

**CITY COUNCIL MEETING
May 16, 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, City Manager Matthes, and Mayor Tyson

ABSENT:

ALSO, PRESENT: Utility Director Kevin Burge, Public Works Director Andy Shelton, Building Director Kevin Klopec, Grant Administrator Laura Hammer and Police Chief Touchberry.

3. **PLEDGE OF ALLEGIANCE:** The Pledge was recited.

4. **INVOCATION:** Mayor Tyson gave the Invocation.

5. **APPROVAL OF MINUTES:(a)** City Council Meeting of May 2, 2024.

MOTION by Council Member Renick **SECONDED** by Council Member Hernandez to approve the minutes for the City Council Meeting May 2, 2024

ALL AYES:

MOTION CARRIED 5-0

6. **PRESENTATION: (a)** Life Saving Medal to Officer Steven Hellyar.

Chief Touchberry stated that he wanted to recognize one of the Fellsmere Police Officer's for what is arguably the most important service they can provide in public safety and that is saving a human life. On April 9th, 2024, Deputy Ayers was experiencing the onset of a stroke and because of Officer Hellyar's prompt and alert action Deputy Ayers personally credits Officer Hellyar as saving his life.

Chief Touchberry presented a Life Saving Medal to Officer Steven Hellyar. He added that Officer Hellyar will be leaving the Fellsmere Police Department because he has taken a job with the Indian River Shores Public Safety. He will be missed, and his vacancy has already been filled.

The City Council and audience rose to give Officer Hellyar a standing ovation.

Officer Steven Hellyar thanked all for the recognition and proceeded to take a photo with Mayor Tyson.

7. **PROCLAMATION: (a)** National Police Week

Mayor Tyson introduced the Proclamation and Attorney Perez read it in its entirety.

Police Chief Keith Touchberry thanked Council for honoring law enforcement officers that have made the ultimate sacrifice in the line of duty and recognizing National Police Week. This year, they lost three lives in the line of duty in the State of Florida, and one police canine. Last year when he was the President of the Florida Police Chiefs Association, he had the solemn duty of representing the association at the funeral service for one of those fallen officers who happen to be a Police Chief. The Police Chief was from a small rural town, Jasper that is in Hamilton County. He was coming out of his home to assist officers and a couple of deer went out in the road in front of him and eh crashed and burned into a tree. It was a horrible wreck. Police Chief Keith Touchberry represented the association at that service for him and met his wife and on behalf of the FPCA he will never forget that. He thanked Council for truly appreciating support to all Police Officers.

Officer Jesus Guzman and Officer David Dozer accepted the Proclamation and thanked Council for their support.

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 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./ *2nd Reading and 1st Public Hearing for May 16th, 2024 at 7:00pm.*

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

Manager Mathes stated that at the request of Mr. Dill, he has coordinated with the applicant to request a continuance of this public hearing until June 6.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Renick **SECONDED** by Council Member Herrera to continue the Public Hearing for Ordinance No. 2024-20 to June 6,2024 at 7:00 pm, Council Chambers 22 S. Orange Street, Fellsmere, Florida.

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

City Council recessed and reconvened 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.*

Chairman Tyson introduced the Resolution and Attorney Perez, read Resolution No. 2024-30 by title only.

Manager Mathes stated that as a result of the applicant's failure to provide their notice requirements there was a request for continuance of this public hearing until June 6.

Being no further discussion Chairman Tyson entertained a motion.

MOTION by Council Member Renick **SECONDED** by Council Member Herrera to continue the Public Hearing for Resolution 2024-30 to June 6,2024 at 7:00 pm, Council Chambers 22 S. Orange Street, Fellsmere, Florida.

ALL AYES

MOTION CARRIED 5-0

City Council recessed as the Board of Adjustment and reconvened 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.*

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

Manager Mathes stated that this is related to the prior item and again because the applicants are missing the notice requirements, they have requested a continuance of this public hearing until June 6.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Renick **SECONDED** by Council Member Herrera to continue the Public Hearing for Resolution No. 2024-32 to June 6, 2024 at 7:00 pm, Council Chambers 22 S. Orange Street, Fellsmere, Florida.

ALL AYES

MOTION CARRIED 5-0

9. PUBLIC COMMENTS:

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.

