



**Mayor**  
ROB MEDINA  
**Deputy Mayor**  
KENNY JOHNSON  
**Councilmembers**  
RANDY FOSTER  
DONNY FELIX

## **AGENDA**

### **Regular Council Meeting 2022-02 Thursday**

**January 20, 2022 - 7:00 PM  
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

#### **CALL TO ORDER:**

#### **INVOCATION:**

1. Reverend Steve Reeves - Cornerstone Church of Palm Bay.

#### **PLEDGE OF ALLEGIANCE:**

#### **ROLL CALL:**

#### **ANNOUNCEMENTS:**

1. Two (2) terms expiring on the Youth Advisory Board (represents 'at-large student' member positions).+
2. Three (3) terms expiring on the Youth Advisory Board (represents 'adult member, 30 years and older' positions).+
3. Two (2) terms expiring on the Planning and Zoning Board (represents 'at-large' positions).+
4. One (1) vacancy on the Youth Advisory Board (represents 'at-large student' member position).++
5. One (1) vacancy on the Disaster Relief Committee.++

#### **AGENDA REVISIONS:**

#### **PRESENTATIONS:**

1. Pastor Ken Delgado, The House Church, honoring the City of Palm Bay for its partnership with the 2021 Family Christmas Extravaganza Event.

#### **PUBLIC COMMENTS/RESPONSES:**

**Public comments will be heard by the City Council on non-agenda issues. Speakers must complete 'Public Comment Cards' (orange) and are limited to three (3) minutes each.**

#### **PUBLIC HEARINGS:**

1. Ordinance 2021-75, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the northeast corner of Pace Drive and St. Johns Heritage Parkway, from Recreation and Open Space Use and Single-Family Residential Use to Multiple-Family Residential Use (96.66 acres) (Case CP-9-2021, Heritage Parkway East Holdings, LLC aka Lennar Homes, LLC), final reading.
2. Ordinance 2022-02, vacating a portion of the rear public utility and drainage easement located within Lots 6 and 7, Block 2602, Port Malabar Unit 49 (Case VE-11-2021, Cynthia and Alfred Bernhofer), final reading.
3. Ordinance 2022-03, vacating a portion of the side public utility and drainage easement located within Lot 21, Block 1998, Port Malabar Unit 42 (Case VE-12-2021, Gary Goodnight), final reading.
4. Ordinance 2022-04, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including canine training and similar uses as a permitted use in LI (Light Industrial and Warehousing District) zoning (Case T-52-2021, Michael Piazzola), final reading.
5. Ordinance 2022-05, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by modifying provisions related to the architectural appeal process (Case T-55-2021, City of Palm Bay), final reading.
6. Ordinance 2022-10, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Code Enforcement Board', by repealing the subchapter in its entirety, final reading.
7. Ordinance 2022-11, amending the Code of Ordinances, Chapter 52, Boards, by creating a new subchapter to be titled 'Code Enforcement Special Magistrate', final reading.
8. Ordinance 2022-12, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by modifying the minimum distribution of benefits and miscellaneous provisions, final reading.
9. Ordinance 2022-13, amending the Fiscal Year 2021-2022 budget by appropriating and allocating certain monies (first budget amendment), final reading.
10. Ordinance 2022-15, vacating a portion of the side public utility and drainage easement located within Lots 27 and 28, Block 9, Port Malabar Holiday Park Unit 1 (Case VE-1-2022, Teresa Linton), first reading.
11. Consideration of a Substantial Amendment to the Program Year 2020-2021 Annual Action Plan, only one hearing required.

## **CONSENT AGENDA:**

**There will be no separate discussion on those items listed under Consent Agenda (indicated with asterisks(\*)). They will be enacted by the City Council on one motion. If discussion is desired by the City Council, that item will be removed from the Consent Agenda by Council and will be considered in the order that it appears on the agenda.**

1. Adoption of Minutes: Regular Council Meeting 2021-33; December 16, 2021.
2. Award of Bid: Road bond paving, Driskell Heights, Florida Avenue, and Farview Subdivision – IFB 06-0-2022 (Ranger Construction Industries - \$1,249,062).
3. Award of Proposal: Investment advisory services – RFP 66-0-2021 – Finance Department (PFM Asset Management - \$39,000 (estimated annually)).
4. Resolution 2022-05, amending Resolution 2021-52, adopting Classification and Pay Plans



and the Position Control Plan for employees of the City of Palm Bay (first amendment).

5. Resolution 2022-06, amending Resolution 2021-53, adopting the Five-Year Capital Improvements Program for Fiscal Years 2021-2022 through 2025-2026 (first amendment).
6. Resolution 2022-07, naming the basketball courts located at Liberty Park as 'Michael-Gene Foundation Basketball Courts'.
7. Ordinance 2022-16, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by modifying definitions to include firefighter longevity pay earned on or after October 1, 2021, first reading.
8. Consideration of the GO Road Bond Paving Program, Phase 4. (CONTINUED FROM 01/06/22 RCM)
9. Request by Pace Drive Holdings, LLC for waiver of certain fees and requirements pursuant to the Code of Ordinances, Chapter 169, Land Development Code, related to the 'Palm Vista Everlands' development.
10. Consideration of designating certain City-owned real estate generally located at 1201 Sunswept Road NE as surplus and listing for sale to the public.
11. Consideration of a SHIP Program funding request for Volunteers of America's Space Coast Commons Apartments special needs low-income housing development (\$100,000).
12. Consideration of utilizing Undesignated Storm Water Fund Balance for funding of commercial site plan engineering review on-call services.

#### **NEW BUSINESS:**

1. Consideration of a purchase offer for City-owned surplus real estate generally located at 1400 Sportsman Lane NE with buyer Wudson Fenelon (\$450,000).
2. Consideration of amending City Council Policies and Procedures by modifying the start time for regular meetings and increasing the number of boards on which individuals may serve.

#### **COMMITTEE AND COUNCIL REPORTS:**

1. Committee/Council Reports

#### **ADMINISTRATIVE AND LEGAL REPORTS:**

**PUBLIC COMMENTS/RESPONSES: Speakers are limited to 3 minutes.**

#### **ADJOURNMENT:**

**Councilmembers who are members of the Space Coast Transportation Planning Organization (TPO) may discuss TPO issues which may subsequently be addressed by the TPO.**

**If an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required, and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.**

**Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the City Clerk which notice shall, at a**

minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the Clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (Section 59.03, Palm Bay Code of Ordinances).

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website or documents contained therein interferes with your ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and your contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

Pursuant to Council Policies and Procedures, members of the public wishing to use electronic media when addressing City Council must provide the electronic file to staff for screening no later than 2:00 P.M. on the day of the meeting; audio presentations must be submitted to the City Clerk at least twenty-four (24) hours prior to the meeting.

**THIS MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE AND TELEVISED ON THE SPACE COAST GOVERNMENT TV CHANNEL.**



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Terese Jones, City Clerk

**DATE:** 1/20/2022

**RE:** Two (2) terms expiring on the Youth Advisory Board (represents 'at-large student' member positions).+

The terms of Alyssa Taylor and Denise Amador on the above board will expire on February 21, 2022.

**REQUESTING DEPARTMENT:**

Legislative

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Request for the terms expiring to be announced and applications solicited at tonight's meeting. Appointments will be made at the regular Council meeting to be held on February 17, 2022.



## **LEGISLATIVE MEMORANDUM**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Terese Jones, City Clerk

**DATE:** 1/20/2022

**RE:** Three (3) terms expiring on the Youth Advisory Board (represents 'adult member, 30 years and older' positions).+

The terms of Jeanne Aubin, Jacqueline Brathwaite-Yearby and Murielle Pamphile on the above board will expire on February 21, 2022.

**REQUESTING DEPARTMENT:**

Legislative

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Request for the terms expiring to be announced and applications solicited at tonight's meeting. Appointments will be made at the regular Council meeting to be held on February 17, 2022.



## **LEGISLATIVE MEMORANDUM**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Terese Jones, City Clerk

**DATE:** 1/20/2022

**RE:** Two (2) terms expiring on the Planning and Zoning Board (represents 'at-large' positions).+

The terms of Richard Hill and Kay Maragh on the above board will expire on February 28, 2022.

**REQUESTING DEPARTMENT:**

Legislative

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Request for the terms expiring to be announced and applications solicited at tonight's meeting. Appointments will be made at the regular Council meeting to be held on February 17, 2022.



## **LEGISLATIVE MEMORANDUM**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Patrick J. Murphy, Acting Growth Management Director

**DATE:** 1/20/2022

**RE:** Ordinance 2021-75, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the northeast corner of Pace Drive and St. Johns Heritage Parkway, from Recreation and Open Space Use and Single-Family Residential Use to Multiple-Family Residential Use (96.66 acres) (Case CP-9-2021, Heritage Parkway East Holdings, LLC aka Lennar Homes, LLC), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

Mr. Greg Pettibon, Lennar Homes, LLC aka Heritage Parkway East Holdings, LLC (Scott Glaubitz, P.E., P.L.S., Rep.) has submitted for a large-scale Comprehensive Plan Future Land Use (FLU) Map Amendment to change 96.66 acres of vacant land from ROS, Recreation and Open Space Use and SFR, Single Family Residential Use to MFR, Multiple-Family Residential Use. Lennar Homes proposes to develop the property with a mixed unit development. The property is located at the northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW.

The proposed land use change will allow for a maximum residential density of 20 units per acre (UPA), with a range of 0-20 UPA. The companion Planned Unit Development request (PD-21-2021) will only permit a maximum of 2.88 UPA. This would result in no more than 840 units. The owner/developer will have the responsibility of extending water and sewer to the site, to prepare a drainage plan for the City and the appropriate agencies to approve. No protected species are known to inhabit the property.

### **REQUESTING DEPARTMENT:**

Growth Management

### **RECOMMENDATION:**

Motion to approve Case CP-9-2021.

### **Planning and Zoning Board Recommendation:**

Unanimous approval of the request.

**ATTACHMENTS:****Description**

Case CP-9-2021 - Staff Report

Case CP-9-2021 - City Traffic Analysis

Case CP-9-2021 - Traffic Statement

Case CP-9-2021 - Application

Case CP-9-2021 - Legal-Sketch

Case CP-9-2021 - Board Minutes

Ordinance 2021-75

Ordinance 2021-75, Exhibit A



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Christopher Balter, Senior Planner

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#### CASE NUMBER

CP-9-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 3, 2021

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#### PROPERTY OWNER & APPLICANT

Heritage Pkwy East Holdings, LLC AKA  
Lennar Homes, LLC (Represented by BSE  
Consultants, Inc)

#### PROPERTY LOCATION/ADDRESS

Part of Tax Parcel 1, Section 21, Township 28, Range  
36, Brevard County, Florida

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#### SUMMARY OF REQUEST

The applicant is requesting a large-scale Comprehensive Plan Future Land Use (FLU) Map Amendment to change 96.66 acres of vacant land from ROS, Recreation and Open Space Use and SFR, Single Family Residential Use to MFR, Multiple-Family Residential Use for Lennar Homes to develop the property with a mixed unit development.

#### Existing Zoning

AU, Agricultural Use (County Zoning)

#### Existing Land Use

Single-Family Residential Use and Recreation and Open Space Use

#### Site Improvements

Undeveloped Land

#### Site Acreage

96.66 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

AU, Agricultural Use (County); Undeveloped Land

##### East

Melbourne-Tillman Canal Number 59

##### South

Pace Drive NW

##### West

St. Johns Heritage Parkway NW

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**BACKGROUND:**

The subject property is located on the northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW. Specifically a portion of Tax 1, Section 21, Township 28, Range 36, of Brevard County Florida. This Comprehensive Plan Future Land Use (FLU) Map Amendment request includes approximately 96.66 acres of land.

In 2004 the subject property was annexed into the City via 2004-37 totaling 584.65 acres. The Future Land Use Map was amended to include the “Palm Vista” property through Ordinances 2004-54. The ordinances established land use categories on the property for Single Family Residential Use, Commercial Use, Multiple Family Residential Use, and Recreation and Open Space Use. In 2016 site-specific conditions were amended to allow for a maximum of 4,000 residential units which stated that they could be placed on the lands of “Palm Vista.” In 2019, FD-28-2019 was approved for a 162-lot subdivision called Palm Vista Everlands, which is currently under construction. The total entitlements encumbered out of 4000 units are as follows: 162 units for Palm Vista Everlands.

**ANALYSIS:**

Per Chapter 183: Comprehensive Plan Regulations; Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

**1. FUTURE LAND USE ELEMENT**

The Comprehensive Plan (Plan) FLU Element Goal FLU-1 is to ensure a high-quality, diversified living environment through the efficient distribution of compatible land uses.

The Comprehensive Plan (Plan) FLU Element Goal FLU-2 is to provide for and maintain viable neighborhoods and residential development to meet the existing and future needs of the residents of Palm Bay.

The Comprehensive Plan (Plan) FLU Element Goal FLU-8 is to provide for a diverse and self-sustaining pattern of land uses that supports the present and future population of the City of Palm Bay.

The Comprehensive Plan (Plan) FLU Element Goal FLU-9 is to create large-scale, sustainable mixed-use communities.

The Multiple Family Residential (MFR) Use future land use category allows for a maximum residential density of 20 units per acre (UPA), with a range of 0-20 UPA. Typical uses allowed include single-family homes, duplexes, multi-family units, congregate living units, recreational uses, and institutional uses such as schools, churches, and utilities.

A companion rezoning request (PD-21-2021) has been applied for and the applicant is requesting the PUD zoning district be applied to the parcel. The provisions of the Preliminary Development Plan submitted will only permit a maximum of 2.88 UPA. This would result in no more than 840 units.

## 2. COASTAL MANAGEMENT ELEMENT

The subject property is not located within the Coastal Management Area.

## 3. CONSERVATION ELEMENT

The environmental character of the City is maintained through conservation, appropriate use, and protection of natural resources.

The subject property is not located within any of the Florida scrub-jay polygons identified in the City's Habitat Conservation Plan (HCP). No other protected species are known to inhabit the subject property. Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.

**Recreation:** The proposed FLU amendment would increase the demand for recreation services as compared to the existing land use. However, the requested use would not exceed the existing parkland or recreational level of service standards for the planning area. It shall be noted that the Recreation and Open Space Element of the City's Comprehensive Plan sets a LOS Standard of 2 acres per 1,000 residents. The city maintains public ownership of park-designated lands that far exceed this requirement.

## 4. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the City. Instead, it will serve to create additional multi-family housing opportunities needed in Palm Bay.

## 5. INFRASTRUCTURE ELEMENT

The City evaluates present and future water, sewer, drainage, and solid waste and assesses the ability of infrastructure to support development.

**Utilities:** The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. Public water and sewerage facilities are available at the site. If developed, the owner/developer will be responsible for extending service to the site in accordance with current City regulations.

**Drainage:** If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management system will be reviewed and approved by the City during the administrative construction plan review process.

## 6. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The proposed FLU amendment to Multiple-Family Use will add housing units. Some impacts to the public-school system area are anticipated; however, considering the adjacent concurrency service areas, there is sufficient capacity.

## 7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community. If developed, a traffic impact analysis will be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the administrative construction plan review process.

## 8. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

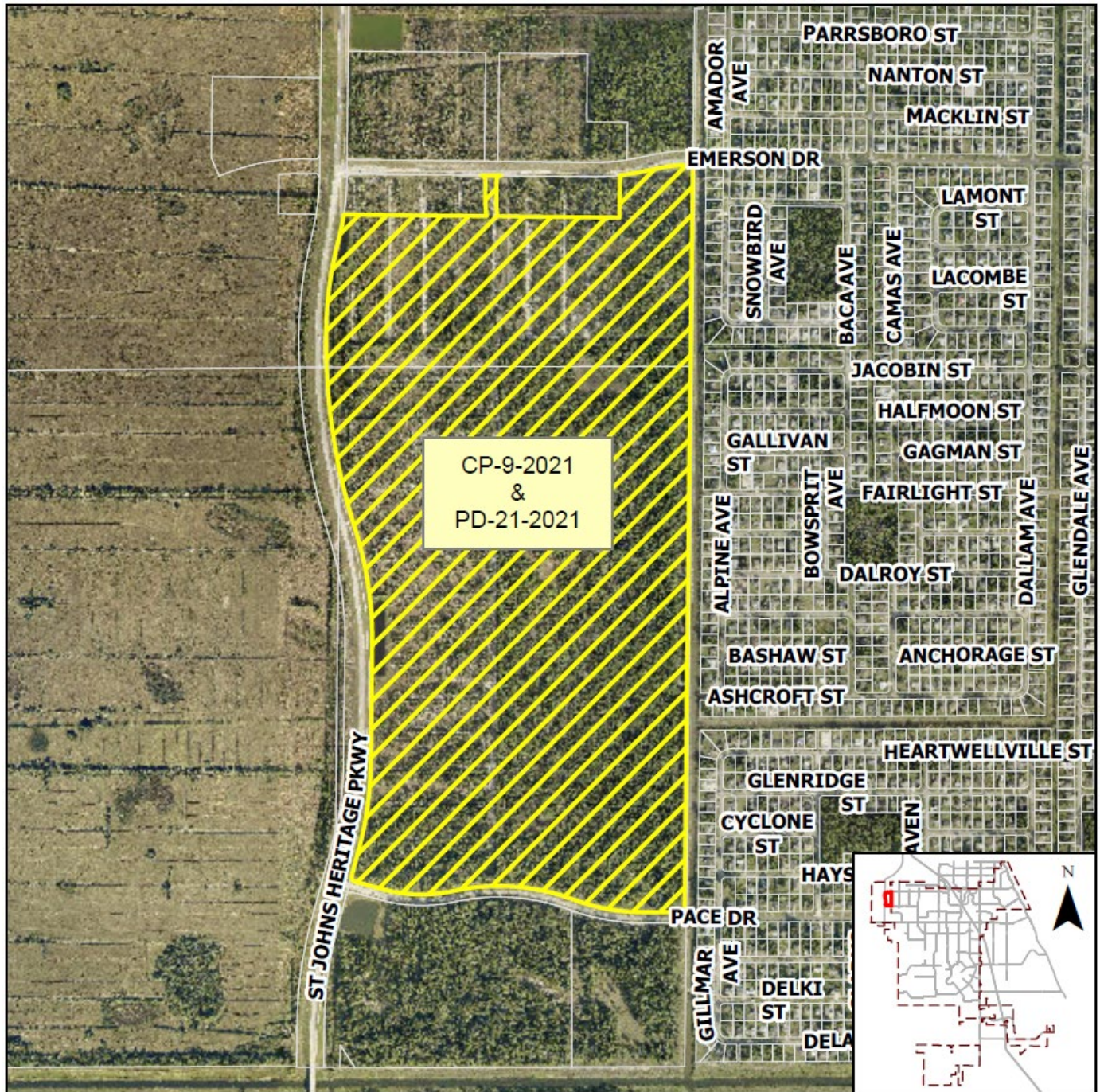
This proposed land use change does not appear to infringe upon the property rights of the applicant.

## **STAFF RECOMMENDATION:**

Case CP-9-2021 is recommended for approval.



*Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.*



## AERIAL LOCATION MAP CASE: CP-9-2021 & PD-21-2021

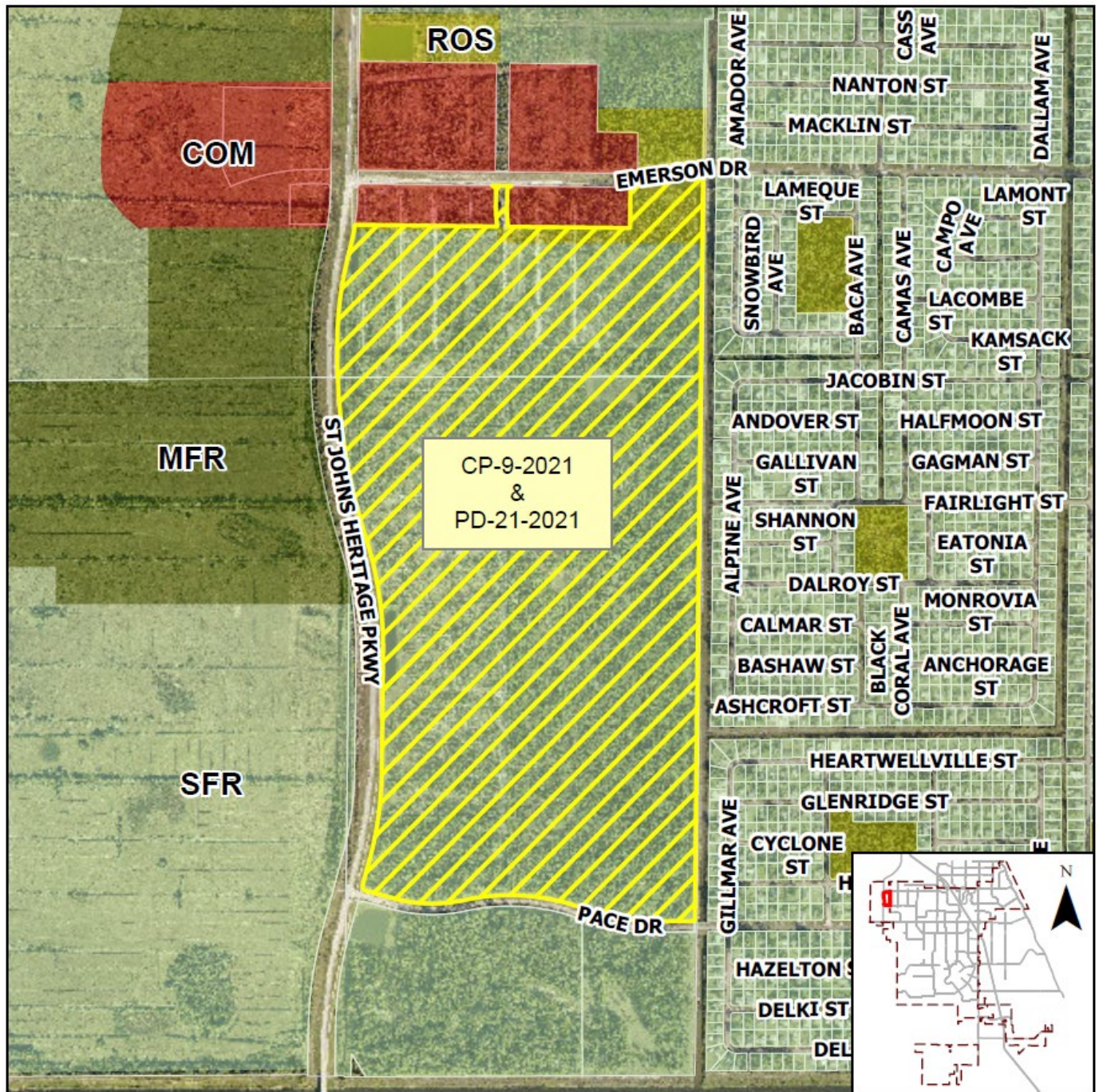
### Subject Property

Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## FUTURE LAND USE MAP CASE: CP-9-2021 & PD-21-2021

### Subject Property

Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW

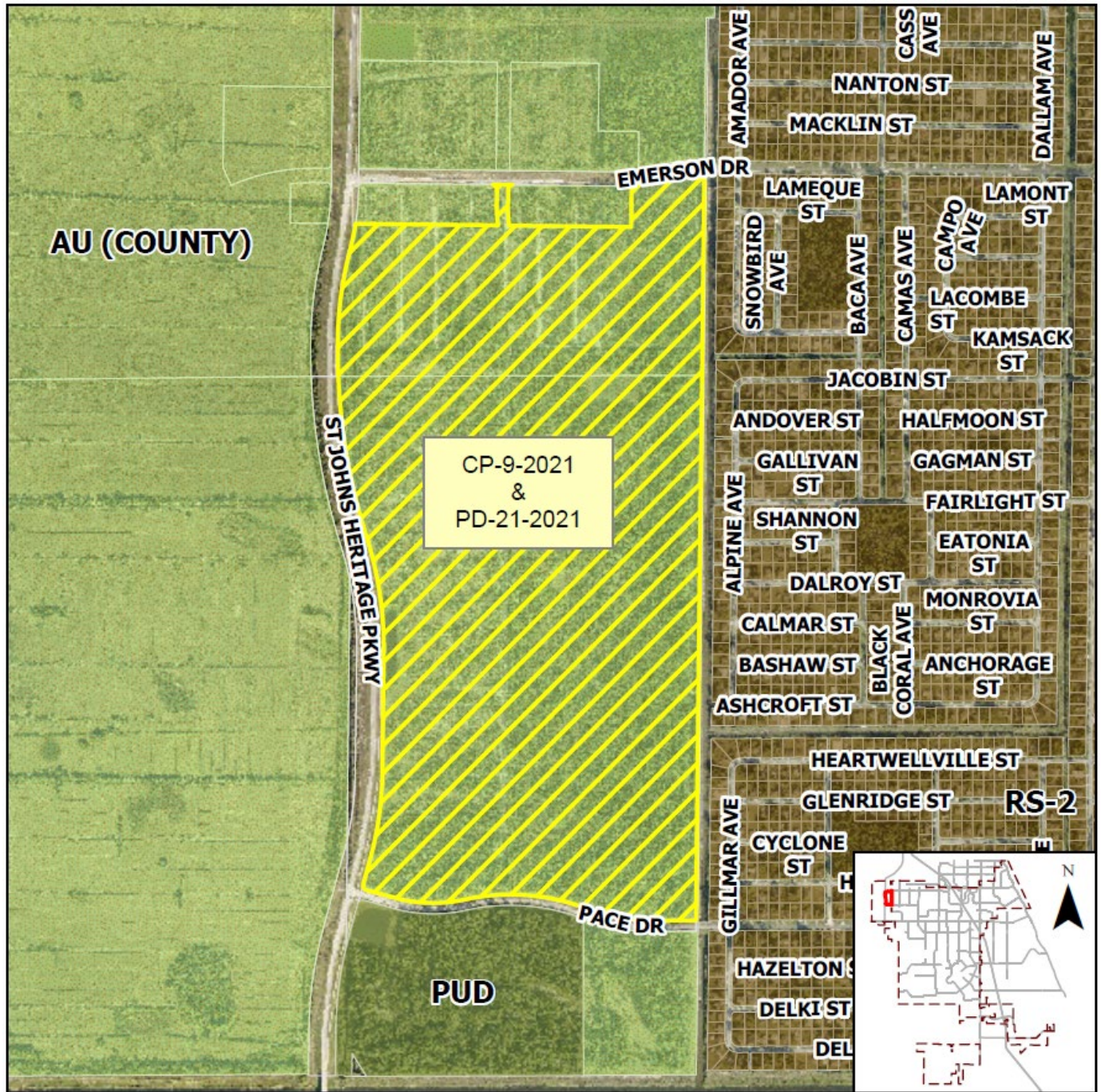
### Future Land Use Classification

SFR – Single Family Residential Use





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP

## CASE: CP-9-2021 & PD-21-2021

### Subject Property

Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW

### Current Zoning Classification

AU – Agricultural Residential Use



## PUBLIC WORKS DEPARTMENT

### Traffic Analysis for Pace Drive

By Frank Watanabe, City Engineer/Traffic Engineer

September 27, 2021

The property is 96.66 acres of vacant recreational and open space to Multiple Family Residential Use in the northwest City of Palm Bay. The applicant is requesting for an amendment to the City Comprehensive Plans and future land use map from Recreational and Open Space to Multiple Family Residential for Future Land Use (FLU). The existing current land use would allow for a maximum use of 1,455 units. The proposed Medley at Everland PUD would allow for of maximum use of 2,905 units.

Pace Drive is classified as a Major Collector Roadway maintained by the City of Palm Bay and latest traffic count collected on Pace Drive from St Johns Heritage Parkway (SJHP) to Glencove Avenue in FY 2018. Average Daily Traffic (ADT) count on Pave Drive for this segment is 2,461 vehicles.

The maximum allowable volume (MAV) is per the FDOT January 2020 Generalized Annual Average Daily Traffic (AADT) for Urbanized Area. Pace Drive from SJHP to Glencove Avenue has an existing posted speed of 40 mph which is considered a Class I roadway with the MAV is identified with 16,800 AADT with the 10% reduction for non-State roadway. Attached is the FDOT Generalize Annual Average Daily Table.

Existing ADT	No. of Lanes	LOS	Max Allowable Volume (MAV)	Available Capacity
2,461	2	C (City)	16,800	14,339

1. Using Peak Hour Trip Rates (ITE 10<sup>th</sup> Edition Trip Generation)  
Residential – Multifamily (Code 220) current with max allowed 1,455 units  
Multifamily (Code 220) proposed with max allowed 2,905 units
2. Analysis of traffic impact
  - a. Current Trips: - 1,455 units x 7.32 = 10,651
  - b. Proposed Trips: - 2,905 units x 7.32 = 21,264
3. Level of Service (LOS)  
The LOS standard for Pace Drive is LOS C per the City's Comprehensive Plan – Transportation Element.

### Finding:

The maximum usage of 2,905 units generate trips exceed the roadway capacity of Pace Drive Street causing a deficient level of service (LOS).



**PALM VISTA MEDLEY AT EVERLANDS**  
**B.S.E. FILE # 10860.600**

**TRAFFIC STATEMENT**

The Palm Vista Medley Everlands total project consists of up to 4,000 residential units including single family townhomes, paired villas, and multi-family townhome units.

Average daily trip generation for this phase is presented below. Peak hour analysis, capture rate, distribution and detailed trip generation to the broader street network will be submitted at development stages of the approval process.

The mix of unit types for this phase is projected as:

± 456 Single Family  
± 234 (4-Unit to 6-Unit Townhomes)  
± 150 Paired Villas  
***TOTAL 840 Units***

Using typical Institute of Transportation Engineers (ITE) trip generation rates, total daily trips generated for the life of this phase of the project are:

840 Single Family Units  
x 4.3 Trips Per Unit (*age restricted*)  
***3,612 Trips***

At some point of development, traffic improvements will be made to accommodate the growth of this area along with Palm Vista Medley Everlands.





## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.org)

# COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. **Large Scale Amendments will require 60 days of review prior to a scheduled Planning and Zoning Board meeting.** The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

### APPLICATION AMENDMENT TYPE:

☐

**Small Scale** (Less than 10 acres)

☐

**Text Amendment** (Comp. Plan)

☒

**Large Scale** (10 acres or more)

### PARCEL ID(S):

28-36-21-00-1 and 28-36-28-00-3

### TAX ACCOUNT NUMBER(S):

2803857 and 3017369

### LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

See attached.

### SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):

+/- 96.66 acres

CITY OF PALM BAY, FLORIDA  
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION  
PAGE 2 OF 3

**LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.):**

Residential Open Space

**LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):**

Multi-Family Residential

**PRESENT USE OF PROPERTY:**

Vacant/Ag

**STRUCTURES LOCATED ON THE PROPERTY:** N/A

**REZONING FILED IN CONJUNCTION WITH THIS APPLICATION:** PUD

**JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary):**

- To provide a transition from single-family residential to the commercial parcels along Emerson.
- To provide a variety of residential home product type with varying price points.

**SPECIFIC USE INTENDED FOR PROPERTY:**

Villa and town home portion of the Medley at Everlands residential project.

**THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:**

☒ \*Application Fee. Make Check payable to "City of Palm Bay."

☐ \$1,200.00 - Small Scale (Less than 10 acres)

☒ \$2,000.00 - Large Scale (10 acres or more)

☐ \$2,000.00 - Text Amendment (Comp. Plan)


CITY OF PALM BAY, FLORIDA  
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION  
PAGE 3 OF 3

- ☐ Boundary Survey for land use amendments.
- ☐ Sketch with legal descriptions of properties covered by this application for land use amendments.
- ☐ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- ☐ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guideline. Staff will provide a sign template.
- ☐ Where the property owner is not the representative for the request, a [LETTER](#) must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative \_\_\_\_\_

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature  Date 6-11-2021

Printed Name Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

Full Address 8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

Telephone 561-345-6704 Email Greg.Pettibon@Lennar.com

**\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

March 26, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Tax Parcel ID: 3017369

I, Owner Name: Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

Address: 8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

Telephone: 561-345-6704

Email: Greg.Pettibon@Lennar.com

hereby authorize: Scott M. Glaubitz, P.E., P.L.S., President (or assigned BSE  
Representative: Representative), B.S.E. Consultants, Inc.

Address: 312 South Harbor City Blvd., Suite 4 Melbourne, FL 32901

Telephone: 321-725-3674

Email: info@bseconsult.com

to represent the request(s) for:

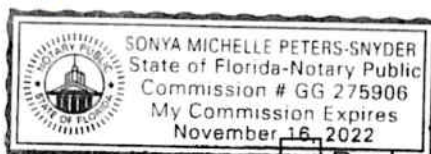
Medley at Everlands - PH1

  
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical  
presence or ☐ online notarization, this 26<sup>th</sup> day of March, 20 21 by  
Greg Pettibon, property owner.



☒ Personally Known or ☐ Produced the Following Type of Identification:

Sonya Michelle Peters-Snyder Notary Public

# THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE

## MEDLEY LAND USE CHANGE AREA

PART OF THOSE LANDS LYING NORTH OF PACE DRIVE, EAST OF ST. JOHNS HERITAGE PARKWAY, SOUTH OF EMERSON DRIVE AND WEST OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, LYING AND BEING IN SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID PACE DRIVE, (AN 80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), AND RUN N00°42'46"E, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, A DISTANCE OF 3662.19 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, N00°42'46"E A DISTANCE OF 362.45 FEET TO THE NORTH LINE OF SAID SECTION 28; THENCE N89°45'59"E, ALONG SAID NORTH LINE AND CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 7.00 FEET; THENCE N00°44'56"E, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1489.36 FEET TO THE SOUTHEAST CORNER OF SAID EMERSON DRIVE, (A 100.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA); THENCE WESTERLY ALONG THE ARC OF THE CURVED SOUTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1390.00 FEET, A CENTRAL ANGLE OF 11°58'18", A CHORD LENGTH OF 289.91 FEET AND A CHORD BEARING OF S84°04'50"W), A DISTANCE OF 290.44 FEET TO THE END OF SAID CURVE; THENCE S78°05'41"W, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 102.96 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1650.00 FEET, A CENTRAL ANGLE OF 05°23'59", A CHORD LENGTH OF 155.45 FEET AND A CHORD BEARING OF S80°47'41"W), A DISTANCE OF 155.50 FEET TO THE NORTHEAST CORNER OF COMMERCIAL PARCELS C-10 THROUGH C-12, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5750, PAGE 7950, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S00°40'06"W, ALONG THE EAST LINE OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12, A DISTANCE OF 312.92 FEET TO THE SOUTHEAST CORNER OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12; THENCE N89°19'54"W, ALONG THE SOUTH LINE OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12, A DISTANCE OF 899.66 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT AND THE SOUTHWEST CORNER OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12; THENCE ALONG THE WEST LINE OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12, THE FOLLOWING 3 (THREE) COURSES AND DISTANCES; 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 910.00 FEET, A CENTRAL ANGLE OF 08°38'41", A CHORD LENGTH OF 137.17 FEET AND A CHORD BEARING OF N03°39'15"W), A DISTANCE OF 137.30 FEET TO THE END OF SAID CURVE; 2) THENCE N00°40'06"E A DISTANCE OF 128.22 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 3) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD LENGTH OF 49.50 FEET AND A CHORD BEARING OF N45°40'06"E), A DISTANCE OF 54.98 FEET TO A CUSP OF CURVE AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE; THENCE N89°19'54"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 150.00 FEET TO A CUSP OF CURVE AND A POINT ON THE BOUNDARY OF COMMERCIAL PARCELS C-13 THROUGH C-16, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5750, PAGE 7950, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID COMMERCIAL PARCELS C-13 THROUGH C-16, THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES; 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD LENGTH OF 49.50 FEET AND A CHORD BEARING OF S44°19'54"E) A DISTANCE OF 54.98 FEET TO THE END OF SAID CURVE; 2) THENCE S00°40'06"W A DISTANCE OF 128.22 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; 3) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 990.00 FEET, A CENTRAL ANGLE OF 07°56'29", A CHORD LENGTH OF 137.11 FEET AND A CHORD BEARING OF S03°18'09"E), A DISTANCE OF 137.22 FEET TO THE SOUTHEAST CORNER OF SAID COMMERCIAL PARCELS C-13 THROUGH C-16; 4) THENCE N89°19'54"W A DISTANCE OF 1052.38 FEET TO THE SOUTHWEST CORNER OF SAID COMMERCIAL PARCELS C-13 THROUGH C-16 AND A NON-TANGENT INTERSECTION WITH THE CURVED EAST RIGHT-OF-WAY LINE OF SAID ST. 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CONTAINING 96.66 ACRES, MORE OR LESS.

## MEDLEY LAND USE CHANGE APPLICATION

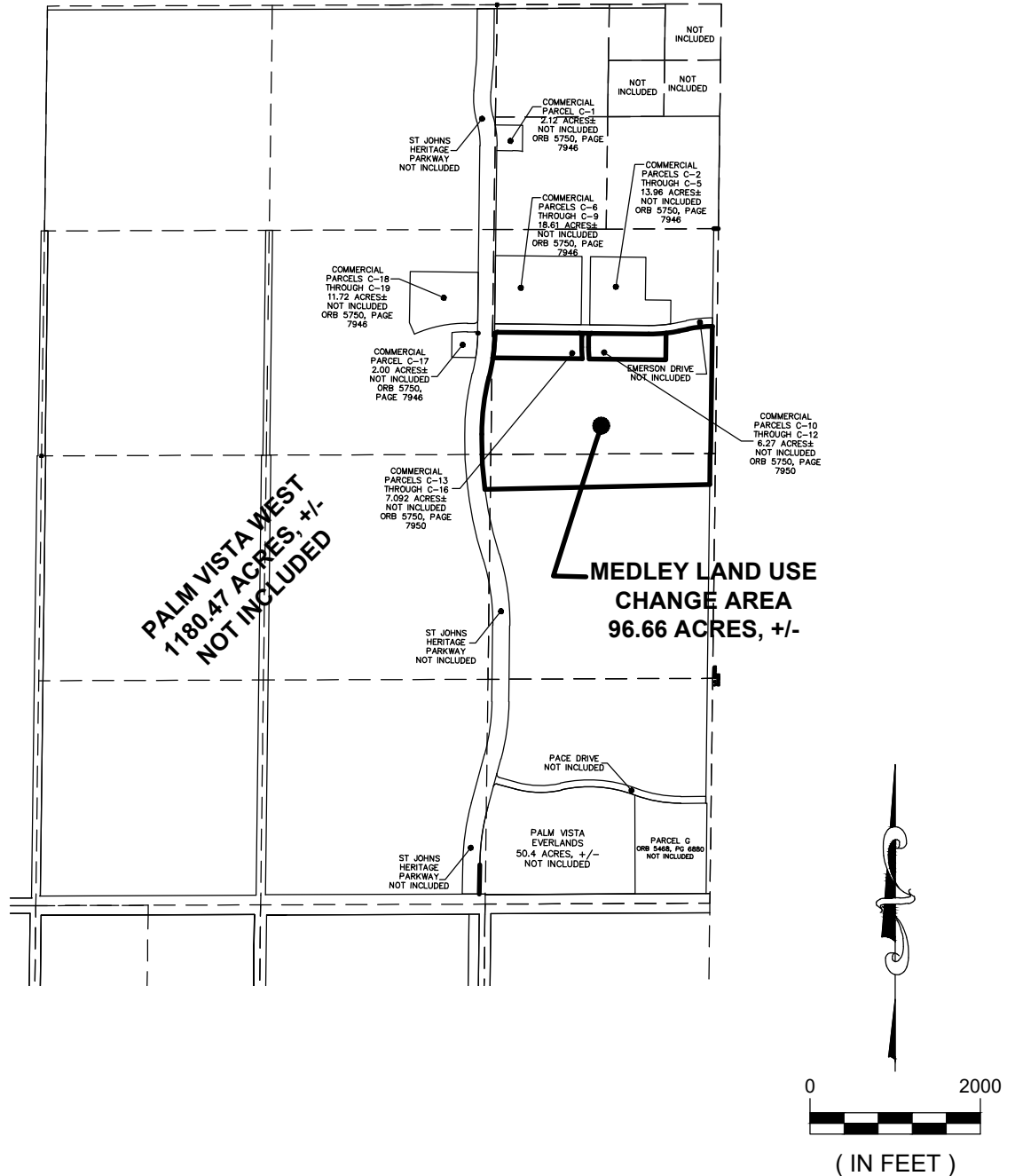
LESLIE E. HOWARD  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA LICENSE NUMBER 5611



**B.S.E. CONSULTANTS, INC.**  
CONSULTING - ENGINEERING - LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901  
PHONE: (321) 725-3674 FAX: (321) 723-1159  
CERTIFICATE OF BUSINESS AUTHORIZATION: 4905  
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 04/29/2021  
DESIGN/DRAWN: LEH  
DRAWING# 10860600\_100\_003  
PROJECT# 10860.600  
SHEET 1 OF 2

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## MEDLEY LAND USE CHANGE APPLICATION



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SHEET 2 OF 2

**CITY OF PALM BAY, FLORIDA**  
**PLANNING AND ZONING BOARD/**  
**LOCAL PLANNING AGENCY**  
**REGULAR MEETING 2021-12**

Held on Wednesday, November 3, 2021, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Philip Weinberg	Present
<b>VICE CHAIRPERSON:</b>	Leeta Jordan	Present
<b>MEMBER:</b>	Donald Boerema	Present
<b>MEMBER:</b>	James Boothroyd	Present
<b>MEMBER:</b>	Richard Hill	Present
<b>MEMBER:</b>	Khalilah Maragh	Present
<b>MEMBER:</b>	Rainer Warner	Present
<b>NON-VOTING MEMBER:</b>	David Karaffa	Present
	(School Board Appointee)	

**CITY STAFF:** Present were Mr. Patrick Murphy, Acting Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

**ADOPTION OF MINUTES:**

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-11 October 6, 2021.**

Motion to approve the minutes as presented.

Cases CP-14-2021 and PD-49-2021 will be heard by City Council on December 16, 2021

**OLD/UNFINISHED BUSINESS:**

1. **CP-9-2021** - Medley at Everlands - Greg Pettibon, Lennar Homes LLC (Scott Glaubitz, P.E., P.L.S., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use and Single-Family Residential Use to Multiple-Family Residential Use. Part of Tax Parcel 1, Section 21, Township 28, Range 36 and Part of Tax Parcel 3, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 96.66 acres. Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW

Mr. Murphy presented the staff report for Case CP-9-2021. Staff recommended Case CP-9-2021 for approval.

Ms. Ana Saunders, P.E. with BSE Consultants, Inc. (representative for the applicant) stated that the north end of the subject site was being slightly modified to allow for villas and townhomes adjacent to Emerson Drive NW. She would work with staff to clarify in the City traffic calculations that the maximum residential units were for 840 proposed units.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case CP-9-2021 to City Council for approval.

Motion by Mr. Hill, seconded by Mr. Boothroyd. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

Case CP-9-2021 will be heard by City Council on November 18, 2021.



## **ORDINANCE 2021-75**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING FUTURE LAND USE MAP; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held a public hearing on an amendment to the Comprehensive Plan on November 3, 2021, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on November 18, 2021, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, submitted the amendment to the Florida Department of Economic Opportunity for review and comment, and

**WHEREAS**, the Florida Department of Economic Opportunity submitted a Comment Report regarding this amendment, and

**WHEREAS**, the City Council of the City of Palm Bay has considered the Comments provided and has addressed all items, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption public hearing on the amendment to the Comprehensive Plan on **(DATE OF HEARING)**, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay desires to adopt said amendment to the Comprehensive Plan of the City of Palm Bay.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Recreation and Open Space Use and Single-Family Residential Use to Multiple-Family Residential Use, which property is legally described herein as Exhibit 'A'.

**SECTION 2.** The Future Land Use Map is hereby changed to reflect this amendment.

**SECTION 3.** All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 5.** This ordinance shall become effective 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance pursuant to Section 163.3184(3)(c)4, Florida Statutes. The Department only issues a final order for Expedited State Review amendments if they are challenged by an affected party.

Read in title only at Meeting 2021- , held on , 2021; and  
read in title only and duly enacted at Meeting 2021- , held on , 2021.

---

Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Heritage Parkway East Holdings, LLC aka Lennar Homes, LLC  
Case: CP-9-2021

cc: (date) Brevard County Property Appraiser  
Applicant  
Case File

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## MEDLEY LAND USE CHANGE AREA

PART OF THOSE LANDS LYING NORTH OF PACE DRIVE, EAST OF ST. JOHNS HERITAGE PARKWAY, SOUTH OF EMERSON DRIVE AND WEST OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, LYING AND BEING IN SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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## MEDLEY LAND USE CHANGE APPLICATION

LESLIE E. HOWARD  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA LICENSE NUMBER 5611



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DESIGN/DRAWN: LEH  
DRAWING# 10860600\_100\_003  
PROJECT# 10860.600  
SHEET 1 OF 2



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Mehul Parekh, Public Works Director

**DATE:** 1/20/2022

**RE:** Ordinance 2022-02, vacating a portion of the rear public utility and drainage easement located within Lots 6 and 7, Block 2602, Port Malabar Unit 49 (Case VE-11-2021, Cynthia and Alfred Bernhofer), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

Alfred and Cynthia Bernhofer has submitted an application to vacate the West 10 feet of the East 20 foot Public Utility and Drainage Easement of Lots 6 & 7, less and except the North 6 foot Public Utility and Drainage Easements of Lot 7, and less and except the South 6 foot Public Utility and Drainage Easements of Lot 6, thereof containing 1480 square feet, more or less, of Lots 6 & 7, Block 2602, Port Malabar Unit 49, according to the Plat thereof, as Recorded in Plat Book 22, Pages 140-167, of the Public Records of Brevard County, Florida, for an inground pool and screen enclosure.

**REQUESTING DEPARTMENT:**

Public Works

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Motion to approve the vacating of easement with conditions per the analysis section of the staff report.

**ATTACHMENTS:**

**Description**

LEGISLATIVE MEMORANDUM - VE-11-2021

Ordinance 2022-02

# **PUBLIC WORKS DEPARTMENT STAFF REPORT**

## **REQUEST TO VACATE EASEMENT**

**PROPOSAL:** Request vacate the West 10 feet of the East 20 foot Public Utility and Drainage Easement of Lots 6 & 7, less and except the North 6 foot Public Utility and Drainage Easements of Lot 7, and less and except the South 6 foot Public Utility and Drainage Easements of Lot 6, thereof containing 1480 square feet, more or less, of Lots 6 & 7, Block 2602, Port Malabar Unit 49, according to the Plat thereof, as Recorded in Plat Book 22, Pages 140-167, of the Public Records of Brevard County, Florida, for an inground pool and screen enclosure.

**LOCATION:** 2151 Day Ave. SW  
(Lots 6 & 7, Block 2602, Port Malabar Unit 49)

**APPLICANT:** Cynthia or Alfred Bernhofer

### **SITE DATA**

**PRESENT ZONING:** RS-2 – Single-Family Residential

**AREA OF VACATING:** 1480 square feet, more or less

<b>ADJACENT ZONING</b>	<b>N</b>	RS-2 – Single-Family Residential
<b>&amp; LAND USE:</b>	<b>E</b>	100' wide Melbourne Tillman Drainage Canal #13
	<b>S</b>	RS-2 – Single-Family Residential
	<b>W</b>	RS-2 – Single-Family Residential

**STAFF ANALYSIS:**

Vacation of Easement is requested to vacate the West 10 feet of the East 20 foot Public Utility and Drainage Easement of Lots 6 & 7, less and except the North 6 foot Public Utility and Drainage Easements of Lot 7, and less and except the South 6 foot Public Utility and Drainage Easements of Lot 6, thereof containing 1480 square feet, more or less, of Lots 6 & 7, Block 2602, Port Malabar Unit 49, according to the Plat thereof, as Recorded in Plat Book 22, Pages 140-167, of the Public Records of Brevard County, Florida, for an inground pool and screen enclosure..

AT&T, Florida Power and Light, Spectrum, Florida City Gas, and Melbourne-Tillman Water District have no objections to the vacating request.

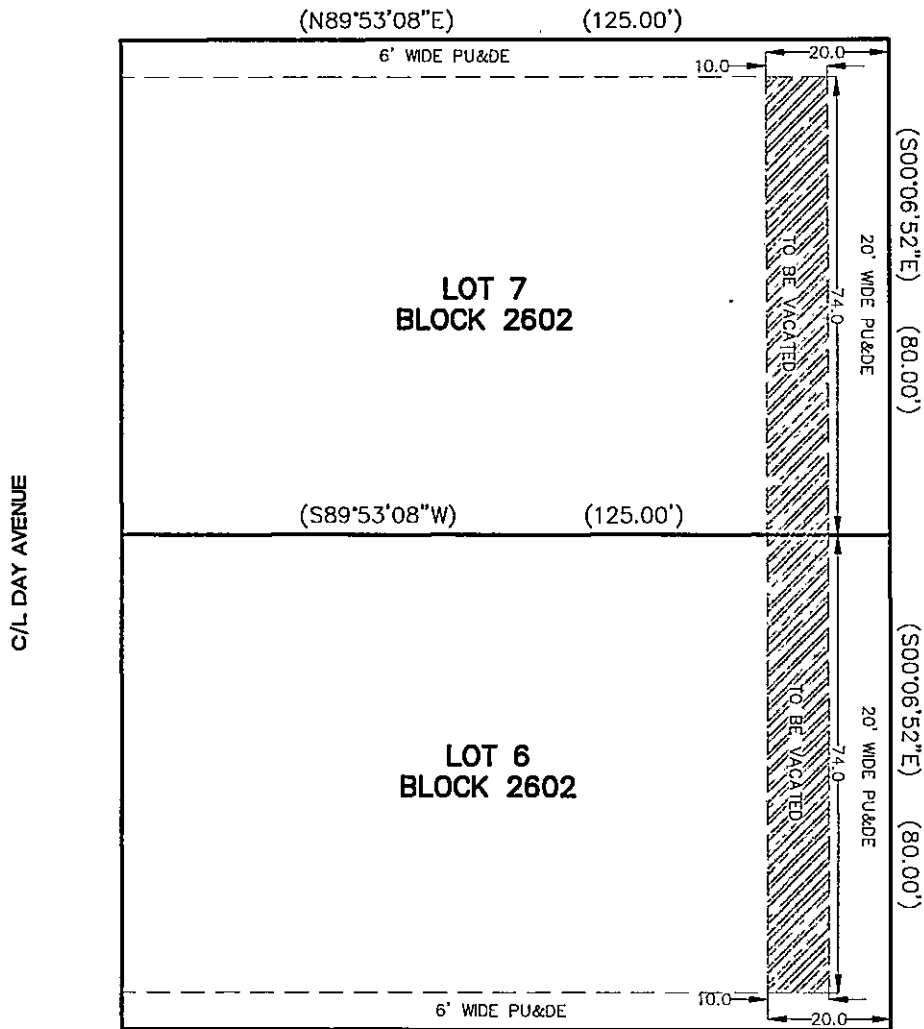
The City of Palm Bay's Departments have the enclosed comments relating to the vacating request. It should be noted that city policy allows for the approval of a vacation request for the first 5 feet, along city owned canals, if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the West 10 feet of the East 20 foot Public Utility and Drainage Easement of Lots 6 & 7, less and except the North 6 foot Public Utility and Drainage Easements of Lot 7, and less and except the South 6 foot Public Utility and Drainage Easements of Lot 6, thereof containing 1480 square feet, more or less, of Lots 6 & 7, Block 2602, Port Malabar Unit 49, according to the Plat thereof, as Recorded in Plat Book 22, Pages 140-167, of the Public Records of Brevard County, Florida, for such an endeavor.

**STAFF RECOMMENDATION:**

Staff recommends approval of the vacating of easement with conditions per the analysis section of this staff report.

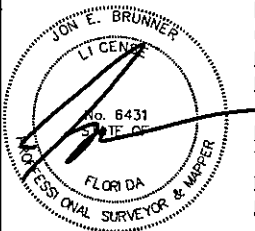
# SKETCH OF DESCRIPTION



## DESCRIPTION (TO BE CONVEYED)

BEING THE NORTH 74.0 FEET OF THE WEST 10.0 FEET OF THE EAST 20 FEET OF LOT 6, BLOCK 2602, PORT MALABAR UNIT FORTY NINE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGES 140 THROUGH 167, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

BEING THE SOUTH 74.0 FEET OF THE WEST 10.0 FEET OF THE EAST 20 FEET OF LOT 7, BLOCK 2602, PORT MALABAR UNIT FORTY NINE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGES 140 THROUGH 167, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



JON E. BRUNNER, FLORIDA PSM 6431  
STATE OF FLORIDA

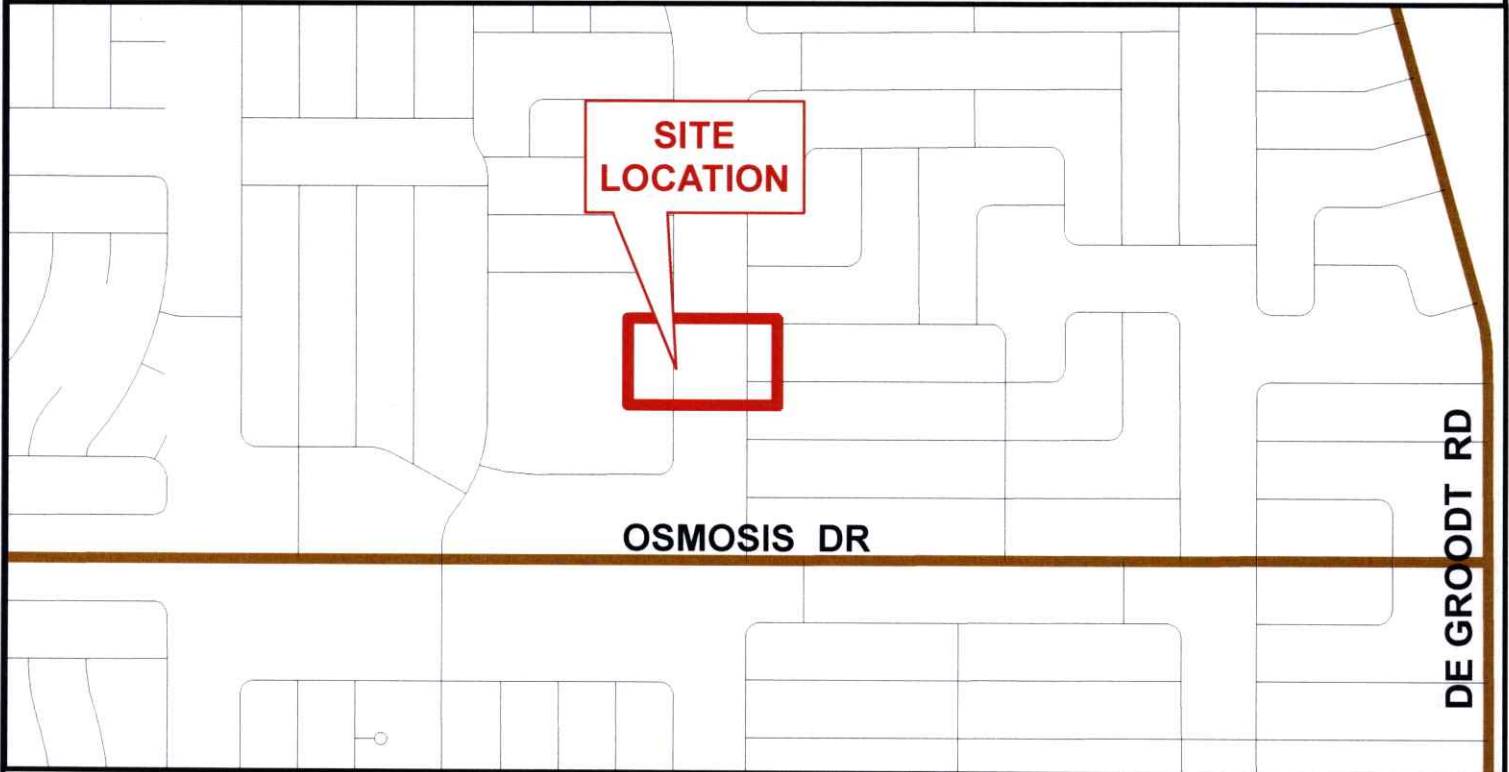
**Jon Brunner**

Digitally signed by Jon Brunner  
Date: 2021.12.16 16:35:38  
-05'00'

DATE: 10/10/21	SECTION 23	PAGE:	<b>BRUNNER-HAGEN, INC.</b> ENGINEERS AND LAND SURVEYORS 801 CAROLIN STREET, MELBOURNE, FL., 32901 PH (321) 728-1961 info@brunner-hagen.com
PROJECT: 831-21	TOWNSHIP 29 S	REVISION:	
SCALE: 1"=30'	RANGE 36 E	REVISION:	
		REVISION:	



# LOCATION MAP

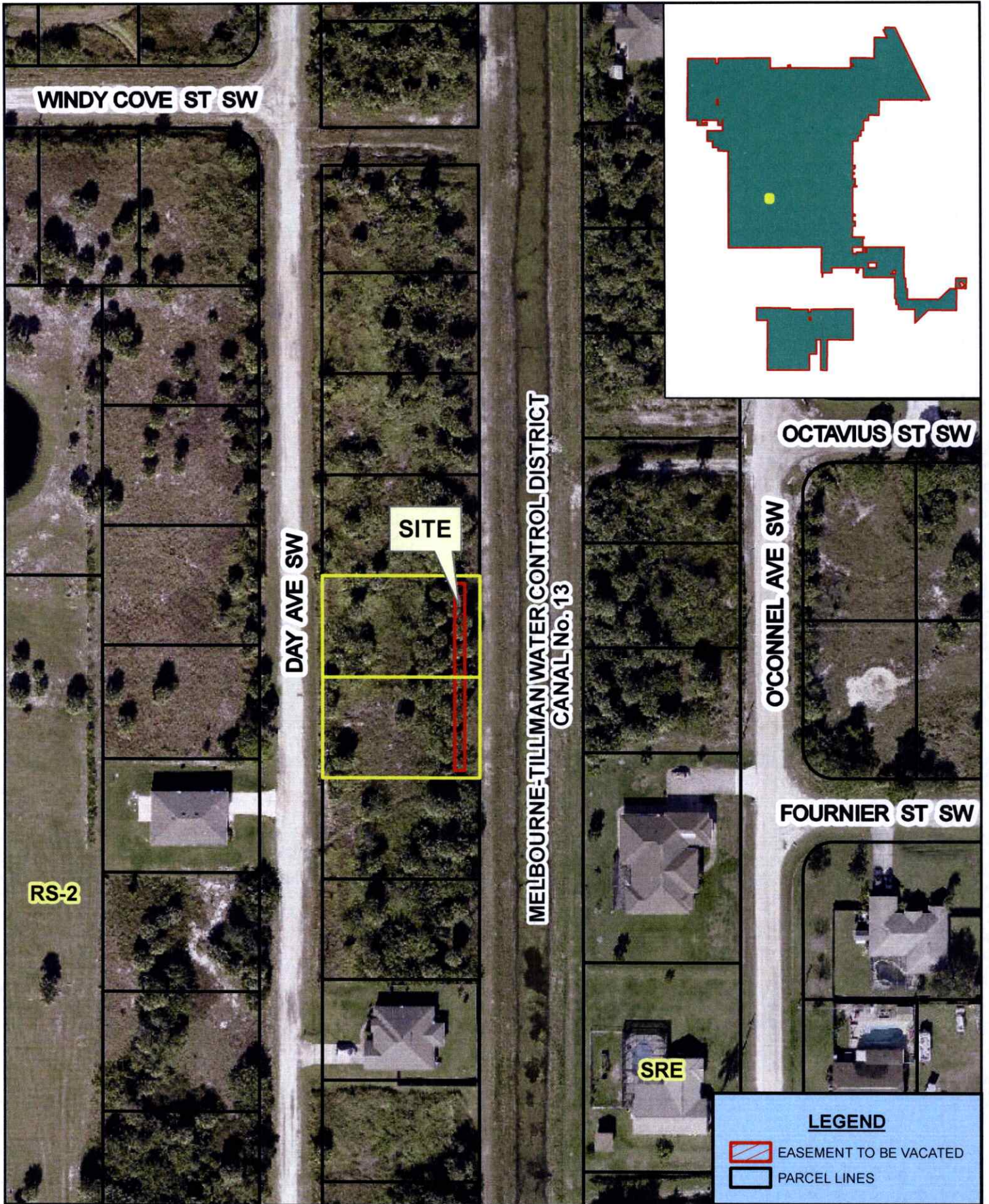


Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on December 21, 2021.

## VE-11-2021

0 25 50 100  
Feet  
1 inch = 100 feet





Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on December 21, 2021.

## LOCATION MAP VE-11-2021

**LEGEND**

- EASEMENT TO BE VACATED
- PARCEL LINES

0 25 50 100 Feet  
1 inch = 100 feet





VE-11-2021

## PUBLIC WORKS DEPARTMENT

1050 MALABAR ROAD SW PALM BAY, FLORIDA 32907

PHONE: (321) 952-3403

EMAIL: [pwpermitting@palmbayflorida.org](mailto:pwpermitting@palmbayflorida.org)

## REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY

This application must be completed, legible, and returned, with all attachments referred to herein, to the Public Works Department, Palm Bay, Florida. The request will then be reviewed by City staff and scheduled before the City Council. A minimum of eight (8) weeks is required to process the application. You or your representative are required to attend the hearing and will be notified by mail of the date and time of the meeting. The meeting will be held at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

Name of Applicant (Please print): Cynthia for Alfred Bernhofer

Address: 353 Abalone Road NW

City: Palm Bay Zip Code: 32907

Phone Number: (321) 927-3858 Business Phone Number: N/A

Fax Number: N/A Email: cbernhofer62@gmail.com  
abernhof@cfl.rr.com

**LEGAL DESCRIPTION, PREPARED BY A CERTIFIED SURVEYOR, OF THAT PORTION OF THE EASEMENT REQUESTING TO BE VACATED UPON WHICH THE ENCROACHMENT IS PROPOSED OR CURRENTLY EXISTS:**

Lot 6 and 7, Block 2602, Port Malabar unit forty nine (49)

2151 Day Ave SW

Section: 23 Township: 29S. Range: 36E.

Size of area covered by this application (calculate acreage): 0.46 acres

Zoning classification at present: X shaded

Which action applying for (easement, drainage): easement

Reason for requesting vacation and intended use: New construction. In-ground pool.

w/ screen enclosure.

If the encroachment currently exists, provide the date that a permit was issued by the Building Division.

---

The following enclosures are needed to complete this application:

1. \$182.00 Application Fee. Make check payable to "City of Palm Bay".
2. List of names and addresses of property owners abutting the lot or parcel within which the easement or drainage right-of-way is located;
3. Copy of plat, map, etc. depicting area location of easement or drainage right-of-way to be vacated.
4. Original notarized letters from the following utility and service companies are required stating whether or not they object to or if there is no interest in the vacating of the easement or drainage right-of-way. If equipment lies within the easement or drainage right-of-way requested for vacation, the applicant shall be responsible for any expenses incurred for relocating same, unless other arrangements have been made with the company.
5. See contacts listed below:

Are you the property owner of record?

☒ Yes

☐ No

If no, a notarized letter from the property owner must be attached giving consent to the applicant to request the vacating.

Contact the Land Development Division (321-733-3042) as to whether a variance is required. If Required, YOU MUST OBTAIN APPROVAL FOR THE VARIANCE PRIOR TO PROCEEDING WITH THE VACATING REQUEST.

☐ Required

☒ Not Required

Land Development Division



Date

9/17/21

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION AND ALL DATA ATTACHED MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE CITY COUNCIL.

**UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

Signature of Applicant



Date

29 Oct 2021

Printed Name of Applicant

## **ORDINANCE 2022-02**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOTS 6 AND 7, BLOCK 2602, PORT MALABAR UNIT 49, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGE 160, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Cynthia and Alfred Bernhofer have requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

**WHEREAS**, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lots 6 and 7, Block 2602, Port Malabar Unit 49, according to the plat thereof as recorded in Plat Book 22, Page 160, of the Public Records of Brevard County, Florida, Section 23, Township 29S, Range 36E, being more particularly described as follows:

Being the north 74.0 feet of the west 10.0 feet of the east 20 feet of Lot 6, Block 2602, Port Malabar Unit 49, according to the plat thereof, recorded in Plat Book 22, Pages 140 through 167, inclusive, of the Public Records of Brevard County, Florida.

AND

Being the south 74.0 feet of the west 10.0 feet of the east 20 feet of Lot 7, Block 2602, Port Malabar Unit 49, according to the plat thereof, recorded in Plat Book 22, Pages 140 through 167, inclusive, of the Public Records of Brevard County, Florida.

Containing 1,480 square feet, more or less.

**SECTION 2.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2022- , held on , 2022; and read in title only and duly enacted at Meeting 2022- , held on , 2022.

---

Rob Medina, MAYOR

ATTEST:

---

Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Cynthia and Alfred Bernhofer  
Case: VE-11-2021

cc: (date) Applicant  
Case File  
Brevard County Recording



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Mehul Parekh, Public Works Director

**DATE:** 1/20/2022

**RE:** Ordinance 2022-03, vacating a portion of the side public utility and drainage easement located within Lot 21, Block 1998, Port Malabar Unit 42 (Case VE-12-2021, Gary Goodnight), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

Gary Goodnight has submitted an application to vacate the East 10 feet of the West 20 foot Public Utility and Drainage Easement, less and except the North 20 foot Public Utility and Drainage Easement, thereof containing 1106 square feet, more or less, of Lot 21, Block 1998, Port Malabar Unit 42, according to the Plat thereof, as Recorded in Plat Book 21, Pages 105-125, of the Public Records of Brevard County, Florida, for a single family home.

**REQUESTING DEPARTMENT:**

Public Works

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Motion to approve the vacating of easement with conditions per the analysis section of the staff report.

**ATTACHMENTS:**

**Description**

LEGISLATIVE MEMORANDUM - VE-12-2021

Ordinance 2022-03



DATE: January 6, 2022  
CASE #: VE-12-2021

# **PUBLIC WORKS DEPARTMENT STAFF REPORT**

## **REQUEST TO VACATE EASEMENT**

**PROPOSAL:** Request vacate the East 10 feet of the West 20 foot Public Utility and Drainage Easement, less and except the North 20 foot Public Utility and Drainage Easement, thereof containing 1106 square feet, more or less, of Lot 21, Block 1998, Port Malabar Unit 42, according to the Plat thereof, as Recorded in Plat Book 21, Pages 105-125, of the Public Records of Brevard County, Florida, for a single family home.

**LOCATION:** 1049 Banks St. NW  
(Lot 21, Block 1998, Port Malabar Unit 42)

**APPLICANT:** Gary Goodnight

## **SITE DATA**

**PRESENT ZONING:** RS-2 – Single-Family Residential

**AREA OF VACATING:** 1106 square feet, more or less

<b>ADJACENT ZONING &amp; LAND USE:</b>	<b>N</b>	100' wide Melbourne Tillman Drainage Canal #67
	<b>E</b>	RS-2 – Single-Family Residential
	<b>S</b>	RS-2 – Single-Family Residential
	<b>W</b>	RS-2 – Single-Family Residential



**STAFF ANALYSIS:**

Vacation of Easement is requested to vacate the East 10 feet of the West 20 foot Public Utility and Drainage Easement, less and except the North 20 foot Public Utility and Drainage Easement, thereof containing 1106 square feet, more or less, of Lot 21, Block 1998, Port Malabar Unit 42, according to the Plat thereof, as Recorded in Plat Book 21, Pages 105-125, of the Public Records of Brevard County, Florida, for a single family home.

