (Initial and As-built)	LS	1	9500.00	9500.00
Mobilization	LS	1	20,000.00	20,000.00
Clearing	AC	4.55	16,500.00	75,075.00
Tree Removal 6"-12" diameter	EA	TBD	1100.00	1100.00
Tree Removal 12" – 18" diameter	EA	TBD	1300.00	1300.00
Tree Removal 18" – 24" diameter	EA	TBD	2000.00	2000.00
Tree Removal 24" – 30" diameter	EA	TBD	2200.00	2200.00
Tree Removal Greater than 30" diameter	EA	TBD	3000.00	3000.00
Mitered End Section	EA	24	3500.00	84,000.00
12" ADS Pipe	LF	480	15.00	7200.00
15' Swale Construction	LF	13,200	27.00	356,400.00
20' Swale Construction	LF	0		
Dirt Road Trench Repair	EA	0		
			TOTAL	\$ 561,775.00

FDEP Secondary Alleyways – from Figure 3

Item	Unit	Quantity	Unit Price	Extension
Survey (Initial and As-built)	LS	1	6300.00	6300.00
Mobilization	LS	1	13,000.00	13,000.00
Clearing	AC	4.0	16,500.00	66,000.00
Tree Removal 6"-12" diameter	EA	TBD	1100.00	1100.00
Tree Removal 12" – 18" diameter	EA	TBD	1300.00	1300.00
Tree Removal 18" – 24" diameter	EA	TBD	2000.00	2000.00
Tree Removal 24" – 30" diameter	EA	TBD	2200.00	2200.00
Tree Removal Greater than 30" diameter	EA	TBD	3000.00	3000.00
Mitered End Section	EA	12	3500.00	42,000.00
12" ADS Pipe	LF	320	15.00	4800.00
15' Swale Construction	LF	0		
20' Swale Construction	LF	8,700	28.00	243,600.00
Dirt Road Trench Repair	EA	2	6000.00	12,000.00
			TOTAL	\$ 397,300.00

Resilient Florida Secondary Alleyways – from Figure 4

Item	Unit	Quantity	Unit Price	Extension
Survey (Initial and As-built)	LS	1	14,000.00	14,000.00
Mobilization	LS	1	22,000.00	22,000.00
Clearing	AC	7.55	16,500.00	124,575.00
Tree Removal 6"-12" diameter	EA	TBD	1100.00	1100.00
Tree Removal 12" – 18" diameter	EA	TBD	1300.00	1300.00
Tree Removal 18" – 24" diameter	EA	TBD	2000.00	2000.00
Tree Removal 24" – 30" diameter	EA	TBD	2200.00	2200.00
Tree Removal Greater than 30" diameter	EA	TBD	3000.00	3000.00
Mitered End Section	EA	30	3500.00	105,000.00
12" ADS Pipe	LF	1,350	15.00	20,250.00
15' Swale Construction	LF	11,000	27.00	297,000.00
20' Swale Construction	LF	8,200	28.00	229,600.00
Dirt Road Trench Repair	EA	25	6000.00	150,000.00
			TOTAL	\$ 972,025.00

STATEMENT OF PUBLIC ENTITY CRIMES

This is a sworn statement under Section 287.133(3)(a), Florida Statutes, on public entity crimes and must be signed in the presence of a notary public or other officer authorized to administer oaths.

1. This sworn statement is submitted with Bid, Proposal or Contract No. _____ for CITY OF FELLSMERE ALLEYWAY GRADING.
2. This sworn statement is submitted by Dickerson Infrastructure, Inc. dba Dickerson Florida, Inc.

(Name of entity submitting sworn statement)
whose business address is 3122 N. 25th St., Ft. Pierce, FL 34946 and
whose mailing address, if different, is: P.O. Box 910, Ft. Pierce, FL 34954 .
Its Federal Employer Identification Number (FEIN) is 56-1327509 . (If the
entity has no FEIN, include the Social Security Number of the individual signing this
sworn statement: _____ .)
3. My name is Larry T. Dale (please print name of
individual signing) and my relationship to the entity named above is President .
4. I understand that a *Public Entity Crime* as defined in Paragraph 287.133(1)(g),
Florida Statutes, is a violation of any State or Federal law by a person with respect to
and directly related to the transaction of business with any public entity or with an
agency or political subdivision of any other State or with the United States, including,
but not limited to, any bid or contract for goods or services to be provided to any
public entity or any agency or political subdivision of any other state or of the United
States and involving antitrust, fraud, theft, bribery, collusion, racketeering,
conspiracy, or material misrepresentation.
5. I understand that *convicted* or *conviction* as defined in Paragraph 286.133(1)(b),
Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with
or without an adjudication of guilt, in any Federal or State trial court of record
relating to charges brought by indictment or information after July 1, 1989, as a result
of a jury verdict, nonjury trial or entry of a plea of guilty or nolo contendere.
6. I understand that an *affiliate* as defined in Paragraph 287.133(1)(a), Florida Statutes,
means:
 - (a) A predecessor or successor of a person convicted of a public entity or crime; or
 - (b) An entity under the control of a natural person who is active in the management
of the entity and who has been convicted of a public entity crime. *Affiliate*
includes those officers, directors, executives, partners, shareholders, employees,
members, and agents who are active in the management of an affiliate. The

ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding thirty-six (36) months shall be considered an *affiliate*.

7. I understand that a *person* as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. *Person* includes those officers, directors, executives, shareholders, partners, employees, members, and agents who are active in management of an entity.

8. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies.)

Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor any affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989 AND (Please indicate which additional statement applies.)

There has been a proceeding concerning the conviction before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer did not place the person or affiliate on the convicted vendor list. (Please attach a copy of the final order.)

The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in the public interest to remove the person or affiliate from the convicted vendor list. (Please attach a copy of the final order).

The person or affiliate has not been placed on the convicted vendor list. (Please describe any action taken by or pending with the Department of General Services.)

Dated: 4/23/24

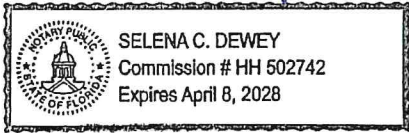
Larry T. Dale
(Signature)

STATE OF Florida

COUNTY OF St. Lucie

PERSONALLY APPEARED BEFORE ME, the undersigned authority, Larry T. Dale who, after first being sworn by me, affixed his/her signature in the space provided above on this 23rd day of April, 2024.

WITNESS my hand and official seal in the State and County last aforesaid this 23rd day of April, 2024.



Selena C. Dewey
Notary /State of Florida at Large

Personally Known OR produced identification _____

Type of identification produced: _____

Build America, Buy America Certification

Project Title: CITY OF FELLSMERE ALLEYWAY GRADING

As required by Section 70914 of the Bipartisan Infrastructure Law (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, on or after May 14, 2022, none of the funds under a federal award that are part of Federal financial assistance program for infrastructure (see definition below) may be obligated for a project (see definition below) unless all of the iron, steel, manufactured products, and construction materials (see definition below) used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

Recipients of an award of Federal financial assistance are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

1. all iron and steel used in the project are produced in the United States -- this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. all manufactured products used in the project are produced in the United States — this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
3. all construction materials are manufactured in the United States — this means that all manufacturing processes for the construction material occurred in the United States.

The Build America, Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Build America, Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

For further information on the Build America, Buy America preference, please visit www.doi.gov/grants/BuyAmerica. Additional information can also be found at the White House Made in America Office website: www.whitehouse.gov/omb/management/made-in-america/.

Definitions

“Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

“Construction materials” includes an article, material, or supply that is or consists primarily of:

- non-ferrous metals;

- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

“Construction Materials” does not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

Build America, Buy America Waiver Requests:

When necessary, recipients may apply for, and the Department of the Interior (DOI) may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI may waive the application of the domestic content procurement preference (see definition above) in any case in which it is determined that one of the below circumstances applies:

1. Non-availability Waiver: the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality;
2. Unreasonable Cost Waiver: the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent; or
3. Public Interest Waiver: applying the domestic content procurement preference would be inconsistent with the public interest.

There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at: www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers.

If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, the recipient is not required to request a separate waiver for non-domestic materials.

If a general applicability waiver does not already apply, and a recipient believes that one of the above circumstances applies to an award, a request to waive the application of the domestic content procurement preference may be submitted to the financial assistance awarding officer in writing.

Waiver requests shall include the below information. The waiver shall not include any Privacy Act information, sensitive data, or proprietary information within their waiver request. Waiver requests will be posted to www.doi.gov/grants/buyamerica and are subject to public comment periods of no less than 15 days. Waiver requests will also be reviewed by the Made in America Office.

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DO Notice of Award).
8. Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Build America, Buy America requirements. Include the name, cost, countries of origin (if known), and relevant PSC or NAICS code for each.
11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Build America, Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued. Approved waivers will be posted at <https://www.doi.gov/grants/BuyAmerica/ApprovedWaivers>. Recipients requesting a waiver will be notified of their waiver request determination by an awarding officer.

The undersigned Proposer hereby certifies on behalf of itself and all contractors (at all tiers) that it will meet Build America, Buy America requirements in Section 70914 of the Bipartisan Infrastructure Law P.L. 117-58, using one of the following provisions:

The infrastructure project/product contains no steel or iron products, manufactured products or construction materials manufactured outside the United States per Section 70914 of the Bipartisan Infrastructure Law, P.L. 117-58. If there is ANY foreign steel or iron, manufactured products, or construction materials in your infrastructure project/product you may not check this box.