10. MANAGER'S MATTERS: Chief Touchberry continued with his matters.

- **ACH Payments now available (direct account withdrawals)-** The City is putting a notice on this week's water bill, so it will be available with next month's payments. This allows them to have direct withdrawals from their bank accounts.
- **Utility Land Purchases east of Water Plant** – He asked for permission to continue researching the purchase of land east of the water plant for potential future utility needs. It is unrelated to the 97th Street project. And if it is something that we do find worthy of purchasing it would be through the utility fund, they would start with a wetland delineation, because obviously, there's wetlands, the city does not really want it. And that's permission to continue down that path. It is about a two-acre property immediately east of the water plant. Council agreed.
- **Cemetery Code Changes-** The City has had some requests for some dual burials and the current code does speak to that to some degree, but there needs to be some cleanup.
- **Memorial Day Celebration, 5/27 at 8am** – This will be held at the Kiwana's Park corner of CR512 and N. Broadway St.
- **FACT 5/17/24 at 9am, Auditorium**
- **City Hall Technology updates starting 06/03/24** – The Council Chambers will have sound amplification by mid-June. And the City will also have the Council Chambers connected to all the other shared rooms in City Hall, the auditorium and the community room in case there's overflow, there will be able to hear from those rooms as well.

Mayor Tyson stated that he wished more people from the city would show up for the Memorial Day service, they have that every year. They have it down now where the service lasts about 15 minutes, they get the Honor Guard from Sebastian, they do the 21-gun salute. They have a bugler; it is a nice ceremony that only lasts just a few minutes. He invited all to come out. He would like to see more participation.

Manager Mathes stated that he shared an updated list of all active capital projects. He just wanted to highlight there are three projects that are on hold because of the federal injunction on wetland permitting. The trailhead preserve phase two, State Street Reservoir Expansion, and the Rail Trail Broadway State Park, all of those have minor wetland impacts. Some of those may be federal jurisdiction. And the City had to basically reapply directly to the Federal Government instead of through

the State of Florida because of that court injunction. The City is working with their grantors to keep them up to speed there.

11. MAYOR'S MATTERS:

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

Mayor Tyson stated that he thinks they are doing pretty good under the circumstances, they are under a lot of pressure right now with complaints and our neighbors out the county. They are wanting us to jump through hoops and they want us to stop our progress and the City is not going to do that. They are going to have to learn to live together. There are a lot of things happening, and his heart goes out to everybody that works in the City because he knows everybody is going to be busy and they have not even really started yet. He did ask Mr. Paladin if he had an idea when they would put the first shovel in the ground and his response was hopefully by January. He also asked him about the traffic, and his plan is to sell the first 100 houses and they will take the impact fee from that and that will start widening the road.

Manager Mathes added that they would be widening the road from Park Lateral to Willow. But at that same timeframe, the City would hopefully be finishing the 97th Street, which will come all the way out and then turn south and connect to 512. That street is behind the clinic. And that would give a parallel route. It is all part of the City's master plan, which they have in their comp plan, they have master plan of all the major roads that they will be having in the future to handle the growth. And they will implement them as they need them and as they can afford them.

Mayor Tyson stated that he and Maria attended the Treasure Coast Regional League of Cities Luncheon in Fort Pierce. They never can get our legislators, but their staff always comes out and gives them updates on what is going on.

12. COUNCIL MEMBER'S MATTERS:

- Council Member Herrera-** He stated he had no matters.
- Council Member Salgado-** She stated he had no matters.
- Council Member Hernandez –** She stated he had no matters.
- Council Member Renick –** He stated he had no matters.

13. CITY ATTORNEY'S MATTERS: Attorney Raul Perez reminded Council that Attorney Dill and Attorney Rhodeback are at a conference and that is why they are not present.

MOTION by Council Member Renick **SECONDED** by Council Member Herrera to remove item # 14(c) from the Agenda.

ALL AYES

MOTION CARRIED 5-0

14. NEW BUSINESS:

- (a) Approval of Work Authorization #2 with Renker Eich Parks Architects for architectural services related to the Recreated Train Village project.

Grant Administrator Laura Hammer stated that architect Paul Palmer is already providing services under a proposal that Council approved on January 4, 2024. He is working to provide updates and compliance for building code changes in connection to three previously designed railroad structures down at the train village, the machine shop, warehouse, blacksmith shop and he is also designing a passenger station which is a forth structure signed and sealed construction documents, budget cost estimating, permitting, bidding services for the improvements in the recreated train village project. He is under master contract at this point. And with the portion that talks about the cultural facility

funds being awarded in summer 2024. Is correct, they have been awarded. Unfortunately for the City grants, numbered and rank number one through 15 will be funded anything with a higher number than that will not get any grant funds this year. The City anticipated that that might happen, she believes the City was ranked 26 or 28. And the City had made alternate plans in case they did not receive the grant funding. Later, The City may later want to ask for some money using local and ARPA funds. But at this point at the City's request, alterations were made to the original scope of Paul Palmer's work. And that resulted in the need for additional design services. He submitted his proposal and the amount of \$6,140. The design changes will rotate the machine shop to fully relate to the adjacent outdoor space to make more opportunities for outdoor use, and it also allows for placement of a future electronic message board.

