



Mayor
ROB MEDINA
Deputy Mayor
KENNY JOHNSON
Councilmembers
RANDY FOSTER
DONNY FELIX
PETER FILIBERTO

AGENDA

Regular Council Meeting 2022-11 Thursday

**May 19, 2022 - 6:00 PM
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

CALL TO ORDER:

INVOCATION:

1. Pastor David Cannon - Grace Bible Church, Palm Bay.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Two (2) vacancies on the Community Development Advisory Board (represents one of the following positions: 'advocate for low-income'; 'essential services personnel'; 'for-profit provider'; 'actively engaged in home building'; or 'not-for-profit provider').++
2. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++
3. Two (2) vacancies on the Youth Advisory Board (represents 'adult member, 30 years and older' positions).++
4. One (1) vacancy on the Citizens' Budget Advisory Board.++

AGENDA REVISIONS:

PROCLAMATIONS AND RECOGNITIONS:

1. Proclamation: National Police Week - May 9-15, 2022; and National Peace Officers Memorial Day - May 15, 2022. (Mayor Medina)
2. Proclamation: National Kids to Parks Day - May 21, 2022.
3. Proclamation: National Safe Boating Week - May 21-27, 2022.
4. Proclamation: Poppy Days - May 27-30, 2022.

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 2022-52, rezoning property located between and adjacent to Malabar Road and Biddle Street, from RM-15 (Single-, Two-, Multiple-Family Residential District), OP (Office Professional District), and RS-2 (Single-Family Residential District) to HC (Highway Commercial District) and RM-10 (Single-, Two-, Multiple-Family Residential District) (18.44 acres) (CPZ-15-2022, ACIS Investment Group, LLC/Mimis Mitropoulos), final reading. (Quasi-Judicial Proceeding)
2. Ordinance 2022-53, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Youth Advisory Board', by modifying the age requirement for adult advisory members, final reading. (Deputy Mayor Johnson)
3. Ordinance 2022-25, rezoning property located south of and adjacent to Orange Blossom Trail, in the vicinity west of Dixie Highway, from BMUV (Bayfront Mixed Use Village District) to BMU (Bayfront Mixed Use District) (5.05 acres) (Case CPZ-5-2022, Marvin and Donatina Miller / Steve and Marisela Berman), final reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 05/05/22 RCM)
4. Ordinance 2022-46, rezoning property located north and south of and adjacent to Emerson Drive, in the vicinity east and west of and adjacent to St. Johns Heritage Parkway, from AU, Agricultural (Brevard County) to CC (Community Commercial District) and RM-20 (Multiple-Family Residential District) (61.79 acres) (Case CPZ-11-2022, Gary Smigiel, Ascot Palm Bay Holdings, LLC), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 04/07/22 RCM)
5. Ordinance 2022-55, vacating a portion of the road right-of-way known as Kinney Avenue NE, lying between Orange Blossom Trail and Water Drive (0.63 acres) (Case VRW-1-2022, Adelon Real Estate Manager, LLC), first reading.
6. Ordinance 2022-56, vacating a portion of the rear public utility and drainage easement located within Lot 13, Block 1533, Port Malabar Unit 31 (Case VE-3-2022, Pedro Hernandez, Jr.), first reading.
7. Ordinance 2022-57, vacating a portion of the rear public utility and drainage easement located within Lot 29, Block 2082, Port Malabar Unit 46 (Case VE-4-2022, Russell and Naomia Steele), first reading.
8. Request by Sachs Capital Group and Identical Investments LLC to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of property located in the vicinity north of Jupiter Boulevard and west of Brevard Avenue from Single-Family Residential Use to Multiple-Family Residential Use (0.83 acres) (Case CP-16-2022). (CONTINUED TO 06/01/22 P&Z AND 06/16/22 RCM)
9. Request by Sachs Capital Group and Identical Investments LLC, for a Preliminary Development Plan to allow a proposed Planned Unit Development (PUD) for a mixed use development to be known as 'Jupiter Bay', which property is located at the southwest corner of Jupiter Boulevard and Brevard Avenue (24.96 acres) (Case PD-15-2022). (CONTINUED TO 06/01/22 P&Z AND 06/16/22 RCM)
10. Request by Foundation Park Future Investments LLC to vacate a portion of the road and drainage rights-of-way of the Plat known as Port Malabar Unit 15, as recorded in Plat Book 15, Pages 72-79, of the Public Records of Brevard County, Florida (Case VRW-2-2022). (WITHDRAWN)

CONSENT AGENDA:

There will be no separate discussion on those items listed under Consent Agenda. 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 2022-08; April 7, 2022.
2. Adoption of Minutes: Regular Council Meeting 2022-09; April 21, 2022.
3. Resolution 2022-21, amending Resolution 2021-47, by revising certain rates, charges, and fees for Fiscal Year 2021-2022, established pursuant to the City of Palm Bay Code of Ordinances, Title III, Administration, Chapter 36, Recreation Department.
4. Resolution 2022-22, rescinding Resolution 2016-02, which authorized the closure of Tranter Avenue, between Sandusky and Tidewell Streets.
5. Ordinance 2022-58, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Community Development Advisory Board', by revising provisions contained therein, first reading.
6. Ordinance 2022-59, amending the Code of Ordinances, Chapter 110, Business Taxes, Subchapter 'Business Taxes; Tax Receipts; Receipts', by revising provisions contained therein, first reading.
7. Consideration of a request from Florida Power and Light for two (2) ground equipment easements at Inspiration Park.
8. Consideration of a purchase offer for City-owned surplus real estate generally located at 1201 Sunswept Road NE (Tax Account: 2834976 and Parcel ID: 28-37-26-04-A-A) from buyer Joan Kundis (\$20,000).
9. Consideration of reallocating previously approved funding for the Special Election for upgrades to the audio/speaker system in Council Chambers (\$83,069).
10. Consideration of utilizing Stormwater Utility Funds for construction funding related to Port Malabar Units 37 and 57 culvert pipe replacements (\$360,000).
11. Consideration of utilizing Stormwater Utility Funds for construction funding related to Rockabye Avenue at Melbourne Tillman Water Control District Canal C-41R and Harper Boulevard at Melbourne Tillman Water Control District Canal C-18 replacement/restoration of culvert crossings (\$850,000).
12. Consideration of utilizing Stormwater Utility Funds for construction funding related to Port Malabar Unit 44 culvert pipe replacements (\$1,780,000).
13. Consideration of utilizing Transportation Impact Fee funds for the acquisition of right-of-way from GA Property, LLC, for the widening of Babcock Street at the intersection of the St. Johns Heritage Parkway per the Interlocal Agreement between the City of Palm Bay and Brevard County (\$12,965.94).
14. Acknowledgement of the City's monthly financial report for March 2022 (Unaudited).
15. Acknowledgement of the City's quarterly Budget Monitoring Report for Fiscal Year 2022 Quarter Two (Unaudited).
16. Consideration of travel and training for specified City employees (Building Department).
17. Consideration of travel and training for specified City employees (Code Compliance Division).

18. Consideration of travel and training for specified City employees (Community and Economic Development Department).
19. Consideration of travel and training for specified City employees (Police Department).
20. Consideration of travel and training for specified City employees (Procurement Department).

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Youth Advisory Board (represents 'at-large student member' position).

NEW BUSINESS:

1. Consideration of City's co-sponsorship with the Court Kingz 2022 Summer Basketball League
2. Consideration of City's co-sponsorship of two (2) events for the Brevard Caribbean American Sports and Cultural Association's (BCASCA) celebration of Caribbean American Heritage Month.
3. Consideration of councilmembers attending the annual Florida League of Cities Conference, in conjunction with the Florida League of Mayors, August 11-13, 2022, in Hollywood, Florida; appointment of voting delegate.

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: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 5/19/2022

RE: Ordinance 2022-52, rezoning property located between and adjacent to Malabar Road and Biddle Street, from RM-15 (Single-, Two-, Multiple-Family Residential District), OP (Office Professional District), and RS-2 (Single-Family Residential District) to HC (Highway Commercial District) and RM-10 (Single-, Two-, Multiple-Family Residential District) (18.44 acres) (CPZ-15-2022, ACIS Investment Group, LLC/Mimis Mitropoulos), final reading. (Quasi-Judicial Proceeding)

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. Mimis Mitropoulos, ACIS Investment Group, LLC (Represented by Bruce Moia, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorneys at Law / Jeremy Mears, Brownstone Group) has submitted for a rezoning from an RM-15, Single-, Two-, Multiple-Family Residential District; RS-2, Single-Family Residential District; OP, Office Professional District to an HC, Highway Commercial District for the front acre of the subject parcel that abuts Malabar Road and an RM-10, Single-, Two-, Multiple-Family Residential District for the remainder of the property. The undeveloped land consists of four parcels, located north of Malabar Road and west of Babcock Street.

The proposed change will permit the applicant to construct a single-family and commercial development. The proximity between each development will enable a more walkable environment that may reduce daily trips, vehicle miles, and congestion.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CPZ-15-2022.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:**Description**

Case CPZ-15-2022 - Staff Report - Revised

Case CPZ-15-2022 - Legal Sketch

Case CPZ-15-2022 - Survey

Case CPZ-15-2022 - Application

Case CPZ-15-2022 - Applicant Handout

Case CPZ-15-2022 - Board Minutes

Ordinance 2022-52

**REVISED**

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Jesse D. Anderson, Assistant Growth Management Director

CASE NUMBER

CPZ-15-2022

PLANNING & ZONING BOARD HEARING DATE

April 6, 2022

PROPERTY OWNER & APPLICANT

Mimis Mitropoulous, ACIS Investment Group, LLC (Bruce Moia, Kim Rezanka, Jeremy Mears, Reps.)

PROPERTY LOCATION/ADDRESS

Tax Parcels 500, 501.1, 502, 513, Section 34, Township 28, Range 37, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a rezoning from RM-15, Single-, Two-, Multiple-Family Residential District; RS-2, Single-Family Residential District; OP, Office Professional District to HC, Highway Commercial District for the front acre of the parcel that abuts Malabar Road and RM-10, Single-, Two-, Multiple-Family Residential District for the rest of the remaining portions of the property.

Existing Zoning

RM-15, Single-, Two-, Multiple-Family Residential District; RS-2, Single-Family Residential District; OP, Office Professional District

Existing Land Use

MFR, Multiple-Family Residential Use; POF, Professional Office Use; SFR, Single-Family Residential Use

Site Improvements

Undeveloped Land

Site Acreage

18.44 acres

SURROUNDING ZONING & USE OF LAND**North**

RS-2, Single-Family Residential - Single-Family Homes

East

OP, Office Professional - Medical Office;
HC, Highway Commercial - Vacant

South

GC, General Commercial - Storage

West

RM-15, Single-, Two-, Multiple-Family Residential - Vacant

BACKGROUND:

The subject properties are located north of Malabar Rd and **West >>east<<** of Babcock Street. There are 4 parcels that are included in this request. HC, RM-10

ANALYSIS:

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C) which states that all proposed amendments shall be submitted to the Planning and Zoning Board, which shall study such proposals in accordance with items 1 through 4 of Section 185.201(C).

Item 1 - *The need and justification for the change.*

The applicant states the justification for the change is “to change the zoning districts to enable the developer to construct proposed multi-family and commercial developments.” The RM-10 zoning district will allow for multifamily type dwellings, while the HC zoning district will allow for commercial uses. The proximity of each development to the other enables a more walkable, environment with higher potential for pedestrian activity, which may result in reduced daily trips, vehicle miles traveled, and congestion that may otherwise be present. The change in zoning will allow for more definitive transitions between zoning districts and will further align and mix appropriate levels of density and intensity within the given area.

Item 2 - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties.*

The designations of the HC and RM-10 zoning districts for the subject properties is compatible with the surrounding area and is consistent with the City’s desire and plan for future mixed-use developments.

Item 3 - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the City having the same classification as that requested.*

This project is entirely in city limits and advances the comprehensive plan elements to ensure a mixture of housing types, as well as accessible, walkable, neighborhood-commercial and other commercial activities within a general proximity to residents.

Item 4 - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

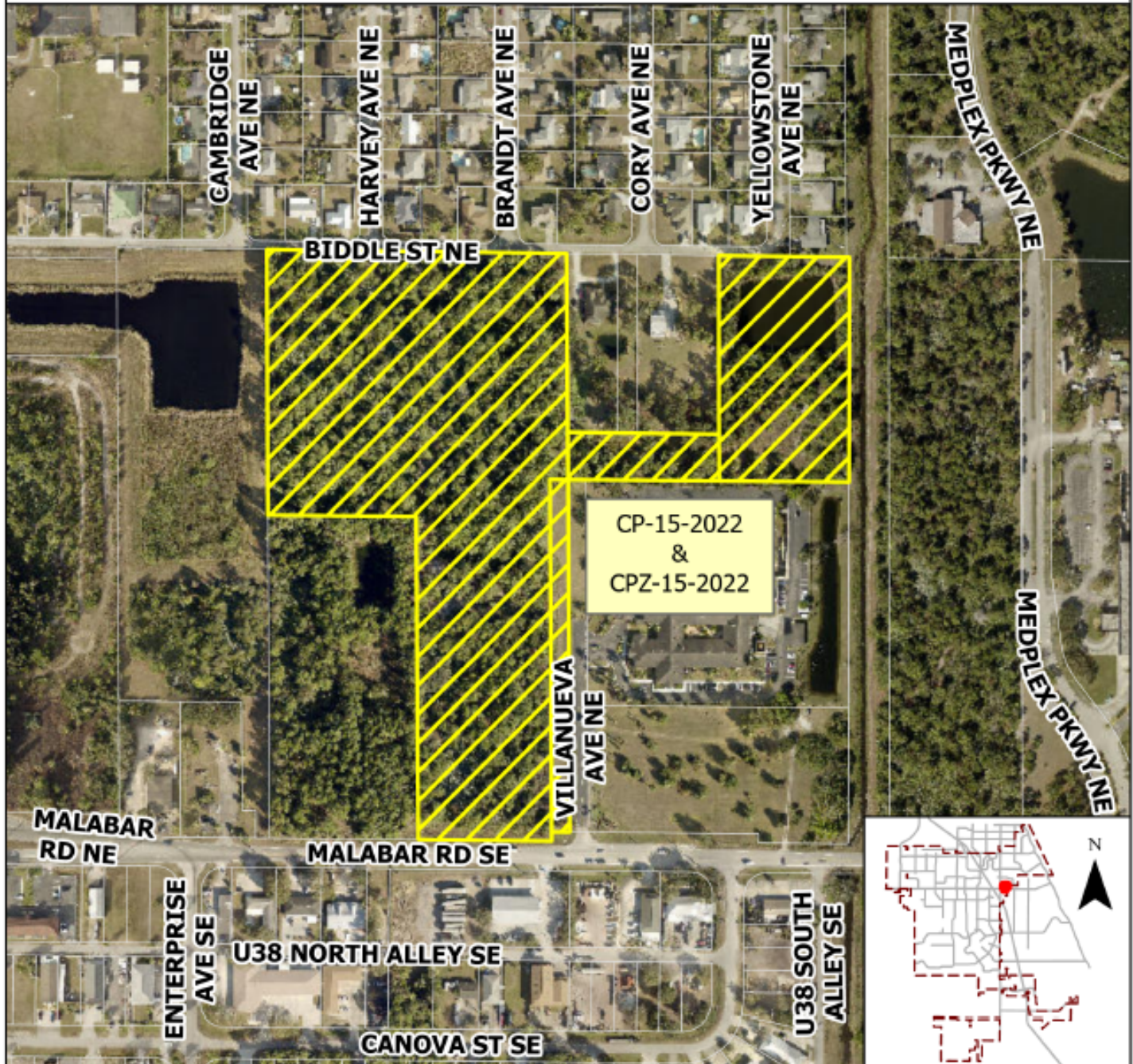
The proposed amendment will further the purposes of Chapter 185, the Comprehensive Plan.

STAFF RECOMMENDATION:

Case CPZ-15-2022 is recommended for approval.



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



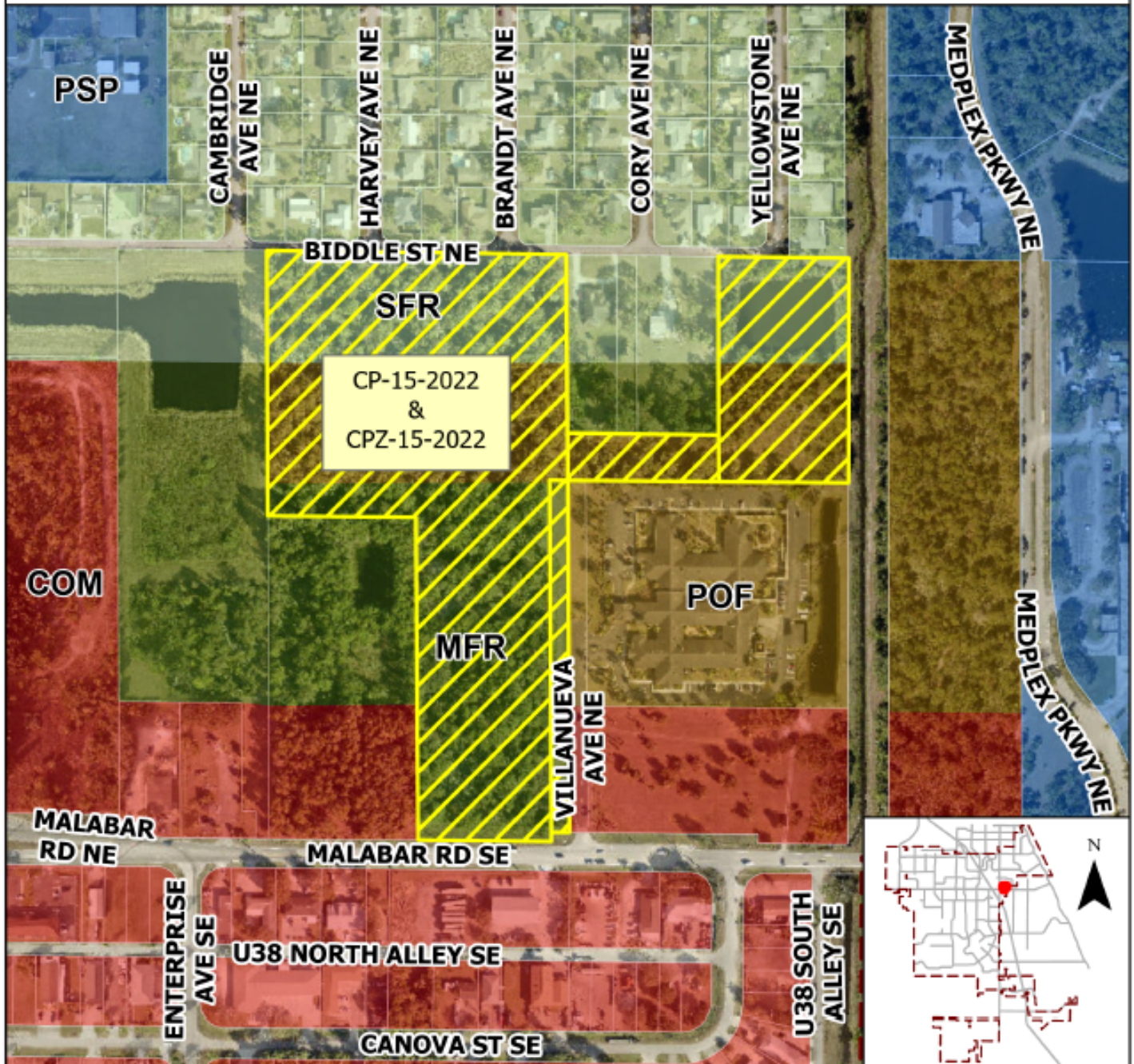
AERIAL LOCATION MAP CASE: CP-15-2022 & CPZ-15-2022

Subject Property

Between and adjacent to Malabar Road NE and Biddle Street NE



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-15-2022 & CPZ-15-2022

Subject Property

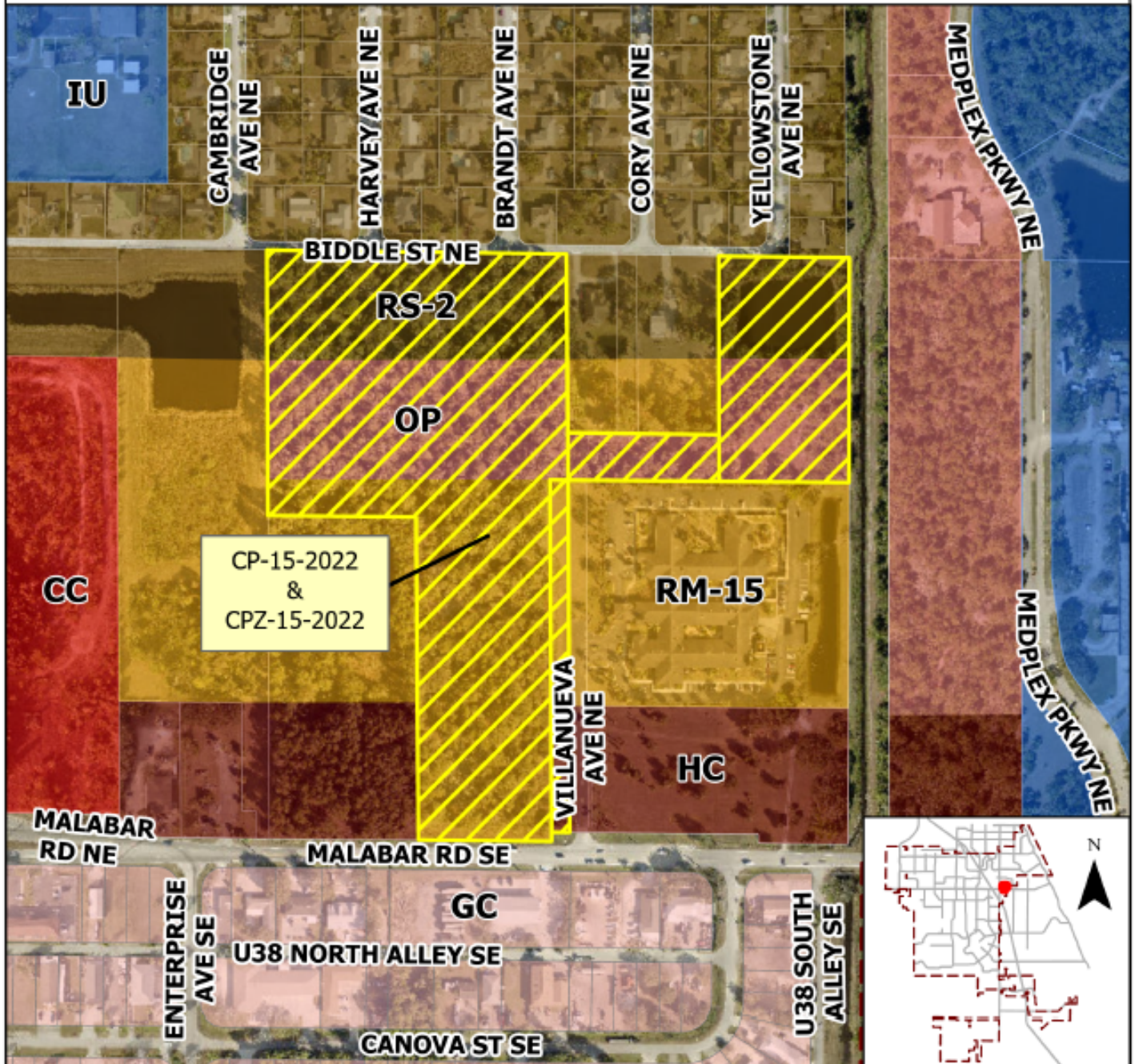
Between and adjacent to Malabar Road NE and Biddle Street NE

Future Land Use Classification

SFR, POF, MFR – Single Family Residential, Multi-Family Residential, Professional Office



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



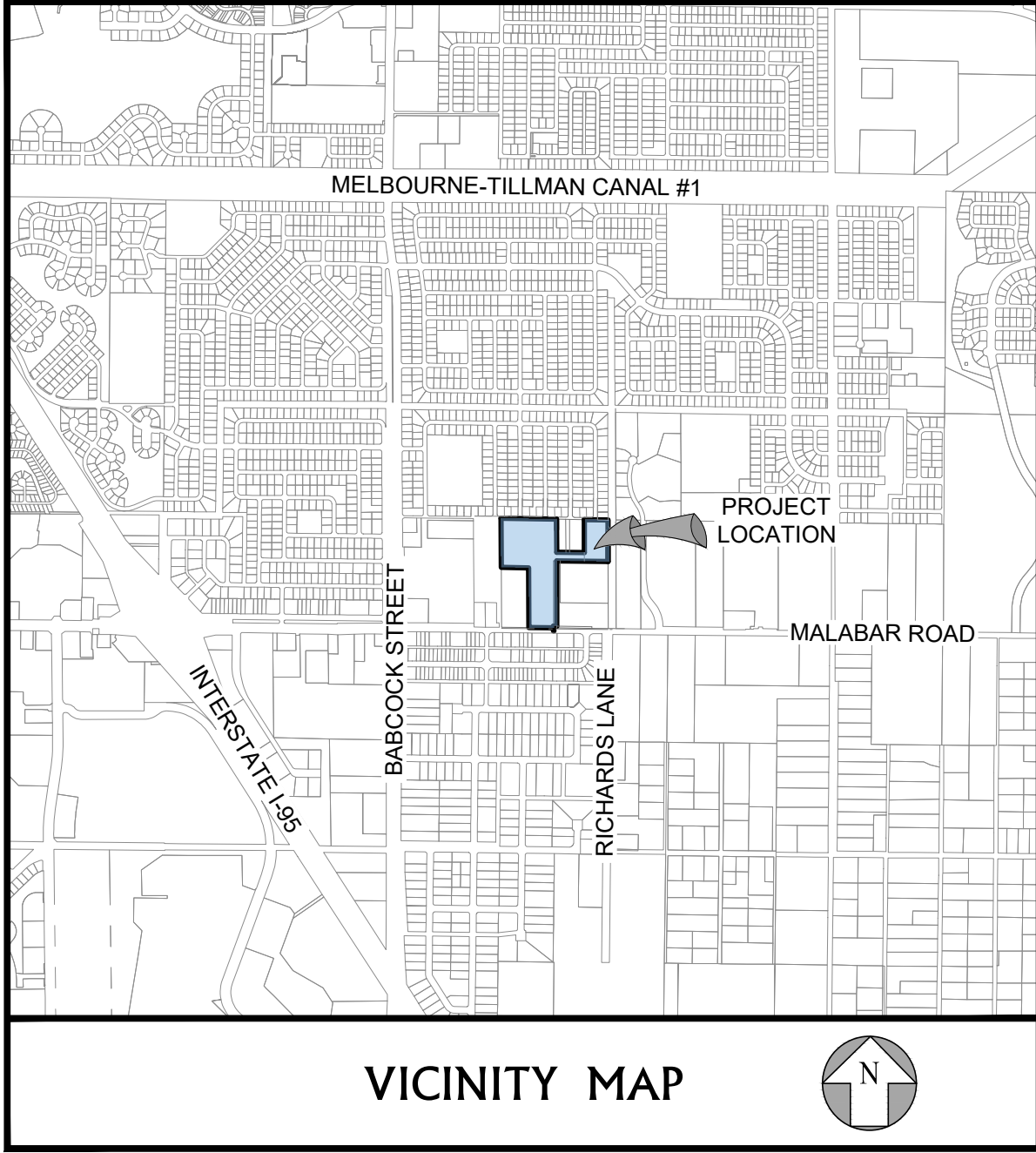
ZONING MAP CASE: CP-15-2022 & CPZ-15-2022

Subject Property

Between and adjacent to Malabar Road NE and Biddle Street NE

Current Zoning Classification

RS-2, OP, RM-15 – Single-Family Residential, Office Professional, Single-, Two-, Multi-Family Residential



SITE INFORMATION

APPLICANT/OWNER
ACIS INVESTMENT GROUP, LLC
1141 SW 13 AVE.
MIAMI, FLORIDA 33135
PHONE: (305) 833-9138

SITE ADDRESS
180 VILLANUEVA AVE NE
PALM BAY FL 32907

ZONING (EXISTING)
HC - HIGHWAY COMMERCIAL
OP - OFFICE PROFESSIONAL
RM-15 - MULTI-FAMILY RES.
RS-2 - SINGLE FAMILY RES.

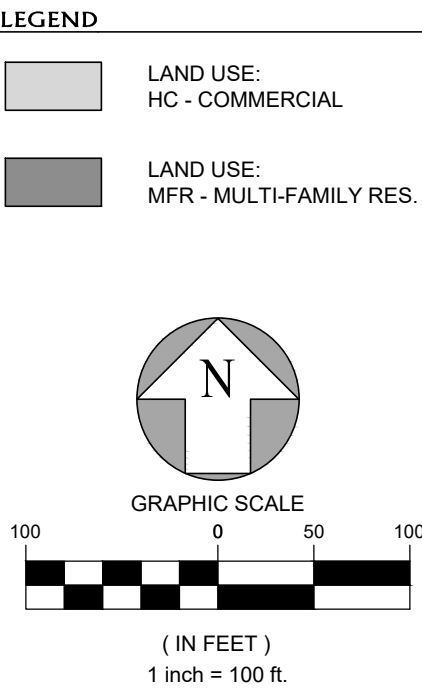
TAX PARCEL I.D. NUMBER(S)
28-37-34-00-500 (PARCEL 2)
28-37-34-00-501.1 (PARCEL 2)
28-37-34-00-502 (PARCEL 1)
28-37-34-00-513 (PARCEL 3)

ENGINEER
MBV ENGINEERING, INC.
1250 W EAU GALIE BLVD, UNIT H
MELBOURNE, FL 32935
PHONE: (321) 253-1510

SURVEYOR
KANE SURVEYING, INC.
505 DISTRIBUTION DRIVE
MELBOURNE, FLORIDA 32904
PHONE: (321) 676-0427

ZONING (PROPOSED)
RM-10 (17.44 AC.)
HC (1.00 AC.)

TAX ACCOUNT NO.
2845861
2845863
2845864
2864388



LEGAL DESCRIPTION:

Fidelity National Title Commitment Order No. 9990911, dated 10/05/2021:

PARCEL 1:
A portion of Lot 6 in Section 34, Township 28 South, Range 37 East as shown on a Plat of Florida Indian River Land Company as recorded in Plat Book 1, Page 164, of the Public Records of Brevard County, Florida, more particularly described as follows:
Commence at the Southwest corner of said Section 34, thence S 89 degrees 27'51"E along the south line of said Section 34, 1653.06 feet to the point of beginning; thence N 00 degrees 19'11" W, 748.00 feet; thence N 89 degrees 27'51" W, 586.18 feet; thence N 0 degrees 20'58" W, 586.18 feet; thence S 89 degrees 19'08" E, 663.42 feet; thence S 0 degrees 19' 11" E, 1332.46 feet to the South line of said Section 34, 335.00 feet to the point of beginning.

LESS AND EXCEPT THE RIGHT OF WAY FOR MALABAR ROAD.

LESS AND EXCEPT THE FOLLOWING:
That part of Lot 6, THE PLAT OF FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION OF Section 34, Township 28 South, Range 37 East, according to the plat thereof, as recorded in Plat Book 1, Page 164, of the Public Records of Brevard County, Florida, being described as follows:
Begin at the intersection of the East line of said Lot 6 with the North right of way line of Malabar road, being a 66 foot wide roadway; thence run N 89 degrees 28' 01"W, along said north right of way line of Malabar Road, 40.00 feet to a point that is 40.00 feet West of, as measured perpendicular to, said East line of Lot 6; thence run N 00 degrees 17'29"W parallel with the West line of said Lot 5, 800.08 feet to a point that is 800.00 feet north, as measured perpendicular to, said North right of way line of Malabar Road, thence run S 89 degrees 28'01"E, Parallel with said North right of way line of Malabar Road, 40.00 feet to the East line of said Lot 6; thence run S 00 degrees 17'29"W, along said East line of Lot 6, 800.08 feet to the Point of Beginning.

LESS AND EXCEPT:
Description: 20' additional right of way for Malabar Road.
A portion of Lots 5 and 6, Plat of Florida Indian River Land Company Subdivision of Section 34, Township 28 South, Range 37 East, according to the plat thereof, as recorded in Plat Book 1, Page 164, of the Public Records of Brevard County, Florida, being described as follows:
Commence at the intersection of the West line of said Lot 5 with the current North right of way line of Malabar Road (a 66 foot wide right of way), as the point of Beginning; thence run North 89'28'01" West, along said North right of way line, 40.00 feet; thence run North 00'17'29" West, 20.00 feet; thence run South 89'28'01" East, parallel with the proposed right of way line 457.74 feet; thence run South 00'19'41" East 20.00 feet to said North right of way line; thence run North 89'28'01" West, along said North line, 417.75 feet to the point of Beginning.

PARCEL 2
THAT PART OF LOT 5 AND 6, THE PLAT OF FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION OF SECTION 34, TOWNSHIP 28 SOUTH, RANGE 37 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 164, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:
FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID LOT 5 WITH THE NORTH RIGHT OF WAY LINE OF MALABAR ROAD, BEING A 66 FOOT WIDE ROADWAY; THENCE RUN NORTH 00'17'29" WEST ALONG THE WEST LINE OF SAID LOT 5, 800.08 FEET TO A POINT THAT IS 800.00 FEET NORTH, AS MEASURED PERPENDICULAR TO, SAID NORTH RIGHT OF WAY LINE OF MALABAR ROAD AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00'17'29" WEST ALONG SAID WEST LINE 104.80 FEET TO THE SOUTH LINE OF THE NORTH 395.00 FEET OF SAID LOT 5; THENCE RUN SOUTH 89'19'12" EAST ALONG SAID SOUTH LINE OF THE NORTH 395.00 FEET, 334.80 FEET TO THE WEST LINE OF THE EAST 1/2 OF SAID LOT 5; THENCE RUN NORTH 00'05'05" WEST ALONG SAID WEST LINE OF THE EAST 1/2 OF SAID LOT 5, 395.04 FEET TO THE NORTH LINE OF SAID LOT 5; THENCE RUN SOUTH 89'19'12" EAST ALONG THE NORTH LINE OF SAID LOT 5, 336.22 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE RUN SOUTH 00'07'20" WEST ALONG THE EAST LINE OF SAID LOT 5, 498.10 FEET TO A POINT THAT IS 800.00 FEET NORTH, AS MEASURED PERPENDICULAR TO, SAID NORTH RIGHT OF WAY LINE OF MALABAR ROAD, THENCE RUN NORTH 89'28'01" WEST PARALLEL WITH SAID NORTH RIGHT OF WAY LINE OF MALABAR ROAD, 668.82 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:
Description: THAT PART OF LOT 5 AND 6, THE PLAT OF FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION OF SECTION 34, TOWNSHIP 28 SOUTH, RANGE 37 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 164, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:
BEGIN AT THE INTERSECTION OF WEST LINE OF SAID LOT 5 WITH THE NORTH RIGHT OF WAY LINE OF MALABAR ROAD, BEING A 66 FOOT WIDE ROADWAY; THENCE RUN NORTH 89'28'01" WEST ALONG SAID NORTH RIGHT OF WAY LINE OF MALABAR ROAD, 40.00 FEET TO A POINT THAT IS 40.00 WEST OF, AS MEASURED PERPENDICULAR TO, SAID WEST LINE OF LOT 5; THENCE NORTH 00'17'29" WEST PARALLEL WITH THE WEST LINE OF SAID LOT 5, 800.08 FEET TO A POINT THAT IS 800.00 FEET NORTH, AS MEASURED PERPENDICULAR TO, SAID NORTH RIGHT OF WAY LINE OF MALABAR ROAD; THENCE RUN SOUTH 89'28'01" EAST, PARALLEL WITH SAID NORTH RIGHT OF WAY LINE OF MALABAR ROAD, 80.01 FEET TO A POINT THAT IS 40.00 FEET EAST OF, AS MEASURED PERPENDICULAR TO, SAID WEST LINE OF LOT 5; THENCE RUN SOUTH 00'17'29" EAST, PARALLEL WITH THE WEST LINE OF SAID LOT 5, 800.08 FEET TO THE NORTH RIGHT OF WAY LINE OF MALABAR ROAD; THENCE NORTH 89'28'01" WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF MALABAR ROAD, 40.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH non-exclusive easements for the benefit of the above described parcel as created by and set forth in that certain Drainage Easement and Access Easement Agreement recorded July 11, 2003 in Official Records Book 4976, Page 419, of the Public Records of Brevard County, Florida.