AT&T, Florida Power and Light, Spectrum, Florida City Gas, and Melbourne-Tillman Water District have no objections to the vacating request.

The City of Palm Bay's Departments have the enclosed comments relating to the vacating request. It should be noted that city policy allows for the approval of a vacation request for the first 5 feet, along city owned canals, if there are no obvious issues of conflict.

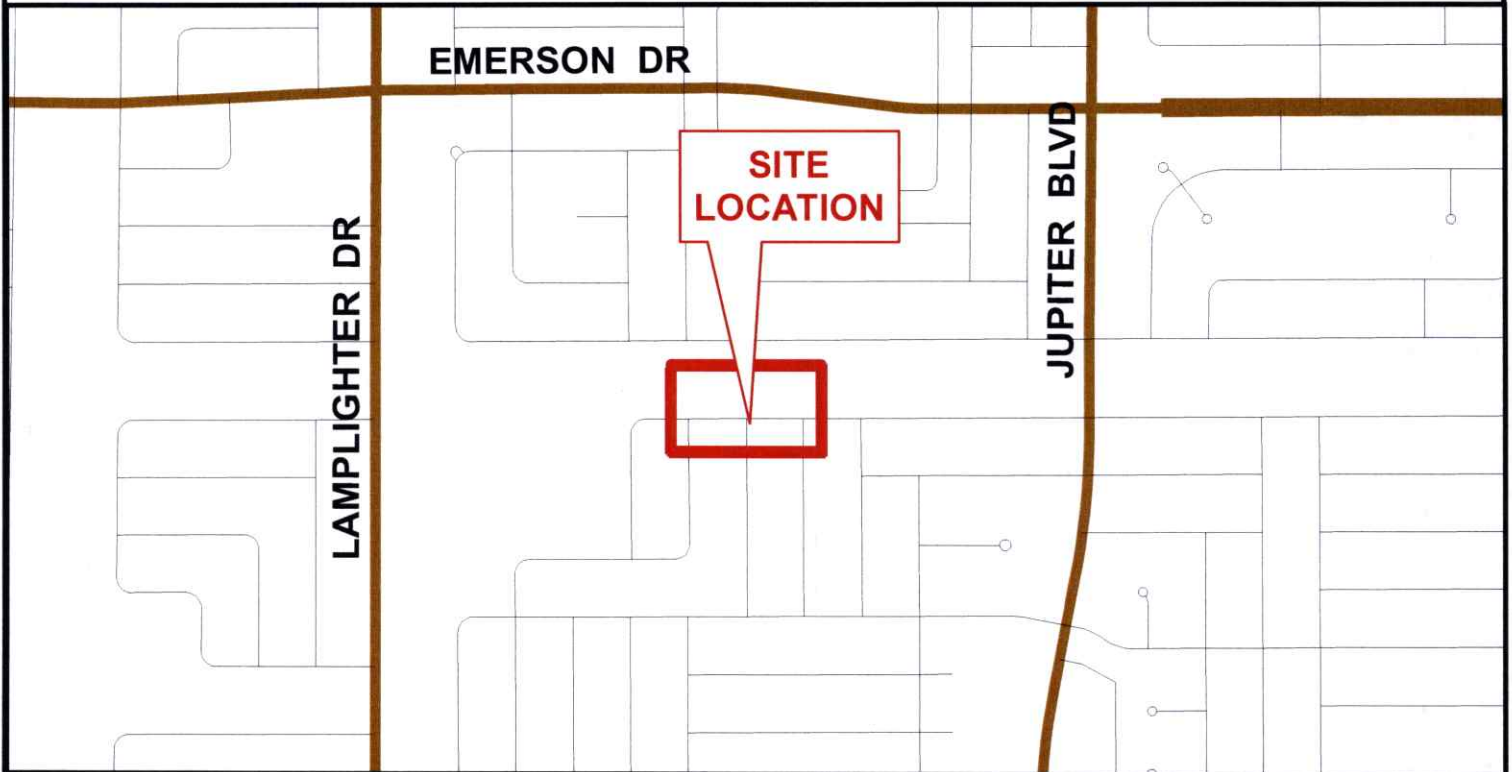
Staff has no adverse comments regarding removal of the East 10 feet of the West 20 foot Public Utility and Drainage Easement, less and except the North 20 foot Public Utility and Drainage Easement, thereof containing 1106 square feet, more or less, of Lot 21, Block 1998, Port Malabar Unit 42, according to the Plat thereof, as Recorded in Plat Book 21, Pages 105-125, of the Public Records of Brevard County, Florida, for such an endeavor.

**STAFF RECOMMENDATION:**

Staff recommends approval of the vacating of easement with conditions per the analysis section of this staff report.



# LOCATION MAP

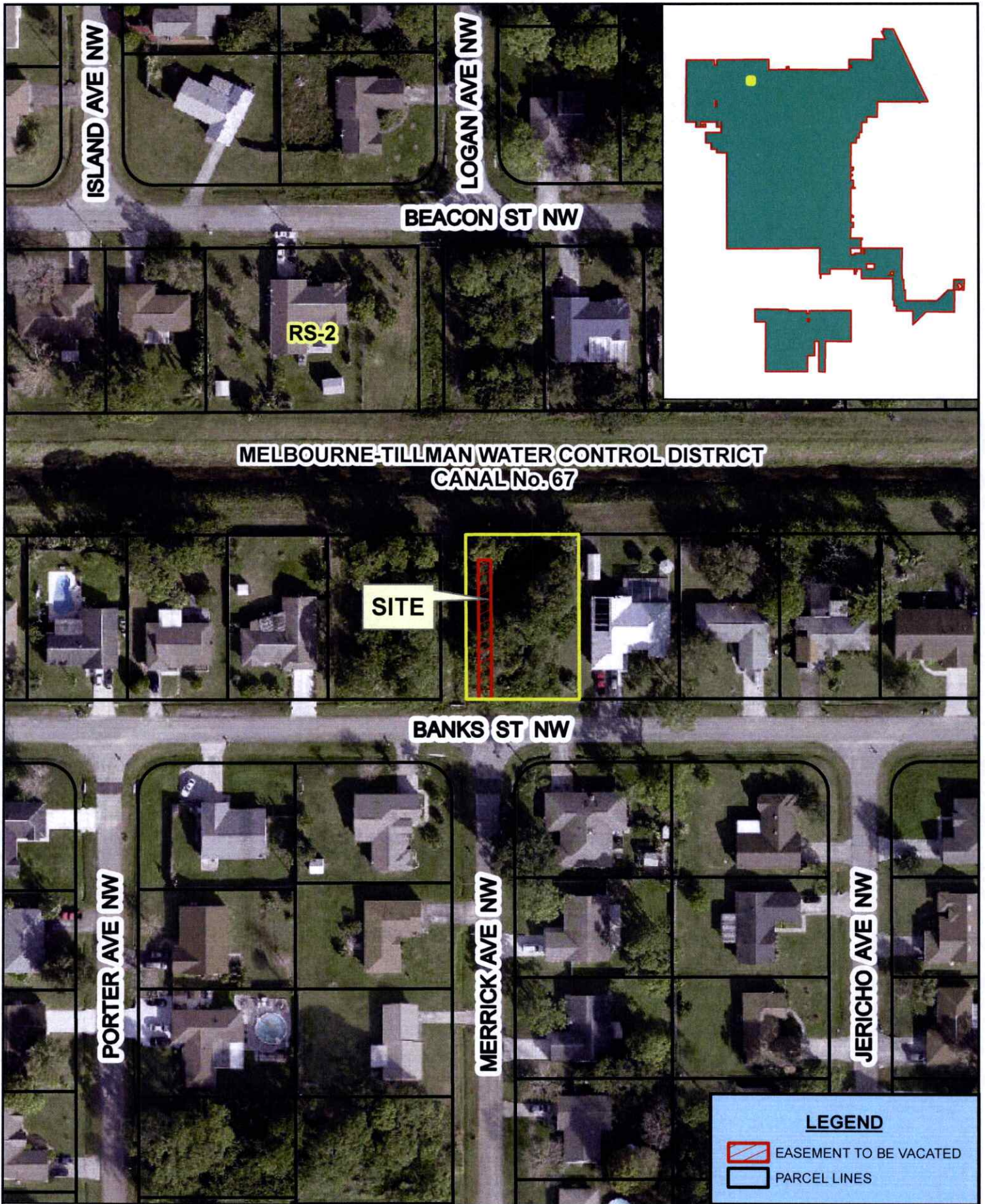


Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on December 21, 2021.

## VE-12-2021

0 25 50 100  
Feet  
1 inch = 100 feet





Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on December 21, 2021.

## LOCATION MAP VE-12-2021

0 25 50 100  
Feet  
1 inch = 100 feet



**DESCRIPTION TO ACCOMPANY SKETCH  
VACATE OF PUBLIC UTILITY AND DRAINAGE EASEMENT  
1049 BANKS STREET NW, PALM BAY, FL 32907**

(NOT VALID WITHOUT SHEETS 1 & 2)

LEGAL DESCRIPTION: VACATE OF PUBLIC UTILITY EASEMENT

A PORTION OF A 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 21, BLOCK 1998, PORT MALABAR UNIT FORTY TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGES 105-125, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 10.00 FEET OF THE WEST 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT. LESS AND EXCEPT THE NORTH 20.00 FOOT WIDE REAR EASEMENT THEREOF LYING WITHIN SAID LOT 21, BLOCK 1998.  
CONTAING 1106 SQUARE FEET OR 0.02 ACRES, MORE OR LESS

SURVEYORS NOTES:

1. THIS DESCRIPTION IS BASED UPON A SURVEY BY GSS SURVEYING & MAPPING, LLC, DATED 10-08-21.
2. THIS SKETCH EXISTS SOLELY FOR THE PURPOSE OF ILLUSTRATING THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED.
3. ALL DIMENSIONS ARE CALCULATED UNLESS OTHERWISE NOTED.
4. THIS SKETCH MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

GSS SURVEYING & MAPPING, LLC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 8006

Date:  
2021.12.16  
10:50:21 -05'00'



PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE

TERRY H. DRUM PROFESSIONAL SURVEYOR AND MAPPER NO. 5597  
OR  
HENRY A. KILBURN, PROFESSIONAL SURVEYOR AND MAPPER NO. 6661

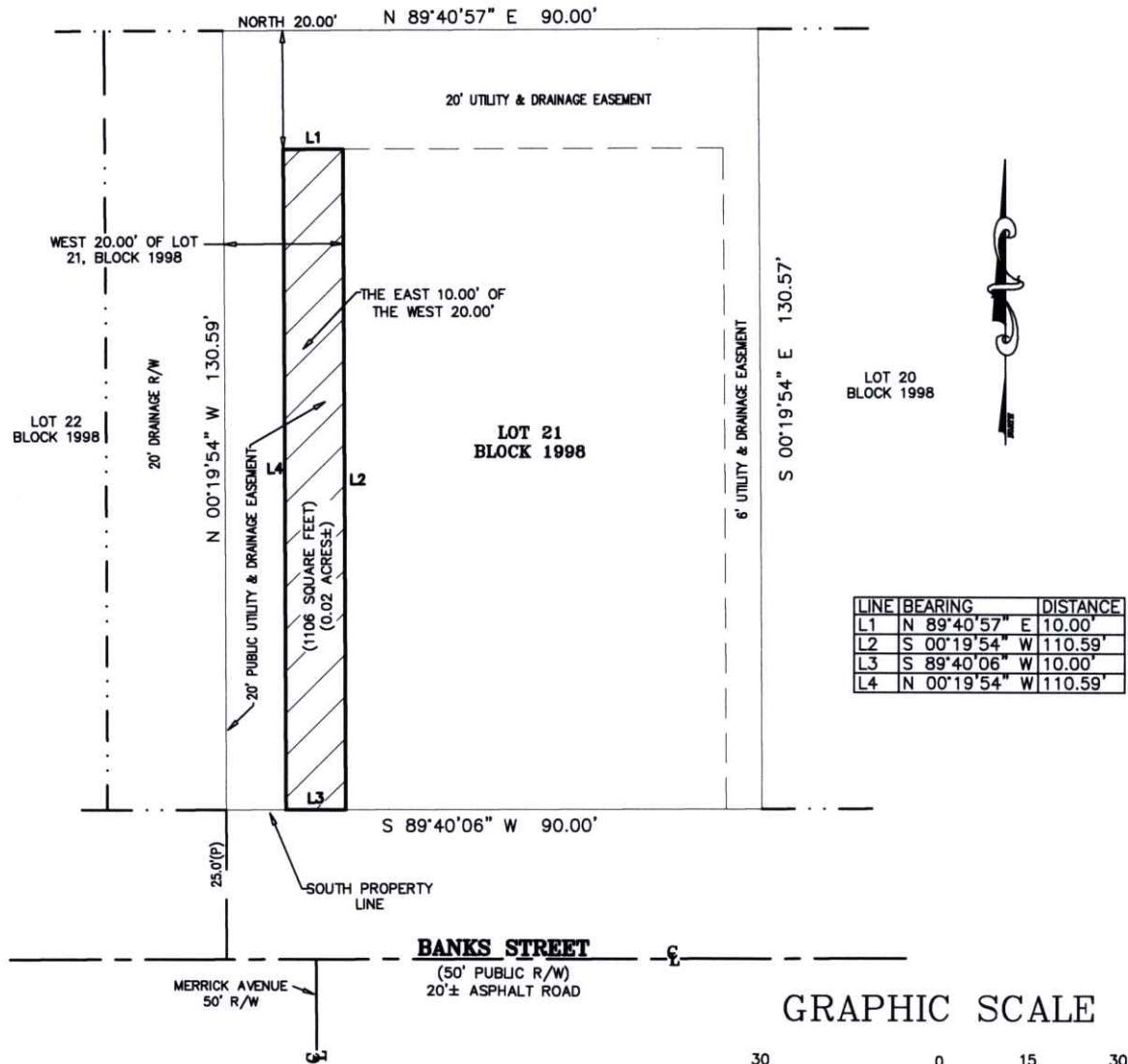
NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OR DIGITAL SIGNATURE  
AND DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOT VALID WITHOUT SHEET 2 OF 2  
THIS IS NOT A BOUNDARY SURVEY

UPDATES and/or REVISIONS	REVISE TITLE	12-16-2021	EAD		
DATE 11-11-2021					PREPARED FOR: GOODNIGHT CONSTRUCTION
JOB #: 21-0946 SKETCH-DESC					
DRAWN BY: EAD					
CHECKED BY: HAK					
FIELD BOOK: N/A					
PAGE: 1 OF 2					
FIELD DATE: N/A					
		GSS Surveying and Mapping, LLC 700 22 <sup>nd</sup> Place Suite 2A Vero Beach, FL 32960 772-696-5300		 GSS Surveying and Mapping, LLC 4620 Lipscomb St NE Suite 2 Palm Bay, FL 32905 321-914-3978	

**SKETCH TO ACCOMPANY DESCRIPTION  
VACATE OF PUBLIC UTILITY AND DRAINAGE EASEMENT  
1049 BANKS STREET NW, PALM BAY, FL 32907  
(NOT VALID WITHOUT SHEETS 1 & 2)**

96' MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 67



SCALE 1:30 (1" = 30')

NOT VALID WITHOUT SHEET 1 OF 2  
THIS IS NOT A BOUNDARY SURVEY

UPDATES and/or REVISIONS				
DATE 11-11-21				PREPARED FOR: GOODNIGHT CONSTRUCTION

JOB #: 21-0946 SKETCH-DESC

DRAWN BY: EAD

CHECKED BY: HAK

FIELD BOOK: N/A

PAGE: 2 OF 2

FIELD DATE: N/A

GSS Surveying and Mapping, LLC

700 22nd Place

Suite 2A

Vero Beach, FL 32960

772-696-5300



GSS Surveying and Mapping, LLC

4620 Lipscomb St NE

Suite 2

Palm Bay, FL 32905

321-914-3978





VE-12-2021

**PUBLIC WORKS DEPARTMENT**  
1050 MALABAR ROAD SW PALM BAY, FLORIDA 32907  
PHONE: (321) 952-3403  
EMAIL: [pwpermitting@palmbayflorida.org](mailto:pwpermitting@palmbayflorida.org)

## REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY

This application must be completed, legible, and returned, with all attachments referred to herein, to the Public Works Department, Palm Bay, Florida. The request will then be reviewed by City staff and scheduled before the City Council. A minimum of eight (8) weeks is required to process the application. You or your representative are required to attend the hearing and will be notified by mail of the date and time of the meeting. The meeting will be held at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

Name of Applicant (Please print): GARY GOODNIGHT  
Address: 1233 HALBER AVE NW  
City: PALM BAY Zip Code: 32907  
Phone Number: 321-795-4707 Business Phone Number: N/A  
Fax Number: N/A Email: ggoodnight@CFL.RR.com

**LEGAL DESCRIPTION, PREPARED BY A CERTIFIED SURVEYOR, OF THAT PORTION OF THE EASEMENT REQUESTING TO BE VACATED UPON WHICH THE ENCROACHMENT IS PROPOSED OR CURRENTLY EXISTS:**

1049 Banks St. NW  
Lot 21, Block 1998, PMU 42

Section: 26 Township: 28 Range: 36

Size of area covered by this application (calculate acreage): .27

Zoning classification at present: RS-2

Which action applying for (easement, drainage): \_\_\_\_\_

Reason for requesting vacation and intended use: BUILD OF SINGLE

FAMILY HOME

If the encroachment currently exists, provide the date that a permit was issued by the Building Division.

---

The following enclosures are needed to complete this application:

- ① \$182.00 Application Fee. Make check payable to "City of Palm Bay".
2. List of names and addresses of property owners abutting the lot or parcel within which the easement or drainage right-of-way is located;
3. Copy of plat, map, etc. depicting area location of easement or drainage right-of-way to be vacated.
4. Original notarized letters from the following utility and service companies are required stating whether or not they object to or if there is no interest in the vacating of the easement or drainage right-of-way. If equipment lies within the easement or drainage right-of-way requested for vacation, the applicant shall be responsible for any expenses incurred for relocating same, unless other arrangements have been made with the company.
5. See contacts listed below:

Are you the property owner of record? ☐ Yes ☒ No

If no, a notarized letter from the property owner must be attached giving consent to the applicant to request the vacating.

Contact the Land Development Division (321-733-3042) as to whether a variance is required. If Required, YOU MUST OBTAIN APPROVAL FOR THE VARIANCE PRIOR TO PROCEEDING WITH THE VACATING REQUEST.

☐ Required ☐ Not Required

Land Development Division \_\_\_\_\_ Date \_\_\_\_\_

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION AND ALL DATA ATTACHED MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE CITY COUNCIL.

**UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

Signature of Applicant \_\_\_\_\_

Date 11/15/21

Printed Name of Applicant \_\_\_\_\_

11/9/, 2021

Re: Letter of Authorization

As the property owner of the site legally described as \_\_\_\_\_  
1049 Banks St. NW, Palm Bay, FL 32907

I hereby authorize Gary Goodnight  
to represent my Vacate of Easement application for said property.

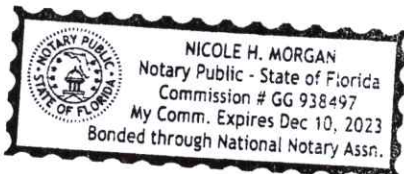
[Signature]  
(Signature)

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 11-9-, 2021.  
by NOAH CHAUSEN, who is personally known by me or  
who has produced FIDL as identification,  
and who did / /did not    take an oath.

(SEAL)

[Signature]  
\_\_\_\_\_, Notary Public  
Serial No. GG 938477  
My commission expires 12.10.2023





## **ORDINANCE 2022-03**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE SIDE TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 21, BLOCK 1998, PORT MALABAR UNIT 42, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 111, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Gary Goodnight has requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

**WHEREAS**, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City Council of the City of Palm Bay hereby vacates and abandons a portion of the side public utility and drainage easement located within Lot 21, Block 1998, Port Malabar Unit 42, according to the plat thereof as recorded in Plat Book 21, Page 111, of the Public Records of Brevard County, Florida, Section 26, Township 28S, Range 36E, being more particularly described as follows:

The east 10.00 feet of the west 20.00 foot wide public utility and drainage easement, less and except the north 20.00 foot wide rear easement thereof lying within said Lot 21, Block 1998; containing 1,106 square feet or 0.02 acres, more or less.

**SECTION 2.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2022- , held on , 2022; and read in  
title only and duly enacted at Meeting 2022- , held on , 2022.

---

Rob Medina, MAYOR

ATTEST:

---

Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Gary Goodnight  
Case: VE-12-2021

cc: (date) Applicant  
Case File  
Brevard County Recording



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Patrick J. Murphy, Assistant Growth Management Director

**DATE:** 1/20/2022

**RE:** Ordinance 2022-04, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including canine training and similar uses as a permitted use in LI (Light Industrial and Warehousing District) zoning (Case T-52-2021, Michael Piazzola), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

Mr. Michael Piazzola (Barbara Davis, Rep.) has submitted for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to allow for canine training and similar uses, as a Permitted Use in the LI, Light Industrial and Warehousing District.

The proposed amendment will allow the applicant to move their operation, Indian River Dog Training Club, into a light industrial building on Robert J. Conlan Boulevard NE. Staff has drafted the amendment to best suit the applicant with consideration of the intent of the LI district. The amendment creates the ability to locate canine training facilities on LI property that is not within a multi-tenant building and with no overnight boarding of animals. Also of note, any permitted use in an LI district of five or more acres currently requires conditional use approval.

### **REQUESTING DEPARTMENT:**

Growth Management

### **RECOMMENDATION:**

Motion to approve Case T-52-2021.

### **Planning and Zoning Board Recommendation:**

Unanimous approval of the request.

**ATTACHMENTS:****Description**

Case T-52-2021 - Staff Report

Case T-52-2021 - Application

Case T-52-2021 - Board Minutes

Ordinance 2022-04



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

#### Prepared by

Patrick J. Murphy, Acting Growth Management Director

---

#### CASE NUMBER

T-52-2021

#### PLANNING & ZONING BOARD HEARING DATE

December 1, 2021

---

#### APPLICANT

Michael Piazzola

#### PROPERTY LOCATION/ADDRESS

Not Applicable

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#### SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to allow for Canine Training and similar uses, as a Permitted Use in the LI – Light Industrial and Warehousing District.

##### Existing Zoning

Not Applicable

##### Existing Land Use

Not Applicable

##### Site Improvements

Not Applicable

##### Site Acreage

Not Applicable

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#### SURROUNDING ZONING & USE OF LAND

##### North

Not Applicable

##### East

Not Applicable

##### South

Not Applicable

##### West

Not Applicable

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**BACKGROUND:**

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.045 LI – Light Industrial and Warehousing District, creating 185.045(B)(15).

The applicant for this amendment is Michael Piazzola of the Indian River Dog Training Club, Inc. The applicant is looking to move the club into a building at 1651 Robert J. Conlan Blvd NE. The intended site is zoned LI – which does not allow for the proposed facility.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strikethrough~~ format.

**ANALYSIS:**

The zoning code is based on and has been adopted to effectuate and implement the policies of the city comprehensive plan to protect, preserve and improve the public health, safety, order, appearance, convenience, and welfare of the inhabitants of the city.

The provisions of the Light Industrial and Warehousing district are intended to apply to an area which can serve light manufacturing, warehousing, distribution, wholesaling and other light industrial functions for the city and the region. Lot sizes and other restrictions are intended to ensure sufficient open space and minimize adverse impacts of industrial uses off site and to nonindustrial uses.

While the applicant has proposed the text amendment for Canine Training and similar uses, as a Permitted Use the Light Industrial District, staff has drafted this amendment to be best suited for this proposed use, with consideration of the purpose of the zoning ordinance and the intent of the Light Industrial District.

The amendment would create the ability to locate a Canine Training Facility on a property with LI zoning, subject to the following: (1) The business cannot operate within a multi-tenant building; and (2) There may be no overnight boarding of animals. These provisions are included for the health and safety of the occupants of such a facility, as well as the occupants of adjacent businesses. It should be noted that any permitted use on a property zoned LI that includes five (5) or more acres, would require conditional use approval.

The applicant's proposed location is a "stand-alone" building on less than one (1) acre.

**STAFF RECOMMENDATION:**

Case T-52-2021 is recommended for approval.

## TITLE XVII: LAND DEVELOPMENT CODE

### CHAPTER 185: ZONING CODE

#### § 185.045 LI — LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT.

(A) *Intent.* The provisions of this district are intended to apply to an area which can serve light manufacturing, warehousing, distribution, wholesaling and other light industrial functions for the city and the region. Lot sizes and other restrictions are intended to ensure sufficient open space and minimize adverse impacts of industrial uses off site and to nonindustrial uses.

(B) *Principal uses and structures:*

- (1) Warehousing within an enclosed structure.
- (2) Wholesaling within an enclosed structure.
- (3) Dry cleaning and laundry plants, printing plants, welding shops, machine shops, taxidermists and similar service and repair establishments and uses.
- (4) Light manufacturing, processing and assembly including precision manufacturing, electrical machinery, instrumentation, bottling plants, dairy products plants, bakeries, fruit packing and similar uses.
- (5) Building materials supply and storage, provided that any outside display and/or storage area shall be screened on all sides to avoid any deleterious impact on adjacent properties; includes contractor storage yards.
- (6) Automotive, truck, major recreational equipment and mobile home sales, storage and repair establishment including, body shops, dry docking facilities, paint shops, upholstery shops and similar uses provided that outside storage of vehicles not for sale shall be effectively screened on four (4) sides so as to avoid off-site visual impacts.
- (7) Vocational and trade schools.
- (8) Veterinary hospitals and clinics including boarding of animals.
- (9) Radio or television transmitter, towers or broadcasting facilities.
- (10) Research and development facilities provided all activities are within an enclosed structure.
- (11) Public utility equipment and facilities.
- (12) Public uses.

(13) Communication towers and facilities.

(14) Medical Recycling Facility.

>>(15) Canine training and similar uses, subject to the following:

(a) The business cannot operate within a multi-tenant building; and

(b) There may be no overnight boarding of animals.<<

(C) *Accessory uses and structures:*

(1) Customary accessory uses clearly incidental and subordinate to one (1) or more principal uses.

(2) Retail sales of products manufactured, processed or stored on the premises, provided the sales area constitutes no more than 15% of the total area of the space occupied by the business.

(3) Offices clearly accessory to one (1) or more principal uses.

(D) *Conditional uses.*

(1) Automotive fuel, propane, and natural gas dispensaries and refueling stations subject to the following provisions:

(a) Location of facilities: All pumps, storage tanks and other service island equipment shall be at least twenty (20) feet from all property lines, fifteen (15) feet from any building and one hundred (100) feet from the nearest residentially owned land. No pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.

(b) Liquid gasoline, liquid kerosene, or liquid diesel fuels may be stored onsite for use by the operator of the property and stored onsite for offsite delivery to the general public, and stored, dispensed, and sold onsite to the general public for onsite sales of such substances.

(c) Liquid and non-liquid propane, and liquid and non-liquid natural gas and other petroleum-based fuel products (including liquid gasoline, liquid kerosene, or liquid diesel fuel) may be stored onsite for the use of the operator of the property, stored and sold onsite for offsite delivery to the general public, and stored, dispensed, and sold onsite to the general property.

(d) The proposed use will not constitute a nuisance or hazard because of vehicular travel movement, delivery of fuel movement, noise or fume generation.



(e) Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§ [176.01](#) *et seq.*

(2) Freight handling and transportation terminals.

(3) Planned industrial developments including office and business parks.

(4) Corrections facilities subject to the following:

(a) Minimum area required: 20 acres.

(b) Shall not be located within 1,000 feet of any residentially zoned property.

(5) Public and private schools.

(6) Tree and Landscape Recycling, subject to the following:

(a) A minimum lot size of 5 acres;

(b) An 8-foot opaque fence or wall surrounding the site on all sides;

(c) A 100-foot setback between any property line and any operation of tree or landscape recycling machinery (with the exception of vehicle or product storage);

(d) A 250-foot buffer between any residentially zoned land and any operation of tree or landscape recycling machinery (with the exception of vehicle or product storage);

(e) Tree and Landscape Recycling operations restricted to 8:00 a.m. to 6:00 p.m.;

(f) Strict adherence to Maximum Permissible Sound Levels for Industrial Land, as set forth in Table 1 of Section 92.06 of the Palm Bay Code of Ordinances.

(E) *Prohibited uses and structures:*

(1) All uses not specifically or provisionally permitted herein.

(F) *Lot and structure requirements:*

(1) Minimum lot area — twenty thousand (20,000) square feet.

(2) Minimum lot width — one hundred (100) feet.

(3) Minimum lot depth — two hundred (200) feet.

(4) Maximum building coverage — fifty percent (50%).

(5) Minimum floor area — None.

(6) Maximum height — one hundred (100) feet.

(7) Minimum yard requirements:

(a) Front — forty (40) feet minimum building setback, parking areas may be located in the front yard except within ten (10) feet of the front lot line.

(b) Side interior — twenty (20) feet minimum building setback. Parking areas may be located in the side yard except within ten (10) feet of the side lot line.

(c) Side corner — twenty-five (25) feet minimum building setback. Parking areas may be located in the side corner yard except within ten (10) feet of the side corner lot line.

(d) Rear — twenty-five (25) feet.

(8) An eight (8) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this zoning code.



### LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

Landdevelopment@palmabayflorida.org

## CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

### ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

185.045(B)(15)

### PROPOSED LANGUAGE (attach addendum if necessary):

see attached  
or

### JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

A Dog Training club, the objectives of this club is to Promote the training of Dogs, Conduct classes for the training of Dogs and their handlers, Encourage training of Judges, Hold and support trials, test, exhibitions, and matches under the rules and regulations of the American Kennel Club. This type of Warehouse Facility will benefit the club greatly in fulfilling its mission and vision of the future.

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☒ \*\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant Michael Piazzola Date 10-18-2021

Printed Name of Applicant MICHAEL PIAZZOLA

Full Address 1574 Nebraska St, NE. Palm Bay FL 32907

Cell Telephone 321-543-3451 Email LittleLuvbucket@Gmail.Com

PERSON TO BE NOTIFIED (If different from above):

Printed Name Barbara Davis

Full Address 1480 Meadowbrook Rd NE P.B. 32905

Telephone 407-719-1219 Email dillardbed@aol.com

\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

RECEIVED

OCT 18 2021

City of Palm Bay  
LAND DEVELOPMENT

GT  
185.014(B)

(15) Canine Training and similar uses, subject to the following:

- (a) The business cannot operate within a multi-tenant building;
- (b) No overnight boarding of animals.

**CITY OF PALM BAY, FLORIDA**  
**PLANNING AND ZONING BOARD/**  
**LOCAL PLANNING AGENCY**  
**REGULAR MEETING 2021-14**

Held on Wednesday, December 1, 2021, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Mr. Donald Boerema led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Philip Weinberg	Present
<b>VICE CHAIRPERSON:</b>	Leeta Jordan	Present
<b>MEMBER:</b>	Donald Boerema	Present
<b>MEMBER:</b>	James Boothroyd	Present
<b>MEMBER:</b>	Richard Hill	Present
<b>MEMBER:</b>	Khalilah Maragh	Present
<b>MEMBER:</b>	Rainer Warner	Absent (Excused)
<b>NON-VOTING MEMBER:</b>	David Karaffa	Absent
	(School Board Appointee)	

Mr. Warner's absence was excused.

**CITY STAFF:** Present were Mr. Patrick Murphy, Acting Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

**ADOPTION OF MINUTES:**

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-12 November 3, 2021.**

Motion to approve the minutes as presented.



2. **T-52-2021 - Michael Piazzola (Barbara Davis, Rep.) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.045(B), to create provisions within the LI, Light Industrial and Warehousing District to allow for dog training clubs and similar uses**

Mr. Murphy presented the staff report for Case T-52-2021. Staff recommended Case T-52-2021 for approval.

Ms. Maragh asked if the amendment was for dogs to be trained during the day and sent home in the evenings. She wanted to know why the LI district was being proposed. Mr. Murphy stated that the general purpose of the amendment was to allow agility training for small dogs and their trainers for competitions. The LI district could accommodate the large warehouse structures that were needed for the enclosed and controlled activity.

Ms. Jordan questioned why the proposed use was not listed under veterinary hospitals and clinics for the LI district. Mr. Murphy explained that the proposal was specifically for dog training and was unrelated to the medical facilities.

Mr. Michael Piazzola (applicant) stated that warehouse environments were needed for their open spaces. Ms. Deborah Piazzola, his wife, added that their not-for-profit obedience training business had grown, and a new facility was needed to accommodate their growth.

Mr. Boerema asked if the applicant was currently occupying their new location. Mr. Piazzola confirmed that they were in their new building, which could accommodate their needs if the textual amendment was approved. Mr. Boerema noted that there was a fenced, adjacent side lot. Mr. and Ms. Piazzola commented that the side lot would be used by the business, but all training would occur indoors and there would be no boarding at the site.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned why the dog training use could not be placed under the same category as livestock, which allowed for

boarding. Out-of-town clients might need the boarding services for their dogs. He was opposed to the loss in taxes from permitting a 501(C) organization to locate on commercial property.

The floor was closed for public comments, and there was no correspondence in the file.

In response to public comments, Mr. Murphy explained that the applicants would continue to have the same tax-exempt status that they held at their previous Palm Bay location. Their relocation to an LI district was to have a larger building.

Motion to submit Case T-52-2021 to City Council for approval.

Motion by Mr. Boothroyd, seconded by Mr. Hill. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh.

3. **\*\*CU-53-2021 - Scott Macfarlane - A Conditional Use to allow a proposed security dwelling unit in a GC, General Commercial District. Lot 14, Block 1985, Port Malabar Unit 40, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately .56 acres. East of and adjacent to Thor Avenue SE, in the vicinity south of Agora Circle SE, specifically at 261 Thor Avenue SE**

Mr. Murphy presented the staff report for Case CU-53-2021. Staff recommended Case CU-53-2021 for approval, subject to the special requirements and conditions listed in the staff report.

Mr. Scott Macfarlane (applicant) stated that he wanted the security dwelling unit at his upholstery and restoration business to secure customer vehicles and boats that were kept on his outdoor premises.

Mr. Weinberg wanted to know who would be living in the unit. Mr. Macfarlane stated that he would be living in the unit.

## ORDINANCE 2022-04

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTER 'DISTRICT REGULATIONS', BY INCLUDING CANINE TRAINING AND SIMILAR USES AS A PERMITTED USE IN LI (LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT) ZONING; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', Section 185.134, Architectural Style Requirements, is hereby amended and shall henceforth read as follows:

**"Section 185.045 LI – LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT.**

\* \* \*

(B) *Principal uses and structures:*

\* \* \*

>>(15) Canine training and similar uses, subject to the following:

(a) The business cannot operate within a multi-tenant building; and

(b) There may be no overnight boarding of animals.<<

\* \* \*

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2022-XX, held on \_\_\_\_\_, 2022; and read in title only and duly enacted at Meeting 2022-XX, held on \_\_\_\_\_, 2022.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Michael Piazzola  
Case: T-52-2021

***Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Patrick J. Murphy, Assistant Growth Management Director

**DATE:** 1/20/2022

**RE:** Ordinance 2022-05, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by modifying provisions related to the architectural appeal process (Case T-55-2021, City of Palm Bay), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

The City of Palm Bay (Growth Management Department), at the request of City Management, has submitted for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to streamline the architectural appeal process and facilitate commercial development.

In 2001, the City adopted language to require a regional architectural style known as Florida Vernacular for all new commercial construction along all commercial corridors. The City has since expanded the design criteria to other types of historic Florida structures. The proposed amendment will provide a more streamlined and efficient process for seeking architectural relief.

### **REQUESTING DEPARTMENT:**

City Manager's Office, Growth Management

### **RECOMMENDATION:**

Motion to approve Case T-55-2021.

### **Planning and Zoning Board Recommendation:**

Unanimous approval of the request.

### **ATTACHMENTS:**

#### **Description**

Case T-55-2021 - Staff Report

Case T-55-2021 - Application

Case T-55-2021 - Board Minutes

Ordinance 2022-05





## STAFF REPORT

### LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

#### Prepared by

Christopher Balter, Senior Planner

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#### CASE NUMBER

T-55-2021

#### PLANNING & ZONING BOARD HEARING DATE

December 1, 2021

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#### APPLICANT

City of Palm Bay

#### PROPERTY LOCATION/ADDRESS

Not Applicable

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#### SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to streamline the architectural appeal process and facilitate commercial development.

##### Existing Zoning

Not Applicable

##### Existing Land Use

Not Applicable

##### Site Improvements

Not Applicable

##### Site Acreage

Not Applicable

---

#### SURROUNDING ZONING & USE OF LAND

##### North

Not Applicable

##### East

Not Applicable

##### South

Not Applicable

##### West

Not Applicable

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**BACKGROUND:**

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.134 Architectural Style Requirements.

The Growth Management Department, acting upon a request by City Management, has submitted this proposed text amendment.

The City adopted language in 2001 to require a regional architectural style a.k.a Florida Vernacular for all new commercial construction along all commercial corridors. The intent of the original language was to enhance the commercial corridors and “brand” the city with an architectural theme that recognized Florida’s historic structures.

Since the original adoption of the architectural requirements, the City has expanded the design criteria for other types of historic structures that per-dominated the Florida cityscape prior to the modern architectural movement.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strike through~~ format.

**ANALYSIS:**

The City proposes to modify Section 185.134 in order to provide a more streamlined and more efficient process for anyone seeking architectural relief as well

**STAFF RECOMMENDATION:**

Case T-55-2021 is recommended for approval.

## TITLE XVII: LAND DEVELOPMENT CODE

### CHAPTER 185: ZONING CODE

#### § 185.134 ARCHITECTURAL STYLE REQUIREMENTS.

~~(A) The Bayfront Architectural Style shall include the following architectural elevations facing public rights-of-way within the NC, CC, HC, GC, RC and OP zoning districts located in the Bayfront Community Redevelopment District.~~

~~———— (1) A metal panel, 5-seam or metal shake roof is acceptable. A 5-tab twenty-five (25) year dimensional shingle roof or manufactured equivalent of a wood shake roof is acceptable. 3-tab shingles, barrel vaulted tiles, or corrugated roof systems are not permissible.~~

~~———— (2) Pitch of main roof, hipped or gable, shall be no greater than 5:12; mansard roof shall be no greater than 9:12; porch roof shall be a lower pitch than the main roof. A minimum 6" overhang is required for any roof structure. All structures must have a minimum 3:12 slope roof. Multiple roof systems with matching roof slopes are permissible. Low slopes ("Flat") roof systems are permissible when screened by a mansard roof or parapet wall meeting the design requirements.~~

~~———— (3) The predominant exterior color shall be pastel shades or white; earth tones are not acceptable except in brick.~~

~~———— (4) Manufactured brick or materials that have the appearance of brick are acceptable. Horizontally struck stucco, exterior insulated finish system stucco panels, board and batten, wood or vinyl siding, and stained hardwood panels shall also be considered acceptable finishes.~~

~~———— (5) Front porch. The front porch must encompass an area greater than fifty percent (50%) of the front facade. The porch must be a minimum of 60" in depth.~~

~~———— (6) Gingerbread trim and/or porch railings, columns or posts shall have the appearance of light frame wood construction.~~

~~———— (7) Trim colors shall be white or light pastels. (Trim shall be considered railings, columns, door and window surrounds, soffits, shutters, gutters and downspouts, and other decorative elements). Trim finishes shall be of a contrasting lighter color than that of the primary building color except for white as a primary building color.~~

~~———— (8) There shall be no area greater than 400 square feet of contiguous blank wall area on any front facade that remains unadorned by architectural features that include, but are not limited to, windows, doors, lights, banding trim or porch elements.~~

~~———— (9) There shall not be any singular facade that has greater than 100 lineal feet of run without a minimum 16" break, by using a directional or material change.~~

~~———— (10) Metal-clad structures are permissible. Internal bracing must be certified to accept additional finishes or structures applied to the exterior metal panels. No external "X" bracing is to be visible on any front facade. Finish panels must be able to accept a painted finish. All exterior wall finishes must match the primary building color. The use of corrugated, synthetic or fiberglass panels is prohibited on any front wall or any front roof surface. All design requirements must be met for metal-clad structures as for any other new structure.~~

(B) >>(A)<< Structures must adhere to one (1) of the following Architectural Styles for architectural elevations facing public rights-of-way within the NC, CC, HC, RC, and OP zoning districts, and for structures constructed on a lot fronting any arterial or collector roadways in the GC zoning district, ~~located outside of the Bayfront Community Redevelopment District.~~ All structures that are in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site equivalent to five percent (5%) for the purpose of creating an outdoor public space. These areas are inclusive of benches, sitting areas, bicycle racks, display fountains and/or landscaping. ~~Structures in excess of fifty thousand (50,000) square feet of area on the main floor shall provide an area on the site equivalent to three percent (3%) dedicated for an outdoor public space.~~

(1) Florida Vernacular Architectural Style.

- (a) Masonry or frame construction.
- (b) Stuck stucco or lap siding finish.
- (c) Brick wainscot.
- (d) Architectural shingles or galvalume metal roof acceptable.
- (e) Exposed lookouts at truss ends, dentil molding, operable shutters that match the window width, period style lighting.
- (f) Limited color palette to pastel colors or white.
- (g) A front porch or overhang that has a minimum of sixty inches (60") width and encompasses a minimum of fifty percent (50%) of the main building façade.
- (h) No blank wall area to exceed four hundred (400) square feet of area.
- (i) No singular façade shall exceed one hundred (100) lineal feet of run without a minimum sixteen-inch (16") break, by utilizing a directional or material change.

(j) Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.

(k) All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site ~~equivalent to five percent (5%)~~ of the main floor shall be utilized for the creation of an outdoor public space — these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping. ~~Structures that exceed fifty thousand (50,000) square feet of the area on the main floor shall provide an area on the site equivalent to three percent (3%) of the main floor area for an outdoor public space.~~

(2) Mediterranean/Spanish Colonial.

(a) Masonry or frame construction.

(b) Heavy stucco or concrete finish.

(c) Barrel vaulted elements over windows and doors.

(d) Flat or low hip roof lines with interlocking terra-cotta roof tile.

(e) Terra cotta detailing, quoins, metalwork around windows and doors, relief around cornices, parapets, balconies and balustrades.

(f) Limited color palette of white, parchment and coral colors.

(g) Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.

(h) All structures that are in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site ~~equivalent to five percent (5%)~~ for the purpose of creating an outdoor public space. These areas are inclusive of benches, sitting areas, bicycle racks, display fountains and/or landscaping. ~~Structures in excess of fifty thousand (50,000) square feet of area on the main floor shall provide an area on the site equivalent to three percent (3%) dedicated for an outdoor public space.~~

(3) Spanish Revival.

(a) Masonry or frame construction.

(b) Heavy stucco or masonry finish.

(c) Barrel arch over windows and doors.



- (d) Flat, gable and/or hip roof lines with interlocking barrel style roof tile.
- (e) Iron work around windows.
- (f) Trim work around doors, parapets, windows and entryways.
- (g) Color palette of white or the patina of the masonry.

(h) Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.

(i) All structures that are in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site ~~equivalent to five percent (5%)~~ for the purpose of creating an outdoor public space. These areas are inclusive of benches, sitting areas, bicycle racks, display fountains and/or landscaping. ~~Structures in excess of fifty thousand (50,000) square feet of area on the main floor shall provide an area on the site equivalent to three percent (3%) dedicated for an outdoor public space.~~

(4) Commercial American.

- (a) Traversable arcade of fabric awning or structural roof.
- (b) Recessed entryway and string course over storefront.
- (c) Flat or low slope roof.
- (d) Parapet with minor course banding and/or cornice.
- (e) Concrete or brick construction.
- (f) Large, fixed plate glass storefront windows.
- (g) Minor trim or fretwork.
- (h) Color palette typically reflects the base material (brick) or lighter colors.

(i) Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.

(j) All structures that are in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site ~~equivalent to five percent (5%)~~ for the purpose of creating an outdoor public space. These areas are inclusive of benches, sitting areas, bicycle racks, display fountains and/or landscaping. ~~Structures in excess of fifty thousand (50,000) square feet of area on the main floor shall provide an area on the site equivalent to three percent (3%) dedicated for an outdoor public space.~~

(5) Bungalow.

- (a) Brick or concrete wainscot or base.
- (b) Gable roof line with exposed rafters and secondary rooflines.
- (c) Decorative shake or shingle roof or metal roof.
- (d) Horizontal siding.
- (e) Tapered columns.
- (f) Exposed structural elements for detailing such as beams, ridge vents, rafters and purlins.
- (g) Useable front porch.
- (h) Color palette may vary.
- (i) Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.
- (j) All structures that are in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site ~~equivalent to five percent (5%)~~ for the purpose of creating an outdoor public space. These areas are inclusive of benches, sitting areas, bicycle racks, display fountains and/or landscaping. ~~Structures in excess of fifty thousand (50,000) square feet of area on the main floor shall provide an area on the site equivalent to three percent (3%) dedicated for an outdoor public space.~~

(C) >>(B)<< The predominant exterior color shall be applied to all sides of the structure.

(D) >>(C)<< The design requirements listed in subsections (A) and (B) above shall be applicable to all new construction in the district, and in the case of additions or renovations to, or development of, an existing building or project, where the renovation or redevelopment exceeds fifty percent (50%) of the square footage of the existing structure(s). A mirror building, defined as a building meant to compliment a pre-existing structure by use of identical material finishes, scale and form, shall be exempt from the design requirements. New buildings that are part of an overall campus plan that has an established architectural theme shall also be exempt from the design requirements herein.

(E) >>(D)<< The design requirements listed in subsections (A) and (B) above shall be applicable to all accessory buildings also. Any accessory structure not meeting this requirement shall be screened so as to not be visible from the public right-of-way. Mechanical equipment such as gasoline pumps, air and vacuum machines, drive-through menu boards

and speaker stations, drive-through teller stations, ATM's, and similar appliances which require direct access by the public shall be exempt from the design review requirements of this subsection. All HVAC, wireless communication devices, Fire Suppression, Solar Panels, wind generation devices and similar equipment placed on any roof or above the roof line of any commercial structure shall be effectively screened as to not be seen by the public.

(F) >>(E)<< Compliance with the requirements set forth in this subsection shall be demonstrated by submittal of building front elevations and color and material samples at the time of site plan review.

(G) >>(F)<< Structures in the following use categories are exempt from the design review requirements of this subsection: public utility equipment, hospitals, churches, model home centers and buildings having federal, state or locally designated historical status.

(H) >>(G)<< The Sign Code shall be adhered to with the following exceptions:

(1) Materials: The color, construction, and material of each sign shall be compatible with the architecture on the site.

(2) Design: Every sign frame or support shall be designed as a sympathetic architectural element of the building(s) to which it is principally related.

(3) Freestanding signs shall have landscaping at the base that is a minimum width of the sign above.

(4) Freestanding signs over twenty-five (25) feet in height shall be exempt from the design review requirements of this subsection but will require landscaping at the base of each sign that is a minimum width of the sign above.

(I) Appeals.

(1) The intent of City Council is that commercial structures adhere to the Architectural Style Requirements as described above during the administrative site plan review process for the city. The appeals process described below is intended to provide relief from those provisions only in unusual and unique circumstances. Subsection (J) describes an alternative process for Architectural Styles that do not conform to the style requirements of subsections (B) >>(A)<< through (H) >>(G)<<above.

(a) >>Alternative Architectural Styles<< ~~Appeals~~. When an applicant >>proposes an architectural style that does not conform to subsections (A) through (G) above, the applicant may pursue an Architectural Style Exception through<<, ~~they may appeal that decision to the~~ Growth Management Director for a final administrative decision. The ~~appeal~~ >>Exception<< shall be in the form of a letter indicating the reasons for the ~~appeal~~ >>request<< and the applicant's opinion of their adherence to the requirements. In rendering ~~that~~ >>the<< final decision, the Growth Management Director shall take into account the

overall level to which the architectural design complies with the requirements. If the applicant is not satisfied with the Final Administrative Decision, they may appeal that decision pursuant to § 59.04(6).

(J) ~~Alternative Architectural Styles~~ >>Appeals<<.

(1) Applicants who desire to >>appeal the decision of the Growth Management Director,<< ~~construct a building in the NC, CC, HC, GC, RC and OP zoning districts located outside of the Bayfront Community Redevelopment District and propose an architectural style that does not conform to subsections (B) through (H) above may opt to pursue an Architectural Style Exception~~ >>shall file a written appeal to<< ~~before~~ the Palm Bay City Council pursuant to this subsection.

(2) The City Council shall hold a minimum of one (1) public hearing in accordance with Chapter 59 to consider the ~~requested Exception~~ >>Appeal<<. The decision of Council shall be based upon the following:

(a) ~~—The quality of the architectural plans.~~

(b) ~~—The quality of the site plans.~~

(c) >>(a)<< The level to which the plans exceed the minimum requirements of the Palm Bay Code of Ordinances.

(d) >>(b)<< The economic >>impact to the local tax base of the City<< ~~or quality of life benefits expected to be received.~~

(e) >>(c)<< The impact of the project on other properties within the City.

(f) ~~—The architectural and site features described in subsection (J)(3) below.~~

(g) >>(d)<< Adherence to corporate >>or franchise<< branding.

The City Council's decision shall be considered the final City action on the matter.

(3) Prior to the public hearing required above, city staff shall prepare a report to Council that describes how the submitted site and architectural plans >>adhere to the Code, the request Exception, and the justification for the Final Administrative Decision.<<~~address the following issues:~~

~~—(a) Provisions for public gathering space including benches, tables, fountains, shade and weather coverings, landscaping treatments and similar features.~~

~~—(b) Scale in reference to nearby structures.~~

~~—(c) Exposure of roof-top or other equipment on the site.~~

~~\_\_\_\_\_ (d) \_\_\_\_\_ Proposed color palette.~~

~~\_\_\_\_\_ (e) \_\_\_\_\_ The extent to which the structure provides variation in roof lines.~~

~~\_\_\_\_\_ (f) \_\_\_\_\_ The extent to which the structure provides variation along the facade.~~

~~\_\_\_\_\_ (g) \_\_\_\_\_ The extent to which the site provides landscaping in excess of the minimum standards in the Code of Ordinances and the extent to which the landscaping compliments the building.~~

~~\_\_\_\_\_ (h) \_\_\_\_\_ The extent to which the lighting plan minimizes impact to adjacent properties, accentuates the positive features of the building and site and adherence to all requirements contained in the Code of Ordinances.~~

~~\_\_\_\_\_ (i) \_\_\_\_\_ The extent to which the signage on both the site and the building compliment the style proposed.~~

~~\_\_\_\_\_ (j) \_\_\_\_\_ The extent to which the building materials compliment the proposed architectural style and the extent to which the finish represents a final appearance. Exposed concrete block, prefabricated metal panels, smooth faced concrete panels or block and similar treatments are not considered appropriate.~~

~~\_\_\_\_\_ (k) \_\_\_\_\_ The appropriateness of the roofing material and color for the architectural style proposed.~~

~~\_\_\_\_\_ (l) \_\_\_\_\_ The extent to which the site and building enhance pedestrian and alternate transportation systems such as provisions of transit stops, bicycle racks and onsite walkways.~~

~~\_\_\_\_\_ (m) \_\_\_\_\_ The extent to which the architectural features chosen by the applicant enhance the overall quality of the neighborhood and the city and are appropriately designed for the specific building and site under construction.~~

~~\_\_\_\_\_ (K) \_\_\_\_\_ The City Council may, by resolution, adopt such administrative policies, applications, manuals and/or fees as necessary to implement the design requirements identified above.~~





**LAND DEVELOPMENT DIVISION**

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

Landdevelopment@palmbayflorida.org

**CODE TEXTUAL AMENDMENT APPLICATION**

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

**ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:**

Section 185.134

**PROPOSED LANGUAGE (attach addendum if necessary):**

See Attached

**JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)**

Streamline the architectural appeal process and facilitate commercial development

CITY OF PALM BAY, FLORIDA  
CODE TEXTUAL AMENDMENT APPLICATION  
PAGE 2 OF 2

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☐ \*\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant Patrick J. Murphy Date 11/17/2021

Printed Name of Applicant Patrick J. Murphy, Acting Growth Management Director

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone 321-733-3041 Email patrick.murphy@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name \_\_\_\_\_

Full Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

**CITY OF PALM BAY, FLORIDA**  
**PLANNING AND ZONING BOARD/**  
**LOCAL PLANNING AGENCY**  
**REGULAR MEETING 2021-14**

Held on Wednesday, December 1, 2021, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Mr. Donald Boerema led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Philip Weinberg	Present
<b>VICE CHAIRPERSON:</b>	Leeta Jordan	Present
<b>MEMBER:</b>	Donald Boerema	Present
<b>MEMBER:</b>	James Boothroyd	Present
<b>MEMBER:</b>	Richard Hill	Present
<b>MEMBER:</b>	Khalilah Maragh	Present
<b>MEMBER:</b>	Rainer Warner	Absent (Excused)
<b>NON-VOTING MEMBER:</b>	David Karaffa	Absent
	(School Board Appointee)	

Mr. Warner's absence was excused.

**CITY STAFF:** Present were Mr. Patrick Murphy, Acting Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

**ADOPTION OF MINUTES:**

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-12 November 3, 2021.**

Motion to approve the minutes as presented.

8. **T-55-2021 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.134, to modify provisions of the architectural ordinance**

Mr. Balter presented the staff report for Case T-55-2021. Staff recommended Case T-55-2021 for approval.

Mr. Boothroyd asked for clarification on whether the proposed amendment would remove the Florida vernacular architectural style from the code. Mr. Balter explained that the Bayfront architectural style was being removed from the code, and the process to gain relief from architectural requirements were being simplified. Relief would now be sought from the Growth Management Director instead of the City Council. However, architectural decisions by the Growth Management Director could be challenged before the City Council.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case T-55-2021 to City Council for approval.

Motion by Mr. Hill, seconded by Ms. Jordan. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh.

**OTHER BUSINESS:**

Well wishes were expressed for Christmas and the New Year.

**ADJOURNMENT:**

The meeting was adjourned at approximately 8:41 p.m.

## ORDINANCE 2022-05

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTER 'SUPPLEMENTARY DISTRICT REGULATIONS', BY MODIFYING PROVISIONS RELATED TO THE ARCHITECTURAL APPEAL PROCESS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', Section 185.134, Architectural Style Requirements, is hereby amended and shall henceforth read as follows:

### **"Section 185.134 ARCHITECTURAL STYLE REQUIREMENTS.**

~~(A) The Bayfront Architectural Style shall include the following architectural elevations facing public rights-of-way within the NC, CC, HC, GC, RC and OP zoning districts located in the Bayfront Community Redevelopment District.~~

~~(1) A metal panel, 5-seam or metal shake roof is acceptable. A 5-tab twenty-five (25) year dimensional shingle roof or manufactured equivalent of a wood shake roof is acceptable. 3-tab shingles, barrel vaulted tiles, or corrugated roof systems are not permissible.~~

~~(2) Pitch of main roof, hipped or gable, shall be no greater than 5:12; mansard roof shall be no greater than 9:12; porch roof shall be a lower pitch than the main roof. A minimum 6" overhang is required for any roof structure. All structures must have a minimum 3:12 slope roof. Multiple roof systems with matching roof slopes are permissible. Low slopes ("Flat") roof systems are permissible when screened by a mansard roof or parapet wall meeting the design requirements.~~



~~(3) The predominant exterior color shall be pastel shades or white; earth tones are not acceptable except in brick.~~

~~(4) Manufactured brick or materials that have the appearance of brick are acceptable. Horizontally struck stucco, exterior insulated finish system stucco panels, board and batten, wood or vinyl siding, and stained hardwood panels shall also be considered acceptable finishes.~~

~~(5) Front porch. The front porch must encompass an area greater than fifty percent (50%) of the front facade. The porch must be a minimum of 60" in depth.~~

~~(6) Gingerbread trim and/or porch railings, columns or posts shall have the appearance of light frame wood construction.~~

~~(7) Trim colors shall be white or light pastels. (Trim shall be considered railings, columns, door and window surrounds, soffits, shutters, gutters and downspouts, and other decorative elements). Trim finishes shall be of a contrasting lighter color than that of the primary building color with the exception of white as a primary building color.~~

~~(8) There shall be no area greater than 400 square feet of contiguous blank wall area on any front facade that remains unadorned by architectural features that include, but are not limited to, windows, doors, lights, banding trim or porch elements.~~

~~(9) There shall not be any singular facade that has greater than 100 lineal feet of run without a minimum 16" break, by using a directional or material change.~~

~~(10) Metal-clad structures are permissible. Internal bracing must be certified to accept additional finishes or structures applied to the exterior metal panels. No external "X" bracing is to be visible on any front facade. Finish panels must be able to accept a painted finish. All exterior wall finishes must match the primary building color. The use of corrugated, synthetic or fiberglass panels is prohibited on any front wall or any front roof surface. All design requirements must be met for metal-clad structures as for any other new structure.~~

(B >>A<<) Structures must adhere to one (1) of the following Architectural Styles for architectural elevations facing public rights-of-way within the NC, CC, HC, RC, and OP zoning districts, and for structures constructed on a lot fronting any arterial or collector roadways in the GC zoning district, located outside of the Bayfront Community Redevelopment District. All structures that are in excess of five thousand (5,000) square feet of area on the main floor shall

provide an area on the site ~~equivalent to five percent (5%)~~ for the purpose of creating an outdoor public space. These areas are inclusive of benches, sitting areas, bicycle racks, display fountains and/or landscaping. ~~Structures in excess of fifty thousand (50,000) square feet of area on the main floor shall provide an area on the site equivalent to three percent (3%) dedicated for an outdoor public space.~~

(1) Florida Vernacular Architectural Style.

\* \* \*

(k) All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site ~~equivalent to five percent (5%)~~ of the main floor shall be utilized for the creation of an outdoor public space — these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping. ~~Structures that exceed fifty thousand (50,000) square feet of the area on the main floor shall provide an area on the site equivalent to three percent (3%) of the main floor area for an outdoor public space.~~

(2) Mediterranean/Spanish Colonial.

\* \* \*

(h) All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site ~~equivalent to five percent (5%)~~ of the main floor shall be utilized for the creation of an outdoor public space — these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping. Structures that exceed fifty thousand (50,000) square feet of the area on the main floor shall provide an area on the site equivalent to three percent (3%) of the main floor area for an outdoor public space.

(3) Spanish Revival.

\* \* \*

(i) All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site ~~equivalent to five percent (5%)~~ of the main floor shall be utilized for the creation of an outdoor public space — these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping. ~~Structures that exceed fifty thousand (50,000) square feet of the area on the main floor shall provide an area on the site equivalent to three percent (3%) of the main floor area for an outdoor public space.~~

(4) Commercial American.

\* \* \*

(j) All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site ~~equivalent to five percent (5%) of the main floor shall be utilized~~ for the creation of an outdoor public space — these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping. ~~Structures that exceed fifty thousand (50,000) square feet of the area on the main floor shall provide an area on the site equivalent to three percent (3%) of the main floor area for an outdoor public space.~~

(5) Bungalow.

\* \* \*

(j) All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site ~~equivalent to five percent (5%) of the main floor shall be utilized~~ for the creation of an outdoor public space — these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping. ~~Structures that exceed fifty thousand (50,000) square feet of the area on the main floor shall provide an area on the site equivalent to three percent (3%) of the main floor area for an outdoor public space.~~

(G >>B<<) The predominant exterior color shall be applied to all sides of the structure.

(D >>C<<) The design requirements listed in subsections (A) and (B) above shall be applicable to all new construction in the district, and in the case of additions or renovations to, or development of, an existing building or project, where the renovation or redevelopment exceeds fifty percent (50%) of the square footage of the existing structure(s). A mirror building, defined as a building meant to compliment a pre-existing structure by use of identical material finishes, scale and form, shall be exempt from the design requirements. New buildings that are part of an overall campus plan that has an established architectural theme shall also be exempt from the design requirements herein.

(E >>D<<) The design requirements listed in subsections (A) and (B) above shall be applicable to all accessory buildings also. Any accessory structure not meeting this requirement shall be screened so as to not be visible from the public right-of-way. Mechanical equipment such as gasoline pumps, air and vacuum machines, drive-through menu boards and speaker stations, drive-through teller stations, ATM's, and similar appliances which require direct access by the public shall be exempt from the design review requirements of this subsection. All HVAC, wireless communication devices, Fire Suppression, Solar Panels, wind generation devices and similar equipment placed on any roof or

above the roof line of any commercial structure shall be effectively screened as to not be seen by the public.

(F >>E<<) Compliance with the requirements set forth in this subsection shall be demonstrated by submittal of building front elevations and color and material samples at the time of site plan review.

(G >>F<<) Structures in the following use categories are exempt from the design review requirements of this subsection: public utility equipment, hospitals, churches, model home centers and buildings having federal, state or locally designated historical status.

(H >>G<<) The Sign Code shall be adhered to with the following exceptions:

\* \* \*

(I >>H<<) Appeals >>Alternative Architectural Styles<<.

(1) The intent of City Council is that commercial structures adhere to the Architectural Style Requirements as described above during the administrative site plan review process for the city. The appeals process described below is intended to provide relief from those provisions only in unusual and unique circumstances. >>This<< S>>s<<ubsection (J) describes an alternative process for Architectural Styles that do not conform to the style requirements of subsections (B >>A<<) through (H >>G<<) above.

(a) Appeals >>Alternative Architectural Styles<<. When an applicant ~~feels that the decision of the City review staff has been made in error with regard to compliance with the Architectural Style Requirements, they may appeal that decision to~~ >>proposes an architectural style that does not conform to subsections (A) through (G) above, the applicant may pursue an Architectural Style Exception through<< the Growth Management Director for a final administrative decision. The appeal >>Exception<< shall be in the form of a letter indicating the reasons for the appeal >>request<< and the applicant's opinion of their adherence to the requirements. In rendering that >>the<< final decision, the Growth Management Director shall take into account the overall level to which the architectural design complies with the requirements. If the applicant is not satisfied with the Final Administrative Decision, they may appeal that decision pursuant to § 59.04(6).

(J >>I<<) ~~Alternative Architectural Styles~~ >>Appeals<<.

(1) Applicants who desire to ~~construct a building in the NC, CC, HC, GC, RC and OP zoning districts located outside of the Bayfront Community~~

~~Redevelopment District and propose an architectural style that does not conform to subsections (B) through (H) above may opt to pursue an Architectural Style Exception before~~ >>appeal the decision of the Growth Management Director, shall file a written appeal to<< the Palm Bay City Council pursuant to this subsection.

(2) The City Council shall hold a minimum of one (1) public hearing in accordance with Chapter 59 to consider the ~~requested Exception~~ >>appeal<<. The decision of Council shall be based upon the following:

- ~~(a) The quality of the architectural plans.~~
- ~~(b) The quality of the site plans.~~
- (c >>a<<) The level to which the plans exceed the minimum requirements of the Palm Bay Code of Ordinances.
- (d >>b<<) The economic ~~or quality of life benefits expected to be received~~ >>impact to the local tax base of the City<<.
- (e >>c<<) The impact of the project on other properties within the City.
- ~~(f) The architectural and site features described in subsection (J)(3) below.~~
- (g >>d<<) Adherence to corporate branding.

The City Council's decision shall be considered the final City action on the matter.

(3) Prior to the public hearing required above, city staff shall prepare a report to Council that describes how the submitted site and architectural plans ~~address the following issues:~~ >>adhere to the Code, the requested Exception, and the justification for the Final Administrative Decision.<<

- ~~(a) Provisions for public gathering space including benches, tables, fountains, shade and weather coverings, landscaping treatments and similar features.~~
- ~~(b) Scale in reference to nearby structures.~~
- ~~(c) Exposure of roof-top or other equipment on the site.~~
- ~~(d) Proposed color palette.~~
- ~~(e) The extent to which the structure provides variation in roof lines.~~



~~(f) — The extent to which the structure provides variation along the facade.~~

~~(g) — The extent to which the site provides landscaping in excess of the minimum standards in the Code of Ordinances and the extent to which the landscaping compliments the building.~~

~~(h) — The extent to which the lighting plan minimizes impact to adjacent properties, accentuates the positive features of the building and site and adherence to all requirements contained in the Code of Ordinances.~~

~~(i) — The extent to which the signage on both the site and the building compliment the style proposed.~~

~~(j) — The extent to which the building materials compliment the proposed architectural style and the extent to which the finish represents a final appearance. Exposed concrete block, prefabricated metal panels, smooth faced concrete panels or block and similar treatments are not considered appropriate.~~

~~(k) — The appropriateness of the roofing material and color for the architectural style proposed.~~

~~(l) — The extent to which the site and building enhance pedestrian and alternate transportation systems such as provisions of transit stops, bicycle racks and onsite walkways.~~

~~(m) — The extent to which the architectural features chosen by the applicant enhance the overall quality of the neighborhood and the city and are appropriately designed for the specific building and site under construction.~~

~~(K) — The City Council may, by resolution, adopt such administrative policies, applications, manuals and/or fees as necessary to implement the design requirements identified above."~~

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2022-XX, held on \_\_\_\_\_, 2022; and read in title only and duly enacted at Meeting 2022-XX, held on \_\_\_\_\_, 2022.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: City of Palm Bay  
Case: T-55-2021

***Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Patricia Smith, City Attorney

**DATE:** 1/20/2022

**RE:** Ordinance 2022-10, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Code Enforcement Board', by repealing the subchapter in its entirety, final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

City Council has directed staff to transition Code Enforcement from the Code Enforcement Board to a Special Magistrate. The City currently has a Request for Proposals for a Code Special Magistrate. Staff anticipates bringing a recommendation to award to Council on February 17, 2022. The Special Magistrate would hear cases beginning April 2022. Consequently, the ordinance repealing the Code Enforcement Board is effective April 1, 2022.

Additionally, as the terms for the current Code Enforcement Board members will expire on February 28, 2022, staff is requesting Council consideration to extend the term of all members to March 31, 2022. This will further facilitate the transition to the Special Magistrate process on April 1, 2022.

### REQUESTING DEPARTMENT:

Growth Management, City Attorney's Office

### RECOMMENDATION:

Motion to approve the repeal of Ordinance and extend the term for Code Board members to March 31, 2022.