Manager Mathes added that they will be coming back to Council to seek permission to construct what they can afford to construct with local funds and potentially offer funds, but City Council will have a tough decision to make because they will not be able to cobble together enough money to do all of them. They will have to pick which one is most important for them and they cannot just pick a building because once they pick a building, they also have to pick the site infrastructure to support that building. This item is a change order the work order to allow some minor design changes which they think are important because they are creating and designing an outdoor space between the Section Forman's house which is out there, and the Machine Shop is going to be a high-quality outdoor space to expand the use opportunities of the Machine Shop. If that is going to be a community center let us create some outdoor space next to it that can further expand its use and its ability.

Mayor Tyson asked which one will store the generator.

Manager Mathes responded that it would be the Blacksmith Shop or the Warehouse. That has a separate pot of money of \$30,000 that was given to the City by Johnny Perez but that will probably not be enough to do all that building. He estimates the cost for the building to be no less than \$50,000 and no more than \$100,000.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Herrera **SECONDED** by Council Member Salgado to approve Work Authorization # 2 with Renker Eich Parks Architects for architectural services.

ALL AYES

MOTION CARRIED 5-0

- (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.

Mayor Tyson introduced the Resolution and Attorney Perez read Resolution No 2024-53, by title only.

Grant Administrator Laura Hammer stated as mentioned, when we were speaking of item A, in anticipation of the announcement of funding, and knowing that the date that they were running up against in order to apply for this application, that they must have the application in by June 3, She prepared this Resolution and request to Council that they have an opportunity to apply for the Florida Division of Cultural Affairs cultural facilities program for the train village. And this will be the City's fourth attempt at grant funding.

Manager Mathes added that the first attempt the City was successful, but they had to give it back about 10 years ago. Second, Third they were not. The unique part about this and if there is an approval, he would like the approval to acknowledge that the local match will be a combination or one of the other infrastructure or ARPA. Because if Council chooses to go locally, since they did not get it the grant this year, they are going to spend the \$300,000 they have now set aside in ARPA

for that it will not be then available if they get the grant next year to do the rest of the buildings. If they use it now it will not be available, then. He wants to have the flexibility to use either ARPA or infrastructure depending on how Council makes their decisions going forward.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Renick **SECONDED** by Council Member Hernandez to approve Resolution No. 2024-53.

ALL AYES

MOTION CARRIED 5-0

- (c) Approval of changes to multiple sections of Part 1 – Standard Operating Procedures. –
Item was removed from the Agenda.

- (d) Approval of Kimley Horn Proposal for creation of required Water Supply Facilities Work Plan.

Manager Mathes stated that there is a State requirement that at any time the State updates the Statewide Water Supply Plan the City is supposed to update their water supply plan. The City has done this once before, back probably 10 years ago when they made their last major update. The City incorporated some references in their Comp Plan. And so that is basically what they have to do again, but they really do not actually have a document that is a water supply plan for Fellsmere so they are going to go ahead and take this opportunity to prepare their own water supply plan that will be consistent with the State Water Supply Plan, but it will be the City's supply plan. And then obviously, they will make amendments to the Comp Plan as required by state law to incorporate the state's stuff. And this be the City's first time doing a formal water supply plan. They always do water supply parts of the permits for City's water plant, but they have never really had a standalone documents. This is just more transparency, more education for our public and others about how the City deals with utilities and water supply. This will be funded through the water fund water department at about \$55,700.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Renick **SECONDED** by Council Member Salgado to approve Kimley Horn Proposal for creation of required Water Supply Facilities Work Plan.

ALL AYES

MOTION CARRIED 5-0

- (e) Award proposal and authorize Mayor to execute contract with sole bidder Dickerson Florida for the Alleyway Grading. (Grant Award is \$1,000,000)

Grant Administrator Laura Hammer stated that in June of 2023, the City entered into an agreement with the State of Florida Department of Environmental Protection for a grant to fund the 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 million with no grant, an RFP for design and construction of alleyway grading was issued on March 11, 2024. Dickerson Florida 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. The City has confirmed that Dickerson Florida is in good standing regarding debarment. She asked Council to approve Dickerson as the sole bidder, so they may issue a notice of award and authorize the Mayor to sign the contract.