The project/product has foreign steel or iron, manufactured products, or construction materials; a **Build America, Buy America** waiver is required. The Contracting Entity may, but is not obligated to, seek a waiver of Build America, Buy America requirements if grounds for the waiver exist. However, Proposer certifies that it will comply with the applicable Build America, Buy America requirements if a waiver of those requirements is not available or not pursued by the Contracting Entity. The waiver process can take time and the project may not move forward until a waiver is completed.

A false certification is a criminal act in violation of 18 USC 1001. Should this Agreement be investigated, Proposer has the burden of proof to establish that it is in compliance.

Proposer: Dickerson Infrastructure, Inc. dba Dickerson Florida, Inc.

Signature of Authorized Official: 

Name of Authorized Official: Larry T. Dale

Title: President

Date: April 23, 2024

CERTIFICATE OF MATERIALS ORIGIN

PROJECT NUMBER		CONTRACT ID	
ITEM DESCRIPTION		BID ITEM NUMBER	
INVOICE NUMBER		QUANTITY	
DATE RECEIVED		BILL OF LADING No.	

MATERIAL SOURCE (NAME AND ADDRESS) TO INCLUDE EACH SUPPLIER, FABRICATOR, AND MANUFACTURER INCLUDING HEAT/BATCH NUMBERS IF AVAILABLE

this form to be completed and provided if awarded contract

MATERIAL DESCRIPTION

DESCRIPTION OF MATERIALS OF UNKNOWN ORIGIN OR FOREIGN MATERIALS DELIVERED TO THE PROJECT

This certification is made for the purpose of establishing the materials acceptance under the Build America, Buy America Certification (Bipartisan Infrastructure Law P.L 117-58 Section 70914). All iron and steel, manufactured products, and construction materials, including protective coating for the domestic materials described above occurred in the United States of America. Manufacturer's certificates verify the origin above described in the domestic materials and will be kept on file for three years by the suppliers following final payment. Copies will be provided to the Department of Economic Opportunity upon request.

I declare under penalty of perjury under the Florida and Federal Laws that the foregoing is true and correct.

Company Name and Address	Authorized Representative
	<p style="text-align: center;">Name:</p> <p style="text-align: center;">Title:</p> <p style="text-align: center;">Signature:</p> <p style="text-align: center;">Date:</p>


CERTIFICATION REGARDING LOBBYING

Byrd Anti-Lobbying Amendment (31 USC 1352) – Contractors shall not use Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining Federal contract, grant or any other award covered by 31 USC 1352. Contractor who apply or bid for an award less than \$100,000 are not required to file the required certification.

CERTIFICATION OF COMPLIANCE

The bidder hereby certifies that it will comply with the requirements of 31 USC 1352, as amended. Bidder acknowledges that it shall not use Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining Federal contract, grant or any other award covered by 31 USC 1352.

Company Name: Dickerson Infrastructure, Inc. dba Dickerson Florida, Inc.

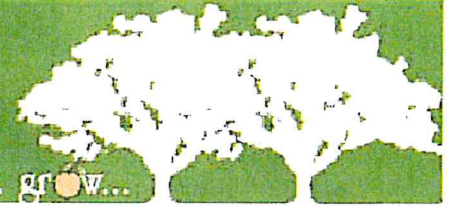
Authorized By:  Larry T. Dale
(Signature) *(Print Name)*

Title: President

Date: 4/23/24

Joel Tyson, Mayor
Mark D. Mathes, City Manager

cultivate. nurture. grow...



F e l l s m e r e

ADDENDUM #1

REQUEST FOR PROPOSALS – BID/RFP NO. 2024-06

PROJECT TITLE: ALLEYWAY GRADING

PROPOSAL DUE DATE: April 23, 2024

DATE OF ISSUANCE: March 13, 2024

The following information shall become part of this bid and shall be binding as if originally contained therein.

QUESTION: Is the pre-bid meeting taking place at City of Fellsmere 22 S. Orange St or is the meeting scheduled where the walk through begins? I don't see it in the bid documents.

Response: The Mandatory Pre-Bid Meeting, scheduled on March 25, 2024, at 2:00 pm, will begin in Council Chambers (large room on ground floor of City Hall). Information will be presented regarding the project, and proof of attendance will be collected via a sign-in sheet. After the information session and subsequent question and answer session, City representatives, contractors, and contractor representatives will travel (on foot or in vehicles) to the sample reference alleyway for inspection and additional information/question and answer session.

RFP DUE APRIL 23, 2024
CITY OF FELLSMERE
DESIGN & CONSTRUCTION OF ALLEYWAY GRADING

BIDDER: DICKERSON INFRASTRUCTURE, Inc. dba DICKERSON FLORIDA, Inc.

◀ **Narrative of Work/Method of Construction**

To list our narrative of work and construction methods, first prior to mobilization we will complete an as-built survey of existing conditions and submit to the City for review. Based on the City's recommendations we will lay out our work and begin mobilization of equipment. Once mobilized we will begin clearing and grubbing operations, to be followed closely by excavation and fine grading operations. This process will continue from alleyway to alleyway until the desired alleyways are complete to the city's satisfaction. Culvert pipes with mitered ends will be installed as needed throughout the construction period.

◀ **List of Equipment**

- (2) Front End Loaders
- Grinder
- Excavator (Clearing)
- Articulating Excavator (Grading)
- Motor grader or Dozer (depending on individual operation)
- Compactor
- Triaxle Dump Trucks (3)

◀ **Project Timeline/Duration**

- FDEP Priority Alleyways – from Figure 1 = 90 Calendar Days
- Resilient Florida Priority Alleyways – from Figure 2 = 90 Calendar Days
- FDEP Secondary Alleyways – from Figure 3 = 60 Calendar Days
- Resilient Florida Secondary Alleyways – from Figure 4 = 120 Calendar Days

◀ This totals 12 months of work, however we feel that we could double the amount of crews and cut that time frame to 6 months total if the City determines that to be necessary.

◀ **3 references for similar projects (spreadsheet follows)**

Provide a minimum of three (3) industry/municipality references that demonstrate the respondent's ability to successfully construct similar facilities.

DICKERSON INFRASTRUCTURE INC. dba DICKERSON FLORIDA, INC. PAST PROJECT EXPERIENCE
ACTUAL

PROJECT TITLE	CONTRACT AMT	CONTRACTOR OR SUB	COMPLETION DATE	NAME OF OWNER	PHONE OF PROJECT REPRESENTATIVE
<p>WAUCHULA AIRPORT REHAB TW A & RIMS a. Rehabilitation of Taxiway A (approximately 4500' x 35'), an asphalt taxiway, including connector taxiways. b. Runway Incursion Mitigation System (RIMS), removal of existing direct connector taxiways from aprons to the runway. c. Medium Intensity Taxiway Light (MITL) system, including guidance and mandatory hold signs. d. New electrical vault. e. Temporary and permanent marking. f. Storm drainage, grading, and turfing.</p>	\$ 4,410,756.00	CONTRACTOR	Dec-23	CITY OF WAUCHULA	(407) 599-1122 EXT 255 (RUSS HOLLIDAY, P.E. - PROJ ENGINEER) rholliday@avconinc.com
<p>PETERS ROAD demolition of the existing roadway and total rebuild of ROW</p>	\$1,029,638.00	CONTRACTOR	Jan-24	LDRV HOLDINGS	(561) 329-2468 JHI@JHlinc.com Jeff H. Irvani, PE (Project Engineer) (Jeff H. Irvania, Inc.)
<p>USACE DMMA AND MARTIN COUNTY BUSINESS PARK Constructing an upland dredged material management area (DMMA O- 23) and modifying the stormwater system for Martin County Business Park in Martin County, Florida. The disposal area dikes shall be constructed using fill material excavated from within the containment basin footprint. Twin steel framed box riser weirs with composite weir boards are to be constructed to provide the site decant water system. Other features of work include clearing and grubbing, fencing, concrete parking demo, foundation demo and slope protection. Stormwater modification portion of the work consisted of modifying three existing stormwater ponds, replacing manholes and catchb asins, installing control structure, and clearing and grubbing.</p>	\$4,626,442.00	CONTRACTOR	Nov-23	USACE	jason.p.gardner@usace.army.mil Jason.Gardner (561) 267-7242



Ron DeSantis, Governor

Melanie S. Griffin, Secretary



**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

CONSTRUCTION INDUSTRY LICENSING BOARD

THE GENERAL CONTRACTOR HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 489, FLORIDA STATUTES

DALE, LARRY THOMAS

DICKERSON FLORIDA INC
3122 N 25 STREET
FT PIERCE FL 34946

LICENSE NUMBER: CGC060797

EXPIRATION DATE: AUGUST 31, 2024

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

Licensee

Name:	DALE, LARRY THOMAS	License Number:	CGC060797
Rank:	Certified General Contractor	License Expiration Date:	08/31/2024
Primary Status:	Current	Original License Date:	08/02/1999
Secondary Status:	Active		

Related License Information

License Number	Status	Related Party	Relationship Type	Relation Effective Date	Rank	Expiration Date
	Current	DICKERSON INFRASTRUCTURE, INC. DBA:DICKERSON FLORIDA, INC.	Primary Qualifying Agent for Business	09/13/2022	Construction Business Information	



2023 - 2024

St. Lucie County Local Business Tax Receipt

Facilities or machines # Rooms # Seats # Employees #140 Receipt #1500-2000007
Type of business 1500 BUILDING CONTRACTOR (GENERAL CONTRACTOR) Expires SEPTEMBER 30, 2024

DBA name Dickerson Infrastructure Inc Business Larry Thomas Dale
Mailing address: Larry Thomas Dale Business location: 3122 N 25th St
PO Box 910 Fort Pierce, FL 34954-0910 Fort Pierce, FL 34946

RENEWAL St Lucie County CGC-060797
Original tax: \$27.55 1428-602-0028-000/7 F22000003019
Penalty:
Collection cost:
Total: \$27.55 Paid 09/14/2023 27.55 0025-20230914-048946

Law requires this Local Business Tax Receipt to be displayed conspicuously at the place of business in such a manner that it can be open to the view of the public and subject to inspection by all duly authorized officers of the county. Upon failure to do so, the local business taxpayer shall be subject to the payment of another Local Business Tax for the same business, profession or occupation.