### ATTACHMENTS:

#### Description

Ordinance 2022-10

## ORDINANCE 2022-10

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 52, BOARDS, SUBCHAPTER 'CODE ENFORCEMENT BOARD', BY REPEALING THE SUBCHAPTER IN ITS ENTIRETY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR DELETION FROM THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 52, Boards, Subchapter 'Code Enforcement Board', is hereby repealed in its entirety:

### **~~"CODE ENFORCEMENT BOARD~~**

#### **~~§ 52.080 INTENT.~~**

~~It is the intent of this subchapter to promote, protect, and improve the health, safety, and welfare of the citizens of the city, by creating a board with authority to impose fines and other noncriminal penalties when there is a violation of any of the provisions of the codes and ordinances of the city and to provide an equitable, expeditious, effective, fair and inexpensive method of enforcing the codes and ordinances of the city. This subchapter is enacted pursuant to the authority granted by both F.S. Ch. 162, and the home rule powers vested in the city. The Code Enforcement Board created hereunder shall be known as the "City of Palm Bay Code Enforcement Board."~~

#### **~~§ 52.081 ADOPTION.~~**

~~Florida Statutes Ch. 162, Local Government Boards Act, as amended, is hereby adopted and, by this reference, incorporated herein and made an integral part of this subchapter as if fully set forth herein.~~

#### **~~§ 52.082 DEFINITIONS.~~**

~~For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates a different meaning.~~

~~**BOARD.** The city's Code Enforcement Board.~~

~~**COMMUNITY STANDARDS COORDINATOR.** The person designated by the City Manager to ensure compliance with and enforcement of this subchapter and any other city ordinance, and the preparation necessary for the proper functioning of the Code Enforcement Board.~~

~~**RESIDENT.** A person who is a United States citizen and has resided within the city for at least six (6) months immediately prior to an appointment to the Code Enforcement Board.~~

~~**SPECIAL MAGISTRATE.** An individual recommended by the City Attorney and appointed by the City Council to preside over requests to compromise or settle code enforcement matters either through a properly filed Petition for Relief or in settlement of pending litigation. The Special Magistrate shall be an attorney, licensed to practice law in the State of Florida for no less than five (5) years, and may serve concurrently as the Code Enforcement Board attorney authorized by § 52.085. The Special Magistrate may serve ex officio as the Special Magistrate or Hearing Officer called to adjudicate any other ordinance of the city. Attorneys who are city residents, city property owners, or have their place of employment within the city will be given special consideration.~~

~~**§ 52.083 JURISDICTION.**~~

~~The Board shall have jurisdiction to hear and decide cases in which any violation of any provision, section or portion of this Code of Ordinances is alleged.~~

~~**§ 52.084 ORGANIZATION.**~~

~~(A) The board shall consist of seven (7) city residents appointed by the City Council. Each Council seat shall appoint one (1) member.~~

~~(B) The two (2) remaining members' positions shall be considered at-large. The members shall be selected by using the City Council's process for filling board positions.~~

~~(C) The Board shall select a chairperson and a vice chairperson. The chairperson and vice chairperson shall serve for a term of two (2) years. The vice chairperson shall automatically succeed the chairperson.~~

~~(D) There shall be an election of officers at the annual Board meeting held each January.~~

~~(E) A member of the Board may serve unlimited terms as an officer of the Board, including successive terms.~~

~~**§ 52.085 LEGAL COUNSEL.**~~



~~The City Attorney shall act as counsel for the city in all matters that come before the Board. The City Council may appoint an attorney who is a practicing member of the Florida Bar, either residing or practicing in Brevard County, to represent the Board when required. The attorney shall be compensated as provided by the City Council.~~

**~~§ 52.086 LIENS.~~**

~~Liens created pursuant to a Board order and recorded in the public record shall bear simple interest at a rate not to exceed the legal rate allowed for such liens and may be foreclosed pursuant to the procedure set forth in Fla. Stat. Ch. 162.~~

**~~§ 52.087 OTHER REMEDIES.~~**

~~(A) The provisions and procedures contained in this subchapter shall be in addition and supplemental to any other remedies now existing or subsequently provided for by law regarding violations of this Code and any other ordinance of the city.~~

~~(B) *Costs of enforcement.*~~

~~(1) If the city prevails in enforcing a case before the Board, it shall be entitled to recover all costs incurred in enforcing the case before the Board, and in any appeals from the Board's order. Such costs include but shall not be limited to: investigative costs, administrative costs, prosecution costs, and preparation of the record on appeal.~~

~~(2) The City Council may, by resolution, establish uniform schedules to be imposed on code enforcement cases that appear before the Board to cover all costs of enforcement.~~

**~~§ 52.088 FINANCE DISCLOSURE; CONFLICT OF INTEREST.~~**

~~The following provisions shall apply to the members of the Board:~~

~~(A) Upon appointment, each member of the Board shall be subject to the provisions of Fla. Stat. Ch. 112.3145, relating to financial disclosure by local officers. Failure on the part of a member of the Board to comply with said provisions shall result in immediate removal of such member from the Board.~~

~~(B) For a period of one (1) year from the date of termination, resignation, or removal from office as a member of the Board, such person is hereby expressly prohibited from acting as agent or attorney in any proceeding, petition or other matter before the Board.~~

~~(C) — If a Board member has a conflict of interest with regard to an alleged violation, said member shall comply with the provisions of Fla. Stat. Ch. 112, §§ 112.311 through 112.326.~~

~~(D) — No Board member shall communicate with any respondent outside of a hearing concerning a violation. This restriction shall extend to any person appearing or interceding on behalf of a respondent, whether or not such person may have a direct personal or financial interest in the property involved in the alleged violation.~~

~~(E) — Violation on the part of a member of the Board of the provisions of this section shall result in immediate removal of such member from the Board by the City Council.~~

**~~§ 52.089 FINES IN EXCESS OF STATUTORY LIMITS.~~**

~~(A) — When the Code Enforcement Board determines that the factors and criteria set out in subsection (B) herein exist in any matters regarding violations of the Palm Bay Code of Ordinances that involve multifamily of more than three (3) units and commercial structures that are brought before it for consideration, it may impose the following fines:~~

~~(1) — For a first violation, a fine not to exceed one thousand dollars (\$1,000.00) per day per violation.~~

~~(2) — Five thousand dollars (\$5,000.00) per day per violation for a repeat violation;~~

~~(3) — Up to fifteen thousand dollars (\$15,000.00) per violation if the Code Enforcement Board finds the violation to be irreparable or irreversible in nature;~~

~~(4) — In addition to such fines, the Code Enforcement Board may impose additional fines to cover all costs incurred by the City of Palm Bay in enforcing its codes and all costs of repairs pursuant to Fla. Stat. § 162.09.~~

~~(B) — In determining the amount of fines to be imposed, the Code Enforcement Board shall consider, but not be limited to, the following criteria:~~

~~(1) — The gravity of the violation;~~

~~(2) — Any actions taken by the violator to correct the violation;~~

~~(3) — The corrective actions taken by the violator were made in good faith;~~

~~(4) — Any previous violations committed by the violator;~~

- ~~(5) — The length of time the violation existed;~~
- ~~(6) — The violation is irreparable in nature;~~
- ~~(7) — The violation is irreversible in nature;~~
- ~~(8) — The harm resulting from the violation is irreparable or irreversible;~~
- ~~(9) — Character of the surrounding neighborhood.~~

**~~§ 52.090 SETTLEMENT OR COMPROMISE OF LIENS.~~**

~~(A) — The Special Magistrate shall be authorized to review and approve requests for settlement, compromise or cancellation of liens imposed pursuant to this subchapter or Fla. Stat. Chapter 162. The Special Magistrate shall make the determination as to whether to settle a lien for less than face value or to cancel such lien altogether, upon submission of a Petition for Relief (form on file) by an affected property owner or prospective owner. Approval of settlement, compromise or cancellation shall be objectively based upon the following:~~

- ~~(1) — The market value of the real property as most recently determined by the Brevard County Property Appraiser;~~
- ~~(2) — The gravity of the violation;~~
- ~~(3) — The due diligence of the property owner upon receipt of the violation notice;~~
- ~~(4) — The actions taken and the amount of money spent on correcting the violation(s);~~
- ~~(5) — Any previous violations committed by the property owner or the property owner's tenant and/or occupant; and~~
- ~~(6) — Any other extenuating circumstances which justify the reduction or refusal to reduce the amount owed.~~

~~(B) — The City Council may, at its discretion by resolution, adopt a more formal policy regulating the criteria for settlement, compromise or cancellation of code enforcement liens. No reduction may be granted by the Special Magistrate for a lien when current litigation exists in which the primary litigants are the property owners and the city and in which the real property is at issue.~~

**~~§ 52.091 PROCEDURE FOR SETTLEMENT OR COMPROMISE OF LIENS.~~**

~~(A) — The owner or a prospective purchaser of real property against which a lien has been imposed pursuant to the action of the Code Enforcement Board~~

~~may file a Petition for Relief with the City Manager or his designee seeking satisfaction of such code enforcement lien with less than full payment thereof, including partial payment in conjunction with verified improvements to the exterior of the real property. No such application shall be forwarded to the Special Magistrate for consideration hereunder until the applicant has first shown that:~~

~~(1) — All ad valorem property taxes, special assessments, city utility charges and other government-imposed charges, fines or liens against the subject real property have been paid or are current;~~

~~(2) — All code violations have been corrected under required permits issued therefore and appropriate affidavits of compliance are on file in the matter.~~

~~(B) — In the event the property owner is seeking relief under this section to facilitate a refinancing of the real property or to secure a home equity loan, the property owner may apply for the relief notwithstanding subsection (A), paragraph (1) above, provided a binding agreement is executed whereby the unpaid taxes, assessments, other liens or other indebtedness will be fully satisfied at the closing of the refinancing or home equity loan.~~

~~(C) — Petition for Relief. In considering an application to reduce a lien imposed by the Code Enforcement Board, no settlement or satisfaction thereof shall be approved by the Special Magistrate with less than full payment thereof, unless the Special Magistrate hears the matter as a quasi-judicial hearing at a public meeting (not a public hearing). Subsequent to the hearing, the Special Magistrate shall make specific findings that no violation of any city ordinance currently exists on the subject real property, or that a prospective purchaser has agreed to correct such violations on or before a date certain, which agreement is evidenced by a written agreement.~~

~~(D) — Settlement of Litigation. In considering whether to authorize a reduction of a lien imposed by the Code Enforcement Board to bring a litigation matter to closure, no settlement or satisfaction thereof shall be approved by the Special Magistrate with less than full payment thereof, until the Special Magistrate receives a recommendation from both the City Attorney and the City Manager in writing, is fully apprised of the market value of the property, the amount of the lien(s), and any other extenuating circumstances. If time is of the essence, this determination does not require a public meeting at the time a decision is rendered; however, the settlement decision shall be ratified by the Special Magistrate at the next public meeting of the Special Magistrate and the full amount of the lien shall~~

~~be placed in escrow by the closing agent until such time as the Magistrate's order is ratified.~~

~~(E) — Urgent Settlements. In the event an applicant requests that a Petition for Relief be considered prior to the next regularly scheduled hearing date, good cause must be shown. Good cause may include, but is not limited to, an unexpected short closing date for the purchase of real property. The Special Magistrate has the sole discretion to determine whether the matter involves a legitimate urgency which requires resolution prior to the next scheduled hearing. Before making a determination under this subsection, the Special Magistrate shall receive a recommendation from both the City Attorney and the City Manager in writing, shall be fully apprised of the market value of the property, the amount of the lien(s), and any other extenuating circumstances. This determination does not require a public meeting at the time a decision is rendered; however, the settlement decision shall be ratified by the Special Magistrate at the next public meeting of the Special Magistrate and the full amount of the lien shall be placed in escrow by the closing agent until such time as the Magistrate's order is ratified.~~

**~~§ 52.092 NUISANCES UNDER Fla. Stat. § 893.138.~~**

~~The City Council, pursuant to Section 893.138(4), hereby designates the Code Enforcement Board, established on November 3, 1983, as the administrative board to hear complaints and abate those nuisances per Section 893.138(11), Florida Statutes, by imposing fines not to exceed two hundred fifty dollars (\$250.00) per day for public nuisances; requiring payment of reasonable costs, including reasonable attorney's fees, associated with the investigations of and hearings on public nuisances; imposing fines not to exceed five hundred dollars (\$500.00) per day for recurring public nuisances; providing for continuing jurisdiction for a period of one (1) year over any place or premises that has been or is declared to be a public nuisance; providing for the recording of orders on public nuisances; providing for recorded orders on public nuisances becoming liens against the real property that is the subject of the order; and providing for the foreclosure of property subject to the lien and the recovery of all costs, including reasonable attorney's fees, associated with the recording of orders and foreclosure."~~

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the City of Palm Bay Code of Ordinances be revised to delete the language as specified above.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect March 1, 2022.

Read in title only at Meeting 2022-XX, held on \_\_\_\_\_, 2022; and read in title only and duly enacted at Meeting 2022-XX, held on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Rob Medina, MAYOR

ATTEST:

\_\_\_\_\_  
Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

***Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Patricia Smith, City Attorney

**DATE:** 1/20/2022

**RE:** Ordinance 2022-11, amending the Code of Ordinances, Chapter 52, Boards, by creating a new subchapter to be titled 'Code Enforcement Special Magistrate', final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

Under Section 162.03(2) Florida Statutes, the City may adopt by ordinance a code enforcement system that gives special magistrates the authority to hold hearings and assess fines against violators of municipal codes and ordinances. A special magistrate shall have the same status as an enforcement board under the Local Government Code Enforcement Boards Act, §§ 162.01-.13, Florida Statutes. This ordinance provides for the appointment of one or more special magistrates to preside over code enforcement matters, sets qualification standards, specifically grants the special magistrate the powers of the code enforcement board and designates the special magistrate to hear public nuisance complaints. The ordinance sets the following qualifications of a special magistrate: 1. an attorney licensed to practice law in the State of Florida; 2. licensed for no less than five (5) years; and 3. an attorney that has not been disciplined by any state bar. Council appoints the attorney for a period of two (2) years that may be renewed by City Council. The rate of pay of the special magistrate will be established in the special magistrate's contract.

### REQUESTING DEPARTMENT:

Growth Management, City Attorney's Office

### FISCAL IMPACT:

The cost of the special magistrate will be determined based on the proposals submitted in the Request for Proposals and the contract for the special magistrate approved by City Council. As these funds were not previously budgeted, a budget amendment will be required.

### RECOMMENDATION:

Motion to approve the Ordinance as noted above.

### ATTACHMENTS:

#### Description

Ordinance 2022-11

## ORDINANCE 2022-11

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 52, BOARDS, BY CREATING A NEW SUBCHAPTER TO BE TITLED 'CODE ENFORCEMENT SPECIAL MAGISTRATE'; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 52, Boards, is hereby amended by creating a new subchapter to be titled 'Code Enforcement Special Magistrate', which shall read as follows:

### **"CODE ENFORCEMENT SPECIAL MAGISTRATE**

#### **Section 52.080 INTENT.**

It is the intent of this subchapter to promote, protect, educate and improve the health, safety, and welfare of the citizens of the city, by adopting the Local Government Code Enforcement Boards Act, Section 162.01 through Section 162.13, Florida Statutes, and supplemental code enforcement procedures, as provided in Section 162.21 through Section 162.30, Florida Statutes.

#### **Section 52.081 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates a different meaning:

*Code compliance officer* means those authorized agents or employees of the city whose duty it is to ensure compliance with the Code of Ordinances.

*Irreparable or irreversible violation* means a violation that causes harm, damage, injury or change that is incapable of correction, repair or return to an original condition.

*Person* means any individual, firm, partnership, corporation, association, executor, administrator, trustee, or other legal entity, whether singular or plural, masculine or feminine, as the context may require.

*Reasonable time* means the time that would be required by a prudent person acting diligently to correct the violation, taking into consideration the scope

of the work required, the necessity to obtain any required permit, license or other approval by a government agency, and delays that may reasonably be expected to be encountered such as, but not necessarily limited to, the weather; however, where a different time period in which to correct the violation is provided for by the ordinance being enforced, that time period shall constitute reasonable time for that particular violation.

*Repeat violation* means a violation of a provision of an ordinance by a person who has been previously found by a special magistrate or through any other quasi-judicial or judicial process, or who has admitted by virtue by paying a fine imposed through a citation, to have violated the same provision within five (5) years prior to the violation, notwithstanding the fact that the violations occurred at different locations.

*Special magistrate* means an officer appointed as provided in this subchapter who shall have the status and authority of a code enforcement board.

*Violator* shall mean the person responsible for the code violation, which, in the appropriate circumstances, shall either be the perpetrator of the violation or the owner of the real property upon which the violation occurred.

#### **Section 52.083 JURISDICTION.**

The special magistrate shall have jurisdiction to hear and decide cases in which any violation of any provision, section or portion of this Code of Ordinances is alleged.

#### **Section 52.084. SPECIAL MAGISTRATE APPOINTMENT; QUALIFICATIONS.**

(A) The City Council may appoint one or more special magistrates who shall have the authority to hold hearings, assess fines against violators of the City's codes and ordinances, reduce fines in whole or in part, and otherwise exercise the powers of a code enforcement board as provided in Chapter 162, Part I, Florida Statutes, and to the extent provided in this article.

(B) Special magistrates shall be an attorney licensed to practice law in the State of Florida for no less than five (5) years. No attorney who has been disciplined by the Florida Bar or a bar of any other jurisdiction shall be appointed as a special magistrate. Any other qualifications may be established by resolution of the City Council.

(C) Special magistrates shall be appointed to a term of two (2) years and may be reappointed by the City Council.

(D) The special magistrate shall be compensated at a rate as provided in contract.

(E) A special magistrate shall preside over code enforcement matters once a month or more often if necessary. All hearings shall be open to the public.

(F) Minutes and records of hearings before a special magistrate shall be kept and maintained by the city in the manner and to the extent required by law. The city shall provide necessary and reasonable clerical and administrative support to enable a special magistrate to perform his or her duties. A special magistrate shall not be authorized to hire or use the services of any person except those provided by the city to assist in the performance of his or her duties.

(G) A special magistrate shall be subject to removal for cause. Failure to attend a hearing for which notice has been given without cause and without the prior notice to the city, shall constitute cause for removal. The city and the special magistrate may agree by contract to allow the contract to be terminated for convenience with prior notice.

#### **Section 52.085 POWERS OF SPECIAL MAGISTRATE.**

(A) A special magistrate shall have the power to:

- (1) Adopt rules for the conduct of code enforcement hearings;
- (2) Subpoena alleged violators and witnesses to its hearings;
- (3) Subpoena evidence, records, surveys, plats and other material;
- (4) Take testimony under oath; and
- (5) Issue orders following a hearing, which shall have the force of law and which shall set forth the steps necessary to bring a violation into compliance with the code or ordinance that has been violated, including requirements for compliance by a specific date and daily fines if the violation continues beyond the compliance date.

(B) A special magistrate shall not have the power to consider requests for reconsideration or rehearing that would extend the respondent's time for seeking an appeal.

#### **Section 52.086 CONFLICT OF INTEREST.**

The following conflict of interest provisions shall apply to the special magistrate:

(A) A special magistrate shall not engage in ex parte communications with any party, representative of a party, or interceding person concerning an alleged violation.

(B) No person who is, or may become, a party to a hearing before a special magistrate shall engage in ex parte communications with any special magistrate concerning that violation. This restriction shall extend to any person appearing or interceding on behalf of a party, whether or not such person may have a direct personal or financial interest in the property subject of the alleged violation.

**Section 52.087 PRESENTATION OF CASES.**

(A) The code compliance officers have the primary duty of enforcing the various codes and initiating enforcement proceedings before the special magistrate. No special magistrate shall have the power to initiate such enforcement proceedings.

(B) A code compliance officer may not initiate enforcement proceedings for a potential violation of a duly enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the city before an enforcement proceeding may occur. This paragraph does not apply if the code enforcement officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

(C) Each case before the special magistrate shall be presented by the code compliance officer issuing the notice of violation, the code compliance supervisor, other person with knowledge of the violation or the attorney representing the city.

(D) All testimony shall be under oath and shall be recorded. The special magistrate shall take testimony from the code compliance officer and the alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(E) The special magistrate has discretion to continue a code enforcement hearing at any time and may request additional information from either party.

(F) If a code enforcement hearing is continued, a date certain for the continued code enforcement hearing shall be announced at the public hearing or

a notice shall be provided to the respondent if a date is not available at the code enforcement hearing.

(G) Upon completion of all the evidence, the special magistrate shall close the code enforcement hearing.

(H) The special magistrate shall immediately deliberate in open session before the public. Although the public is welcome at the code enforcement hearings, they shall not be allowed to participate in or address the special magistrate during deliberation.

(I) After the conclusion of the hearing, the special magistrate shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief. The order shall include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in Section 162.09(1), Florida Statutes, as may be amended from time to time, the cost of repairs may be included along with the fine if the order is not complied with by the specified date.

(J) If the city prevails in enforcing a case before the special magistrate, it shall be entitled to recover all costs incurred in enforcing the case before the Special Magistrate, and in any appeals from the special magistrate's order. Such costs include but shall not be limited to: investigative costs, administrative costs, prosecution costs, and preparation of the record on appeal.

(K) A certified copy of the order required in paragraph 9 may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the special magistrate shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

(L) In all proceedings and hearings before the special magistrate, the special magistrate shall not be empowered to consider or rule upon the validity of any city ordinance. The special magistrate shall presume the validity of all city ordinances, except where a court of competent jurisdiction has determined an ordinance to be invalid. Furthermore, the special magistrate shall not be empowered to determine if the special magistrate has jurisdiction with respect to any alleged violation of a city ordinance; if the alleged violation derives from any



city ordinance, the special magistrate has jurisdiction and may proceed with the special magistrate's enforcement duties pursuant to Chapter 162, Florida Statutes, and the Code of Ordinances.

**SECTION 52.088 ADMINISTRATIVE FINES; COSTS OF REPAIR; LIENS.**

(A) Upon being notified by the code compliance officer that a previous order of the special magistrate has not been complied with by the time specified in such order, or finding that a repeat violation has been committed, the special magistrate may impose a fine at the daily rate previously set by the special magistrate, or in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by a code compliance officer.

(B) If there is reason to believe that a violation or a condition causing the violation presents a serious threat to the public health, safety and welfare, or if the violation is irreparable or irreversible in nature, the special magistrate shall notify the City Council, which may authorize reasonable repairs or other corrective actions required to bring the property into compliance, or otherwise secure the property, and charge the violator with the reasonable costs of the repairs or other corrective actions along with the fines imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the city to make further repairs or to maintain the property and does not create any liability against the City Council for damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this section, a hearing shall not be necessary for issuance of the order imposing the fine by the special magistrate.

**SECTION 52.089 FINES IN EXCESS OF STATUTORY LIMITS.**

(A) When the special magistrate determines that the factors and criteria in subsection (B) exist in any matters regarding violations of the Palm Bay Code of Ordinances that involve multifamily of more than three (3) units and commercial structures, the special magistrate may impose the following fines:

(1) For a first violation, a fine not exceed one thousand dollars (\$1,000.00) for each day that the violation continues past the date set for compliance.

(2) Five thousand dollars (\$5,000.00) per day per violation for repeat violations;

(3) A fine not to exceed fifteen thousand dollars (\$15,000.00) per violation, if the special magistrate finds a violation to be irreparable or irreversible in nature;

(4) In addition to such fines, the special magistrate may impose additional fines to include all costs of repairs or other corrective action taken by the City of Palm Bay in enforcing its codes and all cost of repairs pursuant to Section 162.09, Florida Statutes.

(B) In determining the amount of the fine to be imposed, the special magistrate shall consider the following factors:

- (1) The gravity of the violation;
- (2) Any actions taken by the violator to correct the violation;
- (3) If the corrective actions taken by the violator were made in good faith;
- (4) Any previous violations committed by the violator;
- (5) The length of time the violation existed;
- (6) Whether the harm resulting from the violation is irreparable or irreversible;
- (7) The character of the surrounding neighborhood.

(C) Liens created pursuant to an order by the special magistrate and recorded in the public record shall bear simple interest at a rate not to exceed the legal rate allowed for such liens and may be foreclosed pursuant to the procedure set forth in Chapter 162, Florida Statutes.

#### **Section 52.090 OTHER REMEDIES.**

(A) The provisions and procedures contained in this subchapter shall be in addition and supplemental to any other remedies now existing or subsequently provided for by law regarding violations of this Code and any other ordinance of the city.

(B) The City Council may, by resolution, establish uniform schedules to be imposed on code enforcement cases that appear before the special magistrate to cover all costs of enforcement.

#### **Section 52.091. APPEALS.**

Any aggrieved party, including the City, may appeal a ruling or order of the special magistrate to the circuit court as provided by Section 162.11, Florida

Statutes. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate. An appeal must be filed within thirty (30) days of the execution of the order to be appealed.

**Section 52.092 SETTLEMENT OR COMPROMISE OF LIENS.**

(A) The Special Magistrate shall be authorized to review and approve requests for settlement, compromise or cancellation of liens imposed pursuant to this subchapter or Chapter 162, Florida Statutes. The Special Magistrate shall make the determination as to whether to settle a lien for less than face value or to cancel such lien altogether, upon submission of a Petition for Relief (form on file) by an affected property owner or prospective owner. Approval of settlement, compromise or cancellation shall be objectively based upon the following:

- (1) The market value of the real property as most recently determined by the Brevard County Property Appraiser;
- (2) The gravity of the violation;
- (3) The due diligence of the property owner upon receipt of the violation notice;
- (4) The actions taken and the amount of money spent on correcting the violation(s);
- (5) Any previous violations committed by the property owner or the property owner's tenant and/or occupant;
- (6) Whether the violation was committed by the current property owner; and
- (7) Any other extenuating circumstances which justify the reduction or refusal to reduce the amount owed.

(B) The City Council may, at its discretion by resolution, adopt a more formal policy regulating the criteria for settlement, compromise or cancellation of code enforcement liens. No reduction may be granted by the Special Magistrate for a lien when current litigation exists in which the primary litigants are the property owners and the city and in which the real property is at issue.

**Section 52.093 PROCEDURE FOR SETTLEMENT OR COMPROMISE OF LIENS.**

(A) The owner or a prospective purchaser of real property against which a code enforcement lien has been imposed may file a Petition for Relief with the City Manager or the City Manager's designee seeking satisfaction of such code enforcement lien with less than full payment, including partial payment in

conjunction with verified improvements to the exterior of the real property. No such application shall be forwarded to the Special Magistrate for consideration until the applicant has first shown that:

(1) All ad valorem property taxes, special assessments, city utility charges and other government-imposed charges, fines or liens against the subject real property have been paid or are current;

(2) All code violations have been corrected under required permits issued therefore and appropriate affidavits of compliance are on-file in the matter.

(B) In the event the property owner is seeking relief under this section to facilitate a refinancing of the real property or to secure a home equity loan, the property owner may apply for the relief notwithstanding subsection (A), paragraph (1) above, provided a binding agreement is executed whereby the unpaid taxes, assessments, other liens or other indebtedness will be fully satisfied at the closing of the refinancing or home equity loan.

(C) Petition for Relief. In considering an application to reduce a code enforcement lien, no settlement or satisfaction shall be approved by the Special Magistrate with less than full payment, unless the Special Magistrate hears the matter as a quasi-judicial hearing at a public meeting (not a public hearing). Subsequent to the hearing, the Special Magistrate shall make specific findings that no violation of any city ordinance currently exists on the subject real property, or that a prospective purchaser has agreed to correct such violations on or before a date certain, which agreement is evidenced by a written agreement.

(D) Settlement of Litigation. In considering whether to authorize a reduction of a code enforcement lien to bring a litigation matter to closure, no settlement or satisfaction shall be approved by the Special Magistrate with less than full payment, until the Special Magistrate receives a recommendation from both the City Attorney and the City Manager in writing, is fully apprised of the market value of the property, the amount of the lien(s), and any other extenuating circumstances. If time is of the essence, this determination does not require a public meeting at the time a decision is rendered; however, the settlement decision shall be ratified by the Special Magistrate at the next public meeting of the Special Magistrate and the full amount of the lien shall be placed in escrow by the closing agent until such time as the Magistrate's order is ratified.

(E) Urgent Settlements. In the event an applicant requests that a Petition for Relief be considered prior to the next regularly scheduled hearing date, good cause must be shown. Good cause may include, but is not limited to, an

unexpected short closing date for the purchase of real property. The Special Magistrate has the sole discretion to determine whether the matter involves a legitimate urgency which requires resolution prior to the next scheduled hearing. Before making a determination under this subsection, the Special Magistrate shall receive a recommendation from both the City Attorney and the City Manager in writing, shall be fully apprised of the market value of the property, the amount of the lien(s), and any other extenuating circumstances. This determination does not require a public meeting at the time a decision is rendered; however, the settlement decision shall be ratified by the Special Magistrate at the next public meeting of the Special Magistrate and the full amount of the lien shall be placed in escrow by the closing agent until such time as the Magistrate's order is ratified.

**Section 52.094 NUISANCES UNDER Fla. Stat. § 893.138.**

Pursuant to Chapter 166 and Section 893.138, Florida Statutes, the City Council hereby creates the public nuisance abatement process and designates a special magistrate to hear public nuisance complaints. It is the intent of this section to establish a public nuisance abatement process to promote, protect, and improve the health, safety and welfare of the citizens of the city by providing an equitable, expeditious and effective method to abate public nuisances. The special magistrate shall have authority to hold hearings and assess fines against property owners and issue orders having the force of law in accordance with the terms and conditions herein set and under the authority of Chapter 166 and Section 893.138, Florida Statutes. The special magistrate may impose fines not to exceed two hundred fifty dollars (\$250.00) per day for public nuisances; requiring payment of reasonable costs, including reasonable attorney's fees, associated with the investigations of and hearings on public nuisances; imposing fines not to exceed five hundred dollars (\$500.00) per day for recurring public nuisances; providing for continuing jurisdiction for a period of one (1) year over any place or premises that has been or is declared to be a public nuisance; providing for the recording of orders on public nuisances; providing for recorded orders on public nuisances becoming liens against the real property that is the subject of the order; and providing for the foreclosure of property subject to the lien and the recovery of all costs, including reasonable attorney's fees, associated with the recording of orders and foreclosure. The jurisdiction of the public nuisance abatement special magistrate shall not be exclusive."

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect March 1, 2022.

Read in title only at Meeting 2022-XX, held on \_\_\_\_\_, 2022; and read in title only and duly enacted at Meeting 2022-XX, held on \_\_\_\_\_, 2022.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**DATE:** 1/20/2022

**RE:** Ordinance 2022-12, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by modifying the minimum distribution of benefits and miscellaneous provisions, final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

Effective January 1, 2020, the Internal Revenue Code was amended by increasing the required minimum distribution age from 70½ to 72, thereby creating the need to revise our City Code to reflect the amendment. The proposed changes to City Ordinances 55-17 and 55-18 include language reflecting the change in distribution age.

Additionally, language is added to provide consideration for an administrative process policy to be adopted by the Pension Board that would allow for administrative changes such as this one to be handled at the Board level, specifically when such changes are required in order to maintain compliance with the Internal Revenue Code.

Also attached to this agenda memo is a letter received from the Pension Fund actuary that includes their determination that the adoption of these proposed Ordinance changes will have no impact on the assumptions used in determining the valuation results/funding requirements of the program.

**REQUESTING DEPARTMENT:**

City Manager's Office

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Motion to approve and authorize the Mayor to execute the Amended Ordinance attached.

**ATTACHMENTS:**

**Description**

Letter of No Impact

Ordinance 2022-12



December 17, 2021

VIA EMAIL

Ms. Kathy Adams, CPPT  
Board Administrator  
City of Palm Bay Police & Fire Pension Fund  
Conlan Professional Center  
1501 Robert J. Conlan Blvd. NE Suite 260  
Palm Bay, FL 32905-3567

Re: City of Palm Bay  
Police Officers' and Firefighters' Retirement Pension Plan

Dear Ms. Adams:

In response to your request, we have reviewed the proposed ordinance amending Section 55.17, Minimum Distribution of Benefits and Section 55.18, Miscellaneous Provisions to update the required minimum distribution age from 70 ½ to 72 and to adopt an administrative policy setting forth the required provisions for tax qualification. We have determined that adoption of the proposed ordinance will have no impact on the assumptions used in determining the funding requirements of the program.

Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter to the following office:

Mr. Keith Brinkman  
Bureau of Local Retirement Systems  
Division of Retirement  
P. O. Box 9000  
Tallahassee, FL 32315-9000

Mr. Steve Bardin  
Municipal Police and Fire  
Pension Trust Funds  
Division of Retirement  
P.O. Box 3010  
Tallahassee, FL 32315-3010

The undersigned is familiar with the immediate and long-term aspects of pension valuations, and meets the Qualification Standards of the American Academy of Actuaries necessary to render the actuarial opinions contained herein.

If you have any questions, please let me know.

Sincerely,



Patrick T. Donlan, ASA, EA, MAAA

## **ORDINANCE 2022-12**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 55, POLICE AND FIREFIGHTERS RETIREMENT PENSION PLAN, BY MODIFYING THE MINIMUM DISTRIBUTION OF BENEFITS AND MISCELLANEOUS PROVISIONS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay Police Officers' and Firefighters' Retirement System ("Pension Plan") is governed by Chapters 175 and 185, Florida Statutes, and

**WHEREAS**, the City of Palm Bay has a Police Officers' and Firefighters' Retirement System for the benefit of City police officers and firefighters, and

**WHEREAS**, changes to the Internal Revenue Code happen quickly and frequently. There is a benefit in authorizing the Board of Trustee of the City of Palm Bay Police Officers' and Firefighters' Pension Trust Fund to make appropriate changes to the Plan in order to maintain the Plan's tax qualified status, and

**WHEREAS**, effective January 1, 2020, the Internal Revenue Code was amended by increasing the required minimum distribution age from 70½ to 72, and

**WHEREAS**, the City Code should be amended to reflect this Internal Revenue Code amendment, and

**WHEREAS**, the Palm Bay City Council has determined that the passage of this ordinance is in the best interest of the citizens of the City of Palm Bay.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 55, Police and Firefighters Retirement Pension Plan, Section 55.17, Minimum Distribution of Benefits, is hereby amended and shall henceforth read as follows:

**“Section 55.17. MINIMUM DISTRIBUTION OF BENEFITS.**

\* \* \*

(B) *Time and manner of distribution.*

(1) *Required beginning date.* The member's entire interest will be distributed, or begin to be distributed, to the member no later than the member's required beginning date which shall not be later than April 1 of the calendar year following the later of the calendar year in which the member attains age ~~seventy and one-half (70 ½)~~ >>seventy-two (72), provided the member had not attained age seventy and one half (70 ½) by December 31, 2019;<< or the calendar year in which the member retires unless otherwise provided for in the Plan or required by law.

(2) *Death of member before distributions begin.* If the member dies before distributions begin, the member's entire interest will be distributed, or begin to be distributed no later than as follows:

(a) If the member's surviving spouse is the member's sole designated beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by December 31 of the calendar year in which the member would have attained age ~~seventy and one-half (70 ½)~~ >>seventy-two (72), provided the member had not attained age seventy and one half (70 ½) by December 31, 2019<<, if later, >>as the surviving spouse elects<<.

\* \* \*

(D) *Requirements for annuity distributions that commence during a member's lifetime.*

\* \* \*

(2) *Period certain annuities.* Unless the member's spouse is the sole designated beneficiary and the form of distribution is a period certain and no life annuity, the period certain for an annuity distribution commencing during the member's lifetime may not exceed the applicable distribution period for the member under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury regulations for the calendar year that contains the annuity starting date. If the annuity starting date precedes the year in which the member reaches age ~~seventy (70)~~ >>seventy-two (72), provided the participant had not attained age seventy and one half (70 ½) by December 31, 2019<<, the applicable distribution period for the member is the distribution period for age ~~seventy (70)~~ >>seventy-

two (72)<< under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury regulations plus the excess of ~~seventy (70)~~ >>seventy-two (72)<< over the age of the member as of the member's birthday in the year that contains the annuity starting date. If the member's spouse is the member's sole designated beneficiary and the form of distribution is a period certain and no life annuity, the period certain may not exceed the longer of the member's applicable distribution period, as determined under this subsection (D)(2), or the joint life and last survivor expectancy of the member and the member's spouse as determined under the Joint and Last Survivor Table set forth in Section 1.401(a)(9)-9 of the Treasury regulations, using the member's and spouse's attained ages as of the member's and spouse's birthdays in the calendar year that contains the annuity starting date.

\* \* \*

**SECTION 2.** The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 55, Police and Firefighters Retirement Pension Plan, Section 55.18, Miscellaneous, is hereby amended and shall henceforth read as follows:

**“Section 55-18. MISCELLANEOUS PROVISIONS**

\* \* \*

(C) *Qualification of system.* It is intended that the system will constitute a qualified pension plan under the applicable provisions of the code, as now in effect or hereafter amended. Any modification or amendment of the system may be made retroactively, if necessary or appropriate, to qualify or maintain the system as a plan meeting the requirements of the applicable provisions of the code as now in effect or hereafter amended, or any other applicable provisions of the U.S. federal tax laws, as now in effect or hereafter amended or adopted and the regulations issued thereunder. Subject to the foregoing, the system is declared to be an irrevocable plan and trust, subject to the city's right to terminate in accordance with law.

>>(1) In recognition of the changing requirements of system qualification, the Board shall adopt an administrative policy setting forth the required provisions for tax qualification. Such a policy shall be amended by the Board as required to maintain continuing compliance with the Internal Revenue Code and that policy and any amendments shall have the force of law as if adopted by the City Council.<<

\* \* \*

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 4.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 5.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 6.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2022-XX, held on \_\_\_\_\_, 2022; and read in title only and duly enacted at Meeting 2022-XX, held on \_\_\_\_\_, 2022.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

***Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Larry Wojciechowski, Finance Director

**DATE:** 1/20/2022

**RE:** Ordinance 2022-13, amending the Fiscal Year 2021-2022 budget by appropriating and allocating certain monies (first budget amendment), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

Summary of the proposed budget amendment:

### **General Fund (001)**

#### ***Revenues – Total \$856,502***

- Recognize additional FY 2022 State-Shared revenues published by the Florida Department of Revenue's Office of Tax Research – **\$850,881**.
- Recognize Hurricane Dorian FEMA Public Assistance (PA) Reimbursement #2, General Fund portion – **\$37,658**.
- Recognize additional funding from the Hazard Mitigation Grant Program through the Florida Department of Emergency Management (FDEM) to offset the salaries of the Primary Project Manager (Greg Minor, Facilities Director) and a Secondary Project Manager (Andrew Orndorff, Construction Project Manager) – **\$14,500**.
- Budget Correction: Reduce incoming transfer from the Bayfront Community Redevelopment Fund (181) for FY 2020 unspent funds owed to the General Fund per Interlocal Agreement; transfer was completed in FY 2021 Budget Amendment #5 per City Council approval on 08/05/2021 – **(\$46,537)**.

#### ***Expenditures – Total \$389,028***

- Appropriate funding for the Special Election for Seat 5 on the Palm Bay City Council to be held on Tuesday, 03/08/2022; approved by City Council 08/05/2021 – **\$254,000**.
- Procurement Agent II to Procurement Agent III promotion salary increase, approved by City Council 10/21/2021 – **\$3,316**.
- Appropriate budgeted funding from the Human Resources Department and vending machine revenue (through Undesignated Fund Balance) to city-wide General Fund departments to utilize towards 2021 departmental holiday events based on active FTE count – **Net Impact \$1,807**.
- Appropriate funding for a temporary Office Assistant II position within the Public Works Department to assist with applications processing and public customer service duties specifically for Driveway and Lot Drainage; approved by City Council 11/04/2021 – **\$15,427**.



- Appropriate funding for credit card processing fees related to the CardKnox credit card merchant transition scheduled for March 2022; funding to cover estimated costs from October 2021 through March 2022; approved by Council 12/02/2021 – **\$70,000.**
- Transfer budgeted funding to the Utilities Operating Fund from the Human Resources Department and vending machine revenue (through Undesignated Fund Balance) to utilize towards 2021 departmental holiday events based on active FTE count – **\$1,033.**
- Transfer funding to the Building Fund from the Human Resources Department and vending machine revenue (through Undesignated Fund Balance) to utilize towards 2021 departmental holiday events based on active FTE count – **\$245.**
- Transfer 25.0% city-match funding to the Community Investment Fund for the Florida Inland Navigation District (FIND) grant for the replacement of existing and permitted navigable channel markers along Turkey Creek; approved by City Council 03/18/2021 – **\$25,000.**
- FY 2021 Budget re-appropriation of previously approved unspent/unencumbered funds not rolled to FY 2022; Public Works two (2) AED Defibrillators \$4,000; one (1) Small Conex Box \$4,500; and two (2) Large Conex Boxes \$9,700; delay in delivery/installation due to vendor insurance inquiries – **Total Balance \$18,200**

#### **Enforcement Trust Fund/LETF Fund (101)**

##### ***Expenditures – Total \$25,031***

- LETF 22-01: Legal Costs associated with the Asset Forfeiture Program to cover court fees, summons fees, legal advertisements, certified mailings etc.; approved by City Council 10/07/2021 – **\$5,000.**
- LETF 22-02: Training registration costs and travel related expenditures for Dana Packard (Community Services Coordinator) to attend the Senior Management Institute for Police (SMIP) and Agent Jorge Negrón to attend Technical Installations in a High Voltage Environment training; approved by City Council 11/04/2021 – **\$13,453.**
- LETF 22-03: Donation to the 2021 Reindeer Run for the purchase of gift cards \$6,450 and reindeer antlers for the children \$128; approved by City Council 12/02/2021 - **\$6,578.**

#### **Code Nuisance Fund (105)**

##### ***Expenditures – Total \$17,000***

- Budget Correction: Appropriate funding for County Recording fees (County Clerk of Courts) missed during the budget preparation process – **\$17,000.**

#### **SHIP Fund (111)**

##### ***Expenditures – Total \$0***

- Budget Correction: Transfer reserves from the 33/Growth Management Department account code (\$4,500) to the 34/Community & Economic Development (C&ED) Department account code \$4,500; SHIP Fund falls under the Housing Division reporting to C&ED – **\$0.**

#### **Bayfront Community Redevelopment Fund (181)**

##### ***Expenditures – Total (\$46,537)***

- Budget Correction: Reduce outgoing transfer to the General Fund (001) for FY 2020 unspent funds owed to the General Fund per Interlocal Agreement; transfer was completed in FY 2021 Budget Amendment #5 per City Council approval on 08/05/2021 – **(\$46,537).**

#### **Police Impact Fees - 32907 Fund (183)**

##### ***Expenditures – Total \$15,980***

- Conversion of a Market Patrol Vehicle to a Market K9 Patrol Vehicle; approved by City Council 09/16/2021 – **\$6,175.**
- FY 2021 Budget re-appropriation of previously approved unspent/unencumbered funds not rolled to FY

2022: vehicle & on-boarding expenditures for six (6) Police Officer position awarded through the Department of Justice (DOJ) Cops Hiring Program (CHP) Federal Grant; approved by Council 11/19/2020, on FY 2021 Budget Amendment #1 – **Total Balance \$9,805.**

**Police Impact Fees - 32908 Fund (184)**

***Expenditures – Total \$9,924***

- FY 2021 Budget re-appropriation of previously approved unspent/unencumbered funds not rolled to FY 2022: vehicle & on-boarding expenditures for six (6) Police Officer position awarded through the Department of Justice (DOJ) Cops Hiring Program (CHP) Federal Grant; approved by Council 11/19/2020, on FY 2021 Budget Amendment #1 – **Total Balance \$9,924.**

**Police Impact Fees - 32909 Fund (186)**

***Expenditures – Total \$40,962***

- FY 2021 Budget re-appropriation of previously approved unspent/unencumbered funds not rolled to FY 2022: vehicle & on-boarding expenditures for six (6) Police Officer position awarded through the Department of Justice (DOJ) Cops Hiring Program (CHP) Federal Grant; approved by Council 11/19/2020, on FY 2021 Budget Amendment #1 – **Total Balance \$40,962.**

**Fire Impact Fees - 32905 Fund (187)**

***Expenditures – Total \$18,078***

- FY 2021 Budget re-appropriation of previously approved unspent/unencumbered funds not rolled to FY 2022: High Water Rescue Vehicle; approved by Council 09/17/2020, on FY 2021 Budget Amendment #1 – **Total Balance \$1,828.**
- Appropriate funding to complete retrofitting the high-water rescue vehicle; approved by City Council 11/04/2021 – **\$16,250.**

**Fire Impact Fees - 32907 Fund (188)**

***Expenditures – Total \$18,078***

- FY 2021 Budget re-appropriation of previously approved unspent/unencumbered funds not rolled to FY 2022: High Water Rescue Vehicle; approved by City Council 09/17/2020, on FY 2021 Budget Amendment #1 – **Total Balance \$1,828.**
- Appropriate funding to complete retrofitting the high-water rescue vehicle; approved by City Council 11/04/2021 – **\$16,250.**

**Fire Impact Fees - 32908 Fund (189)**

***Expenditures – Total \$180,000***

- FY 2021 Budget re-appropriation of previously approved unspent/unencumbered funds not rolled to FY 2022: Brush Truck for Fire Station #6; approved by City Council 06/03/2021, on FY 2021 Budget Amendment #3 – **Full Amount \$180,000.**

**Fire Impact Fees - 32909 Fund (190)**

***Expenditures – Total \$73,517***

- FY 2021 Budget re-appropriation of previously approved unspent/unencumbered funds not rolled to FY 2022: Additional funding for project 21FD01/Fire Training Facility; approved by City Council 09/02/2021, on FY 2021 Budget Amendment #5 – **Full Amount \$73,517.**

**Transportation Impact Fees - 32907 Fund (197)**

***Expenditures – Total \$3,000,000***

- Open and fund project 22PW01/Malabar Road Widening from Minton to SJHP; approved by Council 11/18/2021 – **\$3,000,000.**

### **Community Investment Fund (301)**

#### **Revenues – Total \$188,000**

- Record incoming Florida Inland Navigation District (FIND) grant for the replacement of existing and permitted navigable channel markers along Turkey Creek; approved by City Council 03/18/2021 – **\$75,000.**
- Transfer from the General Fund the 25.0% city-match funding for the Florida Inland Navigation District (FIND) grant for the replacement of existing and permitted navigable channel markers along Turkey Creek; approved by City Council 03/18/2021 – **\$25,000.**
- Transfer from the Stormwater Utilities Fund (461) for two (2) Nutrient-separating Baffle Boxes; approved by City Council 10/07/2021 – **\$88,000.**

#### **Expenditures – Total (\$105,617)**

- Utilize Florida Inland Navigation District (FIND) grant funding and city-match to replace 22 existing and permitted boater navigational signs; approved by City Council 03/18/2021 – **\$100,000.**
- Appropriate incoming revenue to project 21PW05/Two Nutrient Sep. Baffle Boxes - **\$88,000.**
- Close the Safe Routes to School project (18PW02); project completed – **(\$293,617).**

### **Road Maintenance CIP Fund (307)**

#### **Expenditures – Total (\$9,835)**

- Close the Safe Routes to School project (18PW02); project completed – **(\$9,835).**

### **2019 G.O. Road Program Fund (309)**

#### **Expenditures – Total \$12,260,000**

- Open and fund the following G.O. Road Program projects – **Total Impact \$12,260,000**
  - 22GO01/Driskell Heights Paving \$450,000
  - 22GO02/Florida Ave. Paving \$300,000
  - 22GO03/Farview Subdivision Paving \$300,000
  - 22GO04/Emerson-Fairhaven to C1 Paving \$550,000
  - 22GO05/PMU 20 Road Paving \$2,750,000
  - 22GO06/NE Area Misc. Road Paving \$3,785,000
  - 22GO07/CC 1-10 Road Paving \$4,125,000

### **Utilities Operating Fund (421)**

#### **Revenues – Total (\$130,631)**

- Hurricane Dorian FEMA Public Assistance (PA) Reimbursement #2, Utilities Operating Fund portion – **\$111.**
- Transfer from the General Fund - Human Resources Department and vending machine revenue to utilize towards 2021 departmental holiday events based on active FTE count – **\$1,033.**
- Budget Correction: Reverse incoming transfer from the Stormwater Utility Fund (461) for the FY 2022 allocations for Utilities Customer Care Services salaries/wages; payroll allocations to be completed via salary distributions – **(\$131,775).**

#### **Expenditures – Total \$328,424**

- Appropriate incoming revenue to utilize towards 2021 departmental holiday events **\$1,033.**
- Appropriate funding to project 21WS25/Lift Station Solar Panels for additional solar/battery backup conversions; approved by City Council 10/07/2021 – **\$6,000.**
- Appropriate funding for Florida Department of Environmental Protection (FDEP) penalties and fees; approved by City Council 10/07/2021 – **\$25,000.**
- Budget Correction: Add personnel service costs for the Waster Distribution Division (8020) for Insurance Benefits Credits \$10,343 and Employee Health Insurance Premiums \$269,848 removed in error during the budget preparation process - **\$280,191.**

- Appropriate funding for fuel to fill the 6,000-gallon fuel tank at the North Regional Water Treatment Plant rehabilitation; approved by City Council 12/02/2021 – **\$16,200.**

#### **Utilities Renewal & Replacement Fund (424)**

##### ***Expenditures – Total \$29,103***

- Appropriate additional funding for Change Order #3 for transfer/backwash pumps and generators (project 17WS04) for the North Regional Water Treatment Plant Rehabilitation, approved by City Council 10/21/2021 – **\$29,103.**

#### **Building Fund (451)**

##### ***Revenues – Total \$245***

- Transfer from the General Fund - Human Resources Department and vending machine revenue to utilize towards 2021 departmental holiday events based on active FTE count – **\$245.**

##### ***Expenditures – Total \$63,970***

- Purchase of one (1) Ford Escape Hybrid vehicle, approved by City Council 10/21/2021 – **\$28,960.**
- Appropriate incoming revenue to utilize towards 2021 departmental holiday events **\$245.**
- Appropriate funding for credit card processing fees related to the CardKnox credit card merchant transition scheduled for March 2022; funding to cover estimated costs from October 2021 through March 2022; approved by Council 12/02/2021 – **\$34,000.**
- Budget Correction: Appropriate funding for PFM Investment Services for 3-months missed during the budget preparation process – **\$765.**

#### **Stormwater Utility Fund (461)**

##### ***Expenditures – Total \$156,730***

- Transfer to the Community Investment Fund (301) for two (2) Nutrient-separating Baffle Boxes; approved by City Council 10/07/2021 – **\$88,000.**
- Budget Correction: Reverse outgoing transfer to the Utility Operating Fund (421) for the FY 2022 allocations for Utilities Customer Care Services salaries/wages; payroll allocations to be completed via salary distributions – **(\$131,775).**
- Budget Correction: Appropriate funding for PFM Investment Services for 3-months missed during the budget preparation process – **\$505.**
- Appropriate additional funding to the Country Clubs Units drainage project (21SU12); the City Engineer's construction estimate came in higher than budgeted; approved by City Council 12/02/2021 - **\$200,000.**

#### **Health Insurance Fund (511)**

##### ***Expenditures – Total \$500***

- Budget Correction: Appropriate funding for PFM Investment Services for 3-months missed during the budget preparation process – **\$500.**

#### **Risk Management Fund (512)**

##### ***Expenditures – Total \$22,237***

- Assistant City Attorney to Deputy City Attorney promotion salary increase, approved by City Council 09/16/2021 – **\$21,737.**
- Budget Correction: Appropriate funding for PFM Investment Services for 3-months missed during the budget preparation process – **\$500.**

#### **Fleet Services Fund (521)**

##### ***Expenditures – Total \$136,328***

- FY 2021 Budget re-appropriation of previously approved unspent/unencumbered funds not rolled to FY 2022; approved by City Council 09/03/2020, on FY 2021 Budget Amendment #1 – **Total Balance**

**\$51,366**

Fire Squad Truck – Balance \$3,582

Fire District Chief Vehicle – Balance \$12,784

Fire Brush Truck Retrofit for Wildland Fires – Full Amount \$35,000

- FY 2021 Budget re-appropriation of previously approved unspent/unencumbered funds not rolled to FY 2022; Public Works Operations Division Manager Vehicle; approved by City Council 01/07/2021, on FY 2021 Budget Amendment #2 – **Total Balance \$27,250.**
- FY 2021 Budget re-appropriation of previously approved unspent/unencumbered funds not rolled to FY 2022; approved by City Council 09/03/2020, on FY 2021 Budget Amendment #1 – **Total Balance \$57,770.**
  - Accessories for two (2) marked K-9 Dodge Durangos – Balance \$26,800
  - Accessories for three (3) unmarked Dodge Durangos – Balance \$12,750
  - Accessories for two (2) unmarked Dodge Chargers – Balance \$8,540
  - Accessories for two (2) unmarked Nissan Rogues – Balance \$4,600 (purchased in lieu of approved Chevy Equinox)
  - Accessories for two (2) unmarked Nissan Altimas – Balance \$4,560
  - Tags/Titles/Permits for two (2) marked K-9 Dodge Durangos & two (2) unmarked Nissan Altimas – Balance \$520
- Close the completed Gasboy Upgrade project (21PW03) – **(\$58).**

**REQUESTING DEPARTMENT:**

Finance

**FISCAL IMPACT:**

Please refer to Exhibit A for details.

**RECOMMENDATION:**

Motion to adopt, by Ordinance, the FY 2022 First Budget Amendment.

**ATTACHMENTS:**

**Description**

Ordinance 2022-13

Exhibit A - FY 22 BA #1 Appropriations

## **ORDINANCE 2022-13**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2022 BUDGET BY APPROPRIATING and allocating funds IDENTIFIED IN exhibit 'a', CONSISTING OF five (5) PAGES AND INCORPORATED IN ITS ENTIRETY HEREIN; RECOGNIZING THAT SUCH APPROPRIATIONS MUST BE MADE PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF PALM BAY, CHAPTER 35; ADOPTING, RATIFYING, CONFIRMING, AND VALIDATING THE ALLOCATIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay recognizes that non-budgeted items must be appropriated and that such appropriation must be allocated by Ordinance, and

**WHEREAS**, transfers between funds and departments must be approved by City Council, and

**WHEREAS**, Chapter 35, Finance, Budget, Section 35.035, of the City of Palm Bay, Code of Ordinances provides for the transfer of funds and appropriation of unbudgeted funds.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City Council, in accordance with the City of Palm Bay, Code of Ordinances, Chapter 35, Finance, Budget, Section 35.035, hereby appropriates the funds as identified in Exhibit 'A'.

**SECTION 2.** The City Council adopts, ratifies, and approves the appropriations as identified in Exhibit 'A'.

**SECTION 3.** The provisions within this Ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2022- , held on , 2022; and  
read in title only and duly enacted at Meeting 2022- , held on , 2022.

---

Robert Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_



## Summary of the Proposed Budget Amendment

	Revenues	Expenditures
<b>General Fund (001)</b>		
FY 21 Unspent/Unencumbered Budget Re-Appropriations (PW)		18,200
Budget Correction: Incoming CRA Transfer Reduction	(46,537)	
Salary Adjustment: Procurement Agent II to III Promotion		3,316
Credit Card Processing Fees		70,000
FEMA PA Reimbursement - Hurricane Dorian	37,658	
Holiday Party Fund Re-Distribution & Vending Machine Revenue		1,807
Special Election Expenses		254,000
Hazard Mitigation Grant (FDEM) - Additional Funding	14,500	
Public Works Temporary Employment Services		15,427
Transfer to Community Investment Fund for 25% Match to the FIND Grant - Replace 22 Boater Navigational Signs		25,000
Record Additional EDR State-Shared Revenues	850,881	
Contingency		468,752
Undesignated Fund Balance	0	
<b>Fund Subtotal</b>	<b>856,502</b>	<b>856,502</b>
<b>Law Enforcement Trust Fund (101)</b>		
LETf 22-01: Asset Forfeiture Program		5,000
LETf 22-02: Training & Travel		13,453
LETf 22-02: 2021 Reindeer Run Donation		6,578
Reserves		(9,500)
Undesignated Fund Balance	15,531	
<b>Fund Subtotal</b>	<b>15,531</b>	<b>15,531</b>
<b>Code Nuisance Fund (105)</b>		
Budget Correction: Clerk of Court Recording Fees		17,000
Reserves		(17,000)
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>SHIP Fund (111)</b>		
Budget Correction: Department Code Correction		(4,500)
Reserves		4,500

Mayor and Council: FY 2022 First Budget Amendment

Janaury 6, 2022

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Exhibit A

<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>BCRA Fund (181)</b>		
Budget Correction: Outgoing GF Transfer Reduction		(46,537)
Reserves		46,537
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>Police Impact Fees-32905 Fund (183)</b>		
FY 21 Unspent/Unencumbered Budget Re-Appropriations		9,805
K-9 Marked Vehicle Conversion		6,175
Reserves		(15,980)
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>Police Impact Fees-32908 Fund (184)</b>		
FY 21 Unspent/Unencumbered Budget Re-Appropriations		9,924
Reserves		(9,924)
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>Police Impact Fees-32909 Fund (186)</b>		
FY 21 Unspent/Unencumbered Budget Re-Appropriations		40,962
Reserves		(40,962)
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>Fire Impact Fees-32905 Fund (187)</b>		
FY 21 Unspent/Unencumbered Budget Re-Appropriations		1,828
High Water Rescue Vehicle Retrofit		16,250
Reserves		(18,078)
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>Fire Impact Fees-32907 Fund (188)</b>		
FY 21 Unspent/Unencumbered Budget Re-Appropriations		1,828
High Water Rescue Vehicle Retrofit		16,250
Reserves		(18,078)
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>Fire Impact Fees-32908 Fund (189)</b>		
FY 21 Unspent/Unencumbered Budget Re-Appropriations		180,000
Reserves		(180,000)

Mayor and Council: FY 2022 First Budget Amendment

Janaury 6, 2022

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Exhibit A

<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>Fire Impact Fees-32909 Fund (190)</b>		
FY 21 Unspent/Unencumbered Budget Re-Appropriations		73,517
Reserves		(73,517)
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>Transportation Impact Fees-32907 Fund (197)</b>		
Open Malabar Road Widening Project (22PW01)		3,000,000
Reserves		(1,002,548)
Undesignated Fund Balance	1,997,452	
<b>Fund Subtotal</b>	<b>1,997,452</b>	<b>1,997,452</b>
<b>Community Investment Fund (301)</b>		
Transfer from Stormwater Fund for Two (2) Nutrient Baffle Boxes		88,000
Funding for Two (2) Nutrient Baffle Boxes (project 21PW05)	88,000	
Transfer from General Fund for FIND Grant 25% Match - Replace 22 Boater Navigational Signs	25,000	
FIND Grant - Replace 22 Boater Navigational Signs	75,000	
Replace 22 Boater Navigational Signs (project 22PW02)		100,000
Close Safe Routes to Schools project (18PW02)		(293,617)
Reserves		293,617
<b>Fund Subtotal</b>	<b>188,000</b>	<b>188,000</b>
<b>Road Maintenance CIP Fund (307)</b>		
Close Safe Routes to Schools project (18PW02)		(9,835)
Reserves		9,835
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>GO Road Program (309)</b>		
Open Driskell Heights Paving Project (22GO01)		450,000
Florida Avenue Paving Project (22GO02)		300,000
Farview Subdivision Paving Project (22GO03)		300,000
Emerson-Fairhaven to C1 Paving Project (22GO04)		550,000
PMU 20 Road Paving Project (22GO05)		2,750,000
NE Area Misc. Road Paving Project (22GO06)		3,785,000
CC 1-10 Road Paving Project (22GO07)		4,125,000
Reserves		(99,774)

Mayor and Council: FY 2022 First Budget Amendment

Janaury 6, 2022

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Exhibit A

<b>Undesignated Fund Balance</b>	12,160,226	
<b>Fund Subtotal</b>	<b>12,160,226</b>	<b>12,160,226</b>
<b>Utilities Operating Fund (421)</b>		
Budget Correction: Transfer from Stormwater Fund	(131,775)	
Budget Correction: Insurance Benefits Credit & Health Insurance Premiums		280,191
Salary Adjustment: Utilities Director		7,151
FEMA PA Reimbursement - Hurricane Dorian	111	
Transfer from General Fund for Holiday Party Fund Re-Distribution	1,033	
Holiday Party Fund Re-Distribution & Vending Machine Revenue		1,033
Lift Station Solar Panels Project (21WS25)		6,000
Funding for FDEP Penalties & Fees		25,000
Fuel for 6000-gallon Tank for NRWTP Rehabilitation		16,200
Undesignated Fund Balance	466,206	
<b>Fund Subtotal</b>	<b>335,575</b>	<b>335,575</b>
<b>Utilities Renewal &amp; Replacement Fund (424)</b>		
Additional Funding C/O #3 Transfer/Backwash Pumps & Generators (17WS04) for NRWTP Rehabilitation		29,103
Undesignated Fund Balance	29,103	
<b>Fund Subtotal</b>	<b>29,103</b>	<b>29,103</b>
<b>Building Fund (451)</b>		
Budget Correction: PFM Investment Services @ 3-Months		765
Electric Vehicle Purchase		28,960
Credit Card Processing Fees		70,000
Transfer from General Fund for Holiday Party Fund Re-Distribution	245	
Holiday Party Fund Re-Distribution & Vending Machine Revenue		245
Undesignated Fund Balance	99,725	
<b>Fund Subtotal</b>	<b>99,970</b>	<b>99,970</b>
<b>Stormwater Utility Fund (461)</b>		
Budget Correction: Reverse Cust. Svc. Personnel Transfer		(131,775)
Budget Correction: PFM Investment Services @ 3-Months		505

Mayor and Council: FY 2022 First Budget Amendment

Janaury 6, 2022

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Exhibit A

Transfer to Community Investment Fund for Two (2) Nutrient Baffle Boxes		88,000
Additional Funding Country Clubs Units project (21SU12)		200,000
Reserves		43,270
	200,000	
<b>Fund Subtotal</b>	<b>200,000</b>	<b>200,000</b>
<b>Health Insurance Fund (511)</b>		
Budget Correction: PFM Investment Services @ 3-Months		500
Reserves		(500)
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>Risk Management Fund (512)</b>		
Budget Correction: PFM Investment Services @ 3-Months		500
Salary Adjustment: Assistant City Attorney Promotion to Deputy City Attorney		21,737
Reserves		(22,237)
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>Fleet Services Fund (521)</b>		
FY 21 Unspent/Unencumbered Budget Re-Appropriations (Fire)		51,366
FY 21 Unspent/Unencumbered Budget Re-Appropriations (PW)		27,250
FY 21 Unspent/Unencumbered Budget Re-Appropriations (Police)		57,770
Close Gasboy Upgrade project (21PW03)		(58)
Reserves		(97,662)
Undesignated Fund Balance	38,666	
<b>Fund Subtotal</b>	<b>38,666</b>	<b>38,666</b>
<b>Total</b>	<b>15,921,025</b>	<b>15,921,025</b>



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Mehul Parekh, Public Works Director

**DATE:** 1/20/2022

**RE:** Ordinance 2022-15, vacating a portion of the side public utility and drainage easement located within Lots 27 and 28, Block 9, Port Malabar Holiday Park Unit 1 (Case VE-1-2022, Teresa Linton), first reading.

Teresa Linton has submitted an application to vacate the South 4-foot wide Public Utility Easement of Lot 27, and the North 4-foot wide Public Utility Easement of Lot 28, thereof containing 668 square feet, more or less, of a portion of Lot 27 and the 12.86 feet of Lot 28, Block 9, Holiday Park, according to the Plat thereof, as Recorded in Plat Book 22, Pages 125-137, of the Public Records of Brevard County, Florida, for a mobile home with carport/driveway.

**REQUESTING DEPARTMENT:**

Public Works

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Request for consideration and approval per the recommendation section on the attached Staff Report.

**ATTACHMENTS:**

**Description**

LEGISLATIVE MEMORANDUM - VE-1-2022

Ordinance 2022-15

# **PUBLIC WORKS DEPARTMENT STAFF REPORT**

## **REQUEST TO VACATE EASEMENT**

**PROPOSAL:** Request to vacate the South 4-foot wide Public Utility Easement of Lot 27, and the North 4-foot wide Public Utility Easement of Lot 28, thereof containing 668 square feet, more or less, of a portion of Lot 27 and the 12.86 feet of Lot 28, Block 9, Holiday Park, according to the Plat thereof, as Recorded in Plat Book 22, Pages 125-137, of the Public Records of Brevard County, Florida, for a mobile home with carport/driveway.

**LOCATION:** 1042 Moonlight Ct. NE  
(Lot 27 & NW'ly 12.86 feet of Lot 28, Block 9, Holiday Park)

**APPLICANT:** Teresa Linton

## **SITE DATA**

**PRESENT ZONING:** RMH – Residential Mobile Home

**AREA OF VACATING:** 668 square feet, more or less, of a portion of Lot 27 and the 12.86 feet of Lot 28

<b>ADJACENT ZONING</b>	<b>N</b>	RMH – Residential Mobile Home
<b>&amp; LAND USE:</b>	<b>E</b>	RMH – Residential Mobile Home
	<b>S</b>	RMH – Residential Mobile Home
	<b>W</b>	RMH – Residential Mobile Home



**STAFF ANALYSIS:**

Vacation of Easement is requested to vacate the South 4-foot wide Public Utility Easement of Lot 27, and the North 4-foot wide Public Utility Easement of Lot 28, thereof containing 668 square feet, more or less, of a portion of Lot 27 and the 12.86 feet of Lot 28, Block 9, Holiday Park, according to the Plat thereof, as Recorded in Plat Book 22, Pages 125-137, of the Public Records of Brevard County, Florida, for a mobile home with carport/driveway.

AT&T, Florida Power and Light, Spectrum, and Holiday Park have no objections to the vacating request.

Public Works Department will not object to this request upon the following conditions:

1. A 4-foot wide Public Utility Easement be dedicated to the City of Palm Bay along the Southeasterly line of the 12.86 feet of Lot 28, less and except the Southwesterly and Northeasterly 6-foot wide Public Utility Easements.

Upon conditions the staff has no adverse comments regarding removal of the South 4-foot wide Public Utility Easement of Lot 27, and the North 4-foot wide Public Utility Easement of Lot 28, thereof containing 668 square feet, more or less, of a portion of Lot 27 and the 12.86 feet of Lot 28, Block 9, Holiday Park, according to the Plat thereof, as Recorded in Plat Book 22, Pages 125-137, of the Public Records of Brevard County, Florida, for such an endeavor.

**STAFF RECOMMENDATION:**

Staff recommends approval of the vacating of easement with conditions per the analysis section of this staff report.

# LOCATION MAP



Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on January 6, 2021.

## VE-1-2022

0 12.5 25 50  
Feet  
1 inch = 50 feet







Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on January 6, 2021.

**LOCATION MAP**  
**VE-1-2022**

**LEGEND**

 EASEMENT TO BE VACATED

 PARCEL LINES

0 25 50 100  
Feet  
1 inch = 100 feet







**PUBLIC WORKS DEPARTMENT**  
1050 MALABAR ROAD SW PALM BAY, FLORIDA 32907  
PHONE: (321) 952-3403  
EMAIL: [pwpermitting@palmbayflorida.org](mailto:pwpermitting@palmbayflorida.org)

## REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY

This application must be completed, legible, and returned, with all attachments referred to herein, to the Public Works Department, Palm Bay, Florida. The request will then be reviewed by City staff and scheduled before the City Council. A minimum of eight (8) weeks is required to process the application. You or your representative are required to attend the hearing and will be notified by mail of the date and time of the meeting. The meeting will be held at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

Name of Applicant (Please print): Teresa Linton  
Address: 4214 Kaileen Cir NE  
City: Palm Bay FL Zip Code: 32905  
Phone Number: 321 543 2106 Business Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_ Email: tlinton01@yahoo.com

**LEGAL DESCRIPTION, PREPARED BY A CERTIFIED SURVEYOR, OF THAT PORTION OF THE EASEMENT REQUESTING TO BE VACATED UPON WHICH THE ENCROACHMENT IS PROPOSED OR CURRENTLY EXISTS:**

1042 Moonlight Ct. NE  
lot 27 & NW 1/4 12.86 feet of lot 28, Block 9  
Holiday Park.  
Section: 32 Township: 28 Range: 37

Size of area covered by this application (calculate acreage): .14

Zoning classification at present: \_\_\_\_\_

Which action applying for (easement, drainage): easement

Reason for requesting vacation and intended use: easement is such that  
it is where the carport/driveway will be

If the encroachment currently exists, provide the date that a permit was issued by the Building Division.