PARCEL 3
THAT PART OF LOT 6, THE PLAT OF FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION OF SECTION 34, TOWNSHIP 28 SOUTH, RANGE 37 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 164, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:
BEGIN AT THE INTERSECTION OF THE EAST LINE OF SAID LOT 6 WITH THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, BEING A 66 FOOT WIDE ROADWAY; THENCE RUN NORTH 89'28'01" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, 40.00 FEET TO A POINT THAT IS 40.00 FEET WEST OF, AS MEASURED PERPENDICULAR TO, SAID EAST LINE OF LOT 6; THENCE RUN NORTH 00'17'29" WEST, PARALLEL WITH THE WEST LINE OF SAID LOT 5, 800.08 FEET TO A POINT THAT IS 800.00 FEET NORTH, AS MEASURED PERPENDICULAR TO, SAID NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD; THENCE RUN SOUTH 89'28'01" EAST, PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, 40.00 FEET TO THE EAST LINE OF SAID LOT 6; THENCE RUN SOUTH 01'29" WEST, ALONG SAID EAST LINE OF LOT 6, 800.08 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT Right-of-way for Malabar Road.

NO.	DATE	REVISIONS	COMMENTS
8	21-1072	BAM	
7		BAM	
6		BAM	
5		BAM	
4		BAM	
3		BAM	
2		BAM	
1		BAM	

JOB NO.	DESIGNED	DRAWN	CHECKED	DATE
21-1072	BAM	BAM	BAM	4/1/2022

MBV ENGINEERING, INC.
1250 W. EAU GALIE BLVD. SUITE H
MELBOURNE, FLORIDA 32935
P: 321.253.1510
F: 321.253.1511
ALSO WITH OFFICES IN:
VERO: 772.598.0035, FT PIERCE: 772.486.8065, PALM CITY: 772.486.9699

CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL
CMAA728

RE-ZONING PLAN

ARTESIA AT PALM BAY

NOT FOR CONSTRUCTION
PLAN SHEETS ARE PRELIMINARY AND FOR INFORMATION ONLY. PLANS SHOULD NOT BE USED AS A BASIS FOR BIDS.
CONTRACTOR SHOULD ORDER THE OFFICIAL PLANS FROM THE ENGINEER OF RECORD TO ENSURE THAT ANY ACCORDIANCE AND PROPERLY DISTRIBUTED PLANS ARE REVISED WITHOUT ENGINEER OF RECORDS SEAL AND SIGNATURE.

C-1

LEGAL DESCRIPTION:

Fidelity National Title Commitment Order No. 9990911, dated 10/05/2021:

PARCEL 1:

A portion of Lot 6 in Section 34, Township 28 South, Range 37 East as shown on Plat of Florida Indian River Land Company as recorded in Plat Book 1, Page 164, of the Public Records of Brevard County, Florida, more particularly described as follows:
Commence at the Southwest corner of said Section 34, thence S 89 degrees 27'51"E along the south line of said Section 34, 1653.06 feet to the point of beginning; thence N 00 degrees 19'11" W, 748.00 feet, thence N 89 degrees 27'51" W 328.07 feet; thence N 0 degrees 20'58" W, 586.18 feet, thence S 89 degrees 19'08" E, 663.42 feet, thence S 0 degrees 19' 11" E, 1332.48 feet to the South line of said Section 34, 335.00 feet to the point of beginning.

LESS AND EXCEPT THE RIGHT OF WAY FOR MALABAR ROAD.

LESS AND EXCEPT THE FOLLOWING:

That part of Lot 6, THE PLAT OF FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION of Section 34, Township 28 South, Range 37 East, according to the plat thereof, as recorded in Plat Book 1, Page 164, of the Public Records of Brevard County, Florida, being described as follows:
Begin at the intersection of the East line of said Lot 6 with the North right of way line of Malabar road, being a 66 foot wide roadway; thence run N 89 degrees 28' 01"W, along said north right of way line of Malabar Road, 40.00 feet to a point that is 40.00 feet West of, as measured perpendicular to, said East line of Lot 6; thence run N 00 degrees 17'29"W parallel with the West line of said Lot 5, 800.08 feet to a point that is 800.00 feet north, as measured perpendicular to, said North right of way line of Malabar Road; thence run S 89 degrees 28'01"E, Parallel with said North right of way line of Malabar Road, 40.00 feet to the East line of said Lot 6; thence run S 00 degrees 17'29"W, along said East line of Lot 6, 800.08 feet to the Point of Beginning.

LESS AND EXCEPT:

Description: 20' additional right of way for Malabar Road.
A portion of Lots 5 and 6, Plat of Florida Indian River Land Company Subdivision of Section 34, Township 28 South, Range 37 East, according to the plat thereof, as recorded in Plat Book 1, Page 164, of the Public Records of Brevard County, Florida, being described as follows:
Commence at the intersection of the West line of said Lot 5 with the current North right of way line of Malabar Road (a 66 foot wide right of way), as the point of beginning; thence run North 89'28'01" West, along said North right of way line, 40.00 feet; thence run North 00'17'29" West, 20.00 feet; thence run South 89'28'01" East, parallel with the aforesaid North right of way line 457.74 feet; thence run South 00'19'41" East 20.00 feet to said North right of way line; thence run North 89'28'01" West, along said North line, 417.75 feet to the point of Beginning.

PARCEL 2

THAT PART OF LOT 5 AND 6, THE PLAT OF FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION OF SECTION 34, TOWNSHIP 28 SOUTH, RANGE 37 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 164, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:
FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID LOT 5 WITH THE NORTH RIGHT OF WAY LINE OF MALABAR ROAD, BEING A 66 FOOT WIDE ROADWAY; THENCE RUN NORTH 00'17'29" WEST ALONG THE WEST LINE OF SAID LOT 5, 800.08 FEET TO A POINT THAT IS 800.00 FEET NORTH, AS MEASURED PERPENDICULAR TO, SAID NORTH RIGHT OF WAY LINE OF MALABAR ROAD AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00'17'29" WEST ALONG SAID WEST LINE 104.80 FEET TO THE SOUTH LINE OF THE NORTH 395.00 FEET OF SAID LOT 5; THENCE RUN SOUTH 89'19'12" EAST ALONG SAID SOUTH LINE OF THE NORTH 395.00 FEET, 334.80 FEET TO THE WEST LINE OF THE EAST 1/2 OF SAID LOT 5; THENCE RUN NORTH 00'05'05" WEST ALONG SAID WEST LINE OF THE EAST 1/2 OF SAID LOT 5, 395.04 FEET TO THE NORTH LINE OF SAID LOT 5; THENCE RUN SOUTH 89'19'12" EAST ALONG THE NORTH LINE OF SAID LOT 5, 336.22 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE RUN SOUTH 00'07'20" WEST ALONG THE EAST LINE OF SAID LOT 5, 498.10 FEET TO A POINT THAT IS 800.00 FEET NORTH, AS MEASURED PERPENDICULAR TO, SAID NORTH RIGHT OF WAY LINE OF MALABAR ROAD, THENCE RUN NORTH 89'28'01" WEST PARALLEL WITH SAID NORTH RIGHT OF WAY LINE OF MALABAR ROAD, 668.82 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

DESCRIPTION: THAT PART OF LOT 5 AND 6, THE PLAT OF FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION OF SECTION 34, TOWNSHIP 28 SOUTH, RANGE 37 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 164, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:
BEGIN AT THE INTERSECTION OF WEST LINE OF SAID LOT 5 WITH THE NORTH RIGHT OF WAY LINE OF MALABAR ROAD, BEING A 66 FOOT WIDE ROADWAY; THENCE RUN NORTH 89'28'01" WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF MALABAR ROAD, 40.00 FEET TO A POINT THAT IS 40.00 WEST OF, AS MEASURED PERPENDICULAR TO, SAID WEST LINE OF LOT 5; THENCE RUN NORTH 00'17'29" WEST PARALLEL WITH THE WEST LINE OF SAID LOT 5, 800.08 FEET TO A POINT THAT IS 800.00 FEET NORTH, AS MEASURED PERPENDICULAR TO, SAID NORTH RIGHT OF WAY LINE OF MALABAR ROAD; THENCE RUN SOUTH 89'28'01" EAST, PARALLEL WITH SAID NORTH RIGHT OF WAY LINE OF MALABAR ROAD, 80.01 FEET TO A POINT THAT IS 40.00 FEET EAST OF, AS MEASURED PERPENDICULAR TO, SAID WEST LINE OF LOT 5; THENCE RUN SOUTH 00'17'29" EAST, PARALLEL WITH THE WEST LINE OF SAID LOT 5, 800.08 FEET TO THE NORTH RIGHT OF WAY LINE OF MALABAR ROAD; THENCE NORTH 89'28'01" WEST, ALONG SAID NORTH RIGHT OF WAY OF MALABAR ROAD, 40.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH non-exclusive easements for the benefit of the above described parcel as created by and set forth in that certain Drainage Easement and Access Easement Agreement recorded July 11, 2003 in Official Records Book 4976, Page 419, of the Public Records of Brevard County, Florida.

PARCEL 3

THAT PART OF LOT 6, THE PLAT OF FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION OF SECTION 34, TOWNSHIP 28 SOUTH, RANGE 37 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 164, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:
BEGIN AT THE INTERSECTION OF THE EAST LINE OF SAID LOT 6 WITH THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, BEING A 66 FOOT WIDE ROADWAY; THENCE RUN NORTH 89'28'01" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, 40.00 FEET TO A POINT THAT IS 40.00 FEET WEST OF, AS MEASURED PERPENDICULAR TO, SAID EAST LINE OF LOT 6; THENCE RUN NORTH 00'17'29" WEST, PARALLEL WITH THE WEST LINE OF SAID LOT 5, 800.08 FEET TO A POINT THAT IS 800.00 FEET NORTH, AS MEASURED PERPENDICULAR TO, SAID NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD; THENCE RUN SOUTH 89'28'01" EAST, PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, 40.00 FEET TO THE EAST LINE OF SAID LOT 6; THENCE RUN SOUTH 00'17'29" WEST, ALONG SAID EAST LINE OF LOT 6, 800.08 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT Right-of-way for Malabar Road.

Title Commitment Notes:

Fidelity National Title Commitment Order No. 9990911, dated 10/05/2021

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this form.

2. Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable.

3. Standard Exceptions:

A. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.

B. Rights or claims of parties in possession not shown by the public records.

C. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.

D. Taxes or assessments which are not shown as existing liens in the public records.

4. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.

5. 30' Ingress, egress, drainage and utility easement contained in the Warranty Deed recorded in Official Records Book 1104, Page 799, and re-recorded in Official Records Book 1105, Page 629. (Affects parcel - depicted hereon)

6. Grant of Easement recorded April 11, 1991, in Official Records Book 3119, Page 2156. (Affects parcel - depicted hereon)

7. Restrictions, reservations and easements as indicated and/or shown on that certain Plat recorded in Plat Book 4976, Page 445. (Affects parcel - not plottable)

8. Drainage and Access Easement and Agreement recorded in Official Records Book 4976, Page 419. (Affects parcel - not plottable)

9. Phosphate, Minerals, Metals and Petroleum Reservations, rights, and reservations of road Rights-of-Way in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement

10. Reservation of easement(s) for the installation and maintenance of public utilities and drainage facilities and for ingress and egress as set forth in that certain Warranty Deed recorded in Official Book 1104, Page 799, and re-recorded in Official Records Book 1105, Page 629 (As to Parcel 1). (Affects parcel - depicted hereon)

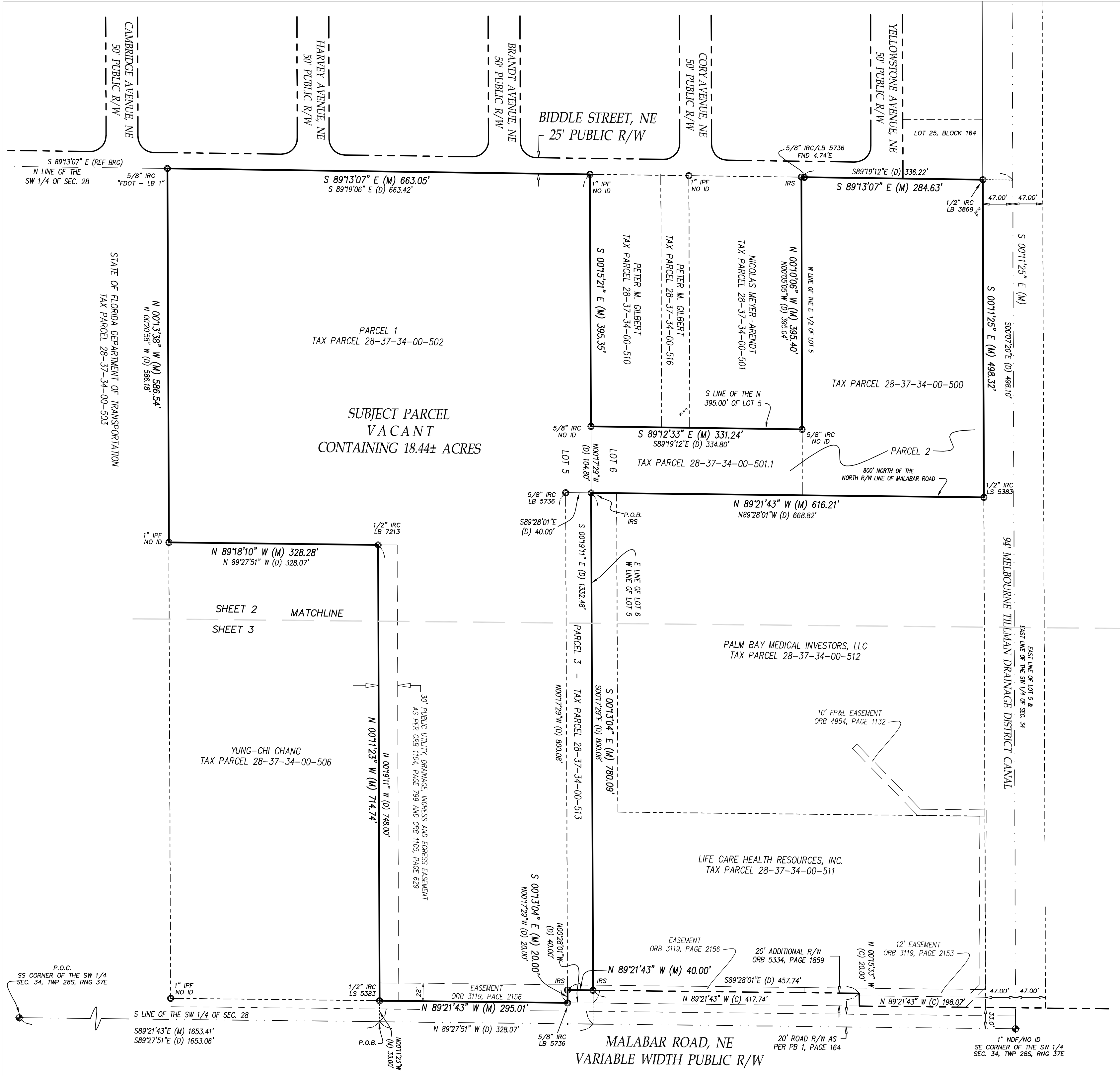
11. Subject property lies in the Melbourne-Tillman Drainage District as evidenced by those instruments recorded in Official Records Book 3074, Page 2296; Official Records Book 3074, Page 2304; Official Records Book 3074, Page 2312; Official Records Book 3074, Page 2337; Official Records Book 3074, Page 2358; and Official Records Book 3074, Page 2366, and is subject to all matters affecting said drainage district, including, but not limited to those matters filed of Public Records (As to all Parcels). (Affects parcels - not plottable)

12. Terms, conditions and provisions of that certain Grant of Easement in favor of General Development Utilities, Inc. recorded in Official Records Book 3119, Page 2153 (As to Parcel 2). (Does not affect the subject parcel - depicted hereon)

13. Terms, conditions and provisions of that certain Easement in favor of Florida Power & Light Company recorded in Official Records Book 4954, Page 1132 (As to Parcel 2). (Does not affect the subject parcel - depicted hereon)

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY

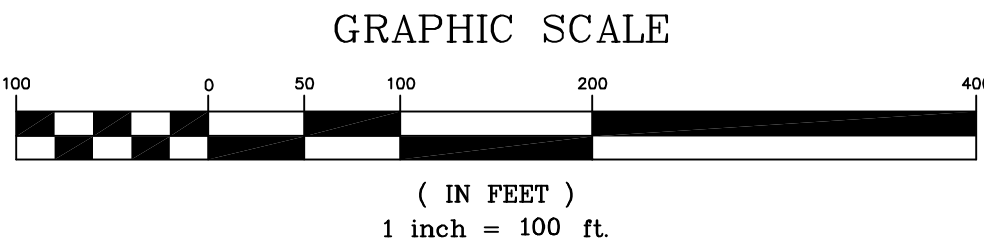
PAGE 1 OF 3



CERTIFICATION:
I HEREBY CERTIFY: THAT THE ATTACHED SURVEY WAS DONE UNDER MY
DIRECTION AND MEETS THE STANDARDS AND PRACTICE SET FORTH BY THE
FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17
FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA
STATUTES.

Joel Seymour
STATE OF FLORIDA
DATE: 2/8/22
JOEL A. SEYMOUR PROFESSIONAL LAND SURVEYOR AND MAPPER
STATE OF FLORIDA NO. LS 6133

DRAWN BY: JAS SCALE 1 INCH = 100 FEET



THIS SURVEY CONTAINS 3 PAGES. EACH PAGE IS NOT TO BE CONSIDERED FULL OR COMPLETE WITHOUT THE OTHERS. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL WHICH MAY BE FOUND ON PAGE 1 OF 3.

JOB No. 41777
34-28-37/BROWNSTONE

LEGEND

A/C = AIR CONDITIONER
BFE = BASE FLOOD ELEVATION
BLDG = BUILDING
BLK = BLOCK
BM = BENCHMARK
BRG = BEARING
(C) = CALCULATED
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IRS = 5/8" IRON ROD SET "LB 7838"
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LS = (RLS) or (PLS) REGISTERED OR PROFESSIONAL LAND SURVEYOR
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PT = POINT OF TANGENCY
PUDE = PUBLIC UTILITY & DRAINAGE EASEMENT
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RUE = REINFORCED CONCRETE PIPE
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R/W = RIGHT OF WAY
SEC = SECTION
SFHA = SPECIAL FLOOD HAZARD AREAS
SMH = STORM SEWER MANHOLE
SSMH = SANITARY SEWER MANHOLE
TEL = TELEPHONE ROSE
TWP = TOWNSHIP
TYP = TYPICAL
UP = UTILITY POLE
WD = WOOD
WIT-COR = 5/8" IRON ROD SET WITH CAP "WITNESS LB 7838"
WM = WATER METER
XST = CROSS CUT FOUND

NOTES:

1. BEARINGS BASED ON THE NORTH LINE OF THE SW 1/4 OF SECTION 34 BEING S89°13'07"E AS PER ASSUMED DATUM (SEE SKETCH)
2. ELEVATIONS BASED ON FLORIDA DEPARTMENT OF TRANSPORTATION BENCHMARK 465-645 BEING AT AN ELEVATION OF 22.812 FEET NAVD 1988.
3. FLOOD ZONE "X", MAP No. 12009C0613G COMMUNITY No. 120404, MARCH 17, 2014. FLOOD ZONE INFORMATION DEPICTED HEREON IS APPROXIMATE. FEMA RETAINS SOLE AUTHORITY REGARDING BOUNDARY AND EXTENT OF SFHA.
4. HORIZONTAL CLOSURE MEETS OR EXCEEDS THE ACCURACY REQUIREMENTS FOR SUBURBAN LAND AS PER FLORIDA STATUTE 5J-17-6.003
5. BEARINGS, DISTANCES OR ANGLES SHOWN ARE THE SAME AS PLAT, DEED OR RECORD UNLESS SHOWN OTHERWISE.
6. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.
7. THE SURVEYOR HAS NOT LOCATED NOR ATTEMPTED TO LOCATE ANY UNDERGROUND UTILITIES, FOUNDATIONS, OR STRUCTURES OTHER THAN THOSE THAT MAY BE SHOWN HEREON.
8. ONLY BOUNDARY CORNER MONUMENTS AS SHOWN HEREON ARE TO BE USED FOR THE LOCATION AND CONSTRUCTION OF IMPROVEMENTS.
9. UNLESS OTHERWISE INDICATED THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE SEARCH OR ATTORNEY'S TITLE OPINION.
10. THE PIPE SIZES OF ALL BURIED UTILITIES SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO BIDDING, PLANNING OR CONSTRUCTION.

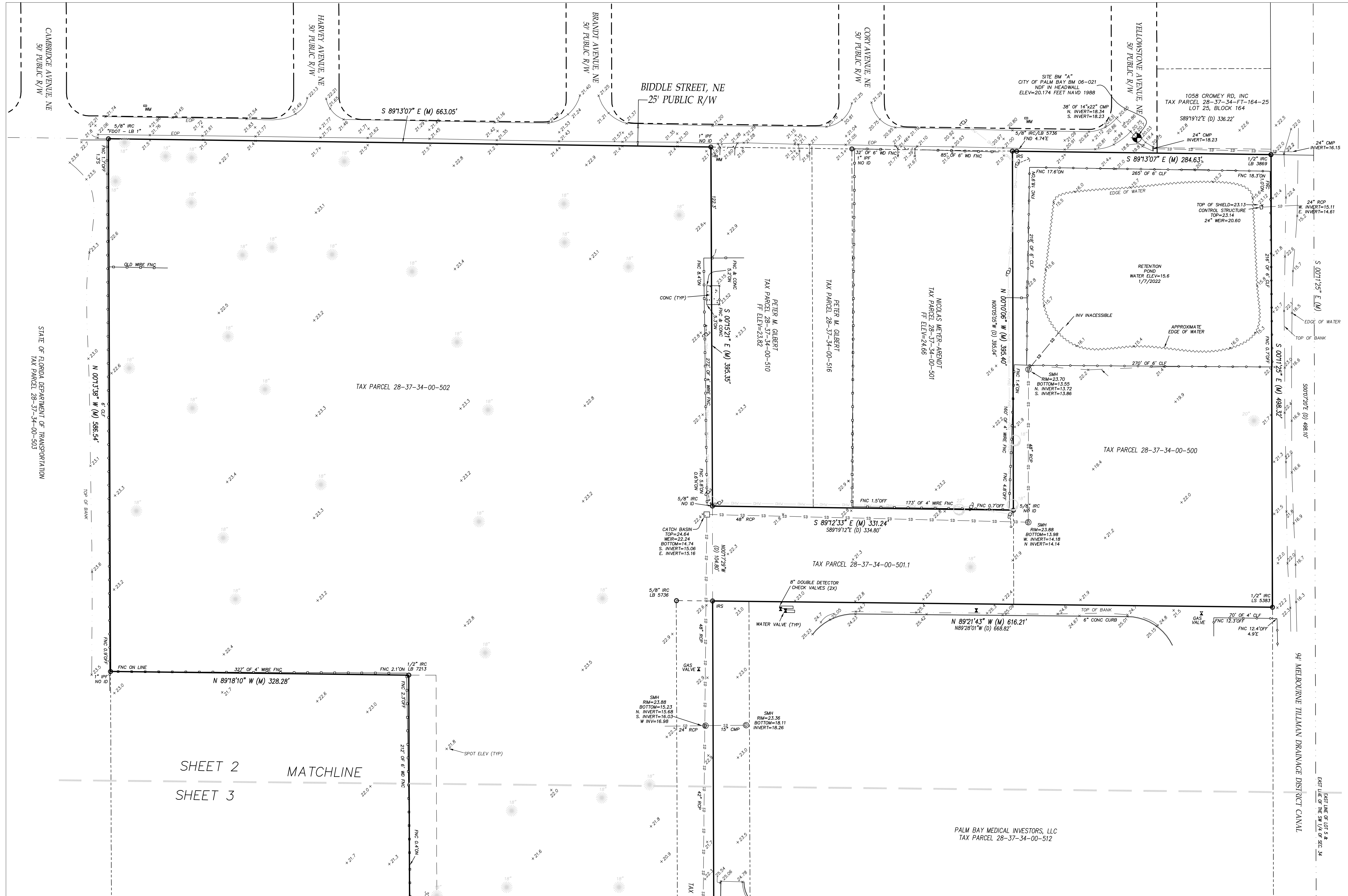
CERTIFIED TO:

THE BROWNSTONE GROUP

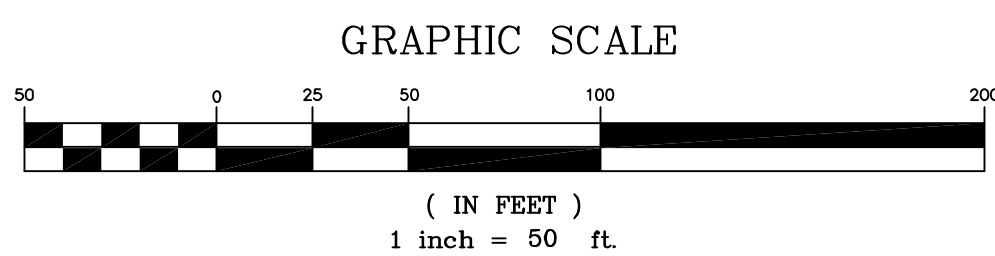
BOUNDARY & TOPOGRAPHIC SURVEY	DATE: 1/11/22
UPDATED TITLE COMMITMENT	DATE: 2/8/22

Kane Surveying, Inc.
FLORIDA LICENSED BUSINESS No. LB 7838
505 DISTRIBUTION DRIVE
MELBOURNE, FLORIDA 32904
(321) 676-0427
FAX (321) 984-1448

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY



SHEET 2
MATCHLINE
SHEET 3



LEGEND

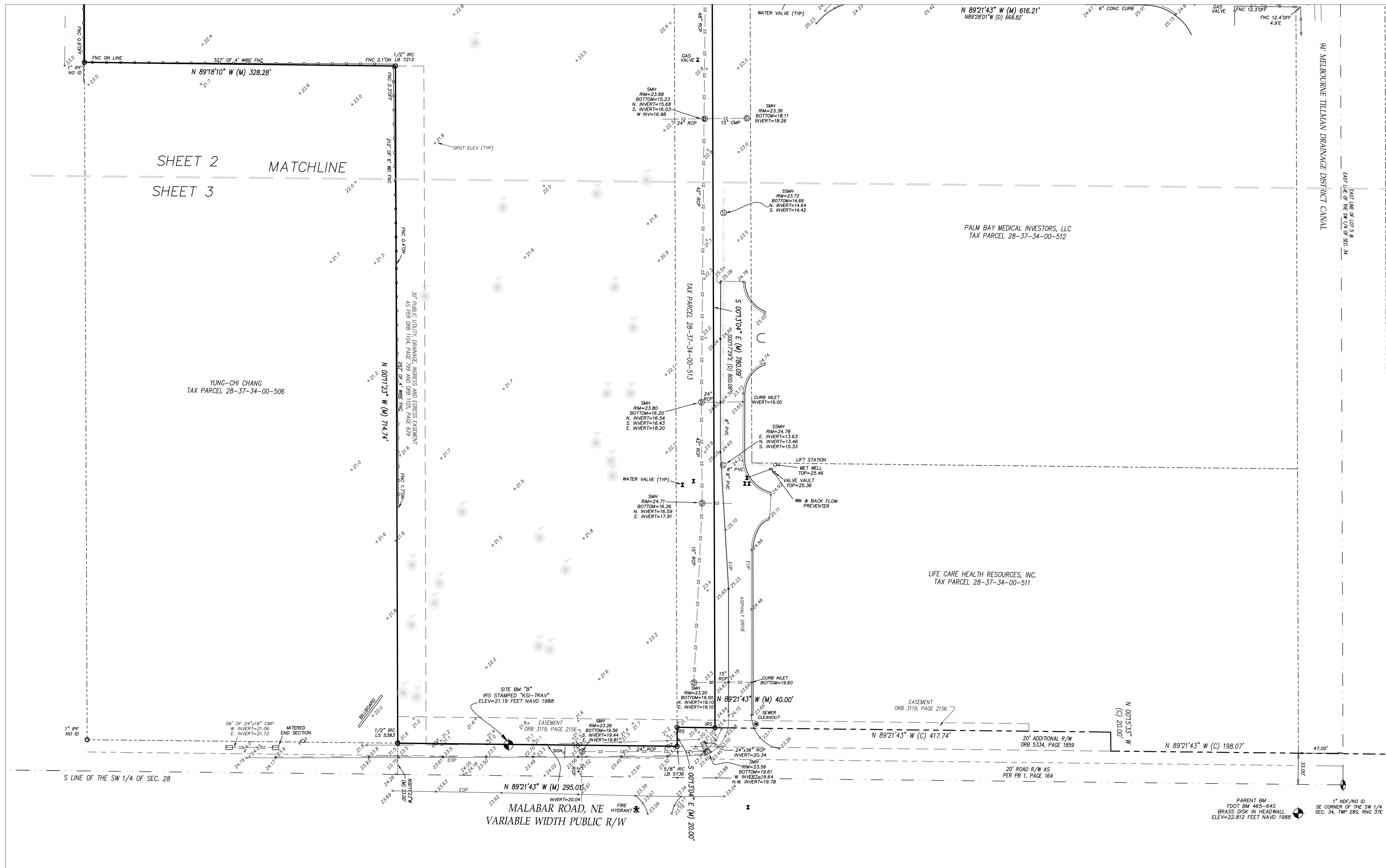
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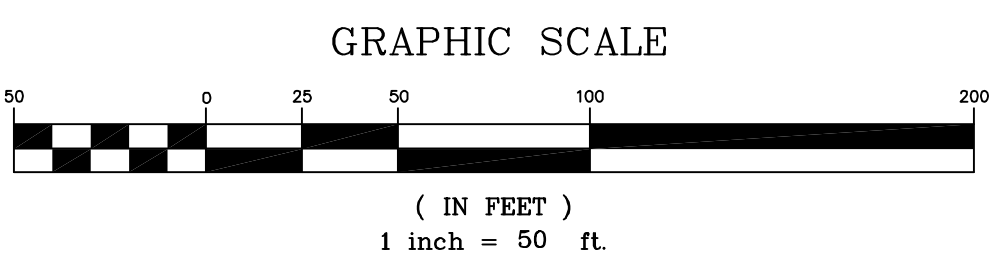


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IRS = 5/8\"/>

NORTH

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- INDICATES OAK TREE WITH DIAMETER (TYP)
- INDICATES PINE TREE WITH DIAMETER (TYP)
- EXISTING GRADE ELEV (TYP)

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LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

REZONING 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.

PARCEL ID(S):

28-37-34-00-502, 28-37-34-00-513, 28-37-34-00-501.1, 28-37-34-00-500

TAX ACCOUNT NUMBER(S):

2845864, 2864388, 2845863, 2845861

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

attached

PROPERTY ADDRESS:

N side of Malabar Road, East of Babcock Street

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

18.44

ZONING CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.):

RM-15, OP, RS-2, HC

ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.):

Front Acre - HC, Remainder of Property MFR

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 3

STRUCTURES LOCATED ON THE PROPERTY:

None

PRESENT USE OF THE PROPERTY:

Undeveloped Land

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Front Acre Commercial, remainder of property to be MFR. Present Zoning does not comply with intended development of parcels.

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

- ☒ *A \$650.00 application fee. Make Check payable to "City of Palm Bay."
- ☒ A Boundary Survey or Sketch with legal descriptions of properties covered by this application.
- ☒ 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 Jeremy Mears, Kim Rezanka, Bruce Moia, P.E.

**CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 3 OF 3**

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 rezoning application and that the facts stated in it are true.

Owner Signature

Date 02-28-2022

Printed Name

ACIS INVESTMENT GROUP, LLC / Mimis Mitropoulos

Full Address

1141 Sw 13 Ave. Miami, FL 33135

Telephone

305-833-9138

Email

mitropoulosmime@gmail.com

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

2-28-2022

, 20

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID's - 28-37-34-00-502, 28-37-34-00-513, 28-37-34-00-501.1,
28-37-34-00-500

I, Owner Name: ACIS INVESTMENT GROUP, LLC / Mimis Mitropoulos

Address: 1141 SW 13 Ave. Miami, FL 33135

Telephone: 305-833-9138

Email: mitropoulosmime@gmail.com

hereby authorize:

Representative: Kim Rezanka - Lacey Lyon Rezank Attorney at Law

Address: 1290 Rockledge Blvd, Suite 201 Rockledge, FL 32955

Telephone: 321-608-0892

Email: krezanka@llr.law

to represent the request(s) for:

Rezoning, Future Land Use Amendment

(Property Owner Signature)

STATE OF

Florida

COUNTY OF

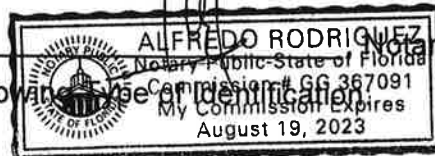
Miami-Dade

The foregoing instrument was acknowledged before me by means of ☒ physical
presence or ☐ online notarization, this 28 day of Feb, 20 22 by

Mimis Mitropoulos

, property owner.

☒ Personally Known or ☐ Produced the Following



Notary Public

2-28-2022

, 20

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID's - 28-37-34-00-502, 28-37-34-00-513, 28-37-34-00-501.1,
28-37-34-00-500

I, Owner Name: ACIS INVESTMENT GROUP, LLC / Mimis Mitropoulos

Address: 1141 SW 13 Ave. Miami, FL 33135

Telephone: 305-833-9138

Email: mitropoulosmime@gmail.com

hereby authorize:

Representative: Bruce Moia, P.E., MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Ste H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning, Future Land Use Amendment

(Property Owner Signature)

STATE OF

Florida

COUNTY OF

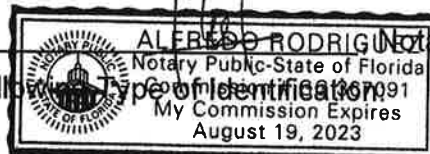
Miami-Dade

The foregoing instrument was acknowledged before me by means of ☒ physical
presence or ☐ online notarization, this 28 day of Feb, 2022 by

Mimis Mitropoulos

, property owner.

☒ Personally Known or ☐ Produced the Following Type of Identification



2-28-2022

20

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID's - 28-37-34-00-502, 28-37-34-00-513, 28-37-34-00-501.1, 28-37-34-00-500

I, Owner Name: ACIS INVESTMENT GROUP, LLC / Mimis Mitropoulos

Address: 1141 SW 13 Ave. Miami, FL 33135

Telephone: 305-833-9138

Email: mitropoulosmime@gmail.com

hereby authorize:

Representative: Jeremy Mears, Brownstone Group

Address: 1000 Louiseville Avenue, Monroe, LA 71201

Telephone: 318-855-5215

Email: jeremy@tbsg.com

to represent the request(s) for:

Rezoning, Future Land Use Amendment

(Property Owner Signature)

STATE OF

Florida

COUNTY OF

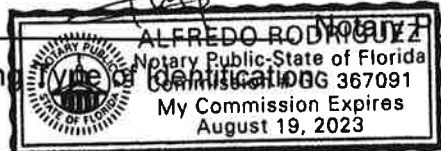
Miami-Dade

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28 day of Feb, 2022 by

Mimis Mitropoulos

, property owner.

☒ Personally Known or ☐ Produced the Following



Public







**BROWN
STONE**
Architects & Planners, Inc.
WILLIAM L. BROWN, ARCHITECT
6517 MAPLERIDGE
HOUSTON, TEXAS 77081
713.432.7727
www.tbsg.com

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PROGRESS PRINT
XX/XX/XXXX

NOT FOR REGULATORY APPROVAL,
PERMITTING, OR CONSTRUCTION.