Pursuant to Florida law, all Local Business Tax Receipts shall be sold by the Tax Collector beginning July 1 of each year and shall expire on September 30 of the succeeding year. Those Local Business Tax Receipts renewed beginning October 1 shall be delinquent and subject to a delinquency penalty of 10 percent for the month of October. An additional 5 percent penalty for each month of delinquency is added until paid, provided that the total delinquency penalty shall not exceed 25 percent of the Local Business Tax for the delinquent establishment.

In addition to the penalty, the Tax Collector is entitled to a collection fee of \$1 to \$5. This fee is based on the amount of Local Business Tax, which will be collected from delinquent taxpayers after September 30 of the business year.

This receipt is a Local Business Tax only. It does not permit the local business taxpayer to violate any existing regulatory or zoning laws of the state, county or city. It also does not exempt the local business taxpayer from any other taxes, licenses or permits that may be required by law.

Pursuant to Florida law, Local Business Taxes are subject to change.

Larry Thomas Dale
PO Box 910
Fort Pierce, FL 34954-0910

My Company Account

My Company Profile

Company Information

Company Name

Dickerson Infrastructure, Inc.

Doing Business As (DBA)

Dickerson Florida, Inc.

Company ID

121888

Enrollment Date

May 21, 2008

Employer Identification Number (EIN)

561327509

Unique Entity Identifier (UEI)

PGXADUH6VKM8

DUNS Number

126416699

Total Number of Employees

20 to 99

DICKERSON INFRASTRUCTURE INC ● Active Registration

Unique Entity ID:
PGXADUH6VKM8

Doing Business As:
(blank)

Purpose of Registration:
All Awards

Expiration Date

Mar 8, 2025

CAGE/NCAGE:
1W1J2

Physical Address:
3122 N 25TH ST
FORT PIERCE, FL 34946-1705
USA

State of Florida

Department of State

I certify from the records of this office that DICKERSON INFRASTRUCTURE, INC. is a Nevada corporation authorized to transact business in the State of Florida, qualified on May 13, 2022.

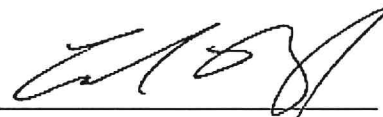
The document number of this corporation is F22000003019.

I further certify that said corporation has paid all fees due this office through December 31, 2024, that its most recent annual report/uniform business report was filed on January 31, 2024, and that its status is active.

I further certify that said corporation has not filed a Certificate of Withdrawal.

*Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this
the Thirty-first day of January,
2024*




Secretary of State




Tracking Number: 9118446876CC

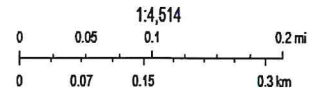
To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>

FDEP Grant Alleyways #1



-  Override 1
-  Municipal Boundaries
- Subdivisions
- Parcels
-  Mobile Home Parks



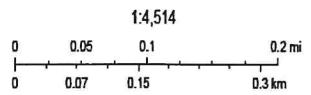
IRCGIS, IRCPA, IRCGIS, IRCPA

IRCGIS

FDEP Secondary Map



- Override 1
- Municipal Boundaries
- Subdivisions
- Parcels
- Mobile Home Parks



IRCGS, IRCGS, FDOT, USDA, IRCPA

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

Meeting Date: May 16, 2024

Agenda Item No. 14(f)

- | | |
|--|---|
| <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 checked="" type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | |
| <input type="checkbox"/> Other: | |

SUBJECT: City of Fellsmere Alleyway Grading Bid Award

RECOMMENDED MOTION/ACTION: Approve Dickerson Florida, Inc. as the sole bidder and authorize Mayor to sign contract.

Approved by City Manager *Mauro Neri* Date: 2-9-24

Originating Department:	Costs: \$850,000 Funding Source: State of Florida Dept. of Environmental Protection Resilient Florida Grant Match: \$850,000	Attachments: Dickerson Florida Bid Draft Construction Contract Map of Alleyways
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 Thursdays of each month. Agenda submittal deadline to the City Clerk is 12:00 noon 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:

In July 2023, the City entered into an agreement with the State of Florida Department of Environmental Protection Resilient Florida Program for a grant to fund City of Fellsmere Flood Resiliency Adaptation Alleyway Grading. This project entails regrading and restoring alleyways to improve drainage (map of alleyways attached). The grant award is \$850,000 with a 50% match. The Florida Department of Environmental Protection Alleyway Grading grant in the amount of \$1,000,000 will serve as the required 50% match.

An RFP for Design and Construction of Alleyway Grading was issued on March 11, 2024. Dickerson Florida, Inc. was the sole bidder.

The sole bid is acceptable to staff. The State of Florida Department of Environmental Protection Resilient Florida Program stated that a single bid is sufficient under their bid requirements. City has confirmed that Dickerson Florida, Inc. is in good standing regarding debarment.

RFP DUE APRIL 23, 2024
CITY OF FELLSMERE
DESIGN & CONSTRUCTION OF ALLEYWAY GRADING

BIDDER: DICKERSON INFRASTRUCTURE, Inc. dba DICKERSON FLORIDA, Inc.

City of Fellsmere
22 S. Orange St.
Fellsmere, FL 32948

Please accept this letter as Dickerson's intent to provide a proposal for the City of Fellsmere Design & Construction of Alleyway Grading.

The contact person for this bid shall be:


Richard J. Forlifer, Chief Estimator
Dickerson Infrastructure, Inc. dba Dickerson Florida, Inc.
3122 N. 25th Street
Ft. Pierce, FL 34946
(772) 429-4477 – direct office
(772) 260-0516 – mobile
rickf@dfifl.com

In addition to the completed RFP, the following documents are enclosed:

- ◀ Narrative of Work/Method of Construction
- ◀ List of Equipment
- ◀ Project Timeline/Duration
- ◀ GC License
- ◀ Business Tax Receipt
- ◀ 3 references for similar projects
- ◀ E-Verify Statement
- ◀ Proof of SAM.gov registration.

We appreciate the opportunity to provide a proposal.

Sincerely,


Larry T. Dale
President

FDEP Priority Alleyways – from Figure 1

Item	Unit	Quantity	Unit Price	Extension
Survey (Initial and As-built)	LS	1	13,500.00	13,500.00
Mobilization	LS	1	20,000.00	20,000.00
Clearing	AC	5.4	16,500.00	89,100.00
Tree Removal 6"-12" diameter	EA	TBD	1100.00	1100.00
Tree Removal 12" – 18" diameter	EA	TBD	1300.00	1300.00
Tree Removal 18" – 24" diameter	EA	TBD	2000.00	2000.00
Tree Removal 24" – 30" diameter	EA	TBD	2200.00	2200.00
Tree Removal Greater than 30" diameter	EA	TBD	3000.00	3000.00
Mitered End Section	EA	26	3500.00	91,000.00
12" ADS Pipe	LF	7600	15.00	114,000.00
15' Swale Construction	LF	15,600	27.00	421,200.00
20' Swale Construction	LF	0		
Dirt Road Trench Repair	EA	8	6000.00	48,000.00
			TOTAL	\$ 806,400.00

Resilient Florida Priority Alleyways – from Figure 2

Item	Unit	Quantity	Unit Price	Extension
Survey (Initial and As-built)	LS	1	9500.00	9500.00
Mobilization	LS	1	20,000.00	20,000.00
Clearing	AC	4.55	16,500.00	75,075.00
Tree Removal 6"-12" diameter	EA	TBD	1100.00	1100.00
Tree Removal 12" – 18" diameter	EA	TBD	1300.00	1300.00
Tree Removal 18" – 24" diameter	EA	TBD	2000.00	2000.00
Tree Removal 24" – 30" diameter	EA	TBD	2200.00	2200.00
Tree Removal Greater than 30" diameter	EA	TBD	3000.00	3000.00
Mitered End Section	EA	24	3500.00	84,000.00
12" ADS Pipe	LF	480	15.00	7200.00
15' Swale Construction	LF	13,200	27.00	356,400.00
20' Swale Construction	LF	0		
Dirt Road Trench Repair	EA	0		
			TOTAL	\$ 561,775.00