The following enclosures are needed to complete this application:

- ☒ \$182.00 Application Fee. Make check payable to "City of Palm Bay".
- ☒ List of names and addresses of property owners abutting the lot or parcel within which the easement or drainage right-of-way is located;
- ☒ Copy of plat, map, etc. depicting area location of easement or drainage right-of-way to be vacated.
- ☒ Original notarized letters from the utility and service companies are required stating whether or not they object to or if there is no interest in the vacating of the easement or drainage right-of-way. If equipment lies within the easement or drainage right-of-way requested for vacation, the applicant shall be responsible for any expenses incurred for relocating same, unless other arrangements have been made with the company.
  - ✓ a) Florida Power & Light Company;
  - ✓ b) AT&T Telecommunications;
  - ✓ c) Spectrum Cable;
  - ~~d) Melbourne-Tillman Water Control District (if applicable);~~
  - ~~e) Florida City Gas (if applicable);~~
  - ✓ f) Holiday Park, Board of Directors (if applicable).

Are you the property owner of record? ☒ Yes ☐ No

If no, a notarized letter from the property owner must be attached giving consent to the applicant to request the vacating.

Contact the Land Development Division (321-733-3042) as to whether a variance is required. If Required, YOU MUST OBTAIN APPROVAL FOR THE VARIANCE PRIOR TO PROCEEDING WITH THE VACATING REQUEST.

☐ Required ☒ Not Required

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION AND ALL DATA ATTACHED MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE CITY COUNCIL.

**UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

Signature of Applicant Teresa Linton Date 12/29/21

Printed Name of Applicant Teresa Linton

FOR OFFICE USE ONLY

Land Development Division \_\_\_\_\_ Date \_\_\_\_\_

## **ORDINANCE 2022-15**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE SIDE FOUR (4) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENTS, LOCATED WITHIN LOTS 27 AND 28, BLOCK 9, PORT MALABAR HOLIDAY PARK UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGE 130, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Teresa Linton has requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

**WHEREAS**, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City Council of the City of Palm Bay hereby vacates and abandons a portion of the side public utility and drainage easement located within Lots 27 and 28, Block 9, Port Malabar Holiday Park Unit 1, according to the plat thereof as recorded in Plat Book 22, Page 130, of the Public Records of Brevard County, Florida, Section 32, Township 28S, Range 37E, being more particularly described as follows:

Commence at the northeast corner of Lot 28, Block 9, of said Port Malabar Holiday Park Unit 1; thence S 57°14'36" W along said northerly line of Lot 28 a distance of 6.19 feet to the Point of Beginning of the herein described easement; thence run S 19°40'12" E a distance of 4.13 feet; thence run S 57°14'36" W a distance of 82.80 feet to a point on a curve concave to the right; thence along a curve through a central angle of 00°04'56" a radius of 5754.00 and an arc distance of 8.25 feet, and a chord bearing of N 18°44'03" W and a chord distance of 8.25'; thence N 57°14'35" E a distance of 83.53 feet; thence S 12°27'46" E a distance of 1.29 feet; thence S 19°40'12" E a distance of 3.19 feet to the Point of Beginning; containing 662.89 square feet, more or less.

**SECTION 2.** The vacating of the public utility and drainage easements is subject to compliance with the following condition:

- A. A four-foot (4') wide public utility easement be dedicated to the City of Palm Bay along the southeasterly line of the 12.86 feet of Lot 28, less and except the southwesterly and northeasterly six-foot (6') wide public utility easements.

**SECTION 3.** The provisions within this ordinance shall take effect upon the fulfillment of the condition in Section 2. All conditions have been satisfied as of \_\_\_\_\_, 2022, and the vacating of the easements effective as of this date.

Read in title only at Meeting 2022-\_\_\_\_\_, held on \_\_\_\_\_, 2022; and read in title only and duly enacted at Meeting 2022-\_\_\_\_\_, held on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Rob Medina, MAYOR

ATTEST:

\_\_\_\_\_  
Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Teresa Linton

Case: VE-1-2022

cc: (date) Applicant  
Case File  
Brevard County Recording





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Nancy A. Bunt, Community & Economic Development Director

**DATE:** 1/20/2022

**RE:** Consideration of a Substantial Amendment to the Program Year 2020-2021 Annual Action Plan, only one hearing required.

On June 18, 2020, City Council approved an allocation of \$345,363.30 to the Fire Rescue Department for Program Year 2020-21 Community Development Block Grant (CDBG) Public Facilities Improvement funding for the demolition of the old Fire Station 1. The cost of demolition, environmental, and engineering costs were \$88,623.30. The demolition of the fire station by Samsula Waste Inc. is anticipated to begin in January 2022. This leaves a remaining unexpended balance of \$256,740.

The Palm Bay Fire Rescue Department has requested that the anticipated unexpended CDBG funds originally approved and allocated for the demolition of old Fire Station 1/future Fire Station 7 be reallocated to assist with the financial gap of acquiring a quint for the new Fire Station at that location. Once Fire Station 7 is opened, it will serve areas of the City for which more than 51 percent of residents are low- and moderate-income persons. This is an eligible use of CDBG funds under 24 CFR 570.201(c) and 570.207(b)(1)(ii) and meets HUD regulations under Local Area Benefit.

The Palm Bay Parks & Facilities Department has requested \$3,000 in unexpended CDBG funds for new park benches at Liberia Park. Liberia Park serves an area of the City for which more than 51 percent of residents are low- and moderate-income persons. This is an eligible use of CDBG funds under 24 CFR 570.201(c) and 570.208(a)(1) and meets HUD regulations under Local Area Benefit.

This was publicly noticed in the Florida Today on November 26, 2021, for the required 30-day public comment period. No public comments were received. At its regular advisory board meeting held on January 19, 2022, Housing staff brought forth an agenda item to the Community Development Advisory Board concerning this request.

**REQUESTING DEPARTMENT:**  
Community & Economic Development

**FISCAL IMPACT:**  
If approved by City Council, Housing staff will include this in Budget Amendment #2.

**RECOMMENDATION:**

Motion to approve a Substantial Amendment to the FY 2020-2021 CDBG Annual Action Plan to reallocate \$256,740.00 from demolition of old Fire Station 1 for the acquisition of fire apparatus for future Fire Station 7 and to reallocate \$3,000 for new benches at Liberia Park.

**ATTACHMENTS:****Description**

Public Notice – FL Today Legal Ad

PY 2020-2021 Substantial Amendment



CITY OF PALM BAY  
120 MALABAR RD SE

PALM BAY, FL, 32907

STATE OF WISCONSIN COUNTY OF BROWN:  
Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

### Legal Notices

as published in **FLORIDA TODAY** in the issue(s) dated:

**11/26/2021**

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 26th of November 2021, by legal clerk who is personally known to me

*Sandra Urban*  
Affiant

*Vicky Felty*  
Notary State of Wisconsin County of Brown

My commission expires

Publication Cost: \$271.25  
Ad No: 0005018274  
Customer No: BRE-6CI213  
This is not an invoice  
# of Affidavits 1

VICKY FELTY  
Notary Public  
State of Wisconsin

Ad#5018274, 11/26/2021  
CITY OF PALM BAY  
PUBLIC NOTICE  
SUBSTANTIAL AMENDMENT TO PY 2020  
YEAR COMMUNITY DEVELOPMENT  
BLOCK GRANT (CDBG) ANNUAL ACTION  
PLAN

The City of Palm Bay, as a member of the Brevard County HOME Consortium, has adopted a Five-Year Consolidated Plan that is carried out through Annual Actions Plans that provide concise summary of the actions and activities that will be undertaken to address the priority needs and specific goals identified in the Consolidated Plan. The City of Palm Bay is hereby notifying the public of the reallocation of unexpended Community Development Block Grant (CDBG) funds in the amount of \$259,740 which will be directed to new activities. This amendment applies only to the City of Palm Bay's Community Development Block Grant (CDBG) Program and does not affect other elements of the Brevard County HOME Consortium's Consolidated Plan.

AMENDMENT NO. 1 - FUNDING REDUCTION

Activity Name: PUBLIC FACILITY IMPROVEMENTS: DEMOLITION OLD FIRE STATION #1

Original Budget: \$345,363.00

Reduction in Funding: \$256,740.00

Total Amended Budget: \$88,623.00

AMENDMENT NO. 2 - NEW ACTIVITY:  
Activity Name: ACQUISITION OF QUINT FOR FIRE STATION 7

New Budget: \$256,740.00

Funding received from reduction of funding to PUBLIC FACILITY IMPROVEMENTS: DEMOLITION OLD FIRE STATION #1 in the amount of \$256,740.00.

AMENDMENT NO. 3 - NEW ACTIVITY:  
Activity Name: PARKS & PUBLIC FACILITIES LIBERIA PARK - NEW BENCHES

New Budget: \$3,000.00

Funding received from unallocated funds in the amount of \$3,000.00.

The City of Palm Bay will hold a Public Hearing to review this change and to receive public comments at the regularly scheduled City Council Meeting to be held on Thursday, January 20, 2022 at 7:00 PM in Council Chambers, Palm Bay City Hall, 120 Malabar Road SE, Palm Bay, Florida 32907.

Persons with disabilities requiring special accommodations to participate in the Public Hearing or persons requiring information in a language other than English should call Sandra Urban, Housing Administrator, at 321-952-3408 or 7-1-1 (Florida Relay Services) at least forty-eight (48) hours prior to the Public Hearing.

Interested persons are encouraged to provide written comment to:

Sandra Urban, Housing Administrator

City of Palm Bay

120 Malabar Road SE, Palm Bay, FL 32907

sandra.urban@palmabayflorida.org

All comments received by December 27, 2021 will be considered. City Council will take action on the proposed CDBG Substantial Amendment at its meeting scheduled for Thursday, January 20, 2022 at 7:00 PM in City Council Chambers, Palm Bay City Hall, 120 Malabar Road SE, Palm Bay, FL 32907.

**CITY OF PALM BAY  
PUBLIC NOTICE  
SUBSTANTIAL AMENDMENT TO PY 2020 YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
ANNUAL ACTION PLAN**

The City of Palm Bay, as a member of the Brevard County HOME Consortium, has adopted a Five-Year Consolidated Plan that is carried out through Annual Actions Plans that provide concise summary of the actions and activities that will be undertaken to address the priority needs and specific goals identified in the Consolidated Plan. The City of Palm Bay is hereby notifying the public of the reallocation of unexpended Community Development Block Grant (CDBG) funds in the amount of \$259,740 which will be directed to new activities. This amendment applies only to the City of Palm Bay's Community Development Block Grant (CDBG) Program and does not affect other elements of the Brevard County HOME Consortium's Consolidated Plan.

**AMENDMENT NO. 1 – FUNDING REDUCTION**

Activity Name: **PUBLIC FACILITY IMPROVEMENTS: DEMOLITION OLD FIRE STATION #1**

Original Budget:	\$345,363.00
Reduction in Funding:	<u>\$256,740.00</u>
Total Amended Budget:	\$ 88,623.00

**AMENDMENT NO. 2 – NEW ACTIVITY:**

Activity Name: **ACQUISITION OF QUINT FOR FIRE STATION 7**

New Budget:	\$256,740.00
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Funding received from reduction of funding to **PUBLIC FACILITY IMPROVEMENTS: DEMOLITION OLD FIRE STATION #1** in the amount of **\$256,740.00**.

**AMENDMENT NO. 3 – NEW ACTIVITY:**

Activity Name: **PARKS & PUBLIC FACILITIES LIBERIA PARK – NEW BENCHES**

New Budget:	\$ 3,000.00
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Funding received from unallocated funds in the amount of **\$3,000.00**.

The City of Palm Bay will hold a Public Hearing to review this change and to receive public comments at the regularly scheduled City Council Meeting to be held on Thursday, January 20, 2022 at 7:00 PM in Council Chambers, Palm Bay City Hall, 120 Malabar Road SE, Palm Bay, Florida 32907.

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120 Malabar Road SE, Palm Bay, FL 32907

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All comments received by December 27, 2021 will be considered. City Council will take action on the proposed CDBG Substantial Amendment at its meeting scheduled for Thursday, January 20, 2022 at 7:00 PM in City Council Chambers, Palm Bay City Hall, 120 Malabar Road SE, Palm Bay, FL 32907.



## **LEGISLATIVE MEMORANDUM**

**DATE:** 1/20/2022

**RE:** Adoption of Minutes: Regular Council Meeting 2021-33; December 16, 2021.

**ATTACHMENTS:**

**Description**

Minutes - RCM 2021-33

# **CITY OF PALM BAY, FLORIDA**

## **REGULAR COUNCIL MEETING 2021-33**

Held on Thursday, the 16<sup>th</sup> day of December 2021, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 7:00 P.M.

Pastor Jim Campbell, Bay West Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

### **ROLL CALL:**

<b>MAYOR:</b>	Rob Medina	Present
<b>DEPUTY MAYOR:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Randy Foster	Present
<b>COUNCILMEMBER:</b>	Donny Felix	Present
<b>CITY MANAGER:</b>	Suzanne Sherman	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>CITY CLERK:</b>	Terese Jones	Present

**CITY STAFF:** Nancy Bunt, Community and Economic Development Director; Nelson Moya, Police Chief; Mehul Parekh, Public Works Director; Larry Wojciechowski, Finance Director.

### **ANNOUNCEMENTS:**

Deputy Mayor Johnson announced the following vacancy and terms expiring, and solicited applications for same:

- 1. One (1) vacancy on the Youth Advisory Board (represents 'at-large student' member position).++**
- 2. Four (4) terms expiring on the Disaster Relief Committee.++**

### **AGENDA REVISION(S):**

- Ms. Sherman advised that:
  - PowerPoint presentations had been provided for Item 1, under Presentations, and Item 3, under New Business; and

b. the Legislative Memorandum for Item 10, under Consent Agenda, had been revised by removing the request to apply for the grant as funding had already been awarded to the Police Department.

Mayor Tom Price and Councilman Mike Cadore, City of Rockledge, were recognized in the audience. Mayor Price gave holiday greetings to Council, staff and residents.

### **PROCLAMATIONS AND RECOGNITIONS:**

The proclamation was read.

**1. Proclamation: Mayor's Business Spotlight Recipient - Myers Landscape Supply.**

### **PRESENTATIONS:**

**1. Commissioner Jerry Sansom, Florida Inland Navigation District - overview of FIND. (AGENDA REVISION)**

Mr. Sansom and Janet Zimmerman, Assistant Executive Director, provided a history of the Inland Waterway and FIND. Ms. Zimmerman explained the various assistance programs and grants that had been provided to Brevard County municipalities, the Waterway Clean-Up Program, and recently completed projects.

**2. Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce – quarterly update.**

Ms. Peltonen provided an update on the Chamber's activities. Council concurred that updates would be presented bi-annually.

### **PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)**

1. Butch Orend, resident, thanked staff for mowing Port Malabar Unit 19, but asked that a schedule be established. He asked the status of the road paving project as he had not seen any construction throughout the city. Lastly, Mr. Orend questioned the new traffic light on Malabar Road near Sonny's BBQ and hoped that it would be properly synced with the other traffic signals.

Ms. Sherman advised that the Public Works Director had done a presentation at the last Council meeting which noted a schedule of upcoming units to be paved. Paving projects



would begin again in 2022. Ms. Sherman advised that there was currently shortage of staff but contractors were being hired to assist with paving the major corridors and would free up staff to address mowing projects.

**PUBLIC HEARING(S):**

**1. Ordinance 2021-78, rezoning property located west of and adjacent to Babcock Street, in the vicinity south of Foundation Park Boulevard, from CC (Community Commercial District) to GC (General Commercial District) (6.28 acres) (Case Z-45-2021, Roth Freedom 2010 LLC and Linda N. Shah), final reading. (Quasi-Judicial Proceeding)**

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-78. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**2. Ordinance 2021-79, granting approval of a Final Development Plant for a PUD (Planned Unit Development) zoning residential subdivision to be known as 'Gardens at Waterstone Phase III' on property located in the vicinity west of Mara Loma Boulevard and south of Melbourne Tillman Water Control District Canal 38 (47.99 acres) (Case FD-47-2021, Waterstone Farms, LLC), final reading. (Quasi-Judicial Proceeding)**

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-79, subject to the staff comments contained in the Staff Report. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**3. Ordinance 2021-80, amending the Code of Ordinances, Chapter 64, Business Improvement District, by repealing the Chapter in its entirety, final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-80. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**4. Ordinance 2021-81, amending the Code of Ordinances, Chapter 35, Finance Department, by repealing the Chapter in its entirety, final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2021-81. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**5. Ordinance 2021-82, amending the Code of Ordinances by creating Chapter 35, to be titled 'Finance Department', final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2021-82. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**6. Ordinance 2021-83, vacating a portion of the road right-of-way known as Mercury Avenue SE located within Port Malabar Unit 40 (0.722 acres) (Case VRW-3-2021, Mercury Avenue LLC and Mercury Avenue Too LLC), first reading. (Quasi-Judicial Proceeding)**

Staff Recommendation: Authorize the vacating request with the conditions from the Utilities and Public Works Departments as stated in the Staff Report.

The City Attorney read the ordinance in caption only. The public hearing was opened. David Bassford, MBV Engineering and representative for the applicant, presented the request to Council. He answered questions from Council regarding access points, future construction in the area, and affordable housing for this project.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2021-83, subject to the conditions contained in the Staff Report. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**7. Ordinance 2021-84, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the northwest corner of Robert J. Conlan Boulevard and Commerce Park Drive, from Industrial Use to Bayfront Mixed Use (7.11 acres) (Case CP-11-2021, NSD Palm Bay IV, LLC), only one reading required.**

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Miguel Reynaldos, Northshore Development and representative for the applicant, presented the request to Council. He answered questions posed by councilmembers.

Bill Battin, resident, said that under the BMU (Bayfront Mixed Use District) zoning, at least twenty percent (20%) commercial was required. However, he said that the residential portions have been constructed on the other related project but zero commercial to date.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2021-84, subject to staff comments. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**8. Ordinance 2021-85, rezoning property located at the northwest corner of Robert J. Conlan Boulevard and Commerce Park Drive, from LI (Light Industrial and Warehousing District) to BMU (Bayfront Mixed Use District) (7.11 acres) (Case CPZ-11-2021, NSD Palm Bay IV, LLC), first reading. (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Miguel Reynaldos, Northshore Development and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2021-85. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**9. Ordinance 2021-86, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southwest corner of Cogan and Osmosis Drives, from Single Family Residential Use to Multiple Family Residential Use (21.00 acres) (Case CP-17-2021, Diocese of Orlando), only one reading required.**

The Planning and Zoning Board recommended approval of the request, subject to the following conditions:

- A) At the time of development plan submittal, the property owner shall submit a traffic impact analysis and Phase One Environmental Study;
- B) The applicant/owner, at their expense, will be required to design, permit, install, inspect, and test water systems of adequate size to accommodate the development and to connect to the City's water and sewer system; and
- C) For the purposes of compatibility and consistency with the Bayside Lakes Community, the land shall have a maximum density of ten (10) units per acre.

The City Attorney read the ordinance in caption only. The public hearing was opened. David Bassford, MBV Engineering and representative for the applicant, presented the request to Council. He provided a revised map which reflected a modification to the recreation area.

Bill Battin, resident, supported the request as the large land mass would now be taxed to bring in revenue to the city.

Nathan White, resident, did not feel the rezoning was consistent with the area and said that the tax dollar may be much of the focus. He said the focus should be smart growth instead of growth as a general concept.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2021-86, subject to the conditions contained in the Staff Report.

Mayor Medina did not feel it was compatible. It would increase traffic and the city was not prepared. He preferred a school or church on the site. Deputy Mayor Johnson

supported the request and did not feel a school would be compatible. Mr. Felix said it was a great plan and worked well with the mixture of single family and townhomes. Mr. Foster said staff was being smart by requesting a traffic study. He said housing was getting more expensive, and the city needed more mixed housing.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea

**10. Resolution 2021-71, granting approval of a Planned Unit Development (PUD) Preliminary Development Plan for a residential subdivision to be known as ‘The Landings at Bayside PUD’, which property is located at the southwest corner of Cogan and Osmosis Drives (21.00 acres) (Case PD-50-2021, Diocese of Orlando). (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request, subject to the staff comments and the following items for submittal with a Final PUD application:

- A) A preliminary subdivision plat and Opinion of Title;
- B) Declaration of Covenants and Restrictions establishing development standards and construction drawings;
- C) A Concurrence Determination letter from the School Board of Brevard County;
- D) Submission of an Endangered Species Assessment;
- E) Identification of lighting within the neighborhood;
- F) Compliance with the conditions of CP-17-2021; and
- G) The technical comments generated by the Development Review Staff shall be observed and incorporated into the Final Development Plan.

The City Attorney read the resolution in caption only. The public hearing was opened. David Bassford, MBV Engineering and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Resolution 2021-71, subject to the staff comments and conditions contained in the Staff Report.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea

**11. Ordinance 2021-87, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Malabar Road, in the vicinity west of St. Johns Heritage Parkway, from Parkway Flex Use to Commercial Use (9.75 acres) (Case CP-18-2021, Willard Palmer), only one reading required.**

The Planning and Zoning Board recommended approval of the request, subject to the following conditions:

- A) Dedication of additional right-of-way needed for future widening of Malabar Road;
- B) The provision of a six foot (6') high wall or opaque fence on all sides abutting school property; and
- C) A sidewalk shall be provided along the parcel frontage to continue and connect the existing sidewalk system. This shall be designed and shown on the commercial site plan.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ana Saunders, BSE Consultants and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2021-87, subject to the conditions contained in the Staff Report. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**12. Ordinance 2021-88, rezoning property located north of and adjacent to Malabar Road, in the vicinity west of St. Johns Heritage Parkway, from PMU**

**(Parkway Mixed Use District) to CC (Community Commercial District) (9.75 acres)  
(Case CPZ-18-2021, Willard Palmer), first reading. (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ana Saunders, BSE Consultants and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2021-88. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**CONSENT AGENDA:**

All items of business under the 'Consent Agenda' heading were enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, that the Consent Agenda be approved as presented with the removal of Items 2, 3, 8, 11, 12, 13, 14, and 16, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**1. Adoption of Minutes: Regular Council Meeting 2021-30; November 18, 2021.**

The minutes, considered under Consent Agenda, were approved as presented.

**2. Ordinance 2021-89, amending the Code of Ordinances, Chapter 37, Growth Management Department, by removing the Code Compliance Division from the department's composition, first reading.**

The City Attorney read the ordinance in caption only.

Ms. Sherman presented the request to Council.

Mayor Medina felt this was creating an opportunity for failure by crossing the Enterprise Fund with the General Fund. He questioned how the Chief Building Official would be paid for overseeing the Code Compliance Division. Ms. Sherman said his additional salary would be paid from the General Fund. Mayor Medina said his increase should come from Enterprise Fund. Ms. Sherman clarified that the Enterprise Fund would not support any

Code Compliance activities, nor would their revenues be funneled into the Enterprise Fund. Mayor Medina felt that if the City Manager wanted to give a raise to the Chief Building Official, then it should be done directly from the Enterprise Fund.

Mr. Felix said he was fully confident that the City Manager would perform the proper checks and balances and supported the request.

Mayor Medina said there was a possibility of pitfalls. He asked if the request was legally permissible. Ms. Smith advised that she had communicated her reservations with the City Manager. She said that the attorney's office was not consulted initially and there was a lot of confusion as to how this would be implemented. She said there could be temptation to mix funds as the Building Department had more than enough money, but legally, having Code Compliance under the Building Department could be done. Mayor Medina reiterated his concerns and would not support the request.

Mr. Foster said the City Manager handled many salaries which were paid from various funds. He said there were hundreds of funds, and anything could get mixed up due to error, but he would never believe that it would be intentional. He trusted that staff would not comingle funds and supported the request.

Ms. Sherman commented that she felt the same about the issues that were concerning to the City Attorney, but she would not put the city in a difficult or illegal situation and would do everything in her power to make sure that everything was done properly.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2021-89.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea

**3. Ordinance 2021-90, amending the Code of Ordinances, Chapter 40, Building Department, by including the Code Compliance Division under the department's duties and responsibilities, first reading.**

The City Attorney read the ordinance in caption only.



Bill Battin, resident, hoped for better outcomes in the process to address code violations.

Ms. Sherman said there were changes and improvements to the code process that would be forthcoming to Council, such as utilizing the Special Magistrate. However, there were some areas of the process that could not be modified due to statutes, but staff was looking at streamlining the process.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2021-90.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea

**4. Ordinance 2021-91, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by increasing the supplemental benefit amount for police officers separating with vested service or retiring on or after October 1, 2021, first reading.**

The City Attorney read the ordinance in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**5. Ordinance 2021-92, amending the Code of Ordinances, Chapter 117, Alarm Systems, by repealing provisions which provide for civil penalties for false alarms, first reading.**

The City Attorney read the ordinance in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**6. Consideration of Emergency Water Supply Interlocal Agreement with the City of Melbourne.**

Staff Recommendation: Approve and authorize the City Manager to execute the Emergency Water Supply Interlocal Agreement with the City of Melbourne.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**7. Consideration of Emergency Water Supply Interlocal Agreement with the City of West Melbourne.**

Staff Recommendation: Approve and authorize the City Manager to execute the Emergency Water Supply Interlocal Agreement with the City of West Melbourne.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**8. Consideration of the installation of a westbound restriction on Colorado Street as a traffic calming measure.**

Staff Recommendation: Approve the installation of a westbound restriction on Colorado Street as a traffic calming measure to improve public safety.

Bill Battin, resident, said there was a policy in place for traffic calming measures that were followed by the residents. He did not agree that Council, current or future, could undo the decision to implement the measure. He added that if the calming measure was just going to be a marking on the road, drivers would ignore the markings and continue as is.

Ms. Sherman advised that the restriction would consist of the traffic lane control sticks. She explained the process for implementing traffic calming measures.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve installation of a westbound restriction on Colorado Street. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**9. Consideration of accepting the Florida Department of Transportation's "Know Your Limits" Aggressive Driving and Speed Initiative grant contract (\$44,000).**

Staff Recommendation: Accept the Florida Department of Transportation's "Know Your Limits" Aggressive Driving and Speed Initiative grant contract, in the amount of \$44,000, and authorize the City Manager to sign the agreement.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**10. Consideration of accepting the Victims of Crime Act Grant Award for 2021-2022. (AGENDA REVISION)**

Staff Recommendation: Authorize the City Manager and Police Chief to execute the Victims of Crime Act grant agreement for 2021-2022, in the total award amount of \$65,259, and any future grant modifications related to this award.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**11. Consideration of certain City-owned real estate on Northview Street to be designated as surplus property.**

Staff Recommendation: Declare City-owned parcels located at 2171, 2173, 2181, 2185, 2189 and 2193 Northview Street NE as surplus and authorize staff to solicit affordable housing development opportunities for the elderly and veterans.

Bill Battin, resident, said he had inquired at a previous meeting if there were any city properties that could be used as a cold night shelter for the homeless. He felt these properties fit the criteria as it had the facilities, electric, water and sewer, then the American Rescue Plan Act (ARPA) funds that Council wanted to utilize for the cold night shelter could be used elsewhere.

Ms. Bunt advised that the properties were originally donated and designated for use in the Neighborhood Stabilization Program. As the buildings were never fully developed, the city had deemed that the buildings needed to be demolished. Staff decided to wait on demolition and see if the buildings could be utilized in some way. In speaking with the neighbors in Driskell Heights, the idea was to redevelop the site for affordable housing for the elderly and veterans. Ms. Sherman said the neighbors stated that they did not want a cold night shelter.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the designation of City-owned real estate on Northview Street as surplus property and authorize staff to solicit affordable housing opportunities for the elderly and veterans. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**12. Consideration of the Stormwater Utility tax exemption list revision, per Resolution 2020-35.**

Staff Recommendation: Approve the revised tax exemption list, per Resolution 2020-35, for the institutional tax parcel accounts.

Bill Battin, resident, said he was glad to see individuals were now having to pay for this service that they were receiving for free from the city, as other residents that were already paying the fee had to pay their portion as well.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the revised tax exemption list for institutional tax parcel accounts. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**13. Consideration of utilizing Police Impact Fees to purchase a police outreach vehicle (\$60,000).**

Staff Recommendation: Approve the appropriation of Police Impact Fees from the 32905 Nexus on the next budget amendment, in the amount of \$60,000, for the purchase of a police outreach vehicle.

Bill Battin, resident, asked the type of vehicle that was being purchased for \$60,000 and if patrol car could be purchased or leased for the same amount. He felt a pool vehicle should be used for this purpose.

Ms. Sherman advised that the type of vehicle was similar to a large van and would be equipped to serve ice cream as part of the outreach program. The additional outfitting inside the vehicle increased the cost.

Deputy Mayor Johnson questioned if this was the best use of impact fees. Chief Moya explained that the attorney's office was consulted whenever staff wanted to use impact fees as it was often restrictive as to what qualified. The purchase of patrol cars did not qualify as it was not a use that was tied to growth. This opportunity was tied to community outreach on a program that the city was growing in community policing. Chief Moya detailed how the vehicle would be used in the community.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve utilizing police impact fees as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**14. Consideration of a salary increase (11%) for the Chief Building Official.**

Staff Recommendation: Approve an eleven percent (11%) salary increase for the Chief Building Official to be funded by General Fund Undesignated Fund Balance for Fiscal Year 2022.

Mayor Medina reiterated his comments from Item 2, under Consent Agenda.

Deputy Mayor Johnson asked why the Enterprise Fund could not pay for the salary increase. Ms. Smith said that as the Chief Building Official would be supervising Code Compliance Division, his salary had to be supplemented by the General Fund as Code Compliance was under the General Fund.

Nathan White, resident, expressed concern with the comparisons provided to support the salary increase. He said that Port St. Lucie was twenty percent (20%) larger, and he did not feel it was an appropriate comparison. He agreed with the City Attorney that these requests could result in a messy situation and urged Council to review it more carefully.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the salary increase for the Chief Building Official as requested.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea

**15. Consideration of a budget amendment for NSP, HOME, CDBG, and SHIP Programs as part of ongoing housing programs cleanup.**

Staff Recommendation: Approve the budget amendment requests to move \$1,533.24 from Fund 123/NSP to 001/General Fund; \$9,017.05 from HOME Fund Balance to SHIP Fund Balance; and \$7,646.66 from HOME Fund Balance to CDBG Fund Balance.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**16. Consideration of a budget amendment for payment of property taxes for 648 Osmosis Drive SE and 2741 Rhapsody Street NE.**

Staff Recommendation: Approve a budget amendment of \$4,205.36 from General Fund Undesignated Fund Balance (001-0000-392-1001) to 001-3411-554-4909 (project 09CD03) for payment of property taxes on 648 Osmosis Drive and 2741 Rhapsody Street NE.

Bill Battin, resident, asked how it was determined as to which properties the city had to or did not have to pay taxes.

Ms. Smith said that even though the property was owned by the city, it was not used for municipal purposes at that time. She said there may be instances in which some individuals that were utilizing grants should not pay taxes and needed to complete the proper exemption forms with the Housing Division.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the budget amendment as requested.

Mr. Foster said that, unfortunately, the Homes for Warriors program failed and now taxpayer dollars were being used to correct that failure. He felt the veterans were taken advantage of and the program was abused and misused.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

#### **17. Acknowledgement of Budget Monitoring Report – Fiscal Year 2021 Quarter Four (Unaudited).**

The item, considered under Consent Agenda, was acknowledged by City Council.

#### **18. Consideration of submitting an application for FEMA's Assistance to Firefighters Grant for the purchase of a quint fire apparatus (\$950,000) and air bottles (\$60,000).**

Staff Recommendation: Authorize the Fire Rescue Department to apply for FEMA's Assistance to Firefighters Grant.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**UNFINISHED AND OLD BUSINESS:**

**1. Appointment of one (1) member to the Bayfront Community Redevelopment Agency (represents 'at-large' position).**

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to appoint Stephen Hayes to the 'at-large' position on the Bayfront Community Redevelopment Agency. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**2. Appointment of one (1) adult member to the Youth Advisory Board.**

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to appoint Jeanne Aubin to the Youth Advisory Board representing the 'adult member, 30 years and older' position. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**NEW BUSINESS:**

**1. Consideration of Councilmembers attending the Florida League of Cities' Legislative Action Days in Tallahassee, February 8-9, 2022.**

All members of Council would attend the conference. Council concurred.

**2. Discussion of residential development along unimproved roads and request by resident Vernon Densler to develop at 1185 Deerfield Street.**

Staff Recommendation: Approve of staff proceeding with one of the following options to be applied to the request from 1185 Deerfield Street and the other roadways similarly situated:

- A) Property owner must pave the road per city ordinance in order to develop;
- B) Allow the property owner to build the driveway connecting to a dirt road (this would allow building on existing dirt roads);
- C) City would pave this segment of dirt road and assess the property owners along the road; or
- D) Add these dirt roads to Road Bond Paving program.

Mr. Parekh provided an overview of the options recommended by staff.



Deputy Mayor Johnson asked the estimated cost to pave the road. Mr. Parekh said it would be approximately \$60,000 to \$80,000 per mile.

Mr. Foster liked option (D) but questioned why funding for road maintenance could not be used for this project. He said if this project was not done until the end of the paving program, costs would be higher. Mr. Parekh confirmed same. Ms. Sherman said that these types of roads may qualify for traffic impact fees as they have never been paved.

Deputy Mayor Johnson said there were many options, but to get it started, Council should at least approve the driveway. Mr. Felix agreed.

Vernon Densler, owner of the property on Deerfield Street, was pleased that there were options, and that Council and staff were trying to address his issue. He said that he was paying the road bond like everyone else and hoped that the road would eventually be paved.

Barry Florin, owner of property on Elliott Street, spoke about his situation that was similar to Mr. Densler's and requested that the road be paved, along with a lift station. Ms. Sherman said that if Council approved the 3.2 miles to be paved, it would address Mr. Florin's issue as well.

Bill Battin, resident, said that Council should allow them to start building their homes while Council decided how it wanted to proceed for the future.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Option (B) for property owners located along the 3.2 miles of dirt road and authorize staff to research other potential funding options.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

A brief recess was taken after which time the meeting resumed.

### **3. Discussion of General Fund Undesignated Fund Balance and potential funding items for Fiscal Year 2021-2022. (AGENDA REVISION)**

Staff Recommendation: Approve the use of a specified amount of undesignated fund balance, to be determined by City Council.

Mr. Wojciechowski provided a General Fund overview which included revenue funding sources, expenditures per department, debt, unallocated funds, challenges and funding requests.

Ms. Sherman said there was approximately \$2.9 million in funding that was not spent in the last fiscal year and was added back into the Fund Balance. There was now a current total of \$26 million in Fund Balance, of which \$12.5 million was held for the two-month operating plan; \$1 million was held under the Stabilization Fund Concept; and \$12.6 million would then be the balance remaining in the fund. The unfunded capital, personnel and other project priorities for Fiscal Year 2021-2022 totaled \$3,411,400. Mr. Wojciechowski answered questions posed by councilmembers.

Deputy Mayor Johnson said it was unknown as to when funding from the infrastructure bill would make it to the municipal level. He asked if the requested items from staff regarding infrastructure were necessary right now or if it could be on hold until the state funding was received. Ms. Sherman said no information had been distributed regarding the infrastructure bill and she was unsure as to how it would be disseminated. As far as priorities, Ms. Sherman said in the list provided to Council, there were items that she would consider high level or very important, such as the fire truck replacement, Fire Station 3, and police car replacements.

There was discussion on paying off debt early and the penalties for same, potential grant funding options for some of the requests, and the possibility of moving towards hybrid or electric vehicles.

Mr. Felix suggested increasing the \$3.4 million in unfunded requests by another \$2 million, which would address all items on the City Manager's list, as well as streetlights and sidewalks.

Mr. Foster said the \$3.4 million should definitely be increased because Council needed to invest in infrastructure and personnel, along with electric or hybrid vehicles, and solar panels on all city facilities. He wanted to honor the requests proposed by the City Manager and add another \$1 million for solar panels and electric vehicles/charging stations.

Mayor Medina agreed with addressing the city's infrastructure and when he thought of infrastructure, he thought of capacity and how to increase capacity on the City Hall Campus, such as construction of Building E. He said that fifteen percent (15%) of city positions were vacant and there were certain departments that needed extra personnel.

He fully supported charging stations for electric vehicles but also wanted to enhance the first responder aspect.

Deputy Mayor Johnson said that before additional dollars were allocated, he wanted to narrow down the figures. He wanted to look into electric and hybrid vehicles. He expressed concern about buying additional mowing equipment for the Public Works Department when the project had been outsourced and the city was short-staffed, but he was advised by the City Manager that it would take time to get the equipment and the additional city staff. Mr. Parekh provided further details on the mowing and trenching and the need for the equipment.

Residents made general comments.

Mayor Medina wanted to include an additional position to the Public Information team and stated his reasons for same.

Mr. Foster felt there was no support for the solar panels and suggested allocating \$1 million for fire department needs. Mayor Medina said the City Manager would incorporate Council's asks that were above the \$3.4 million and bring it back for Council's consideration.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to use the specified amount of Undesignated Fund Balance to allow the City Manager's Office to reallocate positions as needed in order to include an additional Communications Officer; pursue grant funding for eligible positions; pursue alternative city vehicles; and direct the City Manager's Office to come back with a list of capital needs or areas of improvement regarding solar panels, Fire Department needs, etc. The additional amount to be allocated would be \$2 million, for a total of \$5.4 million.

Ms. Sherman advised she would bring the item back to Council at the January 6<sup>th</sup> meeting. She clarified that the needs for the Fire Department may be funded by impact fees, but staff would research same.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

#### **COMMITTEE AND COUNCIL REPORTS:**

Councilmembers addressed various subject matters and provided updates on activities of agencies and boards on which they served as members.

1. Mr. Foster requested a report on how COVID-19 affected the City of Palm Bay government. He said it should include the number of affected employees; the effect on the work environment; how the personal protective equipment (PPE) worked for employees; the cost to the city; and what could be done in 2022 to protect the city, such as extending the leave policy, the need for additional PPE, and implementation of new rules and regulations.

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Ms. Sherman made the following reports:

a) Requested consensus from Council for the Mayor to sign a letter of support to the state legislators regarding the National Guard relocating to the Malabar Annex. Mayor Medina asked that the letter be sent to the Space Coast League of Cities as well. Council concurred.

b) Advised that Fire Station 1 located on Palm Bay Road was scheduled to be demolished beginning the week after Christmas and would be the future site for Fire Station 7.

**PUBLIC COMMENTS/RESPONSES:**

Residents made general comments.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 11:47 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Mehul J. Parekh, P.E., Public Works Director; Juliet Misconi, Chief Procurement Officer

**DATE:** 1/20/2022

**RE:** Award of Bid: Road bond paving, Driskell Heights, Florida Avenue, and Farview Subdivision – IFB 06-0-2022 (Ranger Construction Industries - \$1,249,062).

The Driskell Heights, Florida Avenue & Farview Subdivision Project are Year 2 (Phase 2) Road Bond Paving projects. The Year 2 program was endorsed by the Infrastructure Advisory Oversight Board (IAOB) on January 27, 2020, and then approved by City Council on February 6, 2020. These projects consist of milling and paving streets within both Driskell Heights and Farview Subdivision. Florida Avenue is a joint City of Palm Bay and City of Melbourne roadway Full Depth Reclamation (FDR) and 1.5" paving project. The project limit is from Lipscomb Street to the eastern cul-de-sac approximately 2,939 linear feet.

One (1) bid was received. Procurement reached out to supplemental vendors, and vendors that have submitted responses to like bid opportunities in the past, via e-mail and telephone calls as to why only one (1) response was received. Vendors said that being short staffed, down key estimating personnel, not interested in performing FDR work, closed for the holidays, busy bidding other jobs, or not equipped to perform the work were contributing factors of only one response received. The Procurement Department staff reviewed the bid received for responsiveness. Public Works evaluated the responsive bid for responsibility and ability to perform the scope of services. The Department found the lowest responsive bid to be acceptable. The lowest bid option utilizes the Full Depth Reclamation (FDR) paving method.

The City's Engineers Estimate for the three projects was \$951,544.78. The bid received is \$1,135,511.80. The higher cost of petroleum is increasing the unit price of asphalt and other unit costs. Public Works Engineering staff has reviewed the pay items, proposed subcontractors, and equipment list and is satisfied with the evidence provided by the contractor.

Staff recommends Ranger Construction Industries at 4510 Glades Cutoff Road, Ft. Pierce, Florida for the award of IFB# 06-0-2022: Road Bond Paving – Driskell Heights, Florida Ave, and Farview Subdivision.

Staff is also recommending an increase in budget for 22GO01 Driskell Heights Road Paving in the amount of \$138,766 and 22GO03 Farview Subdivision Road Paving in the amount of \$102,150 which represents 10% of the construction costs for those two projects and will provide a budget to cover any unforeseen change orders which is typical for construction projects. The contingency request is for funding any additional appropriation of the project only. The City's Procurement Ordinance governs the Council approval process for change orders. The Chief Procurement Officer can approve change orders up to a cumulative total of 10%, or individual change orders not to exceed \$100,000, whichever is lower; any change order in excess of \$100,000 or any change

orders which cumulatively exceed 10% will be brought before Council for approval. Any funds remaining once the project has been closed will be transferred back to Road Bonds

**REQUESTING DEPARTMENT:**

Public Works, Procurement

**FISCAL IMPACT:**

Total project award will be \$1,135,511.80 plus \$240,916.00 for the contingency change orders resulting in a total appropriation of \$1,376,427.80. Additional funds are available in the GO Road Bond undesignated funds and upon approval will be allocated in G/L Account 309-7090-541-6303 as follows, 22GO01 Driskell Heights Road Paving \$138,766, 22GO03 Farview Subdivision Road Paving \$102,150. No additional funds are required for 22GO02 Florida Avenue Road Paving. Additionally, the City of Melbourne has entered into an Interlocal Agreement with the City of Palm Bay stating the Cities shall cost-share the costs associated with the Florida Avenue project with 35% being the City of Melbourne's proportionate share. Melbourne's Florida Avenue Road Paving cost share, not including drainage, will be approximately \$82,137.34.

**RECOMMENDATION:**

Motion to 1) approve increase to the budget for 22GO01 Driskell Heights Road Paving in the amount of \$138,766 as well as the budget for 22GO03 Farview Subdivision Road Paving in the amount of \$102,150; and 2) approve award of IFB #06-0-2022 Road Bond Paving – Driskell Heights, Florida Ave, and Farview Subdivision to Ranger Construction Industries, located at Ft. Pierce, Florida.

**ATTACHMENTS:**

**Description**

**Tabulation**

IFB #06-0-2022/NC				Range Construction Industries, Inc.	
Road Bond Paving - Driskell Heights, Florida Ave and Farview Subdivision				4510 Glades Cutoff Road Ft. Pierce, FL 34981	
				772-466-9559	
				<a href="mailto:erik.jensen@rangerconstruction.com">erik.jensen@rangerconstruction.com</a> <a href="mailto:elena.arango@rangerconstruction.com">elena.arango@rangerconstruction.com</a> <a href="mailto:estimating@rangerconstruction.com">estimating@rangerconstruction.com</a>	
DRISKELL HEIGHTS					
ITEM	ITEM DESCRIPTION	Qty	UOM	UNIT PRICE	TOTAL
101-1	MOBILIZATION	1	LS	\$13,300.00	\$13,300.00
102-1	MAINTENANCE OF TRAFFIC	1	LS	\$40,000.00	\$40,000.00
104-1	EROSION CONTROL	1	LS	\$1,720.00	\$1,720.00
110-4-10	REMOVAL OF EXISTING CONCRETE	227	SY	\$12.25	\$2,780.75
327-70-6	MILLING EXISTING ASPHALT PAVEMENT, 1 1/2" AVERAGE DEPTH	30,933	SY	\$1.95	\$60,319.35
334-1-13	SUPERPAVE ASPHALTIC CONCRETE,TRAFFIC C (SP-9.5), PG 76-22 (1.5" OVERLAY)	2,552	TN	\$146.30	\$373,357.60
522-1	CONCRETE SIDEWALK 4" THICK	227	SY	\$63.00	\$14,301.00
527-2	DETECTABLE WARNINGS	378	SF	\$32.75	\$12,379.50
570-1-2	PERFORMANCE TURF, SOD	164	SY	\$10.75	\$1,763.00
706-1-3	RAISED PAVEMENT MARKER, TYPE B	494	EA	\$4.60	\$2,272.40
711-11-123	THERMOPLASTIC, STANDARD, WHITE, SOLID, 12" FOR CROSSWALK	1,125	LF	\$3.45	\$3,881.25
711-11-125	THERMOPLASTIC, STANDARD, WHITE, SOLID, 24" FOR STOP LINE & CROSSWALK	258	LF	\$5.75	\$1,483.50
711-11-160	THERMOPLASTIC STANDARD WHITE SYMBOL	1	EA	\$229.90	\$229.90
711-11-170	THERMOPLASTIC STANDARD, WHITE ARROW	4	EA	\$74.70	\$298.80
711-11-224	THERMOPLASTIC STANDARD, YELLOW, SOLID, 18" DIAGONAL	191	LF	\$4.60	\$878.60
711-11-421	THERMOPLASTIC STANDARD, BLUE, SOLID 6" LINE	32	LF	\$4.60	\$147.20
711-15-101	THERMOPLASTIC STANDARD, WHITE, SOLID 6" LINE	408	LF	\$1.15	\$469.20
711-15-201	THERMOPLASTIC STANDARD, YELLOW, SOLID, 6" LINE	4,922	LF	\$1.15	\$5,660.30
SUB-TOTAL BID AMOUNT IN NUMBERS				\$535,242.35	



IFB #06-0-2022/NC				Range Construction Industries, Inc.	
Road Bond Paving - Driskell Heights, Florida Ave and Farview Subdivision				4510 Glades Cutoff Road Ft. Pierce, FL 34981	
				772-466-9559	
				<a href="mailto:erik.jensen@rangerconstruction.com">erik.jensen@rangerconstruction.com</a> <a href="mailto:elena.arango@rangerconstruction.com">elena.arango@rangerconstruction.com</a> <a href="mailto:estimating@rangerconstruction.com">estimating@rangerconstruction.com</a>	
FLORIDA AVENUE					
ITEM	ITEM DESCRIPTION	Qty	UOM	UNIT PRICE	TOTAL
101-1	MOBILIZATION	1	LS	\$18,000.00	\$18,000.00
102-1	MAINTENANCE OF TRAFFIC	1	LS	\$14,700.00	\$14,700.00
104-1	EROSION CONTROL	1	LS	\$1,720.00	\$1,720.00
	CUT BACK VEGETATION/SPRAY HERBICIDE	1,921	LF	\$0.40	\$768.40
	EDGE GRADING	3,842	LF	\$0.45	\$1,728.90
	FULL DEPTH RECLAMATION (FDR) AND PULVERIZATION – 8’ DEPTH	9,817	SY	\$2.50	\$24,542.50
	CEMENT – CEMENT TREATED BASE (2%)	79	TN	\$186.20	\$14,709.80
	ASPHALTIC EMULSION (2%)	15,707	GAL	\$2.70	\$42,408.90
334-1-13	SUPERPAVE ASPHALTIC CONCRETE,TRAFFIC C (SP-9.5), PG 76-22 (1.5” OVERLAY)	793	TN	\$135.30	\$107,292.90
570-1-2	PERFORMANCE TURF, SOD	713	SY	\$4.80	\$3,422.40
706-1-3	RAISED PAVEMENT MARKER, TYPE B	58	EA	\$4.60	\$266.80
711-11-125	THERMOPLASTIC, STANDARD, WHITE SOLID 24’ STOP LINE	30	LF	\$5.75	\$172.50
711-15-101	THERMOPALSTIC, STANDARD, WHITE, SOLID 6” LINE	2,220	LF	\$1.15	\$2,553.00
711-15-201	THERMOPLASTIC STANDARD, YELLOW, SOLID, 6” LINE	2,080	LF	\$1.15	\$2,392.00
SUB-TOTAL BID AMOUNT IN NUMBERS				\$234,678.10	

IFB #06-0-2022/NC				Range Construction Industries, Inc.	
Road Bond Paving - Driskell Heights, Florida Ave and Farview Subdivision				4510 Glades Cutoff Road Ft. Pierce, FL 34981	
				772-466-9559	
				<a href="mailto:erik.jensen@rangerconstruction.com">erik.jensen@rangerconstruction.com</a> <a href="mailto:elena.arango@rangerconstruction.com">elena.arango@rangerconstruction.com</a> <a href="mailto:estimating@rangerconstruction.com">estimating@rangerconstruction.com</a>	
FARVIEW SUBDIVISION					
ITEM	ITEM DESCRIPTION	Qty	UOM	UNIT PRICE	TOTAL
101-1	MOBILIZATION	1	LS	\$10,000.00	\$10,000.00
102-1	MAINTENANCE OF TRAFFIC	1	LS	\$37,900.00	\$37,900.00
104-1	EROSION CONTROL	1	LS	\$1,720.00	\$1,720.00
	CUT BACK VEGETATION/SPRAY HERBICIDE	4,493	LF	\$0.35	\$1,572.55
	EDGE GRADING	17,972	LF	\$0.55	\$9,884.60
327-70-6	MILLING EXISTING ASPHALT PAVEMENT, 1.5" AVERAGE DEPTH	20,232	SY	\$1.80	\$36,417.60
334-1-13	SUPERPAVE ASPHALTIC CONCRETE, TRAFFIC C (SP-9.5), PG 76-22 (1.5")	1,669	TN	\$148.40	\$247,679.60
570-1-2	PERFORMANCE TURF, SOD	3,994	SY	\$4.15	\$16,575.10
706-1-1	RAISED PAVEMENT MARKER, TYPE B	42	EA	\$4.60	\$193.20
711-11-125	THERMOPLASTIC, STANDARD, WHITE, SOLID 24'	70	LF	\$5.75	\$402.50
711-11-170	THERMOPALSTIC, STANDARD, WHITE ARROW	6	EA	\$74.70	\$448.20
711-15-201	THERMOPLASTIC STANDARD, YELLOW, SOLID, 6"	800	LF	\$3.45	\$2,760.00
711-17-1	THERMOPLASTIC REMOVE EXISTING THERMOPLASTIC PAVEMENT MARKINGS	20	SF	\$1.90	\$38.00
SUB-TOTAL BID AMOUNT IN NUMBERS				\$365,591.35	
GRAND TOTAL BID AMOUNT IN NUMBERS:				\$1,135,511.80	



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Larry Wojciechowski, Finance Director

**DATE:** 1/20/2022

**RE:** Award of Proposal: Investment advisory services – RFP 66-0-2021 – Finance Department (PFM Asset Management - \$39,000 (estimated annually)).

In August of 2007, an RFP was done for Investment Advisory Services, and City Council approved the highest ranked firm PFM Asset Management, LLC. The City has successfully worked with its current investment advisor since 2007, providing for a three-year annual average of 65 investment transactions and an estimated average of \$45 million a year for the City of Palm Bay.

Because this contract hadn't been solicited since 2007, the Procurement Department advised Finance that it would be necessary to solicit competitive proposals for Investment Advisory Services. The solicitation sought investment advisory firms for the City's short-term and medium-term investment portfolio. The firm will be required to recommend investment management, procedural changes and investment selection, as well as perform trades on behalf of the City. The contract period will be for three (3) years, with seven (7) one-year renewal options if mutually agreed upon by the City and the awarded firm.

Six (6) proposals were received. The Procurement Department staff reviewed the proposals for responsiveness. The proposals were then evaluated by a committee consisting of qualified staff from the Finance Department, who assigned points for non-price factors such as Summary of Qualifications, Approach and Discipline, Accounting and Reporting, as well as for Fees. See Attached Scoring-Ranking form. Subsequently, the evaluation team requested the top three (3) ranked proposers provide both written clarifications and oral presentations which included a question-and-answer session. The evaluation team scored the firms on their written response to non-price factors and the oral presentations. Those points were combined with the initial rankings to create a final score and ranking.

PFM Asset Management was ranked highest for the categories of Summary of Qualifications and Approach and Discipline for the initial written response and on the written clarifications and oral presentation. Some highlights as to why PFM Asset Management was recommended include:

- Successful history with the City for over 15 years
- In touch with customer needs
- Dedicated project team for the City
- Deeply familiar with Florida Statutes as they relate to investments for public entities

The evaluation team unanimously recommended the highest-ranked firm, PFM Asset Management for award.

**REQUESTING DEPARTMENT:**

Finance, Procurement

**FISCAL IMPACT:**

The Estimated annual cost is \$39,000.00, with multiple account numbers being utilized.

**RECOMMENDATION:**

Motion to approve award of RFP # 66-0-2021/SZ Investment Advisory Services for three (3) years, with the option for seven (7) one (1) year renewals.

**ATTACHMENTS:**

**Description**

Scoring and Ranking Form

RFP #66-0-2021/SZ Investment Advisory Services  
FINAL RANKING

CRITERIA - TOTAL 100 POINTS

Qualifications = 25 points  
Technical Response = 50 points  
Cost = 25 points

Optional Short List - Oral Presentations = 10 points

		Wertz York Capital Management, LLC dba Water Walker Investments	Prudent Man Advisors, LLC dba PMA Asset Management	Chandler Asset Management, Inc.	Garcia Hamilton, L.P.	PFM Asset Management, LLC	Public Trust Advisors, LLC
EVALUATION		813-238-4800	407-797-8228	407-902-4695	713-853-2322	407-341-5643	407-588-0525
CRITERIA	POSSIBLE	5502 N. Nebraska Ave. Tampa, FL 33604	7380 Sandlake Rd, Suite 650 Orlando, FL 32819	801 Internation Parkway, Suite 500 Lake Mary, FL 32746	1401 McKinney St, Suite 1600 Houston, TX 77010	3501 Quadrangle Blvd, Suite 270 Orlando, FL 32817	201 E. Pine St., Suite 750 Orlando, FL 32801
	POINTS	<a href="mailto:brent@waterwalkerinvestments.com">brent@waterwalkerinvestments.com</a>	<a href="mailto:roday@pmanetwork.com">roday@pmanetwork.com</a>	<a href="mailto:mhamilton@chandlerasset.com">mhamilton@chandlerasset.com</a>	<a href="mailto:mbmcwilliams@garciahamiltonassociates.com">mbmcwilliams@garciahamiltonassociates.com</a>	<a href="mailto:alexanders@pfm.com">alexanders@pfm.com</a>	<a href="mailto:john.grady@publictrustadvisors.com">john.grady@publictrustadvisors.com</a>
Re-Score after discussion							
Summary of Qualifications	30	24.00	25.98	25.98	22.02	30.00	22.02
Approach and Discipline	30	25.98	28.02	28.02	28.02	30.00	28.02
Accounting and Reporting	30	25.98	30.00	30.00	19.98	28.02	25.98
SUBTOTAL NON-PRICE FACTORS		75.96	84.00	84.00	70.02	88.02	76.02
Fees	10	9.34	8.66	8.66	6.66	7.34	8.66
SUBTOTAL - Non-price plus Cost	10	85.30	92.66	92.66	76.68	95.36	84.68
Short List - Oral Presentations	10	not short listed	6.66	8.66	not short listed	9.34	not short listed
TOTAL SCORE	110	85.30	99.32	101.32	76.68	104.70	84.68

Final Ranking

PFM Asset Mgmt 104.70  
Chandler Asset Mgmt 101.32  
Prudent Man Advisors/dba PMA 99.32



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Charleena Cox, Human Resources Director

**DATE:** 1/20/2022

**RE:** Resolution 2022-05, amending Resolution 2021-52, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (first amendment).

**Building:** Eliminated one (1) vacant Building Inspector I and added one (1) Senior Plans Examiner to assist with the increased demand for building plan reviews. Funding is available within the departments current budget.

**CED:** Eliminating one (1) vacant Billing & Collections Manager position and adding one (1) new position, Business Development Manager; same pay grade, no budgetary impact. Reclassifying one (1) vacant Housing Program Specialist II to a Sr. Housing Program Specialist. Eliminating one (1) Business Development Manager and adding an Economic Development Division Manager as the duties for the Business Development Manager were transferred to the Accountant I in Finance. Eliminating one (1) Business Development Manager and adding an Economic Development Division Manager as the duties for the Business Development Manager were transferred to the Accountant I in Finance. Funding is available for these changes within the departments current budget.

**City Attorney's Office:** Reclassified one (1) Assistant City Attorney to a Deputy City Attorney with a pay increase, per City Council's approval on 9/16/21. A Budget Amendment will be provided to request funds for the additional salary.

**Finance:** Reclassified one (1) Customer Account Specialist to an Accountant I to match the functions that the employee is currently doing. Funding is available within the departments current budget.

**Human Resources:** Addition of newly created positions Human Resources Outreach Coordinator, Human Resources Generalist I, Human Resources Generalist II, and Sr. Human Resources Generalist, all approved for the FY22 budget year. Distribution change for the Human Resources Outreach Coordinator position, plus salary increase. Reclassification of one (1) Human Resources Generalist II to a Human Resources Generalist I. Funding was available from the departments current budget.

**Information Technology:** Changed the title of the Application Analyst to Application Analyst I. Reclassified a vacant Web Administrator position to the new position of Application Analyst II. Funding is available within the departments current budget.

Office of the City Manager: Reclassifying employee into newly created position entitled Government Relations Manager due to the change in focus to include legislative priorities. There is no change to the pay grade therefore no impact to the budget.

Parks & Facilities: Reclassified a vacant Maintenance Worker II to a newly created Landscape Technician position. Reclassified an Electrician Apprentice to an Electrician – Journeyman as the employee received his certification as an Electrician Journeyman. Funding is available in the departments current budget.

Police Department: Reclassified a Section Supervisor position to a new position of Records Supervisor. This included an increase to the paygrade. Both actions approved by City Council on 9/16/21 for a 10/1/21 implementation.

Procurement: Reclassified one (1) Procurement Agent II (N. Canjar) to a Procurement Agent III as a position succession promotion. Budgetary impact approved by City Council 10/21/2021.

Public Works: Reclassified one (1) Accountant I to a Public Works Accounting Specialist, one (1) Administrative Secretary to an Administrative Assistant, one (1) Administrative Assistant (Fleet) to an Accounting/Procurement Assistant, one (1) Small Equipment Technician to a Light Equipment Technician. Funding available within the departments current budget.

Utilities: Reclassified one (1) Treatment Plant Operator Trainee to a Treatment Plant Operator “C” as the trainee received their “C” license. Reclassified one (1) GIS Technician I to a GIS Technician II as the employee has progressed from the basic level and is performing the more complex tasks of a GIS Tech II. Funding is available within the departments current budget.

**REQUESTING DEPARTMENT:**

City Manager's Office, Community & Economic Development, Utilities, Public Works, Parks and Facilities, Finance, Procurement, Human Resources, Police Department, City Attorney's Office, Information Technology, Building Department

**RECOMMENDATION:**

Motion to acknowledge and approve the modifications as noted for the fiscal year 2022 Position Control Plan.

**ATTACHMENTS:**

**Description**

**Resolution 2022-05**

**Resolution 2022-05, Exhibit A**

**Resolution 2022-05, Exhibit B**



## RESOLUTION 2022-05

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2021-52, ADOPTING THE CLASSIFICATION AND PAY PLANS AND THE POSITION CONTROL PLAN FOR EMPLOYEES OF THE CITY OF PALM BAY FOR FISCAL YEAR 2021–2022; RESCINDING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay's Personnel Policies, Rules 12 and 13, require that Pay Plans be adopted for the employees of the City of Palm Bay, and

**WHEREAS**, the City of Palm Bay desires to amend the Position Control Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City Council hereby amends Resolution 2021-52, adopting the Classification and Pay Plans for the City of Palm Bay employees and the Position Control Plan, which are, by reference, incorporated herein as Exhibits 'A' and 'B'.