REGISTERANT'S NAME: WILLIAM L. BROWN
TEXAS REGISTRATION NUMBER: 4086

These documents may not be reproduced in any form without the written consent of Brownstone Architects and Planners, Inc.

This sheet is only one component of the total document package which consists of all sheets of drawings and the project manual.

ARTESIA AT PALM BAY

SINGLE FAMILY RENTAL RESIDENTIAL

XXX
XXX

 DRAWING ISSUE: DATE:

 PRELIM. / PROGRESS PRINT xx/xx/17

PROJECT NUMBER: xxxxx

ARCHITECTURAL
SITE PLAN

A1-1



1 ARCHITECTURAL SITE PLAN
SCALE: 1" = 60'-0"

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-04

Held on Wednesday, April 6, 2022, 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.

Ms. Leeta Jordan called the meeting to order at approximately 7:00 p.m.

Mr. Philip Weinberg led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Leeta Jordan	Present
VICE CHAIRPERSON:	Philip Weinberg	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Randall Olszewski	Absent (Excused)
MEMBER:	Rainer Warner	Absent
MEMBER:	Vacant	
NON-VOTING MEMBER:	David Karaffa	Present
	(School Board Appointee)	

Mr. Olszewski's absence was excused.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney; Mr. Erich Messenger, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-03; March 2, 2022.

Mr. Weinberg commented that the subject site could currently be built at a higher density. The subject proposal appeared to be a better option.

Motion to submit Case CP-15-2022 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Boerema. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Maragh.

9. ****CPZ-15-2022** - Artesia Palm Bay - Mimis Mitropoulos, ACIS Investment Group, LLC (Represented by Bruce Moia, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorneys at Law / Jeremy Mears, Brownstone Group) – A Zoning Amendment from an RM-15, Single-, Two-, Multiple-Family Residential District; an OP, Office Professional District; and an RS-2, Single-Family Residential District to an HC, Highway Commercial District and an RM-10, Single-, Two-, Multiple-Family Residential District. Tax Parcels 502, 513, 501.1, and 500, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 18.44 acres. Located between and adjacent to Malabar Road NE and Biddle Street NE

Mr. Anderson presented the staff report for Case CPZ-15-2022. Staff recommended Case CPZ-15-2022 for approval.

Ms. Maragh questioned why a Citizen Participation Plan (CPP) meeting was not held. Ms. Bernard explained that CPP meetings were not required for land use and rezoning requests.

Ms. Kim Rezanka, attorney with Lacey Lyon Rezanka Attorneys at Law (representative for the applicant), stated that she represented Brownstone Group, the developer for the project. The project would have a privacy fence, Biddle Street would not be accessed, there was school and traffic concurrency, and the proposed 6.7 units per acre would be a lower density than currently allowed at the property. The market rate apartments would be duplexes and cottage-style homes geared toward young professionals. She stated that performance standards and the tree

ordinance would be met, and that the amenities for the development would be on Malabar Road.

Ms. Maragh asked about a tree survey. Ms. Rezanka confirmed that a tree survey would be done.

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

Ms. Elizabeth Gilbert (resident at Biddle Street NE) spoke against the request. She stated that her property was adjacent to the northeast corner of the development, and that there was only a 10-foot setback to her property line. Her property value would decline.

Mr. Philip Corcovan (resident at Windbrook Drive NE) spoke against the request. He wanted to know what the traffic study had entailed to allow the development to occur.

The floor was closed for public comments.

In response to the comments from the audience, Ms. Rezanka stated that she and the developer, Mr. Jeremy Mears, Brownstone Group, would be in contact with Ms. Gilbert during the site plan review process to lessen the impact on her property. The proposed development was an appropriate use of the site, and any traffic issues would be resolved during the site plan process.

Motion to submit Case CPZ-15-2022 to City Council for approval.

Motion by Mr. Boerema, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Maragh.

OTHER BUSINESS:

1. Ms. Cockcroft informed the board that she would be leaving employment with the City and had enjoyed serving as the board attorney. She introduced Mr. Erich Messenger, Deputy City Attorney, and gave some final advisements to the board.

ORDINANCE 2022-52

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM RM-15 (SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT), OP (OFFICE PROFESSIONAL DISTRICT), AND RS-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO HC (HIGHWAY COMMERCIAL DISTRICT) AND RM-10 (SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED BETWEEN AND ADJACENT TO MALABAR ROAD AND BIDDLE STREET, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from RM-15 (Single-, Two-, Multiple-Family Residential District), OP (Office Professional District), and RS-2 (Single-Family Residential District) to HC (Highway Commercial District) and RM-10 (Single-, Two-, Multiple-Family Residential District), being legally described as follows:

Tax Parcels 500, 501.1, 502, and 513, of the Public Records of Brevard County, Florida; Section 34, Township 28S, Range 37E; containing 18.44 acres, more or less.

SECTION 2. The rezoning of property is subject to compliance with the following conditions:

- A) A 25-foot buffer shall be added to include native plants;
- B) Sidewalks that impede the 25-foot buffer shall be relocated;
- C) Dumpster(s) adjacent to Biddle Street shall be relocated;
- D) Drainage issues onto Biddle Street shall be addressed;
- E) New construction along Biddle Street shall be limited to single-story structures only; and
- F) Applicant shall apply for a variance for an eight-foot fence along Biddle Street.

SECTION 3. The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

SECTION 4. The provisions within this ordinance shall take effect immediately upon the enactment of Ordinance 2022-51.

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

ATTEST:

Rob Medina, MAYOR

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: ACIS Investment Group, LLC/Mimis Mitropoulos
Case: CPZ-15-2022

cc: (date) Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 5/19/2022

RE: Ordinance 2022-53, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Youth Advisory Board', by modifying the age requirement for adult advisory members, final reading. (Deputy Mayor Johnson)

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.

REQUESTING DEPARTMENT:

ATTACHMENTS:

Description

Ordinance 2022-53

ORDINANCE 2022-53

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 52, BOARDS, SUBCHAPTER 'YOUTH ADVISORY BOARD', BY MODIFYING THE AGE REQUIREMENT FOR ADULT ADVISORY MEMBERS; 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.

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 'Youth Advisory Board', Section 52.367, Composition of Board, is hereby amended and shall henceforth read as follows:

"Section 52.367 COMPOSITION OF BOARD.

(A) The Board shall consist of nine (9) student members and three (3) adult non-voting advisory members appointed by the City Council.

* * *

(2) *Adult advisory members.*

(a) Every advisory member shall be an adult ~~thirty (30)~~ **>>twenty-four (24)<<** years of age or older.

* * *"

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.

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: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 5/19/2022

RE: Ordinance 2022-25, rezoning property located south of and adjacent to Orange Blossom Trail, in the vicinity west of Dixie Highway, from BMUV (Bayfront Mixed Use Village District) to BMU (Bayfront Mixed Use District) (5.05 acres) (Case CPZ-5-2022, Marvin and Donatina Miller / Steve and Marisela Berman), final reading. (Quasi-Judicial Proceeding)
(CONTINUED FROM 05/05/22 RCM)

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. Marvin Miller and Ms. Donatina Miller / Mr. Steve Berman and Ms. Marisela Berman (represented by Elias Cherem, Adelon Capital; Kim Rezanka, Lacy Lyons and Rezanka Attorneys at Law; and Bruce Moia, P.E., MBV Engineering, Inc.) have submitted for a rezoning from a BMUV, Bayfront Mixed Use Village District to a BMU, Bayfront Mixed Use District. The land is located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of U.S. Highway 1. There are four parcels included in this request, two of which consists of single-family homes.

The applicant intends to construct a multi-family and commercial development, which will help revitalize the area and allow for a transition between the existing single-family homes. The BMU zoning district is compatible with the surrounding area and consistent with the City's plan for the Bayfront District.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CPZ-5-2022.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:**Description**

Case CPZ-5-2022 - Staff Report

Case CPZ-5-2022 - Boundary Sketch

Case CPZ-5-2022 - Application

Case CPZ-5-2022 - Board Minutes

Case CPZ-5-2022 - Correspondence (P&Z)

Ordinance 2022-25



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

CPZ-5-2022

PLANNING & ZONING BOARD HEARING DATE

January 5, 2022

PROPERTY OWNER & APPLICANT

Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka, Esq.; and Bruce Moia, P.E., Reps.)

PROPERTY LOCATION/ADDRESS

Lot T, T.01, 1, 2 and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a rezoning from BMUV, Bayfront Mixed-Use Village District to the BMU, Bayfront Mixed-Use District.

Existing Zoning

BMUV, Bayfront Mixed-Use Village District

Existing Land Use

Bayfront Mixed-Use Village

Site Improvements

Undeveloped Land, and Single-Family Homes

Site Acreage

5.05 acres

SURROUNDING ZONING & USE OF LAND

North

BMUV, Bayfront Mixed-Use Village District; Single-Family Homes

East

U.S. Highway 1

South

BMUV, Bayfront Mixed-Use Village District; Single-Family Homes

West

Orange Blossom Trail NE

BACKGROUND:

The subject properties are located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of U.S. Highway 1. There are 4 parcels that are included in this request, two of which have single-family homes on them.

ANALYSIS:

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C) which states that all proposed amendments shall be submitted to the Planning and Zoning Board, which shall study such proposals in accordance with items 1 through 4 of Section 185.201(C).

Item 1 - *The need and justification for the change.*

The applicant states the justification for the change is “to change the zoning district to enable the developer to construct a proposed multi-family and commercial development.” The Bayfront Mixed Zoning District will allow for a mix of commercial and multifamily uses. The change in zoning will allow for a transition between the existing single-family homes in the area and help to revitalize the area.

Item 2 - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties.*

The designation of the BMU zoning district for the subject properties is compatible with the surrounding area and is consistent with the City’s desire and plan for redevelopment in the Bayfront District.

Item 3 - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the City having the same classification as that requested.*

Approximately 50 acres of BMU, Bayfront Mixed Use zoned land is within the City limits.

Item 4 - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

The proposed amendment will further the purposes of Chapter 185, the Comprehensive Plan.

STAFF RECOMMENDATION:

Case CPZ-5-2022 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-5-2022 & CPZ-5-2022

Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE



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-5-2022 & CPZ-5-2022

Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Future Land Use Classification

BMUV – Bayfront Mixed Use Village



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



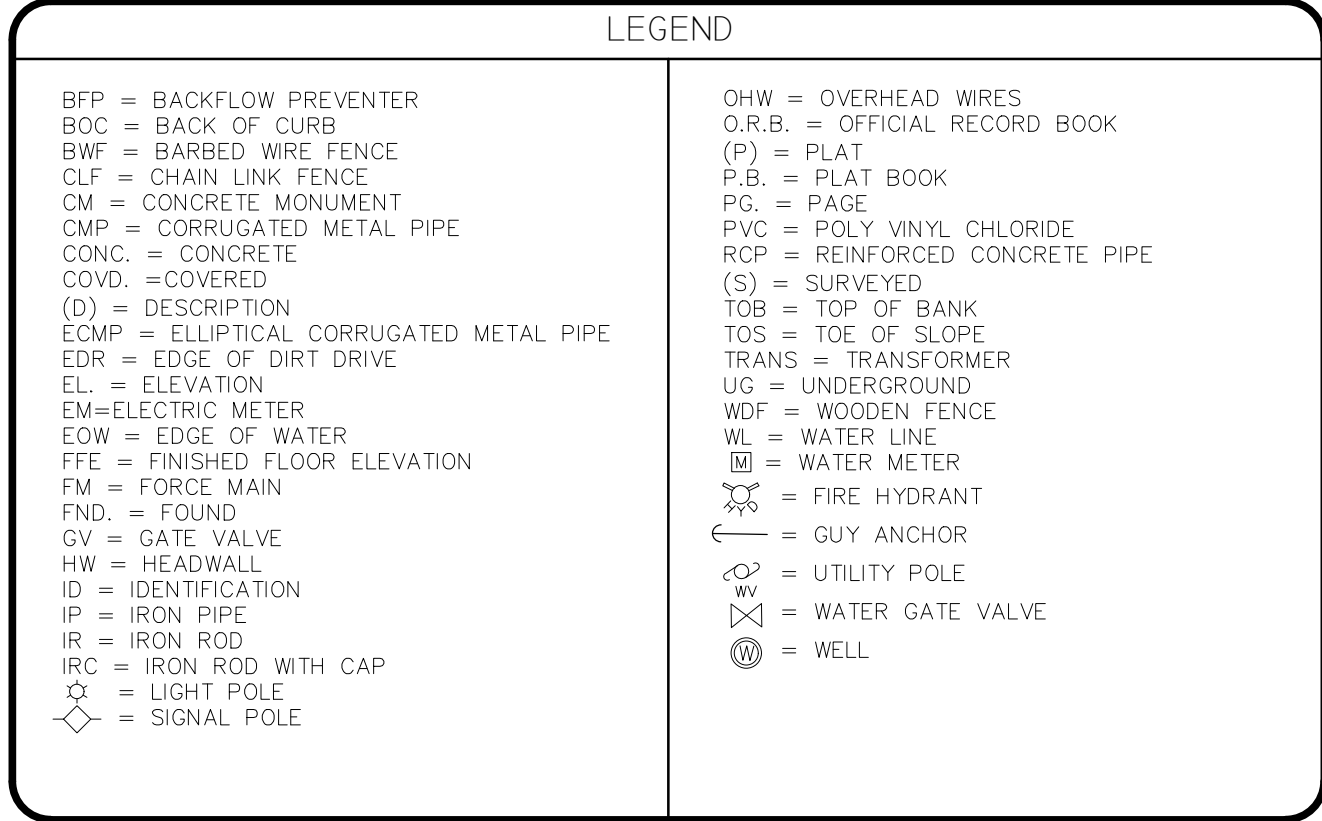
ZONING MAP CASE: CP-5-2022 & CPZ-5-2022

Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Current Zoning Classification

BMUV – Bayfront Mixed Use Village

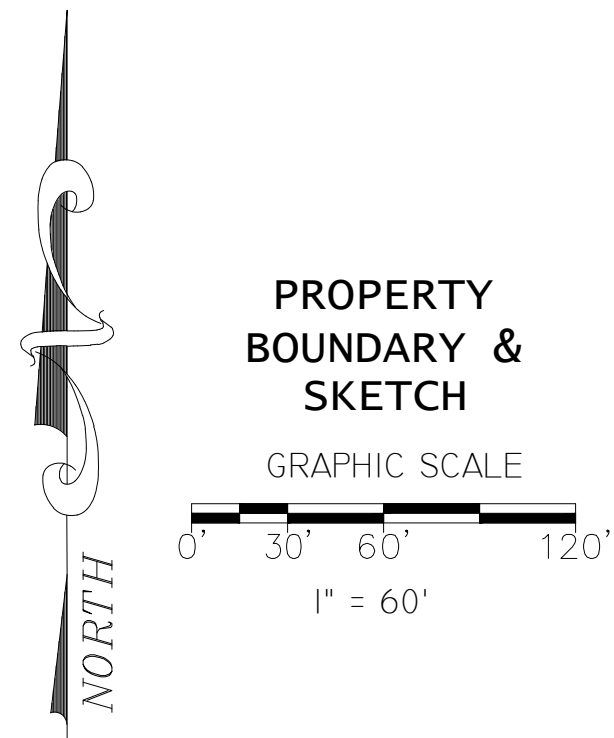


LOT "T" AND THE VACATED ADJOINING 50 FOOT RIGHT OF WAY FOR WIPPERMAN AVENUE, MINNEHAHA GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 50, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY FOR U.S. HIGHWAY NO. 1.

LOTS 1, 2, 12, 13, 14, 15, 16, AND 17 BLOCK 1, PLAT OF TILLMAN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 1 OF PLAT OF TILLMAN, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; RUN S 68 DEGREES 23 MINUTES 35 SECONDS EAST ALONG SOUTHERLY LINE OF SAID LOT 1 161.70 FEET; THENCE NORTH 09 DEGREES 50 MINUTES 35 SECONDS EAST 120.00 FEET FOR A POINT OF BEGINNING; RUN THENCE NORTH 67 DEGREES 54 MINUTES 35 SECONDS WEST 125.40 FEET TO THE POINT OF BEGINNING OF THE 15 DEGREE 15 MINUTE 35 SECONDS EAST A CHORD DISTANCE OF 60 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 1; THENCE SOUTH 68 DEGREES 07 MINUTES 25 SECONDS EAST 98.18 FEET; THENCE SOUTH 09 DEGREES 50 MINUTES 35 SECONDS WEST 60.00 FEET TO THE POINT OF BEGINNING



8			
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COMMENTS			
△	REVISIONS	DATE	

JOB NO.	21-1092
DESIGNED	RMS
DRAWN	RMS
DATE	11/30/2021
CHECKED	TC/BAM
DATE ISSUED	11/30/2021

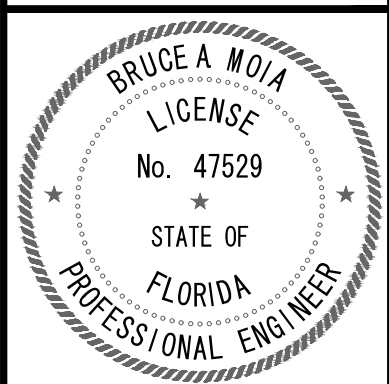
[illegible]

PROPERTY BOUNDARY SKETCH

ADELON BAYFRONT PROPERTY

FLORIDA

COCOA



BRUCE A. MOIA
FL. P.E. #47529

C-1

SHEET
21-1068

PERMITTING SET

PERMITTING SET



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

REZONING 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.

PARCEL ID(S):

28-37-24-25-*-T, 28-37-24-25-1-1, 28-37-24-25-1-2, 28-37-24-25-*-T.01

TAX ACCOUNT NUMBER(S):

2832544, 2832548, 2832549, 2832545

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

Tillman, Plat of Lot T Ex DB 40 Pg 283, Tillman, Plat of Lots 1, 12 to 17 & 20 ft along N of Lot 2, Blk 1
Tillman, Plat of Lot 2, Ex N 20 Ft Blk 1 , Tillman plat of part of out lot T.

PROPERTY ADDRESS:

1636 and 1640 Waters Drive

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

5.05

ZONING CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.):

BMUV

ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.):

MBU

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 3

STRUCTURES LOCATED ON THE PROPERTY:

3

PRESENT USE OF THE PROPERTY:

Residential and vacant

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Multi Family Residential and Commercial
Current zoning does not enable developer to construct the proposed multi-family and commercial development.

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

- ☒ *A \$650.00 application fee. Make Check payable to "City of Palm Bay."
- ☒ A Boundary Survey or Sketch with legal descriptions of properties covered by this application.
- ☒ 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 Elias Cherem-Adelon Capital, Kim Rezenka-Lacy Lyons and Rezenka, Bruce Moia, P.E., - MBV Engineering, Inc.

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 3 OF 3

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 rezoning application and that the facts stated in it are true.

Owner Signature	<u>Marvin E Miller</u>	Date	<u>11-29-2021</u>
Printed Name	<u>Marvin Miller</u>		
Full Address	<u>3765 Crita Jean Avenue, Grant FL 32909</u>		
Telephone	<u>321-729-6952</u>	Email	<u>millerplumbingso@gmail.com</u>

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

**CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 3 OF 3**

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 rezoning application and that the facts stated in it are true.

Owner Signature Donatena M. Miller Date _____
Printed Name ^{Donatena}Donita M. Miller
Full Address 3765 Crita Jean Avenue, Grant FL 32909
Telephone 321-729-6952 Email millersplumbingso@gmail.com

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

**CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 3 OF 3**

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 rezoning application and that the facts stated in it are true.

Owner Signature



Date

NOV 29 2021

Printed Name

Steven A Berman

Full Address

202 Terry Street, Indian Harbour Beach, FL 32937

Telephone

321-777-2398

Email


smmzberman@hotmail.com

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

**CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 3 OF 3**

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Under penalties of perjury, i declare that i have read the foregoing rezoning application and that the facts stated in it are true.

Owner Signature		Date	<u>12/10/21</u>
Printed Name	<u>Marisela Berman</u>		
Full Address	<u>202 Terry Street, Indian Harbour beach FL 32937</u>		
Telephone	<u>321-777-2398</u>	Email	<u>smmzberman@hotmail.com</u>

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

**CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 3 OF 3**

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Under penalties of perjury, i declare that i have read the foregoing rezoning application and that the facts stated in it are true.

Owner Signature



Date 12 1 21

Printed Name Carlos Rajlin - Bayfront Blossom LLC

Full Address 1541 Brickell Ave, #608, Miami, FL 33129

Telephone _____

Email echerem@adeloncapital.com

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

November 24, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-25-*T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Marvin Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Bruce Moia, P.E., MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Marvin E Miller

(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 29th day of November, 20 21 by

Marvin E. Miller

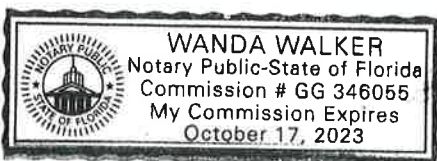
property owner.

Wanda Walker

Wanda Walker, Notary Public

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

Florida Drivers License



November 24, 2021

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I, Owner Name: Marvin Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Kim Rezenka of Lacey Lyon and Rezenka

Address: 6023 Farcenda Pl, Suite 102, Melbourne, FL 32940

Telephone: 321-608-0890

Email: krezenka@llr.law

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Marvin E Miller

(Property Owner Signature)

STATE OF

Florida

COUNTY OF

Brevard

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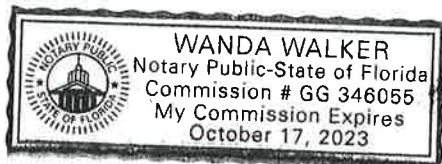
, property owner.

Wanda Walker
Wanda Walker

, Notary Public

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Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Elias Cherem of Adelon Capital Inc.

Address: 1955 Harrison Street, Suite 200, Hollywood FL 33020

Telephone:

Email: echerem@adeloncapital.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Marvin E Miller

(Property Owner Signature)

STATE OF

Florida

COUNTY OF

Brevard

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, property owner.

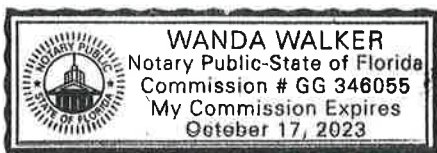
Wanda Walker

Wanda Walker

, Notary Public

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

Florida Drivers License



December 13, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-25-*-T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Donatina Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Bruce Moia, P.E., MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H Melbourne, FL 32935

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Rezoning and Comprehensive Plan Amendment

Donatina M. Miller

(Property Owner Signature)

STATE OF

Florida

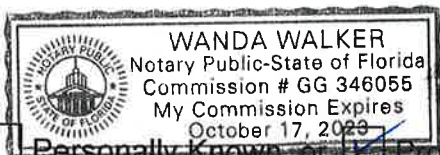
COUNTY OF

Brevard

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Donatina Miller

, property owner.



Wanda Walker
Wanda Walker

, Notary Public

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Drivers License

December 13, 2021

Re: Letter of Authorization

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Email: millersplumbingso@gmail.com

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Representative: Kim Rezenka of Lacey Lyon and Rezenka

Address: 6023 Farcenda Pl, Suite 102, Melbourne, FL 32940

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STATE OF

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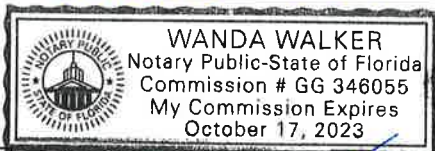
COUNTY OF

Brevard

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Donatina Miller

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Wanda Walker

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Rezoning and Comprehensive Plan Amendment

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Florida

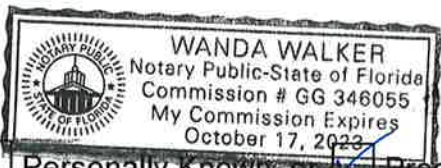
COUNTY OF

Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13th day of Dec, 2021 by

Donatina Miller

, property owner.



Wanda Walker

Wanda Walker

, Notary Public

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

Drivers license

November 23

, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Steve A. Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

Representative: Bruce A. Moia, P.E., MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

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to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

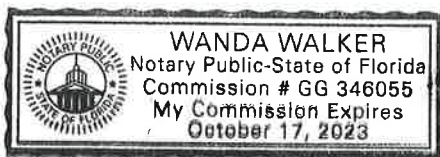
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 29th day of November, 20 21 by

Steven Berman, property owner.

Wanda Walker, Notary Public

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

Florida Drivers License



November 23

, 20 21

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I, Owner Name: Steve A. Berman

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Representative: Kim Rezenka of Lacey Lyon and Rezenka

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STATE OF Florida

COUNTY OF Brevard

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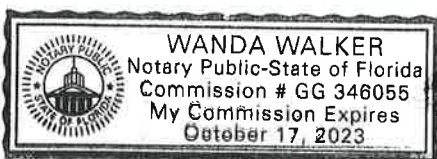
Steven Berman, property owner.



Wanda Walker, Notary Public

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November 23, 2021

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Telephone: 321-777-2398

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Representative: Elias Cherem of Adelon Capital Inc.

Address: 1955 Harrison Street, Suite 200 Hollywood Florida 33020

Telephone:

Email: echerem@adeloncapital.com

to represent the request(s) for:

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(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 22nd day of November, 2021 by

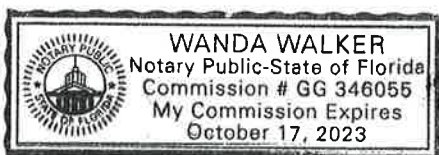
Steven Berman

, property owner.

Notary Public

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

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December 13, 2021

, 20

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Parcel ID's 28-37-24-25-*-T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Marisela Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

Representative: Bruce A. Moia, P.E., MBV Engineering, Inc.

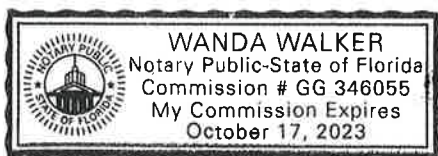
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COUNTY OF Brevard

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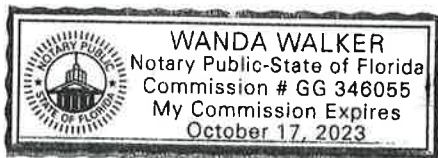
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Telephone: 321-608-0890

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(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

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Wanda Walker

, Notary Public

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December 13, 20 21

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Telephone: 321-777-2398

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Address: 1955 Harrison Street, Suite 200 Hollywood Florida 33020

Telephone:

Email: echerem@adeloncapital.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

[Handwritten Signature]

(Property Owner Signature)

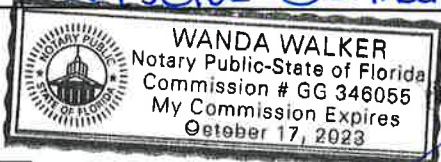
STATE OF Florida

COUNTY OF Brevard

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Marisela Berman

, property owner.



[Handwritten Signature]
Wanda Walker

, Notary Public

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

drivers license

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-01

Held on Wednesday, January 5, 2022, 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:

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

Ms. Maragh's absence was excused.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-14 December 1, 2021.**

Motion to approve the minutes as presented.

The floor was closed for public comments, and one item of correspondence against the request was in the file.

Motion to submit Case CP-5-2022 to City Council for approval.

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

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

12. ****CPZ-5-2022 - Parasol Bayfront - Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka, Lacy Lyons and Rezanka Attorneys at Law; and Bruce Moia, P.E., MBV Engineering, Inc., Reps.) - A Zoning amendment from BMUV, Bayfront Mixed Use Village Use to BMU, Bayfront Mixed Use. Lot T, Lots 1, 2, and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 5.05 acres. Located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE**

Mr. Murphy presented the staff report for Case CPZ-5-2022. Staff recommended Case CPZ-5-2022 for approval.

Mr. Bruce Moia, P.E., president of MBV Engineering, Inc. (representative for the applicant) stated his excitement that the City's vision to revise the BMU zoning category had made the zoning designation attractive for viable projects to become a reality. The zoning amendment would allow the flexibility to develop a good project.

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

Motion to submit Case CPZ-5-2022 to City Council for approval.

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

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

CASES

CP-5-2022 & CPZ-5-2022

CORRESPONDENCE

January 3, 2022

To: City of Palm Bay Planning and Zoning Board, City of Palm Bay Bayfront Community Redevelopment Agency Commissioners, Mr. Patrick Murphy, Growth Development
From: Citizens residing in the BCRA Village District
Re: Zoning Change proposed in Cases CP-5-2022 and CPZ-5-2022

Gentlemen:

An "informational meeting" for interested citizens was held regarding this 9-acre rezoning request 9 days before Christmas - in an "inside" restaurant venue during a resurgent pandemic event. There were no handouts, site plans or concept drawings available for review. Platitudes about the need to rezone the properties were the only items on the menu.

It may be a common occurrence for a developer to approach a group of property owners and offer to purchase their properties, with the caveat that it will be "if and only if" these properties can be rezoned to accommodate the developer. That is, protect from any real investment in the vision of the multitude of citizens who will then have to live with the developer's final plan.

However, when the rezoning proposal does not contain any concept or potential site plans or indeed any data at all, how are surrounding (or any) citizens supposed to offer an opinion or express any concerns, or even make any judgment?

Palm Bay will only get one opportunity to realize the vision it's citizens have spent nearly 30 years developing and refining. Shouldn't any major modification to that vision be data driven and at least have some visual concept for citizens to view? Some idea of the scale and layout or even the purpose for rezoning these parcels (other than profit)?

We are not saying that the parcels in question should not be rezoned. What we are saying is that after 30 years of input and guidance from citizens, the BCRA, City Council, multiple taxpayer paid consultants, urban planners and experts, do we not deserve to know what the developer actually plans to do with these potential rezoned parcels?

Shouldn't this 9- acre decision on the only bayfront the City will ever have be data driven? Has the developer considered anything other than how much profit can be made from this rezoning? How does anyone know?

The individuals that own these parcels knew what the BMUV zoning was when they purchased the parcels. Both the BMUV and BMU categories have been recently re-legislated to accommodate developers. The developer behind these two requests owe the citizens of Palm Bay, at the very least, something fleshed out enough to express an opinion.

What is the "ask" here? Why rezone these parcels? Is it increased density, increased building height, increased lot coverage, all of the above?. Please show us a drawing - where would the

retention go - any shops or restaurants? Is this to be a condominium, apartments, a hotel, or perhaps all the above?

If the city decides to rezone these parcels without so much as a visible outline of a plan, why do we have a Planning and Zoning Board? Why not rename it the "Suggested Zoning Board"? If no data is required for rezoning, why don't we just adopt the Texas plan and get rid of zoning legislation altogether? We understand that the developer will have to abide by the "new" zoning legislation if the parcels are rezoned to BMU. We also know that these zoning categories themselves have already been changed by legislative action. What is to prevent a developer from rezoning these parcels and then applying for variances to further magnify their profit? The only real thing we know about this rezoning request is that the developer is here to make money.

Let us have a look at a plan and some data, so the Planning part of the Planning and Zoning Board can base a zoning decision upon some plans. This is not a NO to potential rezoning. It is a simple ask, similar to asking for rezoning with no reason. Perhaps changes to keep the parcels closest to US1 as BMUV and rezone the other parcels to BMU, which could maintain the village atmosphere of the citizen's redevelopment plan as a vision of an amphitheater effect, with shorter buildings closest to the water, taller buildings behind. Show us a plan at least.

Remember, this is a forever decision that will impact Palm Bay's only waterfront for the foreseeable future. At least, let's make a decision with some idea of what is envisioned.

The stated Intent of the Zoning descriptions for BMUV and BMU (Palm Bay City Code 185.053(A) and 185.058(A) respectively) mandates that both categories are for *low intensity* land uses that are linked by a network of walkways, in order to create a village center as recommended in the Bayfront Redevelopment Plan. The clear distinction is in the term "intensity".

Changing the current parcels in this assemblage's zoning from BMUV to BMU would allow a building of up to 120 feet. When was the last time you were in a "village" with 12 story buildings? Let us stay with smart development that is aligned with actual citizen input. We all want proven, creative, visionary developers who understand the whole concept of our redevelopment effort and can accommodate the citizens and make a profit.

With all the above facts in mind, plans do sometimes need to be modified. Perhaps the best course of action in this case is to attempt to find a compromise.

Sincerely,
Ray and Carol Walton
2902 Bay Blvd. NE
Palm Bay, FL 32905
321-725-9607 rwalton@cfl.rr.com

ORDINANCE 2022-25

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM BMUV (BAYFRONT MIXED USE VILLAGE DISTRICT) TO BMU (BAYFRONT MIXED USE DISTRICT); WHICH PROPERTY IS LOCATED SOUTH OF AND ADJACENT TO ORANGE BLOSSOM TRAIL, IN THE VICINITY WEST OF DIXIE HIGHWAY, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from BMUV (Bayfront Mixed Use Village District) to BMU (Bayfront Mixed Use District), which property is legally described as follows:

LEGAL DESCRIPTION TO BE PROVIDED BY APPLICANT

SECTION 2. The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

SECTION 3. The provisions within this ordinance shall take effect immediately upon the enactment of Ordinance 2022-24.

Read in title only at Meeting 2022-03, held on February 3, 2022; and read in title only and duly enacted at Meeting 2022- , held on , 2022.

ATTEST:

Rob Medina, MAYOR

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Ordinance 2022-25

Reviewed by CAO: _____

Applicant: Marvin and Donatina Miller / Steve and Marisela Berman
Case: CPZ-5-2022

cc: (date) Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 5/19/2022

RE: Ordinance 2022-46, rezoning property located north and south of and adjacent to Emerson Drive, in the vicinity east and west of and adjacent to St. Johns Heritage Parkway, from AU, Agricultural (Brevard County) to CC (Community Commercial District) and RM-20 (Multiple-Family Residential District) (61.79 acres) (Case CPZ-11-2022, Gary Smigiel, Ascot Palm Bay Holdings, LLC), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 04/07/22 RCM)

Mr. Gary Smigiel, Ascot Palm Bay Holdings, LLC (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) has submitted for a rezoning from AU (Brevard County) to RM-20, Multi-Family Residential (13.96 acres) and CC, Community Commercial (47.83 acres). The undeveloped land consists of seven parcels totaling 61.79 acres, and is located north and south of Emerson Drive NW between the St. Johns Heritage Parkway and Melbourne Tillman Water Control District Canal C-59, the west end of Emerson Drive NW, west of the St. Johns Heritage Parkway.

The applicant intends to provide additional housing options and supporting commercial development to the surrounding area. The RM-20 and CC zoning districts are compatible with the surrounding area and consistent with the City's desire to see the area near the Parkway come to life.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CPZ-11-2022.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:**Description**

Case CPZ-11-2022 - Staff Report

Case CPZ-11-2022 - Boundary Survey

Case CPZ-11-2022 - Application

Case CPZ-11-2022 - Board Minutes

Ordinance 2022-46



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Alexandra Bernard, Growth Management Director

CASE NUMBER

CPZ-11-2022

PLANNING & ZONING BOARD HEARING DATE

March 2, 2022

PROPERTY OWNER & APPLICANT

Gary Smigiel, Ascot Palm Bay Holdings, LLC (Ana Saunders, PE, BSE Consultants)

PROPERTY LOCATION/ADDRESS

Township 28, Section 21, Range 36, Tax Parcels 255, 500, 501, 503, 504; Township 28, Section 20, Range 36, Tax Parcels 750 and 751, Brevard County, Florida. Specifically, off of Emerson Dr NW, just east of St. Johns Heritage Parkway NW

SUMMARY OF REQUEST

The applicant is requesting a rezoning from AU (Brevard County) to RM-20, Multi-Family Residential (13.96 acres) and CC, Community Commercial (47.83 acres).

Existing Zoning

AU, Brevard County

Existing Land Use

Vacant, Multi-family Residential and Commercial

Site Improvements

Undeveloped Land

Site Acreage

61.79 acres

SURROUNDING ZONING & USE OF LAND

North

AU, Single-Family Residential District; Vacant

East

AU, Single and Multi-Family Residential District; Vacant

South

AU, Commercial District; Vacant

West

AU, Commercial District; Vacant

BACKGROUND:

The subject properties are located North and south of Emerson Rd between the Parkway and the MTWCD Canal C-59 and the west end of Emerson Rd West of the Parkway.