FDEP Secondary Alleyways – from Figure 3

Item	Unit	Quantity	Unit Price	Extension
Survey (Initial and As-built)	LS	1	6300.00	6300.00
Mobilization	LS	1	13,000.00	13,000.00
Clearing	AC	4.0	16,500.00	66,000.00
Tree Removal 6"-12" diameter	EA	TBD	1100.00	1100.00
Tree Removal 12" – 18" diameter	EA	TBD	1300.00	1300.00
Tree Removal 18" – 24" diameter	EA	TBD	2000.00	2000.00
Tree Removal 24" – 30" diameter	EA	TBD	2200.00	2200.00
Tree Removal Greater than 30" diameter	EA	TBD	3000.00	3000.00
Mitered End Section	EA	12	3500.00	42,000.00
12" ADS Pipe	LF	320	15.00	4800.00
15' Swale Construction	LF	0		
20' Swale Construction	LF	8,700	28.00	243,600.00
Dirt Road Trench Repair	EA	2	6000.00	12,000.00
			TOTAL	\$ 397,300.00

Resilient Florida Secondary Alleyways – from Figure 4

Item	Unit	Quantity	Unit Price	Extension
Survey (Initial and As-built)	LS	1	14,000.00	14,000.00
Mobilization	LS	1	22,000.00	22,000.00
Clearing	AC	7.55	16,500.00	124,575.00
Tree Removal 6"-12" diameter	EA	TBD	1100.00	1100.00
Tree Removal 12" – 18" diameter	EA	TBD	1300.00	1300.00
Tree Removal 18" – 24" diameter	EA	TBD	2000.00	2000.00
Tree Removal 24" – 30" diameter	EA	TBD	2200.00	2200.00
Tree Removal Greater than 30" diameter	EA	TBD	3000.00	3000.00
Mitered End Section	EA	30	3500.00	105,000.00
12" ADS Pipe	LF	1,350	15.00	20,250.00
15' Swale Construction	LF	11,000	27.00	297,000.00
20' Swale Construction	LF	8,200	28.00	229,600.00
Dirt Road Trench Repair	EA	25	6000.00	150,000.00
			TOTAL	\$ 972,025.00

STATEMENT OF PUBLIC ENTITY CRIMES

This is a sworn statement under Section 287.133(3)(a), Florida Statutes, on public entity crimes and must be signed in the presence of a notary public or other officer authorized to administer oaths.

1. This sworn statement is submitted with Bid, Proposal or Contract No. _____ for
CITY OF FELLSMERE ALLEYWAY GRADING.
2. This sworn statement is submitted by Dickerson Infrastructure, Inc. dba
Dickerson Florida, Inc.
(Name of entity submitting sworn statement)
whose business address is 3122 N. 25th St., Ft. Pierce, FL 34946 and
whose mailing address, if different, is: P.O. Box 910, Ft. Pierce, FL 34954 .
Its Federal Employer Identification Number (FEIN) is 56-1327509 . (If the
entity has no FEIN, include the Social Security Number of the individual signing this
sworn statement: _____ .)
3. My name is Larry T. Dale (please print name of
individual signing) and my relationship to the entity named above is President .
4. I understand that a *Public Entity Crime* as defined in Paragraph 287.133(1)(g),
Florida Statutes, is a violation of any State or Federal law by a person with respect to
and directly related to the transaction of business with any public entity or with an
agency or political subdivision of any other State or with the United States, including,
but not limited to, any bid or contract for goods or services to be provided to any
public entity or any agency or political subdivision of any other state or of the United
States and involving antitrust, fraud, theft, bribery, collusion, racketeering,
conspiracy, or material misrepresentation.
5. I understand that *convicted* or *conviction* as defined in Paragraph 286.133(1)(b),
Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with
or without an adjudication of guilt, in any Federal or State trial court of record
relating to charges brought by indictment or information after July 1, 1989, as a result
of a jury verdict, nonjury trial or entry of a plea of guilty or nolo contendere.
6. I understand that an *affiliate* as defined in Paragraph 287.133(1)(a), Florida Statutes,
means:
 - (a) A predecessor or successor of a person convicted of a public entity or crime; or
 - (b) An entity under the control of a natural person who is active in the management
of the entity and who has been convicted of a public entity crime. *Affiliate*
includes those officers, directors, executives, partners, shareholders, employees,
members, and agents who are active in the management of an affiliate. The

ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding thirty-six (36) months shall be considered an *affiliate*.

7. I understand that a *person* as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. *Person* includes those officers, directors, executives, shareholders, partners, employees, members, and agents who are active in management of an entity.

8. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies.)

Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor any affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989 AND (Please indicate which additional statement applies.)

There has been a proceeding concerning the conviction before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer did not place the person or affiliate on the convicted vendor list. (Please attach a copy of the final order.)

The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in the public interest to remove the person or affiliate from the convicted vendor list. (Please attach a copy of the final order.)

The person or affiliate has not been placed on the convicted vendor list. (Please describe any action taken by or pending with the Department of General Services.)

Dated: 4/23/24

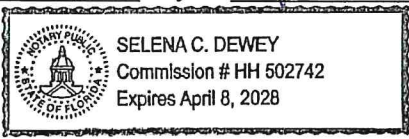
Larry T. Dale
(Signature)

STATE OF Florida

COUNTY OF St. Lucie

PERSONALLY APPEARED BEFORE ME, the undersigned authority,
Larry T. Dale who, after first being sworn by me, affixed his/her signature in the
space provided above on this 23rd day of April, 2024.

WITNESS my hand and official seal in the State and County last aforesaid this
23rd day of April, 2024.



Selena C. Dewey
Notary /State of Florida at Large

Personally Known OR produced identification _____

Type of identification produced: _____

Build America, Buy America Certification

Project Title: CITY OF FELLOSMERE ALLEYWAY GRADING

As required by Section 70914 of the Bipartisan Infrastructure Law (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, on or after May 14, 2022, none of the funds under a federal award that are part of Federal financial assistance program for infrastructure (see definition below) may be obligated for a project (see definition below) unless all of the iron, steel, manufactured products, and construction materials (see definition below) used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

Recipients of an award of Federal financial assistance are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

1. all iron and steel used in the project are produced in the United States -- this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. all manufactured products used in the project are produced in the United States — this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
3. all construction materials are manufactured in the United States — this means that all manufacturing processes for the construction material occurred in the United States.

The Build America, Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Build America, Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

For further information on the Build America, Buy America preference, please visit www.doi.gov/grants/BuyAmerica. Additional information can also be found at the White House Made in America Office website: www.whitehouse.gov/omb/management/made-in-america/.

Definitions

“Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

“Construction materials” includes an article, material, or supply that is or consists primarily of:

- non-ferrous metals;

- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

“Construction Materials” does not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

Build America, Buy America Waiver Requests:

When necessary, recipients may apply for, and the Department of the Interior (DOI) may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI may waive the application of the domestic content procurement preference (see definition above) in any case in which it is determined that one of the below circumstances applies:

1. Non-availability Waiver: the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality;
2. Unreasonable Cost Waiver: the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent; or
3. Public Interest Waiver: applying the domestic content procurement preference would be inconsistent with the public interest.

There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at: www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers.

If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, the recipient is not required to request a separate waiver for non-domestic materials.

If a general applicability waiver does not already apply, and a recipient believes that one of the above circumstances applies to an award, a request to waive the application of the domestic content procurement preference may be submitted to the financial assistance awarding officer in writing.

Waiver requests shall include the below information. The waiver shall not include any Privacy Act information, sensitive data, or proprietary information within their waiver request. Waiver requests will be posted to www.doi.gov/grants/buyamerica and are subject to public comment periods of no less than 15 days. Waiver requests will also be reviewed by the Made in America Office.

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DO Notice of Award).
8. Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Build America, Buy America requirements. Include the name, cost, countries of origin (if known), and relevant PSC or NAICS code for each.
11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Build America, Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued. Approved waivers will be posted at <https://www.doi.gov/grants/BuyAmerica/ApprovedWaivers>. Recipients requesting a waiver will be notified of their waiver request determination by an awarding officer.


The undersigned Proposer hereby certifies on behalf of itself and all contractors (at all tiers) that it will meet Build America, Buy America requirements in Section 70914 of the Bipartisan Infrastructure Law P.L. 117-58, using one of the following provisions:

The infrastructure project/product contains no steel or iron products, manufactured products or construction materials manufactured outside the United States per Section 70914 of the Bipartisan Infrastructure Law, P.L. 117-58. If there is ANY foreign steel or iron, manufactured products, or construction materials in your infrastructure project/product you may not check this box.

The project/product has foreign steel or iron, manufactured products, or construction materials; a **Build America, Buy America** waiver is required. The Contracting Entity may, but is not obligated to, seek a waiver of Build America, Buy America requirements if grounds for the waiver exist. However, Proposer certifies that it will comply with the applicable Build America, Buy America requirements if a waiver of those requirements is not available or not pursued by the Contracting Entity. The waiver process can take time and the project may not move forward until a waiver is completed.

A false certification is a criminal act in violation of 18 USC 1001. Should this Agreement be investigated, Proposer has the burden of proof to establish that it is in compliance.

Proposer: Dickerson Infrastructure, Inc. dba Dickerson Florida, Inc.

Signature of Authorized Official: 

Name of Authorized Official: Larry T. Dale

Title: President

Date: April 23, 2024

CERTIFICATE OF MATERIALS ORIGIN

PROJECT NUMBER		CONTRACT ID	
ITEM DESCRIPTION		BID ITEM NUMBER	
INVOICE NUMBER		QUANTITY	
DATE RECEIVED		BILL OF LADING No.	