**SECTION 2.** All resolutions or parts of resolutions in conflict herewith are hereby superseded and rescinded.

**SECTION 3.** The provisions within this resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2022- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2022.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

**FY 22 General Alpha  
Current Positions in Position Control\***

Group	Position Title	Position #	Grade	Department	Range Min	Range Max
G3	ACCOUNTANT I	1151	N	City Wide	\$37,831	\$56,680
G3	ACCOUNTANT II	1136	U	Finance	\$46,284	\$69,467
G3	ACCCOUNTING/PROCUREMENT ASSISTANT	2717	R	Utilities	\$42,446	\$63,663
G3	ADMINISTRATIVE ASSISTANT	2818	M	City Wide	\$36,760	\$55,061
G3	ADMINISTRATIVE SECRETARY	2801	F	City Wide	\$30,086	\$44,967
G3	ADMINISTRATIVE SERVICES MGR	2432	W	Building	\$49,038	\$73,634
G3	ADMINISTRATIVE SUPERVISOR	1826	R	Parks & Recreation	\$42,446	\$63,663
G3	APPLICATION ANALYST I	1503	T	Information Technology	\$44,967	\$67,475
G3	APPLICATION ANALYST II	1526	V	Information Technology	\$47,641	\$71,520
G3	ASSET MANAGEMENT SPECIALIST	2548	R	Utiilities	\$42,446	\$63,663
G3	ASSISTANT CITY ATTORNEY	2910	V	City Attorney	\$47,641	\$71,520
G2	ASSISTANT FINANCE DIRECTOR	1150	AG	Finance	\$65,541	\$98,595
G2	ASSISTANT GROWTH MGMT DIRECTOR	1911	AG	Growth Management	\$65,541	\$98,595
G2	ASSISTANT PUBLIC WORKS DIRECTOR	2326	AG	Public Works	\$65,541	\$98,595
G2	ASSISTANT UTILITIES DIRECTOR	2726	AG	Utilities	\$65,541	\$98,595
G3	BILLING & COLL COORDINATOR	1152	R	Utilities	\$42,446	\$63,663
G3	BILLING & COLL MANAGER	1148	U	Finance	\$46,284	\$69,467
G3	BUDGET ANALYST	1122	X	Finance	\$50,478	\$75,811
G3	BUDGET OFFICER - POLICE	2274	X	Police	\$50,478	\$75,811
G3	BUILDING SERVICES & FLOOD PLAIN COORD.	1243	U	Growth Management	\$46,284	\$69,467
G3	BUSINESS DEVELOPMENT COORDINATOR	2002	P	Community & Economic Dev.	\$40,070	\$60,068
G2	BUSINESS OPERATIONS DIV MANAGER	2727	AB	Utilities	\$56,680	\$85,194
G3	CASH MANAGEMENT COORDINATOR	1117	O	Finance	\$38,934	\$58,350
G2	CHIEF ACCOUNTANT	1156	AD	Finance	\$60,068	\$90,318
G2	CHIEF BUILDING OFFICIAL	1207	AN	Building	\$80,364	\$121,017
G1	CHIEF PROCUREMENT OFFICER	1112	AN	Procurement	\$80,364	\$121,017
G1	CITY ATTORNEY	2901	N/A	City Attorney	Contract	Contract
G1	CITY CLERK	1601	AP	Legislative	\$85,194	\$128,322
G1	CITY ENGINEER	2302	AN	Public Works	\$80,364	\$121,017
G1	CITY MANAGER	1701	BB	Office of City Manager	\$121,017	\$182,507
G3	CITY SURVEYOR	2427	V	Public Works	\$47,641	\$71,520
G1	COMMUNITY & ECONOMIC DEV. DIRECTOR	1020	AN	Community & Economic Dev.	\$80,364	\$121,017
G3	COMMUNITY INFORMATION COORDINATOR	1209	Q	Office of City Manager	\$41,241	\$61,839
G3	COMMUNITY OUTREACH COORDINATOR	2541	Q	City Wide	\$41,241	\$61,839
G2	COMMUNITY SERVICES ADMINISTRATOR	2272	AB	Police	\$56,680	\$85,194
G2	CONSTRUCTION PROJECT MANAGER	1801	AB	Facilities	\$56,680	\$85,194
G3	CRIME ANALYST	2244	P	Police	\$40,070	\$60,068
G3	CUSTOMER SERVICE COORDINATOR	1149	Q	Finance/Utilities	\$41,241	\$61,839
G3	CUSTOMER SERVICE MANAGER	2815	U	City Wide	\$46,284	\$69,467
G3	DATABASE ADMINISTRATOR - CMMS	2820	R	Utilities	\$42,446	\$63,663
G3	DEPUTY BUILDING OFFICIAL	1909	AG	Building	\$65,541	\$98,595
G1	DEPUTY CITY ATTORNEY	2902	AP	City Attorney	\$85,194	\$128,322

**FY 22 General Alpha**  
**Current Positions in Position Control\***

Group	Position Title	Position #	Grade	Department	Range Min	Range Max
G1	DEPUTY CITY CLERK	1602	AD	Legislative	\$60,068	\$90,318
G1	DEPUTY CITY MANAGER	1001	AP	Office of the City Manager	\$85,194	\$128,322
G2	DEPUTY FIRE CHIEF	1201	AG	Fire	\$65,541	\$98,595
PC	DEPUTY POLICE CHIEF	2246	AL	Police	\$75,811	\$114,131
G1	DIRECTOR OF INFORMATION TECHNOLOGY	1518	AN	Information Technology	\$80,364	\$121,017
G2	DIVISION CHIEF	1203	AD	Fire	\$60,068	\$90,318
G2	ECONOMIC DEVELOPMENT DIVISION MANAGER	2024	AB	Community & Economic Dev.	\$56,680	\$85,194
G3	ELECTRICAL MAINTENANCE FOREMAN	2546	S	Utilities	\$43,688	\$65,541
G3	ENGINEER I	2810	X	City Wide	\$50,478	\$75,811
G3	ENGINEER II	2321	Z	City Wide	\$53,488	\$80,364
G3	ENGINEER III	2812	AB	Public Works	\$56,680	\$85,194
G3	ENVIRONMENTAL ENGINEER	2545	X	Public Works	\$50,478	\$75,811
G1	FACILITIES DIRECTOR	1800	AN	Facilities	\$80,364	\$121,017
G2	FACILITIES DIVISION MANAGER	1832	AB	Parks & Recreation	\$56,680	\$85,194
G3	FACILILTIES FOREMAN	1806	M	City Wide	\$36,760	\$55,061
G3	FIELD SERVICES SUPERINTENDENT	2621	W	Utilities	\$49,038	\$73,634
G1	FINANCE DIRECTOR	1109	AN	Finance	\$80,364	\$121,017
G1	FIRE CHIEF	1218	AO	Fire	\$82,743	\$124,615
G3	FIRE PLANS EXAMINER	1221	W	Building	\$49,038	\$73,634
G3	FISCAL ANALYST	1137	U	Finance	\$46,284	\$69,467
G2	FISCAL MANAGER	1161	AB	Finance	\$56,680	\$85,194
G2	FLEET SERVICES MNGR	1302	AB	Public Works	\$56,680	\$85,194
G3	FLEET SERVICES SPRVSR	1301	R	Public Works	\$42,446	\$63,663
G3	FOREMAN PARKS	1828	M	City Wide	\$36,760	\$55,061
G3	GIS COORDINATOR	2723	T	Utilities	\$44,967	\$67,475
g3	GOVERNMENT RELATIONS MANAGER	1703	X	Office of City Manager	\$50,478	\$75,811
G1	GROWTH MANAGEMENT DIRECTOR	1910	AN	Growth Management	\$80,364	\$121,017
G2	HOUSING ADMINISTRATOR	2001	AA	Community & Economic Dev.	\$55,061	\$82,743
G3	HOUSING ASSISTANT	2019	K	Community & Economic Dev.	\$34,710	\$51,960
G3	HOUSING PROGRAM SPECIALIST I	2020	P	Community & Economic Dev.	\$40,070	\$60,068
G3	HR BENEFITS ANALYST	1407	T	Human Resources	\$44,967	\$67,475
G2	HR BENEFITS MANAGER	1408	AB	Human Resources	\$56,680	\$85,194
G1	HUMAN RESOURCES DIRECTOR	1404	AN	Human Resources	\$80,364	\$121,017
G3	HUMAN RESOURCES GENERALIST I	1422	R	Human Resources	\$42,446	\$63,663
G3	HUMAN RESOURCES GENERALIST II	1420	v	Human Resources	\$47,641	\$71,520
G2	HUMAN RESOURCES MANAGER	1405	AB	Human Resources	\$56,680	\$85,194
G3	HUMAN RESOURCES OUTREACH COORDINATOR	1421	Q	Human Resources	\$41,241	\$61,839
G3	IT SUPPORT SPECIALIST	1513	R	Information Technology	\$42,446	\$63,663
G3	LITIGATION PARALEGAL	2906	V	City Attorney	\$47,641	\$71,520
G3	LOGISTICS DIVISION MNGR	2232	X	Police	\$50,478	\$75,811
G3	MAINTENANCE SUPERINTENDENT	2724	W	Public Works	\$49,038	\$73,634
G3	MAINT SUPERVISOR UTIL	2511	R	Utilities	\$42,446	\$63,663

**FY 22 General Alpha**  
**Current Positions in Position Control\***

Group	Position Title	Position #	Grade	Department	Range Min	Range Max
G3	MANAGEMENT ANALYST	2814	T	City Wide	\$44,967	\$67,475
G3	MOBILE DEVICE SUPPORT SPECIALIST	1510	R	Information Technology	\$42,446	\$63,663
G3	NETWORK ADMINISTRATOR	1514	V	Information Technology	\$47,641	\$71,520
G3	OFFICE MANAGER	2803	N	City Wide	\$37,831	\$56,680
G2	OPERATIONS DIVISION MANAGER	2605	AB	Utilities	\$56,680	\$85,194
G3	OPERATIONS FOREMAN	2404	M	Public Works	\$36,760	\$55,061
G3	OPERATIONS MANAGER	1234	X	Fire	\$50,478	\$75,811
G3	OPERATIONS SUPERINTENDENT	2410	W	Public Works	\$49,038	\$73,634
G3	OPERATIONS SUPERVISOR - PW	2409	R	Public Works	\$42,446	\$63,663
G3	PARK RANGER/NATURALIST	1809	K	Parks & Recreation	\$34,710	\$51,960
G1	PARKS & RECREATION DIR	1810	AN	Parks & Recreation	\$80,364	\$121,017
G2	PARKS DIVISION MANAGER	1830	AB	Parks & Recreation	\$56,680	\$85,194
G3	PAYMASTER	1135	W	Finance	\$49,038	\$73,634
G3	PAYROLL & ACCOUNTING ASSISTANT	1180	P	Human Resources	\$40,070	\$60,068
G3	PLANNER	1902	R	Growth Management	\$42,446	\$63,663
G3	PLANS EXAMINER	1229	W	Building	\$49,038	\$73,634
G1	POLICE CHIEF	2216	AO	Police	\$82,743	\$124,615
PC	POLICE COMMANDER	2267	AJ	Police	\$71,520	\$107,639
G3	PRINCIPAL PLANNER	1913	Z	Growth Management	\$53,488	\$80,364
G3	PROJECT SPECIALIST	2273	R	Police	\$42,446	\$63,663
G2	PUBLIC INFORMATION OFFICER	1213	AB	Office of City Manager	\$56,680	\$85,194
G3	PUBLIC WORKS ACCOUNTANT	2317	X	Public Works	\$50,478	\$75,811
G3	PUBLIC WORKS ACCOUNTING SPECIALIST	2312	R	Public Works	\$42,446	\$63,663
G1	PUBLIC WORKS DIRECTOR	2310	AN	Public Works	\$80,364	\$121,017
G2	PUBLIC WORKS DIV MGR	2416	AB	Public Works	\$56,680	\$85,194
G3	PROCUREMENT AGENT I	1155	P	Procurement	\$40,070	\$60,068
G3	PROCUREMENT AGENT II	1154	R	Procurement	\$42,446	\$63,663
G3	PROCUREMENT AGENT III	1153	T	Procurement	\$44,967	\$67,475
G2	PROCUREMENT MANAGER	1113	AB	Procurement	\$56,680	\$85,194
G3	RECORDS ADMINISTRATOR	1605	O	Legislative	\$38,934	\$58,350
G3	RECORDS SUPERVISOR	2223	R	Police	\$42,446	\$63,663
G2	RECREATION DIVISION MANAGER	1834	AB	Parks & Recreation	\$56,680	\$85,194
G3	RECREATION SUPERVISOR	1816	R	Parks & Recreation	\$42,446	\$63,663
G2	RISK MANAGER	1406	AB	City Attorney	\$56,680	\$85,194
G3	RISK MANAGER ASSISTANT	1418	M	City Attorney	\$36,760	\$55,061
G3	SAFETY & SECURITY COORDINATOR	2911	T	City Attorney	\$44,967	\$67,475
G3	SECTION SUPERVISOR	2233	P	City Wide	\$40,070	\$60,068
G3	SENIOR ACCOUNTANT	1121	X	Finance	\$50,478	\$75,811
G2	SENIOR BUILDING INSPECTOR	1244	AB	Building	\$56,680	\$85,194
G3	SENIOR PLANNER	1900	W	Building	\$49,038	\$73,634
G3	SPECIAL EVENTS COORDINATOR	1022	R	Parks & Recreation	\$42,446	\$63,663
G3	SR HOUSING PROGRAM SPECIALIST	2022	X	Community & Economic Dev.	\$50,478	\$75,811

**FY 22 General Alpha**  
**Current Positions in Position Control\***

Group	Position Title	Position #	Grade	Department	Range Min	Range Max
G3	SR. HUMAN RESOURCES GENERALIST	1419	Z	Human Resources	\$53,488	\$80,364
G3	SR PLANS EXAMINER	1248	Z	Building	\$53,488	\$80,364
G3	SUPPORT SERVICES COORDINATOR	2515	U	Utilities	\$46,284	\$69,467
G3	SURVEY PARTY CHIEF	2419	M	Public Works	\$36,760	\$55,061
G3	SURVEYING SUPERINTENDENT	2428	W	Public Works	\$49,038	\$73,634
G3	SYSTEMS ADMINISTRATOR	2704	V	CIT	\$47,641	\$71,520
G3	TELEPHONE ADMINISTRATOR	1508	V	Information Technology	\$47,641	\$71,520
G3	TRAFFIC ENGINEER/PLANNER	1908	AB	Growth Management	\$56,680	\$85,194
G3	TRAINING & EMPLOYEE DEVELOPMENT ADMINR	1417	X	Human Resources	\$50,478	\$75,811
G3	UTILITIES ACCOUNTANT	2720	X	Utilities	\$50,478	\$75,811
G3	UTILITIES BILLING & COLLECTIONS SUPERVISOR	1160	T	Utilities	\$44,967	\$67,475
G3	UTILITIES COMMUNITY OUTREACH COOR	2534	Q	Utilities	\$41,241	\$61,839
G3	UTILITIES COMPLIANCE DIVISION MANAGER	2736	AB	Utilities	\$56,680	\$85,194
G3	UTILITIES COMPLIANCE SPECIALIST	2735	T	Utilities	\$44,967	\$67,475
G3	UTILITIES CUSTOMER CARE MANAGER	1162	W	Utilities	\$49,038	\$73,634
G3	UTILITIES CUSTOMER CARE SUPERVISOR	1159	R	Utilities	\$42,446	\$63,663
G1	UTILITIES DIRECTOR	2710	AN	Utilities	\$80,364	\$121,017
G2	UTILITIES ENGINEER	2521	AH	Utilities	\$67,475	\$101,521
G3	UTILITIES FOREMAN	2501	O	Utilities	\$38,934	\$58,350
G3	UTILITIES PROJECT MANAGER	2737	AB	Utilities	\$56,680	\$85,194
G3	VICTIM ADVOCATE	2256	N	Police	\$37,831	\$56,680
G3	WATER DIST SUPERINTENDENT	2504	W	Utilities	\$49,038	\$73,634
G3	WATER PLANT SUPERINTENDENT	2619	W	Utilities	\$49,038	\$73,634
G3	WORKERS COMPENSATION ADJUSTER	2908	M	City Attorney	\$36,760	\$55,061
G3	WWTR COLLECTION SUPERINTENDENT	2528	W	Utilities	\$49,038	\$73,634
G3	WWTR PLANT SUPERINTENDENT	2620	W	Utilities	\$49,038	\$73,634



**FY 22 Part-Time Alpha  
Current Positions in Position Control**

Group	Position Title	Position #	Grade	Range Min	Range Max
GP	ACCREDITATION SPECIALIST	567	P	\$40,070	\$60,068
GP	ADMINISTRATIVE ASSISTANT PT	2819	M	\$36,760	\$55,061
GP	ADMINISTRATIVE SECRETARY PT	552	F	\$30,086	\$44,967
GP	CASHIER PT	1100	B	\$26,849	\$40,070
GA	CITY ATTORNEY EMMERITUS	2904	CAE	\$50,000	\$100,000
GP	COMMUNICATIONS OFFICER PT	2240	K	\$34,710	\$51,960
GP	CUSTOMER SERVICE CLERK PT	604	C	\$27,623	\$41,241
EF	COUNCIL MEMBERS	9999	COU	\$11,642	\$11,642
GP	DATA ENTRY CLERK PT	603	B	\$26,849	\$40,070
GP	HEO PT	521	H	\$31,854	\$47,641
GP	HUMAN RESOURCES CLERK PT	606	A	\$26,098	\$38,934
GP	LAND ACQUISITION COORDINATOR	608	T	\$44,967	\$67,475
GP	LIFEGUARD PART-TIME	013	1A	\$21,417	\$31,854
GP	MAINTENANCE WORKER PT	605	D	\$28,419	\$42,446
GT	MANAGEMENT INTERN	25	6A	\$24,660	\$36,760
EF	MAYOR	9997	MAY	\$23,284	\$23,284
GP	PLANS EXAMINER PT	554	W	\$49,038	\$73,634
PR	POLICE OFFR RECRUIT NONCERT	5002	I	\$32,778	\$49,038
GP	RECREATION AIDE PT	514	1A	\$21,417	\$31,854
GL	SCG PT	517	6A	\$24,660	\$36,760
GL	SCG SUB PT	518	6A	\$24,660	\$36,760
GP	SCG SPRVSR PT	516	F	\$30,086	\$44,967
GP	SECRETARY PT	602	D	\$28,419	\$42,446
GP	SIGN AND TRAFFIC TECHNICIAN PT	607	J	\$33,730	\$50,478
GP	SPECIAL EVENTS STAFF	15	1A	\$21,417	\$31,854
GP	SR. PLANS EXAMINER	1256	Z	\$53,488	\$80,364
GP	STOCK CLERK PT	591	A	\$26,098	\$38,934
GP	SUPPORT SERVICES CLERK PT	544	1A	\$21,417	\$31,854
GP	SWITCHBOARD OPERATOR PT	508	6A	\$24,660	\$36,760
GL	UTILITIES INTERN	2500	2A	\$22,028	\$32,778

**CITY OF PALM BAY**  
**GENERAL/PART-TIME/POLICE RECRUIT SALARY RANGES**  
**FY 22**

<b>GENERAL &amp; PART-TIME</b>									
<b>GRADE</b>	<b>MIN RATE</b>		<b>MAX RATE</b>		<b>GRADE</b>	<b>MIN RATE</b>		<b>MAX RATE</b>	
	<i>Yearly</i>	<i>Hourly</i>	<i>Yearly</i>	<i>Hourly</i>		<i>Yearly</i>	<i>Hourly</i>	<i>Yearly</i>	<i>Hourly</i>
1A	\$21,417	\$10.30	\$31,854	\$15.31	Y	\$51,960	\$24.98	\$78,054	\$37.53
2A	\$22,028	\$10.59	\$32,778	\$15.76	Z	\$53,488	\$25.72	\$80,364	\$38.64
3A	\$22,657	\$10.89	\$33,730	\$16.22	AA	\$55,061	\$26.47	\$82,743	\$39.78
4A	\$23,305	\$11.20	\$34,710	\$16.69	AB	\$56,680	\$27.25	\$85,194	\$40.96
5A	\$23,973	\$11.53	\$35,719	\$17.17	AC	\$58,350	\$28.05	\$87,718	\$42.17
6A	\$24,660	\$11.86	\$36,760	\$17.67	AD	\$60,068	\$28.88	\$90,318	\$43.42
7A	\$25,337	\$12.18	\$37,831	\$18.19	AE	\$61,839	\$29.73	\$92,996	\$44.71
A	\$26,098	\$12.55	\$38,934	\$18.72	AF	\$63,663	\$30.61	\$95,753	\$46.04
B	\$26,849	\$12.91	\$40,070	\$19.26	AG	\$65,541	\$31.51	\$98,595	\$47.40
C	\$27,623	\$13.28	\$41,241	\$19.83	AH	\$67,475	\$32.44	\$101,521	\$48.81
D	\$28,419	\$13.66	\$42,446	\$20.41	AI	\$69,467	\$33.40	\$104,535	\$50.26
E	\$29,240	\$14.06	\$43,688	\$21.00	AJ	\$71,520	\$34.38	\$107,639	\$51.75
F	\$30,086	\$14.46	\$44,967	\$21.62	AK	\$73,634	\$35.40	\$110,837	\$53.29
G	\$30,957	\$14.88	\$46,284	\$22.25	AL	\$75,811	\$36.45	\$114,131	\$54.87
H	\$31,854	\$15.31	\$47,641	\$22.90	AM	\$78,054	\$37.53	\$117,522	\$56.50
I	\$32,778	\$15.76	\$49,038	\$23.58	AN	\$80,364	\$38.64	\$121,017	\$58.18
J	\$33,730	\$16.22	\$50,478	\$24.27	AO	\$82,743	\$39.78	\$124,615	\$59.91
K	\$34,710	\$16.69	\$51,960	\$24.98	AP	\$85,194	\$40.96	\$128,322	\$61.69
L	\$35,719	\$17.17	\$53,488	\$25.72	AQ	\$87,718	\$42.17	\$132,140	\$63.53
M	\$36,760	\$17.67	\$55,061	\$26.47	AR	\$90,318	\$43.42	\$136,073	\$65.42
N	\$37,831	\$18.19	\$56,680	\$27.25	AS	\$92,996	\$44.71	\$140,124	\$67.37
O	\$38,934	\$18.71	\$58,350	\$28.05	AT	\$95,753	\$46.04	\$144,295	\$69.37
P	\$40,070	\$19.26	\$60,068	\$28.88	AU	\$98,595	\$47.40	\$148,592	\$71.44
Q	\$41,241	\$19.83	\$61,839	\$29.73	AV	\$101,521	\$48.81	\$153,018	\$73.57
R	\$42,446	\$20.41	\$63,663	\$30.61	AW	\$104,535	\$50.26	\$157,577	\$75.76
S	\$43,688	\$21.00	\$65,541	\$31.51	AX	\$107,639	\$51.75	\$162,273	\$78.02
T	\$44,967	\$21.62	\$67,475	\$32.44	AY	\$110,837	\$53.29	\$167,110	\$80.34
U	\$46,284	\$22.25	\$69,467	\$33.40	AZ	\$114,131	\$54.87	\$172,091	\$82.74
V	\$47,641	\$22.90	\$71,520	\$34.38	BA	\$117,522	\$56.50	\$177,223	\$85.20
W	\$49,038	\$23.58	\$73,634	\$35.40	BB	\$121,017	\$58.18	\$182,507	\$87.74
X	\$50,478	\$24.27	\$75,811	\$36.45	BC	\$124,615	\$59.91	\$187,951	\$90.36

**FY 22 NAGE Blue Alpha**  
**Current Positions in Position Control**

<b>Position Title</b>	<b>Position #</b>	<b>Pay Plan</b>	<b>Range Min</b>	<b>Range Max</b>
BACKFLOW PREVENT TECH I	2529	BH	\$31,854	\$47,641
CAMERA TRUCK OPERATOR	2540	BJ	\$33,730	\$50,478
ELECTRICAL TECH I	2527	BK	\$34,710	\$51,960
ELECTRICAL TECH II	2539	BN	\$37,831	\$56,680
ELECTRICIAN APPRENTICE	2506	BO	\$38,934	\$58,350
ELECTRICIAN JOURNEYMAN	2505	BQ	\$41,241	\$61,839
FIELD SERVICE REP	2524	BH	\$31,854	\$47,641
HEAVY EQUIP OPERATOR I	2817	BH	\$31,854	\$47,641
HEAVY EQUIP OPERATOR II	2437	BK	\$34,710	\$51,960
HEAVY EQUIP TECHNICIAN	1303	BM	\$36,760	\$55,061
HVAC TECHNICIAN JOURNEYMAN	1808	BN	\$37,831	\$56,680
LANDSCAPE TECHNICIAN	1813	BP	\$40,070	\$60,068
LIGHT EQUIP TECHNICIAN	1304	BH	\$31,854	\$47,641
LINE LOCATION TECHNICIAN	2722	BH	\$31,854	\$47,641
MAINT MECHANIC	2509	BH	\$31,854	\$47,641
MAINT WORKER II	1824	BF	\$30,086	\$44,967
MAINTENANCE WORKER	2816	BD	\$28,419	\$42,446
METER TECHNICIAN	2536	BF	\$30,086	\$44,967
PARTS INVENTORY SPCLST	1306	BJ	\$33,730	\$50,478
PLUMBER	1820	BN	\$37,831	\$56,680
ROD AND CHAIN WORKER	2413	BA	\$26,098	\$38,934
SHOOTING RANGE MAINT WORKER	2242	BF	\$30,086	\$44,967
SIGN AND TRAFFIC TECH	2414	BJ	\$33,730	\$50,478
SMALL EQUIPMENT TECH	1825	BF	\$30,086	\$44,967
SURVEY TRANSIT OPERATOR	2415	BF	\$30,086	\$44,967
TRADESWORKER	1821	BM	\$36,760	\$55,061
TRTMENT PLANT OP "A"	2617	BN	\$37,831	\$56,680
TRTMENT PLANT OP "B"	2616	BM	\$36,760	\$55,061
TRTMENT PLANT OP "C"	2615	BK	\$34,710	\$51,960
TRTMENT PLANT OP DUAL CERTIFIED	2728	BO	\$38,934	\$58,350
TRTMENT PLANT OP TRAIN	2614	BH	\$31,854	\$47,641
WATER QUALITY TECHNICIAN	2547	BF	\$30,086	\$44,967
WTR/SWR LINE MAINT TECH	2520	BF	\$30,086	\$44,967



**CITY OF PALM BAY**  
**NAGE BLUE SALARY RANGES**  
**FY 22**

<b>NAGE BLUE</b>				
<b>GRADE</b>	<b>MIN RATE</b>		<b>MAX RATE</b>	
	<i>Yearly</i>	<i>Hourly</i>	<i>Yearly</i>	<i>Hourly</i>
BA	\$26,098	\$12.55	\$38,934	\$18.72
BB	\$26,849	\$12.91	\$40,070	\$19.26
BC	\$31,854	\$13.28	\$41,241	\$19.83
BD	\$28,419	\$13.66	\$42,446	\$20.41
BE	\$29,240	\$14.06	\$43,688	\$21.00
BF	\$30,086	\$14.46	\$44,967	\$21.62
BG	\$30,957	\$14.88	\$46,284	\$22.25
BH	\$31,854	\$15.31	\$47,641	\$22.90
BI	\$32,778	\$15.76	\$49,038	\$23.58
BJ	\$33,730	\$16.22	\$50,478	\$24.27
BK	\$34,710	\$16.69	\$51,960	\$24.98
BL	\$35,719	\$17.17	\$53,488	\$25.72
BM	\$36,760	\$17.67	\$55,061	\$26.47
BN	\$37,831	\$18.19	\$56,680	\$27.25
BO	\$38,934	\$18.72	\$58,350	\$28.05
BP	\$40,070	\$19.26	\$60,068	\$28.88
BQ	\$41,241	\$19.83	\$61,839	\$29.73

**FY 22 NAGE White Alpha**  
**Current Positions in Position Control**

<b>Position Title</b>	<b>Position #</b>	<b>Pay Plan</b>	<b>Range Min</b>	<b>Range Max</b>
BUILDING CODE COMPLIANCE INSPECTOR	1205	WN	\$39,240	\$59,355
BUILDING INSPECTOR I	1205	WR	\$44,165	\$66,803
BUILDING INSPECTOR II	1206	WU	\$48,260	\$72,997
BUILDING INSPECTOR III	1208	WX	\$52,736	\$79,768
BUILDING INSPECTOR PROVISIONAL	1212	WO	\$40,417	\$61,134
CASHIER	1106	WB	\$27,522	\$41,629
CODE COMPLIANCE OFFICER	2101	WN	\$39,240	\$59,355
CODE COMPLIANCE TECHNICIAN	2104	WH	\$32,864	\$49,707
COMMUNICATIONS OFFICER	2225	WK	\$35,910	\$54,317
COMMUNICATIONS OFFICER TRAINEE	2238	WH	\$32,864	\$49,707
COMMUNICATIONS SHIFT SPRVSR	2237	WP	\$41,629	\$62,969
CRIME SCENE TECH I	2257	WJ	\$34,864	\$52,736
CUSTOMER ACCOUNT SPECIALIST	2806	WJ	\$34,864	\$52,736
CUSTOMER SERVICE CLERK	2808	WC	\$28,348	\$42,878
CUSTOMER SERVICE REP	1147	WH	\$32,864	\$49,707
DATA ENTRY CLERK	1210	WB	\$27,522	\$41,629
DESK BOOKING SPCLST II	2262	WM	\$38,097	\$57,624
ENGINEERING ASSIST	2305	WN	\$39,240	\$59,355
ENGINEERING INSPECTOR	2813	WN	\$39,240	\$59,355
ENGINEERING TECH II	2314	WJ	\$34,864	\$52,736
ENGINEERING TECH III	2307	WM	\$38,097	\$57,624
FATS, OILS, & GREASE INSPECTOR	2610	WI	\$33,849	\$51,200
GIS TECHNICIAN I	2733	WN	\$39,240	\$59,355
GIS TECHNICIAN II	2734	WP	\$41,629	\$62,969
GIS TECHNICIAN III	2732	WQ	\$42,878	\$64,858
INVENTORY CONTROL COORD	1225	WJ	\$34,864	\$52,736
JR ACCOUNTING CLERK	1133	WC	\$28,348	\$42,878
MATERIAL MGMT TECH	2254	WJ	\$34,864	\$52,736
PERMIT TECHNICIAN	1246	WH	\$32,864	\$49,707
PLANNING SPECIALIST	1905	WM	\$38,097	\$57,624
PLANNING TECHNICIAN	1912	WL	\$36,987	\$55,948
RECORDS COMP/ANLS SPRVSR	1230	WL	\$36,987	\$55,948
RECORDS SPECIALIST	2226	WH	\$32,864	\$49,707
RECREATION LEADER	1815	WH	\$32,864	\$49,707
SECRETARY	2804	WD	\$29,198	\$44,165
TRAINING COORD POLICE	2239	WM	\$38,097	\$57,624
UTILITIES BILLING & COLLECTIONS SPECIALIST	1157	WK	\$35,910	\$54,317
UTILITIES CUSTOMER CARE SPECIALIST	1158	WJ	\$34,864	\$52,736

UTILITIES INSPECTOR	2516	WN	\$39,240	\$59,355
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**CITY OF PALM BAY  
NAGE WHITE SALARY RANGES  
FY 22**

<b>NAGE WHITE</b>				
<b>GRADE</b>	<b>MIN RATE</b>		<b>MAX RATE</b>	
	<i>Yearly</i>	<i>Hourly</i>	<i>Yearly</i>	<i>Hourly</i>
W1A	\$21,726	10.45	\$32,864	15.80
W2A	\$22,378	10.76	\$33,849	16.27
W3A	\$23,049	11.08	\$34,864	16.76
W4A	\$23,741	11.41	\$35,910	17.26
W5A	\$24,453	11.76	\$36,987	17.78
W6A	\$25,187	12.11	\$38,097	18.32
W7A	\$25,942	12.47	\$39,240	18.87
WA	\$26,721	12.85	\$40,417	19.43
WB	\$27,522	13.23	\$41,629	20.01
WC	\$28,348	13.63	\$42,878	20.61
WD	\$29,198	14.04	\$44,165	21.23
WE	\$30,075	14.46	\$45,491	21.87
WF	\$30,977	14.89	\$46,854	22.53
WG	\$31,906	15.34	\$48,260	23.20
WH	\$32,864	15.80	\$49,707	23.90
WI	\$33,849	16.27	\$51,200	24.62
WJ	\$34,864	16.76	\$52,736	25.35
WK	\$35,910	17.26	\$54,317	26.11
WL	\$36,987	17.78	\$55,948	26.90
WM	\$38,097	18.32	\$57,624	27.70
WN	\$39,240	18.87	\$59,355	28.54
WO	\$40,417	19.43	\$61,134	29.39
WP	\$41,629	20.01	\$62,969	30.27
WQ	\$42,878	20.61	\$64,858	31.18
WR	\$44,165	21.23	\$66,803	32.12
WS	\$45,491	21.87	\$68,807	33.08
WT	\$46,854	22.53	\$70,872	34.07
WU	\$48,260	23.20	\$72,997	35.09
WV	\$49,707	23.90	\$75,189	36.15
WW	\$51,200	24.62	\$77,444	37.23
WX	\$52,736	25.35	\$79,768	38.35
WY	\$54,317	26.11	\$82,160	39.50
WZ	\$55,948	26.90	\$84,625	40.69

**FY 22 FOP Alpha List**  
**Current Positions in Position Control**

<b>Position Title</b>	<b>Position #</b>	<b>Grade</b>	<b>Range Min</b>	<b>Range Max</b>
POLICE OFFICER	<b>5001</b>	<b>POL</b>	\$42,771	\$68,637
POLICE SERGEANT	<b>5101</b>	<b>SGT</b>	\$55,166	\$83,442
POLICE LIEUTENANT	<b>5201</b>	<b>LTN</b>	\$66,034	\$96,976

Non-Certified Recruits are General positions

**CITY OF PALM BAY  
FOP STEP PLAN  
FY 22**

POSITION TITLE	GRADE	STEP	SALARY
POLICE OFFICER	POL	3	\$42,770
POLICE OFFICER	POL	4	\$44,056
POLICE OFFICER	POL	5	\$45,377
POLICE OFFICER	POL	6	\$46,737
POLICE OFFICER	POL	7	\$48,140
POLICE OFFICER	POL	8	\$49,583
POLICE OFFICER	POL	9	\$51,072
POLICE OFFICER	POL	10	\$52,604
POLICE OFFICER	POL	11	\$54,181
POLICE OFFICER	POL	12	\$55,806
POLICE OFFICER	POL	13	\$57,482
POLICE OFFICER	POL	14	\$59,206
POLICE OFFICER	POL	15	\$60,983
POLICE OFFICER	POL	16	\$62,812
POLICE OFFICER	POL	17	\$64,697
POLICE OFFICER	POL	18	\$66,638
POLICE OFFICER	POL	19	\$68,637

POSITION TITLE	GRADE	STEP	SALARY
POLICE SERGEANT (SGT 1)	SGT	5	\$55,166
POLICE SERGEANT (SGT 2)	SGT	6	\$56,821
POLICE SERGEANT (SGT 3)	SGT	7	\$58,526
POLICE SERGEANT (SGT 4)	SGT	8	\$60,282
POLICE SERGEANT (SGT 5)	SGT	9	\$62,089
POLICE SERGEANT (SGT 6)	SGT	10	\$63,953
POLICE SERGEANT (SGT 7)	SGT	11	\$65,872
POLICE SERGEANT (SGT 8)	SGT	12	\$67,847
POLICE SERGEANT (SGT 9)	SGT	13	\$69,881
POLICE SERGEANT (SGT 10)	SGT	14	\$71,977
POLICE SERGEANT (SGT 11)	SGT	15	\$74,138
POLICE SERGEANT (SGT 12)	SGT	16	\$76,363
POLICE SERGEANT (SGT 13)	SGT	17	\$78,653
POLICE SERGEANT (SGT 14)	SGT	18	\$81,013
POLICE SERGEANT (SGT 15)	SGT	19	\$83,442

POSITION TITLE	GRADE	STEP	SALARY
POLICE LIEUTENANT (LT 1)	LTN	4	\$66,034
POLICE LIEUTENANT (LT 2)	LTN	5	\$68,016
POLICE LIEUTENANT (LT 3)	LTN	6	\$70,056
POLICE LIEUTENANT (LT 4)	LTN	7	\$72,158
POLICE LIEUTENANT (LT 5)	LTN	8	\$74,323
POLICE LIEUTENANT (LT 6)	LTN	9	\$76,553
POLICE LIEUTENANT (LT 7)	LTN	10	\$78,849
POLICE LIEUTENANT (LT 8)	LTN	11	\$81,214
POLICE LIEUTENANT (LT 9)	LTN	12	\$83,650
POLICE LIEUTENANT (LT 10)	LTN	13	\$86,161
POLICE LIEUTENANT (LT 11)	LTN	14	\$88,745
POLICE LIEUTENANT (LT 12)	LTN	15	\$91,408
POLICE LIEUTENANT (LT 13)	LTN	16	\$94,150
POLICE LIEUTENANT (LT 14)	LTN	17	\$96,976

**FY 22 IAFF Alpha List  
Current Positions in Position Control**

<b>Position Title</b>	<b>Grade</b>	<b>Position #</b>	<b>Range Min</b>	<b>Range Max</b>
CAREER DEV & SAFETY COORD (CDSC)	IAA	1251	\$58,847	\$89,011
FIRE DISTRICT CHIEF	IAC	6002	\$64,197	\$97,120
DRIVER/ENGINEER	IU	6003	\$49,284	\$74,545
FIRE INSPECTOR	IN	1219	\$40,071	\$60,613
FIRE LIEUTENANT	IZ	6006	\$57,134	\$86,420
FIREFIGHTER	IO	6001	\$40,071	\$62,429
PROT BREATHING APP TECH	IU	6009	\$49,284	\$74,545

**CITY OF PALM BAY  
STEP PLAN**

**IAFF  
FY 22**

	IN	IO	IU	IZ	IAA	IAC
1	\$40,071	\$40,071	\$49,284	\$57,134	\$58,847	\$64,197
2	\$41,274	\$41,273	\$50,762	\$58,848	\$60,612	\$66,149
3	\$42,512	\$42,511	\$52,286	\$60,613	\$62,431	\$68,072
4	\$43,789	\$43,787	\$53,853	\$62,432	\$64,304	\$70,145
5	\$45,102	\$45,100	\$55,469	\$64,305	\$66,233	\$72,247
6	\$46,455	\$46,453	\$57,134	\$66,234	\$68,220	\$74,410
7	\$47,848	\$47,847	\$58,847	\$68,221	\$70,266	\$76,663
8	\$49,284	\$49,282	\$60,613	\$70,268	\$72,374	\$78,976
9	\$50,762	\$50,761	\$62,432	\$72,376	\$74,546	\$81,319
10	\$52,286	\$52,284	\$64,304	\$74,547	\$76,782	\$83,752
11	\$53,853	\$53,852	\$66,233	\$76,783	\$79,085	\$86,276
12	\$55,469	\$55,468	\$68,221	\$79,087	\$81,458	\$88,859
13	\$57,134	\$57,132	\$70,267	\$81,459	\$83,902	\$91,533
14	\$58,847	\$58,846	\$72,374	\$83,903	\$86,419	\$94,297
15	\$60,613	\$60,611	\$74,545	\$86,420	\$89,011	\$97,120
16		\$62,429				

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**FY22 Position Control Plan 1st Qtr**

DEPARTMENT DIVISION POSITIONS (FTEs)	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
<b>LEGISLATIVE DEPARTMENT</b>					
Administration Division	9.00	9.00	-	9.00	-
<b>Department Total</b>	9.00	9.00	-	9.00	-
<b>OFFICE OF THE CITY MANAGER DEPT.</b>					
Administration Division	4.00	5.00	-	5.00	1.00
Public Information	-	2.00	-	2.00	2.00
<b>Department Total</b>	4.00	8.70	-	8.70	4.70
<b>OFFICE OF THE CITY ATTORNEY DEPT.</b>					
Administration Division	1.71	1.71	-	1.71	-
Risk Management Division	10.25	10.25	-	10.25	-
<b>Department Total</b>	11.96	11.96	-	11.96	-
<b>PROCUREMENT DEPARTMENT</b>					
Administration Division	7.00	7.00	-	7.00	-
<b>Department Total</b>	7.00	7.00	-	7.00	-
<b>FINANCE DEPARTMENT</b>					
Administration Division	6.00	6.00	-	6.00	-
Accounting Division	8.00	9.00	-	9.00	1.00
Revenue Division	5.00	-	-	-	(5.00)
<b>Department Total</b>	19.00	15.00	-	15.00	(4.00)
<b>INFORMATION TECHNOLOGY DEPARTMENT</b>					
Administration Division	14.00	15.00	-	15.00	1.00
<b>Department Total</b>	14.00	15.00	-	15.00	1.00
<b>HUMAN RESOURCES DEPARTMENT</b>					
Administration Division	8.18	6.63	(0.25)	6.38	(1.80)
Employee Health Insurance Division	1.73	3.00	-	3.00	1.27
Other Employee Benefits Division	1.72	3.00	0.25	3.25	1.53
<b>Department Total</b>	11.63	12.63	-	12.63	1.00
<b>BUILDING DEPARTMENT</b>					
Building Division	-	37.68	-	37.68	37.68
<b>Department Total</b>	-	37.68	-	37.68	37.68
<b>GROWTH MANAGEMENT DEPARTMENT</b>					
Administration Division	1.00	1.00	-	1.00	-
Land Development Division	9.00	9.00	-	9.00	-
Code Compliance Division	8.80	8.80	-	8.80	-
<b>Department Total</b>	18.80	18.80	-	18.80	-
<b>COMMUNITY &amp; ECONOMIC DEVELOPMENT DEPARTMENT</b>					
Administration Division	3.00	6.00	(1.00)	6.00	3.00
Communications Division	3.00	-	-	-	(3.00)
Housing & Community Development	4.00	4.00	-	4.00	-
<b>Department Total</b>	10.00	10.00	(1.00)	10.00	-
<b>RECREATION DEPARTMENT</b>					
Administration Division	6.00	4.00	-	4.00	(2.00)
Recreation Programs Division	15.83	15.43	-	15.43	(0.40)

DEPARTMENT	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION					
POSITIONS (FTEs)					
Parks Maintenance Division	31.00	-	-	-	(31.00)
Palm Bay Aquatic Center Division	2.26	-	-	-	(2.26)
Department Total	55.09	19.43	-	19.43	(35.66)
<b>PARKS &amp; FACILITIES DEPARTMENT</b>					
Administration Division	4.00	6.00	-	5.00	1.00
Facility Maintenance Division	17.40	13.40	-	32.40	(3.00)
Parks Division	-	32.40	-	32.40	32.40
Department Total	21.40	51.80	(1.00)	51.80	30.40
<b>POLICE DEPARTMENT</b>					
Executive Division	6.67	6.00	-	6.00	(0.67)
Support Services Division	32.51	34.51	-	34.51	2.00
Uniform Services Division	136.00	142.00	-	142.00	6.00
Investigations Division	38.00	36.00	-	36.00	(2.00)
Communications Center Division	41.50	41.50	-	41.50	-
Victim Services Unit Division	2.00	2.00	-	2.00	-
Department Total	256.68	262.01	-	262.01	5.33
<b>FIRE DEPARTMENT</b>					
Emergency Services Division	132.00	136.00	-	136.00	4.00
Department Total	132.00	136.00	-	136.00	4.00
<b>PUBLIC WORKS DEPARTMENT</b>					
Administrative Services Division	11.00	11.00	-	11.00	-
Engineering & Surveying Services Division	11.40	11.40	-	11.40	-
ROW Beautification Division	25.63	25.63	-	25.63	-
Traffic Operations Division	5.63	5.63	-	5.63	-
Infrastructure Division	19.72	19.72	-	19.72	-
Fleet Services Fund	16.50	17.50	-	17.50	1.00
Stormwater Utility Fund	33.81	32.81	-	32.81	(1.00)
Department Total	123.69	123.69	-	123.69	-
<b>BAYFRONT COMM REDEV AGENCY DEPARTMENT</b>					
BCRA	-	-	-	-	-
Department Total	-	-	-	-	-
<b>UTILITIES DEPARTMENT</b>					
Administration Division	7.00	7.00	-	7.00	-
Utilities Customer Care Section	20.75	20.75	-	20.75	-
Business Operations Division	6.00	6.00	-	6.00	-
Engineering and Construction Division	13.00	13.00	-	13.00	-
Maintenance Section	13.34	14.34	-	14.34	1.00
Field Services Section	8.00	9.00	-	9.00	1.00
Utilities Compliance Division	8.44	8.44	-	8.44	-
Water Distribution Section	23.58	25.33	-	25.33	1.75
Water Plant-SRWTF Section	7.00	7.00	-	7.00	-
Water Plant-North Regional Section	9.00	9.00	-	9.00	-
Wastewater Collections Section	23.33	23.33	-	23.33	-
Wastewater Plant-North Regional Section	10.00	10.00	-	10.00	-
Department Total	149.44	153.19	-	153.19	3.75
Citywide Total	843.69	891.89	(2.00)	891.89	48.20

## FY22 Position Control Plan 1st Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
POSITIONS (FTEs)						
<b>LEGISLATIVE DEPARTMENT</b>						
<b>Administration Division</b>						
<u>Full-time</u>						
City Clerk*	GE-AP	1.00	1.00	-	1.00	-
Deputy City Clerk	GE-AD	1.00	1.00	-	1.00	-
Records Administrator	GE-O	1.00	1.00	-	1.00	-
Administrative Assistant	GE-M	1.00	1.00	-	1.00	-
Sub-total:		4.00	4.00	-	4.00	-
 <u>Elected</u>						
Mayor	MAY	1.00	1.00	-	1.00	-
Deputy Mayor	COU	1.00	1.00	-	1.00	-
Council Members	COU	3.00	3.00	-	3.00	-
Sub-total:		5.00	5.00	-	5.00	-
 <b>Legislative Department Total</b>		<b>9.00</b>	<b>9.00</b>	<b>-</b>	<b>9.00</b>	<b>-</b>

\* Indicates position appointed by the City Council.

## FY22 Position Control Plan 1st Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
POSITIONS (FTEs)						
<b>OFFICE OF THE CITY MANAGER</b>						
<b>Administration Division</b>			<b>001-1210-512</b>			
<u>Full-time</u>						
City Manager **	GE-BB	1.00	1.00	-	1.00	-
Deputy City Manager	GE-AP	1.00	1.00	-	1.00	-
Government Relations Manager	GE-X			1.00	1.00	1.00
Special Projects Manager	GE-X	-	1.00	(1.00)	-	-
Office Manager	GE-N	1.00	1.00	-	1.00	-
Administrative Assistant	GE-M	1.00	1.00	-	1.00	-
Sub-total:		4.00	5.00	-	5.00	1.00
<u>Part-time</u>						
Switchboard Operator	GP-6A	-	1.30	-	1.30	1.30
Support Services Clerk	GP-1A	-	0.40	-	0.40	0.40
Sub-total:		-	1.70	-	1.70	1.70
<b>Division total</b>		4.00	6.70	-	6.70	2.70
<b>Public Information Division</b>			<b>001-1216-512</b>			
<u>Full-time</u>						
Public Information Officer	GE-AB	-	1.00	-	1.00	1.00
Community Information Coordinator	GE-Q	-	1.00	-	1.00	1.00
Sub-total:		-	2.00	-	2.00	2.00
<b>Division total</b>		-	2.00	-	2.00	2.00
<b>Office of the City Manager Dept. Total</b>		<b>4.00</b>	<b>8.70</b>	<b>-</b>	<b>8.70</b>	<b>4.70</b>

\*\* Indicates position appointed and salary set by the City Council.

## FY22 Position Control Plan 1st Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
POSITIONS (FTEs)						
<b>OFFICE OF THE CITY ATTORNEY DEPARTMENT</b>						
<b>Administration Division</b>						
	<b>001-1410-514</b>					
<u>Full-time</u>						
City Attorney	N/A*	0.75	0.75	-	0.75	-
Sub-total:		0.75	0.75	-	0.75	-
<u>Part-time</u>						
City Attorney Emeritus	N/A*	-	-	-	-	-
Administrative Assistant PT	GP-M	0.96	0.96	-	0.96	-
Sub-total:		0.96	0.96	-	0.96	-
<b>Division total</b>		<b>1.71</b>	<b>1.71</b>	<b>-</b>	<b>1.71</b>	<b>-</b>
<b>Risk Management Division</b>						
	<b>512-1425-519</b>					
City Attorney	N/A*	0.25	0.25	-	0.25	-
Deputy City Attorney	GE-AP	3.00	3.00	1.00	4.00	1.00
Risk Manager	GE-AB	1.00	1.00	-	1.00	-
Safety & Security Coordinator	GE-T	1.00	1.00	-	1.00	-
Assistant City Attorney	GE-V	1.00	1.00	(1.00)	-	(1.00)
Litigation Paralegal	GE-V	1.00	1.00	-	1.00	-
Risk Manager Assistant	GE-M	1.00	1.00		1.00	-
Workers Compensation Adjuster	GE-M	-	-		-	-
Administrative Assistant	GE-M	2.00	2.00		2.00	-
Sub-total:		10.25	10.25	-	10.25	-
<b>Division total</b>		<b>10.25</b>	<b>10.25</b>	<b>-</b>	<b>10.25</b>	<b>-</b>
<b>Office of the City Attorney Dept. Total</b>		<b>11.96</b>	<b>11.96</b>	<b>-</b>	<b>11.96</b>	<b>-</b>

\*\*\*\*Indicates grant received for position

\* Contractual position outside of pay plan.

## FY22 Position Control Plan 1st Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
POSITIONS (FTEs)						
<b>PROCUREMENT DEPARTMENT</b>						
<b>Administration Division</b>						
<u>Full-time</u>						
Chief Procurement Officer	GE-AN	1.00	1.00	-	1.00	-
Procurement Manager	GE-AB	1.00	1.00	-	1.00	-
Procurement Agent III	GE-T	-	-	1.00	1.00	1.00
Procurement Agent II	GE-R	2.00	2.00	(1.00)	1.00	(1.00)
Procurement Agent I	GE-P	2.00	2.00	-	2.00	-
Administrative Assistant	GE-M	1.00	1.00	-	1.00	-
Sub-total:		7.00	7.00	-	7.00	-
<b>Division total</b>		7.00	7.00	-	7.00	-
<b>Procurement Department Total</b>		7.00	7.00	-	7.00	-

## FY22 Position Control Plan 1st Qtr

DEPARTMENT DIVISION POSITIONS (FTEs)	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
<b>FINANCE DEPARTMENT</b>						
<b>Administration Division</b>	<b>001-2010-513</b>					
<u>Full-time</u>						
Finance Director	GE-AN	1.00	1.00	-	1.00	-
Assistant Finance Director	GE-AG	1.00	1.00	-	1.00	-
Fiscal Manager	GE-AB	1.00	1.00	-	1.00	-
Budget Analyst	GE-X	1.00	1.00	-	1.00	-
Fiscal Analyst	GE-U	1.00	1.00	-	1.00	-
Cash Management Coordinator	GE-O	1.00	1.00	-	1.00	-
Sub-total:		6.00	6.00	-	6.00	-
<b>Division total</b>		6.00	6.00	-	6.00	-
<b>Accounting Division</b>	<b>001-2011-513</b>					
<u>Full-time</u>						
Chief Accountant	GE-AD	1.00	1.00	-	1.00	-
Senior Accountant	GE-X	1.00	1.00	-	1.00	-
Paymaster	GE-W	1.00	1.00	-	1.00	-
Accountant II	GE-U	2.00	2.00	-	2.00	-
Payroll & Accounting Assistant	GE-P	1.00	1.00	-	1.00	-
Accountant I	GE-N	1.00	1.00	1.00	2.00	1.00
Customer Account Specialist	NW-J		1.00	(1.00)	-	-
Junior Accounting Clerk	NW-C	1.00	1.00	-	1.00	-
Sub-total:		8.00	9.00	-	9.00	1.00
<b>Division total</b>		8.00	9.00	-	9.00	1.00
<b>Revenue</b>	<b>001-2022-513</b>					
<u>Full-time</u>						
Billing & Collections Manager	GE-U	1.00	-	-	-	(1.00)
Customer Service Coordinator	GE-Q	-	-	-	-	-
Customer Account Specialist	NW-J	4.00	-	-	-	(4.00)
Customer Service Representative	NW-H	-	-	-	-	-
Sub-total:		5.00	-	-	-	(5.00)
<b>Division total</b>		5.00	-	-	-	(5.00)
<b>Finance Department Total</b>		<b>19.00</b>	<b>15.00</b>	<b>-</b>	<b>15.00</b>	<b>(4.00)</b>

## FY22 Position Control Plan 1st Qtr

DEPARTMENT		Pay	Amended	Adopted	Revisions	Amended	Change
DIVISION		Grade	Budget	Budget	for	Budget	from
POSITIONS (FTEs)			FY 2021	FY 2022	FY 2022	FY 2022	FY 2021
<b>INFORMATION TECHNOLOGY DEPARTMENT</b>							
<b>Administration Division</b>	<b>001-2310-519</b>						
<u>Full-time</u>							
Director of Information Technology	GE-AN		1.00	1.00	-	1.00	-
Application Analyst II	GE-V				1.00	1.00	1.00
Network Administrator	GE-V		2.00	2.00	-	2.00	-
Systems Administrator	GE-V		1.00	1.00	-	1.00	-
Telephone Administrator	GE-V		1.00	1.00	-	1.00	-
Support Services Coordinator	GE-U		1.00	1.00	-	1.00	-
Application Analyst I	GE-T		1.00	1.00	-	1.00	-
IT Support Specialist	GE-R		5.00	5.00	-	5.00	-
Mobile Device Support Specialist	GE-R		1.00	1.00		1.00	-
Web Administrator	GE-R		-	1.00	(1.00)	-	-
Administrative Secretary	GE-F		1.00	1.00		1.00	-
	Sub-total:		14.00	15.00	-	15.00	1.00
<u>Part-time</u>							
Support Services Clerk	GP-1A		-	-	-	-	-
	Sub-total:		-	-	-	-	-
<b>Information Technology Dept Totals</b>			<b>14.00</b>	<b>15.00</b>	<b>-</b>	<b>15.00</b>	<b>1.00</b>



## FY22 Position Control Plan 1st Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
POSITIONS (FTEs)						
<b>HUMAN RESOURCES DEPARTMENT</b>						
<b>Administration Division</b>		<b>001-2510-513</b>				
<u>Full-time</u>						
Human Resources Director	GE-AN	0.55	0.50		0.50	(0.05)
Assistant Human Resources Director	GE-AG		0.50		0.50	0.50
Human Resources Manager	GE-AB	1.00	-		-	(1.00)
Sr. Human Resources Generalist	GE-Z		1.00		1.00	1.00
Training & Employee Dev. Admin	GE-X	1.00	-		-	(1.00)
Human Resources Generalist II	GE-V		2.50	(0.50)	2.00	2.00
Human Resources Analyst II	GE-T	2.00	-		-	(2.00)
Human Resources Generalist I	GE-R			0.50	0.50	0.50
Human Resources Outreach Coordinator	GE-Q		0.50	(0.25)	0.25	0.25
Human Resources Analyst I	GE-P	2.00	-		-	(2.00)
Human Resources Assistant	GE-M		0.50		0.50	0.50
Administrative Secretary	GE-F	1.00	0.50		0.50	(0.50)
Sub-total:		7.55	6.00	(0.25)	5.75	(1.80)
<u>Part-time</u>						
Human Resources Clerk	GP-1A	0.63	0.63	-	0.63	-
Sub-total:		0.63	0.63	-	0.63	-
Division total		8.18	6.63	(0.25)	6.38	(1.80)
<b>Health Insurance Division</b>		<b>511-2520-519</b>				
<u>Full-time</u>						
Human Resources Director	GE-AN	0.23	0.25		0.25	0.02
Assistant Human Resources Director	GE-AG		0.25		0.25	0.25
HR Benefits Manager	GE-AB	-	-		-	-
Sr. Human Resources Generalist	GE-Z	-	0.50		0.50	0.50
Human Resources Generalist II	GE-V		1.25	(0.25)	1.00	1.00
HR Benefits Analyst	GE-T	1.00	-		-	(1.00)
Human Resources Generalist I	GE-R			0.25	0.25	0.25
Human Resources Outreach Coordinator	GE-Q		0.25		0.25	0.25
HR Benefits & Wellness Coordinator	GE-P	-	-		-	-
HR Wellness Coordinator	GE-P	0.50	-		-	(0.50)
Human Resources Analyst I	GE-P	-	-		-	-
Human Resources Assistant	GE-M		0.25		0.25	0.25
Administrative Secretary	GE-F	-	0.25		0.25	0.25
Sub-total:		1.73	3.00	-	3.00	1.27
Division total		1.73	3.00	-	3.00	1.27
<b>Other Employee Benefits Division</b>		<b>513-2531-519</b>				
<u>Full-time</u>						
Human Resources Director	GE-AN	0.22	0.25		0.25	0.03
Assistant Human Resources Director	GE-AG		0.25		0.25	0.25
HR Benefits Manager	GE-AB	-	-		-	-

Sr. Human Resources Generalist	GE-Z		0.50		0.50	0.50
Human Resources Generalist II	GE-V		1.25	(0.25)	1.00	1.00
HR Benefits Analyst	GE-T	1.00			-	(1.00)
Human Resources Generalist I	GE-R			0.25	0.25	0.25
Human Resources Outreach Coordinator	GE-Q		0.25	0.25	0.50	0.50
HR Benefits & Wellness Coordinator	GE-P	-	-		-	-
HR Wellness Coordinator	GE-P	0.50	-		-	(0.50)
Human Resources Analyst I	GE-P	-	-		-	-
Human Resources Assistant	GE-M		0.25		0.25	0.25
Administrative Secretary	GE-F	-	0.25		0.25	0.25
Sub-total:		1.72	3.00	0.25	3.25	1.53
<b>Division total</b>		1.72	3.00	0.25	3.25	1.53
<b>Human Resources Department Total</b>		<b>11.63</b>	<b>12.63</b>	<b>-</b>	<b>12.63</b>	<b>1.00</b>

## FY22 Position Control Plan 1st Qtr

DEPARTMENT DIVISION	POSITIONS (FTEs)	Pay Grade	Amended	Adopted	Revisions	Amended	Change
			Budget FY 2021	Budget FY 2022	for FY 2022	Budget FY 2022	from FY 2021
<hr/>							
Building Department							
Building			451-3120-524				
	Full-time						
	Chief Building Official	GE-AN	-	1.00	-	1.00	1.00
	Deputy Building Official	GE-AG	-	1.00	-	1.00	1.00
	Senior Building Inspector	GE-AB	-	1.00	-	1.00	1.00
	Senior Plans Examiner	GE-Z	-	-	1.00	1.00	1.00
	Administrative Services Manager	GE-W	-	1.00	-	1.00	1.00
	Fire Plans Examiner	GE-W	-	1.00	-	1.00	1.00
	Plans Examiner	GE-W	-	4.00	-	4.00	4.00
	Building Services & Flood Plain Coord.	GE-U	-	1.00	-	1.00	1.00
	Community Outreach Coordinator	GE-Q		1.00	-	1.00	1.00
	Building Code Compliance Inspector	NW-N	-	2.00	-	2.00	2.00
	Building Inspector III	NW-X	-	-	-	-	-
	Building Inspector II	NW-U	-	2.00	-	2.00	2.00
	Building Inspector I	NW-R	-	3.00	(1.00)	2.00	2.00
	Building Inspector Provisional	NW-O	-	4.00	-	4.00	4.00
	Planning Specialist	NW-M	-	1.00	-	1.00	1.00
	Administrative Assistant	GE-M		1.00	-	1.00	1.00
	Planning Technician	NW-L	-	1.00	-	1.00	1.00
	Sr. Permit Technician	NW-K		1.00	-	1.00	1.00
	Customer Service Representative	NW-H	-	-	-	-	-
	Permit Technician	NW-H	-	9.00		9.00	9.00
	Data Entry Clerk	NW-B	-	1.00	-	1.00	1.00
	Sub-total:		-	36.00	-	36.00	36.00
	Part-time						
	Sr. Plans Examiner PT	GE-Z		0.68	-	0.68	0.68
	Data Entry Clerk	GP-B	-	0.50	-	0.50	0.50
	Plans Examiner	GP-W	-	0.50	-	0.50	0.50
	Sub-total:		-	1.68		1.68	1.68
	Division total		-	37.68	-	37.68	37.68
	Building Department Total		-	37.68	-	37.68	37.68

## FY22 Position Control Plan 1st Qtr

DEPARTMENT DIVISION POSITIONS (FTEs)	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
<b>GROWTH MANAGEMENT DEPARTMENT</b>						
<b>Administration</b>		<b>001-3310-515</b>				
<u>Full-time</u>						
Growth Management Director	GE-AN	1.00	1.00	-	1.00	-
Sub-total:		1.00	1.00	-	1.00	-
<b>Division total</b>		1.00	1.00	-	1.00	-
<b>Land Development</b>		<b>001-3311-515</b>				
<u>Full-time</u>						
Assistant Growth Mgmt Director	GE-AG	1.00	1.00	-	1.00	-
Principal Planner	GE-Z	1.00	1.00	-	1.00	-
Senior Planner	GE-W	1.00	1.00	-	1.00	-
Planner	GE-R	1.00	1.00	-	1.00	-
Administrative Secretary	GE-F	1.00	1.00	-	1.00	-
GIS Technician I	NW-N	1.00	1.00	-	1.00	-
Engineering Tech III	NW-M	-	-	-	-	-
Planning Specialist	NW-M	2.00	2.00	-	2.00	-
Planning Technician	NW-L	1.00	1.00	-	1.00	-
Data Entry Clerk	NW-B	-	-	-	-	-
Sub-total:		9.00	9.00	-	9.00	-
<b>Division total</b>		9.00	9.00	-	9.00	-
<b>Code Compliance Division</b>		<b>001-3330-529</b>				
<u>Full-time</u>						
Code Compliance Supervisor	GE-R	1.00	1.00	-	1.00	-
Code Compliance Officer	NW-N	5.00	5.00	-	5.00	-
Secretary	NW-D	2.00	2.00	-	2.00	-
Sub-total:		8.00	8.00	-	8.00	-
<u>Part-time</u>						
Secretary	GP-D	0.80	0.80	-	0.80	-
Sub-total:		0.80	0.80	-	0.80	-
<b>Division total</b>		8.80	8.80	-	8.80	-
<b>GF Divisions total</b>		18.80	18.80	-	18.80	-
<b>Growth Management Department Total</b>		18.80	18.80	-	18.80	-

## FY22 Position Control Plan 1st Qtr

DEPARTMENT DIVISION POSITIONS (FTEs)	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
<b>COMMUNITY AND ECONOMIC DEVELOPMENT</b>						
<b>Administration Division</b>	<b>001-3410-552</b>					
<u>Full-time</u>						
C&E Development Director	GE-AN	1.00	1.00	-	1.00	-
Economic Development Division Manager	GE-AB			1.00	1.00	1.00
Special Projects Manager	GE-X	1.00	-		-	(1.00)
Business Development Manager	GE-U	-	-	(1.00)	-	-
Billing & Collections Manager	GE-U		1.00	(1.00)	-	-
Business Development Coordinator	GE-P	1.00	1.00	-	1.00	-
Administrative Assistant	GE-M	-	-	-	-	-
Customer Account Specialist	NW-J		3.00		3.00	3.00
Sub-total:		3.00	6.00	(1.00)	6.00	3.00
<b>Division total</b>		3.00	6.00	(1.00)	6.00	3.00
<b>Communications Division</b>	<b>001-3416-559</b>					
<u>Full-time</u>						
Public Information Officer	GE-AB	1.00			-	(1.00)
Web Administrator	GE-R	1.00			-	(1.00)
Community Information Coordinator	GE-Q	1.00			-	(1.00)
Technical Editor	GE-Q	-	-	-	-	-
Sub-total:		3.00	-	-	-	(3.00)
<b>Division total</b>		3.00	-	-	-	(3.00)
<b>Housing &amp; Community Development Division</b>	<b>001-3411-554</b>					
<u>Full-time</u>						
Housing Administrator	GE-AA	1.00	1.00	-	1.00	-
Sr Housing Programs Specialist	GE-X			1.00	1.00	1.00
Housing Program Specialist II	GE-U	1.00	1.00	(1.00)	-	(1.00)
Housing Program Specialist I	GE-P	1.00	1.00	-	1.00	-
Housing Assistant	GE-K	1.00	1.00	-	1.00	-
Sub-total:		4.00	4.00	-	4.00	-
<b>Division total</b>		4.00	4.00	-	4.00	-
<b>Community and Economic Dev. Dept</b>		<b>10.00</b>	<b>10.00</b>	<b>(1.00)</b>	<b>10.00</b>	<b>-</b>

## FY22 Position Control Plan 1st Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
POSITIONS (FTEs)						

### RECREATION DEPARTMENT

#### Administration Division

001-4110-519

##### Full-time

Parks and Recreation Director	GE-AN	1.00	1.00	-	1.00	-
Assistant Parks and Rec. Director	GE-AG	-	-	-	-	-
Management Analyst	GE-T	1.00	1.00	-	1.00	-
Administrative Supervisor	GE-R	1.00	-	-	-	(1.00)
Community Outreach Coordinator	GE-Q	1.00	1.00	-	1.00	-
Accountant I	GE-N	1.00	-	-	-	(1.00)
Administrative Secretary	GE-F	1.00	1.00	-	1.00	-
Sub-total:		6.00	4.00	-	4.00	(2.00)

<b>Division total</b>		6.00	4.00	-	4.00	(2.00)
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#### Recreation Program

001-4120-519

##### Full-time

Recreation Division Manager	GE-AB	1.00	1.00	-	1.00	-
Recreation Supervisor	GE-R	2.00	3.00	-	3.00	1.00
Special Events Coordinator	GE-R	1.00	1.00	-	1.00	-
Park Ranger/Naturalist	GE-K	1.00	1.00	-	1.00	-
Recreation Leader	NW-H	2.00	2.00	-	2.00	-
Sub-total:		7.00	8.00	-	8.00	1.00

##### Part-time

Maintenance Worker	GP-D	1.40	-	-	-	(1.40)
Customer Service Clerk	GP-C	1.98	1.98	-	1.98	-
Recreation Aide PT	GP-1A	3.94	3.94	-	3.94	-
Lifeguard PT	GP-1A	1.26	1.26	-	1.26	-
Special Events Staff	GP-1A	0.25	0.25	-	0.25	-
Sub-total:		8.83	7.43	-	7.43	(1.40)

<b>Division total</b>		15.83	15.43	-	15.43	(0.40)
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#### Parks Maintenance Division

001-4026-572

##### Full-time

Parks Division Manager	GE-AB	1.00	-	-	-	(1.00)
Parks Foreman	GE-M	2.00	-	-	-	(2.00)
Inventory Control Coordinator	NW-J	1.00	-	-	-	(1.00)
Small Equipment Technician	NB-F	2.00	-	-	-	(2.00)
Maintenance Worker II	NB-F	4.00	-	-	-	(4.00)
Maintenance Worker	NB-D	21.00	-	-	-	(21.00)
Sub-total:		31.00	-	-	-	(31.00)

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
POSITIONS (FTEs)						
Division total		31.00	-	-	-	(31.00)

**Palm Bay Aquatic Center Division 001-4032-572**

Full-time

Recreation Supervisor	GE-R	1.00	-	-	-	(1.00)
Sub-total:		1.00	-	-	-	(1.00)

Part-time

Lifeguard PT	GP-1A	1.26	-	-	-	(1.26)
Sub-total:		1.26	-	-	-	(1.26)

Division total		2.26	-	-	-	(2.26)
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GF Divisions total		55.09	19.43	-	19.43	(35.66)
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Parks and Recreation Department Total		55.09	19.43	-	19.43	(35.66)
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## FY22 Position Control Plan 1st Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
POSITIONS (FTEs)						

### PARKS & FACILITIES DEPARTMENT

#### Administration Division

**001-4510-519**

Facilities Director	GE-AN	1.00	1.00	-	1.00	-
Construction Project Manager	GE-AB	1.00	1.00	-	1.00	-
Administrative Supervisor	GE-R	-	1.00	-	1.00	1.00
Administrative Assistant	GE-M	1.00	1.00	-	1.00	-
Accountant I	GE-N	-	1.00	-	1.00	1.00
Office Manager	GE-N	1.00	1.00	(1.00)	-	(1.00)
Sub-total:		4.00	6.00	(1.00)	5.00	1.00

#### Division total

4.00	6.00	(1.00)	5.00	1.00
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#### Facility Maintenance Division

**001-4525-519**

##### Full-time

Facilities Director	GE-AN	1.00	-	-	-	(1.00)
Facilities Division Manager	GE-AB	1.00	1.00	-	1.00	-
Construction Project Manager	GE-AB	1.00	-	-	-	(1.00)
Electrician Journeyman	NB-Q	2.00	2.00	1.00	3.00	1.00
Electrician Journeyman	GE-Q	-	-	-	-	-
Facilities Foreman	GE-M	-	-	-	-	-
Administrative Assistant	GE-M	1.00	-	-	-	(1.00)
Tradesworker	NB-M	2.00	2.00	-	2.00	-
HVAC Journeyman	NB-N	2.00	2.00	-	2.00	-
HVAC Journeyman	GE-N	-	-	-	-	-
Plumber Journeyman	NB-N	1.00	1.00	-	1.00	-
Plumber Journeyman	GE-N	-	-	-	-	-
Office Manager	GE-N	1.00	-	-	-	(1.00)
Administrative Secretary	GE-F	-	-	1.00	1.00	1.00
Electrician Apprentice	NB-O	1.00	1.00	(1.00)	-	(1.00)
Electrician Apprentice	GE-O	-	-	-	-	-
Maintenance Worker II	NB-F	3.00	3.00	-	3.00	-
Sub-total:		16.00	12.00	-	13.00	(3.00)

##### Part-time

Maintenance Worker	GP-D	0.70	0.70	-	0.70	-
Secretary	GP-D	0.70	0.70	-	0.70	-
Sub-total:		1.40	1.40	-	1.40	-

#### Division total

17.40	13.40	-	14.40	(3.00)
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#### Parks Division

**001-4526-519**

##### Full-time

Parks Division Manager	GE-AB	-	1.00	-	1.00	1.00
Landscape Technician	NB-P	-	-	1.00	1.00	1.00



Parks Foreman	GE-M	-	2.00	-	2.00	2.00
Inventory Control Coordinator	NW-J	-	1.00	-	1.00	1.00
Small Equipment Technician	NB-F	-	2.00	-	2.00	2.00
Maintenance Worker II	NB-F	-	4.00	(1.00)	3.00	3.00
Maintenance Worker	NB-D	-	21.00	-	21.00	21.00
Sub-total:		-	31.00	-	31.00	31.00

Part-time

Maintenance Worker	GP-D	-	1.40	-	1.40	1.40
Sub-total:		-	1.40	-	1.40	1.40

**Division total**

-	32.40	-	32.40	32.40
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**Facilities Department Total**

<b>21.40</b>	<b>51.80</b>	<b>(1.00)</b>	<b>51.80</b>	<b>30.40</b>
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## FY22 Position Control Plan 1st Qtr

DEPARTMENT	Pay Grade	Amended Budget	Adopted Budget	Revisions for	Amended Budget	Change from
DIVISION		FY 2021	FY 2022	FY 2022	FY 2022	FY 2021
POSITIONS (FTEs)						
<b>POLICE DEPARTMENT</b>						
<b>Executive Division</b>			<b>001-5010-521</b>			
<u>Full-time</u>						
Police Chief	GE-AO	1.00	1.00	-	1.00	-
Deputy Police Chief	GE-AL		-	1.00	1.00	1.00
Deputy Police Chief	GE-AH	1.00	1.00	(1.00)	-	(1.00)
Budget Officer-Police	GE-X	1.00	1.00	-	1.00	-
Project Specialist	GE-R	1.00	1.00	-	1.00	-
Office Manager	GE-N		-	1.00	1.00	1.00
Administrative Assistant	GE-M	1.00	1.00	(1.00)	-	(1.00)
Sergeant	FOP-SGT	1.00	1.00	-	1.00	-
Sub-total:		6.00	6.00	-	6.00	-
<u>Part-time</u>						
Accreditation Specialist	GP-P	0.67	-		-	(0.67)
Sub-total:		0.67	-	-	-	(0.67)
<b>Division total</b>		6.67	6.00	-	6.00	(0.67)
<b>Support Services Division</b>						
			<b>001-5011-521</b>			
<u>Full-time</u>						
Police Commander	GE-AJ	-	-	1.00	1.00	1.00
Police Commander	GE-AF	1.00	1.00	(1.00)	-	(1.00)
Community Services Administrator	GE-AB	1.00	1.00	-	1.00	-
Logistics Division Manager	GE-X	1.00	1.00	-	1.00	-
Records Supervisor	GE-R			1.00	1.00	1.00
Section Supervisor	GE-P	2.00	2.00	(1.00)	1.00	(1.00)
Administrative Secretary	GE-F		1.00		1.00	1.00
Lieutenant	FOP-LTN	1.00	1.00	-	1.00	-
Sergeant	FOP-SGT	1.00	1.00	-	1.00	-
Police Officer	FOP-PO	3.00	3.00	-	3.00	-
Shooting Range Maintenance Worker	NB-F	1.00	1.00	-	1.00	-
Training Coordinator	NW-M	1.00	1.00	-	1.00	-
Material Management Technician	NW-J	4.00	5.00		5.00	1.00
Records Specialist	NW-H	6.00	7.00		7.00	1.00
Secretary	NW-D	1.00	-	-	-	(1.00)
Sub-total:		23.00	25.00	-	25.00	2.00
<u>Part-time</u>						
Administrative Secretary	GP-F		0.66		0.66	0.66
School Crossing Guard Supervisor	GP-F	0.80	0.80	-	0.80	-
School Crossing Guard	GP-6A	8.05	8.05	-	8.05	-
Secretary	GP-D	0.66	-	-	-	(0.66)
Sub-total:		9.51	9.51	-	9.51	-

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
POSITIONS (FTEs)						

Division total		32.51	34.51	-	34.51	2.00
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#### Uniform Services Division

001-5012-521

##### Full-time

Police Commander	GE-AJ	-	-	2.00	2.00	2.00
Police Commander	GE-AF	2.00	2.00	(2.00)	-	(2.00)
Administrative Secretary	GE-F		1.00		1.00	1.00
Lieutenant	FOP-LTN	5.00	5.00	-	5.00	-
Sergeant	FOP-SGT	13.00	15.00		15.00	2.00
Police Officer	FOP-PO	111.00	115.00		115.00	4.00
Desk/Book Specialist II	NW-M	4.00	4.00	-	4.00	-
Secretary	NW-D	1.00	-	-	-	(1.00)

Sub-total:		136.00	142.00	-	142.00	6.00
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Division total		136.00	142.00	-	142.00	6.00
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#### Investigations Division

001-5013-521

##### Full-time

Police Commander	GE-AJ	-	-	1.00	1.00	1.00
Police Commander	GE-AF	1.00	1.00	-1.00	-	(1.00)
Crime Analyst	GE-P	2.00	2.00	-	2.00	-
Lieutenant	FOP-LTN	2.00	2.00	-	2.00	-
Sergeants	FOP-SGT	4.00	4.00	-	4.00	-
Police Officer	FOP-PO	25.00	23.00		23.00	(2.00)
Crime Scene Technician I	NW-J	4.00	4.00	-	4.00	-

Sub-total:		38.00	36.00	-	36.00	(2.00)
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Division total		38.00	36.00	-	36.00	(2.00)
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#### Communications Center Division