Mayor Tyson asked which alleyways will be done.

Manager Mathes responded that one of the grants is the Northwest quadrant and the other is doing the Southeast quadrant because Public Works Director has indicated those are the worse swales in

town. There are a few places that they City has approved alleyway driveways or alleyway garages. Obviously if they run into those with these projects, the City will have to tweak around it because they cannot take away rights the City has given.

Council Member Renick asked if there are going to be a lot of trees removed and structures.

Manager Mathes stated that the alleys are pretty clean. The City does have an allowance for tree removal if they run into that. And they do have an allowance for modifying the section if they run into like an ATT cabinet or something like that and they have addressed that in the contract.

Grant Administrator Laura Hammer stated that Dickerson attended the pre bid meeting and they did drive around and showed them the alleys. And they indicated to them that they plan to come back in their own time and basically inspect the entire project. She thinks their bid was fairly accurate.

Manager Mathes stated that the hardest part of this project is digging a swale and a 50-foot wide right away and getting the dirt out while you are doing it.

Council Member Renick asked who will be responsible for the maintenance.

Manager Mathes stated the City would be, they already mow but alleyways all become unmowable during the wettest part of the season. Even if we improve the flow and the drainage, they are just too wet. The City mows when they can but there are some months of the year, they just get unmowable because of the water table.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Salgado **SECONDED** by Council Member Hernandez to award proposal and authorize Mayor to execute contract with sole bidder Dickerson Florida for the Alleyway Grading.

ALL AYES

MOTION CARRIED 5-0

- (f) Award proposal and authorize Mayor to execute contract with sole bidder Dickerson Florida for the Alleyway Grading. (Grant Award is \$850,000)

Grant Administrator Laura Hammer stated that in July of 2023, this City entered into an agreement with the State of Florida Department of Environmental Protection Resilient Florida Program for a grant to fund the City of Fellsmere Flood Resiliency Adaptation Alleyway Grading. This project also entails for grading and restoring alleyways to improve drainage. This grant award is \$850,000 with a 50% match the previous grant that Council just approved, the Florida Department of Environmental Protection grant in the amount of \$1 million will serve as that required 50% grant match. An RFP and it was actually the same RFP, the City got permission from both grantors to combine their grant bids into one RFP a design and construction RFP, there only caveat was that they keep the funds and the geography of the alleyways separate. That is another reason we broke it down into the quadrants we did rather than one large area. She was very pleased that the grantors were willing to work with the City to that extent because they could have refused, and the City would have had to go out and do two RFPs and get two contractors and it would have been much more involved. And it may be a little more work for Claudia the Finance Director, but she is going to sit in at the initial preconstruction meeting and ensure that the contractor understands how to submit the bills so that everything will run a lot more smoothly. The sole bid is acceptable to staff and the State of Florida Department of Environmental Protection Resilient Florida stated that a single bid is sufficient under their bid requirements. And as stated before, the City has confirmed that Dickerson Florida is in good standing regarding debarment. Staff is asking Council to approve Dickerson Florida as the sole bidder and authorize the mayor to sign the contract.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Hernandez **SECONDED** by Council Member Renick to award proposal and authorize Mayor to execute contract with sole bidder Dickerson Florida for the Alleyway Grading.

ALL AYES

MOTION CARRIED 5-0

- (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.

Mayor Tyson introduced the Resolution and Attorney Perez read Resolution No 2024-52, by title only.

Grant Administrator Laura Hammer stated that is seeking 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 appointed representative to execute grant amendments and other grant administrative documents that will allow the city to accept software, services and solutions that will enhance the city's cybersecurity posture to protect our infrastructure and data. This is a program that is sponsored by the State of Florida. It is in its second year; the City applied and got the grant last year, but the notification never got to the City and the City did not receive the benefits of the grant. The City is reapplying this year, in fact, the City actually already applied, apologies to Council due to the tight application timeline for the grant the application was submitted in expectation of Council's authorization. And the attached Resolution provides such application submission authorization. She was not able to provide the City Manager with the most informative scope of the services that will be provided because it was not entirely clear what the grant program will give the City, what it appears that the City will be provided with as many different types of software that will coordinate with other towns and probably Tallahassee who's overseeing the entire program. The City will be part of a cybersecurity system that many municipalities are participating in. Unified Techs are in support of the grant application filled out a very long application giving choices as to which defense software they would like. And she believes that they will be working with this program once it is instituted. She added that the City of Stuart did get their award letter last year and they implemented the software through their IT department and Stuart is very pleased with the program.