MATERIAL SOURCE (NAME AND ADDRESS) TO INCLUDE EACH SUPPLIER, FABRICATOR, AND MANUFACTURER INCLUDING HEAT/BATCH NUMBERS IF AVAILABLE

this form to be completed and provided if awarded contract

MATERIAL DESCRIPTION

DESCRIPTION OF MATERIALS OF UNKNOWN ORIGIN OR FOREIGN MATERIALS DELIVERED TO THE PROJECT

This certification is made for the purpose of establishing the materials acceptance under the Build America, Buy America Certification (Bipartisan Infrastructure Law P.L 117-58 Section 70914). All iron and steel, manufactured products, and construction materials, including protective coating for the domestic materials described above occurred in the United States of America. Manufacturer's certificates verify the origin above described in the domestic materials and will be kept on file for three years by the suppliers following final payment. Copies will be provided to the Department of Economic Opportunity upon request.

I declare under penalty of perjury under the Florida and Federal Laws that the foregoing is true and correct.

Company Name and Address	Authorized Representative
	<p>Name:</p> <p>Title:</p> <p>Signature:</p> <p>Date:</p>


CERTIFICATION REGARDING LOBBYING

Byrd Anti-Lobbying Amendment (31 USC 1352) – Contractors shall not use Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining Federal contract, grant or any other award covered by 31 USC 1352. Contractor who apply or bid for an award less than \$100,000 are not required to file the required certification.

CERTIFICATION OF COMPLIANCE

The bidder hereby certifies that it will comply with the requirements of 31 USC 1352, as amended. Bidder acknowledges that it shall not use Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining Federal contract, grant or any other award covered by 31 USC 1352.

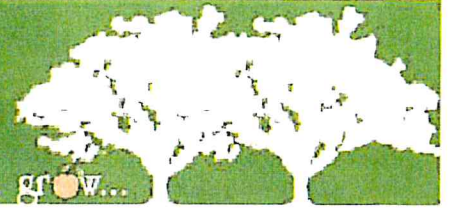
Company Name: Dickerson Infrastructure, Inc. dba Dickerson Florida, Inc.

Authorized By:  Larry T. Dale
(Signature) *(Print Name)*

Title: President Date: 4/23/24

Joel Tyson, Mayor
Mark D. Mathes, City Manager

cultivate. nurture. grow...



F e l l s m e r e

ADDENDUM #1

REQUEST FOR PROPOSALS – BID/RFP NO. 2024-06

PROJECT TITLE: ALLEYWAY GRADING

PROPOSAL DUE DATE: April 23, 2024

DATE OF ISSUANCE: March 13, 2024

The following information shall become part of this bid and shall be binding as if originally contained therein.

QUESTION: Is the pre-bid meeting taking place at City of Fellsmere 22 S. Orange St or is the meeting scheduled where the walk through begins? I don't see it in the bid documents.

Response: The Mandatory Pre-Bid Meeting, scheduled on March 25, 2024, at 2:00 pm, will begin in Council Chambers (large room on ground floor of City Hall). Information will be presented regarding the project, and proof of attendance will be collected via a sign-in sheet. After the information session and subsequent question and answer session, City representatives, contractors, and contractor representatives will travel (on foot or in vehicles) to the sample reference alleyway for inspection and additional information/question and answer session.

RFP DUE APRIL 23, 2024
CITY OF FELLSMERE
DESIGN & CONSTRUCTION OF ALLEYWAY GRADING

BIDDER: DICKERSON INFRASTRUCTURE, Inc. dba DICKERSON FLORIDA, Inc.

◀ **Narrative of Work/Method of Construction**

To list our narrative of work and construction methods, first prior to mobilization we will complete an as-built survey of existing conditions and submit to the City for review. Based on the City's recommendations we will lay out our work and begin mobilization of equipment. Once mobilized we will begin clearing and grubbing operations, to be followed closely by excavation and fine grading operations. This process will continue from alleyway to alleyway until the desired alleyways are complete to the city's satisfaction. Culvert pipes with mitered ends will be installed as needed throughout the construction period.

◀ **List of Equipment**

- (2) Front End Loaders
- Grinder
- Excavator (Clearing)
- Articulating Excavator (Grading)
- Motor grader or Dozer (depending on individual operation)
- Compactor
- Triaxle Dump Trucks (3)

◀ **Project Timeline/Duration**

- FDEP Priority Alleyways – from Figure 1 = 90 Calendar Days
- Resilient Florida Priority Alleyways – from Figure 2 = 90 Calendar Days
- FDEP Secondary Alleyways – from Figure 3 = 60 Calendar Days
- Resilient Florida Secondary Alleyways – from Figure 4 = 120 Calendar Days

◀ This totals 12 months of work, however we feel that we could double the amount of crews and cut that time frame to 6 months total if the City determines that to be necessary.

◀ **3 references for similar projects (spreadsheet follows)**

Provide a minimum of three (3) industry/municipality references that demonstrate the respondent's ability to successfully construct similar facilities.

DICKERSON INFRASTRUCTURE INC. dba DICKERSON FLORIDA, INC. PAST PROJECT EXPERIENCE
ACTUAL

PROJECT TITLE	CONTRACT AMT	CONTRACTOR OR SUB	COMPLETION DATE	NAME OF OWNER	PHONE OF PROJECT REPRESENTATIVE
WAUCHULA AIRPORT REHAB TW A & RIMS a. Rehabilitation of Taxiway A (approximately 4500' x 35'), an asphalt taxiway, including connector taxiways. b. Runway Incursion Mitigation System (RIMS), removal of existing direct connector taxiways from aprons to the runway. c. Medium Intensity Taxiway Light (MITL) system, including guidance and mandatory hold signs. d. New electrical vault. e. Temporary and permanent marking. f. Storm drainage, grading, and turfing.	\$ 4,410,756.00	CONTRACTOR	Dec-23	CITY OF WAUCHULA	(407) 599-1122 EXT 255 (RUSS HOLLIDAY, P.E. - PROJ ENGINEER) rholliday@avconinc.com
PETERS ROAD demolition of the existing roadway and total rebuild of ROW	\$1,029,638.00	CONTRACTOR	Jan-24	LDRV HOLDINGS	(561) 329-2468 JHI@JHInc.com Jeff H. Irvani, PE (Project Engineer) (Jeff H. Irvania, Inc.)
USACE DMMA AND MARTIN COUNTY BUSINESS PARK Constructing an upland dredged material management area (DMMA O- 23) and modifying the stormwater system for Martin County Business Park in Martin County, Florida. The disposal area dikes shall be constructed using fill material excavated from within the containment basin footprint. Twin steel framed box riser weirs with composite weir boards are to be constructed to provide the site decant water system. Other features of work include clearing and grubbing, fencing, concrete parking demo, foudation demo and slope protection. Stormwater modification portion of the work consisted of modifying three existing stormwater ponds, replacing manholes and catchb asins, installing control structure, and clearing and grubbing.	\$4,626,442.00	CONTRACTOR	Nov-23	USACE	jason.p.gardner@usace.army.mil Jason Gardner (561) 267-7242



Ron DeSantis, Governor

Melanie S. Griffin, Secretary



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONSTRUCTION INDUSTRY LICENSING BOARD

THE GENERAL CONTRACTOR HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 489, FLORIDA STATUTES

DALE, LARRY THOMAS

DICKERSON FLORIDA INC
3122 N 25 STREET
FT PIERCE FL 34946

LICENSE NUMBER: CGC060797

EXPIRATION DATE: AUGUST 31, 2024

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

Licensee

Name:	DALE, LARRY THOMAS	License Number:	CGC060797
Rank:	Certified General Contractor	License Expiration Date:	08/31/2024
Primary Status:	Current	Original License Date:	08/02/1999
Secondary Status:	Active		

Related License Information

License Number	Status	Related Party	Relationship Type	Relation Effective Date	Rank	Expiration Date
	Current	DICKERSON INFRASTRUCTURE, INC. DBA:DICKERSON FLORIDA, INC.	Primary Qualifying Agent for Business	09/13/2022	Construction Business Information	

My Company Account

My Company Profile

Company Information

Company Name

Dickerson Infrastructure, Inc.

Doing Business As (DBA)

Dickerson Florida, Inc.

Company ID

121888

Enrollment Date

May 21, 2008

Employer Identification Number (EIN)

561327509

Unique Entity Identifier (UEI)

PGXADUH6VKM8

DUNS Number

126416699

Total Number of Employees

20 to 99

DICKERSON INFRASTRUCTURE INC ● Active Registration



Unique Entity ID:
PGXADUH6VKM8

Doing Business As:
(blank)

Purpose of Registration:
All Awards

Expiration Date

Mar 8, 2025

CAGE/NCAGE:
1W1J2

Physical Address:
3122 N 25TH ST
FORT PIERCE, FL 34946-1705
USA

State of Florida

Department of State

I certify from the records of this office that DICKERSON INFRASTRUCTURE, INC. is a Nevada corporation authorized to transact business in the State of Florida, qualified on May 13, 2022.

The document number of this corporation is F22000003019.

I further certify that said corporation has paid all fees due this office through December 31, 2024, that its most recent annual report/uniform business report was filed on January 31, 2024, and that its status is active.

I further certify that said corporation has not filed a Certificate of Withdrawal.

*Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this
the Thirty-first day of January,
2024*



A handwritten signature in black ink, appearing to be "J. B. ...", written over a horizontal line.

Secretary of State

Tracking Number: 9118446876CC

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>

CONTRACT

IN CONSIDERATION OF the mutual promises, covenants and conditions contained herein this agreement is made on _____(date), by and between the City of Fellsmere, a municipal corporation of Indian River County in the State of Florida (hereinafter referred to as *City*), and Dickerson Infrastructure, Inc. dba Dickerson Florida, Inc. of 3122 N. 25th Street, Ft. Pierce, St. Lucie County, Florida, duly licensed as a contractor in Florida, holding currently valid Contractor's License no. CGC060797, (hereinafter referred to as *Contractor*), effective as hereinafter set forth.

1.0 The Work. Contractor shall furnish, except as otherwise provided, at contractor's own cost and expense, all labor, services, material, and work for the construction and completion of the work to be done under this contract (hereinafter referred to as *the Work*), which is generally described as follows:

FLOOD RESILIENCY ADAPTATION ALLEYWAY GRADING

Re-grade and restore alleyways (see attached map) and restore alleyways for proper drainage. Post completion, alleyways will drain properly and will be free from debris and trees to allow for easier maintenance of alleyways, resulting in reduction of flooding risk due to heavy rainfalls and storm events.

(hereinafter referred to as *Project*).

Contractor will construct and complete the Work in a thorough, skillful and substantial manner in every respect to the satisfaction and approval of Andy Shelton, City of Fellsmere Public Works Director, 22 South Orange Street, Fellsmere, FL 32948 [hereinafter referred to as *the Project Manager*], within the time specified in this contract and in strict accordance with the instructions and information contained in the Request for Proposals, Proposal Forms, this contract, any performance or other surety bond, the specifications, and drawings. including all addenda incorporated in any of the above-mentioned documents before the execution of this contract. All of the above documents are made a part of this contract and form the *Contract Document* as fully as if set forth at length herein.

1.2. Contractor shall execute work shown on the drawings even though not particularly described in specifications and all work described in the specifications even though not shown on the drawings. Contractor shall furnish everything necessary for the proper and complete execution of the work even though express reference to any detail of it is omitted from either the drawings or specifications.

2.0 City Representative. The Project Manager shall act as City's representative, assume all duties and responsibilities, and have the rights and authority assigned to the Project Manager in the Contract Documents with respect to completion of the Work in accordance with the Contract Documents.

3.0 Contract Time. All of the Work shall be completed for the entire Project and ready for final payment within _____() calendar days from the date when Contract Time commences to run. The parties recognize that time is of the essence with respect to this Agreement and the Work. Failure to timely complete the Work as provided herein shall subject the Contractor to the Liquidated Damages provision which is set forth in Article G. of the Supplemental Conditions. The construction of the Work shall commence no later than ten (10) days after the date for commencement in the Notice to Proceed.

4.0 Drawings And Specifications.

4.1. The Contract Documents, which comprise the entire agreement between City and Contractor concerning the Work, are set forth in the attached Exhibit "A." There are no other Contract Documents other than those set forth on Exhibit "A." Contract Documents shall be amended as provided in paragraph 3.04 of the General Conditions to incorporate the required Contractor survey and set final elevations. Contract Documents may be further amended, modified, or supplemented as provided in paragraph 3.04 of the General Conditions.

4.2. Any copies of the drawings and specifications that are reasonably required for the execution of the work will be furnished to contractor free of charge, unless otherwise provided.

4.3. Contractor shall keep him/her/itself supplied with the latest issues of all drawings and specifications and shall keep one copy of the same at the site of the work in good order available to Designer.

4.4. The drawings and specifications, and any copies of the drawings and specifications, are and shall remain the property of City and shall not be reused on other work by contractor. These documents shall be delivered to the Designer at the completion of the work, or earlier if required.

4.5. City shall promptly furnish contractor with any additional instructions, by means of drawings or otherwise, as are required to proceed with the Work. Specifically, Contract Documents shall be amended as provided in paragraph 3.04 of the General Conditions to incorporate the required Contractor survey and set final elevations. All such drawings and instructions shall be consistent with, and reasonably inferable from, the contract. The Work shall be executed in conformity with these instructions. Contractor shall do no work without proper drawings and instructions.

5.0 Contract Price; Compensation. In addition to the extra charges expressly mentioned and provided for herein, City shall pay and Contractor shall receive the prices stipulated in the proposal attached to this contract as Exhibit "B" as full and complete compensation for everything furnished and done by Contractor under this contract, including loss or damage arising out of the Work or from the action of the elements; for any unforeseen obstruction or difficulty encountered in the prosecution of the Work; for all risks of every description associated with the Work; for all expenses incurred due to the suspension or discontinuance of the Work; and for well and faithfully completing the Work as provided in this Agreement.

6.0 Method Of Payment.

6.1 Contractor shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by Project Manager as provided in the General Conditions.

6.2 Progress Payments. City shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payments as recommended by Project Manager, on or about the 10th day of each month during construction as provided below. All progress payments will be on the basis of the progress of the Work measured by the schedule of values established in paragraphs 2.05 and 2.07 of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements. Partial and final release of liens satisfactory to the City and the Project Manager demonstrating that the previously paid monies have been used to satisfy all cost incurred in the performance of the work shall be required. (Submit application to the Project Manager by the 25th of preceding month)

6.2.1. Prior to Final Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Designer determine, or City may withhold, in accordance with paragraph 14.02.B.5. of the General Conditions:

95% of Work completed, and
95% of materials and equipment not incorporated in the Work (but delivered, suitably stored and accompanied by documentation satisfactory to City as provided in paragraph 14.02 of the General Conditions).

6.3. Final Payment. Upon final completion and acceptance of the Work in accordance with paragraph 14.07 of the General Conditions, City shall pay the remainder of the Contract Price as recommended by the Designer as provided in said paragraph 14.07.C.

6.4 The monies due hereunder shall not bear interest.

7.0. Contractor's Representations. As an inducement for City to enter into this Agreement Contractor makes the following representations.

7.1. Contractor has familiarized itself with the nature and extent of the Contract Documents, the Work, site, locality, and all other local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.

7.2. Contractor has carefully studied all reports of explorations and tests of subsurface conditions and drawings of physical conditions, which are identified in the Supplemental Conditions as provided in paragraph 2.05 of the General Conditions.

7.3. Contractor has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and

studies (in addition to or to supplement those referred to in paragraph 7.2 above) which pertain to the subsurface or physical conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the Work as Contractor considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of paragraph 4.02 of the General Conditions; and no additional examinations, investigations, explorations, tests, reports, studies or similar information or data are or will be required by Contractor for such purposes.

7.4. Contractor has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities are or will be required by Contractor in order to perform and furnish the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of paragraph 4.04 of the General Conditions.

7.5. Contractor has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

7.6. Contractor has given the Designer written notice of all conflicts, errors, or discrepancies that it has discovered in the Contract Documents and the written resolution thereof by Project Manager is acceptable to Contractor.

8.0 Notice. Notice shall be given as provided in Article 17 of the General Conditions. The addresses of City, Contractor, and the Project Manager for the purpose of giving notice are as follows:

City of Fellsmere:
Grant Administrator
City of Fellsmere
22 South Orange Street
Fellsmere FL 32948-6714
Email: grantadmin@cityoffellsmere.org

Contractor:
Richard J. Forlifer, Chief Estimator
Dickerson Infrastructure, Inc. dba Dickerson Florida, Inc.
3122 N. 25th Street
Ft. Pierce, FL 34946
(772) 429-4477
rickf@dfifl.com

Project Manager:
Andy Shelton, Public Works Director
City of Fellsmere
22 South Orange Street
Fellsmere, FL 32948-6714
Email: pwdirector@cityoffellsmere.org

9.0 Archeological Requirements. If any archeological remains are discovered during ground disturbance or construction, work shall cease immediately and the City of Fellsmere and the Florida Division of Historic Resources shall be contracted immediately to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.

10.0 Public Records.

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

10.1 Requirements. The Contractor shall comply with Florida public records law, specifically to:

10.1.1 Keep and maintain public records required by the City to perform the service.

10.1.2 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., as amended, or as otherwise provided by law.

10.1.3 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 contract term and following completion of the contract if the Contractor does not transfer the records to the City.

10.1.4 Upon completion of the contract, transfer, at no cost, to the City all public records in possession of the Contractor or keep and maintain public records required by the City to perform the service. If the Contractor transfers all public records to the City upon completion of the contract, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon completion of the contract, the Contractor 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.

10.2 Requests. Requests for public records shall be processed as follows:

10.2.1 If Contractor receives a request to inspect or copy public records relating to the City's contract with the Contractor, the Contractor 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 the Contractor of the request, and the Contractor must provide the records to the City or allow the records to be inspected or copied within a reasonable time.

10.2.2 If the Contractor does not comply with the City's request for the records, such refusal to comply shall constitute grounds for immediate cancellation of this contract at the sole discretion of the City.

10.2.3 Should the Contractor fail to provide the public records to the City within a reasonable time the Contractor may be subject to penalties under Section 119.10 F.S.