001-5019-521

##### Full-time

Communications Division Manager	GE-X	1.00	1.00	-	1.00	-
Communication Shift Supervisor	NW-P	3.00	3.00	-	3.00	-
Communication Shift Supervisor	NW-M	-	-		-	-
Communications Officer	NW-K	20.00	20.00		20.00	-
Communications Officer Trainee	NW-H	17.00	17.00		17.00	-
Telecommunicator	NW-H	-	-	-	-	-

Sub-total:		41.00	41.00	-	41.00	-
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##### Part-time

Communications Officer	GP-K	0.50	0.50		0.50	-
Telecommunicator	GP-H	-	-		-	-

Sub-total:		0.50	0.50	-	0.50	-
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Division total		41.50	41.50	-	41.50	-
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#### Victim Services Division

001-5025-521

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
POSITIONS (FTEs)						
Full-time						
Victim Advocate	GE-N	-	2.00		2.00	2.00
Victim Advocate	GE-K	2.00	-		-	(2.00)
Sub-total:		2.00	2.00	-	2.00	-
Division total		2.00	2.00	-	2.00	-
Police Department Total		256.68	262.01	-	262.01	5.33

## FY22 Position Control Plan 1st Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
POSITIONS (FTEs)						
<b>FIRE DEPARTMENT</b>						
<b>Emergency Services Bureau</b>	<b>001-6012-522</b>					
<u>Full-time</u>						
Fire Chief	GE-AO	1.00	1.00	-	1.00	-
Deputy Fire Chief	GE-AG	1.00	1.00	-	1.00	-
<del>Battalion</del> Division Chief	GE-AD	3.00	3.00	-	3.00	-
Logistics Division Manager	GE-X	1.00	1.00	-	1.00	-
Support Services Coordinator	GE-U	1.00	1.00	-	1.00	-
Administrative Secretary	GE-F	1.00	1.00	-	1.00	-
Operations Manager	GE-F	1.00	1.00	-	1.00	-
District Chief	IAFF-AC	6.00	6.00	-	6.00	-
Career Development Safety Coord.	IAFF-AA	2.00	2.00	-	2.00	-
Lieutenant	IAFF-Z	25.00	25.00	-	25.00	-
Driver Engineer	IAFF-U	27.00	27.00	-	27.00	-
Prot Breathing App Tech	IAFF-U	1.00	1.00	-	1.00	-
Firefighter	IAFF-O	57.00	61.00		61.00	4.00
Fire Inspector	IAFF-N	3.00	3.00	-	3.00	-
Records Comp/Anls Supervisor	NW-L	1.00	1.00	-	1.00	-
Inventory Control Coord	NW-J	1.00	1.00	-	1.00	-
Sub-total:		132.00	136.00	-	136.00	4.00
<b>Division total</b>		132.00	136.00	-	136.00	4.00
<b>Fire Department Total</b>		<b>132.00</b>	<b>136.00</b>	<b>-</b>	<b>136.00</b>	<b>4.00</b>

## FY22 Position Control Plan 1st Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
POSITIONS (FTEs)						
<b>PUBLIC WORKS DEPARTMENT</b>						
<b>Administrative Services Division</b>						
			<b>001-7011-541</b>			
<u>Full-time</u>						
Public Works Director	GE-AN	1.00	1.00	-	1.00	-
Assistant Public Works Director	GE-AG	1.00	1.00	-	1.00	-
Business Operations Division Manager	GE-AB	1.00	1.00	-	1.00	-
Public Works Accountant	GE-X	1.00	1.00	-	1.00	-
Public Works Accounting Specialist	GE-R		-	1.00	1.00	1.00
Accountant I	GE-N	1.00	1.00	(1.00)	-	(1.00)
Administrative Assistant	GE-M	1.00	1.00	1.00	2.00	1.00
Engineer Technician III	NW-M	2.00	2.00	-	2.00	-
Customer Service Representative	NW-H	1.00	1.00	-	1.00	-
Administrative Secretary	GE-F	1.00	1.00	(1.00)	-	(1.00)
Data Entry Clerk	NW-B	1.00	1.00	-	1.00	-
Sub-total:		11.00	11.00	-	11.00	-
<u>Part-Time</u>						
Data Entry Clerk	GP-B	-	-	-	-	-
Sub-total:		-	-	-	-	-
<b>Division total</b>		11.00	11.00	-	11.00	-
<b>Engineering &amp; Surveying Services Division</b>						
			<b>001-7013-541</b>			
<u>Full-time</u>						
City Engineer	GE-AN	1.00	1.00	-	1.00	-
City Engineer	GE-AF	-	-	-	-	-
Surveying Superintendent	GE-W	1.00	1.00	-	1.00	-
City Surveyor	GE-V	1.00	1.00	-	1.00	-
Survey Party Chief	GE-M	1.00	1.00	-	1.00	-
Engineering Assistant	NW-N	1.00	1.00	-	1.00	-
Engineering Inspector	NW-N	3.00	3.00	-	3.00	-
GIS Technician I	NW-N	1.00	1.00	-	1.00	-
Engineering Technician II	NW-J	2.00	2.00	-	2.00	-
Sub-total:		11.00	11.00	-	11.00	-
<u>Part-Time</u>						
Land Acquisition Coordinator	GP-T	0.40	0.40	-	0.40	-
Sub-total:		0.40	0.40	-	0.40	-
<b>Division total</b>		11.40	11.40	-	11.40	-
<b>ROW Beautification Division</b>						
			<b>001-7017-541</b>			
<u>Full-time</u>						
Operations Supervisor	GE-R	1.00	1.00	-	1.00	-

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
<b>DIVISION</b>						
<b>POSITIONS (FTEs)</b>						
Operations Foreman	GE-M	1.00	1.00	-	1.00	-
Heavy Equipment Operator I	NB-H	9.00	9.00	-	9.00	-
Maintenance Worker	NB-D	14.00	14.00	-	14.00	-
Sub-total:		25.00	25.00	-	25.00	-
<u>Part-Time</u>						
Heavy Equipment Operator I	GP-H	0.63	0.63	-	0.63	-
Sub-total:		0.63	0.63	-	0.63	-
<b>Division total</b>		25.63	25.63	-	25.63	-
<b>Traffic Operations Division</b>						
<b>001-7026-541</b>						
<u>Full-time</u>						
Operations Superintendent	GE-W	1.00	1.00	-	1.00	-
Sign & Traffic Technician	NB-J	4.00	4.00	-	4.00	-
Sub-total:		5.00	5.00	-	5.00	-
<u>Part-Time</u>						
Sign & Traffic Technician	GP-J	0.63	0.63	-	0.63	-
Sub-total:		0.63	0.63	-	0.63	-
<b>Division total</b>		5.63	5.63	-	5.63	-
<b>Infrastructure Division</b>						
<b>001-7034-541</b>						
<u>Full-time</u>						
Public Works Division Manager	GE-AB	1.00	1.00	-	1.00	-
Operations Division Manager	GE-AB	1.00	1.00	-	1.00	-
Operations Superintendent	GE-W	1.00	1.00	-	1.00	-
Operations Supervisor	GE-R	1.00	1.00	-	1.00	-
Heavy Equipment Operator II	NB-K	5.19	5.19	-	5.19	-
Heavy Equipment Operator I	NB-H	1.00	1.00	-	1.00	-
Maintenance Worker	NB-D	9.00	9.00	-	9.00	-
Sub-total:		19.19	19.19	-	19.19	-
<u>Part-Time</u>						
Heavy Equipment Operator I	GP-H	0.53	0.53	-	0.53	-
Sub-total:		0.53	0.53	-	0.53	-
<b>Division total</b>		19.72	19.72	-	19.72	-
<b>GF Divisions total</b>		73.38	73.38	-	73.38	-
<b>Fleet Services Division</b>						
<b>521-7070-519</b>						
<u>Full-time</u>						
Fleet Services Manager	GE-AB	1.00	1.00	-	1.00	-
Fleet Services Supervisor	GE-R	2.00	2.00	-	2.00	-
Accounting/Procurement Assistant	GE-R	-	-	1.00	1.00	1.00
Administrative Assistant	GE-M	1.00	1.00	(1.00)	-	(1.00)

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
POSITIONS (FTEs)						
Heavy Equipment Technician	NB-M	6.00	6.00	-	6.00	-
Parts Inventory Specialist	NB-J	1.00	1.00	-	1.00	-
Light Equipment Technician	NB-H	5.00	5.00	1.00	6.00	1.00
Small Equipment Technician	NB-F	-	1.00	(1.00)	-	-
Sub-total:		16.00	17.00	-	17.00	1.00
Part-Time						
Stock Clerk	GP-A	0.50	0.50	-	0.50	-
Sub-total:		0.50	0.50	-	0.50	-
Fleet Division total		16.50	17.50	-	17.50	1.00
SWU Engineering & Surveying						
461-7081-541						
Full-time						
City Engineer	GE-AF	-	-	-	-	-
Engineer III	GE-AB	1.00	1.00	-	1.00	-
Engineer II	GE-Z	2.00	2.00	-	2.00	-
Engineer I	GE-X	1.00	1.00	-	1.00	-
Survey Party Chief	GE-M	1.00	1.00	-	1.00	-
Engineering Assistant	NW-N	2.00	2.00	-	2.00	-
GIS Technician I	NW-N	1.00	1.00	-	1.00	-
Engineer Technician III	NW-M	-	-	-	-	-
Survey Transit Operator	NB-F	2.00	2.00	-	2.00	-
Rod & Chain Worker	NB-A	1.00	1.00	-	1.00	-
Sub-total:		11.00	11.00	-	11.00	-
Division total		11.00	11.00	-	11.00	-
SWU Customer Service						
461-7082-541						
Full-time						
Customer Service Manager	GE-U	1.00	1.00	-	1.00	-
Engineering Inspector	NW-N	4.00	4.00	-	4.00	-
Customer Service Representative	NW-H	1.00	1.00	-	1.00	-
Sub-total:		6.00	6.00	-	6.00	-
Division total		6.00	6.00	-	6.00	-
SWU Physical Environment						
461-7083-538						
Full-time						
Operations Supervisor	GE-R	1.00	1.00	-	1.00	-
Heavy Equipment Operator II	NB-K	2.00	2.00	-	2.00	-
Heavy Equipment Operator I	NB-H	2.00	2.00	-	2.00	-
Sub-total:		5.00	5.00	-	5.00	-
Division total		5.00	5.00	-	5.00	-
SWU Infrastructure						
461-7084-541						
Full-time						
Heavy Equipment Operator II	NB-K	1.81	1.81	-	1.81	-



DEPARTMENT		Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION							
	POSITIONS (FTEs)						
	Heavy Equipment Operator I	NB-H	2.00	2.00	-	2.00	-
	Small Equipment Technician	NB-F	1.00	-		-	(1.00)
	Maintenance Worker	NB-D	7.00	7.00	-	7.00	-
	Sub-total:		11.81	10.81	-	10.81	(1.00)
	<u>Part-Time</u>						
	Heavy Equipment Operator I	GP-H	-	-	-	-	-
	Sub-total:		-	-	-	-	-
	<b>Division total</b>		11.81	10.81	-	10.81	(1.00)
	<b>SWU Fund total</b>		33.81	32.81	-	32.81	(1.00)
	<b>Public Works Department Total</b>		<b>123.69</b>	<b>123.69</b>	<b>-</b>	<b>123.69</b>	<b>-</b>

## FY22 Position Control Plan 1st Qtr

DEPARTMENT		Pay	Amended	Adopted	Revisions	Amended	Change
DIVISION		Grade	Budget	Budget	for	Budget	from
POSITIONS (FTEs)			FY 2021	FY 2022	FY 2022	FY 2022	FY 2021
<b>BAYFRONT COMMUNITY REDEV. AGENCY DEPARTMENT</b>			<b>181-9110-559</b>				
<u>Full-time</u>							
BCRA Administrator	GE-AA	-	-	-	-	-	-
Sub-total:		-	-	-	-	-	-
<u>Part-time</u>							
Administrative Secretary	GP-F	-	-	-	-	-	-
Sub-total:		-	-	-	-	-	-
<b>Division total</b>			-	-	-	-	-
<b>BCRA Department Total</b>			-	-	-	-	-

## FY22 Position Control Plan 1st Qtr

DEPARTMENT	Pay Grade	Amended Budget	Adopted Budget	Revisions for	Amended Budget	Change from
DIVISION		FY 2021	FY 2022	FY 2022	FY 2022	FY 2021
POSITIONS (FTEs)						
<b>UTILITIES DEPARTMENT</b>						
<b>Administration Division</b>		<b>421-8010-536</b>				
<u>Full-time</u>						
Utilities Director	GE-AN	1.00	1.00	-	1.00	-
Assistant Utilities Director	GE-AG	1.00	1.00	-	1.00	-
Office Manager	GE-N	1.00	1.00	-	1.00	-
Administrative Assistant	GE-M	2.00	2.00	-	2.00	-
Administrative Secretary	GE-F	-	-	-	-	-
Secretary	NW-D	2.00	2.00	-	2.00	-
Customer Service Clerk	NW-C	-	-	-	-	-
Sub-total:		7.00	7.00	-	7.00	-
<u>Part-time</u>						
Switchboard Operator	GP-6A	-	-	-	-	-
Utilities Intern (Heritage High)	GP-2A	-	-	-	-	-
Sub-total:		-	-	-	-	-
<b>Division total</b>		7.00	7.00	-	7.00	-
<b>Utilities Customer Care Section</b>		<b>421-8011-536</b>				
<u>Full-time</u>						
Utilities Customer Care Manager	GE-W	1.00	1.00	-	1.00	-
Administrative Services Manager	GE-W	-	-	-	-	-
Utilities Billing & Collections Supervisor	GE-T	1.00	1.00	-	1.00	-
Billing & Collections Coordinator	GE-R	-	-	-	-	-
Utilities Customer Care Supervisor	GE-R	2.00	2.00	-	2.00	-
Customer Service Coordinator	GE-Q	-	-	-	-	-
Utilities Billing & Collections Specialist	NW-K	6.00	6.00	-	6.00	-
Utilities Customer Care Specialist	NW-J	9.00	9.00	-	9.00	-
Customer Service Representative	NW-H	-	-	-	-	-
Cashier	NW-B	1.00	1.00	-	1.00	-
Sub-total:		20.00	20.00	-	20.00	-
<u>Part-time</u>						
Cashier	GP-B	0.75	0.75	-	0.75	-
Sub-total:		0.75	0.75	-	0.75	-
<b>Division total</b>		20.75	20.75	-	20.75	-
<b>Business Operations Division</b>		<b>421-8012-536</b>				
<u>Full-time</u>						
Business Operations Division Mgr	GE-AB	1.00	1.00	-	1.00	-
Utilities Accountant	GE-X	1.00	1.00	-	1.00	-
Support Services Coordinator	GE-U	1.00	1.00	-	1.00	-
Management Analyst	GE-T	1.00	1.00	-	1.00	-
Utilities Community Outreach Coord.	GE-Q	-	-	-	-	-
Parts Inventory Specialist	NB-J	1.00	1.00	-	1.00	-
Records Specialist	NW-H	-	1.00	-	1.00	1.00

DEPARTMENT		Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION							
POSITIONS (FTEs)							
Customer Service Clerk	NW-C		1.00			-	(1.00)
Sub-total:			6.00	6.00	-	6.00	-
Division total			6.00	6.00	-	6.00	-
<b>Engineering and Construction Division</b>			<b>421-8013-536</b>				
<u>Full-time</u>							
Utilities Engineer	GE-AH		1.00	1.00	-	1.00	-
Utilities Engineer	GE-AB		-	-	-	-	-
Utilities Project Manager	GE-AB		2.00	2.00	-	2.00	-
Engineer II	GE-Z		1.00	1.00	-	1.00	-
Engineer I	GE-X		1.00	1.00	-	1.00	-
Project Manager	GE-X		-	-	-	-	-
GIS Coordinator	GE-T		1.00	1.00	-	1.00	-
GIS Coordinator	GE-R		-	-	-	-	-
Asset Management Specialist	GE-R		1.00	1.00	-	1.00	-
Database Administrator - CMMS	GE-R		1.00	1.00	-	1.00	-
GIS Technician II	NW-P		-	-	1.00	1.00	1.00
GIS Technician I	NW-N		2.00	2.00	(1.00)	1.00	(1.00)
Utilities Inspector	NW-N		3.00	3.00	-	3.00	-
Sub-total:			13.00	13.00	-	13.00	-
Division total			13.00	13.00	-	13.00	-
<b>Maintenance Section</b>			<b>421-8014-536</b>				
<u>Full-time</u>							
Operations Division Manager	GE-AB		0.34	0.34	-	0.34	-
Electrical Maintenance Foreman	GE-S		1.00	1.00	-	1.00	-
Electrician Journeyman	GE-Q		-	-	-	-	-
Utilities Foreman	GE-O		1.00			-	(1.00)
Electrician Journeyman	NB-Q			1.00		1.00	1.00
Electrical Technician II	NB-N		1.00	1.00	-	1.00	-
Electrical Technician I	NB-K		2.00	2.00	-	2.00	-
Maintenance Mechanic	NB-H		6.00	6.00	-	6.00	-
Maintenance Worker II	NB-F		-	-	-	-	-
Maintenance Worker	NB-D		2.00	3.00		3.00	1.00
Sub-total:			13.34	14.34	-	14.34	1.00
Division Subtotal:			13.34	14.34	-	14.34	1.00
<b>Field Services Section</b>			<b>421-8016-536</b>				
<u>Full-time</u>							
Field Services Superintendent	GE-W		1.00	1.00	-	1.00	-
Field Service Representative	NB-H		7.00	8.00		8.00	1.00
Sub-total:			8.00	9.00	-	9.00	1.00
Division total			8.00	9.00	-	9.00	1.00
<b>Utilities Compliance Division</b>			<b>421-8017-536</b>				
<u>Full-time</u>							
Utilities Compliance Division Manager	GE-AB		1.00	1.00	-	1.00	-

DEPARTMENT	Pay Grade	Amended Budget FY 2021	Adopted Budget FY 2022	Revisions for FY 2022	Amended Budget FY 2022	Change from FY 2021
DIVISION						
<b>POSITIONS (FTEs)</b>						
Utilities Compliance Specialist	GE-T	1.00	1.00	-	1.00	-
Utilities Community Outreach Coord.	GE-Q	1.00	1.00	-	1.00	-
Utilities Compliance Specialist	GE-P	-	-	-	-	-
Backflow Prevention Technician I	NB-H	1.00	1.00	-	1.00	-
Line Location Technician	NB-H	2.00	2.00	-	2.00	-
Water Quality Technician	NB-F	1.00	1.00	-	1.00	-
Fats, Oils, & Grease Inspector	NW-I	1.00	1.00	-	1.00	-
Sub-total:		8.00	8.00	-	8.00	-
<u>Part-time</u>						
Utilities Intern (Heritage High)	GP-2A	0.44	0.44	-	0.44	-
Sub-total:		0.44	0.44	-	0.44	-
<b>Division total</b>		8.44	8.44	-	8.44	-

#### Water-Distribution Section

421-8020-533

##### Full-time

Operations Division Manager	GE-AB	0.33	0.33	-	0.33	-
Water Distribution Superintendent	GE-W	1.00	1.00	-	1.00	-
Utilities Foreman	GE-O	3.00	4.00		4.00	1.00
Heavy Equipment Operator I	NB-H	2.00	2.00	-	2.00	-
Line Location Technician	NB-H	-	-	-	-	-
Backflow Prevention Technician I	NB-H	-	-	-	-	-
Meter Technician	NB-F	1.00	1.00	-	1.00	-
Water and Sewer Line Maint. Tech	NB-F	6.00	6.00	-	6.00	-
Water Quality Technician	NB-F	-	-	-	-	-
Maintenance Worker	NB-D	8.00	11.00		11.00	3.00
Sub-total:		21.33	25.33	-	25.33	4.00

##### Part-time

Maintenance Worker PT	GE-D	2.25	-	-	-	(2.25)
Sub-total:		2.25	-	-	-	(2.25)

#### Division Subtotal:

23.58	25.33	-	25.33	1.75
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#### Water Plant - SRWTF Section

421-8023-533

##### Full-time

Operations Division Manager	GE-AB	-	-	-	-	-
Water Plant Superintendent	GE-W	1.00	1.00	-	1.00	-
Treatment Plant Operator Dual Cert.	NB-O	2.00	2.00	-	2.00	-
Treatment Plant Operator "A"	NB-N	-	-	-	-	-
Treatment Plant Operator "B"	NB-M	1.00	1.00	-	1.00	-
Treatment Plant Operator "C"	NB-K	2.00	2.00	1.00	3.00	1.00
Treatment Plant Operator "Trainee"	NB-H	1.00	1.00	(1.00)	-	(1.00)
Sub-total:		7.00	7.00	-	7.00	-

#### Division total

7.00	7.00	-	7.00	-
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#### Water Plant - NR Section

421-8024-533

##### Full-time

Operations Division Manager	GE-AB	-	-	-	-	-
Water Plant Superintendent	GE-W	1.00	1.00	-	1.00	-

DEPARTMENT	Pay Grade	Amended Budget	Adopted Budget	Revisions for	Amended Budget	Change from
DIVISION		FY 2021	FY 2022	FY 2022	FY 2022	FY 2021
<b>POSITIONS (FTEs)</b>						
Treatment Plant Operator "A"	NB-N	3.00	3.00	-	3.00	-
Treatment Plant Operator "B"	NB-M	-	-	-	-	-
Treatment Plant Operator "C"	NB-K	4.00	4.00	-	4.00	-
Treatment Plant Operator "Trainee"	NB-H	1.00	1.00		1.00	-
Sub-total:		9.00	9.00	-	9.00	-
<b>Division total</b>		9.00	9.00	-	9.00	-
<b>Wastewater-Collection Section 421-8030-535</b>						
<u>Full-time</u>						
Operations Division Manager	GE-AB	0.33	0.33	-	0.33	-
Wastewater Collection Superintendent	GE-W	1.00	1.00	-	1.00	-
Utilities Foreman	GE-O	3.00	3.00	-	3.00	-
Electrical Technician II	NB-N	1.00	1.00	-	1.00	-
Electrical Technician I	NB-K	2.00	2.00	-	2.00	-
Heavy Equipment Operator II	NB-K	1.00	1.00	-	1.00	-
Camera Truck Operator	NB-J	1.00	1.00	-	1.00	-
Line Location Technician	NB-H	-	-	-	-	-
Maintenance Mechanic	NB-H	4.00	4.00	-	4.00	-
Water and Sewer Line Maint. Tech	NB-F	4.00	4.00	-	4.00	-
Maintenance Worker	NB-D	6.00	6.00	-	6.00	-
Fats, Oils, & Grease Inspector	NW-I	-	-	-	-	-
Sub-total:		23.33	23.33	-	23.33	-
<b>Division Subtotal:</b>		23.33	23.33	-	23.33	-
<b>Wastewater Plant - NR Section 421-8034-535</b>						
<u>Full-time</u>						
Wastewater Plant Superintendent	GE-W	1.00	1.00	-	1.00	-
Treatment Plant Operator "A"	NB-N	3.00	3.00	-	3.00	-
Treatment Plant Operator "B"	NB-M	2.00	2.00	-	2.00	-
Treatment Plant Operator "C"	NB-K	2.00	2.00		2.00	-
Treatment Plant Operator "Trainee"	NB-H	2.00	2.00	-	2.00	-
Sub-total:		10.00	10.00	-	10.00	-
<b>Division total</b>		10.00	10.00	-	10.00	-
<b>Utilities Department Total</b>		<b>149.44</b>	<b>153.19</b>	<b>-</b>	<b>153.19</b>	<b>3.75</b>

## FY22 Position Control Plan 1st Qtr

Full-Time Equivalents by Dept	FY 21	FY 22	Difference
Legislative	9.00	9.00	0.00
City Manager's Office	4.00	8.70	4.70
City Attorney's Office	11.96	11.96	0.00
Procurement	7.00	7.00	0.00
Finance	19.00	15.00	-4.00
Information Technology	14.00	15.00	1.00
Human Resources	11.63	12.63	1.00
Building	0.00	37.68	37.68
Growth Management	18.80	18.80	0.00
Community & Economic Dev.	10.00	10.00	0.00
Recreation	55.09	19.43	-35.66
Parks & Facilities	21.40	51.80	30.40
Police	256.68	262.01	5.33
Fire	132.00	136.00	4.00
Public Works	123.69	123.69	0.00
Utilities	149.44	153.19	3.75
BCRA	0.00	0.00	0.00
<b>Total FTE's</b>	<b>843.69</b>	<b>891.89</b>	<b>48.20</b>

Contract/Group	Contract Dates	FY 21	FY 22	Difference
NAGE Blue	10/01/19-09/30/22	194.00	200.00	6.00
NAGE White	10/01/19-09/30/22	126.00	148.00	22.00
Police Officer	10/01/18-09/30/21	139.00	141.00	2.00
Police Sergeant	10/01/18-09/30/21	19.00	21.00	2.00
Police Lieutenant	10/01/18-09/30/21	8.00	8.00	-
Police Command	N/A	-	5.00	5.00
Fire Rank & File	10/01/18-09/30/21	109.00	113.00	4.00
Fire Supervisors	10/01/18-09/30/21	12.00	12.00	-
General 1	N/A	22.00	23.00	1.00
General 2	N/A	32.00	29.00	(3.00)
General 3	N/A	147.00	157.00	10.00
Part-Time/Council/Emeritus*	N/A	35.69	34.89	(0.80)
*includes Councilmembers even though FT/PT Citywide includes them in FT for benefits reasons	<b>Total FTE's</b>	<b>843.69</b>	<b>891.89</b>	<b>48.20</b>



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Larry Wojciechowski, Finance Director

**DATE:** 1/20/2022

**RE:** Resolution 2022-06, amending Resolution 2021-53, adopting the Five-Year Capital Improvements Program for Fiscal Years 2021-2022 through 2025-2026 (first amendment).

The following is a summary of the revisions to the Capital Improvements Program/CIP in FY 2022.

### Capital Improvement Programs (CIP) Adjustment:

1. Public Works Department – Utilize savings from Excavator, \$22,086, to offset cost of tractor and boom ditcher, which came in \$21,886 over budget.

### Budget Amendment #1 Modifications

1. Building Department – Purchase one (1) Ford Escape Hybrid – **CIP Impact \$28,381.**
2. Fire Department – Re-appropriation of funding to purchase one (1) Brush Truck for Fire Station #6; approved by City Council 06/03/2021; initial appropriation occurred on Budget Amendment #3/FY 2021 and funds were unspent/unencumbered – **\$180,000.**
3. Fire Department – Utilize Impact Fees (32905) funding to complete retrofitting high-water rescue vehicle; approved by City Council 10/21/2021 - **\$16,250.**
4. Fire Department – Utilize Impact Fees (32907) funding to complete retrofitting high-water rescue vehicle; approved by City Council 10/21/2021 - **\$16,250.**
5. Fire Department - Re-appropriation of Fire Impact Fees (32905) for a High-Water Rescue Vehicle; approved by City Council 09/17/2020; initial appropriation occurred on Budget Amendment #1/FY 2021 and funds were unspent/unencumbered – **\$1,828.**
6. Fire Department - Re-appropriation of Fire Impact Fees (32907) for a High-Water Rescue Vehicle; approved by City Council 09/17/2020; initial appropriation occurred on Budget Amendment #1/FY 2021 and funds were unspent/unencumbered – **\$1,828.**
7. Police Department - Re-appropriation of Impact Fees (32907) for vehicles and on-boarding expenditures for six (6) Police Officer positions awarded through the Department of Justice (DOJ) Cops Hiring Program (CHP) Federal Grant; approved by City Council 11/19/2020; initial appropriation occurred on Budget Amendment #1/FY 2021 and funds were unspent/unencumbered – **CIP Impact \$6,282.**
8. Police Department - Re-appropriation of Impact Fees (32908) for vehicles and on-boarding expenditures for six (6) Police Officer positions; approved by City Council 11/19/2020; initial appropriation occurred on Budget Amendment #1/FY 2021 and funds were unspent/unencumbered – **CIP Impact \$6,402.**
9. Police Department - Re-appropriation of Impact Fees (32909) for vehicles and on-boarding expenditures



- for six (6) Police Officer positions awarded through the Department of Justice (DOJ) Cops Hiring Program (CHP) Federal Grant; approved by City Council 11/19/2020; initial appropriation occurred on Budget Amendment #1/FY 2021 and funds were unspent/unencumbered – **CIP Impact \$25,608.**
10. Police Department – Utilize Impact Fee (32907) funding to purchase equipment to convert Market Patrol Vehicle into a Market K-9 Patrol Vehicle; approved by City Council 09/16/2021 - **\$6,175.**
  11. Public Work Department - Re-appropriation of funding for a Fire Squad Truck, \$3,582, a Fire District Chief Vehicle, \$12,784 and a Fire Brush Truck Retrofit for Wildland Fires, \$35,000; initial appropriation occurred on Budget Amendment #1/FY 2021 and funds were unspent/unencumbered; approved by City Council 09/03/2020, on FY 2021 Budget Amendment #1 – **\$51,366**
  12. Public Work Department - Re-appropriation of funding for Public Works Operations Division Manager Vehicle; approved by City Council 01/07/2021, initial appropriation occurred on Budget Amendment #2/FY 2021 and funds were unspent/unencumbered – **\$27,250**
  13. Public Work Department - Re-appropriation of funding for accessories and tags/titles/permits for the following Police vehicles; approved by City Council 09/03/2020, initial appropriation occurred on Budget Amendment #1/FY 2021 and funds were unspent/unencumbered – **\$57,770.**
    - Two (2) marked K-9 Dodge Durangos – Balance \$26,800
    - Three (3) unmarked Dodge Durangos – Balance \$12,750
    - Two (2) unmarked Dodge Chargers – Balance \$8,540
    - Two (2) unmarked Nissan Rogues – Balance \$4,600 (purchased in lieu of approved Chevy Equinox)
    - Two (2) unmarked Nissan Altimas – Balance \$4,560
    - Tags/Titles/Permits for two (2) marked K-9 Dodge Durangos & two (2) unmarked Nissan Altimas – Balance \$520
  14. Public Works Department - Appropriate additional funding to the Country Club Units drainage project (21SU12); to supplement Engineer's construction estimate, which came in higher than budgeted; approved by City Council 12/02/2021 - **\$200,000**
  15. Public Works Department – Appropriate funding to the Nutrient Separating Baffle Box Project (21PW05) to acquire two (2) Nutrient-separating baffle boxes; approved by City Council 10/01/2021 – **CIP Impact \$88,000.**
  16. Public Works Department - Establish budget for the Replacement Navigation Markers Turkey Creek Project (22PW02); approved by City Council 03/18/2021 – **CIP Impact \$100,000.**
  17. Public Works Department – Establish budget for the Driskell Heights Paving Project (22GO01) – **\$450,000.**
  18. Public Works Department – Establish budget for the Florida Avenue Paving Project (22GO02) – **\$300,000.**
  19. Public Works Department – Establish budget for the Fairview Subdivision Paving Project (22GO03); **\$300,000.**
  20. Public Works Department – Establish budget for the Emerson-Fairhaven to C1 Paving Project (22GO04) – **\$550,000**
  21. Public Works Department – Establish budget for the Port Malabar Unit 20 and Malabar Road Paving Project (22GO05) – **\$2,750,000.**
  22. Public Works Department – Establish budget for the NE Area Misc Road Paving Project (22GO06) – **\$3,785,000.**
  23. Public Works Department – Establish budget for the CC 1-10 Road Paving Project (22GO07) – **\$4,125,000.**
  24. Public Works Department – Close out Safe Routes to School Project (18PW02) and return funding to undesignated fund balance – **CIP Impact (\$303,452)**
  25. Public Works Department – Close out Gasboy Upgr. Malabar/Main Project (21PW03) and return funding to undesignated fund balance – **(\$58)**
  26. Public Works Department - Appropriate funding for an Operations Division Manager and to purchase a

Ford F250 – **CIP Impact \$27,250.**

27. Utilities Department - Appropriate funding to the Lift Station Solar Panels Project (21WS25) for additional solar/battery backup conversions; approved by City Council 10/07/2021 – **\$6,000.**
28. Utilities Department – Appropriate funding for Change Order #3 to the North Regional Water Treatment Plant Rehabilitation Project (17WS04) for transfer/backwash pumps and generators, approved by City Council 10/21/2021 – **\$29,103.**

**Transfer of Funds Between Capital Projects/Accounts:**

**1. Public Works – Budget Transfer #6**

Transfer funds from the FY 21 Asphalt Rejuvenation project (21RD01), (\$4,107), to the Emerson NW & Glencove NW Project (20PW03), \$4,107, to fund Change Order #1. Work completed and invoiced - **\$0.**

**2. Public Works – Budget Transfer #7**

Transfer funds from the Pipe Replacement NE Area Project (20SU27), (\$135,000), to open the Pipe Replacement NE Area Knecht Road Project (22SU07), \$135,000 - **\$0.**

**3. Public Works – Budget Transfer #8**

Transfer funds from the Cured in Place Pipes Project (21SU13), (\$275,500), to the Pipe Replacement NE Area Knecht Road Project, (22SU07), \$275,500 - **\$0.**

**4. Public Works – Budget Transfer #9**

Transfer funds from capital account 6404, Construction Vehicles, (\$15,000), to account 6401, Machinery & Equipment, \$15,000, to purchase a ditcher head to replace one (1) tractor - **\$0.**

**5. Public Works – Budget Transfer #14**

Transfer funds from capital account 6401, Machinery & Equipment, (\$250), to account 6404, Construction Vehicles, \$250, to cover cost of tractor purchase - **\$0.**

**Added/Removed Capital Projects, Addition/Reduction of Funding:**

**1. Recreation – Budget Transfer #10**

Transfer available funds from non-capital accounts 5220/Equipment < \$5,000 and 4624/Equipment Repair & Maintenance Services to capital account 6401/Machinery & Equipment to purchase a Pool Vacuum – **CIP Impact \$7,904.**

**2. Utilities – Budget Transfer #13**

Transfer funds from non-capital accounts 4639/Other Repair/Maintenance to capital account 6401/Machinery & Equipment to supplement purchase of a Ground Water Dewatering Well Point System – **CIP Impact \$1,500.**

**FY 2021 to FY 2022 Unexpended Project Funding Rolls:**

Unexpended funding for 131 projects has been rolled from FY 2021 to FY 2022; the Capital Improvements Program total FY 2022 funding for each project has been amended. Refer to Attachment #1 – FY 2021-2022 Unexpended Fund Rolls for additional details.

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**REQUESTING DEPARTMENT:**

Finance

**FISCAL IMPACT:**

Please refer to Exhibit A for capital improvement program impacting details.

**RECOMMENDATION:**

Motion to adopt, by Resolution, the First Amendment to the FY 2022 Capital Improvements Program.

**ATTACHMENTS:****Description**

Resolution 2022-06

Resolution 2022-06, Exhibit A

## RESOLUTION 2022-06

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2021-53, ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENTS PROGRAM FOR THE FISCAL YEARS 2021-2022 THROUGH 2025-2026 FOR THE CITY OF PALM BAY, FLORIDA; RESCINDING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay's Capital Improvements Program, formally known as the Community Investment Program, was adopted by the City Council on September 22, 2021.

**WHEREAS**, the City of Palm Bay desires to amend the Capital Improvements Program.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** Resolution 2021-53 is hereby amended by including additional projects to the Five-Year Community Investment Program for Fiscal Years 2021-2022 through 2025-2026, which are, by reference, incorporated herein as Exhibit 'A'.

**SECTION 2.** This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2022- , of the City Council of the City of Palm Bay, Brevard County, Florida, on , 2022.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Fund	Department Division Account	Project Number	FY 2022 Adopted CIP Budget	FY 2021 to FY 2022 Rollovers	FY 2022 Amendments	New Project TOTAL	TOTAL FY 2022
Utilities Operating							
421	8011-536-6201	20BD01	1,590,800	148,707		1,739,507	1,739,507
421	8012-536-6401	N/A	35,000			35,000	35,000
421	8013-536-6407	22WS03	6,939			6,939	6,939
421	8013-536-6407	22WS06	8,000			8,000	8,000
421	8014-536-6201	20WS05		10,000		10,000	10,000
421	8014-536-6301	20WS02		63,099		63,099	63,099
421	8014-536-6403	N/A	49,000	31,263		80,263	80,263
421	8016-536-6403	N/A	24,245			24,245	24,245
421	8020-533-6201	20WS05		10,000		10,000	10,000
421	8020-533-6322	N/A	485,000			485,000	485,000
421	8020-533-6324	20WS03		45,000		45,000	45,000
421	8020-533-6401	N/A	42,000			42,000	42,000
421	8020-533-6401	N/A	125,000			125,000	125,000
421	8020-533-6401	N/A	25,000			25,000	25,000
421	8020-533-6403	N/A	150,000	41,492		191,492	191,492
421	8020-533-6404	N/A	80,000			80,000	80,000
421	8023-533-6221	22WS02	50,000			50,000	50,000
421	8023-533-6221	22WS09	20,000			20,000	20,000
421	8023-533-6301	22WS13	70,000			70,000	70,000
421	8023-533-6401	N/A	10,000			10,000	10,000
421	8023-533-6407	21WS02	60,000	100,000		160,000	160,000
421	8024-533-6221	19WS12		103,000		103,000	103,000
421	8024-533-6403	N/A	49,000			49,000	49,000
421	8024-533-6407	22WS08	21,500			21,500	21,500
421	8030-535-6201	20WS05		10,000		10,000	10,000
421	8030-535-6325	22WS01	30,000			30,000	30,000
421	8030-535-6325	22WS07	42,520			42,520	42,520
421	8030-535-6327	16WS07		1,041,790		1,041,790	1,041,790
421	8030-535-6327	21WS25		17,553	6,000	23,553	23,553
421	8030-535-6327	22WS05	300,000			300,000	300,000
421	8030-535-6401	N/A	6,500		1,500	8,000	8,000
421	8030-535-6403	N/A	98,000	26,114		124,114	124,114
421	8030-535-6404	N/A	80,000			80,000	80,000
421	8030-535-6407	22WS11	22,000			22,000	22,000
421	8033-535-6211	N/A	8,000			8,000	8,000
421	8033-535-6301	N/A	10,000			10,000	10,000
421	8033-535-6401	N/A	40,500			40,500	40,500
421	8033-535-6403	N/A	55,000			55,000	55,000
421	8034-535-6221	17WS13		895,531		895,531	895,531
421	8034-535-6221	17WS16		254,398		254,398	254,398
421	8034-535-6221	20WS01		51,500		51,500	51,500
421	8034-535-6221	22WS04	87,000			87,000	87,000
421	8034-535-6221	22WS12	5,500			5,500	5,500
421	8034-535-6325	21WS03		701,500		701,500	701,500
421	8034-535-6325	21WS03	50,000			50,000	50,000
421	8034-535-6401	N/A	5,000			5,000	5,000
421	8034-535-6403	N/A	49,000			49,000	49,000
421	8034-535-6407	22WS10	6,480			6,480	6,480
Utilities Connections Fee Fund							
423	8021-533-6324	22WS15	191,000			191,000	191,000
423	8021-533-6324	20WS07		28,081		28,081	28,081
423	8021-533-6324	20WS08		61,830		61,830	61,830
423	8021-533-6324	20WS09		113,057		113,057	113,057
423	8021-533-6324	21WS22		4,096		4,096	4,096
423	8031-535-6221	16WS05		558		558	558
423	8031-535-6221	22WS14	35,000			35,000	35,000

Fund	Department Division Account	Project Number	FY 2022 Adopted CIP Budget	FY 2021 to FY 2022 Rollovers	FY 2022 Amendments	New Project TOTAL	TOTAL FY 2022
423	8031-535-6325	22WS16	11,000			11,000	11,000
<b>Utilities Renewal and Replacement Fund</b>							
424	8022-533-6221	14WS02		40,329		40,329	40,329
424	8022-533-6221	17WS04		221,991	29,103	251,094	251,094
424	8022-533-6221	18WS06		250,681		250,681	250,681
424	8022-533-6221	18WS19		113,276		113,276	113,276
424	8022-533-6221	19WS07	763,760	19,037		782,797	782,797
424	8022-533-6221	19WS08	160,000	53,000		213,000	213,000
424	8022-533-6221	19WS10		1,025,709		1,025,709	1,025,709
424	8022-533-6221	19WS11		1,035,075		1,035,075	1,035,075
424	8022-533-6221	21WS08		38,545		38,545	38,545
424	8022-533-6221	21WS09		63,185		63,185	63,185
424	8022-533-6221	21WS12		35,810		35,810	35,810
424	8022-533-6221	21WS13		250,000		250,000	250,000
424	8022-533-6221	21WS14	885,000	234,777		1,119,777	1,119,777
424	8022-533-6221	21WS15		50,000		50,000	50,000
424	8022-533-6221	21WS20		50,000		50,000	50,000
424	8022-533-6221	21WS21		11,400		11,400	11,400
424	8022-533-6221	22WS17	177,792			177,792	177,792
424	8022-533-6221	22WS18	170,628			170,628	170,628
424	8022-533-6221	22WS20	39,000			39,000	39,000
424	8022-533-6318	17WS22		63,878		63,878	63,878
424	8022-533-6318	19WS17		7,399		7,399	7,399
424	8022-533-6322	21WS16		50,000		50,000	50,000
424	8022-533-6322	21WS18		128,657		128,657	128,657
424	8022-533-6322	N/A	275,000	13,076		288,076	288,076
424	8022-533-6324	19WS02	187,500	315,926		503,426	503,426
424	8022-533-6324	19WS06		166,721		166,721	166,721
424	8022-533-6324	19WS13		334,953		334,953	334,953
424	8022-533-6324	20WS07		151,981		151,981	151,981
424	8022-533-6324	20WS08		10,830		10,830	10,830
424	8022-533-6324	20WS09		41,957		41,957	41,957
424	8022-533-6324	20WS10		110,753		110,753	110,753
424	8022-533-6324	21WS19		191,862		191,862	191,862
424	8022-533-6324	21WS22		4,096		4,096	4,096
424	8022-533-6324	22WS24	150,000			150,000	150,000
424	8032-535-6221	18WS09		981		981	981
424	8032-535-6221	18WS14		980		980	980
424	8032-535-6221	18WS15		1,306		1,306	1,306
424	8032-535-6221	18WS16		627,637		627,637	627,637
424	8032-535-6221	20WS21		181,231		181,231	181,231
424	8032-535-6221	21WS27		120,000		120,000	120,000
424	8032-535-6221	22WS25	69,000			69,000	69,000
424	8032-535-6325	14WS07		343,198		343,198	343,198
424	8032-535-6325	18WS08		87,332		87,332	87,332
424	8032-535-6325	19WS02	62,500	65,065		127,565	127,565
424	8032-535-6325	20WS11	500,000	517,523		1,017,523	1,017,523
424	8032-535-6325	21WS06	385,000	288,338		673,338	673,338
424	8032-535-6325	21WS07	330,000	300,000		630,000	630,000
424	8032-535-6325	21WS10		200,000		200,000	200,000
424	8032-535-6325	22WS21	40,564			40,564	40,564
424	8032-535-6326	20WS12		30,000		30,000	30,000
424	8032-535-6327	17WS23	1,200,000	23,876		1,223,876	1,223,876
424	8032-535-6327	18WS10	210,000	414,968		624,968	624,968
424	8032-535-6327	18WS11		430,317		430,317	430,317
424	8032-535-6327	18WS21	188,393	150,000		338,393	338,393
424	8032-535-6327	21WS17		125,000		125,000	125,000
424	8032-535-6327	21WS26		50,695		50,695	50,695

Fund	Department Division Account	Project Number	FY 2022 Adopted CIP Budget	FY 2021 to FY 2022 Rollovers	FY 2022 Amendments	New Project TOTAL	TOTAL FY 2022
424	8032-535-6327	22WS21	139,436			139,436	139,436
424	8032-535-6327	22WS22	125,000			125,000	125,000
424	8032-535-6327	22WS23	100,000			100,000	100,000
424	8040-536-6211	21WS21		23,520		23,520	23,520
<b>Main Line Extension Fee Fund</b>							
425	8021-533-6101	21WS22		10,000		10,000	10,000
425	8021-533-6324	22WS26	64,650			64,650	64,650
425	8021-533-6324	22WS27	204,172			204,172	204,172
425	8021-533-6324	19WS15		204,600		204,600	204,600
425	8021-533-6324	20WS08		11,500		11,500	11,500
425	8021-533-6324	20WS15		20,766		20,766	20,766
425	8021-533-6324	20WS16		163,513		163,513	163,513
425	8021-533-6324	21WS22		12,681		12,681	12,681
425	8021-533-6324	21WS23		245,572		245,572	245,572
<b>Utilities SRF Loan Fund</b>							
433	8031-535-6221	16WS05		28,570,157		28,570,157	28,570,157
<b>Utilities '20 Bond Construction Fund</b>							
434	8021-533-6221	18WS04		5,409,882		5,409,882	5,409,882
<b>TOTAL UTILITY</b>			<b>10,461,379</b>	<b>47,474,111</b>	<b>36,603</b>	<b>57,972,093</b>	<b>57,972,093</b>

Fund	Department Division Account	Project Number	FY 2022 Adopted CIP Budget	FY 2021 to FY 2022 Rollovers	FY 2022 Amendments	New Project TOTAL	TOTAL FY 2022
<b>Building</b>							
451	3120-524-6201	20BD01	6,012,727	480,395		6,493,122	6,493,122
451	3120-524-6403		58,358		28,381	86,739	86,739
<b>Community &amp; Economic Development</b>							
112	3411-554-6201	20CD01		300,115		300,115	300,115
112	3411-554-6308	14CDBG		90,898		90,898	90,898
114	3353-554-6201	14CD01		95,621		95,621	95,621
128	3414-559-62-01	20BD01	2,000,000			2,000,000	2,000,000
128	3414-559-64-07	22IT01	2,000,000			2,000,000	2,000,000
<b>Information Technology</b>							
001	2310-519-6413	20IT01		67,036		67,036	67,036
<b>Fire</b>							
187	6050-522-6403				18,078	18,078	18,078
188	6050-522-6403				18,078	18,078	18,078
189	6050-522-6403				180,000	180,000	180,000
190	6050-522-6201	21FD01		589,517		589,517	589,517
190	6050-522-6401	N/A		48,100		48,100	48,100
<b>Recreation</b>							
001	4026-572-6211	N/A		11,789		11,789	11,789
001	4026-572-6301	19PR06		118,994		118,994	118,994
001	4026-572-6301	20PR03		81,765		81,765	81,765
001	4026-572-6332	21PR08		655,094		655,094	655,094
001	4032-572-6301	20PR01		201,600		201,600	201,600
001	4120-572-6401	N/A			7,904	7,904	7,904
191	4050-572-6301	21PR01		150,000		150,000	150,000
192	4050-572-6308	16PK08		537,566		537,566	537,566
192	4050-572-6308	18PR04		179,490		179,490	179,490
192	4050-572-6308	21PR09		35,000		35,000	35,000
193	4050-572-6308	16PK08		462,637		462,637	462,637
301	4090-572-6308	16PK08		2,242,092		2,242,092	2,242,092
<b>Fleet</b>							
521	7070-519-6401	N/A		70,177		70,177	70,177
521	7070-519-6403	N/A		552,395	136,386	688,781	688,781
521	7070-519-6405	NA		1,278,000		1,278,000	1,278,000
521	7070-519-6221	21PW03		58	(58)	0	0
521	7070-519-6407	21PW07		38,800		38,800	38,800
<b>Police</b>							
183	5050-521-6403			365	12,457	12,822	12,822
184	5050-521-6403			28,680	6,402	35,082	35,082
186	5050-521-6403			1,460	25,608	27,068	27,068
301	5090-521-6201	20PD01		221,723		221,723	221,723
301	5090-521-6201	21PD01		24,849		24,849	24,849
301	5090-521-6201	21PD02		15,896		15,896	15,896
<b>Public Works</b>							
001	7017-541-6401	N/A		7,681		7,681	7,681
001	7026-541-6316	21PW01		40,754		40,754	40,754
001	7026-541-6316	21PW02		40,000		40,000	40,000
197	7050-541-6303	22PW01				0	0
197	7050-541-6316	20PW03		31,222		31,222	31,222
197	7090-541-6316	18PW01		298,289		298,289	298,289
199	7050-541-6303	15PW11		47,345		47,345	47,345
199	7050-541-6303	21PW06		13,000		13,000	13,000
301	7090-539-6301	22PW02			100,000	100,000	100,000
301	7090-539-6306	21PW05		200,000	88,000	288,000	288,000
301	7090-541-6315	18PW02		293,617	(293,617)	0	0
306	7090-541-6303	15PW11		180,645		180,645	180,645
307	7090-541-6304	18PW02		9,235	(9,235)	0	0
307	7090-541-6304	20PW03			4,107	4,107	4,107



Fund	Department Division Account	Project Number	FY 2022 Adopted CIP Budget	FY 2021 to FY 2022 Rollovers	FY 2022 Amendments	New Project TOTAL	TOTAL FY 2022
307	7090-541-6304	21RD01		1,199,575	(4,107)	1,195,468	1,195,468
307	7090-541-6315	18PW02		600	(600)	0	0
308	7090-541-6303	15PW11		309,608		309,608	309,608
309	7090-541-6303	20GO11		554,985		554,985	554,985
309	7090-541-6303	20GO13		862,781		862,781	862,781
309	7090-541-6303	20GO14		3,314,114		3,314,114	3,314,114
309	7090-541-6303	20GO15		4,485,356		4,485,356	4,485,356
309	7090-541-6303	20GO17		904,681		904,681	904,681
309	7090-541-6303	21GO08		645,518		645,518	645,518
309	7090-541-6303	21GO09		164,518		164,518	164,518
309	7090-541-6303	21GO10		694,363		694,363	694,363
309	7090-541-6303	21GO11		337,719		337,719	337,719
309	7090-541-6303	21GO13		3,903,087		3,903,087	3,903,087
309	7090-541-6303	21GO14		531,736		531,736	531,736
309	7090-541-6303	21GO15		633,656		633,656	633,656
309	7090-541-6303	21GO17		1,369,479		1,369,479	1,369,479
309	7090-541-6303	22GO01			450,000	450,000	450,000
309	7090-541-6303	22GO02			300,000	300,000	300,000
309	7090-541-6303	22GO03			300,000	300,000	300,000
309	7090-541-6304	22GO04			550,000	550,000	550,000
309	7090-541-6305	22GO05			2,750,000	2,750,000	2,750,000
309	7090-541-6306	22GO06			3,785,000	3,785,000	3,785,000
309	7090-541-6307	22GO07			4,125,000	4,125,000	4,125,000
461	7083-538-6309	20SU10		29,026		29,026	29,026
461	7084-541-6309	20SU12		64,631		64,631	64,631
461	7084-541-6309	20SU15		370,970		370,970	370,970
461	7084-541-6309	20SU27		556,000	-135,000	421,000	421,000
461	7084-541-6309	21SU12		548,897	200,000	748,897	748,897
461	7084-541-6309	21SU13		275,500	-275,500	0	0
461	7084-541-6309	21SU15		284,343		284,343	284,343
461	7084-541-6309	21SU16		623,392		623,392	623,392
461	7084-541-6309	21SU17		24,500		24,500	24,500
461	7084-541-6309	22SU06	281,424			281,424	281,424
461	7084-541-6310	22SU07			135,000	135,000	135,000
461	7084-541-6311	22SU01	1,000,000		275,500	1,275,500	1,275,500
461	7084-541-6312	22SU02	364,572			364,572	364,572
461	7084-541-6313	22SU03	500,000			500,000	500,000
461	7084-541-6314	22SU05	427,017			427,017	427,017
461	7084-541-6401	N/A	217,925		14,750	232,675	232,675
461	7084-541-6404	N/A	175,724		-14,750	160,974	160,974
461	7084-541-6404	N/A	227,938			227,938	227,938
	<b>TOTAL NON-UTILITY</b>		<b>13,265,685</b>	<b>32,430,935</b>	<b>12,777,784</b>	<b>58,474,404</b>	<b>58,474,404</b>
	<b>COMBINED TOTAL UTILITY &amp; NON-UTILITY</b>		<b>23,727,064</b>	<b>79,905,046</b>	<b>12,814,387</b>	<b>116,446,497</b>	<b>116,446,497</b>



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Fred Poppe, Recreation Director

**DATE:** 1/20/2022

**RE:** Resolution 2022-07, naming the basketball courts located at Liberty Park as 'Michael-Gene Foundation Basketball Courts'.

The Recreation Department was contacted by Dawn Futch, Mother of Michael-Gene, requesting to name the basketball courts located at Liberty Park as 'Michael-Gene Foundation Basketball Courts'.

At its regular meeting held on November 2, 2021, the Recreation Advisory Board unanimously voted to recommend to the Council that the basketball courts located at Liberty Park be named 'Michael-Gene Foundation Basketball Courts'. This recommendation follows the Guidelines for Naming Parks and Recreation Facilities adopted by Council in that it bestows Recognition for Memorializing a Deceased Person – An individual whose service or gift to the parks/recreation system was extraordinary, and a period of at least twelve (12) months has passed from the time of the person's death.

**REQUESTING DEPARTMENT:**

Recreation

**FISCAL IMPACT:**

There is no fiscal impact.

**RECOMMENDATION:**

Motion to approve the basketball courts located at Liberty Park being named as 'Michael-Gene Foundation Basketball Courts'.

**ATTACHMENTS:**

**Description**

Park Naming Guidelines

Request and Support Letters

RAB Minutes November, 2, 2021

Resolution 2022-07

## **PARKS AND RECREATIONAL FACILITIES, NAMING**

### **NAMING PARKS AND FACILITIES**

The City Council adopted the Palm Bay Recreation Advisory Board's recommended criteria and guidelines for naming public parks and recreational facilities within the City. (RCM 2003-06; 02-06-03)

### **CRITERIA AND GUIDELINES**

A. Written recommendations, petitions, etc. requesting the naming of a park site or recreation facility are to be submitted to the Palm Bay Recreation Advisory Board for consideration. The Board will review the request and make a recommendation to the City Council. If more than one recommendation for a name is received, the names will be prioritized by the Board in its recommendation to Council.

B. The Board will consider all proposals and make a recommendation to Council as to whether the requested name should be approved or rejected. The Council shall make the final decision.

C. Names proposed for a park site or recreational facility shall adhere to one or more of the following categories:

- 1) Honoring a Living Person – A living person whose contribution or significant gift is of the most extraordinary nature;
- 2) Memorializing a Deceased Person – An individual whose service or gift to the parks/recreation system was extraordinary, and a period of at least twelve (12) months has passed from the time of the person's death;
- 3) Services Rendered – A name which reflects the nature of the services logically rendered at the park or facility;
- 4) Geographic Location – Immediate geographic location logically associated with the park or facility;
- 5) History – An historical person, place, culture, or event logically associated with the physical location;
- 6) Donor – The name of the donor or a name specified by a donor who donated the land or facility to the City;
- 7) Group Recognition – An organization for outstanding contributions and services to the community;
- 8) Geography – A geographical characteristic of the park or facility with special consideration given to archeology, geology, topography, botany, zoology, or man-made geographical characteristics;
- 9) Adjacent Street, School, Subdivision – A street, school, or subdivision adjacent to the park or facility.

D. Renaming a Park or Facility. Out of respect for the current name, only under extraordinary conditions (shortened, inappropriate, ineffectual names) will a park or facility be renamed.

E. Plaques, Markers, Memorials, or Identifying Structures– Recognition structures must complement existing signage. Costs and maintenance of the structures will be determined by the City Council. Structures should designate history related to the park or facility or recognize groups or individuals who contributed significantly through donations or their efforts to the City.

## **RESOLUTION**

Upon approval by the City Council of a name for a park or facility, a resolution shall be adopted to officiate Council's action.

Palm Bay recreation advisory board

To whom it may concern,

Good afternoon, my name is Dawn Futch. I am a business owner in Melbourne Florida and a long time Palm Bay resident.

A little back history: My parents moved to Florida when I was six years old, and I immediately started to play sports out at Roach Park;

Now known as veterans Park off Port Malabar Boulevard. I played softball out on the fields until I was 18.

Upon having my own children I knew how importance of sports and extracurricular activities; therefore, both of my children at a very young age started playing on the pal leagues.

My youngest child Stephanie played soccer and basketball, my son Michael-Gene played basketball. Not only did my children play the sports but they also became assistant coaches for younger youth. They also both played on leagues at their junior high school and high school.

On November 20, 2010 our son Michael Gene passed away from a fatal automobile accident. Michaels love and passion for the game of basketball would not end with his life being cut short.

Michael's memorial service was held at liberty Park in Palm Bay; this is where he played ball every single day and evening: from his childhood until his passing at 19 years young.

In lieu of flowers, everybody brought a new basketball, and our family donated them to different churches and schools that year on Michael's birthday.

Michael's birthday was Christmas Eve and upon his passing we created the Michael-Gene kids basketball foundation.

At the time Michael was a student at Florida eastern college studying to be a child psychologist.

In honor of him we created this nonprofit foundation to help families and children in Brevard County.

This foundation provides sports scholarships at Bayside high school where Michael attended.

We work very closely with Coach Danny Miller. He is an amazing coach not just for the game of basketball, but he works tirelessly as a life coach with his young men. We would like to start a mentoring program for the younger youth in the near future.

We also have provided funds for the Palm bay recreation center basketball programs for the last 10 years. The nonprofit foundation that we have created has helped out with families in Brevard for the past 11 years. We provide meals at Thanksgiving as well as Christmas for families Who have been displaced or are less fortunate.

Michael Gene was also an organ donor and was able to save five lives and enhance the lives of over 75 through organ, tissue, and eye donation. Our family is very Active and passionate about education for the community and the public on the importance of donation.

We have worked with the Brevard County tax collector's office for many years working closely with Lisa

Cullen to educate the Community on the importance of donation. Michael Gene's story is handed out at the tax collector's office to encourage others to become an organ donor on their driver's license like Michael-Gene.

Our family is dedicated to creating better opportunities for the children of the future, and it would be a great honor and blessing to have the basketball courts named in dedication of our son.

We greatly appreciate your consideration on this endeavor.

Sincerely the Futch family

Dawn, Mike, Stephanie and Bodhi





**BILL POSEY**  
8th District, Florida  
COMMITTEES  
**SCIENCE, SPACE, AND TECHNOLOGY**  
Space Subcommittee  
**FINANCIAL SERVICES**  
Consumer Protection and Financial  
Institutions Subcommittee  
Regulating Creditworthy Debt Lenders - Auto  
Insolvency Subcommittee  
CONGRESSIONAL ETHICS ADVISORY BOARD  
HOUSE COMMITTEE CHAIRMAN, EDUCATION  
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3725 JUSTICE FRANK JAMMISON WAY, BLDG. C  
MELBOURNE, FL 32940  
(321) 832-1778  
Fax: (321) 832-8595  
DISTRICT OFFICE  
INDIAN RIVER COUNTY ADMIN. BLDG. A  
(772) 226-1701  
DISTRICT OFFICE  
BREVARD COUNTY GOVERNMENT OFFICE  
IN TITUSVILLE  
(321) 383-6595

August 1, 2021

Dawn Futch and Family  
750 West New Haven Ave  
Melbourne, FL 32901


Dear ~~Dawn and Family~~ **Dawn,**

It has been brought to my attention that Michael Gene Foundation has petitioned the city of Palm Bay to rename the basketball courts at Liberty Park in Michael's honor.

I realize Michael was an avid basketball player and played on the Police Athletic Leagues, and at Westshore and Bayside High School before tragically being killed in a traffic accident ten years ago. Michael's passing had at least a comforting asset in that it led to him being an organ donor and the establishment of the non-profit Michael Gene Foundation. My understanding is the Foundation has supported the Police Athletic Leagues for Palm Bay and Melbourne for the past 10 years. Gratefully, it has also provided high school scholarships for the basketball teams at Bayside High School.

In the midst of your sorrow, it's admirable that members of Michael's family have become advocates for the importance of organ donations while educating the community on the subject.

To honor Michael and his legacy I am happy to support the Michael Gene Foundation in your dream to see his memory live on at Liberty Park in Palm Bay

Sincerely,  
  
**Bill Posey**  
Member of Congress

BP/pf



September 27, 2021

Dear City of Palm Bay Board of Directors:

This letter is to recommend renaming the basketball courts at Liberty Park to the Michael Gene Futch basketball court. The Michael Gene Foundation is constantly giving back to our local community and supporting children who love the game of basketball. My son, Shyheim Miller, was awarded the very first annual Michael Gene Basketball High School Senior Basketball Scholarship as a result of partnering with the foundation and volunteering in the community. The foundation provided opportunities for my teenage son to give back to the community and mentor young children.

The foundation has also provided holiday gifts for children in need over the past decade. The foundation has made it possible for Christmas miracles to come true for these children. The foundation also assists families with food for the Thanksgiving holiday. Mr. and Mrs. Futch volunteer countless hours during the holidays and neglect their own family to ensure families within Brevard County have a memorable holiday.

The Michael Gene Foundation also partners with our local PAL leagues and provides basketballs for the program. I never had the opportunity to meet Michael Gene, but I have been blessed to meet his parents, sister, and niece. The way this family has turned such an unimaginable tragedy into this amazing foundation is truly remarkable. Please consider renaming the courts to honor this young man who loved the game of basketball and continues to give back to the community.

Sincerely,

A black rectangular box redacting the signature of the sender.

RESCUING VETERANS LOST IN AMERICA



NVHS

A Proud Partner of



September 29, 2021

Dawn Futch  
750 West New Haven Ave  
Melbourne, FL 32901

Dear Dawn,

We have been informed, that the Michael Gene Foundation has petitioned the city of Palm Bay to rename the basketball courts at Liberty Park in Michael's honor.

The Michael Gene Foundation, has done so much for our community over the years. They have provided scholarships for basketball teams at High Schools and have supported the Police Athletic Leagues for Palm Bay.

In addition, The Michael Gene Futch Foundation, has supported our organization, National Veterans Homeless Support with our Annual Thanksgiving event by securing Thanksgiving baskets and turkeys so that our low-income veterans and their families are able to enjoy a hot Thanksgiving meal. Since, 2015 The Michael Gene Futch Foundation has helped secure Thanksgiving meals for over 1,200 veterans and their families.

We are grateful to the Michael Gene Futch Foundation for helping our veterans and we fully support renaming the basketball courts at Liberty Park in Michael's honor.

Sincerely,



George Taylor Jr.  
President/Chairman  
National Veterans Homeless Support (NVHS)

Daniel Miller  
268 Fitchburg St SW  
Palm Bay, FL 32908

September 29,

2021  
City of Palm Bay  
120 Malabar Rd SE  
Palm Bay, FL 32907

Dear Palm Bay City Council Members,

I am elated to support the Michael-Gene Foundation on their endeavor to have the name of the basketball courts which are now known as Liberty Park to the Michael Gene Futch basketball courts. I have had the pleasure of collaborating with the Futch's Foundation on many community outreach projects. As the head coach of the Bayside High School boys' basketball program, I have had the opportunity to make an impact on the lives of young men. Part of the impact I try to make, is that I try to impress upon my players to be selfless both on and off the court. When opportunities arise for us to give our time and effort to help others, I have jumped on it. The Michael-Gene foundation has been an integral part of our community outreach efforts. Together we have stuffed nearly ten thousand food baskets to be given to families in crisis during the Thanksgiving holiday. My players have huddled together while wrapping thousands of gifts for children during the Christmas holiday. The Michael-Gene Foundation has spear headed the Space Coast Basket Brigade and the Angel tree's which have appeared in numerous retail stores throughout South Brevard. Bayside was fortunate enough to have met up with the Futch family after Dawn reached out to Shellie Miller, Head Coach Danny Miller's wife, regarding help for an outreach project. The two family's and programs hit it off and have had a close relationship ever since. The Foundation has created a scholarship opportunity to be given to a basketball player with exemplary grades and commitment to community service. The foundation has awarded approximately \$2,000 towards the post-secondary education of 7 high school athletes. All of whom have

gone on to pursue a career in Basketball or have become productive members of this community.

It is my recommendation, in order to honor the commitment and sacrifices the Futch family has made since losing their precious son, Michael-Gene, that the basketball courts at Liberty Park be renamed the Michael-Gene Basketball Courts.

Sincerely,

Daniel A. Miller



Dr. Susan Avery, Ed.D. LMHC CAP  
Licensed Mental Health Counselor  
Certified Addictions Professional  
Email: [susan@futchfoundation.com](mailto:susan@futchfoundation.com)

August 12, 2021

Dr. Susan Avery, LMHC  
1727 North Wickham Road  
Melbourne, FL 32933  
(321) 790-0668

To Whom It May Concern:

I write on behalf of Michael Gene Futch Foundation and in support of the proposal to rename the basketball courts at Liberty Park as a dedication both to Michael Gene and to the Foundation. I am a counselor who has worked and lived in this community for 30 years. Prior to Michael Gene's death, I became aware of the genuine efforts the entire Futch family made to extend support, compassion, and understanding to many youths in the community. They provided a place to feel safe, many hot meals, and opportunities to discuss both struggles and dreams. They provided jobs and a way to develop employment and life skills. For their family, they provided good times and a welcome shoulder during the times of trouble and change. They always took the time to ask me about my work and to assure me of their support.

After Michael Gene's death, I saw the Futch Family work together to support each other and to continue to use their faith as a way of being strong for each other. They spoke often of Michael Gene, sharing with me his desire to help youth after completing college. They decided to honor his memory and celebrate his life through blessing children in the community. They worked hard to quickly establish the Michael Gene Foundation.

Since the time the Foundation began, the Michael Gene Futch Foundation has helped me by providing gifts to the children I see in counseling. Every Christmas Eve, Mike, Dawn, and Stephanie deliver gifts they have been able to provide through Angel Trees and through contributing their own money. They work for weeks wrapping presents, recruiting volunteers, reaching out to the community to find people in need, and to meet the needs of those experiencing food insecurity. The Foundation later began providing Thanksgiving meals to those in need and food baskets to the homeless or those in transition. Each year the Foundation assists me with providing household goods for those in transition, school supplies for homeless children, and cakes for children who otherwise would not have one for their birthday. Many Christmases, they have provided entertainment, face-painting, and a welcome smile and hug for families who needed a place to celebrate the holiday. They have provided personal support to me when I needed an extra hand so I could continue my work without disruption to my family. They take the time to meet with me to ensure I am not experiencing "burnout" and are always available to share a meal or for coffee. If I walk into the shop, they stop what they are doing and sit for a while, always reaching out to see if they can help me or others in any way.

I was blessed to be able to know Michael Gene before his death and I know each day he continues to inspire his family, smile at them and both laugh at and with them. I am proud that the Futch Family has made me a part of their family. Their work is often unceremonious and silent; I hope that there is an opportunity to rename the basketball courts at Liberty Park as a dedication both to Michael Gene and to the Foundation.

Please contact me with any questions you may have regarding the proposal to rename the basketball courts at Liberty Park as a dedication both to Michael Gene and to the Foundation.

Sincerely,

Dr. Susan Avery

Licensed by the State of Florida LMHC#4689



# BREVARD COUNTY

## Office Of The Tax Collector

400 South Street, 6<sup>th</sup> Floor  
Post Office Box 2500, Titusville, FL 32781-2500  
Telephone (321) 264-6930, Fax (321) 264-6919

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June 30, 2021

City of Palm Bay  
Attn: Rob Medina, Mayor  
120 Malabar Rd. SE  
Palm Bay, FL 32907

Dear Honorable Medina:

This letter is to support the renaming of Liberty Park in honor of Michael-Gene Futch. Michael-Gene is a compassionate young man whose life ended too soon on November 20, 2010 at the age of 19. He loved people and basketball but his love for his fellow man is what makes Michael-Gene a Palm Bay Hero!