ANALYSIS:

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C) which states that all proposed amendments shall be submitted to the Planning and Zoning Board, which shall study such proposals in accordance with items 1 through 4 of Section 185.201(C).

Item 1 - *The need and justification for the change.*

The applicant states the justification for the change is “To provide additional housing options and supporting commercial development to the surrounding area.” The Multi-Family Zoning District will allow for multifamily uses and the commercial zoning will allow the potential for new businesses that will be supported by the proposed new multi-family.

Item 2 - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties.*

The designation of the RM-20 zoning district and CC community commercial district for the subject properties is compatible with the surrounding area and is consistent with the City’s desire to see the area near the Parkway come to life.

Item 3 - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the City having the same classification as that requested.*

Approximately 550 acres of RM-20, Multi-Family Residential Use zoned land is within the City limits. Approximately 920 acres of CC, Community Commercial zoned land is within the city limits.

Item 4 - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

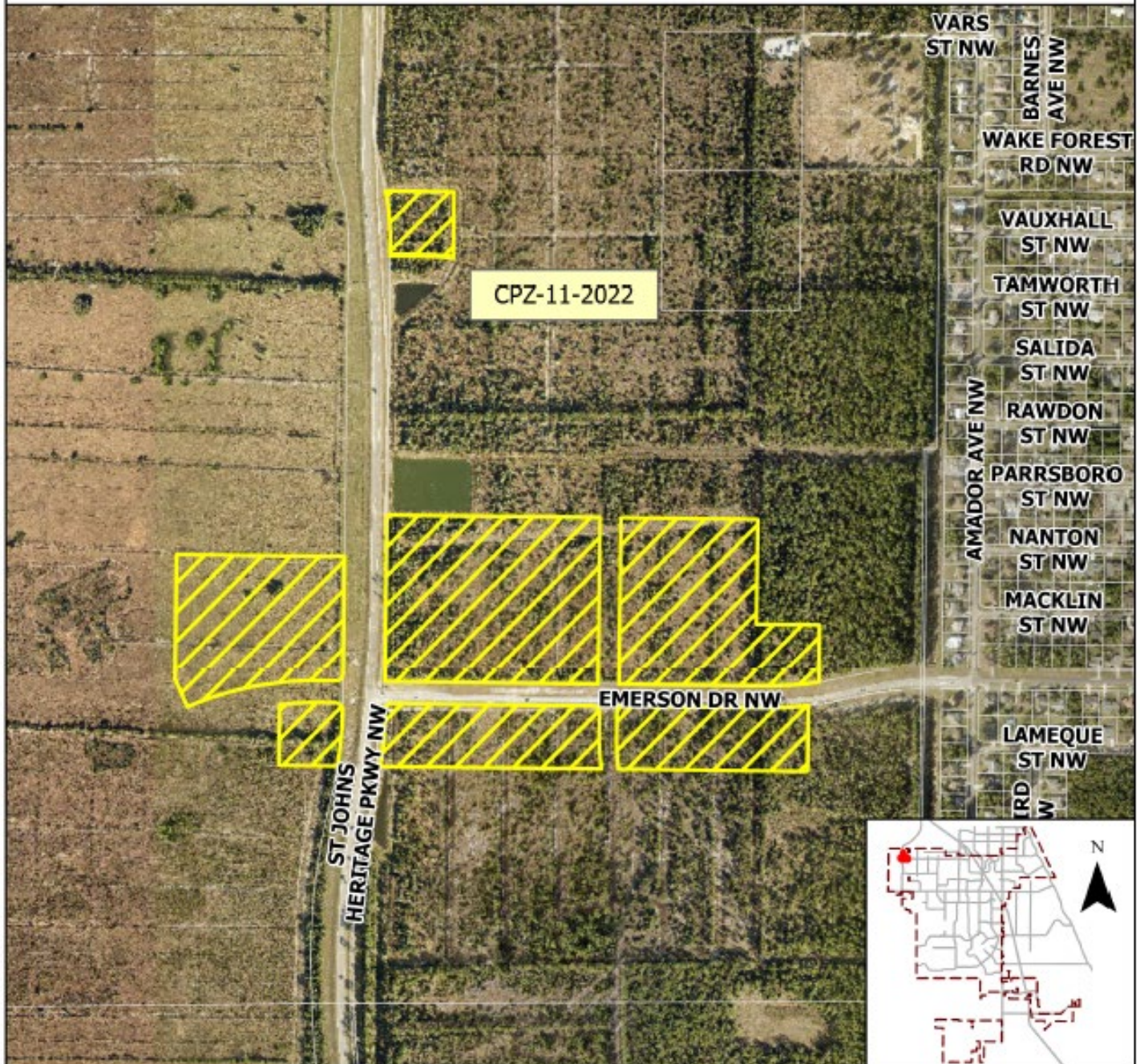
The proposed amendment will further the purposes of Chapter 185, the Comprehensive Plan.

STAFF RECOMMENDATION:

Case CPZ-11-2022 is recommended for approval.



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



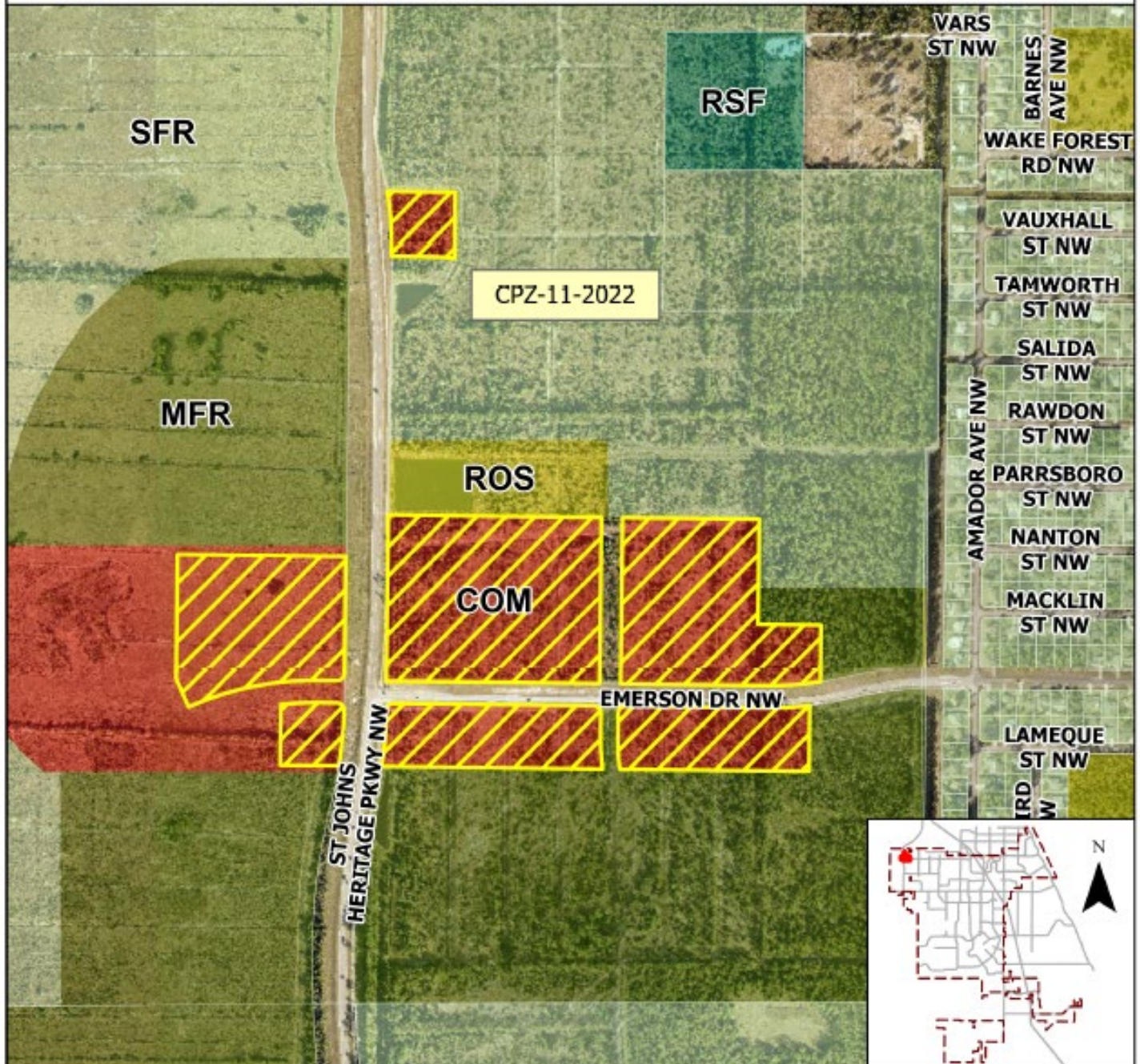
AERIAL LOCATION MAP CASE: CPZ-11-2022

Subject Property

North and south of Emerson Drive NW, in the vicinity east and west of 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: CPZ-11-2022

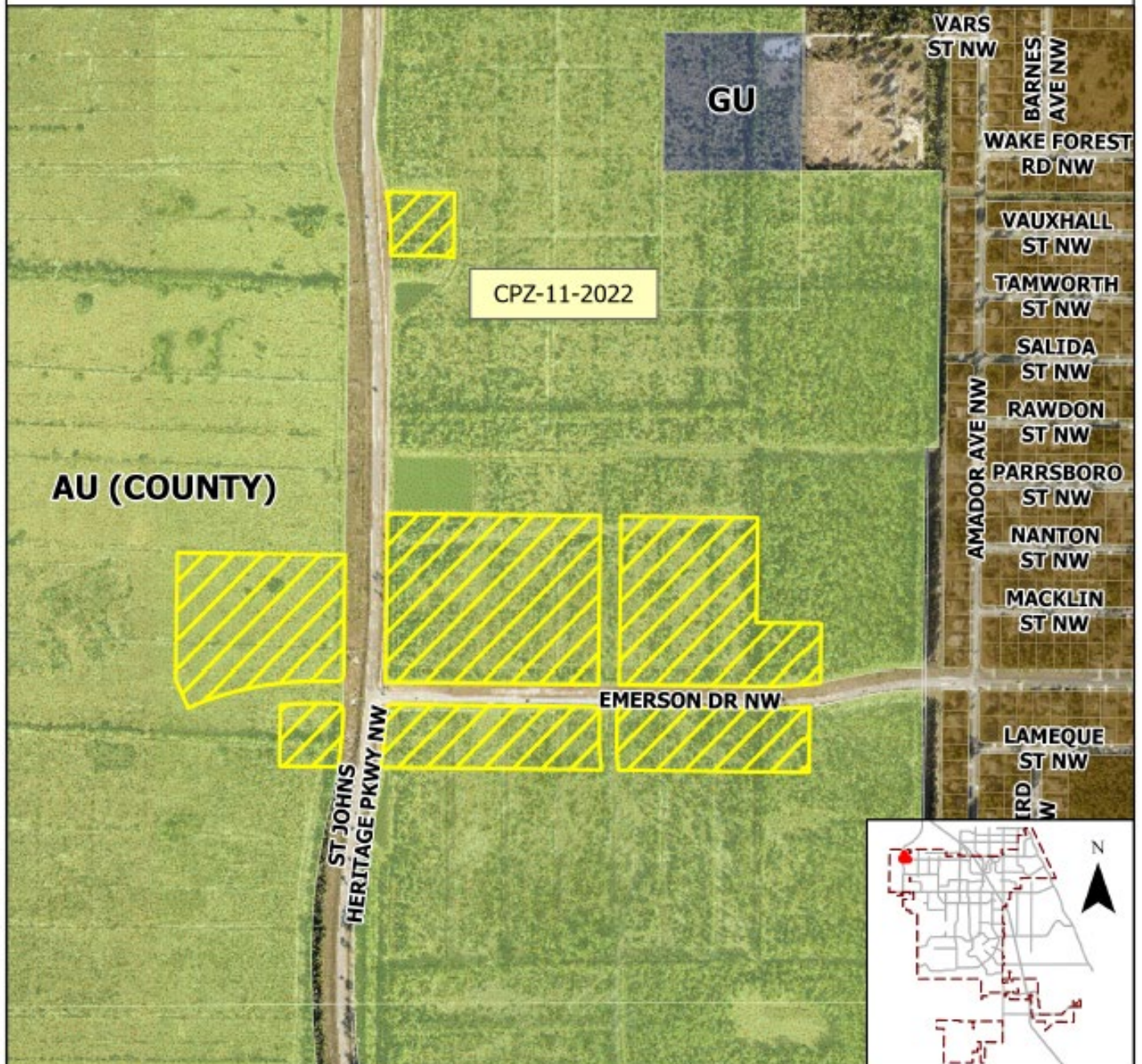
Subject Property

North and south of Emerson Drive NW, in the vicinity east and west of St. Johns Heritage Parkway NW

Future Land Use Classification

COM – Commercial

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



ZONING MAP CASE: CPZ-11-2022

Subject Property

North and south of Emerson Drive NW, in the vicinity east and west of St. Johns Heritage Parkway NW

Current Zoning Classification

AU (COUNTY) – Agricultural Use



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

REZONING 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.

PARCEL ID(S):

28-36-21-00-500, 28-36-21-00-501, 28-36-21-00-255, 28-36-21-00-503, 28-36-21-00-504,
28-36-20-00-751, 28-36-20-00-750

TAX ACCOUNT NUMBER(S):

2862658, 2862659, 2862656, 2865506, 2865507, 2865970, 2865969

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

See attached.

PROPERTY ADDRESS:

North and South of Emerson Rd between the Parkway and MTWCD Canal C-59 and the West end of Emerson Rd. West of the Parkway.

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

+/- 13.96 AC (RM-20) + +/-47.83 AC (CC) = +/- 61.79 acres total

ZONING CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.):

ALL ZONED AU

ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.):

RM-20 and CC-Community Commercial

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 3

STRUCTURES LOCATED ON THE PROPERTY:

None

PRESENT USE OF THE PROPERTY:

Vacant/undeveloped - Agriculture

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Parcel 28-36-21-00-500 / Tax Acct #2862658 - Multi-Family Residential; all other parcels to be commercial uses.

To provide additional housing options and supporting commercial development to the surrounding area.

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

- ☐ *A \$650.00 application fee. Make Check payable to "City of Palm Bay."
- ☐ A Boundary Survey or Sketch with legal descriptions of properties covered by this application.
- ☐ 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 Ana Saunders, P.E. (or other authorized B.S.E. representative)

**CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 3 OF 3**

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 rezoning application and that the facts stated in it are true.

Owner Signature  Date 2/3/22
Printed Name Gary Smigiel, Ascot Palm Bay Holdings, LLC
Full Address PO Box 540669 Lake Worth, FL 33454-0669
Telephone 561-968-3605 ext 204 Email gsmfi@aol.com

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

_____, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

TAX ACCOUNT NUMBERS:

2862658, 2862659, 2862656, 2865506, 2865507, 2865970, 2865969

I, Owner Name: Gary Smigiel, Ascot Palm Bay Holdings, LLC

Address: PO Box 540669 Lake Worth, FL 33454-0669

Telephone: 561-968-3605 ext 204

Email: gsmfi@aol.com

hereby authorize:

Representative: Ana Saunders, P.E. (or other authorized B.S.E. representative)

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

Telephone: 321-725-3674

Email: asaunders@bseconsult.com

to represent the request(s) for:

Public Hearings, Land Use and Rezoning

ML - 0

(Property Owner Signature)

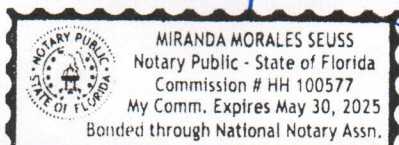
STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of February, 20 22 by

Gary Smigiel

, property owner.



Miranda Morales Seuss

, Notary Public

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

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-03

Held on Wednesday, March 2, 2022, 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.

Ms. Leeta Jordan called the meeting to order at approximately 7:00 p.m.

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

ROLL CALL:

CHAIRPERSON:	Leeta Jordan	Present
MEMBER:	Philip Weinberg	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Present
MEMBER:	Vacant	
NON-VOTING MEMBER:	David Karaffa	Absent
	(School Board Appointee)	

Ms. Vicki Northrup mistakenly was in attendance as a member of the board. No board actions taken during the meeting were impacted by Ms. Northrup's presence.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Ms. Joan Junkala, Deputy City Manager; Ms. Stephanie Kelly, Planner; Ms. Ximena Escobar, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ELECTION OF VICE CHAIRPERSON:

Nominations were made for election of Vice Chairperson.

Motion by Mr. Warner to elect Ms. Khalilah Maragh.

8. ****CPZ-11-2022** - Heritage Corners - Gary Smigiel, Ascot Palm Bay Holdings, LLC (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A Zoning amendment from AU, Agricultural (Brevard County) to a CC, Community Commercial District and an RM-20, Multiple-Family Residential District. Tax Parcels 500, 501, 255, 503, and 504 of Section 21 Township 28, Range 36, along with Tax Parcels 751 and 750 of Section 20, Township 28, Range 36, Brevard County, Florida, containing approximately 61.79 acres. Located north and south of Emerson Drive NW, in the vicinity east and west of St. Johns Heritage Parkway NW

Ms. Bernard presented the staff report for Case CPZ-11-2022. Staff recommended Case CPZ-11-2022 for approval.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant) stated that most of the discussion regarding the proposed zoning change had occurred under Case CP-11-2022.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) was glad to see some agricultural land being changed to commercial land.

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

Mr. Weinberg commented that the types of uses under the CC district, such as restaurants, banks, professional offices, and convenience stores, would be welcomed within the subject area.

Motion to submit Case CPZ-11-2022 to City Council for approval.

Motion by Mr. Weinberg, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boothroyd, Maragh, Olszewski, Warner.

ORDINANCE 2022-46

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM AU, AGRICULTURAL (BREVARD COUNTY) TO CC (COMMUNITY COMMERCIAL DISTRICT) AND RM-20 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED NORTH AND SOUTH OF AND ADJACENT TO EMERSON DRIVE, IN THE VICINITY EAST AND WEST OF AND ADJACENT TO ST. JOHNS HERITAGE PARKWAY, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from AU, Agricultural (Brevard County) to CC (Community Commercial District) and RM-20 (Multiple-Family Residential District), being legally described as follows:

Tax Parcels 255, 500, 501, 503, and 504, of the Public Records of Brevard County, Florida; Section 21, Township 28S, Range 36E;

-AND-

Tax Parcels 751 and 750, of the Public Records of Brevard County, Florida; Section 20, Township 28S, Range 36E;

Containing 61.79 acres, more or less.

SECTION 2. The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

SECTION 3. The provisions within this ordinance shall take effect immediately upon the enactment of Ordinance 2022-45.

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 Smigiel, Ascot Palm Bay Holdings, LLC
Case: CPZ-11-2022

cc: (date) Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Suzanne Sherman, Acting Public Works Director

DATE: 5/19/2022

RE: Ordinance 2022-55, vacating a portion of the road right-of-way known as Kinney Avenue NE, lying between Orange Blossom Trail and Water Drive (0.63 acres) (Case VRW-1-2022, Adelon Real Estate Manager, LLC), first reading.

Adelon Real Estate Manager, LLC (MBV Engineering, Inc.) has submitted an application to vacate Kinney Avenue NE 50' Right-of-Way lying between Orange Blossom Trail and Water Drive. Plat of Tillman, as recorded in Plat Book 2, Page 4, of the Public Records of Brevard County, Florida.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve - with the following conditions:

The Palm Bay Utilities Department will not object to this request upon the following conditions:

Public water and sewer infrastructure is located within the right-of-way, the applicant must concurrently provide public utility easements for the 6" PVC water main and the 8" VCP gravity sewer and manhole, and 6" PVC force main. The utility easements must be prepared by the applicant, reviewed by the Utilities Department, and approved by the City Surveyor. Once the properties develop, the applicant/owner will be required to make adjustments to the utilities as required by the Utilities Department. Note that the water main cannot be eliminated as it creates a system loop

Public Works Department will not object to this request upon the following conditions:

1. Accommodation for existing utilities easements within the vacated areas.
2. Pre post conditions; historical drainage to this right-of-way shall not be blocked
3. Vacating and easements contingent on-Site plan approval and permitting.

4. Vacating of Street/Right-of-Way contingent upon proof of ownership of Parcel Id's: 28-37-24-25-*-T.01; 28-37-24-25-1-1; 28-37-24-25-*-T.

The applicant provides adequate conveyance, and maintenance of drainage area to adequately maintain roadway and adjacent property drainage conveyance substantially in conformance with the existing historical drainage plan. Compliance with this requirement shall require the applicant design a revised drainage system of the parcels, receive approval of that design from the City, and the St. Johns River Water Management District (if required), construct the improvements.

The applicant shall provide all required improvements, dedication of utility, and drainage easements as required by the Palm Bay Utilities Department and Public Works Department. All easements, plans, and agreements shall be completed within one year of the date of approval of this request.

Failure to meet the conditions within one year from the date of approval for the request shall void the approval for the vacation. The applicant may, under good cause, request extension of those time frames through formal request to the Office of the City Clerk.

ATTACHMENTS:

Description

Staff Report Package - VRW-1-2022

Ordinance 2022-55

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Street/Right of Way is requested to vacate Kinney Avenue NE 50' Right-of-Way lying between Orange Blossom Trail and Water Drive. Plat of Tillman, as recorded in Plat Book 2, Page 4, of the Public Records of Brevard County, Florida.

LOCATION: Parcel ID's: 28-37-24-25-*-T, 28-37-24-25-1-1, and 28-37-24-25-*-T.01

APPLICANT: Adelon Real Estate Manager, LLC (MBV Engineering, Inc.).

SITE DATA

PRESENT ZONING: BMUV-Bayfront Mixed Use/Village

AREA OF VACATING: 0.63 Acres +/-

**ADJACENT ZONING
& LAND USE:**
N BMUV-Bayfront Mixed Use/Village
E BMUV-Bayfront Mixed Use/Village
S BMUV-Bayfront Mixed Use/Village
W BMUV-Bayfront Mixed Use/Village

STAFF ANALYSIS:

The purpose of requesting vacating of the road right of way is to incorporate land within development.

The Palm Bay Utilities Department will not object to this request upon the following conditions:

Public water and sewer infrastructure is located within the right-of-way, the applicant must concurrently provide public utility easements for the 6" PVC water main and the 8" VCP gravity sewer and manhole, and 6" PVC force main. The utility easements must be prepared by the applicant, reviewed by the Utilities Department, and approved by the City Surveyor. Once the properties develop, the applicant/owner will be required to make adjustments to the utilities as required by the Utilities Department. Note that the water main cannot be eliminated as it creates a system loop

Public Works Department will not object to this request upon the following conditions:

1. Accommodation for existing utilities easements within the vacated areas.
2. Pre post conditions; historical drainage to this right-of-way shall not be blocked
3. Vacating and easements contingent on-Site plan approval and permitting.
4. ***Vacating of Street/Right-of-Way contingent upon proof of ownership of Parcel Id's: 28-37-24-25-*-T.01; 28-37-24-25-1-1; 28-37-24-25-*-T.***

AT&T, Spectrum, Florida Gas, and Florida Power & Light have no objections to the request.

STAFF RECOMMENDATION:

Staff recommends approval of the request with the following conditions:

The Palm Bay Utilities Department will not object to this request upon the following conditions:

Public water and sewer infrastructure is located within the right-of-way, the applicant must concurrently provide public utility easements for the 6" PVC water main and the 8" VCP gravity sewer and manhole, and 6" PVC force main. The utility easements must be prepared by the applicant, reviewed by the Utilities Department, and approved by the City Surveyor. Once the properties develop, the applicant/owner will be required to make adjustments to the utilities as required by the Utilities Department. Note that the water main cannot be eliminated as it creates a system loop

Public Works Department will not object to this request upon the following conditions:

1. Accommodation for existing utilities easements within the vacated areas.
2. Pre post conditions; historical drainage to this right-of-way shall not be blocked
3. Vacating and easements contingent on-Site plan approval and permitting.
4. ***Vacating of Street/Right-of-Way contingent upon proof of ownership of Parcel Id's: 28-37-24-25-*-T.01; 28-37-24-25-1-1; 28-37-24-25-*-T.***

May 19, 2022

The applicant provides adequate conveyance, and maintenance of drainage area to adequately maintain roadway and adjacent property drainage conveyance substantially in conformance with the existing historical drainage plan. Compliance with this requirement shall require the applicant design a revised drainage system of the parcels, receive approval of that design from the City, and the St. Johns River Water Management District (if required), construct the improvements.

The applicant shall provide all required improvements, dedication of utility, and drainage easements as required by the Palm Bay Utilities Department and Public Works Department. All easements, plans, and agreements shall be completed within one year of the date of approval of this request.

Failure to meet the conditions within one year from the date of approval for the request shall void the approval for the vacation. The applicant may, under good cause, request extension of those time frames through formal request to the Office of the City Clerk.

VRW-1-2022



PUBLIC WORKS DEPARTMENT

1050 MALABAR ROAD SW PALM BAY, FLORIDA 32907

PHONE: (321) 952-3403

EMAIL: pwpermitting@palmbayflorida.org

CREATING, IMPROVING, ALTERING, AND VACATING OF STREETS/RIGHT-OF-WAY APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Public Works Department, Palm Bay, Florida. The request will then be reviewed by City staff and scheduled for a public hearing before the City Council. You and/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). Meeting(s) will be held beginning at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

1. Name of Applicant (Please print): ADELON REAL ESTATE MANAGER LLC
Address: 1955 Harrison Street. Suite 200
City: Hollywood, FL Zip Code: 33020
Phone Number: 786 657 8751 Fax Number: _____
Email: echerem@adeloncapital.com

2. Certified surveyor's legal description of property covered by this application:

Section: 24 Township: 28 Range: 37

3. Size of area covered by this application (calculate acreage): .64

4. Which action applying for (Creating, Improving, Altering, or Vacating): vacate

5. Intended use of the property: to incorporate land within development

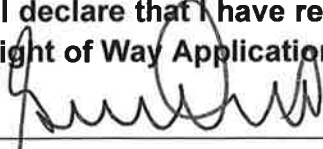
6. The following enclosures are needed to complete this application:

- ☒ *\$312.00 Application Fee. Make check payable to "City of Palm Bay."
- ☒ Two (2) copies of the plat or site plan exhibit drawn to scale shall be attached to the application. The exhibit shall also be provided by CD or Memory Drive and illustrate the following:
 - a) (Proposed) street location within the City (vicinity map);
 - b) Location of utility easements adjacent or pertinent thereto the property;
 - c) Construction plans showing typical street profiles and materials;
 - d) Tree and vegetation survey and/or permit;
 - e) Location of traffic control devices (signs and street markings);
 - f) Location of sidewalks and bikeways.
- ☒ Original notarized letters from the following utility and service companies are required stating that the companies have no objections to the requested action:
 - 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).
- ☒ List of all property owners, addresses, and legal descriptions for all properties abutting the (proposed) street. Such information shall be obtained from the most recent County tax rolls. (This can be obtained from the most recent County tax rolls. (This can be obtained from the Brevard County Planning and Zoning Department at 321-633-2060, or on the internet at <https://bcpao.us/>) List shall be legible and the source of that information stated here:
Brevard County Planning and Zoning

7. Where property is not owned by the applicant, a letter must be attached giving the notarized consent of the owner for the applicant to request the creating, improving, altering, or vacating of streets/right of way.

I, the undersigned understand that this application must be complete and accurate before consideration by city council, 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 penalty of perjury, I declare that I have read the foregoing Creating, Improving, Altering, and Vacating of Streets/Right of Way Application and that the facts stated in it are true.

Signature of Applicant:  Date: 2/16/22

Printed Name of Applicant: Jose Daniel Berman - ADELON REAL ESTATE MANAGER LLC

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

CREATING, IMPROVING, ALTERING, AND VACATING OF STREETS/RIGHT-OF-WAY
APPLICATION | Rev052020



**PROPERTY
BOUNDARY SKETCH**

[illegible]

LEGAL DESCRIPTION: RIGHT-OF-WAY KINNEY AVENUE NORTHEAST TO BE VACATED

the study involved a group of young African American males who were recruited from a public housing project in the inner city of Chicago, Illinois. The study was conducted in the fall of 1994, and the data were analyzed in the spring of 1995. The study was approved by the Institutional Review Board at the University of Illinois at Chicago. The study was conducted in a public housing project in the inner city of Chicago, Illinois. The study was approved by the Institutional Review Board at the University of Illinois at Chicago. The study was conducted in a public housing project in the inner city of Chicago, Illinois. The study was approved by the Institutional Review Board at the University of Illinois at Chicago.

**Bruce A
Moia**

Digitally signed
by Bruce A. Mouda
Date: 2022.05.03
13:01:47 -0400

ADELON BAYFRONT PROPERTY

SKETCH OF LEGAL DESCRIPTION

MBV
ENGINEERING, INC.
INDUSTRIAL & COMMERCIAL BUILDINGS
Civil • Structural • Surveying • Foundation
1200 W. KANSAS AVE., SUITE 11
NEEDHAM, MASSACHUSETTS 02461
TEL: 617-552-1010 • FAX: 617-552-1011
TELETYPE: 617-552-1012

JOB NO	71-1081		
DESIGNED	RMS		
DRAWN	RMS		
DATE	5/8/2002		
CHECKED	TC RRM		
DATE ISSUED	3/3/2002		

REVIEWED PER (COP) SURVEY	5/7/02
COMMENTS	
REVISIONS	
DATE	

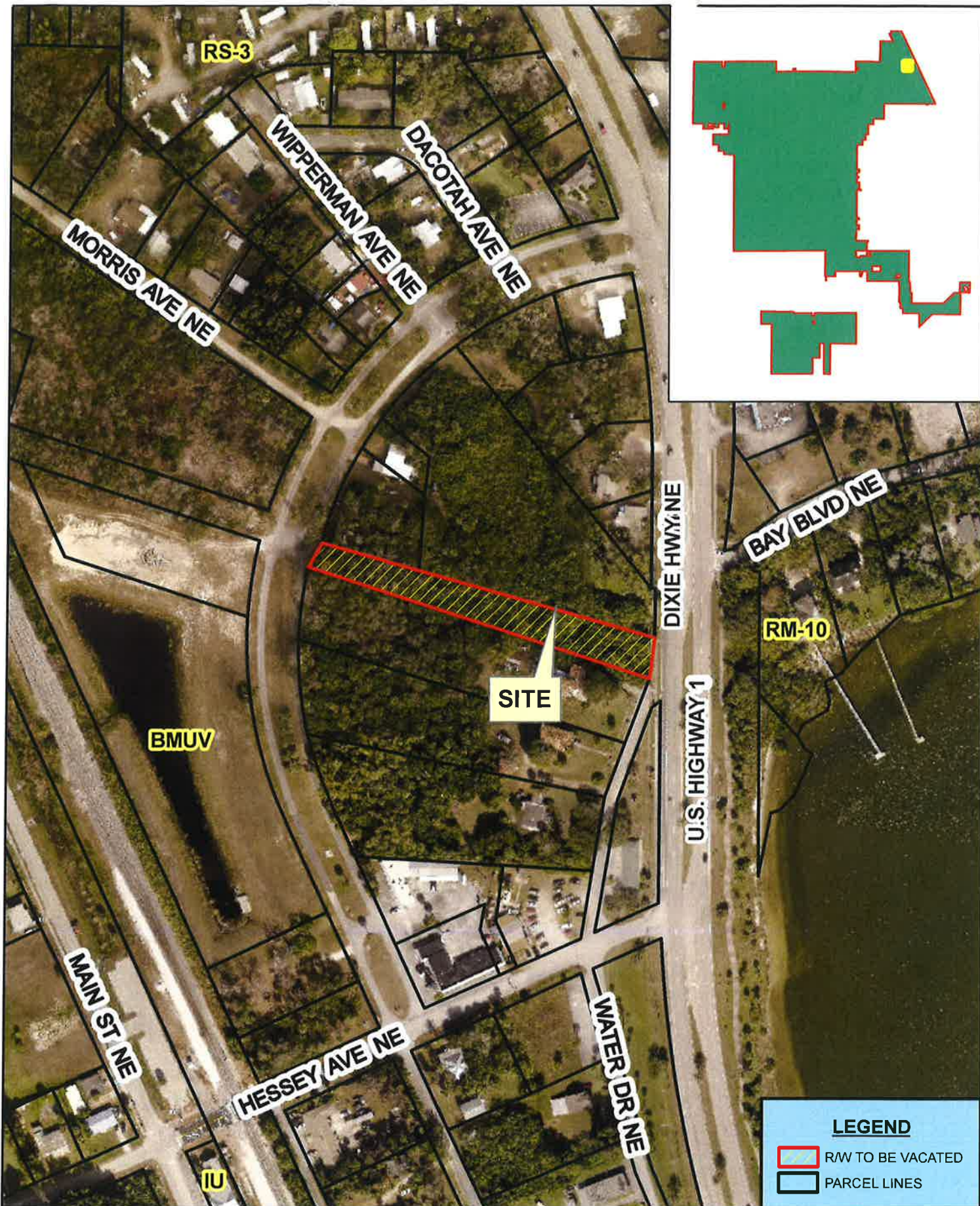
LOCATION MAP



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 May 3, 2022.

VRW-1-2022

0 50 100 200
Feet
1 inch = 200 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 May 3, 2022.

LOCATION MAP VRW-1-2022

0 50 100 200
Feet
1 inch = 200 feet

November 23, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Steve A. Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

Representative: Adelon Real Estate Manager LLC

Address: 1955 Harrison Street, Suite 200 Hollywood Florida 33020

Telephone:

Email: echerem@adeloncapital.com

to represent the request(s) for:

Road Vacate

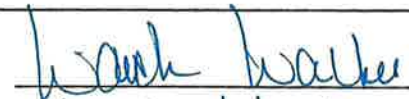

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

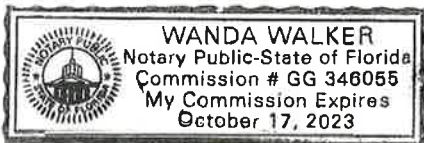
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 20th day of November, 2021 by

Steven Berman, property owner.


Wanda Walker, Notary Public

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

Florida Drivers License



November 23, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Steve A. Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

Representative: Bruce A. Moia, P.E., MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Road Vacate, Rezoning and Comprehensive Plan Amendment

(Property Owner Signature)

STATE OF Florida

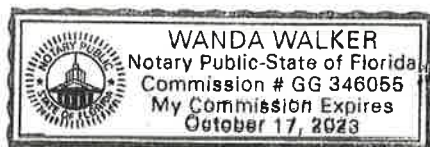
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 29th day of November, 20 21 by Steven Berman, property owner.

Wanda Walker
Wanda Walker, Notary Public

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

Florida Drivers License



ORDINANCE 2022-55

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE ROAD RIGHT-OF-WAY KNOWN AS KINNEY AVENUE NE, LYING BETWEEN ORANGE BLOSSOM TRAIL AND WATER DRIVE, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Adelon Real Estate Manager, LLC, has requested the City of Palm Bay, Florida, to vacate a portion of the road right-of-way known as Kinney Avenue NE, lying between Orange Blossom Trail and Water Drive, which portion is legally described herein, and

WHEREAS, the vacating and abandonment of said road right-of-way 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 of Palm Bay hereby vacates and abandons a portion of the road right-of-way known as Kinney Avenue NE, lying between Orange Blossom Trail and Water Drive, being more particularly described as follows:

Begin at a Point of Intersection of the east right-of-way of Orange Blossom Trail NE, (a 100-foot right-of-way) and the south right-of-way of Kinney Avenue NE (an unimproved 50-foot right-of-way) said Point also being the southwest corner of Lot T of Plat of Tillman, as recorded in Plat Book 2, Page 4, of the Public Records of Brevard County, Florida; thence from said Point of Beginning run along said east right-of-way of Orange Blossom Trail NE on a curve concave to the southeast having a radius of 595.00 feet through a central angle of 04°49'10", a chord bearing of N 14°57'17" E and an arc length of 50.05 feet to the Point of Tangency of said curve. Said Point also being the intersection of the said east right-of-way of Orange Blossom Trail NE and the north right-of-way of said Kinney Avenue NE. Thence from said Point, run S 72°53'24" E along the said north right-of-way of Kinney Avenue NE a distance of 550.78 feet, to a Point of Intersection of the said

north right-of-way of Kinney Avenue NE and the west right-of-way of Water Drive NE (a 20-foot right-of-way) thence along said right-of-way of Water Drive NE, run S 21°51'39" W, a distance of 50.17 feet to a Point of Intersection of the said west right-of-way of Water Drive and the south right-of-way of Kinney Avenue NE. Thence run N 72°53'24" W along the said south right-of-way of Kinney Avenue NE a distance of 544.92 feet to the Point of Beginning; containing 0.63 acres, more or less.