10.3 Enforcement. Enforcement of requests for public records by civil action will be processed as follows:

10.3.1 If a civil action is filed against the Contractor to compel production of public records relating to the City's contract for services, the Court shall assess and award against the Contractor the reasonable costs of enforcement, including reasonable attorneys' fees, if:

- (a) The Court determines that the Contractor unlawfully refused to comply with the public records request within a reasonable time; and
- (b) At least 8 business days before filing the action, the plaintiff provided written notice of the public records request, including a statement that the Contractor has not complied with the request, to the City and to the Contractor.

10.3.2 A notice complies with subparagraph 17.03.1(b) if is sent to the City's custodian of public records and to the Contractor at the Contractor's address listed in this contract or to the Contractor's registered agent. Such notice must be sent by common carrier delivery service or by registered, Global Express Guaranteed, or certified mail, with postage or shipping paid by the sender and with evidence of delivery, which may be in an electronic format.

10.3.3 A Contractor who complies with public records request within 8 business days after the notice is sent is not liable for the reasonable costs of enforcement.

11.0 Execution. City and Contractor each binds itself, and as the case may be, its partners, its permitted successors and assigns, and its legal representatives to the other party hereto and to that parties' partners, permitted successors and assigns, and legal representatives with respect to all covenants, agreements and obligations contained in the Contract Documents. If not otherwise specifically set forth, this Agreement shall be effective on the date of the last of the parties to sign.

IN WITNESS WHEREOF, each party to this Contract has caused it to be executed in triplicate at _____ (*place of execution*) on the date(s) indicated below. This Contract will be effective on _____.

Dated: _____

Dated: _____

City of Fellsmere

Contractor: _____

By: _____
Print Name and Title

By: _____
Print Name and Title

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____ (name of person) as _____ (type of authority, . . . e.g. officer, trustee, attorney in fact) for _____ (name of party on behalf of whom instrument was executed).

Notary Public - State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced: _____

EXHIBIT "A"

**CONTRACTORS DOCUMENTS
OUTLINE**

- **Statement on Public Entity Crimes**
- **Build America Buy America (BABA) Certification**
- **Byrd Anti-Lobbying Amendment Certification**
- **General and Supplemental Conditions**
- **Technical Specifications**

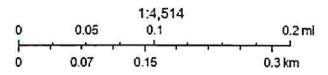
EXHIBIT "B"

Resilient Florida Alleyways



4/13/2023, 11:14:33 AM

- █ Override 1
- Municipal Boundaries
- Subdivisions
- Parcels
- Mobile Home Parks



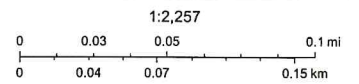
IRCG1, IRCPA, IRCG1, IRCPA

Additional Alleyway Grading



5/3/2024, 8:53:31 AM

- | | | | | | | | | | | | | | |
|--|--|---|--|--|---|--|--|---|---|--|--|---|---|
|  Override 1 |  Override 1 |  D - COM : (Developed, Commercial) |  D - AGR : (Developed, Agriculture) |  D - GOV : (Developed, Government) |  D - AS : (Developed, Accessory Structure) |  D - ANS : (Developed, Accessory Non-Structure) |  D - Other : (Developed, All Other) |  U - Undeveloped |  DUAL - 2nd, Not-Recognized Address used at Location |  Municipal Boundaries |  Subdivisions |  Parcels |  Mobile Home Parks |
| Address Points | |  D - SF : (Developed, Single Family Residential) |  D - MF : (Developed, Multi-Family Residential) |  D - GQ : (Developed, Group Quarters) |  D - MH : (Developed, Mobile Home Residential) | | | | | | | | |



IRCGIS, IRCGIS, FDOT, USDA, IRCPA

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

Meeting Date: May 16, 2024

Agenda Item No. 14(9)

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input type="checkbox"/> Public Hearing | <input 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: Florida Local Government Cybersecurity Grant

RECOMMENDED MOTION/ACTION: Approve Resolution 2024-52 authorizing Mayor and/or City Manager to accept the Florida Local Government Cybersecurity FY24/25 Grant

Approved by City Manager Maria Matta Date: 2-9-24

Originating Department: Grants	Costs: \$0	Attachments: Res. 2024-52
Department Review: <input checked="" type="checkbox"/> City Attorney Warren Dill <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 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 Thursday deadline.

Summary Explanation/Background:

Staff seeks approval of Resolution 2024-52 which authorizes the Mayor to execute the grant agreement for the Florida Local Government Cybersecurity Grant Program and authorizes the City Manager or his duly appointed representative to execute grant amendments and other grant administrative documents to allow the City to accept software, services, and solutions that enhance the City's cybersecurity posture to protect our infrastructure and data.

No match is required for this grant project.

Due to the tight application timeline for this grant the application was submitted in expectation of Council authorization (application has been filed). The attached Resolution provides such application submission authorization.

RESOLUTION NO. 2024-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA LOCAL GOVERNMENT CYBERSECURITY FY 24/25 GRANT PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE SUCH GRANT IF AWARDED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Fellsmere has the opportunity to apply for software, services, and solutions to enhance the City of Fellsmere's cybersecurity posture to protect the City's infrastructure and data, with no local match required, from the Florida Local Government Cybersecurity FY 24/25 Grant Program;

WHEREAS, Florida Digital Services', through the Florida Local Cybersecurity Grant program, primary focus is enabling/equipping local entities with capabilities that integrate with the State's Cybersecurity Operations Center, including provision of an enterprise support model, informed Incident Response services, and monitoring for threats and vulnerabilities;

WHEREAS, the Florida Local Cybersecurity grant awards capabilities for the City in lieu of providing grant funds, which capabilities are purchased on the City's behalf;

WHEREAS, enhancement of the City's cybersecurity posture is important for the protection of the City's infrastructure and data.

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, adopted, and incorporated herein as legislative finds of the City Council.

SECTION 2. AUTHORIZATION. The Mayor and/or City Manager are authorized to file an application for the Florida Local Government Cybersecurity Grant FY24/25 funding cycle for improvements to the cybersecurity posture of the City and to execute a grant agreement and grant administrative forms, if awarded.

SECTION 3. 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 4. 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 5. EFFECTIVE DATE. The resolution shall become effective 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 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:

(S E A L)

Maria Suarez-Sanchez, City Clerk

NOTICE TO PROCEED

To: Boromei Construction Inc.

Address: 420B NW 3rd Street, Okeechobee, FL 34972

NOTICE IS HEREBY GIVEN to proceed with work to be performed under your contract with the City of Fellsmere for construction of PUBLIC WORKS BUILDING HARDENING/PROJECT #DEM-HL00080.

Contract time will start the day after you receive this notice. Construction work must begin not later than ten (10) calendar days after receipt of this notice.

Dated: May 8, 2024

City of Fellsmere

By: Laura Hammer
Authorized Signature
Laura Hammer, Grant Administrator

ACCEPTANCE OF NOTICE TO PROCEED

Receipt of this Notice to Proceed is acknowledged on May 8, 2024.

Contractor: Boromei Construction Inc.

By: [Signature], President
Signature and Title

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

Meeting Date: May 16, 2024

Agenda Item No. 14(h)

- | | |
|--|---|
| PUBLIC HEARING | <input checked="" type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> Public Hearing | |
| <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: Adoption of Anti-Fraud, Waste and Abuse Policy for Community Development Block Grant Disaster Recovery Program

RECOMMENDED MOTION/ACTION: Approve Resolution 2024-01

Approved by City Manager *Marionette* Date: 2-9-24

Originating Department: Grants	Costs: \$0.00	Attachments: Resolution 2024-01 Anti-Fraud, Waste & Abuse Policy
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 Thursdays 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 for 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 has received, or intends to receive, a grant award from the Florida Department of Economic Opportunity Office of Disaster Recovery (DEO-ODR). DEO-ODR receives funds from United States Department of Housing and Urban Development (HUD). HUD requires that recipients of these grant funds develop policies and procedures to detect and prevent fraud, waste, and abuse as a condition of such grant funding.

Adoption of the Anti-Fraud, Waste and Abuse policy will allow the City to remain in compliance with the requirements of DEO-ODR and HUD.

**RESOLUTION
NO. 2024-01**

A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, CREATING AN ANTI-FRAUD, WASTE AND ABUSE POLICY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM; FURTHER PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE

WHEREAS, the City of Fellsmere has received, or intends to receive, a grant award from the Florida Department of Economic Opportunity's (DEO) Office of Disaster Recovery (ODR) (DEO-ODR).

WHEREAS, DEO-ODR is the recipient of Community Development Block Grant-Disaster Recovery (CDBG-DR) funds from the United States Department of Housing and Urban Development (HUD).

WHEREAS, HUD requires recipients, and their subrecipients, to develop policies and procedures to detect and prevent fraud, waste, and abuse as a condition of funding.

WHEREAS, the City of Fellsmere has developed a Anti-Fraud, Waste and Abuse Policy to comply with the HUD's condition of funding.

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. CREATION OF POLICY. The Anti-Fraud, Waste, and Abuse Policy included as Attachment A is hereby established as the City of Fellsmere's Anti-Fraud, Waste, and Abuse Policy.