On July 17, 2016, I was blessed to meet the Futch Family and learn about Michael-Gene's compassionate nature. I continue to be amazed by his gift of life and the numerous people he inspires to this very day. Michael-Gene and his family served as the catalyst to increase the number of Organ Donor designations in the Tax Collector's Palm Bay Branch. Collaborating with Translife and Donate Life Florida a "Tree of Life" was created on a wall of the office to encourage those getting a driver license or ID card to designate themselves as an organ donor. Michael-Gene's story was featured by the tree. Since Michael-Gene went to school and lived in Palm Bay, he was recognized by many of the customers who visited the office.

Michael-Gene's photo and story created a conversation opener for the Palm Bay staff to discuss organ donation. A 19-year-old led the way to increasing the designation rate for the Palm Bay Branch. The tree flourished with many leaves each added by a new organ donor designation. While Michael-Gene was able to save more than six people with his donation, his example and courage have led others to make the same decision in turn saving numerous lives. Michael-Gene's impact on his community is immeasurable. He is what the definition of "Hero" entails.

As the mother of two children, I cannot imagine the loss of a child. The Futch Family did not let the tragic loss of a beloved son and brother stand in the way of honoring Michael-Gene's wishes. They educate others about the impact and importance of organ donation. While I didn't get to meet Michael-Gene, I have met Angel Velez and Richard Currier. They are Michael-Gene's respective liver and kidney recipients. Hearing their stories and how Michael-Gene saved their lives is beyond moving. The bond and love they share with the Futch Family is incredible.

The Futch Family is officially part of the Brevard County Tax Collector Organization. We have adopted each other and work together to spread the word about the impact of "Giving the Gift of Life". You will see Tax Collector staff sporting shirts on Wednesday that say "Wearing Jeans for Michael-Gene". It is our way of supporting the non-profit organization set up in Michael-Gene's honor. Michael-Gene continues to create a positive impact in our community and especially in Palm Bay.

I urge you to consider adopting the name of Michael-Gene's Liberty Park to honor the beauty and gift of organ donation.

Warm Regards,

A handwritten signature in cursive script, appearing to read "Lisa Cullen".

Lisa Cullen, CFC  
Brevard County Tax Collector

cc: Kenny Johnson, Deputy Mayor  
Donny Felix, Randy Foster, Jeff Bailey, City Council Members  
Fred Poppe, Director Parks & Recreation

**City of Palm Bay, Florida**  
**RECREATION ADVISORY BOARD**  
**Regular Meeting 2021-12**

Held on Tuesday, the 2nd day of November 2021, in the conference room located at the Ted Whitlock Community Center, 370 Championship Circle NW, Palm Bay, Florida 32907.

The meeting was properly noticed pursuant to law. The minutes are on file in the Parks Administration Office at 1502 Port Malabar Blvd. NE, Palm Bay, Florida 32905.

As the Chairperson and Vice-Chairperson had yet to be selected by the Board, Mr. Ferranti served as the presiding officer.

The meeting was called to order by Salvatore Ferranti at 7:00 P.M.

**ROLL CALL:**

<b>INTERIM CHAIRMAN:</b>	Salvatore Ferranti	Present
<b>MEMBER:</b>	Vacant.	
<b>MEMBER:</b>	Benjamin Aubin Jr.	Present
<b>MEMBER:</b>	Thomas Graver	Present
<b>MEMBER:</b>	Thomas Gaume	Present
<b>MEMBER:</b>	Phil Moore	Present
<b>MEMBER:</b>	Vacant	

**CITY STAFF:**

Present was Fred Poppe, Parks and Recreation Director

**PUBLIC COMMENTS:**

There were no public comments.

**REPORTS:**

**1. Fred Poppe, Recreation Department Director.**

The item was heard after New Business.

Motion by Mr. Gaume, seconded by Mr. Moore, to consider Item 3, under New Business, prior to Item 1, under New Business. The motion carried unanimously.



## **NEW BUSINESS:**

The Board considered Item 3, under New Business, at this time.

### **3. Consideration of naming Liberty Park Basketball Courts.**

Dawn Futch, President/Founder of the Michael-Gene Kids Basketball Foundation, provided history of the Foundation. She requested the renaming of the Liberty Park basketball courts to Michael-Gene Foundation Basketball Courts, along with the display of a plaque.

Individuals spoke in favor of the request.

Motion by Mr. Gaume to rename the basketball courts as requested.

Mr. Moore asked that information be provided to City Council prior to its consideration on this item. He said there was a background arrest record on Michael Futch and Michael-Gene Futch and 2021 Florida nonprofit annual report noting Michael Futch as a Director of the Foundation. He noted Internal Revenue Services Form 990 and highlighted a potential conflict of part VII-A.

Mr. Aubin commented on his personal experience and how organizations such as these helped him as a youth. Mr. Ferranti spoke on his work with the kids at Lamplighter and the positive impact of same. Mr. Moore said to continue to work on the positive benefits of the foundation which would outweigh the negatives. Mr. Gaume supported the work of the organization. Mr. Graver brought up neighborhood concerns and capacity with added games.

**The motion carried unanimously.**

Motion by Mr. Gaume, seconded by Mr. Graver, to adopt the minutes of October 5, 2021. Motion carried unanimously.

NOTE: The minutes were included in the agenda packet to the Board but were not reflected on the agenda. Therefore, the minutes would be presented to the Board for adoption at a subsequent meeting.

Reports were heard at this time.

**REPORTS:**

**1. Fred Poppe, Recreation Department Director.**

Mr. Poppe advised that a new member would be appointed by City Council this month and should be in attendance at the board meeting in December.

Motion by Mr. Gaume, seconded by Mr. Graver, to table Items 1 and 2, under New Business, to the next meeting. Motion carried unanimously.

**NEW BUSINESS:**

**1. Selection of Chairperson and Vice Chairperson.**

The item, considered earlier in the meeting, was tabled to the next meeting.

**2. Consideration of amendments to the board by-laws.**

The item, considered earlier in the meeting, was tabled to the next meeting.

The next meeting would be at The Captain's House on December 7, 2021, at 7:00 PM.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at approximately 8:40 P.M.

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Salvatore Ferranti, Presiding Officer

ATTEST:

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Phil Moore, Board Member

## **RESOLUTION 2022-07**

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, NAMING THE BASKETBALL COURTS LOCATED AT LIBERTY PARK AS 'MICHAEL-GENE FOUNDATION BASKETBALL COURTS'; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Recreation Department was contacted by Dawn Futch, Mother of Michael-Gene, requesting to name the basketball courts located at Liberty Park as 'Michael-Gene Foundation Basketball Courts', and

**WHEREAS**, on November 20, 2010, Michael-Gene passed away from a fatal automobile accident, and

**WHEREAS**, Michael's love and passion for the game of basketball would not end with his life being cut short. Michael's memorial service was held at Liberty Park in Palm Bay. This is where he played ball every single day and evening, from childhood until his passing at 19 years young, and

**WHEREAS**, Michael's birthday was Christmas Eve and upon his passing, his mother created the Michael-Gene Kids Basketball foundation, and

**WHEREAS**, on November 2, 2021, the Recreation Advisory Board unanimously approved to recommend City Council name the basketball courts for Michael-Gene, and

**WHEREAS**, the Recreation Department supports the naming request.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this resolution.

**SECTION 2.** The City Council of the City of Palm Bay hereby formally names the basketball courts located at Liberty Park as 'Michael-Gene Foundation Basketball Courts'.

**SECTION 3.** This Resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2022- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2022.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**DATE:** 1/20/2022

**RE:** Ordinance 2022-16, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by modifying definitions to include firefighter longevity pay earned on or after October 1, 2021, first reading.

At the November 18, 2021 Regular Council Meeting, City Council approved a new Collective Bargaining Agreement with the Palm Bay Professional Firefighters, IAFF Local 2446. Included in the negotiated agreement was a longevity benefit for employees as of October 1, 2021. The proposed ordinance updates the definition section of Palm Bay Code of Ordinances Section 55.02 to reflect this change and include longevity in the definition of compensation or salary.

**REQUESTING DEPARTMENT:**

City Manager's Office

**FISCAL IMPACT:**

No additional fiscal impact is requested, beyond what was previously presented at the November 18, 2021 Regular Council meeting.

**RECOMMENDATION:**

Motion to approve amendment to Chapter 55, Code of Ordinances, Police and Firefighter Retirement Pension Plan, to reflect negotiated changes to the longevity benefit.

**ATTACHMENTS:**

**Description**

Impact Statement letter with backup

Ordinance 2022-16

January 11, 2022

Board of Trustees  
City of Palm Bay Police & Fire Pension Fund  
Conlan Professional Center  
1501 Robert J. Conlan Blvd. NE Suite 260  
Palm Bay, FL 32905-3567

Re: City of Palm Bay Police and Firefighters' Pension Fund (Firefighters)

Dear Board:

Enclosed is the following material, which has been prepared in support of the proposed changes to the Fund:

1. Three (3) copies of the required Actuarial Impact Statement, which outlines the costs associated with implementing the changes.
2. Draft of transmittal letters to the Bureau of Local Retirement Systems and the Bureau of Police Officers' and Firefighters' Retirement Trust Funds.

It will be necessary for the Chairman to sign each copy of the Actuarial Impact Statement as the Plan Administrator and forward the Impact Statement, along with a copy of the proposed Ordinance, to the two Bureaus prior to final reading.

If you have any questions concerning the enclosed material, please let us know.

Sincerely,



Patrick T. Donlan, ASA, EA, MAAA  
PTD/lke

Enclosures

Mr. Steve Bardin  
Police Officers' and Firefighters' Retirement Trust Funds  
Department of Management Services, Division of Retirement  
3189 S. Blair Stone Rd.  
Tallahassee, FL 32301

Re: Actuarial Impact Statement

Dear Mr. Bardin:

The City of Palm Bay is considering the implementation of amended retirement benefits for its Firefighters. The changes are described in the enclosed material.

Pursuant to the provisions of Chapter 175, we are enclosing the required Actuarial Impact Statement along with a copy of the proposed Ordinance for your review.

If you have any questions or if additional information is needed, please contact us.

Sincerely,

Mr. Keith Brinkman  
Bureau of Local Retirement Systems  
Division of Retirement  
3189 S. Blair Stone Rd.  
Tallahassee, FL 32301

Re: Actuarial Impact Statement

Dear Mr. Brinkman:

The City of Palm Bay is considering the implementation of amended retirement benefits for its Firefighters. The changes are described in the enclosed material.

Pursuant to Section 22d-1.04 of the Agency Rules, we are enclosing the required Actuarial Impact Statement (AIS) and a copy of the proposed Ordinance for your review.

If you have any questions or if additional information is needed, please contact us.

Sincerely,



CITY OF PALM BAY  
POLICE AND FIREFIGHTERS' PENSION FUND (FIREFIGHTERS)

ACTUARIAL IMPACT STATEMENT

January 11, 2022  
(Page 1)

Attached hereto is a comparison of the impact on the Minimum Required Contribution (per Chapter 112, Florida Statutes) and the Required City Contribution, resulting from the implementation of the following changes:

Effective October 1, 2021, the longevity pay will be included in the pensionable compensation to determine the pension benefits.

The cost impact, determined as of October 1, 2020, applicable to the fiscal year ending September 30, 2022, is as follows:

	<u>Proposed</u>	<u>Current</u>
Minimum Required Contribution	\$4,425,258	\$4,346,740
Member Contributions (Est.)	625,209	617,471
City And State Required Contribution	3,800,049	3,729,269
State Contribution (Est.) <sup>1</sup>	549,529	549,529
City Required Contribution	\$3,250,520	\$3,179,740

<sup>1</sup> Represents the amount received in calendar 2021. As per a Mutual Consent Agreement between the Membership and the City, State Monies received each year up to \$825,324 will be available to offset the City's required contribution.

CITY OF PALM BAY  
POLICE AND FIREFIGHTERS' PENSION FUND (FIREFIGHTERS)

ACTUARIAL IMPACT STATEMENT

January 11, 2022  
(Page 2)

Unless otherwise noted, all data, assumptions, methods and plan provisions are the same as in the October 1, 2020 actuarial valuation report. It should be noted that changes to retirement benefits could potentially affect participants' retirement or termination behavior. We will monitor and advise of any recommended changes with future experience studies.

Future actuarial measurements may differ significantly from the current measurements presented in this report for a variety of reasons including: changes in applicable laws, changes in plan provisions, changes in assumptions, or plan experience differing from expectations. Due to the limited scope of the analysis, we did not perform an analysis of the potential range of such future measurements.

Please note that contents of this analysis and the October 1, 2020 actuarial valuation report are considered an integral part of the actuarial opinions. In reviewing the results presented in this study, it should be noted that there are risks that may not be inherently apparent to the reader that should be carefully considered. For key risks, please see the Discussion of Risk section of the October 1, 2020 actuarial valuation report.

In performing the analysis, we used third-party software to model (calculate) the underlying liabilities and costs. These results are reviewed in the aggregate and for individual sample lives. The output from the software is either used directly or input into internally developed models to generate the costs. All internally developed models are reviewed as part of the process. As a result of this review, we believe that the models have produced reasonable results. We do not believe there are any material inconsistencies among assumptions or unreasonable output produced due to the aggregation of assumptions.

The changes presented herein are in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the State Constitution. The undersigned is familiar with the immediate and long-term aspects of pension valuations and meets the Qualification Standards of the American Academy of Actuaries necessary to render the opinions contained herein.



---

Patrick T. Donlan, ASA, EA, MAAA  
Enrolled Actuary #20-6595

STATEMENT OF PLAN ADMINISTRATOR

The prepared information presented herein reflects the estimated impact of the proposed amendment.

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Chairman, Board of Trustees

# COMPARATIVE SUMMARY OF PRINCIPAL VALUATION RESULTS

	New Benefits <u>10/1/2020</u>	Old Benefits <u>10/1/2020</u>
A. Participant Data		
Actives	105	105
Service Retirees	68	68
DROP Retirees	10	10
Beneficiaries	3	3
Disability Retirees	9	9
Terminated Vested	<u>7</u>	<u>7</u>
Total	202	202
Total Annual Payroll	\$6,556,805	\$6,475,039
Payroll Under Assumed Ret. Age	6,556,805	6,475,039
Annual Rate of Payments to:		
Service Retirees	4,368,154	4,368,154
DROP Retirees	755,057	755,057
Beneficiaries	129,936	129,936
Disability Retirees	347,798	347,798
Terminated Vested	108,537	108,537
B. Assets		
Actuarial Value (AVA) <sup>1</sup>	93,560,253	93,560,253
Market Value (MVA) <sup>1</sup>	94,443,946	94,443,946
C. Liabilities		
Present Value of Benefits		
Actives		
Retirement Benefits	41,596,636	41,001,667
Disability Benefits	2,576,079	2,553,938
Death Benefits	692,524	687,038
Vested Benefits	1,239,082	1,229,686
Refund of Contributions	166,462	166,457
Service Retirees	60,904,300	60,904,300
DROP Retirees <sup>1</sup>	15,338,560	15,338,560
Beneficiaries	1,780,989	1,780,989
Disability Retirees	4,290,169	4,290,169
Terminated Vested	1,493,074	1,493,074
Share Plan Balances <sup>1</sup>	<u>6,395</u>	<u>6,395</u>
Total	130,084,270	129,452,273

C. Liabilities - (Continued)	New Benefits <u>10/1/2020</u>	Old Benefits <u>10/1/2020</u>
Present Value of Future Salaries	56,923,956	56,466,907
Present Value of Future Member Contributions	4,986,539	4,946,501
Normal Cost (Retirement)	1,393,360	1,378,704
Normal Cost (Disability)	205,836	205,160
Normal Cost (Death)	62,412	62,240
Normal Cost (Vesting)	72,412	72,059
Normal Cost (Refunds)	26,967	26,968
Total Normal Cost	<u>1,760,987</u>	<u>1,745,131</u>
Present Value of Future Normal Costs	14,786,405	14,687,824
Accrued Liability (Retirement)	29,698,670	29,193,545
Accrued Liability (Disability)	899,431	882,515
Accrued Liability (Death)	167,837	163,724
Accrued Liability (Vesting)	691,016	683,760
Accrued Liability (Refunds)	27,424	27,418
Accrued Liability (Inactives) <sup>1</sup>	83,807,092	83,807,092
Share Plan Balances <sup>1</sup>	6,395	6,395
Total Actuarial Accrued Liability (EAN AL)	<u>115,297,865</u>	<u>114,764,449</u>
Unfunded Actuarial Accrued Liability (UAAL)	21,737,612	21,204,196
Funded Ratio (AVA / EAN AL)	81.1%	81.5%

D. Actuarial Present Value of Accrued Benefits	New Benefits <u>10/1/2020</u>	Old Benefits <u>10/1/2020</u>
Vested Accrued Benefits		
Inactives + Share Plan Balances <sup>1</sup>	83,813,487	83,813,487
Actives	13,143,996	12,981,813
Member Contributions	<u>4,425,750</u>	<u>4,425,750</u>
Total	101,383,233	101,221,050
Non-vested Accrued Benefits	<u>5,295,285</u>	<u>5,258,604</u>
Total Present Value		
Accrued Benefits (PVAB)	106,678,518	106,479,654
Funded Ratio (MVA / PVAB)	88.5%	88.7%
Increase (Decrease) in Present Value of Accrued Benefits Attributable to:		
Plan Amendments	198,864	
Assumption Changes	0	
Plan Experience	0	
Benefits Paid	0	
Interest	0	
Other	<u>0</u>	
Total	198,864	

Valuation Date	New Benefits	Old Benefits
Applicable to Fiscal Year Ending	10/1/2020	10/1/2020
	<u>9/30/2022</u>	<u>9/30/2022</u>
E. Pension Cost		
Normal Cost <sup>2</sup>	\$1,916,837	\$1,899,759
Administrative Expenses <sup>2</sup>	260,117	260,142
Payment Required to Amortize Unfunded Actuarial Accrued Liability over 29 years (as of 10/1/2020) <sup>2</sup>	2,248,304	2,186,839
Minimum Required Contribution	4,425,258	4,346,740
Expected Member Contributions <sup>2</sup>	625,209	617,471
Expected City and State Contribution	3,800,049	3,729,269

<sup>1</sup> The asset values and liabilities include accumulated DROP and Share Plan Balances as of 9/30/2020.

<sup>2</sup> Contributions developed as of 10/1/2020 displayed above have been adjusted to account for assumed salary increase and interest components.

## ACTUARIAL ASSUMPTIONS AND METHODS

### Mortality Rate

#### *Healthy Active Lives:*

**Female:** PubS.H-2010 (Below Median) for Employees, set forward one year.

**Male:** PubS.H-2010 (Below Median) for Employees, set forward one year.

#### *Healthy Retiree Lives:*

**Female:** PubS.H-2010 (Above Median) for Healthy Retirees, set forward one year.

**Male:** PubS.H-2010 (Above Median) for Healthy Retirees, set forward one year.

#### *Beneficiary Lives:*

**Female:** PubG.H-2010 (Above Median) for Healthy Retirees.

**Male:** PubG.H-2010 (Above Median) for Healthy Retirees, set back one year.

#### *Disabled Lives:*

80% PubG.H-2010 for Disabled Retirees / 20% PubS.H-2010 for Disabled Retirees.

All rates are projected generationally with Mortality Improvement Scale MP-2018. We feel this assumption sufficiently accommodates future mortality improvements.

The previously described mortality assumption rates were mandated by Chapter 2015-157, Laws of Florida. This law mandates the use of the assumptions used in either of the two most recent valuations of the Florida Retirement System (FRS). The above rates are those outlined in Milliman's July 1, 2019 FRS valuation report for special risk employees, with appropriate adjustments made based on plan demographics.

90% of active deaths are assumed to be service-incurred.

### Interest Rate

7.65% per year compounded annually, net of investment related expenses. This is supported by the target asset allocation of the trust and the expected long-term return by asset class.

<u>Salary Increase – Individual</u>	See table later in this section. This assumption was adopted based on the July 7, 2020 experience study.
<u>Payroll Growth</u>	0.00% for purposes of amortizing the Unfunded Actuarial Accrued Liability. This assumption cannot exceed the ten-year average payroll growth, in compliance with Part VII of Chapter 112, Florida Statutes.
<u>Termination</u>	See table later in this section. This assumption was adopted based on the July 7, 2020 experience study.
<u>Disability:</u>	See sample rates in the table later in this section. This assumption was adopted based on the July 7, 2020 experience study. 90% of Disabilities are assumed to be service connected.
<u>Service Retirement</u>	See table later in this section. This assumption was adopted based on the July 7, 2020 experience study.
<u>Form of Payment:</u>	10-Year Certain and Continuous annuity.
<u>Percentage Married At Retirement</u>	100% of active members are assumed married at retirement.
<u>Spouse Ages:</u>	For active members reaching retirement, wives are assumed to be three years younger than husbands. Where spousal information was included for retirees, that information was used. If the age of the spouse was not provided, we have assumed that all spouses are still alive, and that female spouses are three years younger than their husbands.
<u>Administrative Expenses</u>	\$238,968 annually, based on the average of actual expenses incurred in the prior two fiscal years.
<u>Amortization Method</u>	New UAAL amortization amounts are amortized over 15 years.
<u>Funding Method:</u>	Entry Age Normal Cost Method
<u>Actuarial Value of Assets:</u>	The market value of assets is adjusted to recognize, over a four-year period, investment earnings greater than (or less than) the assumed investment return. The Actuarial Value of Assets shall not be more than 120% nor less than 80% of the market value of assets. Details are shown in the Asset Information Section of the report.
<u>Funding Load:</u>	A load equal to half a year's interest and a full year of salary scale at 6.17% is applied.



Assumption Tables

% Terminating During the Year		% Becoming Disabled During the Year		Salary Scale	
Service	Rate	Age	Rate	Age	Rate
<5	6.00%	20	0.14%	<25	7.25%
5-9	2.50%	25	0.15%	25 -29	6.25%
10+	2.00%	30	0.18%	30 - 34	5.25%
		35	0.23%	35 - 39	4.75%
		40	0.30%	40 - 44	4.25%
		45	0.51%	45+	4.00%
		50	1.00%		
		55	1.55%		
		60	2.09%		

% Retiring During the Year		
Service	Age	Rate
<10	55-59	20.00%
	60+	100.00%
10-19	50-54	5.00%
	55	75.00%
	56-57	50.00%
	58+	100.00%
20-24	45-54	5.00%
	55	75.00%
	56-57	50.00%
	58+	100.00%
25	45-55	75.00%
	56-57	50.00%
	58+	100.00%
26-27	45-57	50.00%
	58+	100.00%
28+	Any	100.00%

## SUMMARY OF CURRENT PLAN

The following summary is intended to state the plan of benefits valued in this report. It is not intended as a restatement or summary of benefits for any other purposes.

**Membership:** Effective May 2, 1974, any full-time firefighter or police officer having permanent status becomes a Plan Member immediately upon hire.

**Collective Bargaining Agreements:** Certain employees covered by the Plan are members of the Palm Bay Professional Firefighters (PBPF), IAFF, Local 2446.

**Average Final Compensation (AFC):** 1/12 of the average annual compensation of the best five years of the last ten years of credited service prior to retirement, DROP, termination or death.

**Compensation:** Base pay, excluding overtime, bonuses, and any other non-regular compensation received by a Member.

For firefighter Members, Compensation also includes holiday pay.

**Credited Service:** Years and complete months of uninterrupted service. Service is not considered to be interrupted by authorized leave of absence, vacation, or service (voluntary or involuntary) in the Armed Forces of the United States, with certain stipulations.

Service is not considered to be interrupted for purposes of vesting or eligibility where leave is granted pursuant to the Family and Medical Leave Act. The Member may receive Credited Service for purposes of benefit accrual if the Member contributes the employee contributions (with interest) that would have been contributed during the period of absence within 90 days after the member's return from leave.

Members may voluntarily leave accumulated contributions in the fund for a period of five years after leaving the employ of the police or fire department pending the possibility of being re-employed without losing credit for that time.

Re-employed Members do not receive credit for time where accumulated contributions were withdrawn.

Members may purchase up to 4 years of service for prior military or sworn firefighter service/law enforcement experience (for which no benefit is payable). Firefighters must pay the full actuarial cost at the time of purchase.

## **NORMAL RETIREMENT**

### **Fire Eligibility:** **(Normal Retirement Date)**

The earlier of (1) age 55 (with 10 years of service if hired on or after March 15, 2012) or (2) upon completion of 25 years of Credited Service, regardless of age.

Members are 100% vested upon Normal Retirement Benefit eligibility.

### **Firefighter Benefit:**

For firefighters with less than 20 years service:

2.00% x Credited Service prior to October 1, 1991, plus 2.50% x AFC x Credited Service on and after October 1, 1991.

For firefighters with 20 or more years of service:

3.00% x AFC x Credited Service for the first 20 years of Credited Service (3.20% if hired on or after March 15, 2012), plus 5.00% x AFC x Credited Service over 20 years (3.20% if hired on or after March 15, 2012).

In addition, Firefighters receive a Supplemental Benefit of \$189 per month payable over the life of the retiree only. Firefighters who retire on or after October 1, 2006, receive \$458 per month, instead of \$189.

In addition, Firefighters who terminate after October 1, 2008, receive a Supplemental Benefit equal to \$25 per month times years of Credited Service accrued prior to March 15, 2012, plus \$12 per month times years of Credited Service earned after March 15, 2012. The benefit is \$25 per month for all years of Credited Service for those firefighters eligible for Normal Retirement on March 15, 2012. This benefit will be payable for the life of the retiree, but shall cease when the member attains the age of Medicare eligibility.

### **Maximum Benefit:**

100% of Average Final Compensation for firefighters hired before March 15, 2012 and 90% of Average Final Compensation for firefighters hired after that date, exclusive of the Supplemental Benefits.

### **Normal Form of Benefit:**

10-year Certain and Continuous annuity.

### **COLA:**

Firefighters that retire on or after September 30, 2001 are eligible to receive a 3.00% (2.00% if hired on or after March 15, 2012) annual increase each September 30<sup>th</sup> after having been retired for six years (the supplemental benefits are not increased).

## **EARLY RETIREMENT**

### **Eligibility:**

Members may retire and receive the Early Retirement Benefit on the first day of any month prior to their Normal Retirement Date after attaining the earlier of (1) age 45 and completion of 20 years of Credited Service, or (2) age 50 and completion of 10 years of Credited Service.

**Benefit:** The monthly Early Retirement Benefit payable is reduced by 3.00% each year the Early Retirement Benefit commences prior to the Normal Retirement Date.

The Supplemental Benefits payable to firefighters are not reduced for early commencement.

**Normal Form of Benefit:**

10-year Certain and Continuous annuity.

**COLA:**

Firefighters that retire on or after September 30, 2001 are eligible to receive a 3.00% (2.00% if hired on or after March 15, 2012) annual increase each September 30<sup>th</sup> after having been retired for six years (the supplemental benefits are not increased).

### **DEFERRED RETIREMENT OPTION PLAN (DROP)**

**Eligibility - Fire:**

The earlier of the completion of 25 years of Credited Service, regardless of age, or age 55 and the completion of 10 years of Credited Service.

**Benefit:**

Once the DROP is entered into, monthly benefits are frozen and no further Participant Contributions are made. The benefit payable under the DROP is calculated as described upon the Normal Retirement Benefit. Upon DROP participation, monthly benefits that would have been payable had the Member terminated employment and elected to receive monthly pension payments are paid into the DROP account.

**Maximum DROP Period:**

Members are limited to 60 months of DROP participation.

**Interest Rate Credited To DROP Account:**

DROP account interest crediting is posted quarterly based on the actual pension fund returns, net of money manager fees and other expenses.

**Normal Form of DROP Account:**

At the end of a Member's participation in the DROP, the distribution of the accumulated DROP account is payable in the following forms of distribution: (1) Annual installments payable each December (no less than 10% or \$10,000, whichever is greater), (2) Rollover to another qualified retirement plan, or (3) Lump sum balance paid directly to the Member.

**Normal Form of Monthly Benefit:**

10-year Certain and Continuous annuity.  
Cost of Living Adjustments, if any, are applicable to the benefit of the Member while in the DROP.

**COLA:**

Firefighters that retire on or after September 30, 2001 are eligible to receive a 3.00% (2.00% if hired on or after March 15, 2012) annual increase each September 30<sup>th</sup> after having been retired for six years (the supplemental benefits are not increased).

## **DISABILITY RETIREMENT**

### **Eligibility:**

In Line of Duty: Immediate.  
Not In Line of Duty: 10 years.  
DROP participants are not eligible for this benefit.

### **Disabled Definition:**

Unable, by reason of medically determinable physical or mental impairment, to render useful and efficient service as a police officer or firefighter.

### **Benefit:**

In Line of Duty Disability: 75% of Average Final Compensation, but not less than the accrued Normal Retirement Benefit. For firefighters hired after March 15, 2012 the minimum Line of Duty Disability benefit will be 66% of Average Final Compensation.

Not In Line of Duty Disability: 25% of Average Final Compensation, but not less than the accrued Normal Retirement Benefit.

### **Normal Form of Benefit:**

10-year Certain and Continuous annuity, ceasing upon recovery prior to Normal Retirement Eligibility.

In addition, Firefighters who become Disabled after October 1, 2008, receive a Supplemental Benefit equal to \$25 per month times years of Credited Service accrued prior to March 15, 2012, plus \$12 per month times years of Credited Service earned after March 15, 2012. The benefit is \$25 per month for all years of Credited Service for those firefighters eligible for Normal Retirement on March 15, 2012. This benefit will be payable for the life of the retiree, but shall cease when the member attains the age of Medicare eligibility.

### **COLA:**

Firefighters that retire on or after September 30, 2001 are eligible to receive a 3.00% annual increase each September 30<sup>th</sup> after having been retired for six years. Firefighters that are hired after March 15, 2012 will receive a 2.00% annual increase each September 30<sup>th</sup> after six years of retirement.

## **DEATH WHILE IN SERVICE (FIREFIGHTER)**

### **Benefit:**

Effective October 1, 2006, the beneficiary of any member whose death was directly caused by performance of the member's duty as a firefighter (as approved by the Board) shall be entitled to a monthly pension equal to the greater of the member's accrued benefit or 75% of the member's average final compensation.

### **Normal Form of Benefit:**

Life annuity to the designated beneficiary.

**COLA:**

Beneficiaries of Firefighters that die on or after September 30, 2001 are eligible to receive a 3.00% annual increase each September 30<sup>th</sup> after having been retired for six years. Beneficiaries of Firefighters that are hired after March 15, 2012 will receive a 2.00% annual increase each September 30<sup>th</sup> after six years of retirement.

**DEATH WHILE NOT IN SERVICE WITH MORE  
THAN 10 YEARS OF SERVICE(FIREFIGHTER)**

**Benefit:**

Effective October 1, 2006, the beneficiary of any member who had at least 10 years of Credited Service, whose death was not directly caused by performance of the member's duty as a firefighter, shall be entitled to a monthly pension equal to the greater of the member's accrued benefit or 25% of the member's average final compensation.

**COLA:**

Beneficiaries of Firefighters that die on or after September 30, 2001 are eligible to receive a 3.00% annual increase each September 30<sup>th</sup> after having been retired for six years. Beneficiaries of Firefighters that are hired after March 15, 2012 will receive a 2.00% annual increase each September 30<sup>th</sup> after six years of retirement.

**WITHDRAWAL – LESS THAN 5 YEARS OF CREDITED SERVICE  
(10 YEARS IF HIRED ON OR AFTER MARCH 15, 2012)**

**Eligibility :**

First day of work, up to 5 years (10 years if hired on or after March 15, 2012) of Credited Service.

**Benefit:**

Accumulated contributions with 0.00% interest.

**Form of Benefit:**

Lump Sum.

**WITHDRAWAL – AFTER EARNING AT LEAST 5 YEARS OF CREDITED  
SERVICE (10 YEARS IF HIRED ON OR AFTER MARCH 15, 2012)**

**Eligibility:**

At least 5 years (10 years if hired on or after March 15, 2012) of Credited Service.

**Benefit:**

Participants who terminate employment prior to their Normal Retirement Date are entitled to their Normal Retirement Benefit calculated based on Credited Service and Average Final Compensation at their date of termination, multiplied by the Vesting Percentage, with deferred commencement at their Normal Retirement Date. This benefit is payable on a reduced basis as described under Early Retirement.

In addition, Firefighters who terminate after October 1, 2008, receive a Supplemental Benefit equal to \$25 per month times years of Credited Service accrued prior to March 15, 2012, plus \$12 per month times years of Credited Service earned after March 15, 2012. The benefit is \$25 per month for all years of Credited Service for those firefighters eligible for Normal Retirement on March 15, 2012. This benefit will be payable for the life of the retiree, but shall cease when the member attains the age of Medicare eligibility.

**Vesting Percentage:**

<b><u>Completed Years of Credited Service</u></b>	<b><u>Vesting Percentage</u></b>
<5	0%
5	50%
6	60%
7	70%
8	80%
9	90%
10 +	100%

**Form of Benefit:**

10-year Certain and Continuous annuity.

**COLA:**

Firefighters that terminate on or after September 30, 2001 are eligible to receive a 3.00% annual increase each September 30<sup>th</sup> after having been retired for six years. Firefighters that are hired after March 15, 2012 will receive a 2.00% annual increase each September 30<sup>th</sup> after six years of retirement.

**MEMBER CONTRIBUTIONS**

**Contributions:**

Firefighters are required to contribute 8.76% of compensation effective October 1, 2008.

**Interest Crediting  
Rate:**

3.0% per year.

**DATA SOURCES**

**Asset Data:**

The asset information is taken from audited statements furnished by the Retirement Office.

**Member Data:**

The member data is supplied by the Retirement Office. It is reviewed for reasonableness and consistency, but no audit was performed. Foster & Foster, Inc. is not aware of any errors or omissions in the data that would have a significant effect on the results of our calculations.

**Furlough Impact:**

For the 2012 actuarial valuation report, individual Salaries were adjusted up by a ratio of the total number of normal work days in a year divided by the number of days actually worked after taking mandatory furloughs.

## **SHARE PLAN**

### **Initial Allocation as of October 1, 2015**

\$7,840.02

### **Future Allocations**

½ of Annual State Monies received above  
\$825,324

### **Earnings**

Annually equal to the net of fees return for the  
overall Trust Fund.

### **Expenses**

Members share in actual expenses specific to the  
Share Plan administration.



## ORDINANCE 2022-16

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 55, POLICE AND FIREFIGHTERS RETIREMENT PENSION PLAN, BY MODIFYING DEFINITIONS TO INCLUDE FIREFIGHTER LONGEVITY PAY EARNED ON OR AFTER OCTOBER 1, 2021; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay Police Officers' and Firefighters' Retirement System ("Pension Plan") is governed by Chapters 175 and 185, Florida Statutes, and

**WHEREAS**, the City of Palm Bay has a Police Officers' and Firefighters' Retirement System for the benefit of City police officers and firefighters, and

**WHEREAS**, the City and the Palm Bay Professional Firefighters, IAFF Local 2446 have negotiated an increase to the supplemental benefit, and

**WHEREAS**, the Palm Bay City Council has determined that the passage of this ordinance is in the best interest of the citizens of the City of Palm Bay.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 55, Police and Firefighters Retirement Pension Plan, Section 55.02, Definitions, is hereby amended and shall henceforth read as follows:

**"Section 55.02 DEFINITIONS.**

\* \* \*

**COMPENSATION or SALARY.**

(1) For firefighter members, **COMPENSATION** or **SALARY** means the member's monthly remuneration including base pay, acting pay, field

training pay, holiday pay, academic incentive pay, certification pay, EMT pay, paramedic pay, and special operation team pay >>and longevity pay earned on or after October 1, 2021<<; but excluding overtime, call back pay, terminal leave payouts, standby pay, vacation payouts, bonus/merit lump sum payments, longevity pay, and any other payment received by a member.

\* \* \*

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2022-XX, held on \_\_\_\_\_, 2022; and read in title only and duly enacted at Meeting 2022-XX, held on \_\_\_\_\_, 2022.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

***~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Mehul J. Parekh, P.E., Public Works Director

**DATE:** 1/20/2022

**RE:** Consideration of the GO Road Bond Paving Program, Phase 4. (CONTINUED FROM 01/06/22 RCM)

As you may recall, the above request was scheduled for the last regular Council meeting. Council voted to continue the item at the request of staff.

At the November 22, 2021, Infrastructure Advisory and Oversight Board (IAOB) meeting, the Board approved to endorse the attached map showing the units for Phase 4 Road Paving Program. The endorsement includes the following units: 6, 44, 45, 50 and 55 for thin lift overlay, milling and paving and Full Depth Reclamation (FDR). The total pavement miles for the five units endorsed for Phase 4 is estimated at 93.7 miles. The preliminary engineer's cost estimate for construction is \$39,874,270. These five units have a range in lower to medium Pavement Condition Index (PCI). The PCI rating provides for a measurement of the distressed pavement condition from a scale of 0 to 100 with 100 as the best and 0 as the worst condition.

### REQUESTING DEPARTMENT:

Public Works, Finance

### FISCAL IMPACT:

The fiscal impact for Phase 4 of the Road Bond Program is estimated at \$42,070,644 plus the estimated cost of \$1,959,533 for addition of Madden Avenue. The total appropriation for Phase 4 is \$44,030,177. Funding is available in the 2021 GO Road Bond Program Fund and will be appropriated to G/L 310-7090-541-6303.

### RECOMMENDATION:

Motion to approve the GO Road Bond Paving Program Phase 4.

### ATTACHMENTS:

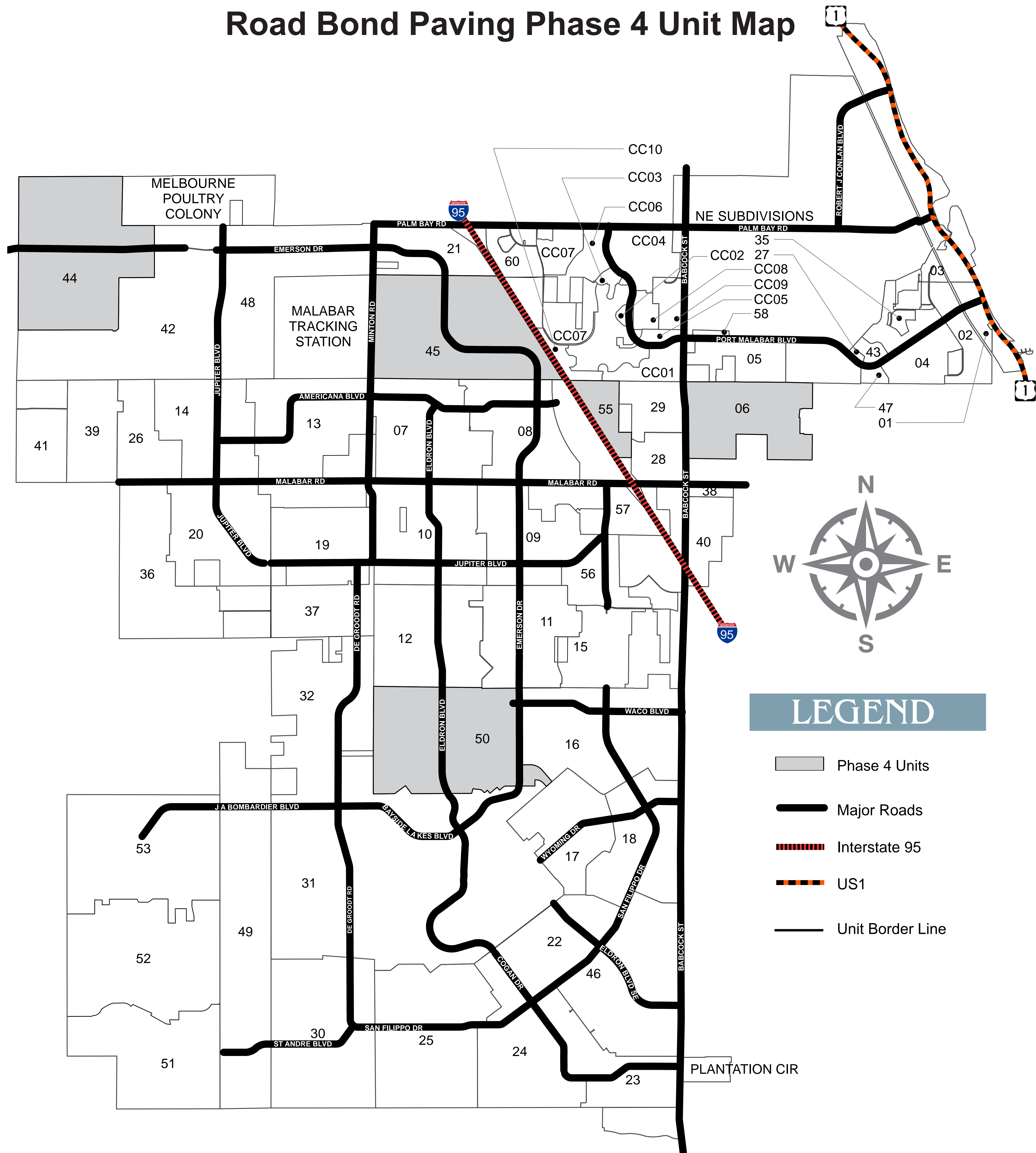
#### Description

Road Paving Phase 4 Road Unit Map



# Public Works Department

## Road Bond Paving Phase 4 Unit Map





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Alexandra Bernard, Growth Management Director; Joan Junkala-Brown, Deputy City Manager

**DATE:** 1/20/2022

**RE:** Request by Pace Drive Holdings, LLC for waiver of certain fees and requirements pursuant to the Code of Ordinances, Chapter 169, Land Development Code, related to the 'Palm Vista Everlands' development.

By Ordinance 2003-32, City Council modified the City's boundaries to include approximately 1,500 acres located around the intersection of the St. Johns Heritage Parkway from the Melbourne-Tillman Water Control District Canal No. 1 north to Emerson Drive.

By Ordinance 2020-03, City Council approved the Final Development Plan for 'Palm Vista Everlands'. However, it was discovered that one parcel approximately 0.21 acres, which was included in the overall development plan, was not included in the legal description for the annexation.

In order to rectify this oversight, Pace Drive Holdings, LLC has submitted a Petition for Voluntary Annexation from Pace Drive Holdings, LLC for a 0.21-acre parcel (Parcel ID 28-36-28-00-500 / Tax Account 2851716) generally located at the northeast intersection of St. Johns Heritage Parkway and Melbourne-Tillman Water Control District Canal No. 1.

Additionally, Pace Drive Holdings, LLC submitted applications for Future Land Use (FLU) and Zoning. The FLU and Zoning applications will be presented to the P&Z Board at the regular meeting scheduled for February 2, 2022. Following the Board's recommendation, the Petition for Voluntary Annexation, FLU and Zoning will be presented to City Council for consideration at the March 3, 2022 Regular Council Meeting.

For Council's consideration this evening, Pace Drive Holdings, LLC is seeking a waiver of certain fees as authorized in Chapter 169.004, Title XVII Land Development Code, Palm Bay Code of Ordinances, related to this comprehensive plan / future land use amendments and zoning, as well as a waiver of the Citizen Participation Plan requirement (Chapter 169.005) - all of which was paid and conducted during the applicant's original requests requests for FLU and zoning.

**REQUESTING DEPARTMENT:**  
Growth Management

**FISCAL IMPACT:**

The General Fund would not receive revenues for such fees related to future land use and zoning estimated to be approximately \$1,850 as established by Resolution 2021-49.

**RECOMMENDATION:**

Motion to authorize a waiver of certain fees related to Future Land Use Amendments and Zoning; and authorize a waiver to the Citizen Participation Plan requirement.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Nancy A. Bunt, Community & Economic Development Director

**DATE:** 1/20/2022

**RE:** Consideration of designating certain City-owned real estate generally located at 1201 Sunswept Road NE as surplus and listing for sale to the public.

The City of Palm Bay owns vacant land throughout the city, some of which is required to be retained for future infrastructure as determined by the Utilities, Public Works, Parks & Recreation, Police and Fire Departments. The .12 acre parcel is generally located at 1201 Sunswept Road NE (Tax Account: 2834976) and was one of four parcels acquired by the City from Beville S. Outlaw, Jr. on June 9, 2005. The parcel is not buildable without variances but could be of interest to one of the two adjoining parcel owners.

Staff is seeking Council's consideration to declare the property as surplus real estate to be listed for sale with the City's contracted real estate broker.

### REQUESTING DEPARTMENT:

Community & Economic Development

### FISCAL IMPACT:

Upon closing, sale proceeds will be deposited into the General Fund account 001-0000-388-1001 (Sales Proceeds) to be transferred to account 307-0000-381-1001 (Road Maintenance Fund).

### RECOMMENDATION:

Motion to approve City-owned real estate generally located 1201 Sunswept Road NE (Tax Account: 2834976) to be designated as surplus and listed with the City's real estate broker.

### ATTACHMENTS:

#### Description

BCPA Property Details

BCPA Location Map





# Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

## PROPERTY DETAILS

Account	2834976
Owners	PALM BAY, CITY OF
Mailing Address	120 MALABAR RD SE PALM BAY FL 32907
Site Address	Not Assigned
Parcel ID	28-37-26-04-A-A
Property Use	8080 - MUNICIPALLY OWNED LAND - VACANT
Exemptions	EXMU - MUNICIPALLY OWNED PROPERTY
Taxing District	34U0 - PALM BAY
Total Acres	0.12
Subdivision	HIGHLAND SHORES ESTATES
Site Code	0130 - CANAL FRONT
Plat Book/Page	0016/0118
Land Description	HIGHLAND SHORES ESTATES TRACT A BLK A

## VALUE SUMMARY

Category	2021	2020	2019
Market Value	\$25,000	\$25,000	\$25,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$25,000	\$25,000	\$25,000
Assessed Value School	\$25,000	\$25,000	\$25,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$25,000	\$25,000	\$25,000
Taxable Value Non-School	\$0	\$0	\$0
Taxable Value School	\$0	\$0	\$0

## SALES/TRANSFERS

Date	Price	Type	Instrument
06/09/2005	\$118,000	WD	5482/4541
06/01/1982	\$12,500	PT	2372/1360
01/01/1973	\$250,000	PT	1309/0506

No Data Found





*All BCPAO maps and/or map applications are maintained for assessment and illustrative purposes only and do not represent surveys, plats, or any other legal instrument. Likewise, measurement and location tools are for assessment and illustrative purposes only and do not necessarily reflect real-world conditions. Due to the nature of Geographic Information Systems (GIS) and cadastral mapping, map layers may not precisely align and may not represent precise location, shape, and/or legal boundaries. Only a Florida-licensed surveyor can determine legally-relevant property boundaries, elevation, distance, area, and/or location in Florida.*





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Nancy A. Bunt, Community & Economic Development Director

**DATE:** 1/20/2022

**RE:** Consideration of a SHIP Program funding request for Volunteers of America's Space Coast Commons Apartments special needs low-income housing development (\$100,000).

On December 1, 2021, the City received a request from Volunteers of America (VOA) for monetary support from the City of Palm Bay in the amount of \$100,000.00 for the Space Coast Commons special needs low income housing development in the City of Palm Bay. The developer plans to apply for financing from Florida Housing Finance Corporation for SAIL in RFA-2022-102 due March 24, 2022. This RFA has a requirement for a financial contribution from the local government(s). In this case, that requirement is \$150,000. \$50,000 would be requested from Brevard County Board of County Commissioners, as the maximum award amount under the City's Local Housing Assistance Plan (LHAP) is \$100,000.

The 30- unit multi-family project shall be located at 1981 Convair St. SE, which is located near Mercury Cove Apartments. 80% of all units will be for households at or below 50% AMI and 20% of all units will be at 33% AMI. Total construction will be approximately \$6,600,000.

### 1. Rent Amounts/Bedroom Sizes:

- VOA has a commitment from the Housing Authority of Brevard County for 30 project-based vouchers, making all the units affordable for tenants.
- Rent amounts not to exceed 30% of the annual income of households
- 24 units will be 1 Bedroom Units
- 6 units will be 2 Bedroom Units

### 2. Amenities

- Community Room
- On-Site Laundry Room
- Community Garden

If approved by City Council, the \$100,000 would be allocated from the City's SHIP allocation still to be received from Florida Housing Finance Corporation. This contribution is eligible under the New Construction – Rental strategy of the current Local Housing Assistance Plan (LHAP). Furthermore, per the LHAP, this strategy is designed to provide assistance to eligible sponsor organizations for the production of affordable rental housing. This Strategy will provide for partnering with for-profit affordable housing developers and non-profit sponsor agencies for the construction/rehabilitation of rental units to serve income qualified residents within the City. The

units assisted in this Strategy will comply with all resale provisions and applicable monitoring requirements including those set forth in Section 420.9075(3)€ and (4)(f) F.S.”

All sponsors assisting the City with implementing the LHAP outside of the advertised competitive application may be encumbered by the local government at their discretion when funding is being requested as a match for Florida Housing Finance Corporation or Federal competitive cycles.

Eligible sponsors will at a minimum, meet the following criteria:

- Eligible sponsors will be a non-profit, community-based organization, having obtained official designation as 501(c)(3) and in operation for more than 12 months or a for profit corporation organized and established under the laws of the State of Florida.
- Eligible sponsors will have an established record of construction and/or rehabilitation of affordable housing.
- Eligible sponsors will be required to provide substantial evidence of its ability to construct or otherwise deliver a completed project within a reasonable timetable.
- Preference will be given to non-profit and for-profit organizations, which hire personnel from Welfare Transition, Workforce Development Initiatives and other employment assistance programs.
- The non-profit or for-profit corporation must have financial accountability standards that permit the City of Palm Bay Housing and Neighborhood Development Services Division to account for and audit SHIP funds.

At its regular advisory board meeting held on January 19, 2022, Housing staff brought forth an agenda item to the Community Development Advisory Board concerning this funding request.

#### **REQUESTING DEPARTMENT:**

Community & Economic Development

#### **FISCAL IMPACT:**

If approved by City Council and Volunteers of America is awarded SAIL funds, the City would allocate \$100,000 in SHIP funds towards the project.

#### **RECOMMENDATION:**

Motion to approve the funding request from Volunteers of America for monetary support from the City of Palm Bay in the amount of \$100,000.00 from SHIP Program funds (in the form of a grant) for its affordable housing project for the Space Coast Commons Apartments special needs low-income housing development.

#### **ATTACHMENTS:**

##### **Description**

Space Coast Commons – Funding Request Letter

Space Coast Commons – Project Narrative

Space Coast Commons – Building Elevation

Space Coast Commons – Site Plan (30 Units)

Local Government Verification of Contribution Grant Form



**Volunteers of America®**

**FLORIDA**

*Helen Gutierrez  
Board Chair*

*Janet Stringfellow  
President & CEO*

Ms. Sandra Urban  
Community & Economic Development  
City of Palm Bay  
120 Malabar Road  
Palm Bay, FL 32907

**Re: RFA 2022-102 SAIL Financing For Smaller Developments For Persons With Special Needs/Request for Monetary Support**

Dear Sandra:

Please allow this correspondence to serve as formal request from Volunteers of America of Florida for monetary support from the City of Palm Bay in the amount of \$100,000 of the development of 30 special needs low income housing units in the City of Palm Bay. Please find the below additional information in support of this request:

1. Project Location: 1981 Convair St SE
2. Number of Units: 30
3. Set-Aside Numbers: 100% of all units at 60% AMI and 20% of units at 33% AMI
4. Estimated value of construction: \$6,600,000
5. SAIL Request Amount is: 5,000,000- seeking 3% match
6. Rent amounts: We have a commitment from the Housing Authority of Brevard for 30 Project based vouchers. This will make all units affordable for tenants. See attached commitment letter.
7. Amenities: Community room, on site Laundry and Community Garden.
8. Amount of Funds Requested: \$100,000 in the form of a Grant. Please see attached FHFC Verification Forms for City consideration.
9. Conceptual Images of most recent Projects: Please see attached
10. Site Plan: See attached
11. Project Narrative: Please see attached
12. VOAF Introduction: Please see attached
13. VOAF Flyer: Please see attached

Very Truly Yours,

Travis Brown  
VP of Housing and Development  
Volunteers of America of Florida



**HOUSING AUTHORITY OF BREVARD COUNTY**

**COMMISSIONERS**  
Jon Turla, Chair  
Brian Nemeroff, Vice Chair  
Martin Hindsley  
Phyllis M. Principe  
**CHIEF EXECUTIVE OFFICER**  
Michael L. Bean

December 1, 2021

VIA E-MAIL

[tbrown@voa-fla.org](mailto:tbrown@voa-fla.org)

Mr. Travis Brown  
VP of Housing & Development  
Volunteers of America of Florida  
405 Central Ave, Suite 100  
St. Petersburg, Florida 33701

**Re: Request for Project Based Vouchers**

Dear Mr. Brown,

Thank you for reaching out to The Housing Authority of Brevard in reference to our Project Based Vouchers. We are excited to hear that you and your staff will applying for the RFA 2022-102 SAIL Financing For Smaller Permanent Supportive Housing Development For Persons With Special Needs. We would like to support you in this endeavor by committing to 30 Project Based Voucher for your project. We look forward to working with you to help house our most vulnerable citizens.

Sincerely,

Kevin Senecal  
Chief Operating Officer

1 of 1











## Introduction

Volunteers of America of Florida (VOAF) is a faith-based, nonprofit organization with 28 years of experience engaging the most vulnerable Floridians to create positive life changes through compassionate support services. VOAF and its parent organization have been providing services across the Nation since 1896 and across Florida since 1920. Our housing, behavioral health and human services, vocational education and employment programs touch the lives of thousands of people from Pensacola to Key West each year. We have supported and empowered people from America's most vulnerable groups, including veterans, the elderly, individuals and families experiencing or at-risk for homelessness, people with mental illness and those recovering from addictions. We are the number one provider of transitional supportive housing for homeless veterans in Florida. We have provided outcome-based behavioral health and substance abuse recovery and resiliency support, community support through supported housing and drop-in centers, and TANF and substance abuse aftercare for over twenty years. Our Joint Commission accreditation as a behavioral health care provider, which we have received each year since 2000, is a testament to our dedication to a higher standard of patient care.

VOAF provides centralized asset management for a housing portfolio of over 50 properties. We actively minimize risk through the continuous assessment and analysis of the physical, financial, regulatory compliance and mission performance of each asset. VOAF is an experienced and capable fiscal manager, having successfully secured and managed over \$257 million in federal, state and local government grants and contracts, rental subsidies and income revenue.



## HIGHLIGHTS

### ABOUT US

- Helping more than 25,700 Floridians since 1993
- Serving 38 Florida counties and Puerto Rico
- Supporting 5,500 people annually
- Offering 75 programs and services
- Securing \$206 million in federal funding
- Employing more than 200 people

### HOW WE HELP

- Affordable housing
- Behavioral health care
- Substance abuse recovery
- Training
- Education
- Employment support
- Continuing Care Retirement Community

### WHO WE HELP

- People experiencing or at-risk of homelessness
- People with disabilities
- Families
- Seniors
- Veterans



Volunteers  
of America®

FLORIDA

This Is Why We Do What We Do™





## **WE SHELTER**

For more than a century, we have believed that a home is far more than shelter—it is the foundation for life. We provide individuals and families with safe, affordable housing and the vital support services they need to thrive. Our agency has become a major nonprofit provider of quality, affordable housing for economically challenged and homeless individuals, families, veterans, seniors and people with disabilities. We have single-family, duplex and multifamily rental housing in rural and metropolitan areas from Pensacola to Key West. To us, home is where empowered lives thrive.

## **WE SUPPORT**

Floridians with special needs turn to us—including individuals, families and veterans at-risk of or experiencing homelessness; people dealing with significant mental health, emotional or substance abuse issues; and seniors searching for an affordable, independent lifestyle. Our experienced, interdisciplinary, mental health-social service team may deliver psychosocial rehabilitation, substance recovery support, clinical services, day-to-day case management, basic and independent living skills, as well as assist with the coordination of benefits and other services as needed.

Our Continuing Care Retirement Community allows seniors to maintain their independence providing everything from an occasional helping hand to full-time care.

Our support inspires and encourages those served to retain the highest level of dignity and control over their own path to a self-sufficient and independent lifestyle.

## **WE GUIDE**

The capacity to learn, grow and change paves the way to independence. We embrace and foster life-long learning and inspire individuals to become contributing members of society. By understanding the challenges and barriers faced by veterans, families, the elderly, people with disabilities and others in need, we are able to help them move toward a better tomorrow. We assess an individual's skills, interests and educational competencies, help develop a personal career plan and provide pre-employment and job-readiness training. We target local workforce demands and offer individuals on-the-job employment support.

## **WE CARE**

We are an interdenominational Christian church with a distinctive ministry of service. For more than 100 years, we have provided essential services to heal both the body and the soul. Working together our committed ministerial staff members reach out to those we serve, our faith communities and our neighbors to restore hope and build a shared sense of community. We offer people a unique opportunity to put their faith into action.



Volunteers of America of Florida has changed the lives of Florida's most vulnerable individuals and families by staying focused on positive results. We envision our communities as the places where all people live with a spiritual sense of well being, opportunities for training and employment and a place to call home. We will continue to go where the need is desperate and where we can effect real change measuring our success by the number of lives we change.

"I was in Vietnam. There were 600 rounds fired at us every day. You can't get scared.

You can't let yourself feel joy or sorrow, anything except anger.

You go from a war zone back to the United States, and you figure, 'Okay, I'm home.'

Well, no. You're not. It's not something that you leave behind. It's something you carry in you all the time. You don't get home. The first time I talked to a psychiatrist, he told me I was suffering from PTSD, I had no idea what that was.

Thanks to Volunteers of America of Florida, today I have my own home. My daughters are a part of my life again. I have a granddaughter and she wants to come stay with me."



LARRY

"I had several health problems come up at the same time and found myself unable to work. I couldn't meet the rent where I was living in Ft. Lauderdale and couldn't find anything affordable. I took the money I would have used for an apartment and bought a Greyhound bus pass. For six years, I lived on a Greyhound bus. Then I found my way to Pine Grove, a Volunteers of America of Florida housing complex in Gainesville.

The best thing I can say about Pine Grove is that I hope I die there. I don't want to go to a nursing home. That's the best thing about Pine Grove—the independent living. I know I can be there until the end.



BILL

"I was a drug addict. I drank. I was in denial. My children were taken from me when they were young and I was cut off from my family. I didn't have anything to live for. Volunteers of America of Florida was good to me. I started in a one-bedroom apartment and they were willing to help me open my own cleaning business. I was able to move forward. I try to give back what I can. Volunteers of America of Florida has been a blessing to me. Yesterday, I had nothing to live for. Today, I have everything to live for. I even have grandchildren—of my own."



DARLENE

This Is Why We Do What We Do™





# Help Us Make a Difference

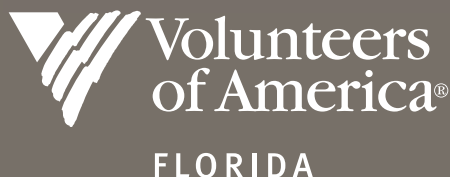
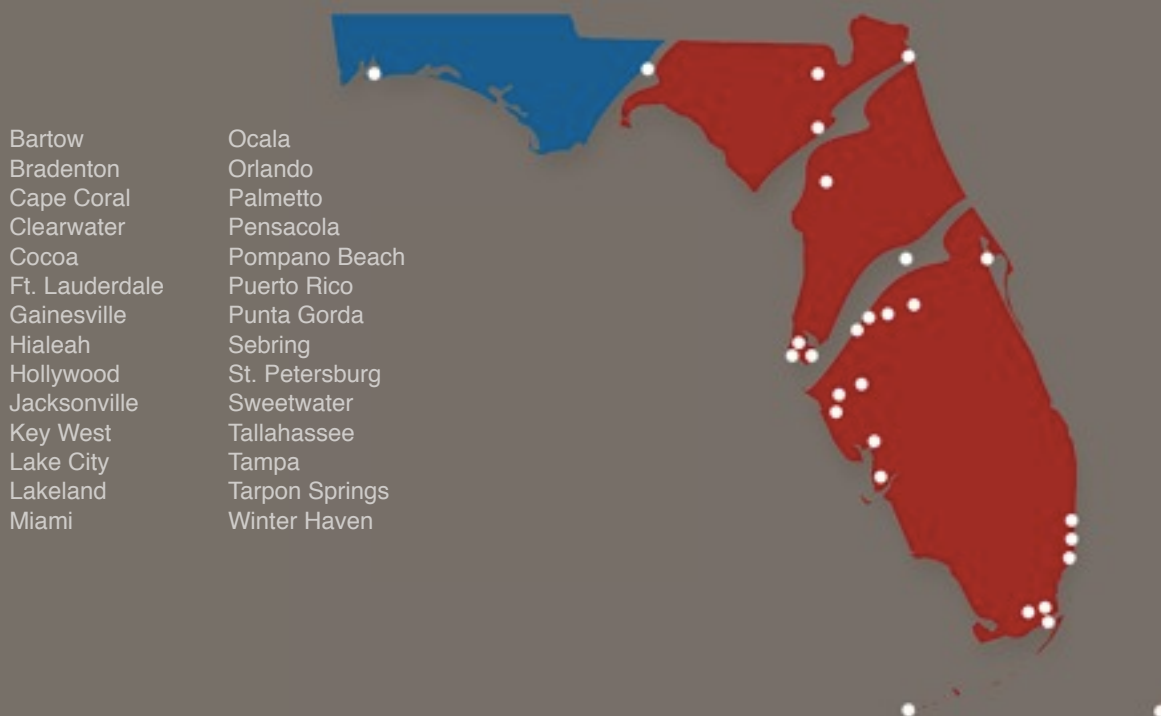
Local supporters are critical to Volunteers of America of Florida's ability to improve the lives of our most vulnerable citizens. By affiliating with Volunteers of America of Florida, you are telling the world that you will settle for nothing less than real, tangible results. Your support communicates that you are determined in your compassion, demanding efficiency and positive results.



Make a difference through Volunteers of America of Florida.

- Contribute money in the current tax year
- Secure your legacy through a bequest
- Donate a car, truck or boat
- Volunteer your time and talent
- Supply much needed goods and services

Your gift will help Floridians struggling with homelessness, aging, mental illness and other challenges. Contact us at (727) 369-8500 or [info@voa-fla.org](mailto:info@voa-fla.org) to learn more about how you can make a difference.

## HOUSING, SERVICES AND OFFICE LOCATIONS



Volunteers of America of Florida, Inc | 405 Central Avenue, Suite 100 | St. Petersburg, FL 33701  
Phone: (727) 369-8500 | Fax: (727) 823-8286 | Email: [info@voa-fla.org](mailto:info@voa-fla.org)  
[www.voa-fla.org](http://www.voa-fla.org)  VOAFL  @VOAFLA

A 501(C)3, NONPROFIT, FAITH-BASED FLORIDA CORPORATION SERVING FLORIDIANS SINCE 1914.

## Project Narrative

This Development is an affordable multifamily rental development consisting of thirty (30) apartments to be constructed at 1981 Convair St SE, Palm Bay FL 32909. Thirty (30) new affordable multifamily apartments will be constructed under the SAIL Financing For Smaller Permanent Supportive Housing Developments For Persons With Special Needs.

This Development will enhance Palm Bay by adding a new construction affordable rental development to the area. Twenty-four (24) one bedroom apartments, Six (6) two bedroom apartments, Community Room and Community Garden.

Financing for the affordable apartments will include a combination of proceeds from: (i) FHFC SAIL funds; (ii) FHFC ELI funds and (iii) conventional perm debt and will need grant funds from The City of Palm Bay and Brevard County. The target market for tenants will be a low to moderate-income households. Six (6) units will be occupied by very-low income families whose rents do not exceed 30% of the annual income of a family whose income equals 50% of the area median. We have also received a commitment to 30 Project Based Vouchers for the units.

This development anticipates commencement of construction on the apartments in July 2023 and completing all thirty (30) affordable multifamily apartments by July 2024.



VIEW FROM NORTHWEST





VIEW FROM NORTH





AERIAL VIEW FROM SOUTHWEST

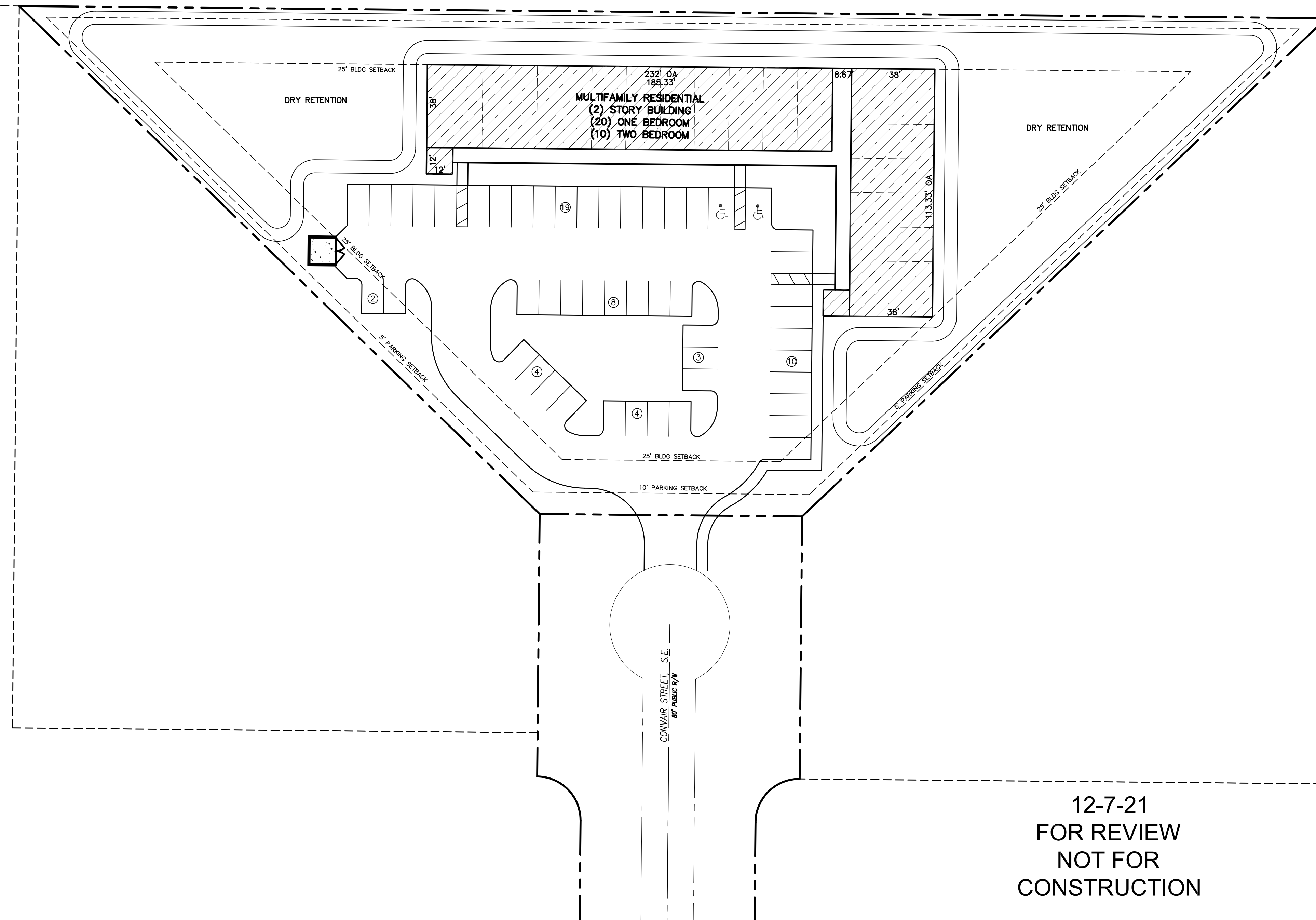
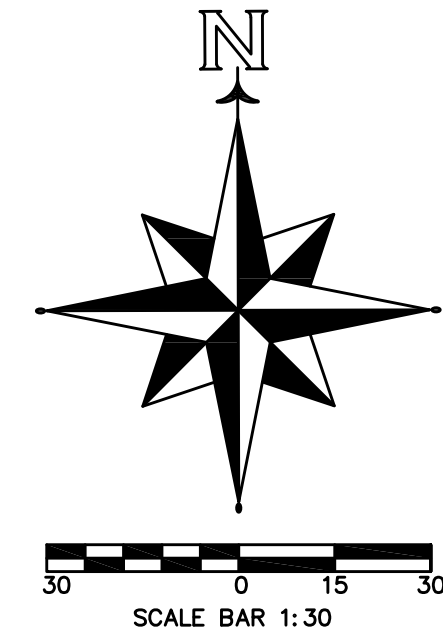


VIEW FROM SOUTH





AERIAL VIEW FROM SOUTH



12-7-21  
FOR REVIEW  
NOT FOR  
CONSTRUCTION

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\*SEE COVER SHEET FOR ADDITIONAL INFORMATION  
SUNSHINE 811 LOCATES: PHONE (811) OR (800)432-4770  
CITY OF PALM BAY WATER & WASTEWATER:  
DAY (321) 952-3420 AFTER HOURS (321) 952-3478

**ENGINEERS CERTIFICATION**

STEVEN W. MONROE, P.E. #61778

SIGNATURE: \_\_\_\_\_

DATE: **DECEMBER TEMP, 2021**

THESE PLANS ARE NOT VALID WITHOUT  
THE ENGINEER OF RECORD'S ORIGINAL SIGNATURE, DATE & SEAL

SHEET TITLE: SITE PLAN				
ISSUE DATE: 12-TEMP-21	DRAWN BY: SM	CHECK BY: SM	APPR. BY: SM	SCALE: 1:30
REV. BY	DATE			JOB NO. 21-021
				SHEET: 4 OF 13
				C-3

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CITY OF PALM BAY PROJECT #



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Mehul J. Parekh, P.E., Public Works Director

**DATE:** 1/20/2022

**RE:** Consideration of utilizing Undesignated Storm Water Fund Balance for funding of commercial site plan engineering review on-call services.