SECTION 2. The vacating of the road right-of-way is subject to compliance with the following conditions:

- A. Public water and sewer infrastructure is located within the right-of-way; the applicant must concurrently provide public utility easements for the 6" PVC water main, the 8" VCP gravity sewer and manhole, and 6" PVC force main. The utility easements must be prepared by the applicant, reviewed by the Utilities Department, and approved by the City Surveyor. Once the properties develop, the applicant/owner will be required to make adjustments to the utilities as required by the Utilities Department. Note that the water main cannot be eliminated as it creates a system loop.
- B. Accommodation for existing utilities easements within the vacated areas.
- C. Pre post conditions; historical drainage to this right-of-way shall not be blocked.
- D. Vacating and easements contingent upon site plan approval and permitting.
- E. Vacating of street/right-of-way contingent upon proof of ownership of Parcel ID's: 28-37-24-25-*-T.01; 28-37-24-25-1-1; 28-37-24-25-*-T.
- F. The applicant shall provide adequate conveyance and maintenance of drainage area to adequately maintain roadway and adjacent property drainage conveyance substantially in conformance with the existing historical drainage plan. Compliance with this requirement shall require the applicant design a revised drainage system of the parcels, receive approval of that design from the City and the St. Johns River Water Management District (if required), and construct the improvements.
- G. The applicant shall provide all required improvements, dedication of utility, and drainage easements as required by the Palm Bay Utilities Department and Public Works Department. All easements, plans, and agreements shall be completed within one year of the date of approval of this request.

SECTION 3. The vacating of the portion of road right-of-way shall take effect upon providing the Office of the City Clerk written notification from the Public Works Department that all the conditions in Section 2 have been met.

SECTION 4. The conditions as stated in Section 2 herein must be met within one (1) year of the enactment date of this Ordinance. Failure to meet the conditions within one (1) year from the date of approval for the request shall render the ordinance null and void. The applicant may, under good cause, request extension of the time frames through formal request to the Office of the City Clerk.

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: Adelon Real Estate Manager, LLC
Case: VRW-1-2022

cc: (date) Brevard County Recording
Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 5/19/2022

RE: Ordinance 2022-56, vacating a portion of the rear public utility and drainage easement located within Lot 13, Block 1533, Port Malabar Unit 31 (Case VE-3-2022, Pedro Hernandez, Jr.), first reading.

Pedro J. Hernandez, Jr. has submitted an application to vacate the South 8 feet of the North 20-foot Public Utility & Drainage Easement, less and except the West and East 6-foot Public Utility & Drainage Easement, thereof containing 726.36 square feet, more or less, of Lot 13, Block 1533, Port Malabar Unit 31, according to the Plat thereof, as Recorded in Plat Book 17, Pages 22-33, of the Public Records of Brevard County, Florida, for an inground pool with a screen enclosure.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve per the recommendation section on the Staff Report.

ATTACHMENTS:

Description

Staff Report Package - VE-3-2022

Ordinance 2022-56

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Request to vacate the South 8 feet of the North 20-foot Public Utility & Drainage Easement, less and except the West and East 6-foot Public Utility & Drainage Easement, thereof containing 726.36 square feet, more or less, of Lot 13, Block 1533, Port Malabar Unit 31, according to the Plat thereof, as Recorded in Plat Book 17, Pages 22-33, of the Public Records of Brevard County, Florida, for a inground pool with a screen enclosure.

LOCATION: 295 Gaspar St. SW
(Lot 13, Block 1533, Port Malabar Unit 31)

APPLICANT: Pedro J. Hernandez, Jr.

SITE DATA

PRESENT ZONING: SRE – Suburban Residential Estate

AREA OF VACATING: 726.36 square feet, more or less

ADJACENT ZONING	N	50' Drainage Right-of-Way
& LAND USE:	E	SRE – Suburban Residential Estate
	S	SRE – Suburban Residential Estate
	W	SRE – Suburban Residential Estate

STAFF ANALYSIS:

Vacation of Easement is requested to vacate the South 8 feet of the North 20-foot Public Utility & Drainage Easement, less and except the West and East 6-foot Public Utility & Drainage Easement, thereof containing 726.36 square feet, more or less, of Lot 13, Block 1533, Port Malabar Unit 31, according to the Plat thereof, as Recorded in Plat Book 17, Pages 22-33, of the Public Records of Brevard County, Florida, for a inground pool with a screen enclosure.

AT&T, Florida Power and Light, and Spectrum 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 8 feet, along city owned canals, if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the South 8 feet of the North 20-foot Public Utility & Drainage Easement, less and except the West and East 6-foot Public Utility & Drainage Easement, thereof containing 726.36 square feet, more or less, of Lot 13, Block 1533, Port Malabar Unit 31, according to the Plat thereof, as Recorded in Plat Book 17, Pages 22-33, 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.



VE-3-2022

PUBLIC WORKS DEPARTMENT

1050 MALABAR ROAD SW PALM BAY, FLORIDA 32907

PHONE: (321) 952-3403

EMAIL: 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): Pedro J. Hernandez Jr.

Address: 295 Gaspar St. SW Palm Bay

City: _____ Zip Code: 32908

Phone Number: 954 369-8399 Business Phone Number: _____

Fax Number: _____ Email: Pj-hernandez77@hotmail.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:

Legal description: Lot 13, Block 1533, Port Malabar
Unit 13 31

Section: 24 Township: 29 Range: 24

Size of area covered by this application (calculate acreage): .26 acres

Zoning classification at present: SRE

Which action applying for (easement, drainage): vacate

Reason for requesting vacation and intended use: adding a family pool to
make transition easier for us all as a family.

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.

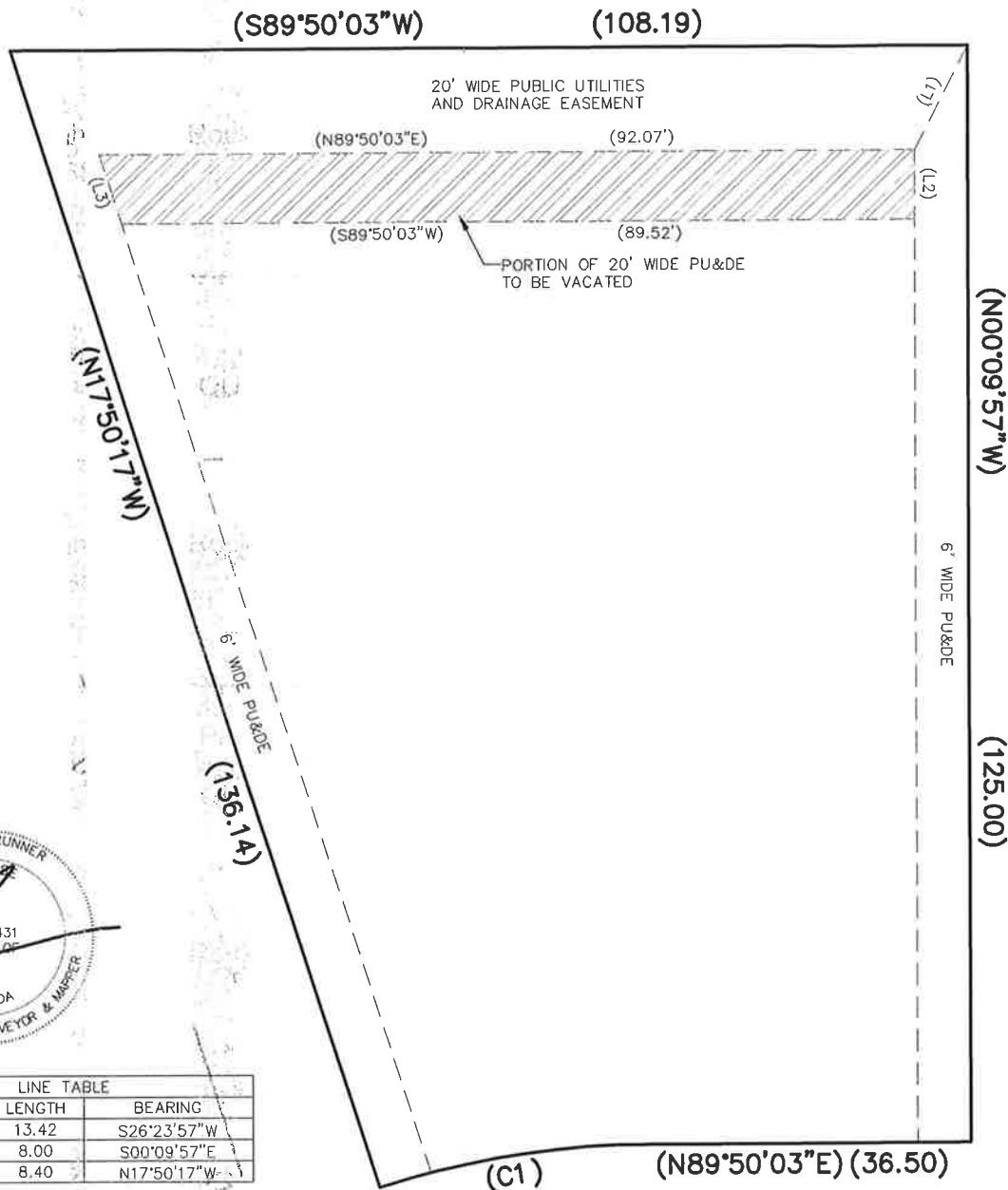
UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant  Date 09/09/22

Printed Name of Applicant Pedro J. Hernandez Jr.

PROPERTY SKETCH

N



LINE TABLE		
LINE	LENGTH	BEARING
(L1)	13.42	S26°23'57\"W
(L2)	8.00	S00°09'57\"E
(L3)	8.40	N17°50'17\"W

(C1) (N89°50'03\"E) (36.50)

C/L GASPAR STREET

CURVE TABLE					
CURVE	CENTRAL ANGLE	RADIUS	ARC	CHORD BEARING	CHORD DISTANCE
(C1)	17°40'20\"	100.00	30.84	S80°59'53\"W	30.72

DESCRIPTION
TO BE VACATED

Jon
Brunner

Digitally signed
by Jon Brunner
Date: 2021.09.15
16:08:47 -04'00'

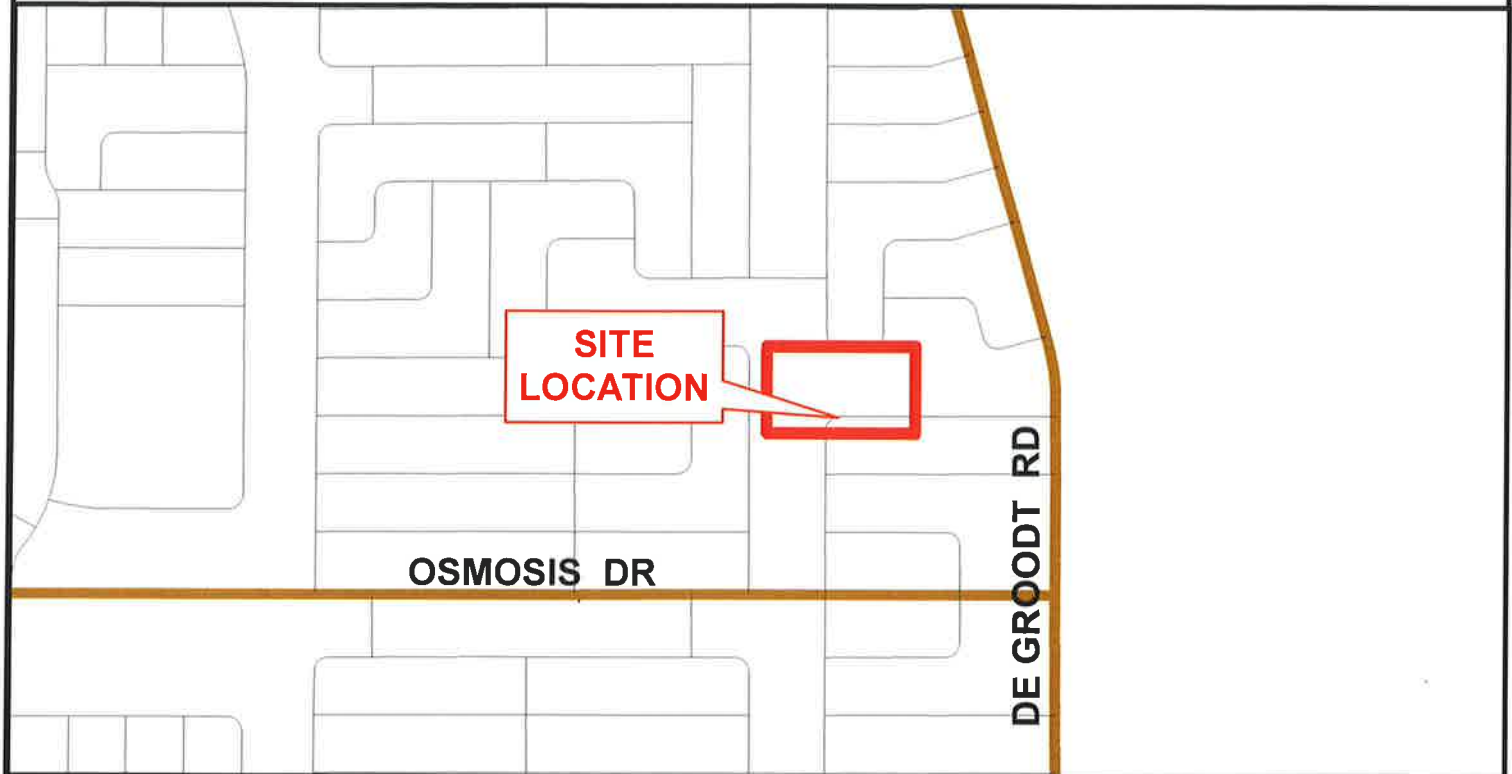
JON E. BRUNNER, FLORIDA PSM 6431
STATE OF FLORIDA

BEING A PORTION OF A THE 20 FOOT WIDE PUBLIC UTILITIES AND DRAINAGE EASEMENT CROSSING OVER, UNDER AND THROUGH LOT 13, BLOCK 1533, PORT MALABAR UNIT THIRTY ONE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 17, PAGES 22 THROUGH 33, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH EAST CORNER OF SAID LOT 13, BLOCK 1533, PORT MALABAR UNIT THIRTY ONE, THENCE S 26°23'57\" W, FOR A DISTANCE OF 13.42 FEET TO THE POINT OF BEGINNING; PROCEED THENCE S 00°09'57\" E, FOR A DISTANCE OF 8.00 FEET; THENCE S 89°50'03\" W, FOR A DISTANCE OF 89.52 FEET; THENCE N 17°50'17\" W, FOR A DISTANCE OF 8.40 FEET; THENCE N 89°50'03\" E, FOR A DISTANCE OF 92.07 FEET TO THE POINT OF BEGINNING.

DATE: 9/15/21	SECTION: 24	PAGE:	BRUNNER-HAGEN, INC. ENGINEERS AND LAND SURVEYORS 801 CAROLIN STREET, MELBOURNE, FL., 32901 PH (321) 728-1961 info@brunner-hagen.com
PROJECT: 757-17	TOWNSHIP: 29 S.	REVISION:	
SCALE: 1\"=20'	RANGE: 36 E.	REVISION:	
		REVISION:	

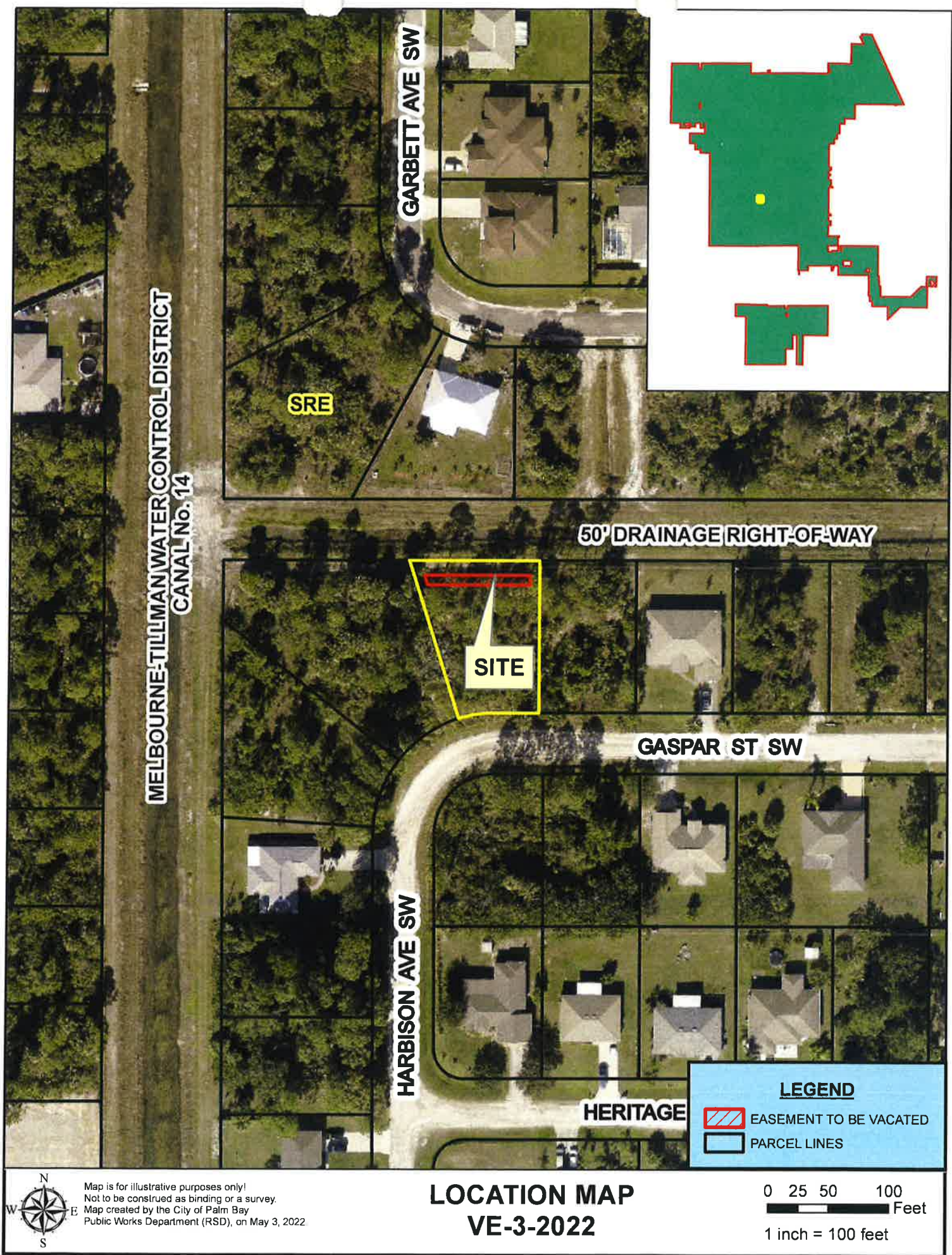
LOCATION MAP



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 May 3, 2022.

VE-3-2022

0 25 50 100
Feet
1 inch = 100 feet



ORDINANCE 2022-56

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 LOT 13, BLOCK 1533, PORT MALABAR UNIT 31, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17, PAGE 28, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pedro Hernandez, Jr., 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 rear public utility and drainage easement located within Lot 13, Block 1533, Port Malabar Unit 31, according to the plat thereof as recorded in Plat Book 17, Page 28, of the Public Records of Brevard County, Florida, Section 24, Township 29S, Range 36E, being more particularly described as follows:

Commencing at the northeast corner of said Lot 13, Block 1533, Port Malabar Unit 31, thence S 26°23'57" W, for a distance of 13.42 feet to the Point of Beginning; proceed thence S 00°09'57" E, for a distance of 8.00 feet; thence S 89°50'03" W, for a distance of 89.52 feet; thence N 17°50'17" W, for a distance of 8.40 feet; thence N 89°50'03" E, for a distance of 92.07 feet to the Point of Beginning; containing 726.36 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: Pedro Hernandez, Jr.
Case: VE-3-2022

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 5/19/2022

RE: Ordinance 2022-57, vacating a portion of the rear public utility and drainage easement located within Lot 29, Block 2082, Port Malabar Unit 46 (Case VE-4-2022, Russell and Naomia Steele), first reading.

Russell & Naomia Steele have submitted an application to vacate the Westerly 10 feet of the Easterly 20-foot Public Utility & Drainage Easement, less the Northerly and the Southerly 6 foot Public Utility & Drainage Easement, thereof containing 680 square feet, more or less, of Lot 29, Block 2082, Port Malabar Unit 46, according to the Plat thereof, as Recorded in Plat Book 22, Pages 58-74, of the Public Records of Brevard County, Florida, for an inground pool with a screen enclosure.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve per the recommendation section in the Staff Report.

ATTACHMENTS:

Description

Staff Report Package - VE-4-2022

Ordinance 2022-57

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Request to vacate the Westerly 10 feet of the Easterly 20-foot Public Utility & Drainage Easement, less the Northerly and the Southerly 6 foot Public Utility & Drainage Easement, thereof containing 680 square feet, more or less, of Lot 29, Block 2082, Port Malabar Unit 46, according to the Plat thereof, as Recorded in Plat Book 22, Pages 58-74, of the Public Records of Brevard County, Florida, for an inground pool with a screen enclosure.

LOCATION: 2857 Derby Ave. SE
(Lot 29, Block 2082, Port Malabar Unit 46)

APPLICANT: Russell & Naomia Steele.

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: 680 square feet, more or less

ADJACENT ZONING	N	RS-2 – Single-Family Residential
& LAND USE:	E	100' wide Melbourne Tillman Drainage Canal #39
	S	RS-2 – Single-Family Residential
	W	RS-2 – Single-Family Residential

STAFF ANALYSIS:

Vacation of Easement is requested to vacate the Westerly 10 feet of the Easterly 20-foot Public Utility & Drainage Easement, less the Northerly and the Southerly 6 foot Public Utility & Drainage Easement, thereof containing 680 square feet, more or less, of Lot 29, Block 2082, Port Malabar Unit 46, according to the Plat thereof, as Recorded in Plat Book 22, Pages 58-74, of the Public Records of Brevard County, Florida, for an inground pool with a screen enclosure.

Melbourne-Tillman Water Control District, AT&T, Florida Power and Light, and Spectrum 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 8 feet, along city owned canals, if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the Westerly 10 feet of the Easterly 20-foot Public Utility & Drainage Easement, less the Northerly and the Southerly 6 foot Public Utility & Drainage Easement, thereof containing 680 square feet, more or less, of Lot 29, Block 2082, Port Malabar Unit 46, according to the Plat thereof, as Recorded in Plat Book 22, Pages 58-74, 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.

VE-4-2022



MAY 02 2022

Lot Drainage & Driveway

PUBLIC WORKS DEPARTMENT

1050 MALABAR ROAD SW PALM BAY, FLORIDA 32907

PHONE: (321) 952-3403

EMAIL: pwpermitting@palmabayflorida.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): Russell M Steele & Naomia L Steele

Address: 2857 Derby Ave SE

City: Palm Bay

Zip Code: 32909

Phone Number: Cell: (321) 473-8553 H. Business Phone Number: (321) 213-1929

Fax Number: _____ Email: rsteale@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:

Being the WESTERLY 10 FEET OF THE EASTERLY 20 FEET, LESS THE NORTHERLY 6 FEET AND THE SOUTHERLY 6 FEET OF LOT 29, BLOCK 2082, Port Malabar Unit Forty-six, according to the Plat thereof, recorded in Plat Book 22, pages 58-74, inclusive, of the Public Records of Brevard County, Florida.

Section: 33 Township: 29 S. Range: 37 E.

Size of area covered by this application (calculate acreage): 10' x 60' = 600 sq.ft / 43,560 sq.ft. = 0.014 acre

Zoning classification at present: RS-2 Single Family Residential

Which action applying for (easement, drainage): Easement Vacate

Reason for requesting vacation and intended use: Construction of an in-ground pool w/screen enclosure.

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

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.

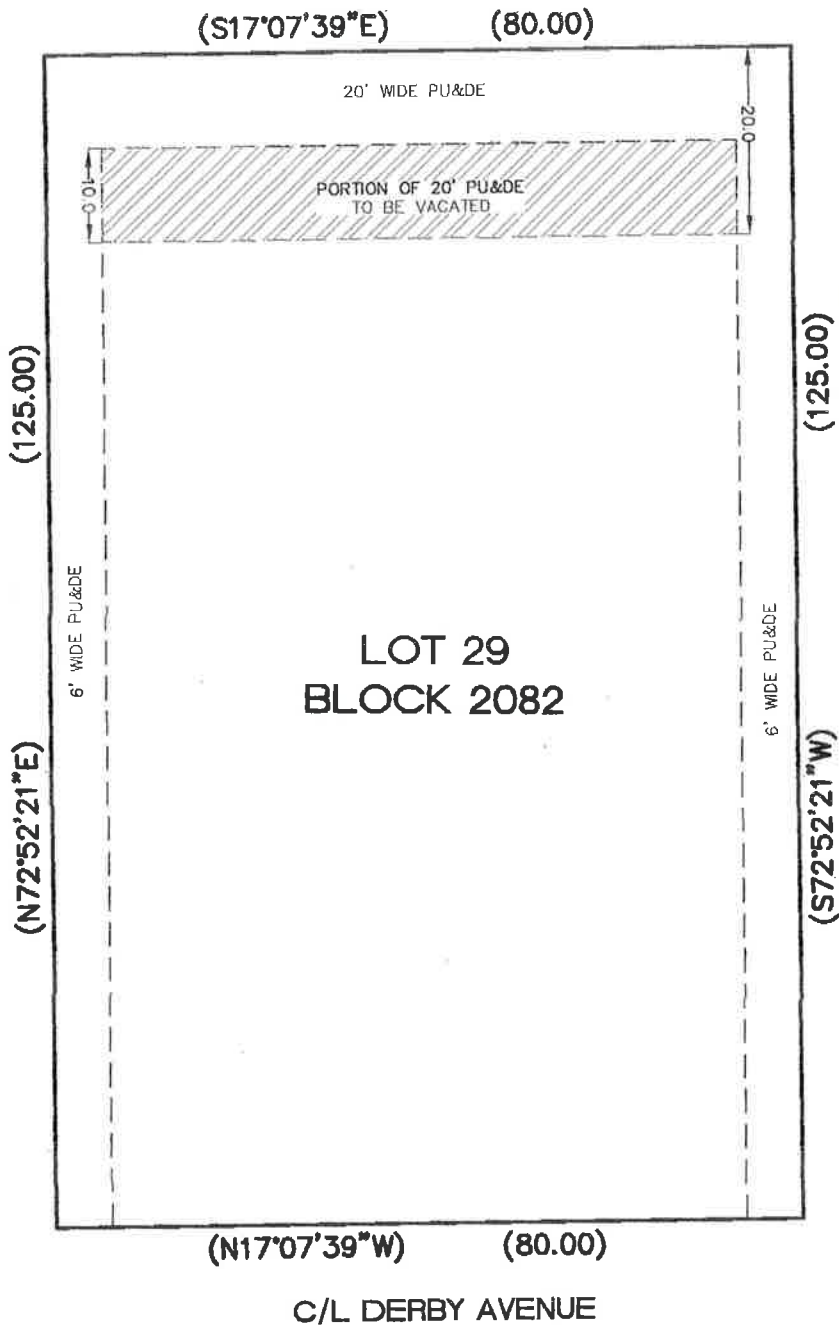
Signature of Applicant



Date 02 MAY 2022

Printed Name of Applicant Russell M Steele / Noamia L Steele

EXHIBIT "A" SKETCH OF EASEMENT



**Jon
Brunner**

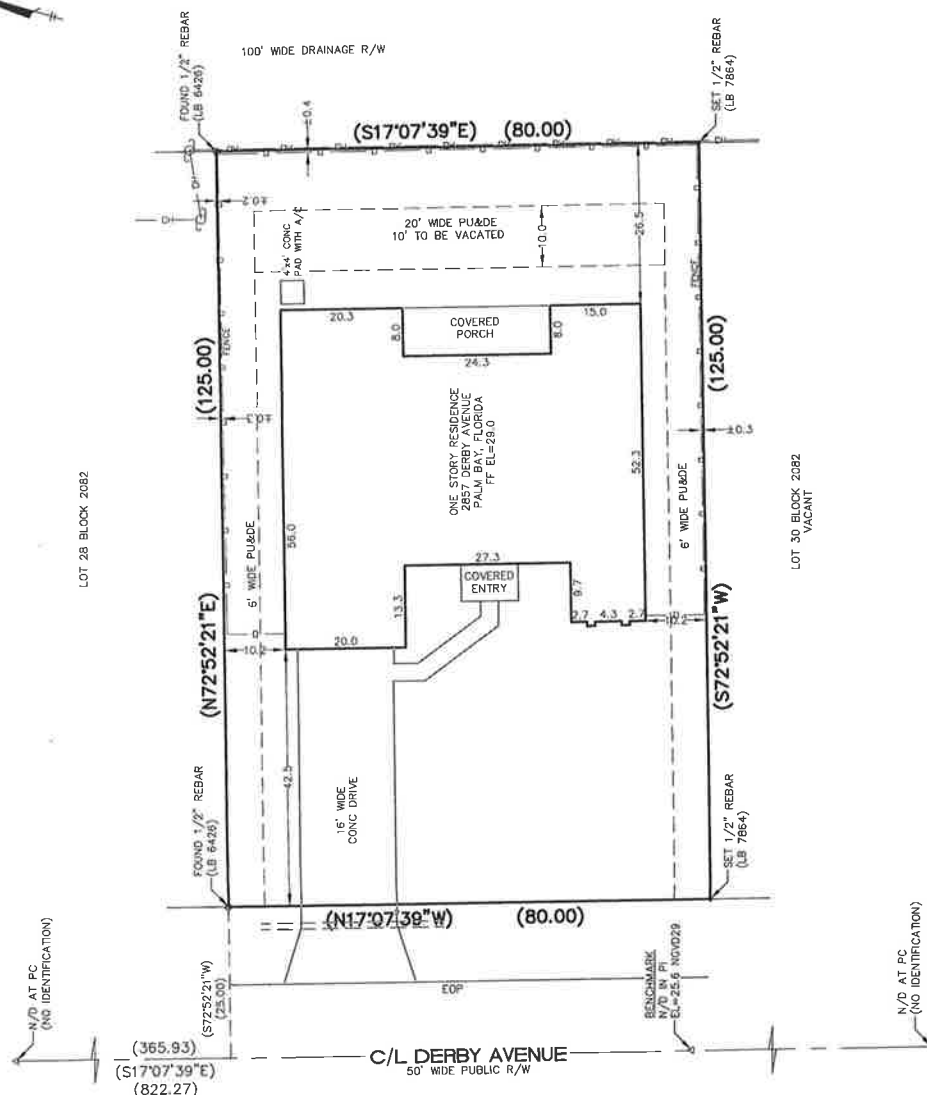
Digitally signed
by Jon Brunner
Date: 2022.03.19
09:13:05 -04'00'

JON E. BRUNNER, PSM 6431
STATE OF FLORIDA

DESCRIPTION PORTION TO BE VACATED

BEING THE WESTERLY 10 FEET OF THE EASTERLY 20 FEET, LESS THE NORTHERLY 6 FEET AND THE SOUTHERLY 6 FEET OF LOT 29, BLOCK 2082, PORT MALABAR UNIT FORTY SIX, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGES 58 THROUGH 74, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

DATE: 7/27/20	SECTION: 33	PAGE:	BRUNNER-HAGEN, INC. ENGINEERS AND LAND SURVEYORS 801 CAROLIN STREET, MELBOURNE, FL., 32901 PH (321) 728-1961 info@brunner-hagen.com
PROJECT: 978-17	TOWNSHIP: 29 S.	REVISION: 10/1/21 DESCRIPTION	
SCALE: 1"=20'	RANGE: 37 E.	REVISION:	
		REVISION:	



LOT 28 BLOCK 2082

LOT 30 BLOCK 2082

DESCRIPTION

LOT 29, BLOCK 2082, PORT MALABAR
UNIT FORTY SIX, ACCORDING TO THE
PLAT THEREOF, RECORDED IN PLAT BOOK
222, PAGES 58 THROUGH 74, INCLUSIVE,
OF THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA.



REVISED 12/14/17 SITE PLAN.
REVISED 2/21/18 LOCATED FORM BOARDS.
REVISED 5/17/18 RECORD SURVEY.
REVISED 9/5/21 UP-DATED SURVEY

DATE OF FIELD SURVEY: DECEMBER 12, 2017
Digitally signed by Jon Brunner
Date: 2021.12.10 17:22:47 -0500
JON E. BRUNNER, FLORIDA PSM 6431
STATE OF FLORIDA

58/90

100

SCALE: 1-5

RAWN BY: IIIK

RAWN BY:

RAWN BY: IIIK

BRUNNER
HAGEN

LAND SURVEYORS
501 Carolina Street
Melbourne, FL 32901
phone (321) 728-1961
info@runner-hagen.com
LB No. 7864

MAP OF RECORD SURVEY FOR
RUSSELL M. STEELE
NAOMIA I. STEELE

PROJECT NO:
978-17
SEC. 33
TWP. 29 S.

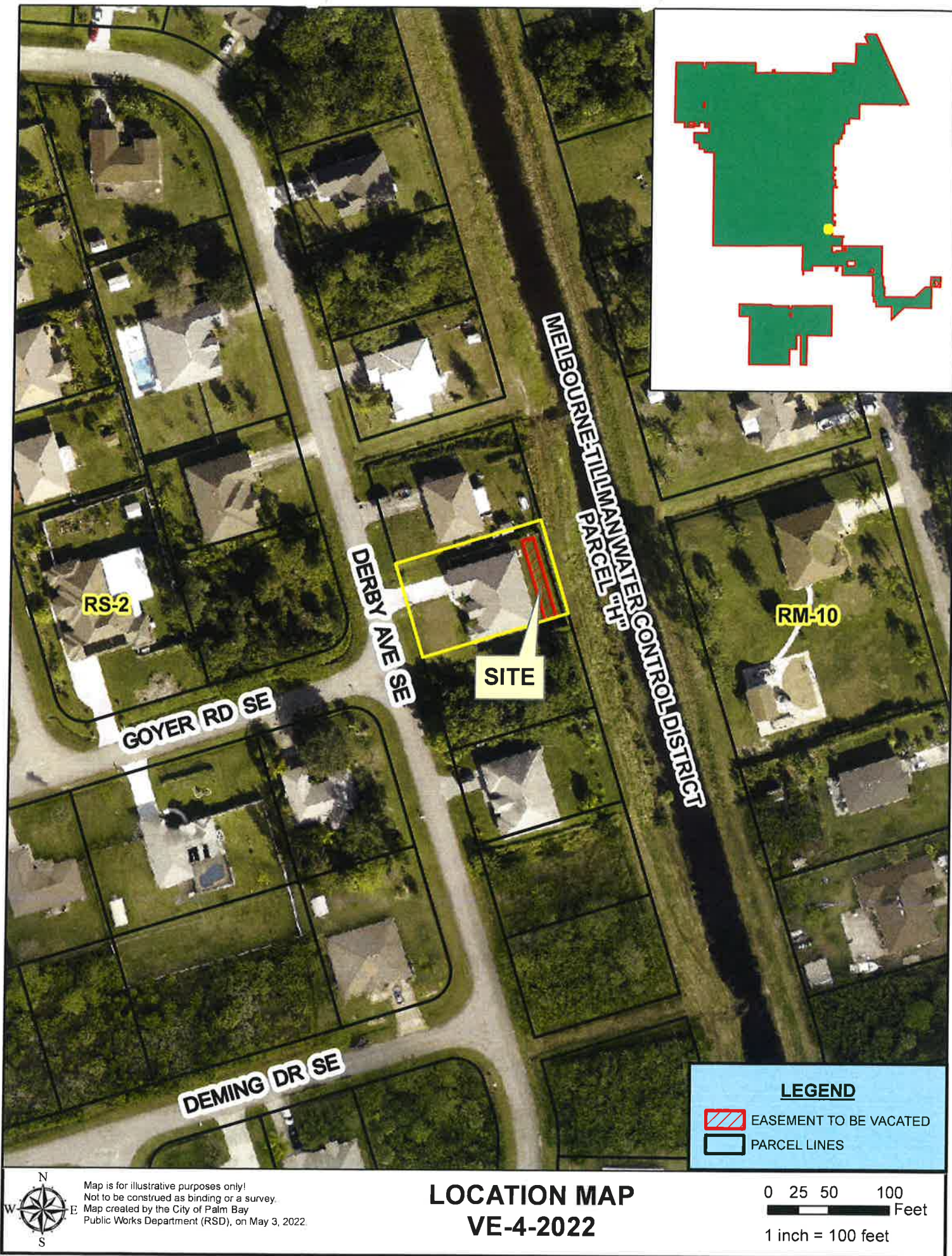
LOCATION MAP



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 May 3, 2022.