SECTION 3. REPEALING OF CONFLICTING PROVISIONS. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect 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 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 Suarez-Sanchez, City Clerk

(SEAL)

**City of Fellsmere
Anti-Fraud, Waste & Abuse Policy
CDBG-DR Program**

1.01 – Background 2
2.01 – Scope of Policy 2
2.02 – Confidentiality 2
2.03 – Whistle-blower’s Act of 1986..... 3
3.01 – Reporting..... 3
3.02 – Reporting Procedure 3
4.01 – Cooperation with Official Department Investigations 4
5.01 - Monitoring 5

1.01 – Background

The City of Fellsmere is a recipient of pass-through funding from the Florida Department of Economic Opportunity's (DEO) Office of Disaster Recovery (ODR) (DEO-ODR). DEO-ODR is the recipient of Community Development Block Grant-Disaster Recovery (CDBG-DR) funds from the United States Department of Housing and Urban Development (HUD) to support long-term disaster recovery needs for housing, infrastructure, and economic development. As a steward of public funds, ODR is actively working to combat fraud, waste, and abuse in its programs and, as such, has required the City of Fellsmere, as a recipient of funds, to further this program.

The City of Fellsmere established a Fraud, Waste, and Abuse policy, hereafter referred to as the "FWA Policy", to implement DEO-ODR's goal to combat fraud, waste, and abuse in its programs. The City of Fellsmere's policy applies to all City employees, vendors, contractors, consultants, partners, citizens, applicants, and agencies doing business with the City, as well as beneficiaries and others associated with, working for, accessing, or attempting to access benefits under the CDBG-DR programs.

Any fraud, waste, or abuse that is suspected, discovered, or reported relating to the City's CDBG programs will be reviewed and resolved in accordance with DEO-ODR's policy and Florida Statutes as well as the City's local policies and ordinances.

2.01 – Scope of Policy

Acts of misappropriation and other fiscal irregularities which include:

- Dishonest acts;
- Intentional deception with the intent to receive an unauthorized benefit;
- Misappropriation of funds;
- Impropriety in the handling or reporting of financial transactions;
- Public entity crimes as defined in Florida Statutes;
- Over-utilizing ODR's services, supplies or equipment;
- Causing unnecessary costs through intentional carelessness or inefficiency;
- Using another person's identification;
- Forging signatures or documents;
- Concealing access to duplicate funding;
- Profiting because of insider knowledge;
- Accepting or seeking anything of material value from contractors, vendors or any person that seeks a beneficial decision, contract, or action through the City of Fellsmere's CDBG-DR program;
- Accepting or seeking anything of material value from contractors, vendors or any person that is providing services for CDBG-DR activities; and,
- Diversion of program resources.

2.02 – Confidentiality

Investigation results as well as the initiation of investigations shall not be disclosed or discussed with anyone other than those who have a legitimate need to know. Confidentiality must be

maintained to avoid damaging the reputations of person(s) suspected but subsequently found innocent of wrongful conduct as well as to protect the integrity of the City's CDBG-DR program.

All information received about suspected fraud, waste and abuse will be treated confidentially. Furthermore, all investigative materials developed, and interviews conducted to substantiate the allegations of fraud, waste or abuse will be treated confidentially.

2.03 – Whistle-blower's Act of 1986

The City of Fellsmere understands that confidentiality is important to avoid retaliation against reporting individuals. Florida's Whistle-blower's Act prevents agencies or independent contractors from taking retaliatory action against an employee who reports to a person or agency designated by the Act violations of law on the part of a public employer or independent contractor [as defined in Section 112.3187(3)(d), Florida Statutes], that creates a substantial and specific danger to the public's health, safety, or welfare. It also prevents agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or neglect of duty on the part of an agency, public officer, or employee.

3.01 – Reporting

An employee who discovers or suspects fraudulent activity with a program applicant, vendor, contractor, or other employee must notify the appropriate individuals to ensure an investigation, if warranted, is opened. At a minimum, the discovery or suspected fraudulent act must be presented to the City Manager and City Attorney. Further, the employee or other complainant, at their discretion, may choose to remain anonymous.

All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the City Manager as well as the City's Attorney. No information concerning the status of the investigation will be given out. The proper response to an inquiry is: "I am not at liberty to discuss the matter." Under no circumstances should any reference be made to "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific reference.

The reporting individual should be informed of the following:

- Do not contact the suspected fraudulent individual in an effort to determine facts or demand restitution.
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so.

3.02 – Reporting Procedure

All suspected cases of fraud will be taken seriously, and complaints will be reported to ODR's Compliance and Reporting Manager and DEO's Office of the Inspector General at OIG@deo.myflorida.com. Additionally, suspected cases of fraud or other irregularities under this act shall be reported based on the jurisdiction of the proposed violations as:

- Any employee who has a complaint related to violations of City ordinances shall present the complaint to the Chief of Police and City Manager in accordance with local policies. In addition, employees should notify the Florida Department of Economic Opportunity's Office of the Inspector General, the Governor's Office of the Chief Inspector General, the Florida Commission on Human Relations, or the state's whistle-blower's hotline at (800) 543-5353.
- Any employee who has a complaint related to violations of County ordinances shall present the complaint to the Chief of Police, City Manager, County Manager, and Indian River County Sheriff's Office in accordance with local policies. In addition, employees should notify the Florida Department of Economic Opportunity's Office of the Inspector General, the Governor's Office of the Chief Inspector General, the Florida Commission on Human Relations, or the state's whistle-blower's hotline at (800) 543-5353.
- Violations of this Whistle-blower's Act should be reported in accordance with Section 112.3187, Florida Statutes. Any employee who has a complaint should immediately contact the Department head, Office of the Inspector General, the Governor's Office of the Chief Inspector General, the Florida Commission on Human Relations, or the state's whistle-blower's hotline at (800) 543-5353. [Section 112.3187, Florida Statutes]

All substantiated cases of fraud, waste, or abuse of government funds will be forwarded to the United States Department of Housing and Urban Development (HUD), Office of Inspector General (OIG) Fraud Hotline (phone: 1-800-347-3735 or email: hotline@hudoig.gov) and DEO's HUD Community Planning and Development (CPD) Representative.

4.01 – Cooperation with Official Department Investigations

Employees, consultants, and contractors of the City of Fellsmere are required to maintain high standards of honesty, integrity, and impartiality and to place the interests of the public ahead of personal interests. When allegations of violations of these standards are received, full and accurate information must be obtained so management may respond appropriately.

4.01.1 – Employee Obligations

Employees of the City must cooperate with duly appointed investigators from the City Police Department, County Sheriff's Office, and/or Office of Inspector General to uncover the facts surrounding possible violations in an official investigation.

Failure to comply as specified above without a valid mitigating reason, such as exercising a right protected by federal or state law, will constitute a violation of this policy and subject the employee to appropriate disciplinary action up to and including dismissal.

4.01.2 – Consultant and Contractor Obligations

The Contractors and Consultants, through their directors, agents, and employees, must cooperate with duly appointed investigators from the City Police Department, County Sheriff's Office, and/or Office of Inspector General to uncover the facts surrounding possible violations in an official investigation.

5.01 - Monitoring

The City Manager is responsible for ensuring that the City of Fellsmere's CDBG-DR programs comply with all federal and state regulations. To ensure compliance, the City Manager, through designated employees, shall:

- Ensure ongoing compliance with federal, state, and local regulations through review of the policies and procedures, applicant eligibility and award determinations, and program activity files;
- Participate in regular internal monitoring with DEO-ODR personnel and respond to requests for information;
- Identify and assist with investigations of potential fraud, referring cases to DEO's OIG as appropriate; and
- Provide oversight monitoring of prime contractors.

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

Meeting Date: May 16, 2024

Agenda Item No. 1471

- | | |
|--|---|
| <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 Matthew **Date:** 2-9-24

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.

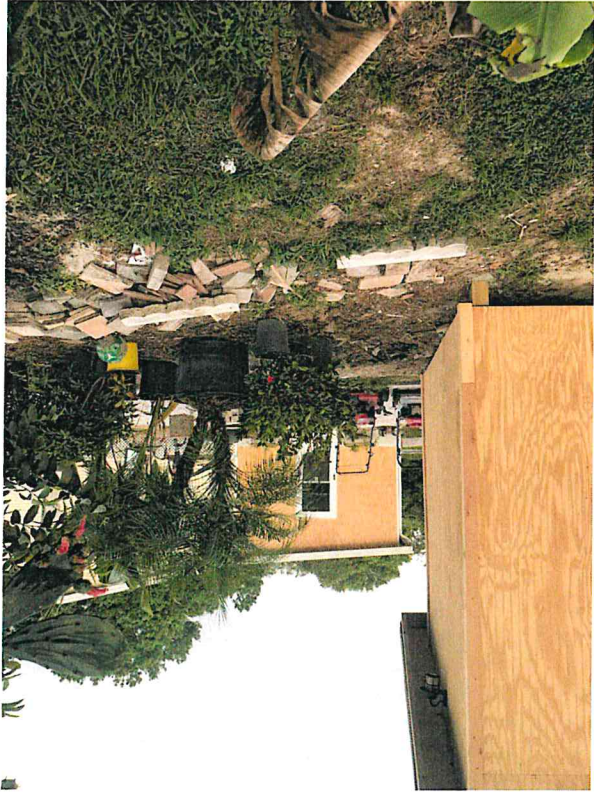
Items in dark shade and bold font are requested for direction on foreclosure. Three of the properties are homestead and would require a court money order judgment.

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. Now 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	5/4/2018	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 and needs processed..	N
2011-041	8/1/2011	162 S. Magnolia	Abated by Council. No work performed to make compliant as of 3/26/24; however, Owner 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	Unper 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