Manager Mathes added that Unified Techs is the City's IT vendor.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Herrera **SECONDED** by Council Member Salgado to approve Resolution No. 2024-52.

ALL AYES

MOTION CARRIED 5-0

- (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

Mayor Tyson introduced the Resolution and Attorney Perez read Resolution No 2024-01, by title only.

Grant Administrator Laura Hammer stated this Resolution is about creating an anti-fraud, waste, and abuse policy. The city has received or intends to receive a grant award from the Florida Department of Economic Opportunity Office of Disaster Recovery. They in turn receive funds from the United States Department of Housing and Urban Development. Housing and Urban Development requires

that recipients of these grant funds develop certain policies and procedures. And one is to detect and prevent fraud, waste, and abuse as a condition of our grant funding. There were many other policies that also needed to be written and adopted. The City's consultant Ronald Vanzant, who does a lot of Cit's Community Development Block Grant Program items drafted those. This policy is one of the things that need to be adopted so that the City' remains in compliance with the requirements of both the Department of Economic Opportunity and the Housing and Urban Development.

Manager Mathes added that the City had done this many times over the last 20 or 25 years, the City has received Community Development Block Grants. The City has Community Development Block Grants related policies in their standard operating procedures. Seems like every time the City gets a new grant, there is a new grant manager from the state, and they are looking at something new. And it is not like the City does not worry about and looks out for fraud, waste and abuse, the City just does not have a policy that says the do. They drafted this up and it is all about protecting whistleblowers and providing confidentiality in your investigation, it is pretty standard stuff, not too onerous. And again, he does not think they are ever going to need it because they are ethical people here, they do their job right, and should not have to worry about it.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Salgado **SECONDED** by Council Member Hernandez to approve Resolution No. 2024-01.

ALL AYES

MOTION CARRIED 5-0

Mayor Tyson stated that they appreciate the Grant Administrator Laura Hammer for all that she is doing.

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

Manager Mathes stated that he only reports to Council those cases that have actually gone to a violation, he does not bother reporting on courtesy warnings. He discussed that table that included all cased that have gone to Special Master and also those that are waiting to go. A lot of the cases are very old. The cases discussed are still not in compliance. And some are more deleterious to the City than others.

Manager Mathes stated that he is focused only on the cases that were in bold and continued to discuss the violations and showed photos of those specific cases. He stated that what they usually do if they get permission from Council to start a foreclosure process, which is a long process. It's not like the next day they lose their house, the City usually starts with a letter from the City Attorney's office saying, Hey, it's your last chance, the City has done everything they can to get them to come into compliance or if they are in compliance to pay their bill, and if they do not then the City will foreclose. Most of the time they will reach out. He also discussed that if the home is on homestead they City cannot take there house but it would be a court order at that point not a foreclosure and they might take a vehicle or a property somewhere else. The City's goal is not to take their property it is to get them into compliance.

Mayor Tyson asked if the daily fines are still adding up.

Manager Mathes stated that if they do not complaint their daily fines and interest are going up. If they are compliant, their daily fines have stopped, but their interest is still going up. The cases that are 10 years old are going to be over \$100,000 or more. In his 15 years with the City this is the third time he has come to Council asking for foreclosure. He is looking for some guidance and some direction.

Council Member Renick stated yes, and Council Member Herrera agreed that they need to start doing something.

Council Member Salgado asked in regard to homestead are their people living in the house. And can they put something in the water bill.

Manager Mathes stated that if it is homestead, they are supposed to live in the house. They had a brief discussion on which addresses had people living in the homes. And in regard to the putting in the water bill he stated that he thinks that they will get a more fortunate effect by an attorney letter then they would by the water bill. This issues are not city wide, and they usually do not put in water bills if it's not a city-wide issue. He clarified that just because Council authorizes foreclosure, they are going to be foreclosing and Council will be kept up to speed as this comes in. The first step is the letter from the attorney.

Being no further discussion Mayor Tyson entertained a motion.

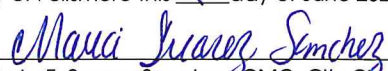
MOTION by Council Member Herrera **SECONDED** by Council Member Hernandez to approve foreclosure on the items in bold on this item.

ALL AYES

MOTION CARRIED 5-0

15. ADJOURNMENT: There being no further business Mayor Tyson adjourned the meeting at 8:09 p.m.

These minutes were approved by the City Council of the City of Fellsmere this 6 day of June 2024



Maria F. Suarez-Sanchez, CMC, City Clerk
CO20240516MINUTES.DOC