VE-4-2022

0 25 50 100
Feet
1 inch = 100 feet



RS-2

GOYER RD SE

DERBY AVE SE



SITE

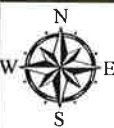
MELBOURNE-TILLMAN WATER CONTROL DISTRICT
PARCEL "H"

RM-10

DEMING DR SE

LEGEND

-  EASEMENT TO BE VACATED
-  PARCEL LINES



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 May 3, 2022.

**LOCATION MAP
VE-4-2022**

0 25 50 100 Feet
1 inch = 100 feet

ORDINANCE 2022-57

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 LOT 29, BLOCK 2082, PORT MALABAR UNIT 46, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGE 71, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Russell and Naomia Steele, 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 Lot 29, Block 2082, Port Malabar Unit 46, according to the plat thereof as recorded in Plat Book 22, Page 71, of the Public Records of Brevard County, Florida, Section 33, Township 29S, Range 37E, being more particularly described as follows:

Being the westerly 10 feet of the easterly 20 feet, less the northerly 6 feet and the southerly 6 feet of Lot 29, Block 2082, Port Malabar Unit 46, according to the Plat thereof, recorded in Plat Book 22, Pages 58 through 74, inclusive, of the Public Records of Brevard County, Florida; containing 680 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: Russell and Naomia Steele
Case: VE-4-2022

cc: (date) Applicant
Case File
Brevard County Recording

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE STREET/RIGHT OF WAY

PROPOSAL: Vacation of Street/Right of Ways is requested to vacate a portion of the Plat known as Port Malabar Unit Fifteen, as recorded in Plat Book 15, Pages 72-79, of the Public Records of Brevard County, Florida, legally described as follows: Drainage Right-of-Way, Lots 1 through 34, Block 703; Drainage Right-of-Way, Lots 1 through 31, Block 704; Tract "A", Lots 1 through 14, Block 705; Lots 1 through 15, Block 706; Lots 1 through 15, Block 707; Sylvia Avenue, Ocean Avenue exclusive of that portion lying West of Valdes Avenue, Valdes Avenue exclusive of that portion lying adjacent to Lot 1, Block 702, Talisman Avenue exclusive of that portion lying adjacent to Tract "C" of Port Malabar Unit Fifty Six as recorded in Plat Book 30, Pages 60-66 of the Public Records of Brevard County, Florida; Containing 35.88 acres, more or less.

LOCATION: Parcel ID's: 29-37-09-GO-707-12; 29-37-09-GO-707-1; 29-37-09-GO-707-8; 29-37-09-GO-703-1; 29-37-09-GO-703-4; 29-37-09-GO-703-9; 29-37-09-GO-703-15; 29-37-09-GO-704-1; 29-37-09-GO-704-5; 29-37-09-GO-704-29; 29-37-09-GO-703-18; 29-37-09-GO-703-21; 29-37-09-GO-703-28; 29-37-09-GO-703-32; 29-37-09-GO-706-1; 29-37-09-GO-706-2; 29-37-09-GO-706-6; 29-37-09-GO-705-12; 29-37-09-GO-705-1

APPLICANT: Foundation Park Future Investments LLC

SITE DATA

PRESENT ZONING: LI – Light Industrial and Warehousing – North
RS-2 - Single-Family Residential - South

AREA OF VACATING: 35.88 acres, more or less

ADJACENT ZONING & LAND USE:	N	RM-10 – Single-, Two-, Multi-Family Residential
		LI – Light Industrial and Warehousing
	S	RR - Rural Residential
	E	LI – Light Industrial and Warehousing
		RR - Rural Residential
		GC - General Commercial
	W	LI – Light Industrial and Warehousing
		RR - Rural Residential

STAFF ANALYSIS:

To Vacation of Street/Right of Way is requested to vacate a portion of the Plat known as Port Malabar Unit Fifteen, as recorded in Plat Book 15, Pages 72-79, of the Public Records of Brevard County, Florida, legally described as follows: Drainage Right-of-Way, Lots 1 through 34, Block 703; Drainage Right-of-Way, Lots 1 through 31, Block 704; Tract "A", Lots 1 through 14, Block 705; Lots 1 through 15, Block 706; Lots 1 through 15, Block 707; Sylvia Avenue, Ocean Avenue exclusive of that portion lying West of Valdes Avenue, Valdes Avenue exclusive of that portion lying adjacent to Lot 1, Block 702, Talisman Avenue exclusive of that portion lying adjacent to Tract "C" of Port Malabar Unit Fifty-Six as recorded in Plat Book 30, Pages 60-66 of the Public Records of Brevard County, Florida; Containing 35.88 acres, more or less.

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

The City of Palm Bay's Departments have the enclosed comments relating to the vacating request.

Staff has no adverse comments regarding the request to vacate a portion of the Plat known as Port Malabar Unit Fifteen, as recorded in Plat Book 15, Pages 72-79, of the Public Records of Brevard County, Florida, legally described as follows: Drainage Right-of-Way, Lots 1 through 34, Block 703; Drainage Right-of-Way, Lots 1 through 31, Block 704; Tract "A", Lots 1 through 14, Block 705; Lots 1 through 15, Block 706; Lots 1 through 15, Block 707; Sylvia Avenue, Ocean Avenue exclusive of that portion lying West of Valdes Avenue, Valdes Avenue exclusive of that portion lying adjacent to Lot 1, Block 702, Talisman Avenue exclusive of that portion lying adjacent to Tract "C" of Port Malabar Unit Fifty-Six as recorded in Plat Book 30, Pages 60-66 of the Public Records of Brevard County, Florida; Containing 35.88 acres, more or less.

STAFF RECOMMENDATION:

Staff recommends approval of the vacating of Street/Right of Ways per the analysis section of this staff report.



PUBLIC WORKS DEPARTMENT

1050 MALABAR ROAD SW PALM BAY, FLORIDA 32907

PHONE: (321) 952-3403

EMAIL: pwdriveway@palmbayflorida.org

**CREATING, IMPROVING, ALTERING, AND VACATING OF
STREET RIGHT-OF-WAY APPLICATION**

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Public Works Department, Palm Bay, Florida. The request will then be reviewed by City staff and scheduled for a public hearing before the City Council. You and/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). Meeting(s) will be held beginning at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

Michael and Lisa Cram

1. Name of Applicant (Please print): *Foundation Park Future Investments LLC*

Address: *430 Easton Forest Circle*

City: *Palm Bay FL* Zip Code: *32909*

Phone Number: *321-514-4928* Fax Number: _____

Email: *Flawless@FlawlessLawnline.com*

2. Certified surveyor's legal description of property covered by this application:

See Attached

Section: _____ Township: _____ Range: _____

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

4. Which action applying for (Creating, Improving, Altering, or Vacating): _____

5. Intended use of the property: *Green Ryck Project Supported
By the City of Palm Bay.*

6. The following enclosures are needed to complete this application:

☒ *\$312.00 Application Fee. Make check payable to "City of Palm Bay."

☐ Two (2) copies of the plat or site plan exhibit drawn to scale shall be attached to the application. The exhibit shall also be provided by CD or Memory Drive and illustrate the following:

- a) (Proposed) street location within the City (vicinity map);
- b) Location of utility easements adjacent or pertinent thereto the property;
- c) Construction plans showing typical street profiles and materials;
- d) Tree and vegetation survey and/or permit;
- e) Location of traffic control devices (signs and street markings);
- f) Location of sidewalks and bikeways.

☐ Original notarized letters from the following utility and service companies are required stating that the companies have no objections to the requested action:

- 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). ✓ N/A

☐ List of all property owners, addresses, and legal descriptions for all properties abutting the (proposed) street. Such information shall be obtained from the most recent County tax rolls. (This can be obtained from the most recent County tax rolls. (This can be obtained from the Brevard County Planning and Zoning Department at 321-633-2060, or on the internet at <https://bcpao.us/>) List shall be legible and the source of that information stated here:

7. Where property is not owned by the applicant, a letter must be attached giving the notarized consent of the owner for the applicant to request the creating, improving, altering, or vacating of streets/right of way.

I, the undersigned understand that this application must be complete and accurate before consideration by city council, 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 penalty of perjury, I declare that I have read the foregoing Creating, Improving, Altering, and Vacating of Streets/Right of Way Application and that the facts stated in it are true.

Signature of Applicant: Lisa A. Cram Date: 2/1/22

Printed Name of Applicant: Lisa A Cram

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

**CREATING, IMPROVING, ALTERING, AND VACATING OF STREETS/RIGHT-OF-WAY
APPLICATION | Rev052020**

SEE SHEETS 2-5
NOT VALID WITHOUT SHEETS 1-5

FOUNDATION PARK BOULEVARD

(POSTED)
JASLO STREET (PLAT)
(70' PUBLIC RIGHT OF WAY)

R=25.00'
D=90°00'50"
L=39.28'

R=25.00'
D=89°59'47"
L=39.27'

N00°26'19"E

S89°32'51"E 259.41'

S00°26'56"W

100.00'

100.00'

LOT 2
BLOCK 702

LOT 1
BLOCK 702

LOT 1
BLOCK 703

LOT 34
BLOCK 703

PARCEL ID: 29-37-09-MY-C

S89°32'51"E
175.00'

S89°32'51"E
175.00'

LOT 1
BLOCK 707

LOT 2
BLOCK 703

LOT 33
BLOCK 703

LOT 1
BLOCK 706

VALDES AVENUE
(50' PUBLIC RIGHT OF WAY) (NOT OPEN)

DRAINAGE RIGHT-OF-WAY

TALISMAN AVENUE
(50' PUBLIC RIGHT OF WAY) (NOT OPEN)

LOT 2
BLOCK 707

LOT 3
BLOCK 703

LOT 32
BLOCK 703

LOT 2
BLOCK 706

LOT 3
BLOCK 707

LOT 4
BLOCK 703

LOT 31
BLOCK 703

LOT 3
BLOCK 706

LOT 4
BLOCK 707

LOT 5
BLOCK 703

LOT 30
BLOCK 703

LOT 4
BLOCK 706

LOT 5
BLOCK 707

LOT 6
BLOCK 703

LOT 29
BLOCK 703

LOT 5
BLOCK 706

LOT 6
BLOCK 707

LOT 7
BLOCK 703

LOT 28
BLOCK 703

LOT 6
BLOCK 706

S00°26'56"W 2640.65'

PARCEL ID: 29-37-09-00-14

PARCEL ID: 29-37-09-00-23
N00°26'19"E 1200.03'

SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

AAL LAND SURVEYING SERVICES, INC.

SKETCH OF DESCRIPTION

JOB # 48817-500

DATE: 05-02-22
SECTION 09, TOWNSHIP 28S, RANGE 37E

L.B. #6623

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 6J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.

ANDREW W. POWSHOK
Date: 2022 05.02
13:37:42 -04'00'

3970 MINTON ROAD
WEST MELBOURNE, FL. 32904
(321) 768-8110

SHEET 1 OF 5

SCALE: 1" = 100'



PARCEL ID: 29-37-09-00-23
N00°26'19"E 1200.03'

LOT 15 BLOCK 707	LOT 14 BLOCK 707	LOT 13 BLOCK 707	LOT 12 BLOCK 707	LOT 11 BLOCK 707	LOT 10 BLOCK 707	LOT 9 BLOCK 707	LOT 8 BLOCK 707	LOT 7 BLOCK 707	LOT 6 BLOCK 707
---------------------	---------------------	---------------------	---------------------	---------------------	---------------------	--------------------	--------------------	--------------------	--------------------

L
BLK

VALDES AVENUE

(50' PUBLIC RIGHT OF WAY) (NOT OPEN)

LOT 16 BLOCK 703	LOT 15 BLOCK 703	LOT 14 BLOCK 703	LOT 13 BLOCK 703	LOT 12 BLOCK 703	LOT 11 BLOCK 703	LOT 10 BLOCK 703	LOT 9 BLOCK 703	LOT 8 BLOCK 703	LOT 7 BLOCK 703
---------------------	---------------------	---------------------	---------------------	---------------------	---------------------	---------------------	--------------------	--------------------	--------------------

SEE SHEET 1

DRAINAGE RIGHT-OF-WAY

LOT 19 BLOCK 703	LOT 20 BLOCK 703	LOT 21 BLOCK 703	LOT 22 BLOCK 703	LOT 23 BLOCK 703	LOT 24 BLOCK 703	LOT 25 BLOCK 703	LOT 26 BLOCK 703	LOT 27 BLOCK 703	LOT 28 BLOCK 703
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TALISMAN AVENUE

(50' PUBLIC RIGHT OF WAY) (NOT OPEN)

LOT 15 BLOCK 706	LOT 14 BLOCK 706	LOT 13 BLOCK 706	LOT 12 BLOCK 706	LOT 11 BLOCK 706	LOT 10 BLOCK 706	LOT 9 BLOCK 706	LOT 8 BLOCK 706	LOT 7 BLOCK 706	LOT 6 BLOCK 706
---------------------	---------------------	---------------------	---------------------	---------------------	---------------------	--------------------	--------------------	--------------------	--------------------

L
BLK

S00°26'56"W 2640.65'

PARCEL ID: 29-37-09-00-13

PARCEL ID: 29-37-09-00-12

SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

AAL LAND SURVEYING SERVICES, INC.

SKETCH OF DESCRIPTION

JOB # **44817-SOD**

DATE: 05-02-22
 SECTION 09, TOWNSHIP 29S, RANGE 37E

L.B. #6623

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 6J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
 2. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.

SEE SHEET 1 FOR
 CERTIFICATIONS, BOUNDARY AND LEGEND.
 NOT VALID WITHOUT SHEETS 1-5

3970 MINTON ROAD
 WEST MELBOURNE, FL. 32904
 (321) 768-8110

SHEET 2 OF 5

SCALE: 1" = 100'



LOT 14
BLOCK 707

LOT 15
BLOCK 707

N89°33'41"W
150.00'
PARCEL ID:
29-37-09-00-500

PARCEL ID: 29-37-09-00-500

N00°26'19"E 1439.94'
VALDES AVENUE
(25' PUBLIC RIGHT OF WAY) (NOT OPEN)

LOT 15
BLOCK 703

LOT 16
BLOCK 703

LOT 17
BLOCK 703

LOT 1
BLOCK 704

LOT 2
BLOCK 704

LOT 3
BLOCK 704

LOT 4
BLOCK 704

LOT 5
BLOCK 704

LOT 6
BLOCK 704

SEE SHEET 2

DRAINAGE RIGHT-OF-WAY

LOT 19
BLOCK 703

LOT 20
BLOCK 703

LOT 18
BLOCK 703

LOT 31
BLOCK 704

LOT 30
BLOCK 704

LOT 29
BLOCK 704

LOT 28
BLOCK 704

LOT 27
BLOCK 704

LOT 26
BLOCK 704

OCEAN AVENUE

(50' PUBLIC RIGHT OF WAY) (NOT OPEN)

TALISMAN AVENUE
(50' PUBLIC RIGHT OF WAY) (NOT OPEN)

LOT 14
BLOCK 706

LOT 15
BLOCK 706

LOT 14
BLOCK 705

LOT 13
BLOCK 705

LOT 12
BLOCK 705

LOT 11
BLOCK 705

LOT 10
BLOCK 705

TRACT "A"

S00°26'56"W 2640.65'
PARCEL ID:
29-37-09-00-754

S00°26'56"W 2640.65'
PARCEL ID:
29-37-09-00-754

PARCEL ID: 29-37-09-00-15

PARCEL ID:
29-37-09-00-756

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AAL LAND SURVEYING SERVICES, INC.

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SHEET 3 OF 5

JOB # 48817-SDD

DATE: 05-02-22
SECTION 09, TOWNSHIP 29S, RANGE 37E

L.B. #6623

SEE SHEET 1 FOR
CERTIFICATIONS, BOUNDARY AND LEGEND.
NOT VALID WITHOUT SHEETS 1-4

3970 MINTON ROAD
WEST MELBOURNE, FL. 32904
(321) 768-8110

SCALE: 1" = 100'



PARCEL ID: 29-37-09-00-500

N00°26'19"E 1439.94'

VALDES AVENUE (25' PUBLIC RIGHT OF WAY) (NOT OPEN)

LOT 14 BLOCK 704
LOT 13 BLOCK 704
LOT 12 BLOCK 704
LOT 11 BLOCK 704
LOT 10 BLOCK 704
LOT 9 BLOCK 704
LOT 8 BLOCK 704
LOT 7 BLOCK 704
LOT 6 BLOCK 704

BL

SEE SHEET 3

DRAINAGE RIGHT-OF-WAY

LOT 18 BLOCK 704
LOT 19 BLOCK 704
LOT 20 BLOCK 704
LOT 21 BLOCK 704
LOT 22 BLOCK 704
LOT 23 BLOCK 704
LOT 24 BLOCK 704
LOT 25 BLOCK 704
LOT 26 BLOCK 704

BL

TALISMAN AVENUE

(50' PUBLIC RIGHT OF WAY) (NOT OPEN)

LOT 2 BLOCK 705
LOT 3 BLOCK 705
LOT 4 BLOCK 705
LOT 5 BLOCK 705
LOT 6 BLOCK 705
LOT 7 BLOCK 705
LOT 8 BLOCK 705
LOT 9 BLOCK 705
LOT 10 BLOCK 705

LC BLOC

S00°26'56"W 2840.65'

PARCEL ID: 29-37-09-00-780

PARCEL ID: 29-37-09-00-750

PAR 29-37-

PARCEL ID: 29-37-09-00-759

SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

AAL LAND SURVEYING SERVICES, INC.

SKETCH OF DESCRIPTION

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.

SHEET 4 OF 5

JOB # 48817-S00

DATE: 05-02-22
SECTION 09, TOWNSHIP 29S, RANGE 37E

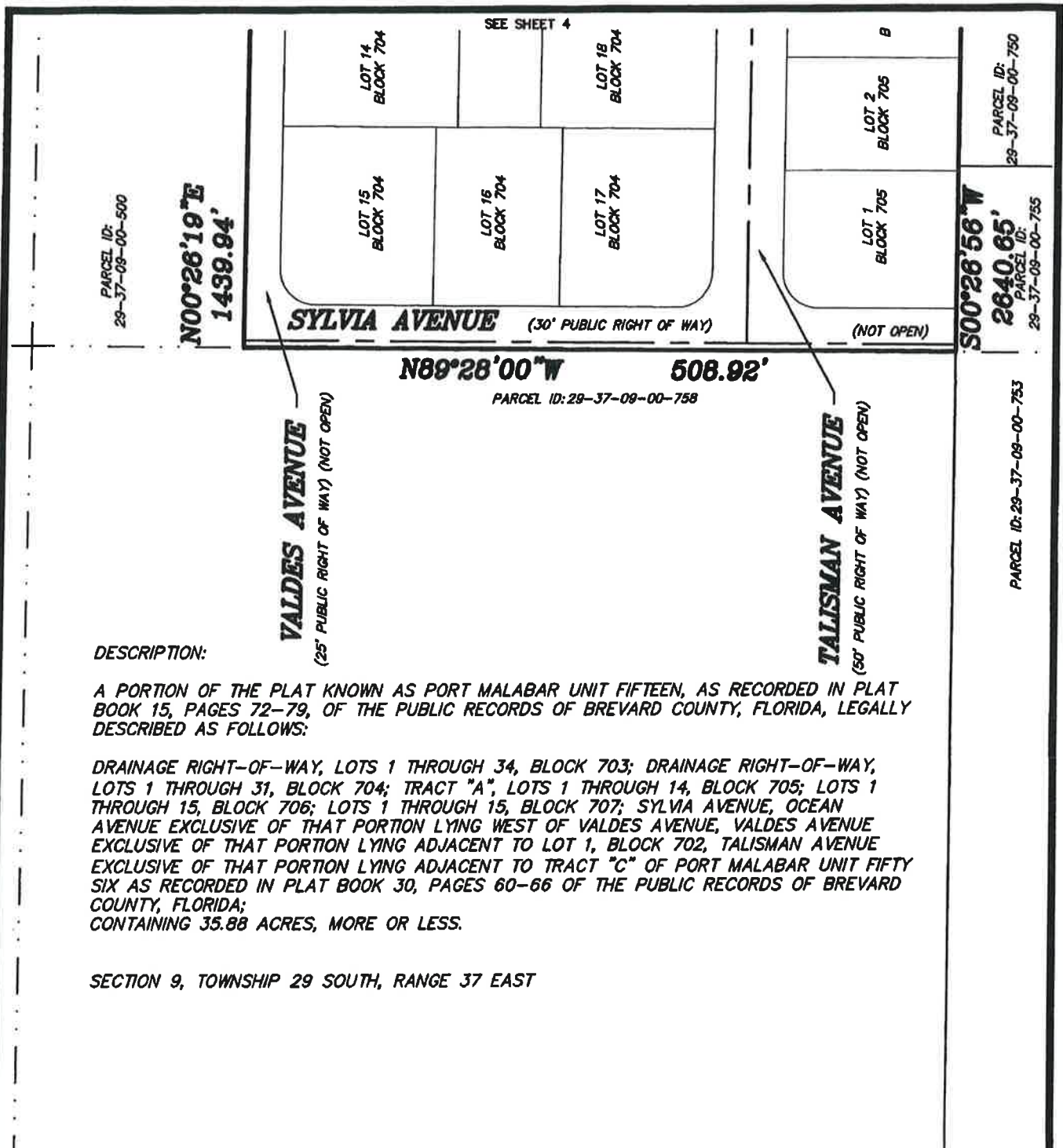
L.B. #6623

SEE SHEET 1 FOR
CERTIFICATIONS, BOUNDARY AND LEGEND.
NOT VALID WITHOUT SHEETS 1-4

3970 MINTON ROAD
WEST MELBOURNE, FL. 32904
(321) 768-8110

SCALE: 1" = 100'





DESCRIPTION:

A PORTION OF THE PLAT KNOWN AS PORT MALABAR UNIT FIFTEEN, AS RECORDED IN PLAT BOOK 15, PAGES 72-79, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LEGALLY DESCRIBED AS FOLLOWS:

DRAINAGE RIGHT-OF-WAY, LOTS 1 THROUGH 34, BLOCK 703; DRAINAGE RIGHT-OF-WAY, LOTS 1 THROUGH 31, BLOCK 704; TRACT "A", LOTS 1 THROUGH 14, BLOCK 705; LOTS 1 THROUGH 15, BLOCK 706; LOTS 1 THROUGH 15, BLOCK 707; SYLVIA AVENUE, OCEAN AVENUE EXCLUSIVE OF THAT PORTION LYING WEST OF VALDES AVENUE, VALDES AVENUE EXCLUSIVE OF THAT PORTION LYING ADJACENT TO LOT 1, BLOCK 702, TALISMAN AVENUE EXCLUSIVE OF THAT PORTION LYING ADJACENT TO TRACT "C" OF PORT MALABAR UNIT FIFTY SIX AS RECORDED IN PLAT BOOK 30, PAGES 60-66 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA;
CONTAINING 35.88 ACRES, MORE OR LESS.

SECTION 9, TOWNSHIP 29 SOUTH, RANGE 37 EAST

SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

AAL LAND SURVEYING SERVICES, INC.

SKETCH OF DESCRIPTION

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.

SHEET 5 OF 5

JOB # **48917-SDD**

DATE: 05-02-22
SECTION 09, TOWNSHIP 29S, RANGE 37E

L.B. #6623

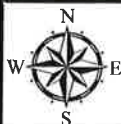
SEE SHEET 1 FOR
CERTIFICATIONS, BOUNDARY AND LEGEND.
NOT VALID WITHOUT SHEETS 1-4

3970 MINTON ROAD
WEST MELBOURNE, FL. 32904
(321) 768-8110

SCALE: 1" = 100'



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 May 3, 2022.

VRW-2-2022

0 200 400 800
Feet
1 inch = 800 feet





LEGISLATIVE MEMORANDUM

DATE: 5/19/2022

RE: Adoption of Minutes: Regular Council Meeting 2022-08; April 7, 2022.

ATTACHMENTS:

Description

Minutes - Meeting 2022-08

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2022-08

Held on Thursday, the 7th day of April 2022, 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 6:00 P.M.

Associate Pastor Tim Ritchey, Eastwind Pentecostal Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Rob Medina	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Randy Foster	Absent
COUNCILMEMBER:	Donny Felix	Present
COUNCILMEMBER	Peter Filiberto	Present
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Larry Wojciechowski, Finance Director; Richard Acevedo, Assistant Fire Chief; Mario Augello, Police Chief; Frank Watanabe, City Engineer; Chris Little, Utilities Director; Juliet Misconi, Chief Procurement Officer.

ANNOUNCEMENT(S):

Deputy Mayor Johnson announced the following vacancies and terms expiring, and solicited applications for same:

- 1. Two (2) vacancies on the Community Development Advisory Board (represents one of the following positions: 'advocate for low-income'; 'essential services personnel'; 'for-profit provider'; 'actively engaged in home building'; or 'not-for-profit provider').++**
- 2. Two (2) vacancies on the Youth Advisory Board (represents 'at-large student member' positions).++**

3. One (1) vacancy on the Bayfront Community Redevelopment Agency (represents 'at-large' position).+

AGENDA REVISION(S):

1. Ms. Sherman announced that the hearings regarding the Majors Golf Course would be considered by the Planning and Zoning Board on Wednesday, May 18th, and by City Council on June 9th. Both meetings would be held at Bayside High School at 6:00 P.M.

Mayor Medina made a public statement regarding the land use and rezoning requests related to the Majors Golf Course. He said that Council had received numerous emails and residents had addressed Council under Public Comments at the meetings, and there were legal issues of fairness that dictated how responses were given on those matters. In the interest of fairness, Mayor Medina said he would not comment specifically on those requests prior to the public hearings.

2. Ms. Sherman advised that the applicant for Items 10 and 11, under Public Hearings (Cases CP-10-2022 and CPZ-10-2022), had requested a continuance of the hearings. As a specific continuance date was not provided by the applicant, the cases would be continued to the April 21, 2022, regular Council meeting.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to continue Items 10 and 11, Public Hearings, to the April 21, 2022, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

3. Mrs. Lefler announced that Item 2, under Unfinished and Old Business, had been withdrawn as the item had to be considered by the Palm Bay Municipal Foundation.

PROCLAMATIONS AND RECOGNITIONS:

The proclamations were read.

1. Proclamation: Mayor's Business Spotlight recipient – Skeebo's Rib Shack. (Mayor Medina)

2. Proclamation: Water Conservation Month - April 2022.

PRESENTATIONS:

1. Departmental Update: Finance Department.

Mr. Wojciechowski provided an overview of the department's mission and responsibilities of each division. He highlighted accomplishments within the department, as well as future plans and projects. Mr. Wojciechowski answered questions posed by councilmembers.

PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)

Individuals made general comments. Numerous residents spoke regarding the proposed rezoning of the Majors Golf Course.

1. Steve Shapiro, Bermuda Walk Homeowners Association, commented on the stormwater system that went through the community and if the city maintained same. He found through the Property Appraiser that the stormwater tract was owned by the city, and should, therefore, be maintained by the city. He was also advised of the same information from the St. Johns River Water Management District.

2. Representatives from Covid on the Go (COTG 2021) requested use of the City's mobile stage for their Community Health Fair for the upcoming weekend at Riverview Park in Melbourne.

Ms. Sherman explained the Co-Sponsorship Policy and although the organization would qualify as a non-profit entity, use of the stage was only for events held within the city.

PUBLIC HEARING(S):

1. Ordinance 2022-26, providing for the annexation of certain real property located in the vicinity east of St. Johns Heritage Parkway and north of Melbourne-Tillman Water Control District Canal C-1, into the City (0.21 acres) (Case A-3-2022, Pace Drive Holdings, LLC), final reading. (CONTINUED FROM 03/17/22 RCM)

The City Attorney read the ordinance in caption only. The public hearing was opened. Attorney Kim Rezanka, 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 Ordinance 2022-26. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

2. Ordinance 2022-37, rezoning property located in the vicinity east of St. Johns Heritage Parkway and north of Melbourne-Tillman Water Control District Canal C-

1, from General Use (Brevard County) to PUD (Planned Unit Development) (0.21 acres) (Case CPZ-8-2022, Pace Drive Holdings, LLC), final reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 03/17/22 RCM)

The City Attorney read the ordinance in caption only. The public hearing was opened. Attorney Kim Rezanka, 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 Ordinance 2022-37. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

3. Ordinance 2022-39, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Building and Construction Advisory Committee', by repealing the subchapter in its entirety, thereby dissolving the Building and Construction Advisory Board, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council.

Bill Battin, resident, spoke in support of this request, as well as Item 4, under Public Hearings.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to adopt Ordinance 2022-39. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

4. Ordinance 2022-40, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Library Advisory Board', by repealing the subchapter in its entirety, thereby dissolving the Library Advisory Board, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-40. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

5. Request by Joel and Abnay Sanchez for a variance to allow for a 6-foot-high privacy fence within the required 15-foot side yard setback for corner lots, as established by Section 170.114(A), Palm Bay Code of Ordinances (0.26 acres) (V-8-2022). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the variance as requested. Deputy Mayor Johnson said that staff would be preparing an ordinance that would address variances being handled administratively. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

6. Consideration of a development agreement with Forestar (USA) Real Estate Group, Inc. pertaining to a development project known as 'Cypress Bay West', first hearing.

The public hearing was opened. Ms. Sherman presented the request to Council.

Mr. Filiberto questioned the concurrency elements, specifically, public safety and utilities. He said the closest fire station would be over six (6) miles away. He asked if the Fire Department had any objections to the request and if the station could handle an additional 1,219 single family homes and 124 townhomes. Ms. Sherman said staff was working with other developers for the location of a fire station/police substation. Mr. Acevedo said Fire Rescue already responded to that area and assisted Brevard County when it responded to that area. Mr. Filiberto asked the same question of the Police Department. Chief Augello responded that it would be challenging, but staff had been strategizing with proper placement of officers throughout the city. He said future staffing would be needed once the developments were fully built out.

Mr. Filiberto asked if the new utilities plant would be able to meet the demands of the development. Ms. Sherman confirmed same. Mr. Filiberto asked if there was an impact to the school system. Ms. Sherman said that as part of the Staff Report when the project request was submitted to Council, it was confirmed that the school concurrency requirements had been met.

Mr. Filiberto questioned why the city was relieving the developer of \$4.2 million in impact fees for road improvements that were required for the development to be in compliance with the Comprehensive Plan. Mr. Watanabe explained the proportionate fair share and use of impact fee credits. Mr. Filiberto felt the developer was being given too much. Mr. Watanabe said this was pursuant to Section 171.31 of the Palm Bay Code of Ordinances.

Roger Vanauker, Forestar Real Estate Group, provided further clarification on impact fees, other agreements and investments made by Forestar Real Estate Group for the project. He answered questions posed by councilmembers.

Bill Battin, resident, questioned if the impact fee credit was just for this phase and/or if it was only for road improvements. Mr. Watanabe clarified that the impact fee credits were only for transportation improvements.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the first hearing of the development agreement as requested, with the second and final hearing to occur at the April 21, 2022, regular Council meeting.

Mr. Filiberto asked that more information be included with the Staff Reports, such as school and traffic concurrency data, utilities capacity, etc. He asked that the item be tabled until all appropriate data was received. Ms. Smith advised that the information was not included with the development agreement but would be provided during the site plan review process. The data may not be available if a project was not set to start for a few years. Ms. Smith advised that Council should not table this item.

Ms. Sherman said that Cypress Bay West had already received Final Development Plan approval for Phase 1, and Phases 2 and 3 were currently under review. She said if more information was needed in future Staff Reports, staff would address same, but this project had already received approval. Mr. Vanauker detailed the approvals of the phases for the project.

Former Mayor Frank Filiberto called a Point of Order, stating that Council should either vote on the motion or Deputy Mayor Johnson should withdraw his motion and then Council should consider the request to table. Deputy Mayor Johnson said he would not withdraw his motion.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

A brief recess was taken after which time the meeting resumed.

7. Resolution 2022-16, granting a conditional use to allow a proposed self-storage facility in CC (Community Commercial District) zoning on property located west of and adjacent to Minton Road, in the vicinity south of Chandler Road (6.09 acres) (Case CU-10-2022, Richard and Marguerite Love). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, subject to staff comments contained in the Staff Report.

The City Attorney read the resolution in caption only. The public hearing was opened. Mark Sherman, Legacy Developers and representative for the applicant, presented the request to Council.

Mr. Filiberto questioned how stormwater would be addressed. Mr. Sherman responded that there would be a retention pond on the site. Mr. Filiberto asked if there would be outside storage. Mr. Sherman responded in the negative. He answered questions posed by councilmembers.

Nathan White, resident, questioned the location as another storage facility was recently approved by Council that was in the vicinity of this project. He felt it would be more advantageous for the city to have a different kind of commercial development at the site.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Resolution 2022-16. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

8. Ordinance 2022-41, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Dixie Highway, in the vicinity south of Vignoles Avenue, from Commercial Use and Multiple-Family Residential Use to Bayfront Mixed Use (12.4 acres) (Case CP-6-2022, Robert Kittleson, Kit Investment of Florida / Carlos Gonzalez, Riverview Holdings Group, LLC / Eric Henry, Engineer Realty, LLC / Patrick and Kathleen Svoboda), only one reading required. (CONTINUED FROM 03/03/22 RCM)

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Lindsay Libes, WGI and representative for the applicant, presented the request to Council. She said that the presentation would address the land use and rezoning requests.

Ms. Libes answered questions posed by councilmembers. Mr. Filiberto asked if sidewalks and lighting could be added along U.S. Highway 1. Ms. Libes would make note of it for the applicant.

Ms. Sherman said the ordinance required the installation of sidewalks in front of new developments. Mr. Felix asked if the ordinance included lighting. Ms. Sherman said it was not included, but staff always worked with applicants to address same, especially from a safety standpoint. Mayor Medina asked if lighting should be included in the ordinance. Ms. Sherman said lighting was difficult to address based on location of the projects, but staff always looked at the lighting aspects during the site plan review.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-41. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

9. Ordinance 2022-42, rezoning property located west of and adjacent to Dixie Highway, in the vicinity south of Vignoles Avenue, from HC (Highway Commercial District) and RM-10 (Single-, Two-, Multiple-Family Residential District) to BMU (Bayfront Mixed Use District) (12.4 acres) (Case CPZ-6-2022, Robert Kittleson, Kit Investment of Florida / Carlos Gonzalez, Riverview Holdings Group, LLC / Eric Henry, Engineer Realty, LLC / Patrick and Kathleen Svoboda), first reading. (CONTINUED FROM 03/03/22 RCM) (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 and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-42. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

10. Ordinance 2022-43, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located adjacent to and between Wabun Street and Dixie Highway, in the vicinity north of Nokomis Avenue, from Commercial Use and Single-Family Residential Use to Multiple-Family Residential Use (1.33 acres) (Case CP-10-2022, Scott Wotherspoon, Hiawatha Bay, LLC), only one reading required.

The item, addressed under Agenda Revisions, was continued to the April 21, 2022, regular Council meeting.