Over the past year, the City has experienced significant growth in both new residential and commercial subdivision development, and review, approval, and construction inspections, leading to an unprecedented rise in engineering site plan reviews. It is the Department's intention to meet this temporary rise in volume of residential/commercial site plan reviews with continued consistent, comprehensive, and timely service by employing temporary engineering consulting services on an 'on-call'/ hourly basis for some commercial site plans of three (3) acres or less in size, and all minor subdivisions (ten (10) or fewer platted lots).

Bowman Consulting Engineers (Bowman) is one of the consultants chosen by the Department for ongoing engineering consulting services in accordance with the provisions of Section 287.055, Florida Statutes Consultants Competitive Negotiation Act (CCNA). At the Department's request Bowman has provided a task order with hourly pricing for the on-call site plan review service. Based on this quote, the Department anticipates this service to cost up to forty-five thousand dollars (\$45,000) for on call site plan review services spanning the remainder of FY 22. Use of Undesignated Storm water Funds to fund this budget amendment is being requested.

### REQUESTING DEPARTMENT:

Public Works

### FISCAL IMPACT:

The total estimate cost is \$45,000 to be transferred from Undesignated Storm water Fund Balance 461-0000-392-3006 into Other Professional Service 461-7081-541-3141.

### RECOMMENDATION:

Motion to approve the transfer of funds from Undesignated Storm water Fund Balance for the Commercial Site Plan Engineering Review on Call Services.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Nancy A. Bunt, Community & Economic Development Director

**DATE:** 1/20/2022

**RE:** Consideration of a purchase offer for City-owned surplus real estate generally located at 1400 Sportsman Lane NE with buyer Wudson Fenelon (\$450,000).

In July 1992, the City acquired a one (1) acre parcel generally located at 1400 Sportsman Lane NE (Tax ID 2829540) through a bankruptcy settlement with Atlantic Gulf Communities General Development Corp. On March 5, 2020, City Council declared this property as surplus real estate.

This property has been listed for sale through the City's contract commercial estate broker, ONE Sotheby's International. On November 3, 2021, a Comparative Market Analysis (CMA) was provided by ONE Sotheby's International with a suggested list price of \$595,000.

On November 16, 2021, the property was listed on MLS. On January 10, 2022, the City received a Vacant Land Contract from Wudson Fenelon in the amount of \$450,000. The prospective buyer is looking to construct a small venue for events such as weddings and parties. There are no other offers on this property at this time.

### REQUESTING DEPARTMENT:

Community & Economic Development

### FISCAL IMPACT:

Upon closing, sale proceeds will be deposited into the General Fund account 001-0000-388-1001 (Sales Proceeds) to be transferred to account 307-0000-381-1001 (Road Maintenance Fund).

### RECOMMENDATION:

Discussion for Council to authorize the City Manager to provide a counteroffer or to execute the purchase contract or for City-owned surplus real estate generally located at 1400 Sportsman Lane NE (Tax ID: 2829540) from buyer Wudson Fenelon and bring forth a Resolution at a future Council meeting.

## **ATTACHMENTS:**

### **Description**

**Vacant Land Contract - 1400 Sportsman Lane**

**BCPA map 1400 Sportsman Lane**

**BCPA Details 1400 Sportsman Lane**

**CMA 1400 Sportsman Lane**

# Vacant Land Contract

1. **Sale and Purchase ("Contract"):** \_\_\_\_\_ City of Palm Bay \_\_\_\_\_ ("Seller")  
 and \_\_\_\_\_ Wudson Fenelon \_\_\_\_\_ ("Buyer")  
 (the "parties") agree to sell and buy on the terms and conditions specified below the property ("Property")  
 described as:  
 Address: \_\_\_\_\_ not yet assigned  
 Legal Description: to be determined by survey \_\_\_\_\_  
 \_\_\_\_\_  
 tax account number 2829540  
 \_\_\_\_\_  
 SEC 28 /TWP / 37 /RNG 20 of Brevard County, Florida. Real Property ID No.: 50-B  
 including all improvements existing on the Property and the following additional property: \_\_\_\_\_
2. **Purchase Price:** (U.S. currency) ..... \$ 450,000.00  
 All deposits will be made payable to "Escrow Agent" named below and held in escrow by:  
 Escrow Agent's Name: Peninsulla Title  
 Escrow Agent's Contact Person: \_\_\_\_\_  
 Escrow Agent's Address: 4888 Babcock St NE, Palm Bay, FL 32905  
 Escrow Agent's Phone: 321-726-6414  
 Escrow Agent's Email: \_\_\_\_\_
- (a) Initial deposit (\$0 if left blank) (**Check if applicable**)  
☐ accompanies offer  
☒ will be delivered to Escrow Agent within 3 days (3 days if left blank)  
 after Effective Date ..... \$ 10,000.00
- (b) Additional deposit will be delivered to Escrow Agent (**Check if applicable**)  
☐ within \_\_\_\_\_ days (10 days if left blank) after Effective Date  
☐ within \_\_\_\_\_ days (3 days if left blank) after expiration of Due Diligence Period ..... \$ \_\_\_\_\_
- (c) Total Financing (see Paragraph 6) (express as a dollar amount or percentage) ..... \$ \_\_\_\_\_
- (d) Other: ..... \$ \_\_\_\_\_
- (e) Balance to close (not including Buyer's closing costs, prepaid items, and prorations)  
 to be paid at closing by wire transfer or other Collected funds ..... \$ 440,000.00
- (f) ☐ (Complete only if purchase price will be determined based on a per unit cost instead of a fixed price.) The  
 unit used to determine the purchase price is ☐ lot ☐ acre ☐ square foot ☐ other (specify): \_\_\_\_\_  
 prorating areas of less than a full unit. The purchase price will be \$ \_\_\_\_\_ per unit based on a  
 calculation of total area of the Property as certified to Seller and Buyer by a Florida licensed surveyor in  
 accordance with Paragraph 8(c). The following rights of way and other areas will be excluded from the  
 calculation: \_\_\_\_\_
3. **Time for Acceptance; Effective Date:** Unless this offer is signed by Seller and Buyer and an executed copy  
 delivered to all parties on or before January 21, 2022, this offer will be withdrawn and Buyer's deposit, if  
 any, will be returned. The time for acceptance of any counter-offer will be 3 days after the date the counter-offer is  
 delivered. **The "Effective Date" of this Contract is the date on which the last one of the Seller and Buyer  
 has signed or initialed and delivered this offer or the final counter-offer.**
4. **Closing Date:** This transaction will close on April 1, 2022 ("Closing Date"), unless specifically  
 extended by other provisions of this Contract. The Closing Date will prevail over all other time periods including,  
 but not limited to, Financing and Feasibility Study periods. However, if the Closing Date occurs on a Saturday,  
 Sunday, or national legal holiday, it will extend to 5:00 p.m. (where the Property is located) of the next business  
 day. In the event insurance underwriting is suspended on Closing Date and Buyer is unable to obtain property  
 insurance, Buyer may postpone closing for up to 5 days after the insurance underwriting suspension is lifted. If  
 this transaction does not close for any reason, Buyer will immediately return all Seller provided documents and  
 other items.
5. **Extension of Closing Date:** If Paragraph 6(b) is checked and Closing Funds from Buyer's lender(s) are not  
 available on Closing Date due to Consumer Financial Protection Bureau Closing Disclosure delivery requirements

Buyer (WF) ( ) and Seller ( ) ( ) acknowledge receipt of a copy of this page, which is 1 of 8 pages.



("CFPB Requirements"), if applicable, then Closing Date shall be extended for such period necessary to satisfy CFPB Requirements, provided such period shall not exceed 10 days.

**6. Financing: (Check as applicable)**

(a) ☒ **Buyer** will pay cash for the Property with no financing contingency.

(b) ☐ This Contract is contingent on **Buyer** qualifying for and obtaining the commitment(s) or approval(s) specified below ("Financing") within \_\_\_\_\_ days after Effective Date (Closing Date or 30 days after Effective Date, whichever occurs first, if left blank) ("Financing Period"). **Buyer** will apply for Financing within \_\_\_\_\_ days after Effective Date (5 days if left blank) and will timely provide any and all credit, employment, financial, and other information required by the lender. If **Buyer**, after using diligence and good faith, cannot obtain the Financing within the Financing Period, either party may terminate this Contract and **Buyer's** deposit(s) will be returned.

- (1) ☐ **New Financing:** **Buyer** will secure a commitment for new third party financing for \$ \_\_\_\_\_ or \_\_\_\_\_% of the purchase price at (**Check one**) ☐ a fixed rate not exceeding \_\_\_\_\_% ☐ an adjustable interest rate not exceeding \_\_\_\_\_% at origination (a fixed rate at the prevailing interest rate based on **Buyer's** creditworthiness if neither choice is selected). **Buyer** will keep **Seller** and Broker fully informed of the loan application status and progress and authorizes the lender or mortgage broker to disclose all such information to **Seller** and Broker.
- (2) ☐ **Seller Financing:** **Buyer** will execute a ☐ first ☐ second purchase money note and mortgage to **Seller** in the amount of \$ \_\_\_\_\_, bearing annual interest at \_\_\_\_\_% and payable as follows:

The mortgage, note, and any security agreement will be in a form acceptable to **Seller** and will follow forms generally accepted in the county where the Property is located; will provide for a late payment fee and acceleration at the mortgagee's option if **Buyer** defaults; will give **Buyer** the right to prepay without penalty all or part of the principal at any time(s) with interest only to date of payment; will be due on conveyance or sale; will provide for release of contiguous parcels, if applicable; and will require **Buyer** to keep liability insurance on the Property, with **Seller** as additional named insured. **Buyer** authorizes **Seller** to obtain credit, employment, and other necessary information to determine creditworthiness for the financing. **Seller** will, within 10 days after Effective Date, give **Buyer** written notice of whether or not **Seller** will make the loan.

- (3) ☐ **Mortgage Assumption:** **Buyer** will take title subject to and assume and pay existing first mortgage to

LN# \_\_\_\_\_ in the approximate amount of \$ \_\_\_\_\_ currently payable at \$ \_\_\_\_\_ per month, including principal, interest, ☐ taxes and insurance, and having a ☐ fixed ☐ other (describe) \_\_\_\_\_ interest rate of \_\_\_\_\_% which ☐ will ☐ will not escalate upon assumption. Any variance in the mortgage will be adjusted in the balance due at closing with no adjustment to purchase price. **Buyer** will purchase **Seller's** escrow account dollar for dollar. If the interest rate upon transfer exceeds \_\_\_\_\_% or the assumption/transfer fee exceeds \$ \_\_\_\_\_, either party may elect to pay the excess, failing which this Contract will terminate; and **Buyer's** deposit(s) will be returned. If the lender disapproves **Buyer**, this Contract will terminate; and **Buyer's** deposit(s) will be returned.

- 7. Assignability: (Check one)** **Buyer** ☐ may assign and thereby be released from any further liability under this Contract, ☒ may assign but not be released from liability under this Contract, or ☐ may not assign this Contract.

- 8. Title:** **Seller** has the legal capacity to and will convey marketable title to the Property by ☒ statutory warranty deed ☐ special warranty deed ☐ other (specify) \_\_\_\_\_, free of liens, easements, and encumbrances of record or known to **Seller**, but subject to property taxes for the year of closing; covenants, restrictions, and public utility easements of record; existing zoning and governmental regulations; and (list any other matters to which title will be subject) \_\_\_\_\_, provided there exists at closing no violation of the foregoing.

(a) **Title Evidence:** The party who pays for the owner's title insurance policy will select the closing agent and pay for the title search, including tax and lien search (including municipal lien search) if performed, and all other fees charged by closing agent. **Seller** will deliver to **Buyer**, at

(**Check one**) ☒ **Seller's** ☐ **Buyer's** expense and

(**Check one**) ☒ within 10 days after Effective Date ☐ at least \_\_\_\_\_ days before Closing Date,

(**Check one**)

- (1) ☒ a title insurance commitment by a Florida licensed title insurer setting forth those matters to be discharged by **Seller** at or before closing and, upon **Buyer** recording the deed, an owner's policy in the

Buyer WF (\_\_\_\_) and Seller (\_\_\_\_) (\_\_\_\_) acknowledge receipt of a copy of this page, which is 2 of 8 pages.

amount of the purchase price for fee simple title subject only to the exceptions stated above. If **Buyer** is paying for the owner's title insurance policy and **Seller** has an owner's policy, **Seller** will deliver a copy to **Buyer** within 15 days after Effective Date.

- (2) ☐ an abstract of title, prepared or brought current by an existing abstract firm or certified as correct by an existing firm. However, if such an abstract is not available to **Seller**, then a prior owner's title policy acceptable to the proposed insurer as a base for reissuance of coverage may be used. The prior policy will include copies of all policy exceptions and an update in a format acceptable to **Buyer** from the policy effective date and certified to **Buyer** or **Buyer's** closing agent together with copies of all documents recited in the prior policy and in the update. If such an abstract or prior policy is not available to **Seller**, then (1) above will be the title evidence.

(b) **Title Examination:** After receipt of the title evidence, **Buyer** will, within 10 days (10 days if left blank) but no later than Closing Date, deliver written notice to **Seller** of title defects. Title will be deemed acceptable to **Buyer** if (i) **Buyer** fails to deliver proper notice of defects or (ii) **Buyer** delivers proper written notice and **Seller** cures the defects within 30 days (30 days if left blank) ("Cure Period") after receipt of the notice. If the defects are cured within the Cure Period, closing will occur within 10 days after receipt by **Buyer** of notice of such cure. **Seller** may elect not to cure defects if **Seller** reasonably believes any defect cannot be cured within the Cure Period. If the defects are not cured within the Cure Period, **Buyer** will have 10 days after receipt of notice of **Seller's** inability to cure the defects to elect whether to terminate this Contract or accept title subject to existing defects and close the transaction without reduction in purchase price.

(c) **Survey:** **Buyer** may, at **Buyer's** expense, have the Property surveyed and must deliver written notice to **Seller**, within 5 days after receiving survey but not later than 5 days before Closing Date, of any encroachments on the Property, encroachments by the Property's improvements on other lands, or deed restriction or zoning violations. Any such encroachment or violation will be treated in the same manner as a title defect and **Seller's** and **Buyer's** obligations will be determined in accordance with Paragraph 8(b).

(d) **Ingress and Egress:** **Seller** warrants that the Property presently has ingress and egress.

9. **Property Condition:** **Seller** will deliver the Property to **Buyer** at closing in its present "as is" condition, with conditions resulting from **Buyer's** Inspections and casualty damage, if any, excepted. **Seller** will not engage in or permit any activity that would materially alter the Property's condition without the **Buyer's** prior written consent.

(a) **Inspections: (Check (1) or (2))**

- (1) ☒ **Due Diligence Period:** **Buyer** will, at **Buyer's** expense and within 60 days (30 days if left blank) ("Due Diligence Period") after Effective Date and in **Buyer's** sole and absolute discretion, determine whether the Property is suitable for **Buyer's** intended use. During the Due Diligence Period, **Buyer** may conduct a Phase 1 environmental assessment and any other tests, analyses, surveys, and investigations ("Inspections") that **Buyer** deems necessary to determine to **Buyer's** satisfaction the Property's engineering, architectural, and environmental properties; zoning and zoning restrictions; subdivision statutes; soil and grade; availability of access to public roads, water, and other utilities; consistency with local, state, and regional growth management plans; availability of permits, government approvals, and licenses; and other inspections that **Buyer** deems appropriate. If the Property must be rezoned, **Buyer** will obtain the rezoning from the appropriate government agencies. **Seller** will sign all documents **Buyer** is required to file in connection with development or rezoning approvals. **Seller** gives **Buyer**, its agents, contractors, and assigns, the right to enter the Property at any time during the Due Diligence Period for the purpose of conducting Inspections, provided, however, that **Buyer**, its agents, contractors, and assigns enter the Property and conduct Inspections at their own risk. **Buyer** will indemnify and hold **Seller** harmless from losses, damages, costs, claims, and expenses of any nature, including attorneys' fees, expenses, and liability incurred in application for rezoning or related proceedings, and from liability to any person, arising from the conduct of any and all Inspections or any work authorized by **Buyer**. **Buyer** will not engage in any activity that could result in a construction lien being filed against the Property without **Seller's** prior written consent. If this transaction does not close, **Buyer** will, at **Buyer's** expense, (i) repair all damages to the Property resulting from the Inspections and return the Property to the condition it was in before conducting the Inspections and (ii) release to **Seller** all reports and other work generated as a result of the Inspections.

Before expiration of the Due Diligence Period, **Buyer** must deliver written notice to **Seller** of **Buyer's** determination of whether or not the Property is acceptable. **Buyer's** failure to comply with this notice requirement will constitute acceptance of the Property as suitable for **Buyer's** intended use in its "as is" condition. If the Property is unacceptable to **Buyer** and written notice of this fact is timely delivered to **Seller**, this Contract will be deemed terminated, and **Buyer's** deposit(s) will be returned.

Buyer (WF) ( ) and Seller ( ) ( ) acknowledge receipt of a copy of this page, which is 3 of 8 pages.

(2) ☐ **No Due Diligence Period:** Buyer is satisfied that the Property is suitable for Buyer's purposes, including being satisfied that either public sewerage and water are available to the Property or the Property will be approved for the installation of a well and/or private sewerage disposal system and that existing zoning and other pertinent regulations and restrictions, such as subdivision or deed restrictions, concurrency, growth management, and environmental conditions, are acceptable to Buyer. This Contract is not contingent on Buyer conducting any further investigations.

(b) **Government Regulations:** Changes in government regulations and levels of service which affect Buyer's intended use of the Property will not be grounds for terminating this Contract if the Due Diligence Period has expired or if Paragraph 9(a)(2) is selected.

(c) **Flood Zone:** Buyer is advised to verify by survey, with the lender, and with appropriate government agencies which flood zone the Property is in, whether flood insurance is required, and what restrictions apply to improving the Property and rebuilding in the event of casualty.

(d) **Coastal Construction Control Line ("CCCL"):** If any part of the Property lies seaward of the CCCL as defined in Section 161.053, Florida Statutes, Seller will provide Buyer with an affidavit or survey as required by law delineating the line's location on the Property, unless Buyer waives this requirement in writing. The Property being purchased may be subject to coastal erosion and to federal, state, or local regulations that govern coastal property, including delineation of the CCCL, rigid coastal protection structures, beach nourishment, and the protection of marine turtles. Additional information can be obtained from the Florida Department of Environmental Protection, including whether there are significant erosion conditions associated with the shore line of the Property being purchased.

☐ Buyer waives the right to receive a CCCL affidavit or survey.

**10. Closing Procedure; Costs:** Closing will take place in the county where the Property is located and may be conducted by mail or electronic means. If title insurance insures Buyer for title defects arising between the title binder effective date and recording of Buyer's deed, closing agent will disburse at closing the net sale proceeds to Seller (in local cashier's check if Seller requests in writing at least 5 days before closing) and brokerage fees to Broker as per Paragraph 21. In addition to other expenses provided in this Contract, Seller and Buyer will pay the costs indicated below.

**(a) Seller Costs:**

Taxes on deed  
Recording fees for documents needed to cure title  
Title evidence (if applicable under Paragraph 8)  
Estoppel Fee(s)  
Other: \_\_\_\_\_

**(b) Buyer Costs:**

Taxes and recording fees on notes and mortgages  
Recording fees on the deed and financing statements  
Loan expenses  
Title evidence (if applicable under Paragraph 8)  
Lender's title policy at the simultaneous issue rate  
Inspections  
Survey  
Insurance  
Other: \_\_\_\_\_

(c) **Prorations:** The following items will be made current and prorated as of the day before Closing Date: real estate taxes (including special benefit tax liens imposed by a CDD), interest, bonds, assessments, leases, and other Property expenses and revenues. If taxes and assessments for the current year cannot be determined, the previous year's rates will be used with adjustment for any exemptions.

(d) **Special Assessment by Public Body:** Regarding special assessments imposed by a public body, Seller will pay (i) the full amount of liens that are certified, confirmed, and ratified before closing and (ii) the amount of the last estimate of the assessment if an improvement is substantially completed as of Effective Date but has not resulted in a lien before closing; and Buyer will pay all other amounts. If special assessments may be paid in installments, ☒ Seller ☐ Buyer (Buyer if left blank) will pay installments due after closing. If Seller is checked, Seller will pay the assessment in full before or at the time of closing. Public body does not include a Homeowners' or Condominium Association.

(e) **PROPERTY TAX DISCLOSURE SUMMARY:** BUYER SHOULD NOT RELY ON THE SELLER'S CURRENT PROPERTY TAXES AS THE AMOUNT OF PROPERTY TAXES THAT BUYER MAY BE OBLIGATED TO PAY IN THE YEAR SUBSEQUENT TO PURCHASE. A CHANGE OF OWNERSHIP OR PROPERTY

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IMPROVEMENTS TRIGGERS REASSESSMENTS OF THE PROPERTY THAT COULD RESULT IN HIGHER PROPERTY TAXES. IF YOU HAVE ANY QUESTIONS CONCERNING VALUATION, CONTACT THE COUNTY PROPERTY APPRAISER'S OFFICE FOR FURTHER INFORMATION.

- (f) **Foreign Investment in Real Property Tax Act ("FIRPTA"):** If **Seller** is a "foreign person" as defined by FIRPTA, **Seller** and **Buyer** will comply with FIRPTA, which may require **Seller** to provide additional cash at closing.
- (g) **1031 Exchange:** If either **Seller** or **Buyer** wish to enter into a like-kind exchange (either simultaneously with closing or after) under Section 1031 of the Internal Revenue Code ("Exchange"), the other party will cooperate in all reasonable respects to effectuate the Exchange including executing documents, provided, however, that the cooperating party will incur no liability or cost related to the Exchange and that the closing will not be contingent upon, extended, or delayed by the Exchange.

**11. Computation of Time:** Calendar days will be used when computing time periods, except time periods of 5 days or less. Time periods of 5 days or less will be computed without including Saturday, Sunday, or national legal holidays specified in 5 U.S.C. 6103(a). Other than time for acceptance and Effective Date as set forth in Paragraph 3, any time periods provided for or dates specified in this Contract, whether preprinted, handwritten, typewritten or inserted herein, which shall end or occur on a Saturday, Sunday, or national legal holiday (see 5 U.S.C. 6103) shall extend until 5:00 p.m. (where the Property is located) of the next business day. **Time is of the essence in this Contract.**

**12. Risk of Loss; Eminent Domain:** If any portion of the Property is materially damaged by casualty before closing or **Seller** negotiates with a governmental authority to transfer all or part of the Property in lieu of eminent domain proceedings or an eminent domain proceeding is initiated, **Seller** will promptly inform **Buyer**. Either party may terminate this Contract by written notice to the other within 10 days after **Buyer's** receipt of **Seller's** notification, and **Buyer's** deposit(s) will be returned, failing which **Buyer** will close in accordance with this Contract and receive all payments made by the governmental authority or insurance company, if any.

**13. Force Majeure:** **Seller** or **Buyer** will not be required to perform any obligation under this Contract or be liable to each other for damages so long as the performance or non-performance of the obligation is delayed, caused, or prevented by an act of God or force majeure. An "act of God or "force majeure" is defined as hurricanes, earthquakes, floods, fire, unusual transportation delays, wars, insurrections, and any other cause not reasonably within the control of **Seller** or **Buyer** and which by the exercise of due diligence the non-performing party is unable in whole or in part to prevent or overcome. All time periods, including Closing Date, will be extended for the period that the act of God or force majeure is in place. However, in the event that such act of God or force majeure event continues beyond 30 days, either party may terminate this Contract by delivering written notice to the other; and **Buyer's** deposit(s) will be returned.

**14. Notices:** All notices will be in writing and delivered to the parties and Broker by mail, personal delivery, or electronic means. **Buyer's failure to timely deliver written notice to Seller, when such notice is required by this Contract, regarding any contingency will render that contingency null and void, and this Contract will be construed as if the contingency did not exist. Any notice, document, or item delivered to or received by an attorney or licensee (including a transactions broker) representing a party will be as effective as if delivered to or received by that party.**

**15. Complete Agreement; Persons Bound:** This Contract is the entire agreement between **Seller** and **Buyer**. **Except for brokerage agreements, no prior or present agreements will bind Seller, Buyer, or Broker unless incorporated into this Contract.** Modifications of this Contract will not be binding unless in writing, signed or initialed, and delivered by the party to be bound. Electronic signatures will be acceptable and binding. This Contract, signatures, initials, documents referenced in this Contract, counterparts, and written modifications communicated electronically or on paper will be acceptable for all purposes, including delivery, and will be binding. Handwritten or typewritten terms inserted in or attached to this Contract prevail over preprinted terms. If any provision of this Contract is or becomes invalid or unenforceable, all remaining provisions will continue to be fully effective. **Seller** and **Buyer** will use diligence and good faith in performing all obligations under this Contract. This Contract will not be recorded in any public record. The terms "**Seller**," "**Buyer**," and "**Broker**" may be singular or plural. This Contract is binding on the heirs, administrators, executors, personal representatives, and assigns, if permitted, of **Seller**, **Buyer**, and **Broker**.

**16. Default and Dispute Resolution:** This Contract will be construed under Florida law. This Paragraph will survive closing or termination of this Contract.

- (a) **Seller Default:** If **Seller** fails, neglects, or refuses to perform **Seller's** obligations under this Contract, **Buyer** may elect to receive a return of **Buyer's** deposit(s) without thereby waiving any action for damages resulting

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from **Seller's** breach and may seek to recover such damages or seek specific performance. **Seller** will also be liable for the full amount of the brokerage fee.

**(b) Buyer Default:** If **Buyer** fails, neglects, or refuses to perform **Buyer's** obligations under this Contract, including payment of deposit(s), within the time(s) specified, **Seller** may elect to recover and retain the deposit(s), paid and agreed to be paid, for the account of **Seller** as agreed upon liquidated damages, consideration for execution of this Contract, and in full settlement of any claims, whereupon **Seller** and **Buyer** will be relieved from all further obligations under this Contract; or **Seller**, at **Seller's** option, may proceed in equity to enforce **Seller's** rights under this Contract.

**17. Attorney's Fees; Costs:** In any litigation permitted by this Contract, the prevailing party shall be entitled to recover from the non-prevailing party costs and fees, including reasonable attorney's fees, incurred in conducting the litigation. This Paragraph 17 shall survive Closing or termination of this Contract.

**18. Escrow Agent; Closing Agent:** **Seller** and **Buyer** authorize Escrow Agent and closing agent (collectively "Agent") to receive, deposit, and hold funds and other items in escrow and, subject to Collection, disburse them upon proper authorization and in accordance with Florida law and the terms of this Contract, including disbursing brokerage fees. "Collection" or "Collected" means any checks tendered or received have become actually and finally collected and deposited in the account of Agent. The parties agree that Agent will not be liable to any person for misdelivery of escrowed items to **Seller** or **Buyer**, unless the misdelivery is due to Agent's willful breach of this Contract or gross negligence. If Agent interpleads the subject matter of the escrow, Agent will pay the filing fees and costs from the deposit and will recover reasonable attorneys' fees and costs to be paid from the escrowed funds or equivalent and charged and awarded as court costs in favor of the prevailing party.

**19. Professional Advice; Broker Liability:** Broker advises **Seller** and **Buyer** to verify all facts and representations that are important to them and to consult an appropriate professional for legal advice (for example, interpreting this Contract, determining the effect of laws on the Property and this transaction, status of title, foreign investor reporting requirements, the effect of property lying partially or totally seaward of the CCCL, etc.) and for tax, property condition, environmental, and other specialized advice. **Buyer** acknowledges that all representations (oral, written, or otherwise) by Broker are based on **Seller** representations or public records. **Buyer agrees to rely solely on Seller, professional inspectors, and government agencies for verification of the Property condition and facts that materially affect Property value.** **Seller** and **Buyer** respectively will pay all costs and expenses, including reasonable attorneys' fees at all levels, incurred by Broker and Broker's officers, directors, agents, and employees in connection with or arising from **Seller's** or **Buyer's** misstatement or failure to perform contractual obligations. **Seller** and **Buyer** hold harmless and release Broker and Broker's officers, directors, agents, and employees from all liability for loss or damage based on (i) **Seller's** or **Buyer's** misstatement or failure to perform contractual obligations; (ii) the use or display of listing data by third parties, including, but not limited to, photographs, images, graphics, video recordings, virtual tours, drawings, written descriptions, and remarks related to the Property; (iii) Broker's performance, at **Seller's** or **Buyer's** request, of any task beyond the scope of services regulated by Chapter 475, Florida Statutes, as amended, including Broker's referral, recommendation, or retention of any vendor; (iv) products or services provided by any vendor; and (v) expenses incurred by any vendor. **Seller** and **Buyer** each assume full responsibility for selecting and compensating their respective vendors. This Paragraph will not relieve Broker of statutory obligations. For purposes of this Paragraph, Broker will be treated as a party to this Contract. This Paragraph will survive closing.

**20. Commercial Real Estate Sales Commission Lien Act:** If the Property is commercial real estate as defined by Section 475.701, Florida Statutes, the following disclosure will apply: The Florida Commercial Real Estate Sales Commission Lien Act provides that when a broker has earned a commission by performing licensed services under a brokerage agreement with you, the broker may claim a lien against your net sales proceeds for the broker's commission. The broker's lien rights under the act cannot be waived before the commission is earned.

**21. Brokers:** The licensee(s) and brokerage(s) named below are collectively referred to as "Broker." **Instruction to closing agent:** **Seller** and **Buyer** direct Closing Agent to disburse at Closing the full amount of the brokerage fees as specified in separate brokerage agreements with the parties and cooperative agreements between the Brokers, except to the extent Broker has retained such fees from the escrowed funds. This Paragraph will not be used to modify any MLS or other offer of compensation made by **Seller** or listing broker to cooperating brokers.

Mel Howard BK3047085

**Seller's** Sales Associate/License No.

Mel Howard BK3047085

**Buyer's** Sales Associate/License No.

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329 *	mel@melhoward.net	same
330	<b>Seller's Sales Associate Email Address</b>	<b>Buyer's Sales Associate Email Address</b>
331		
332 *	321-960-1959	same
333	<b>Seller's Sales Associate Phone Number</b>	<b>Buyer's Sales Associate Phone Number</b>
334		
335 *	Sotheby's International Realty	same
336	<b>Listing Brokerage</b>	<b>Buyer's Brokerage</b>
337		
338 *	1331 S. Harbor City Blvd., Melbourne 32901	same
339	<b>Listing Brokerage Address</b>	<b>Buyer's Brokerage Address</b>

340 **22. Addenda:** The following additional terms are included in the attached addenda and incorporated into this Contract

341 **(Check if applicable)**

342 \* ☐ A. Back-up Contract

343 \* ☐ B. Kick Out Clause

344 \* ☐ C. Other \_\_\_\_\_

345 \* **23. Additional Terms:** Inspection period will start on effective date

346 \_\_\_\_\_

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361 **COUNTER-OFFER/REJECTION**

362 \* ☐ Seller counters Buyer's offer (to accept the counter-offer, Buyer must sign or initial the counter-offered terms and

363 deliver a copy of the acceptance to Seller).

364 \* ☐ Seller rejects Buyer's offer

365 **This is intended to be a legally binding Contract. If not fully understood, seek the advice of an attorney before**

366 **signing.**

367 \* **Buyer:** Wudson Fenelon Date: 1/10/2022

368 \* Print name: \_\_\_\_\_ Wudson Fenelon

369 \* **Buyer:** \_\_\_\_\_ Date: \_\_\_\_\_

370 \* Print name: \_\_\_\_\_

371 **Buyer's address for purpose of notice:**

372 \* Address: \_\_\_\_\_

373 \* Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

374 \* **Seller:** \_\_\_\_\_ Date: \_\_\_\_\_

375 \* Print name: \_\_\_\_\_

376 \* **Seller:** \_\_\_\_\_ Date: \_\_\_\_\_

377 \* Print name: \_\_\_\_\_

Buyer WF (\_\_\_\_) and Seller (\_\_\_\_) (\_\_\_\_) acknowledge receipt of a copy of this page, which is 7 of 8 pages.

378 **Seller's** address for purpose of notice:

379 \* Address: \_\_\_\_\_

380 \* Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

381 \* **Effective Date:** \_\_\_\_\_ **(The date on which the last party signed or initialed and delivered the**  
382 **final offer or counter offer.)**

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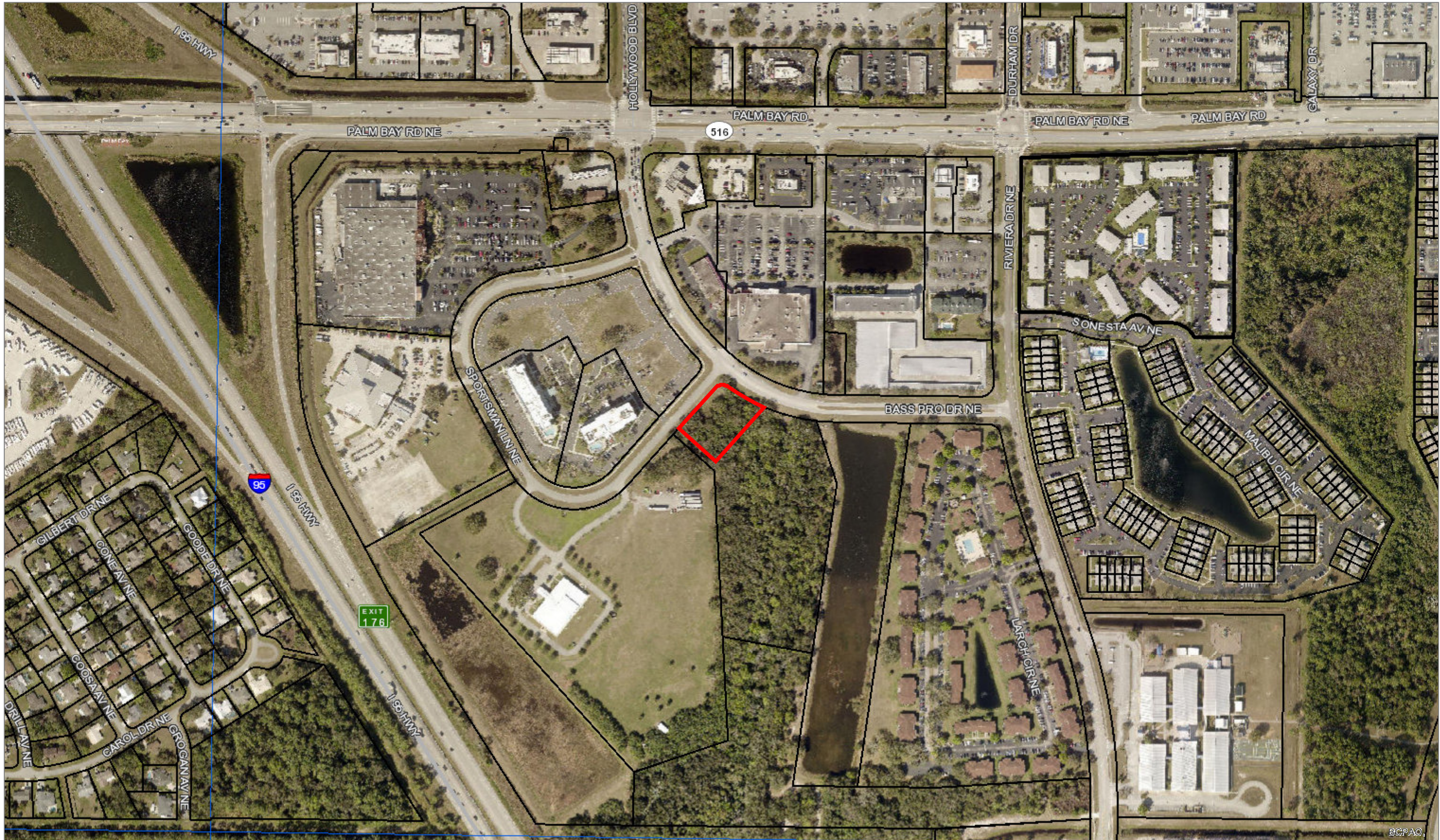
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 Form  
Simplicity





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# Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

## PROPERTY DETAILS

Account	2829540
Owners	PALM BAY, CITY OF
Mailing Address	120 MALABAR RD SE PALM BAY FL 32909
Site Address	Not Assigned
Parcel ID	28-37-20-50-B
Property Use	8080 - MUNICIPALLY OWNED LAND - VACANT
Exemptions	EXMU - MUNICIPALLY OWNED PROPERTY
Taxing District	34U0 - PALM BAY
Total Acres	1.00
Subdivision	PORT MALABAR UNIT 60
Site Code	0001 - NO OTHER CODE APPL.
Plat Book/Page	0032/0099
Land Description	PORT MALABAR UNIT 60 TRACT B

## VALUE SUMMARY

Category	2021	2020	2019
Market Value	\$191,660	\$191,660	\$191,660
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$191,660	\$191,660	\$191,660
Assessed Value School	\$191,660	\$191,660	\$191,660
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$191,660	\$191,660	\$191,660
Taxable Value Non-School	\$0	\$0	\$0
Taxable Value School	\$0	\$0	\$0

## SALES/TRANSFERS

Date	Price	Type	Instrument
07/01/1992	--	PT	3218/3773

No Data Found

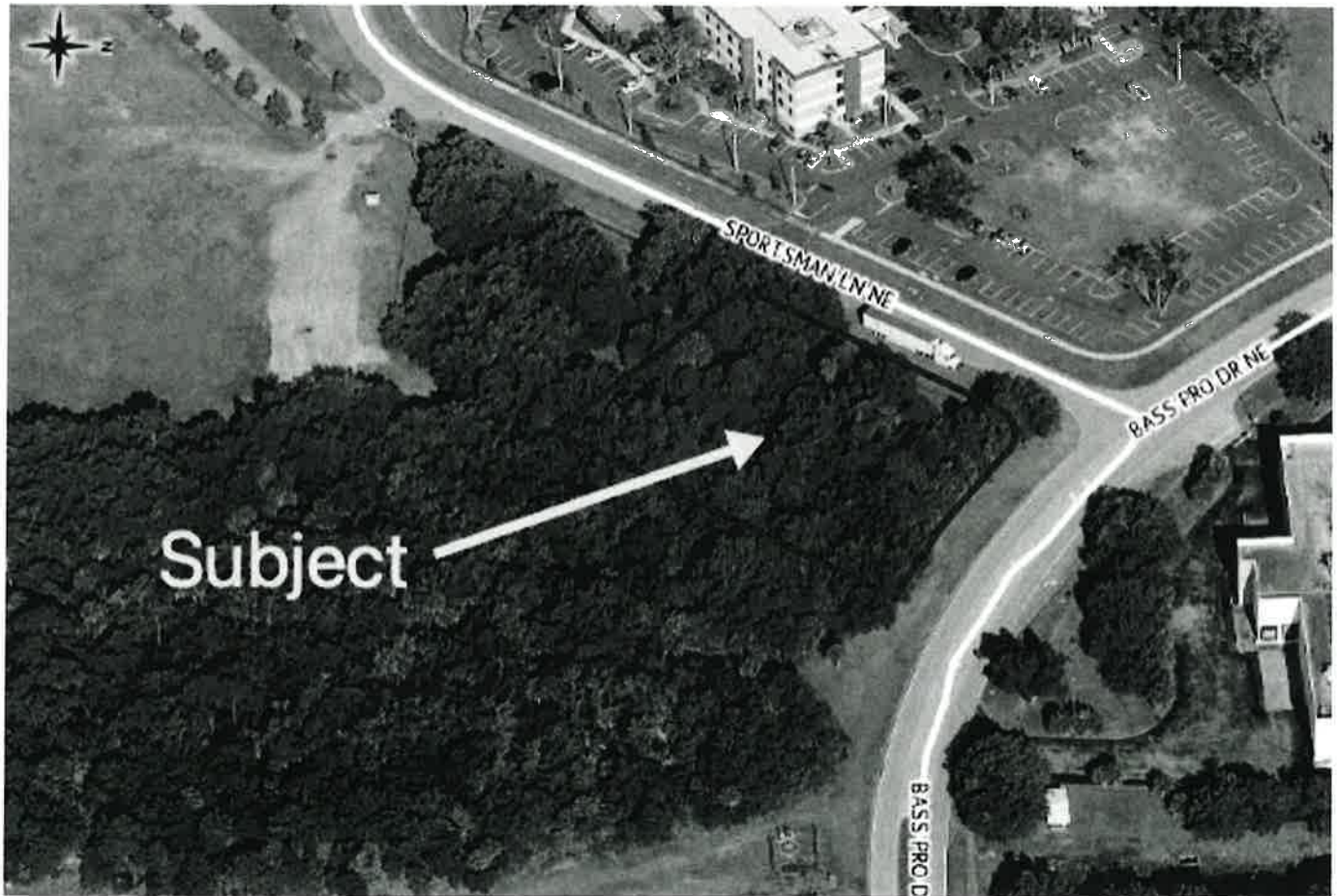


**ONE COMMERCIAL**  
REAL ESTATE

**ONE**

**Sotheby's**  
INTERNATIONAL REALTY

November 2, 2021



**Broker Price Opinion for: 1400 Sportsman Ln NE, Palm Bay, Florida 32905**

**\$595,000**

**Commercial Vacant Land - 1 Acre**

**Prepared by:** **Mel Howard**  
**321-960-1959**  
**[mel@melhoward.net](mailto:mel@melhoward.net)**



This BPO is based upon recent sales, market trends, and listings within 5 miles of the subject property.

The following Zoning code for Palm Bay will help determine the highest and best use in our efforts in determining the value.

**§ 185.043 CC — COMMUNITY COMMERCIAL DISTRICT.**

*Intent.* The purpose of the community commercial district shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of community commercial facilities, the areas to be primarily located in or near the intersection of arterial roadways; to designate those uses and services deemed appropriate and proper for location and development within the subject district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.

*Principal uses and structures.* The following uses and structures are permitted:

Retail stores, sales and display rooms (not including lumber and building supply, and similar uses).

Personal service establishments such as beauty and barber, laundry and dry cleaning pick-up stations, and the like.

Professional offices, studios, clinics, general offices, government office, business schools and similar uses.

Schools, libraries, churches and similar uses.

Day care centers.

Restaurant, eating and drinking establishments (including a drive-through).

Public utility equipment and facilities.

Banks and financial institutions with or without drive-through facilities.

Business service establishments.

Clubs, lodges, and fraternal organizations.

(11) Dry cleaning establishments using noninflammable solvents and cleaning fluids as determined by the Fire Chief.

(12) Funeral homes.

Repair service establishments such as household appliances, radio and television, and similar uses, and automobile service establishments excluding body shops, upholstery, and painting. Subject to the following:

There shall be no storage of junked or wrecked motor vehicles other than temporary storage for those vehicles awaiting repair. All vehicles shall have attached at all times a current vehicle registration license plate and shall be parked on a paved surface. Any wrecked vehicles shall be in an enclosed area and shall not be visible from outside the property.

Hotels, motels and guest cottages.

The minimum living area per hotel/motel efficiency unit shall be two hundred and eighty (280) square feet.

There shall be no more than seventy-five (75) rental units per acre.

Hospitals and nursing homes.

Xerographic and offset printing.

Plant nurseries and green houses.

Public and private parking facilities. Must have at least a minimum-sized building on site.



Veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.

New and used automobiles, major recreational equipment and mobile home sales and rentals with accessory uses, subject to the following restrictions:

All outside areas where merchandise is displayed shall be paved, meeting city specifications;

All servicing and repair facilities, except for gasoline pumps, shall be located in an enclosed structure;

There shall be no storage of junked or wrecked automobiles other than temporary storage for those awaiting repair. Such temporary storage shall be in an enclosed area and the vehicles shall not be visible from outside the property. All such vehicles awaiting repair shall have attached at all times current vehicle registration license plates;

The lot must have frontage on an arterial roadway as identified in the adopted City Comprehensive Plan;

All requirements of the Palm Bay Sign Ordinance must be met;

All areas utilized for the parking of motor vehicles, major recreational equipment, and mobile homes for sales, lease or rental or awaiting repair must meet the parking setbacks, must be in addition to required parking spaces, aisles and drives required by §§ 185.140 et seq., and shall be considered parking areas under the terms §185.142;

Required parking shall be provided based on a one (1) space for each two hundred (200) square feet of gross floor area of the structure used primarily to conduct sales and one (1) space per employee on the largest working shift;

(h) The property must have minimum frontage on an arterial roadway of one hundred (100) feet;

(i) Gasoline facilities may be permitted as accessory uses, provided the requirements of division (D)(2) (c), (d), and (g) below are complied with. Retail sales are prohibited unless conditional use approval is granted.

State approved tattoo parlors.

Public uses.

Medical and dental manufacturing labs.

Indoor commercial recreation such as theaters, driving ranges, bowling alleys, and similar uses, excluding dance clubs.

Arcade amusements centers; subject to the following regulations:

The facility shall be located no less than one hundred (100) feet, measured from the outer wall of the facility to the closest property line, of any residentially zoned land, as well as any land designated as recreation and open space use by the Palm Bay Comprehensive Plan Future Land Use Map.

The facility shall be located no less than one thousand (1,000) feet, measured from the outer wall of the facility to the closest property line, of any school.

No two facilities, operating pursuant to this subdivision, shall be located closer than five hundred (500) feet from one another, measured from the closest outer wall of each facility.

The number of devices within the facility shall be governed by the Land Development Code of the City of Palm Bay, as well as applicable Florida Statutes and laws.

*Accessory uses and structures.* Customary accessory uses of one (1) or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the intense commercial character of the district. All storage shall be in an enclosed structure, unless otherwise provided for herein.

*Conditional uses.*





Permitted uses located on a parcel of ten (10) or more acres of area.

Auto body repair, upholstery and painting.

There shall be no storage of junked or wrecked vehicles other than temporary storage for those awaiting repair. All vehicles shall always have attached a current vehicle registration license plate.

Any wrecked vehicles awaiting repair shall be in an enclosed area and the vehicle shall not be visible from outside the property and shall be parked on a paved surface.

Retail automotive gas/fuel sales:

Access. Retail automotive gas/ fuel sales establishments shall be located on arterial roadways or on corner lots at the intersection of collector streets or higher functional classification as identified in the adopted Palm Bay Comprehensive

Plan. No more than two (2) corner lots at any one (1) intersection shall be used for retail gasoline or automotive fuel sales. No driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification.

Minimum street frontage: one hundred and fifty (150) feet on each abutting street.

Location of facilities: Gasoline, fuel pumps, storage tanks and other service island equipment shall be at least twenty (20) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially owned land. No gasoline fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.

Tank storage. Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.

The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation.

Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility or disharmony with adjoining properties.

Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§176.01 et seq. of this code of ordinances.

Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go-cart tracks, outdoor skating facilities, miniature golf courses and similar uses.

Commercial radio and television broadcasting.

Marinas including wet and dry storage.

Car washes.

Permitted uses or uses permissible by conditional use exceeding seventy (70) feet in height.

Self storage facilities subject to the provisions established in §185.088(F).

Communication towers and facilities.

Human crematoriums:

May only be allowed in conjunction with a funeral home.

Crematoriums shall adhere to the principal use setbacks of the CC district, except where the subject property abuts residentially zoned land. In this instance, all portions of the building that contains the crematorium must be setback a minimum of one hundred (100) feet from any land zoned residential.



All crematoriums must be placed within a sound-proof building and this building shall be constructed in such a manner to reduce vibrations. The building shall also contain the proper apparatus for eliminating emissions.

All crematorium facilities shall have an annual Visual Emissions Test conducted and a copy of the inspection report provided to the City.

All crematoriums must obtain a Florida Department of Environmental Protection (FDEP) Non-Title V permit, per Fla. Stat. § 62-296.401.

*Prohibited uses and structures:*

All uses not specifically or provisionally permitted herein; any uses not in keeping with the community commercial character of the district.

Corrections facilities.

Pain-management clinic.

Electronic gaming establishments.

*Lot and structure requirements:*

Minimum lot area — twelve thousand five hundred (12,500) square feet.

Minimum lot width — one hundred (100) feet.

Minimum lot depth — one hundred and twenty-five (125) feet.

Maximum building coverage — thirty-five percent (35%).

Minimum floor area — three hundred (300) square feet.

Maximum height — seventy (70) feet.

*Minimum yard requirements:*

Front: thirty (30) feet minimum building setback. Parking areas may be located in the front yard except within ten feet of the front lot line.

Side interior: ten (10) feet minimum building setback. Parking areas may be located in the side yard, except within five (5) feet of the side lot line. Side yards abutting residentially zoned property shall maintain a twenty-five (25) foot minimum setback for all buildings and parking.

Side corner: twenty-five (25) feet minimum building setback. Parking areas may be located in the side corner yard, except within ten (10) feet of any public or private street.

Rear: twenty-five (25) feet minimum building and parking area setback; ten (10) feet when abutting a dedicated

alley.

Shared access and parking areas.

No side interior building and parking area setbacks are required provided all of the following are met:

Buildings on adjacent parcels, under separate ownership, are joined by a common wall;

Parking areas and aisles are joined with adjacent parcel(s) under separate ownership;

Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common parcels involved and a minimum spacing of one hundred and fifty (150) feet is maintained; or access is provided by an approved frontage road;



Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.

For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

A six (6) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this zoning code.

*Design requirements.*

An Architectural Style for each structure is required. This shall include adherence to all standards contained in § 185.134.

('74 Code, § 25-135) (Ord. 89-08, passed 4-27-89; Am. Ord. 89-33, passed 12-21-89; Am. Ord. 90-14, passed 3-15-90; Am. Ord. 94-31, passed 6-16-94; Am. Ord. 94-51, passed 11-16-94; Am. Ord. 94-52, passed 11-16-94; Am. Ord. 95-01, passed 1-19-95; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 96-03, passed 1-18-96; Am. Ord. 96-06, passed 2-15-96; Am. Ord. 98-07, passed 4-16-98; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2000-57, passed 11-2-00; Am. Ord. 2004-02, passed 1-22-04; Am. Ord. 2004-59, passed 10-7-04; Am. Ord. 2005-23, passed 6-20-05; Am. Ord. 2008-27, passed 5-1-08; Am. Ord. 2008-42, passed 6-5-08; Am. Ord. 2009-16, passed 5-7-09; Am. Ord. 2010-41, passed 9-16-10; Am. Ord. 2011-02, passed 1-20-11; Am. Ord. 2011-26, passed 4-7-11; Am. Ord. 2014-31, passed 8-7-14; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2016-88, passed 12-15-16; Am. Ord. 2020-12, passed 2-20-20)

## Zoning Summary

Development Requirements	An Architectural Style for each structure is required. This shall include adherence to all standards contained in §185.134.
Minimum Lot Size	12,500 SF
Minimum Lot Width	100 feet
Minimum Lot Depth	125 feet
Maximum Building Coverage	35%
Maximum Building Height	70 feet (published at time of analysis)
Density	No more than 75 rental units per acre
Front	Thirty (30) feet minimum building setback. Parking areas may be located in the front yard except within ten feet of the front lot line.
Rear	Twenty- five (25) feet minimum building and parking area setback; ten (10) feet when abutting a dedicated alley.
Side interior	Ten (10) feet minimum building setback. Parking areas may be located in the side yard, except within five (5) feet of the side lot line. Side yards



Side corner

abutting residentially zoned property shall maintain a twenty- five (25) foot minimum setback for all buildings and parking.

Twenty-five (25) feet minimum building setback. Parking areas may be located in the side corner yard, except within ten (10) feet of any public or private street.

#### Utilities

Sewer and Water from the City of Palm Bay

#### Environmental

No environmental issues were evidently noticeable for this site. The broker always advises ordering a Phase 1 Environmental for all sites.

#### **General Summary**

This site is less than 1000 yards from the highest traffic count in all of Brevard County - I95 and Palm Bay Rd.. This area has seen the most aggressive and active growth anywhere in Brevard County for the last 5-10 years. No comparable property sales can be found for this property since November 1, 2020. Properties currently the same size on Palm Bay Rd. near Babcock are listed for \$598,000.

The opinion of this broker is to increase the previous price of \$530,000 to \$595,000, and market this property using the surrounding retail and Hotel sites as the draw.

**Broker Suggested Price: \$595,000**





## Exhibit "A"

### SALES ADDENDUM TO MASTER LISTING AGREEMENT

This Sales Addendum to Master Listing Agreement ("Addendum") is made with respect to that certain Master Listing Agreement ("Agreement") by and between by and between ☐ **CITY OF PALM BAY** ("Seller"), a Florida municipal corporation and / or the ☐ **BAYFRONT COMMUNITY REDEVELOPMENT AGENCY**, a special dependent district of the City (also "Seller"), with offices located at 120 Malabar Road S.E., Palm Bay, Florida 32907, and One Sotheby's International Realty ("Broker"), with offices located at 1331, S. Harbor City Blvd., Melbourne, Florida 32901.

City and Broker hereby agree to supplement the Agreement as follows:

1. This Addendum is made with respect to the following Property:
  - i. Address: 1400 Sportsman Ln NE, Palm Bay, FL 32905
  - ii. Parcel ID: 28-37-20-50-B
  - iii. Tax ID: 2829540
2. The term of Broker's exclusive listing for this Property shall:
  - i. begin on [Seller to insert date] and
  - ii. expire at midnight on [Seller to insert date]
3. The Property shall be listed at \$ \$595,000.
4. Seller designates the following entity as closing agent (title company/law firm) to conduct the closing on the Property: \_\_\_\_\_.
5. Broker hereby accepts assignment of the Property and agrees to perform the services and duties stated in the Agreement. All of terms and provisions of the Agreement are by this reference expressly incorporated into this Addendum.

#### SELLER:

CITY OF PALM BAY

By: 

Title: City Manager

Date: 11-3-2021

#### BROKER:

One Sotheby's International Realty

By: M e l H o w a r d

Title: Broker / Associate

Date: 11-2-2021



## Exhibit "B"

### BROKER STATUS REPORT

Report Date: 11-2-2021

#### Property Identification

i. Address: 1400 Sportsman Ln NE, Palm Bay, FL 32905  
ii. Parcel ID: 28-37-20-50-B  
iii. Tax ID: 2829540

Current Listing Price: \_\_\_\_\_

Suggested Listing Price: \$595,000

Date of Last Visit to Property: 10-25-21

Date of Last Showing: \_\_\_\_\_

Number of Inquiries Since Last Report: 1

#### Suggestions to expedite the sale of the Property:

Erect sign and market the property as an enhancement to surrounding businesses

#### Current or new listings competing with the Property:

1.03 Acres at corner of Palm bay Rd, and Monterey Dr. for \$598,000

#### Other comments (status of repairs, etc.):

Need to find out who is parking a semi-truck and trailer on the Sportsman Ln side of this property

By: Mel Howard

Title: Broker Associate

Date: 11-2- 2021





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Terese Jones, City Clerk

**DATE:** 1/20/2022

**RE:** Consideration of amending City Council Policies and Procedures by modifying the start time for regular meetings and increasing the number of boards on which individuals may serve.

At the last regular meeting, Council concurred to consider changing the start time of regular Council meetings from 7:00 P.M. to 6:00 P.M., and to increase the number of boards on which individuals may serve from two (2) to three (3).

The revisions have been prepared for Council's consideration:

### 1. Amending Chapter 5, Types of Meetings: 5.1 Regular Meetings

#### 5.1 REGULAR MEETINGS

C. Regular meetings shall be held at a time determined by council >>the hour of 6:00 P.M.<< All unfinished business at adjournment shall be carried to the beginning of the next regular council meeting, unless prior to adjournment, items are placed on a special meeting agenda.

### 2. Amending Chapter 6, Boards and Committees: 6.4 Membership Service

#### 6.4 MEMBERSHIP SERVICE

Individuals may serve on no more than two (2) >>three (3)<< boards at the same time. Individuals serving on two (2) >>three (3)<< boards may apply to serve on another board, but must resign from one of the two >>three (3)<< boards on which they maintain membership, if appointed. (RCM 96-05) If a resignation is not received immediately, the last appointment shall be null and void. An exception to the aforementioned is service on an ad hoc committee in existence for less than one (1) year.

#### REQUESTING DEPARTMENT:

Legislative

#### FISCAL IMPACT:

None

**RECOMMENDATION:**

Motion to approve the revisions to City Council Policies and Procedures.

**ATTACHMENTS:**

**Description**

**Council Policies - Chapter 5 - Meetings**

**Council Policies - Chapter 6 - Boards**



## **CHAPTER 5**

### **TYPES OF MEETINGS**

#### **5.1 REGULAR MEETINGS**

A. Regular meetings shall be held at least twice each month; the first and third Thursday of each month. Council may change the meeting days when deemed necessary as long as two meetings a month are held. In the event that a regular meeting falls on a legal holiday, the council shall determine a new date for the meeting. City staff may make recommendations to the council as to the new date. (Charter s. 3.081)

B. Meetings of council shall be held at city hall or other municipal buildings. (Charter s.3.08)

C. Regular meetings shall be held at ~~a time determined by council~~ >>the hour of 6:00 P.M.<< All unfinished business at adjournment shall be carried to the beginning of the next regular council meeting, unless prior to adjournment, items are placed on a special meeting agenda.

D. Agenda Packets. A meeting agenda packet is prepared by the city manager and city clerk which, along with supporting documents and reports, is ~~placed in Outlook, under All Public Folders, in a folder labeled 'Agenda - RCM (date of meeting)'~~, >>distributed to council via email and posted on the city's website<< by Friday prior to the Thursday meeting. This allows for perusal by council of the items to be considered at the meeting and time to meet with the city manager in regards to any of the items.

#### **5.2 SPECIAL MEETINGS**

A. Special meetings may be held at the call of the mayor or any member of the council. (Charter s. 3.081)

B. Whenever practicable, verbal and written notice must be given to each member of council and to the public no less than twenty-four (24) hours prior to each meeting. (Charter s. 3.081)

C. The agenda shall state the specific purpose or purposes of the meeting. No additional items are allowed to be considered at this time. (Charter s. 3.081)

#### **5.3 WORKSHOP MEETINGS**

A. The primary purpose of workshop meetings is to discuss or brainstorm, on an informal basis, issues of concern, or for the presentation and discussion of information.

B. Workshop meetings may be requested by individual councilmembers but are usually scheduled by the council as a body.

C. Workshop meetings will be held at a date and time determined by council. All unfinished business at adjournment shall be carried to another scheduled workshop.

D. Due to the meeting's informality, formal action by motions is not considered appropriate. The council may provide staff members with the direction in which it wishes to proceed with an issue but should formalize the instruction at a regular meeting. Substantive decisions shall not be made at workshops.

E. Public interest and convenience shall be primary considerations when decisions are made as to time, location, and frequency of workshop meetings.

#### **5.4 EXECUTIVE SESSIONS**

A. Executive sessions are meetings held by the city council in private and are not subject to the sunshine law due to the privileged material to be discussed. The following meetings are executive sessions:

##### **1. Collective Bargaining**

- a. Collective bargaining meetings are requested by the city manager. It is a meeting held, in private, with the city manager or his/her designee, the city's negotiator, and the city council, relative to collective bargaining ([FS 447.605](#)).
- b. The sole purpose of this meeting is merely to instruct and consult with the negotiator before and during the collective bargaining sessions.
- c. Meetings can only be held when there are actual and impending collective bargaining negotiations.

##### **2. Attorney-Client Sessions**

- a. The city attorney will advise the city council at a public meeting when he/she desires advice concerning pending litigation ([FS 286.011\(8\)](#)).
- b. The city council and the city manager are permitted to meet in private with the city attorney to discuss pending litigation to which the city is presently a party before a court.

City of Palm Bay, Florida  
Council Policies and Procedures  
Chapter 5 - Types of Meetings

- c. The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.
- d. The only individuals authorized to attend the session are the: 1) city council; 2) city attorney; 3) city manager; and 4) court reporter ([AGO 95-06](#)). Outside counsel, if retained, is also authorized to attend the session ([AGO 98-06](#)).
- e. The temporary adjournment and reconvening of the session in order for members who are attending the meeting to leave the room and consult with others outside the meeting is prohibited ([AGO 95-06](#)).

B. No member of the council, employee of the city, or anyone else present shall disclose to any person the content or substance of any discussion which takes place in the executive sessions. The matter may be discussed only after it has been processed properly and made public by council action at a public meeting.

Adopted: RCM No. 2003-19; 07-03-03  
Revised: 01-06-05

## **CHAPTER 6**

### **BOARDS AND COMMITTEES**

#### **6.1 ESTABLISHMENT**

A. The city council may establish boards and committees (advisory or quasi judicial bodies) to assist in the conduct of the operation of the city government in such duties as the council may specify not inconsistent with the city charter or code. The guiding principles for establishing boards/committees are:

1. To study, review or research specific issues or areas of concern and act in an advisory capacity to council;
2. In accordance with specific statutory authorization which may be advisory or quasi judicial in nature.

B. The resolution or ordinance creating a board/committee shall establish its purpose, membership composition, and duties and responsibilities. It may also include the members' length of terms, members' qualifications, and meeting procedures. The members are responsible for the functions of the board/committee, and the chairperson is responsible for the board/committee's compliance with the provisions of the enacting legislation.

#### **6.2 APPOINTMENT PROCEDURES**

A. The establishment of these procedures shall ensure that well-qualified, responsible, and willing citizens are given the opportunity to serve the city and participate in the governing of their community.

1. Announcements of Vacancies or Open Positions

Vacancies and terms expiring on city appointed boards shall be announced by the presiding officer at not less than two (2) regular council meetings and shall continue, if necessary, at subsequent regular council meetings until the appropriate number of applications are received. A solicitation period of thirty (30) days, or as close thereto, shall be given for the receipt of applications. Appointments shall be made at the regular council meeting following the two announcements, or if no applications are received within the time frame designated, when the appropriate number of applications are received.

## 2. Appointments

- a. Councilmembers shall review the applications received from the volunteer citizenry and may appoint the individual(s) making application.
- b. When the number of applications received exceeds the number of vacant positions, each councilmember shall rank the individuals from 1 - \_\_\_\_\_, with No. 1 representing the councilmember's first choice. Councilmembers will receive rating sheets in their agenda packets. The sheets are to be submitted to the clerk on duty on the night of the meeting at which the appointments are to be made. Those individuals receiving the lowest totals shall fill the appropriate number of vacancies available. The presiding officer will announce the selections in accordance with the rating sheet and council shall make a motion to appoint the individuals to the board.

### 6.3 CHARTER REVIEW COMMISSION

After receipt of the results of the federal decennial census, the council shall appoint a commission of not less than ten (10) electors to the city, to be known as a charter review commission. The council may appoint a charter review commission at any other time when deemed appropriate. This commission shall review and recommend to the council any additions or deletions to the charter as in its judgement it deems advisable. (Charter s. 9.01)

### 6.4 MEMBERSHIP SERVICE

Individuals may serve on no more than ~~two (2)~~ **>>three (3)<<** boards at the same time. Individuals serving on ~~two (2)~~ **>>three (3)<<** boards may apply to serve on another board, but must resign from one of the ~~two~~ **>>three (3)<<** boards on which they maintain membership, if appointed. (RCM 96-05) If a resignation is not received immediately, the last appointment shall be null and void. An exception to the aforementioned is service on an ad hoc committee in existence for less than one (1) year.

### 6.5 REMOVAL OF MEMBERS

The council may only remove board or committee members in accordance with Chapter 61 of the Code of Ordinances. (RCM 2011-04).

## **6.6 BOARD LIAISONS**

### **A. Staff Liaison**

1. The city manager shall provide city staff support and assistance to boards and committees, as appropriate. Boards and committees do not have supervisory authority over city staff. While they may work closely with boards, staff members remain responsible to their ultimate supervisor and ultimately to the city manager.
2. Staff support may include the preparation of an agenda and agenda reports providing a background of the issue, a list of alternatives, recommendations, and appropriate backup material, if necessary.
3. The assigned staff person may also serve as or designate a secretary to the board.

## **6.7 REPORTS TO COUNCIL**

### **A. Oral Reports**

Boards and committees may present oral reports to the city council at the second regular council meeting of each month. (RCM 87-29; 12-17-87) The presiding officer will ask at the meeting if any boards are present to make a report. The board representative will make it known at that time by raising his/her hand.

### **B. Written Reports**

Boards and committees shall send copies of their agendas and minutes to the office of the city clerk for posting on the city hall bulletin board and for distribution to the city council through its routing box.

1. The board secretary or staff liaison shall also send copies of the agendas and minutes to the council liaison via the office of the city clerk.

**C. Recommendations by boards and committees upon which they desire council consideration or action may be presented to the council in the following ways:**

1. During the board and committee reports to council at a regular council meeting, at which the matter will be scheduled as an agenda item for the next or appropriate council meeting; or

2. Submission to the office of the city manager for placement on a council agenda.

## **6.8 DISSOLUTION OR ABOLISHMENT**

Any board or committee accomplishing the purpose for which it was created shall be abolished or dissolved in the same manner that it was created.

Adopted: RCM 2003-19; 07-03-03  
Revised: RCM 2011-04; 02-03-11  
RCM 2015-31; 11-17-15





## **LEGISLATIVE MEMORANDUM**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Terese Jones, City Clerk

**DATE:** 1/20/2022

**RE:** Committee/Council Reports

**Committee Reports:**

- Space Coast Transportation Planning Organization
- Space Coast League of Cities
- Tourist Development Council

**Council Reports**

**REQUESTING DEPARTMENT:**

Legislative