



Fellsmere

CITY COUNCIL MEETING
22 S. Orange St., Fellsmere FL
December 8, 2022– 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 November 17, 2022
6. **PROCLAMATION:** (a) Proclaiming Arbor Day 2022
7. **PUBLIC HEARINGS:**
 - (a) **ORDINANCE NO. 2022-18**/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA BY AMENDING CHAPTER 18 BUILDINGS AND BUILDING REGULATIONS SECTION 18-5 BUILDING BY OWNERS AND SECTION 18-60 LOCAL AMENDMENTS TO THE BUILDING CODE, BUILDINGS; PROVIDING FOR RATIFICATION; AMENDMENT; CONFLICTS; SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE. / **2nd Reading and Public Hearing**
 - ORDINANCE NO. 2022-20**/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA BY AMENDING CHAPTER 38 FLOODPLAIN MANAGEMENT, SECTION 38-8 DEFINITIONS, SECTION 38-10 BASIS FOR ESTABLISHING THE FLOOD HAZARD AREA, ADDING A NEW SECTION 38-112 NON-ELEVATED ACCESSORY STRUCTURES, AMENDING SECTION 38-142 FOUNDATIONS AND SECTION 38-144 ELEVATION; PROVIDING FOR RATIFICATION; AMENDMENT; APPLICABILITY; CONFLICTS; SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE. / **2nd Reading and Public Hearing**
 - (b) **RESOLUTION NO. 2022-62**/A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, PERTAINING TO THE GRANTING OF A CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL FOR TWO (2) MOBILE FOOD VENDING UNITS WITH FOUR (4) OUTDOOR SALES AREAS LOCATED AT 12 NORTH ELM STREET IN THE RESIDENTIAL, PROFESSIONAL AND OFFICE DISTRICT (RPO) AND C. R. 512 OLD TOWN OVERLAY DISTRICT PURSUANT TO THE LAND DEVELOPMENT CODE SECTIONS 3.22 AND 9.6; PROVIDING FOR RATIFICATION; CONSISTENCY WITH THE COMPREHENSIVE PLAN AND THE 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./ **Public Hearing**

(c) RESOLUTION NO. 2022-63/A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, PERTAINING TO THE GRANTING OF A CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL FOR ONE (1) MOBILE FOOD VENDING UNIT LOCATED AT 6 SOUTH MULBERRY STREET IN THE NEIGHBORHOOD COMMERCIAL RESTRICTED DISTRICT (C-1) AND C. R. 512 OLD TOWN OVERLAY DISTRICT PURSUANT TO THE LAND DEVELOPMENT CODE SECTIONS 3.24 AND 9.6; PROVIDING FOR RATIFICATION; CONSISTENCY WITH THE COMPREHENSIVE PLAN AND THE 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./
Public Hearing

8. PUBLIC COMMENTS:

9. MANAGER'S MATTERS:

10. MAYOR'S MATTERS:

11. COUNCIL MEMBER'S MATTERS:

12. CITY ATTORNEY'S MATTERS:

13. NEW BUSINESS:

(a) RESOLUTION -2021-66/ A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, DECLARING THE UNOPPOSED INCUMBENTS AND UNOPPOSED QUALIFIED CANDIDATES AS WINNERS PURSUANT TO SECTION 101.151(7), FLORIDA STATUTES; DIRECTING THE CLERK TO ENTER THE RESULTS OF THE ELECTION IN THE OFFICIAL MINUTES OF THE MEETING OF THE CITY COUNCIL; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

(b) SWEARING IN OF COUNCIL ELECT:

1. Joel Tyson
2. Fernando Herrera
3. Jessica Salgado

**RECESS
RECONVENE**

1. SELECTION OF MAYOR
2. SELECTION OF VICE MAYOR
3. SELECTION OF MAYOR PRO-TEM

(c) SUNSHINE LAW & GUIDE TO THE CODE OF ETHICS Presentation by City Attorney Warren W. Dill.

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

1. Treasure Coast Council of Local Governments –

_____ agreed to serve and _____ agreed to be the Alternate Member.

2. Treasure Coast Regional League of Cities –

_____ agreed to serve and _____ agreed to be the Alternate Member.

3. Beach & Shore Preservation –

_____ agreed to serve and _____ agreed to be the Alternate Member.

4. Economic Development Council –

_____ agreed to serve and _____ agreed to be the Alternate Member.

5. Elected Officials Oversight Committee–

_____ agreed to serve and _____ agreed to be the Alternate Member.

6. Metropolitan Planning Council –

_____ agreed to serve and _____ agreed to be the Alternate Member.

7. Treasure Coast Regional Planning Council –

_____ agreed to serve and _____ agreed to be the Alternate Member.

- (e) **RESOLUTION NO. 2022-58/A** RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE EXTENSION OF THE LEASE AGREEMENT FOR CERTAIN CITY OWNED REAL PROPERTY PURSUANT TO SECTION 2-230 OF THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA, FOR LITERACY SERVICES OF INDIAN RIVER COUNTY, INC.; PROVIDING FOR THE PURPOSE FOR WHICH SUCH REAL PROPERTY WILL BE USED; PROVIDING FOR THE TERM OF THE EXTENSION OF THE LEASE AGREEMENT; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
- (f) **RESOLUTION NO. 2022-59/A** RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE EXTENSION OF THE LEASE AGREEMENT FOR CERTAIN CITY OWNED REAL PROPERTY PURSUANT TO SECTION 2-230 OF THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA, FOR THE LEARNING ALLIANCE, INC.; PROVIDING FOR THE PURPOSE FOR WHICH SUCH REAL PROPERTY WILL BE USED; PROVIDING FOR THE TERM OF THE EXTENSION OF THE LEASE AGREEMENT; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
- (g) **Approval** of Safebuilt contract for services.
- (h) **Approval** of Private Provider Building Fee Reduction.
- (i) **Approval** of sole source contract with Water Werks, Inc. for various water meters and components.
- (j) **Approval** to piggyback the agreement between Kenneth City, Florida and Aclarian for an Enterprise Resource Planning (ERP) system.
- (k) **Approval** of Milcor Contract Amendment #1 for Sewer Design along North Myrtle Street.
- (l) **Approval** of Boromei Contractors Change Order #2 for material price escalation for the TAP New York Sidewalk.
- (m) **Approval** of RESOLUTION NO. 2022-67 Sale of Water Tower Lease Revenue to TPA V, LLC (Towerpoint)
- (n) **Award** proposal and authorize Mayor to execute contract with the lowest responsive bidder for the hardening of the police station.

14. 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://global.gotomeeting.com/join/957373573>

To join meeting using your phone call 1-872-240-3212 Access Code: 957-373-573

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.

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