11. Ordinance 2022-44, rezoning property located adjacent to and between Wabun Street and Dixie Highway, in the vicinity north of Nokomis Avenue, from HC (Highway Commercial District) to RM-20 (Multiple-Family Residential District) (1.33 acres) (Case CPZ-10-2022, Scott Wotherspoon, Hiawatha Bay, LLC), first reading. (Quasi-Judicial Proceeding)

The item, addressed under Agenda Revisions, was continued to the April 21, 2022, regular Council meeting.

12. Ordinance 2022-45, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Emerson Drive, in the vicinity east of St. Johns Heritage Parkway, from Commercial Use to Multiple-Family Residential Use (13.96 acres) (Case CP-11-2022, Gary Smigiel, Ascot Palm Bay Holdings, 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. Ana Saunders, BSE Consultants and representative for the applicant, presented the request to Council. She advised that the presentation addressed both the land use and rezoning requests.

Mayor Medina felt it would do well to keep the commercial component as it was needed in the city. Deputy Mayor Johnson agreed. Ms. Saunders referenced the commercial properties in that area, including a 15-acre commercial parcel south of this project site, and a 10-acre commercial site to the west that would house a storage facility. She answered questions posed by councilmembers.

Individuals commented on the request. Susan Connolly, resident, said that if Council continued to approve multi-family, then there had to be a plan to attract more commercial.

She added that while high-end rentals were being considered, low-income accessible housing had to be included as well.

Nathan White, resident, did not feel this was compatible with the area.

Bill Battin, resident, said that these were major commercial sites to be changed to residential. He said that the Comprehensive Plan was currently being updated, but these were significant changes being made prior to the Comprehensive Plan being completed. He questioned where Council wanted to have commercial sites throughout the city.

The public hearing was closed.

Mayor Medina was not in support of the request as he wanted the property to remain commercial.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to deny Ordinance 2022-45. Mr. Filiberto and Mr. Felix agreed with Mayor Medina and did not support the request. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

13. Ordinance 2022-46, rezoning property located north and south of and adjacent to Emerson Drive, in the vicinity east and west of and adjacent to St. Johns Heritage Parkway, from AU, Agricultural (Brevard County) to CC (Community Commercial District) and RM-20 (Multiple Family Residential District) (61.79 acres) (Case CPZ-11-2022, Gary Smigiel, Ascot Palm Bay Holdings, LLC), first reading. (Quasi-Judicial Proceeding)

Due to denial of Ordinance 2022-45, Ms. Smith advised that the applicant could request to table this item and modify to rezone the 47.83 acres as it already had the land use. It would have to be properly noticed but did not require a rehearing with the Planning and Zoning Board. Ms. Saunders agreed with modifying the request accordingly and requested that the item be continued.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to continue to Ordinance 2022-46 to the May 19, 2022, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

14. Request by Summit Shah, Sunshine Petro, Inc. for a conditional use to allow retail automotive gasoline/fuel sales for a proposed fuel station, convenience store, and drive-through in CC (Community Commercial District) zoning on property located at the northeast corner of Babcock Street and Valkaria Road (1.5 acres) (CU-9-2022). (CONTINUED TO P&Z – 04/06/22)

15. Request by Anthony Scotto, Whybrew Court LLC, for a Preliminary Development Plan to allow a proposed Planned Unit Development (PUD) for a residential subdivision to be known as ‘Cricket Drive Subdivision’, which property is located in the vicinity between Nolan Street and Nogales Avenue (20.36 acres) (Case PD-11-2022). (WITHDRAWN)

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. Felix, that the Consent Agenda be approved as presented with the removal of Items 4, 7, 12, 19, and 20, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

1. Adoption of Minutes: Regular Council Meeting 2022-04; February 17, 2022.

The minutes, considered under Consent Agenda, were approved as presented.

2. Adoption of Minutes: Special Council Meeting 2022-07; March 17, 2022.

The minutes, considered under Consent Agenda, were approved as presented.

3. Award of Bid: Turkey Creek channel marker replacements – IFB 25-0-2022 – Public Works Department (Underwater Engineering Services - \$99,360).

Staff Recommendation: Approve the award for channel marker replacements in Turkey Creek with Underwater Engineering Services (Fort Pierce) in the amount of \$99,360.

The item, considered under Consent Agenda, was approved as recommended by City staff.

4. Contract: Amendment to the consultant engineering services agreement (RFQ 23-0-2019), Malabar westerly extension study – Public Works Department (Kittelson & Associates - \$107,625).

Staff Recommendation: Authorize the City Manager to execute the Kittelson & Associates amendment dated February 24, 2022, for the Malabar Westerly Extension Study in the amount of \$170,624.72.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to authorize the City Manager to execute the amendment to the agreement as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

5. Miscellaneous: Continuing consultant services, stormwater utility review – RFQ 20-0-2022 – Public Works Department (Stantec Consulting Services, Inc.).

Staff Recommendation: Enter into negotiations for the award of RFQ 20-0-2022, Stormwater Utility Review Continuing Consultant Services, to Stantec Consulting Services, Inc. (Tampa), for a one-year term contract, renewable annually based upon contract year by the Procurement Department for four (4) additional one-year terms.

The item, considered under Consent Agenda, was approved as recommended by City staff.

6. Ordinance 2022-47, amending the Fiscal Year 2021-2022 budget by appropriating and allocating certain monies (second budget amendment), first reading.

The City Attorney read the ordinance in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

7. Ordinance 2022-48, amending the Code of Ordinances, Chapter 114, Garage Sales, by modifying the number of garage sale events per residence, first reading.

The City Attorney read the ordinance in caption only.

Bill Battin, resident, commented on the way the ordinance was written. He said someone could interpret it that they could have a garage sale that would last thirty (30) days.

Mayor Medina did not agree with twelve (12) garage sale events per year. He felt four (4) was more appropriate.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-48, with no more than to 2-4 garage sale events per residence.

Mayor Medina said there was still an issue that someone could have their event for thirty (30) days long. Deputy Mayor Johnson said the motion could be revised to limit the events to 3-4 days.

Mr. Filiberto agreed that twelve (12) was too many. He was fine with four (4) per year and that the language should remain that it shall not exceed three (3) consecutive days. Mr. Felix felt that once per quarter was sufficient and should be limited to Saturdays and Sundays, with hours limited to 8 a.m. to 6 p.m. Mayor Medina agreed with limiting to one per quarter but suggested three (3) consecutive days.

Deputy Mayor Johnson withdrew his motion.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-48, with the amendment of one event per quarter, not to exceed three (3) consecutive days, and shall be conducted during daylight hours only. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

8. Consideration of an agreement with the City of Melbourne for use of the City's mobile stage for a park renaming event.

Staff Recommendation: Approve the Mobile Stage Agreement and waiver of rental fees with the City of Melbourne and authorize the City Manager to execute the agreement.

The item, considered under Consent Agenda, was approved as recommended by City staff.

9. Consideration of an amendment to the Contracts for Sale of Real Estate for right-of-way acquisition with Cypress Bay Farms, LLC, and Waterstone Holdings, LLC.

Staff Recommendation: Approve the amendments and authorize the City Manager to execute.

The item, considered under Consent Agenda, was approved as recommended by City staff.

10. Consideration of the 2022 Interlocal Agreement for Law Enforcement Services with the City of Melbourne for Florida Avenue, Palm Bay Road, and Babcock Street.

Staff Recommendation: Approve and authorize the City Manager to execute the 2022 Interlocal Agreement for Law Enforcement Services with the City of Melbourne for Florida Avenue, Palm Bay Road, and Babcock Street.

The item, considered under Consent Agenda, was approved as recommended by City staff.

11. Consideration of reallocating previously approved funding from the purchase of a brush truck to the purchase of a fire engine for Fire Station 2 (\$38,000).

Staff Recommendation: Authorize the reallocation of \$38,000 in previously approved funding from the purchase of a brush truck to the purchase of a fire engine for Fire Station 2. Funding in the amount of \$140,000 for the brush truck would be appropriated with the approval of Budget Amendment 2.

The item, considered under Consent Agenda, was approved as recommended by City staff.

12. Miscellaneous: Cleaning, dewatering and hauling services, North Regional Wastewater Treatment Plant, change order (emergency purchase) – Utilities Department (Synagro South LLC - \$89,775).

Staff Recommendation: 1) approve appropriation of funds on the next scheduled budget amendment in the amount of \$89,775, and 2) approve the change order to the emergency procurement from Synagro South LLC, in the amount of \$89,775, for a revised total of \$208,015.

Bill Battin, resident, said it was not a resolution to the problem to haul the dewatered biosolids to the landfill versus pumping the water down into the deep injection well.

Mr. Little explained that the issue was the failure of a piece of equipment and whenever solids would build up in the system, staff would divert it to the holding ponds. The holding ponds contained water so when the solids collected at the bottom, there was water above it, so the solids were not dried out onsite. The solids were held in the emergency holding ponds and they were monitored to ensure there was no contamination of the groundwater.

Mr. Felix asked if this item was currently budgeted and if it was coming from the General Fund. Mr. Little said it was budgeted and would be funded from the Enterprise Fund out of the Fund Balance.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the appropriation of funds and change order as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

13. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$22,189).

Staff Recommendation: Approve the expenditure of funds as specified in the City Manager's memorandum.

The item, considered under Consent Agenda, was approved as recommended by City staff.

14. Acknowledgement of the City's monthly financial report for January 2022 (Unaudited).

The item, considered under Consent Agenda, was acknowledged by City Council.

15. Acknowledgement of the City's monthly financial report for February 2022 (Unaudited).

The item, considered under Consent Agenda, was acknowledged by City Council.

16. Acknowledgement of the Semi-Annual Report of Formal Solicitations awarded by the Procurement Department from September 18, 2021, through March 17, 2022.

The item, considered under Consent Agenda, was acknowledged by City Council.

17. Consideration of travel and training for specified City employees (Building Department).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

18. Consideration of travel and training for specified employees (Office of the City Manager).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

19. Consideration of travel and training for specified City employees (Finance Department).

Staff Recommendation: Approve the travel and training as specified.

Bill Battin, resident, asked if employees would be playing golf with taxpayer dollars. Ms. Sherman answered in the negative and said such events were at the expense of the employee.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the travel as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

20. Consideration of travel and training for specified City employees (Police Department).

Staff Recommendation: Approve the travel and training as specified.

Bill Battin, resident, asked that the team be recognized should they win the competition.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the travel as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

21. Consideration of travel and training for specified City employees (Procurement Department).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

UNFINISHED AND OLD BUSINESS:

1. Resolution 2022-13, adopting the goal of Vision Zero - that no loss of life is acceptable on our city streets. (CONTINUED FROM 03/17/22 RCM)

The City Attorney read the resolution in caption only.

Mayor Medina said the Space Coast Transportation Planning Organization (TPO) had forwarded a resolution received from the state. He asked Council to consider including some of the language from the TPO version into the resolution.

Laurie Lefevbre, resident, read language that she had created which was a combination of the proposed resolution and the resolution from the TPO. Deputy Mayor Johnson and Mayor Medina supported the revised resolution as presented by Ms. Lefevbre.

Mr. Filiberto suggested tabling the item as so many versions had been presented tonight and he wanted to review in full prior to voting. Deputy Mayor Johnson wanted to move forward. Mr. Filiberto read the resolution in its entirety.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to adopt Resolution 2022-13, as revised and read by Mr. Filiberto. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

2. Appointment of one (1) member to the Disaster Relief Committee.

The item, announced under Agenda Revisions, was withdrawn from the agenda.

3. Appointment of two (2) members to the Auditor Selection Committee.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to select Councilman Filiberto to serve on the Auditor Selection Committee.

Mr. Filiberto asked if the application solicitation period could be extended for the two (2) non-employee members. Mayor Medina asked that a vote be taken on the current motion.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to approve Procurement and Finance staff as non-voting advisors on the Auditor Selection Committee. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

Mayor Medina asked if tabling the final appointments would affect the process. Mrs. Misconi explained that she had created the timeline and there were tasks awaiting to be handled. Mr. Filiberto said he would keep with staff's timeline.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to appoint Rebecca Thibert and Brian Germain to the Auditor Selection Committee. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

COUNCIL REPORTS:

Councilmembers addressed various subjects.

1. Mr. Filiberto appointed Robert Good to the Planning and Zoning Board, and Nathan White to the Citizens' Budget Advisory Board.
2. Mayor Medina announced that \$30,000 had been raised from the Mayor's Ball.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman said staff was coordinating a Brightline tour for Council and key staff members. There would be multiple tours as only one councilmember could attend the tour at a time. Council advised that they would attend the tour.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

1. Butch Orend, resident, asked if yard sales included estate sales. Ms. Smith advised there was no difference in a garage sale, yard sale or estate sale.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:22 P.M.

Rob Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK



LEGISLATIVE MEMORANDUM

DATE: 5/19/2022

RE: Adoption of Minutes: Regular Council Meeting 2022-09; April 21, 2022.

ATTACHMENTS:

Description

Minutes - Meeting 2022-09

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2022-09

Held on Thursday, the 21st day of April 2022, 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 6:00 P.M.

Reverend Steve Reeves, Cornerstone Assembly of God, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Rob Medina	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Randy Foster	Present
COUNCILMEMBER:	Donny Felix	Present
COUNCILMEMBER:	Peter Filiberto	Present
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Joan Junkala-Brown, Deputy City Manager

ANNOUNCEMENTS:

Deputy Mayor Johnson announced the following vacancies and solicited applications for same:

- 1. One (1) vacancy on the Bayfront Community Redevelopment Agency (represents 'at-large' position).++**
- 2. Two (2) vacancies on the Community Development Advisory Board (represents one of the following positions: 'advocate for low-income'; 'essential services personnel'; 'for-profit provider'; 'actively engaged in home building'; or 'not-for-profit provider').++**
- 3. Two (2) vacancies on the Youth Advisory Board (represents 'adult member, 30 years and older' positions).++**
- 4. Two (2) vacancies on the Youth Advisory Board (represents 'at-large student member' positions).++**

AGENDA REVISION(S):

1. Ms. Sherman announced that Items 1 and 3, under New Business, were withdrawn as those issues were continued at the Bayfront Community Redevelopment Agency meeting held earlier in the week.

PROCLAMATIONS AND RECOGNITIONS:

The City was recognized, and the proclamations were read.

1. **Recognition: City of Palm Bay 50th Anniversary - Council-Manager Form of Government.**
2. **Proclamation: National Small Business Week - May 1-7, 2022.**
3. **Proclamation: Recognizing Ankur Shah, Pharmacist at Malabar Discount Pharmacy, for his efforts in providing COVID vaccines and testing for residents of Palm Bay.**

PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)

There was a moment of silence for the loss of Recreation Department employee, Lori Parker.

Individuals made general comments.

1. Isabel Wright, resident, said that at the Community Development and Advisory Board meeting, more funding was to be given to Parks and Recreation to fix the Senior Center. She felt an audit was warranted before the department was given any further funding. Ms. Wright expressed concern about their departmental spending as there were no covers for the playground equipment. She said it was useless to spend money for the playgrounds if the kids could not enjoy it.
2. Butch Orend, resident, commented on the elevation of newly constructed homes and code enforcement. He said that the Code Compliance Division needed more enforcement rights.

Ms. Sherman said that staff would be providing an update to Council at the May 5th regular Council meeting regarding code enforcement efforts. A presentation would be given at the same meeting regarding the building elevation issues.

PUBLIC HEARING(S):

1. Ordinance 2021-73, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located in south Palm Bay, in the vicinities west of Babcock Street and north of the Indian River County line, from Agricultural Use (Brevard County) and R1:2.5 Use (Brevard County) and City Centerlane Use to Utilities Use (3,266.49 acres) (CP-10-2021, Florida Power & Light Company), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, BSE Consultants, presented the request to Council.

Mr. Filiberto asked about the disposal of batteries. Jeff Conte, Florida Power and Light, said the request was only for the land use amendment. If the site were to have batteries, it would come back before Council for consideration. Mr. Filiberto asked if residents would still be able to have solar roofs should a solar farm be constructed in the city. Mr. Conte confirmed same.

Bill Battin, resident, asked if the request would increase the tax base, and if Palm Bay would have the largest solar field in Central Florida once completed. Mr. Conte responded that it would increase the property tax and once built out, Palm Bay would be tied with St. Lucie County as the largest solar farm.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2021-73. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

2. Ordinance 2021-74, rezoning property located in south Palm Bay, in the vicinities west of Babcock Street and north of the Indian River County line, from General Use (Brevard County) to GU (General Use Holding District) (3,266.49 acres) (Case CPZ-10-2021, Florida Power & Light Company), final reading. (Quasi-Judicial Proceeding)

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, BSE Consultants, presented the request to Council.

Nathan White, resident, questioned if the site was definitely going to be a solar farm or if it was just a potential idea. Mr. Conte said that a site plan application for the solar farm would be provided to staff in the near future.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-74. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

3. Consideration of a development agreement with Forestar (USA) Real Estate Group, Inc. pertaining to a development project known as 'Cypress Bay West', final hearing.

The public hearing was opened. Chris Tyree, Forestar Real Estate Group, gave a presentation and provided an overview of the project.

Mr. Filiberto said he had approved the request for the first hearing in order to give staff time to provide concurrency data. The School Impact Analysis reflected that Sunrise Elementary, Southwest Middle School and Bayside High School were not projected to have enough capacity for the total of projected and potential students from Cypress Bay West. He could no longer support the request due to capacity issues and safety issues for students. He felt the developer should build a fire station and police substation as residents that move to that community would not receive the same response as other residents. Mr. Filiberto said that Council needed to revisit Section 71.31 of the Palm Bay Code of Ordinances and refine same.

Jake Wise, BSE Consultants and representative for the applicant, said that he had been working with the Brevard County School Board, as well as three (3) different charter schools that wanted to be in the area. He said a charter school was planned to be part of Cypress Bay West and a site had been set aside for the school, but they would not come to the area if there were not enough homes to support the school. Mr. Wise said that police and fire wanted to be closer to Interstate 95 because of anticipated growth on the east side of Interstate 95 and the west side of Emerald Lakes. He detailed the master plan for the project.

Residents commented on the need for police and fire stations, schools and greenspace in the area.

Ms. Sherman explained the purpose of impact fees, how they were established and how they were used in new developments towards infrastructure. She said that all of the development approvals had been granted for Phase 1 through 3 and this agreement went beyond the developer just paying impact fees. It committed the developer to building roadway improvements in four (4) different areas. There was discussion on the three percent (3%) Charter requirement and how it affected the City's revenue.

Mayor Medina felt there should be more provisions for the impact fee credits. If a developer wanted the credits, they should build the fire station and police substation. He supported Mr. Filiberto's comments regarding public safety.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the development agreement with Forestar (USA) Real Estate Group, Inc. pertaining to a development project known as 'Cypress Bay West'.

Deputy Mayor Johnson said there were continuous discussions about the developer building the stations, but they were putting monies towards it. He supported the request and said that voting against this agreement was voting against future commercial in the city.

Mr. Felix said these discussions should have taken place prior to this agreement and it needed to move forward.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea
Councilman Filiberto	Nay

4. Ordinance 2022-42, rezoning property located west of and adjacent to Dixie Highway, in the vicinity south of Vignoles Avenue, from HC (Highway Commercial District) and RM-10 (Single-, Two-, Multiple-Family Residential District) to BMU (Bayfront Mixed Use District) (12.4 acres) (Case CPZ-6-2022, Robert Kittleson, Kit

Investment of Florida / Carlos Gonzalez, Riverview Holdings Group, LLC / Eric Henry, Engineer Realty, LLC / Patrick and Kathleen Svoboda), final reading. (Quasi-Judicial Proceeding)

The City Attorney read the ordinance in caption only. The public hearing was opened. Connor Bailey, WGI, Inc. 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 Ordinance 2022-42. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

5. Ordinance 2022-47, amending the Fiscal Year 2021-2022 budget by appropriating and allocating certain monies (second budget amendment), 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 2022-47. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

6. Ordinance 2022-48, amending the Code of Ordinances, Chapter 114, Garage Sales, by modifying the number of garage sale events per residence, 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 2022-48. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

7. Ordinance 2022-43, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located adjacent to and between Wabun Street and Dixie Highway, in the vicinity north of Nokomis Avenue, from

Commercial Use and Single-Family Residential Use to Multiple-Family Residential Use (1.33 acres) (Case CP-10-2022, Scott Wotherspoon, Hiawatha Bay, LLC), only one reading required. (CONTINUED FROM 04/07/22 RCM)

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant was not present.

Susan Connolly, resident, spoke against the request and said that the site should be developed according to the plans that include a specific focus on the Bayfront area.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to deny Ordinance 2022-43.

Deputy Mayor Johnson did not want to take away commercial property in that area. Council concurred.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

8. Ordinance 2022-44, rezoning property located adjacent to and between Wabun Street and Dixie Highway, in the vicinity north of Nokomis Avenue, from HC (Highway Commercial District) to RM-20 (Multiple-Family Residential District) (1.33 acres) (Case CPZ-10-2022, Scott Wotherspoon, Hiawatha Bay, LLC), first reading. (CONTINUED FROM 04/07/22 RCM) (Quasi-Judicial Proceeding)

Due to the denial of Case CP-10-2022, this item was rendered moot.

9. Ordinance 2022-46, rezoning property located north and south of and adjacent to Emerson Drive, in the vicinity east and west of and adjacent to St. Johns Heritage Parkway, from AU, Agricultural (Brevard County) to CC (Community Commercial District) and RM-20 (Multiple-Family Residential District) (61.79 acres) (Case CPZ-11-2022, Gary Smigiel, Ascot Palm Bay Holdings, LLC). (CONTINUED TO 05/19/22 RCM)

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. Felix, that the Consent Agenda be approved as presented with the removal of Items 4, 6, 7, 10, 14, 15 and 18, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

1. Adoption of Minutes: Regular Council Meeting 2022-05; March 3, 2022.

The minutes, considered under Consent Agenda, were approved as presented.

2. Adoption of Minutes: Regular Council Meeting 2022-06; March 17, 2022.

The minutes, considered under Consent Agenda, were approved as presented.

3. Miscellaneous: 'Cooperative Purchase', Cisco SmartNet hardware maintenance and Hyperflex maintenance and subscription (Sourcewell Partner contract) – Utilities Department (SHI - \$249,433, five (5) year value); and appropriation of funds from Utilities Fund Balance for the Cisco Enterprise Agreement (\$16,350).

Staff Recommendation: Approve (1) appropriation of funds on the next scheduled budget amendment, amount \$16,350; (2) enter into an Enterprise Agreement with Cisco to purchase SmartNet hardware maintenance and the Hyperflex maintenance and subscription; and (3) utilize the Sourcewell Partners Contract #081419-SHI to complete purchase.

The item, considered under Consent Agenda, was approved as recommended by City staff.

4. Resolution 2022-17, amending Resolution 2021-52, as amended, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (second amendment).

The City Attorney read the resolution in caption only.

Bill Battin, resident, asked the total amount of the proposed amendments and if there would be enough funding to handle infrastructure after the employees receive increases from the salary study.

Ms. Sherman responded that amendments to the Plans were handled quarterly. If additional funding was needed, those requests were already approved by Council prior to the resolution updating the Plans. She would provide further information to Mr. Battin.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2022-17. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

5. Resolution 2022-18, amending Resolution 2021-53, as amended, adopting the Five-Year Capital Improvements Program for Fiscal Years 2021-2022 through 2025-2026 (second amendment).

The City Attorney read the resolution in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

6. Resolution 2022-19, conveying City-owned surplus real estate located at 254 Holiday Park Boulevard NE to buyer Teresa M. Whiteman-Watson (\$24,855).

The City Attorney read the resolution in caption only.

Bill Battin, resident, said there needed to be another dedicated funding source for the Road Maintenance Fund as using the monies from surplus real estate was not sustainable.

Ms. Sherman said there was currently \$750,000 in the Road Maintenance Fund and the goal was to increase that number annually and continue to do so until a sustainable reoccurring number was reached.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2022-19. Deputy Mayor Johnson said he had mentioned a Road Maintenance Fund Policy a few years ago and asked staff to research same. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

7. Consideration of a purchase offer for City-owned surplus real estate generally located at 1201 Sunswept Road NE from buyer Joan Kundis (\$16,000).

Staff Recommendation: Authorize the City Manager to execute the purchase contract for City-owned surplus real estate located at unaddressed Sunswept Road NE (Tax Account: 2834976) with buyer Joan Kundis and bring forth a Resolution at a future Council meeting.

Mr. Felix said the property was listed at \$15,000 and the city received an offer of \$16,000. He said that the city had purchased four (4) similar parcels back in 2005 at a total of \$118,000, which would equate the buyer receiving an estimated fifty percent (50%) discount on this property. He recommended that the offer be denied and counteroffer with \$30,000.

Mayor Medina asked if a pier, deck or boat launch could be constructed at the site. Mrs. Junkala-Brown said they buyer would have to go through the Florida Department of Environmental Protection for approval and permitting and may possibly require a submerged lands lease as well.

Mrs. Junkala-Brown explained that there was a cost should the city counteroffer. The Comparable Market Analysis, signed by the city, was for \$15,000. She suggested bringing back the sales addendum with the list price of \$30,000, relist the property for fourteen (14) days, as required per policy, and present all offers to Council. Mr. Felix said \$30,000 may be aggressive and would agree to a range of \$20,000-\$24,000.

Mrs. Bunt said that the buyer did not have a dock or pier on her property. The buyer had relayed that a lot of people fish from the city property and she wanted to buy it and enclose it with a fence and expand her yard. The property was not buildable but would add more value to the buyer's property.

Motion by Mr. Felix to deny the offer of \$16,000 and counteroffer with a price of \$24,000. Ms. Smith said it may be more efficient to deny the offer and relist the property. Motion died for lack of a second.

Motion by Mr. Felix, seconded by Deputy Mayor Johnson, to deny the offer of \$16,000.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Johnson	Yea
Councilman Foster	Nay

Councilman Felix	Yea
Councilman Filiberto	Yea

Motion by Mr. Felix, seconded by Deputy Mayor Johnson, to relist the property at a sales price of \$24,000, with priority to the neighbors.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Johnson	Yea
Councilman Foster	Nay
Councilman Felix	Yea
Councilman Filiberto	Yea

8. Consideration of a purchase offer for City-owned surplus real estate located at 194 Holiday Park Boulevard NE from buyer Hellen Bush (\$15,900).

Staff Recommendation: Authorize the City Manager to execute the purchase contract for City-owned surplus real estate located at 194 Holiday Park Boulevard NE with buyer Hellen Bush and bring forth a Resolution at a future Council meeting.

The item, considered under Consent Agenda, was approved as recommended by City staff.

9. Consideration of a purchase offer for City-owned surplus real estate located at 1285 Dove Court NE from buyer Arturo R. Ovalles (\$20,000).

Staff Recommendation: Authorize the City Manager to execute the purchase contract for City-owned surplus real estate located at 1285 Dove Court NE from buyer Arturo R. Ovalles and bring forth a Resolution at a future Council meeting.

The item, considered under Consent Agenda, was approved as recommended by City staff.

10. Consideration of a budget amendment for various unbudgeted expenses within the Growth Management Department (\$47,250).

Staff Recommendation: Approve a budget amendment in the amount of \$47,250 for various unbudgeted expenses within the Growth Management Department (from 001-9010-519-5601 (Contingency) to 001-3311-515-3141 (Other Professional Services), 001-3311-515-4901 (Legal Advertisements), 001-3311-515-5403 (Licenses/Certifications), 001-3311-515-4409 (Rentals and Leases), and 001-3311-515-4111 (Postage).

Bill Battin, resident, said that monies should not be spent to host a special meeting offsite when it could be held in Council Chambers.

Ms. Sherman explained that the \$47,000 included various expenses, but the cost for the special meeting was \$2,275 per meeting for the video production company and \$2,500 for the facility rental at Bayside High School. Staff was working with Brevard County Public Schools to reduce or eliminate the rental cost.

Mr. Felix did not agree with the city having to pay rental costs at another government facility. He suggested an interlocal agreement with the Brevard County School Board (School Board) for use of its facilities. Council concurred.

Mayor Medina asked if there was a partnership with the School Board regarding parks and recreation. Mr. Poppe said there was an agreement in place for the use of recreational facilities and the city would only charge for staff overtime. There were no rental fees. Council concurred for staff to request a waiver of rental costs only, not staff time.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the budget amendment as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

11. Consideration of an Interlocal Agreement with the City of Melbourne for lifeguard training at the Palm Bay Aquatic Center.

Staff Recommendation: Authorize the City Manager to sign the Interlocal Agreement with the City of Melbourne for lifeguard training at the Palm Bay Aquatic Center.

The item, considered under Consent Agenda, was approved as recommended by City staff.

12. Consideration of relocating replacement playground equipment from Pollak Park to Knecht Park.

Staff Recommendation: Approve the location change of already funded replacement playground equipment from Pollak Park to Knecht Park.

The item, considered under Consent Agenda, was approved as recommended by City staff.

13. Consideration of utilizing Transportation Impact Fees for the acquisition of right-of-way from Forestar (USA) Real Estate Group, Inc., for the widening of Babcock Street at the intersection of the St. Johns Heritage Parkway, per the Interlocal Agreement between the City of Palm Bay and Brevard County (\$29,000).

Staff Recommendation: Authorize the allocation of \$29,000 in Transportation Impact Fee funds from Nexus/zip code 32909 for the acquisition of necessary right-of-way along Babcock Street and authorize the City Manager to execute the agreement.

The item, considered under Consent Agenda, was approved as recommended by City staff.

14. Consideration of utilizing Police Impact Fees (32907 Nexus) for expansion projects at the Police Department's main station located at 130 Malabar Road (\$115,000).

Staff Recommendation: Approve the appropriation of Police Impact Fees from the 32907 Nexus on the next budget amendment for the engineering and construction expenditures related to the Property and Evidence Interior Office, Real Time Crime Center, and Wellness Suite expansion projects.

Bill Battin, resident, asked if grant funds from Item 15, Consent Agenda, could be used for this item. Ms. Sherman was unsure if it would be an eligible expense.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to utilize 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; Councilman Filiberto, Yea.

15. Consideration of submitting a grant application to the U.S. Department of Justice for grant funding under the Law Enforcement Mental Health Awareness Act (\$175,000).

Staff Recommendation: Approve the Law Enforcement Mental Health and Wellness Act grant application.

Deputy Mayor Johnson acknowledged that the proposed project title, Project 129, was in honor of the late retired Police Chief Jim Rogers as his badge number was 129. Mayor Medina suggested that Deputy Mayor Johnson send a letter to the Department of Justice for the grant application, and request letters of support for the grant from Senators Rick Scott and Marco Rubio, and Congressman Bill Posey. Council concurred.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to submit the grant application as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

16. Consideration of travel and training for specified City employees (Police Department).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

17. Consideration of travel and training for specified City employees (Office of the City Attorney).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

18. Consideration of a salary increase (24.6%) for the Deputy City Manager.

Staff Recommendation: Approve the requested pay increase and authorize staff to update the pay grade for the position as appropriate.

Deputy Mayor Johnson asked about salary survey. Ms. Sherman said that data had started coming in last week, but the full study had not been received.

Ms. Sherman presented the request to Council. She advised of an alternative proposal of \$145,000 (13%) if Council was not agreeable to \$160,000.

Mayor Medina and Mr. Filiberto agreed with the \$145,000. Mr. Felix said the salary study was not complete and it would be prudent to view it first. He said that Mrs. Junkala-Brown was a great asset to the city but did not feel she had enough tenure as the Deputy City

Manager and was concerned as to how other employees would be affected by this increase. He had no problem revisiting the request once the study was completed. Mr. Foster said no salary range was presented. He supported an increase but wanted to see the salary study first. Deputy Mayor Johnson was okay with \$145,000 but was also concerned about morale. There was further discussion between Council and staff.

Nathan White, resident, said it was unheard of to receive an estimated twenty-five percent (25%) raise. He said that thirteen percent (13%) sounded more reasonable when compared to 25% but was still unheard of unless a promotion was involved, or if the salary study reflected otherwise. He said it was an irresponsible use of city funds. Mr. White questioned the recommendation in the Legislative Memorandum to “update the pay grade for the position as appropriate” as it was vague.

Ms. Sherman explained that the pay grade did not currently exist for the proposed salary and the recommendation would give the City Manager the authority to direct the Human Resources Department to create a pay grade based on the salary, if approved. The new pay range would be reflected in the quarterly Position Control Plan that would be adopted by Council.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to approve the salary increase of \$16,678 (13%) for the Deputy City Manager.

Mr. Felix and Mr. Foster reiterated their comments about morale and the need to review the salary study before making this decision. Ms. Sherman said she intended to make incremental improvements in the salaries citywide as much as possible. She said it would be a multi-year process due to the amount of shifting that would probably be needed.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Johnson	Yea
Councilman Foster	Nay
Councilman Felix	Nay
Councilman Filiberto	Yea

NEW BUSINESS:

1. Consideration of purchase offer(s) for Bayfront Community Redevelopment Agency-owned property located at 1608 Orange Blossom Trail.

The item, announced under Agenda Revisions, was withdrawn from the agenda.

2. Consideration of purchase offer(s) for Bayfront Community Redevelopment Agency-owned property located at 1626 Orange Blossom Trail.

Staff Recommendation: Accept the offer from Adelon Real Estate Manager, LLC, with the exception of the additional term related to rezoning and further negotiate terms or conditions as requested by the Council and authorize staff to bring forth a resolution at a future City Council meeting.

Mrs. Bunt presented the request to Council. She noted certain conditions within the contract. The request was approved by the Bayfront Community Redevelopment Agency (BCRA).

Bill Battin, resident, asked if the sale of the properties were put on hold until the sunset of the BCRA and then those funds could be placed into the Road Maintenance Fund. Mrs. Junkala-Brown said, pursuant to the agreement with Brevard County, any revenues from the sale would go to the BCRA reserves until the end of the fiscal year, then to the General Fund, and Council and staff would decide how those funds would be utilized.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to accept the offer from Adelon Real Estate Manager, LLC, with the exception of the additional term related to rezoning and further negotiate terms or conditions as requested by the Council and authorize staff to bring forth a resolution at a future City Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

3. Consideration of purchase offer(s) for Bayfront Community Redevelopment Agency-owned property located on Orange Blossom Trail.

The item, announced under Agenda Revisions, was withdrawn from the agenda.

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. Deputy Mayor Johnson made the following reports:

a) Announced that Brevard County was having a job fair and suggested that Palm Bay host a job fair since there had been discussion about vacancies in the city. Ms. Sherman said that staff was already looking into same, and she felt it was a great idea.

b) Advised of a scholarship being promoted by the Space Coast League of Cities and community partners. It was geared toward individuals who wanted to get involved in local government.

c) Requested to revise the Youth Advisory Board ordinance to decrease the minimum 30-year age requirement for adult members. He said there were numerous individuals that were interested in serving but were under the required age limit. Council concurred.

d) Advised that the City of Tampa was discussing an ordinance to address rental prices. He said that while the cost itself could not be controlled, Tampa was looking at provisions in which landlords would have to give at least a 60-day notice to renters should the price increase by five percent (5%) or more. He wanted to communicate with the Space Coast Realtors Association to get their input and prepare an ordinance for a future agenda. Mayor Medina felt this was an issue in which councilmembers should tread lightly as there could be unintended consequences with getting involved. Council concurred.

2. Mayor Medina made the following reports:

a) Expressed concern that the impact fees were not in line with the rising costs and charges may not be sufficient. He asked that staff research if the fees were where they should be or if adjustments needed to be made. Ms. Smith advised that there had been changes to the impact fee laws and increases could only be made every four (4) years, and there was a limit to how much the rates could be increased. Mr. Filiberto suggested that the ordinance be reviewed as well.

b) Received a letter from The Iraq and Afghanistan War Memorial Foundation in which their goal was to establish a monument that would honor Floridians who served, and those who died, in our Nation's wars in both Iraq and Afghanistan. The Foundation wanted to build a monument in Palm Bay and the Foundation would pay the cost, pay to transport the monument and pay for installation. The city would have to provide the location and pay for maintenance. Mayor Medina said he did not want it limited to the location of Veterans Park as it could be on display at any park. He requested to have a letter sent to the Foundation and Palm Bay would be the first in the state to have such a monument from this organization. Council concurred.

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:13 P.M.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Fred Poppe, Recreation Director

DATE: 5/19/2022

RE: Resolution 2022-21, amending Resolution 2021-47, by revising certain rates, charges, and fees for Fiscal Year 2021-2022, established pursuant to the City of Palm Bay Code of Ordinances, Title III, Administration, Chapter 36, Recreation Department.

The Recreation Department would like to request Council consideration of an Employee Discount for the renting of City Facilities to the City's Fee Schedule. The department proposes that employees would be given the Non-Profit Rate, which is currently a 25% discount.

The Recreation Department has received multiple inquiries from City employees about a discounted rate. To further gauge interest, staff prepared and distributed a City Employee Recreation Fee Discount Survey. The attached results reflect an approximate return rate of 37% which is above the average rate of return to be statically significant. Of the respondents, 31.3% said they have previously rented a City facility, and 75% of the respondents said they would be interested in an employee discount. When asked if the respondents would be more likely to rent a City facilities or participate in one of our programs if a discount was offered; 72.3% responded with "Yes".

If Council is amenable to this request, staff can provide an update regarding the actual fiscal impact of this change after a six month period or at the frequency desired by Council.

REQUESTING DEPARTMENT:

Recreation

FISCAL IMPACT:

If approved, the discount would result in a 25 percent loss of potential revenue from facility rentals by City employees. It is unknown at this time how many new rentals by City employees may be made, that could offset this loss of revenue.

RECOMMENDATION:

Motion to approve the addition of a 25% Employee Discount for Rental of City Facilities.

ATTACHMENTS:**Description**

Employee Survey, backup material

Resolution 2022-21

Resolution 2022-21, Exhibit A

City Employee Recreation Fee Discount Survey

Survey Summary

The Palm Bay Recreation Department conducted a survey of employees to determine employee usage of our rental facilities, participation in our programs/classes, and if a discount would affect those numbers. The survey was open from February 22 through March 8 (two full weeks). The City Manager's Office sent an email to all employees asking them to respond to the survey and the Recreation Department sent weekly reminders. A total of 300 employees responded to the survey.

When asked if they ever rented one of our facilities, 206 employees, or 69%, said they had not, and 94 employees, or 31%, said that they had rented one of our facilities. When asked if they ever enrolled in one of our classes, athletic leagues, day camps, or swim lessons, 209 employees, or 70%, said they had not, and 91 employees, or 30%, said that they had participated in one of our programs.

When asked if they would be interested in special city employee rates for rentals and programs, 225 employees, or 75%, said they would be interested in discounts, and 75 employees, or 25%, said that they would not be interested in employee discounted rates. 217 employees, or 72%, of employees responded that an employee discount would make them more likely to rent a facility or participate, and 83 employees, or 28%, said a discount would not make them more likely to use our services.

We also asked for feedback on what programs/classes employees would be interested in. Several employees mentioned the racquetball courts at Tony Rosa Community Center as well as the general need for improvements/updates to the center including more modern updated workout equipment and overall rehabilitation of the facility. Here is one comment concerning the center:

Fix our Palm Bay Recreation center. Racquetball courts closed, sauna has been removed, weight machines falling apart, free weights rusty and old. Place is run down, and nobody wants to pay for memberships or rent facility for leagues. 20 years ago, place was packed all the time, events almost every weekend, had a skate park, basketball, volleyball, racquetball leagues, and now there's more workers than people using gym every night. Weekends nothing going on.

In addition to improvements to the center, a main request was for more and different workout/fitness classes that are offered after work hours and weekends. Some of the classes mentioned included kickboxing, hip hop, toning, Pilates, yoga, and Zumba. Self-Defense classes were brought up a few times as well.

Athletic leagues for adults and seniors were also mentioned a few times for basketball, baseball, and flag football. Pickleball was brought up a few times as well as archery. There was also interest in the campground and a discounted rate for employee's camping rates.

A complete list of survey results and all the comments are attached at the end of this document.

Proposed Discounts

The proposed discounts for employee's facility rentals would be 25%, which is the discount rate given to non-profit organizations. Just like with the discount for non-profits, the discount would be off the rental

fees portion of rentals. Any other costs such as employee fees, utility fees, or other direct costs would still be charged at the regular rates.

The proposed discounts for programs/classes would be the same 25% discount that is offered for kids who receive free/reduced lunch at school. This discount would apply to programs/classes that are run by the Recreation Department, such as day camps, swim lessons, leagues, etc. If we wanted to offer discounts to classes that are run by contracted instructors in our facilities, we would need to come to an agreement with them.

Just as an FYI, we do currently offer an Annual Membership to our community centers which allows employees to take advantage of open gym and workout equipment. That is a 93.3% discount over the normal \$75 annual adult rate.

Discount Impact

While we do not currently have a way to track previous rental made by employees, if we use the 94 people on the survey who said they did rent a city facility, and we use a \$50 rental for a standard pavilion, that would mean we took in \$4,700 for those rentals. If that was discounted by 25% those rentals would have taken in \$3,525 for a difference of \$1,175.

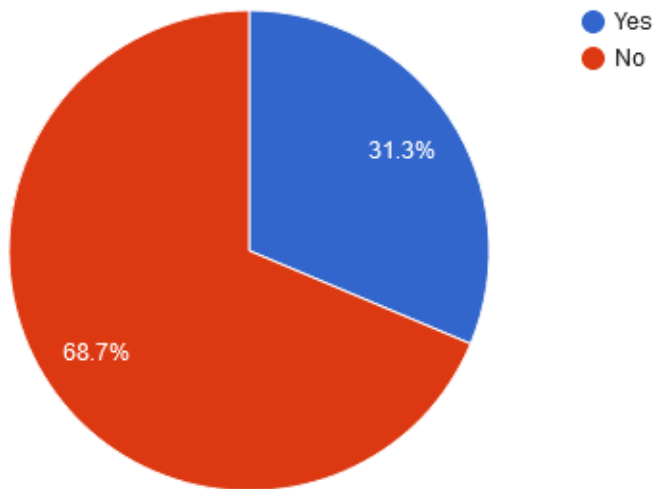
If we then use the 225 people on the survey who aid they would be more likely to rent, that would be an extra 131 rentals. At the same discounted rate on a \$50 pavilion rental, we would bring in \$4,912.5 more in revenue.

Although these numbers are not 100% indicative of what would actually happen, the fact that almost 72% more employees would be interested in renting facilities with the discount would seem to support the idea that our revue would increase with the increase in employee rentals.

City Employee Recreation Fee Discount Survey Results

1. Have you ever rented one of our city parks facilities?

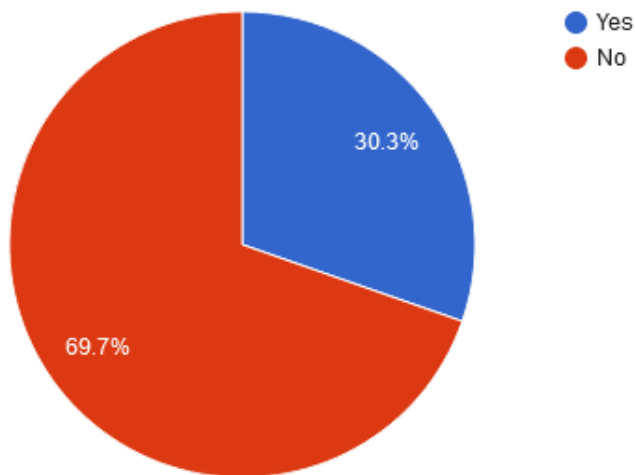
Answered: 300 Skipped: 0 Left Blank: 0



ANSWER CHOICES	RESPONSES	
Yes	31.33%	94
No	68.67%	206
TOTAL		300

2. Have you ever enrolled in one of our classes, athletic leagues, day camps, or swim lessons?

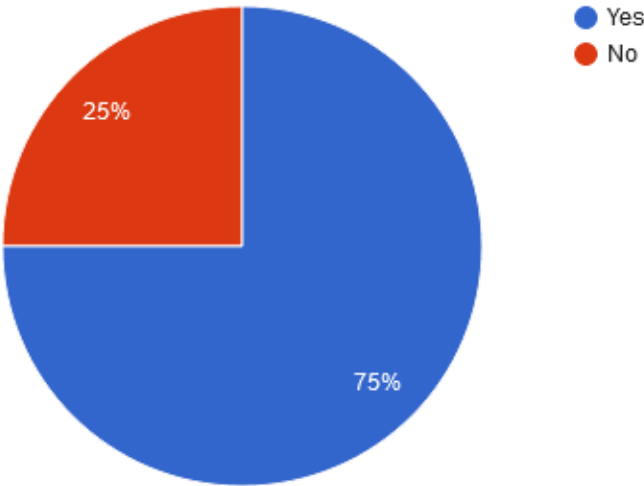
Answered: 300 Skipped: 0 Left Blank: 0



ANSWER CHOICES	RESPONSES	
Yes	30.33%	91
No	69.67%	209
TOTAL		300

3. Would you be interested in special City Employee rates for rentals and programs?

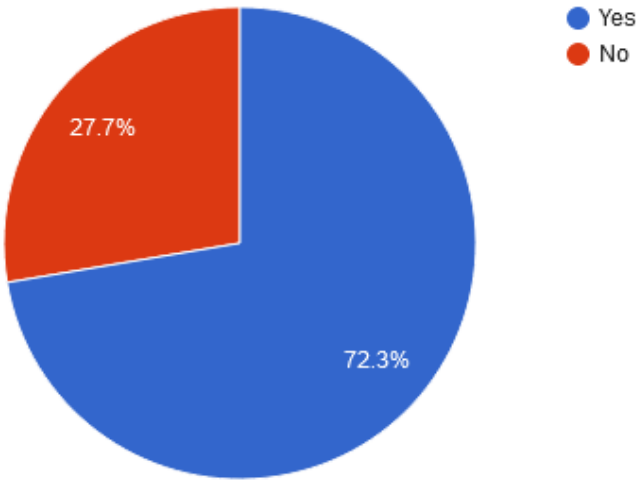
Answered: 300 Skipped: 0 Left Blank: 0



ANSWER CHOICES	RESPONSES	
Yes	75.00%	225
No	25.00%	75
TOTAL		300

4. Would a discount make you more likely to rent one of our facilities or participate in one of our programs?

Answered: 300 Skipped: 0 Left Blank: 0



ANSWER CHOICES	RESPONSES	
Yes	72.33%	217
No	27.67%	83
TOTAL		300

Answered: 91 Skipped: 0 Left Blank: 209



I actually live 40 minutes away, so not sure if my info is that valuable. If I lived closer I may have answered yes to these questions.

no thank-you

Placing a pool table at the Tony Rosa Community Center and considering the possibility of restoring use of the Racquetball Courts at the Tony Rosa Community Center.

40+ adult basketball league

Qi-Gong

Yoga; boot camps

I am interested in the classes offered but most of them occur during my normal work hours so I can't participate

Racquet ball

I would be interested if you also made the discount available to retired employees. Thank you.

I'm sure I can't think of anything at this time but thank you for the awesome job that you've been doing

I would like the Centers to offer fitness classes for the community.

Adult basketball leagues.

line dancing, yoga

Not at my age so much, Thank you,

Senior Adult Baseball League/Tournament & Senior Adult Flag Football League/Tournament. NFL Trips & other trip venues.

N/A

not off hand

Yoga, kayaking in the IRL, escape rooms and axe throwing

Work out machines installed in different parks would be great and have them be sponsored by health first for instance we have the space

self defense classes

Camping areas

Not at this time

yes

I wanted to get my son who is now 16 months old into swimming lessons. Last year after the pool reopened, we were told they did not have classes for his age group.

Guitar classes

Yoga

A modern work out facility

not at this time. I don't really have any extra time for recreational activities.

ping pong

1. Fishing Tournament's. 2. Archery. 3. Shooting. 4. Car Shows. 5. Truck Shows.

Yes, reserve some city property for a community garden. I've helped design several for the city of Livermore, and overseas in Guam. The community will love it

Not at this time. Thank you

No Thank u

Pilates.

Would love to see our Aquatic Center expanded and be a unique club for Palm Bay residents with a monthly fee instead of individual admission or punch cards.

no

NO

Lower the child day camps to 4 years old.

Kick boxing, Toning, Hip hop dancing, Weight training.

we have only participated in the little league baseball.

None

Not at this time

No

a Zumba, yoga, or similar

24 hour (or at least special hour) gym/basketball court access

Paddle boarding, Kayaking, Ziplining, Running Clubs, etc,

No

It has been many years, but i used to use the gym off of Port Malabar as well as spin class, racquetball. I never hear of activities going on there. Is the gym there still. Emails City wide to employees about what is offered at the facilities would be great. Thank you

not at this time

Just FYI, do not live in Palm Bay so rentals are not feasible for me. Otherwise, would consider renting at discounted price.

Continued sports for kids, or family activities

no

Volleyball

None at this time

Dances or bingo for special needs adults.

N/a

No

Nutrition classes.

Evening Tai Chi & yoga classes.

aqua fit

Obedience training for dogs

yoga, more swim classes for babies/toddlers/young kids, more night/weekend class availability

No

Dog Obedience training

I would like some type of gym or group fitness classes like bootcamp but year round. We love these at the beginning of the year but need something year round.

Looking forward to campsites. Would be thrilled if employees got discounts for camping.

classes/programs for children

Yoga classes Self defense classes

Zumba

no

Tai Chi, but not during working hours!

Youth sports

City of Palm Bay Recreation Department proposed changes in RED

Community Center(s):

Annual Membership Fees:

Minor (under 18)	45.00
Adult (18-54)	75.00
Senior (55+)	45.00
Active City Employee	5.00
All Active & Retired Police, Fire, Military	N/C



Family Membership Fees:

Family Membership*	160.00
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*Family memberships may include up to 5 family members within the same household. Family membership is defined as 2 adults 18 years and older living in the same household and up to 3 children under the age of 18. Additional children under the age of 18 may be added for \$15 each. Each additional adult in household (18 years or older) must get separate adult membership.

Monthly Membership Fees:

1-Month	10.00
3-Month	25.00

Boxing club use of facility:

Appropriate age membership fee required for each participant.

Daily Guest Fee:

Daily	2.00
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Other Charges:

Replacement Cards	2.00
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Classes:

Fees will be approved by the Parks & Recreation Director pursuant to Section 36.04, Palm Bay Code of Ordinances, and will also be based upon the instructor's criteria and the terms of the class.

Facility Rentals:**Gymnasiums**

Security Damage Deposit	300.00
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Special Event Cleaning Fee

Director has authority to require renter to pay fees for an outside cleaning service to sanitize the gym based on the nature of the special event, including but not limited to events with bodily fluids or animal waste. Renters will be notified prior to event that this cleaning service will be required and the special event cleaning fee will be paid prior to the event.

Hourly Rates

Sat & Sun Full Court	70.00+ tax/hour	4 hour minimum
Sat & Sun Half Court	45.00+ tax/hour	4 hour minimum
Mon-Fri Full Court (8:30 AM - 5 PM*)	60.00+ tax/hour	
Mon-Fri Half Court (8:30 AM - 5 PM*)	35.00+ tax/hour	

*Mon-Fri hourly gym rentals after 5 PM are at the supervisor's discretion.

Full/Half Day Rates

Half Day (8 hours)	520.00+ tax
Full Day (15 hours)	1000.00+ tax

Additional Fees

Volleyball nets set-up	25.00
Additional Employee Fee*	25.00/hour
Stage set-up and take-down	100.00
Floor covering**	300.00

*required when rental occurs outside of normal operating hours

**required when tables, chairs, food, or footwear other than athletic shoes are associated with the event.

TRCC - A/B Room

Security Damage Deposit	100.00
8 hour rental (Fri-Sun)	325.00+ tax
4 hour rental (Fri-Sun)	200.00+ tax
additional hours (Fri-Sun)	40.00+ tax/hour
Hourly rental (Mon-Thr only)	30.00+ tax/hour
Hourly rental one-half of room (Mon-Thr only)	20.00+ tax/hour
Additional Employee Fee*	25.00/hour

*required when rental occurs outside of normal operating hours

Meeting Rooms

Security Damage Deposit	100.00	
Medium - TWCC Room 5/6, TRCC C Room	30.00+ tax/hour	4 hour minimum
Small - TWCC Rooms 1, 2, 3, 4, 5, 6	20.00+ tax/hour	
Additional Employee Fee*	25.00/hour	

*required when rental occurs outside of normal operating hours

Kitchen

TWCC attached to Room 6	100.00+tax daily
Additional Employee Fee*	25.00/hour

*required when rental occurs outside of normal operating hours

Captain's House

Security Damage Deposit	200.00
Fri-Sun 8 hour rental	325.00+ tax
additional hours	40.00+ tax/hour
Mon-Thr 8 hour rental	160.00+ tax
additional hours	40.00+ tax/hour
Additional Employee Fee*	25.00/hour

*required when rental occurs outside of normal TRCC operating hours

Pavilions

Large - Bill Madden Park, FPRP PAL, FPRP Scott 75.00+ tax/day
Fred Lee Park I, Goode Park, Inspiration
Park, Knecht Park #1, Liberty Park,
McGriff Park, Nungesser Park, Pollak Park,
and Veterans Memorial Park

Standard - Castaways Pointe Park #1, Castaway 50.00+ tax/day
Pointe Park #2, Castaways Pointe
Park #3, Driskell Park, FPRP Cricket,
Fred Lee Park II, Knecht Park #1 North,
Knecht Park #1 South, Lynbrook
Park, Riviera Park, TCS Kiwanis

Small - Knecht #2, Oak View Park, Oakwood 25.00+tax/day

Electricity (where available)	15.00+ tax
Water (where available)	15.00+ tax

Maintenance staff fees apply to rentals with an expected attendance of over 200 people
(see maintenance staff fee schedule below)*

Greenspace

Security Damage Deposit	200.00
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Greenspace Rental Fee	200.00
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Special Event Fee (If deemed Special Event by Rec Dir 200.00

Ballfields

Field Rental	15.00+ tax/hour (2 hour minimum)
Light Fee	30.00+ tax/hour
Field Lights for Community Partners	15.00+ tax/hour
Field Marking - one time only	25.00

Maintenance staff fees apply to rentals with an expected attendance of over 200 people
(see maintenance staff fee schedule below)*

Youth Sports Player Utility Fee (Community Partners Only)

Community Partners pay for lights used at the cost of 15.00/hour

Tournament Fees

Security Damage Deposit	200.00
Field Rental	100.00+ tax/day
Light Fee	30.00+ tax/hour
Field Lights for Community Partners	15.00+ tax/hour
Baseball/Softball Field Marking - one time or	25.00
Football/Soccer/Lax Field Marking - one time	150.00

Maintenance staff fees apply to rentals with an expected attendance of over 200 people
(see maintenance staff fee schedule below)*

Tournaments using 1 to 2 fields require a minimum of 1 employee at \$35/hour.

Tournaments using 3 or 4 fields require a minimum of 2 employees at \$35/hour/employee.

NOTE: Director has the authority to adjust tournament fees based on tourism impact provided by the TDC Sports Commission, a part of the Tourism Development Council of Brevard County.

***Maintenance Staff Fees**

Attendance of 200-400 people	1 staff member at 35.00 /hour
Attendance of 401-800 people	2 staff members at 35.00/hour/employee
Attendance of 801-1200 people	3 staff members at 35.00/hour/employee
Attendance of 1201-1600 people	4 staff members at 35.00/hour/employee
Attendance of 1601-2000 people	5 staff members at 35.00/hour/employee
Attendance of 2001-2400 people	6 staff members at 35.00/hour/employee
Attendance of 2401-2800 people	7 staff members at 35.00/hour/employee
Attendance of 2801-3200 people	8 staff members at 35.00/hour/employee
Each additional increment of 400 people	One additional staff member at 35.00/hour/employee

~ Please note: there will be an additional charge of \$10/hour/employee for rentals held on city holidays

Outdoor Courts

Court	5.00+ tax/hour
Light Fee	10.00+ tax/hour

Liberty Park Skate Rink

Rink Rental without Lights	15.00+ tax/hour
Rink Rental with Lights	25.00+ tax/hour

Discount Categories

Non-profit/not-for-profit organizations **and current city employees** will receive a 25% discount on the rental fee portion of all rentals, upon proof of non-profit/not-for-profit/**employee** status.

Community Partners will receive a 50% discount off of the rental fee portion of all rentals.

Direct costs, employee fees, and utility fees for above categories must still be paid at full rates. Recreation Supervisors will verify all documentation and approve/apply rental discounts.

Equipment Rentals:**Mobile Stage Rental**

Damage Deposit	500.00
Use Fee	1000.00
Use Fee for non-profit/other gov't groups	750.00

Delivery/set-up/break-down will require a minimum of 2 employees for 2 hours at \$35/hour/employee. Depending on the event, up to 5 employees may be required for up to 4 hours at \$35/hour/employee. In addition, the City may require an employee to be assigned to the stage during the entire event at \$35/hour.

Mobile Bleacher Rental

Damage Deposit	500.00
Use Fee	500.00/set
Use Fee for non-profit/other gov't groups	250.00/set

Delivery/set-up/break-down will require an employee for 2 hours at \$35/hour. Depending on the event, the City may require an employee to be assigned to the bleachers during the entire event at \$35/hour.

Palm Bay Aquatic Center:

Admission

General Admission	4.00/day
Lap Swimming	4.00/day
Senior (55+) Lap Swimming	2.00/day
Veteran Admission	1.50/day
Veteran's Dependents Admission	2.00/day (with proof)
Day Care Groups Admission	3.00/child
Seasonal Pass (Memorial Day - Labor Day)	125.00
Seasonal Pass (Memorial Day - Labor Day)	100.00 per additional household member
12 Visit Pass	40.00
Senior 12 Visit Pass	20.00
Veteran 12 Visit Pass	15.00
All Active and Retired Police, Fire, Military Personnel, and Active City Employees	15.00

Rentals

Full Pool Rental (in Season*)	80.00+ tax/hour
Full Pool Rental (off Season*)	90.00+ tax/hour
Lifeguards for Full Rental (5 total)	25.00/guard/hour
Half Pool Rental (in Season*)	40.00+ tax/hour
Half Pool Rental (off Season*)	50.00+ tax/hour
Lifeguards for Half Rental (3 total, 4 w/diving board)	25.00/guard/hour
Swim Clubs/Teams (in Season*)	20.00+ tax/hour (4 lanes)
Swim Clubs/Teams (off Season*)	30.00+ tax/hour (4 lanes)
additional lanes	5.00+ tax/hour/lane

*In Season is April 1 through October 31. Off Season is November 1 through March 31

Classes

Swim Lessons	40.00
Swim Lessons (qualified for Free/Reduced Lunch or child of current city employee)	30.00
Swim Lessons (qualified for EBT benefits)	20.00
Private Swim Lessons	25.00/hour
Piranhas Swim Team (summer w/ meets)	125.00
Lifeguard Class	250.00
Lifeguard Recertification Class (city employee)	35.00
Lifeguard Recertification Class (non-city employee)	50.00
Water Safety Instructor Class (city employee)	50.00
Water Safety Instructor Class (non-city employee)	250.00

Recreation Programs:

Day Camps

Weekly	90.00
Weekly (qualified for Free/Reduced Lunch	67.50
or child of current city employee)	
Weekly (qualified for EBT)	45.00
Daily	30.00/day
Teen Camp (weekly only)	100.00
Late Pick-up Fee	20.00

A fee reduction of \$5 per child, off of the weekly rate, will be applied if there are 3 or more kids in the same household. Reduction applies only to households that qualify for no other reduced fees.

Admission and transportation fees may apply to additional special activities and field trips.

After School Program

Weekly	35.00
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Bus Trips

Fees based on ticket cost, availability, and transportation

Adult League Fees

Director or designee approves league team fees which will include direct program costs and a percentage of the costs of electricity, field maintenance, and staff coordination.

Miscellaneous Recreation Programs

Director or designee approves fees which will include direct program costs and a percentage of the costs of transportation, supplies, staffing, etc.

Camping:

Scout Camping Area at Fred Poppe Regional Park

Youth Group Primitive Camping	3.00/person/night
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Campsites at Fred Poppe Regional Park

Primitive Camping Site	10.00 to 30.00/night
Full Hook-Up Site	15.00 to 50.00/night
Discount for stays of 30 consecutive days	15%

Camping rates during special events determined by director or designee to reflect the type of event and the impact on the park.

Vehicle Wash Pass	5.00 to 10.00/wash
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Please Note:

The Director of the Parks & Recreation Department is authorized to waive, reduce, or modify fees and charges when appropriate or necessary in the case of co-sponsorships, or when special circumstances and occasions arise.

May 2022 Recreation Schedule

ONGOING WEEKLY SCHEDULE

Mondays

Lap Swimming at PBAC - 8 AM to 1 PM
Open Gym Basketball at TRCC – 9 AM to 9 PM
Open Gym Basketball at TWCC – 9 AM to 9 PM
Weight Rooms and Cardio Room at TRCC – 9 AM to 9 PM
Bone Builders Class at TRCC – 9:30 to 10:30 AM
Aqua-Fit Class at PBAC – 9 to 10 AM
Spirit Kidz Swim Team at PBAC – 10 to 11 AM
Senior Lunch Program at Captain's House - 10 AM to 1 PM
Boxing at TRCC – 4:30 to 7 PM
Rockets Swim Team at PBAC – 5 to 6:30 PM
Lap Swimming at PBAC – 5 to 8 PM
Jazzercise Class at TRCC – 5:45 to 6:45 PM
Jujutsu Class at TWCC – 6 to 8:15 PM
Brevard Swim Club at PBAC – 6:30 to 8 PM
Karate Class at TRCC – 6:30 to 8:30 PM
Senior Softball League at Liberty Park – 6:45 to 10 PM

Tuesdays

Open Gym Basketball at TRCC – 9 AM to 9 PM
Open Gym Basketball at TWCC – 9 AM to 9 PM
Weight Rooms and Cardio Room at TRCC – 9 AM to 9 PM
Senior Lunch Program at Captain's House - 10 AM to 1 PM
Brevard Heat Swim Team at PBAC – 1 to 2 PM
Lap Swimming at PBAC – 1 to 8 PM
Youth Dance Class at TRCC – 4:30 to 6 PM
Rockets Swim Team at PBAC – 5 to 6:30 PM
Iaido Japanese Swords Class at TRCC – 6 to 8 PM

Belly Dancing Class at TRCC – 6:15 to 7:15 PM

Brevard Swim Club at PBAC – 6:30 to 8 PM

Church Softball League at Liberty Park & FPRP – 6:30 to 10 PM

Aikido Class at TWCC – 7 to 8:30 PM

Wednesdays

Lap Swimming at PBAC - 8 AM to 1 PM

Open Gym Basketball at TRCC – 9 AM to 9 PM

Open Gym Basketball at TWCC – 9 AM to 9 PM

Weight Rooms and Cardio Room at TRCC – 9 AM to 9 PM

Bone Builders Class at TRCC – 9:30 to 10:30 AM

Senior Lunch Program at Captain's House - 10 AM to 1 PM

Brevard Heat Swim Team at PBAC – 1 to 2 PM

Boxing at TRCC – 4:30 to 7 PM

Lap Swimming at PBAC – 5 to 8 PM

Rockets Swim Team at PBAC – 5 to 6:30 PM

Jazzercise Class at TRCC – 5:45 to 6:45 PM

Cardio Belly Dance Class at TWCC – 6 to 7 PM

Jujutsu Class at TWCC – 6 to 8:15 PM

Brevard Swim Club at PBAC – 6:30 to 8 PM

Senior Softball League at Liberty Park – 6:45 to 10 PM

Thursdays

RC Flying Club at TWCC – 9 AM to 12 PM

Open Gym Basketball at TRCC – 9 AM to 9 PM

Weight Rooms and Cardio Room at TRCC – 9 AM to 9 PM

Senior Lunch Program at Captain's House - 10 AM to 1 PM

Open Gym Basketball at TWCC – 12 to 5 PM

Lap Swimming at PBAC – 1 to 8 PM

Brevard Heat Swim Team at PBAC – 1 to 2 PM

Tai Chi Class at TRCC – 2 to 3 PM

Rockets Swim Team at PBAC – 5 to 6:30 PM

Iaido Japanese Swords Class at TRCC – 6 to 8 PM

Brevard Swim Club at PBAC – 6:30 to 8 PM

Adult Basketball League at TWCC – 6:30 to 9:30 PM

Senior Softball League at Liberty Park – 6:30 to 10 PM

Aikido Class at TWCC – 7 to 8:30 PM

Fridays

Lap Swimming at PBAC – 8 AM to 1 PM

Open Gym Basketball at TRCC – 9 AM to 9 PM

Open Gym Basketball at TWCC – 9 AM to 9 PM

Weight Rooms and Cardio Room at TRCC – 9 AM to 9 PM

Bone Builders Class at TRCC – 9:30 to 10:30 AM

Senior Lunch Program at Captain's House - 10 AM to 1 PM

Boxing at TRCC – 4:30 to 7 PM

Lap Swimming at PBAC – 5 to 8 PM

Rockets Swim Team at PBAC – 5 to 6:30 PM

Brevard Swim Club at PBAC – 6:30 to 8 PM

Saturdays

Open Gym Basketball at TRCC – 9 AM to 5 PM

Open Gym Basketball at TWCC – 9 AM to 5 PM

Weight Rooms and Cardio Room at TRCC – 9 AM to 5 PM

Jazzercise Class at TRCC – 9:15 to 10:15 AM

Open Swim at PBAC – 12 to 4 PM

OTHER SCHEDULED EVENTS

Sunday, May 1

Free Ranger-Led Tour of Turkey Creek Sanctuary – 10 to 11 AM

Friday, May 13

Food Truck Friday at City Hall – 11:30 AM to 1:30 PM

Sunday, May 15

Free Ranger-Led Tour of Turkey Creek Sanctuary – 10 to 11 AM

Monday, May 16

Online Registration for Summer Swim Lessons Opens

Saturday, May 21

Kids to Parks Day

- Youth Nature Hike at Turkey Creek Sanctuary – 9 to 10:30 AM
- Pool Bash at PBAC – 12 to 4 PM
 - Food Trucks
 - Games
 - Swimming
 - Dance Party
- Free Movie in the Park featuring Luca (PG) at Fred Poppe Regional Park – 8:15 PM

Introduction to Fossil Hunting Class at Turkey Creek Sanctuary – 2 to 4 PM

Friday, May 27

Food Truck Friday at City Hall – 11:30 AM to 1:30 PM

Monday, May 30 (Memorial Day)

Community Centers Closed

Special Hours at PBAC – Lap Swim from 8 AM to 12 PM, Open Swim from 12 to 5 PM

Tuesday, May 31

Summer Day Camp Begins at TRCC & TWCC – 7 AM to 6 PM

RESOLUTION 2022-21

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2021-47, BY REVISING CERTAIN RATES, CHARGES, AND FEES FOR FISCAL YEAR 2021-2022, ESTABLISHED PURSUANT TO THE CITY OF PALM BAY CODE OF ORDINANCES, TITLE III, ADMINISTRATION, CHAPTER 36, RECREATION DEPARTMENT; RESCINDING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay Code of Ordinances, Title III, Administration, Chapter 36, Recreation Department, provides for certain fees, rates, and charges to be established by resolution.

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 of the City of Palm Bay hereby amends Resolution 2021-47, by revising certain fees, rates, and charges for Fiscal Year 2021-2022, established pursuant to the City of Palm Bay Code of Ordinances, Title III, Administration, Chapter 36, Recreation Department, which are, by reference, incorporated herein as Exhibit 'A'.

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.

ATTEST:

Rob Medina, MAYOR

Terese M. Jones, CITY CLERK

EXHIBIT 'A'

Recreation Fee Schedule Fiscal Year 2021-2022

	FY 21	FY 22
<i>Community Center(s):</i>		
Annual Membership Fees		
Minor (under 18 yrs)	45.00	45.00
Adult (18-54 yrs)	75.00	75.00
Senior (55 yrs or older)	45.00	45.00
Active City Employee	5.00	5.00
All Active and Retired Police, Fire, Military Personnel	No Charge	No Charge
Family Membership*	160.00	160.00
Monthly Membership Fees		
Monthly	10.00	10.00
3-Month Membership (any age)	25.00	25.00
Boxing Club Use of Facility		
Appropriate Age Membership Fee for Each Participant		
Guest Fee		
Daily	2.00	2.00
Other Charges		
Replacement Cards	2.00	2.00

*Family memberships may include up to 5 family members within the same household. Family membership is defined as 2 adults 18 years and older living in the same household and up to 3 children under the age of 18. Additional children under the age of 18 may be added for \$15.00 each. Each additional adult in household (18 years or older) must get separate adult membership.

Classes:

Fees will be approved by the Recreation Director pursuant to Section 36.04, Palm Bay Code of Ordinances, and will also be based upon the instructor's criteria and the terms of the class.

City of Palm Bay, Florida
Resolution 2022-21

	FY 21	FY 22
<i>Facility Rentals:</i>		
Gymnasiums		
Security Damage Deposit	300.00	300.00
Special Event Cleaning Fee		
Director has authority to require renter to pay fees for an outside cleaning service to sanitize the gym based on the nature of the special event, including but not limited to events with bodily fluids or animal waste. Renter will be notified prior to event that this cleaning service will be required and the special event cleaning fee will be paid prior to the event.		
Gymnasiums		
Hourly Rates		
Monday through Friday full court (8:30 a.m. – 5:00 p.m.*)	60.00 + tax/hour	60.00 + tax/hour
Monday through Friday half court (8:30 a.m. – 5:00 p.m.*)	35.00 + tax/hour	35.00 + tax/hour
Saturday & Sunday full court (4-hour minimum)	70.00 + tax/hour	70.00 + tax/hour
Saturday & Sunday half court (4-hour minimum)	45.00 + tax/hour	45.00 + tax/hour
*Mon-Fri hourly gym rentals after 5:00 p.m. are the supervisor's discretion		
Full/Half Day Rental Rates		
Half Day (8 hours)	520.00 + tax	520.00 + tax
Full Day (15 hours)	1000.00 + tax	1000.00 + tax
Additional Fees		
Volleyball nets set-up	25.00	25.00
Additional employee fee*	25.00/hour	25.00/hour
Stage set up and take down	100.00	100.00
Floor covering**	300.00	300.00
*Required when rental occurs outside of normal operating hours		

City of Palm Bay, Florida
Resolution 2022-21

	FY 21	FY 22
**Required when tables, chairs, food or footwear other than athletic shoes are associated with the event		
TRCC Banquet Rooms A and B:		
(Includes kitchen, as prep area only, and the maximum capacity not to exceed 200 persons)		
Friday, Saturday and Sunday (9 a.m. – 12 a.m. – must rent both rooms)		
Security Damage Deposit	100.00	100.00
8-hour rental fee (Fri-Sun)	325.00 + tax	325.00 + tax
4-hour rental fee (Fri-Sun)	200.00 + tax	200.00 + tax
Additional hours (Fri-Sun)	40.00/hr + tax	40.00/hr + tax
Hourly rental (Mon-Thurs only)	30.00/hr + tax	30.00/hr + tax
Hourly rental one-half of room (Mon-Thurs only)	20.00/hr + tax	20.00/hr + tax
Additional employee fee*	25.00/hr + tax	25.00/hr + tax
*Required when rental occurs outside of normal operating hours		
Meeting Rooms		
Security Damage Deposit	100.00	100.00
Medium Rooms – TWCC Room 5/6 (4-hour minimum on Sat & Sun)	30.00/hr + tax	30.00/hr + tax
Small Rooms – TWCC Rooms 1, 2, 3, 4 5, 6	20.00/hr + tax	20.00/hr + tax
Additional employee fee*	25.00/hr + tax	25.00/hr + tax
*Required when rental occurs outside of normal operating hours		
Kitchen		
TWCC attached to Room 6 (daily rate)	100.00/day + tax	100.00/day + tax

City of Palm Bay, Florida
Resolution 2022-21

Additional employee fee*	25.00/hr + tax	25.00/hr + tax
*Required when rental occurs outside of normal operating hours		
Captain's House Banquet Facility		
Security Damage Deposit	200.00	200.00
Friday-Sunday (8-hour rental)	325.00 + tax	325.00 + tax
Additional Hours	40.00/hr + tax	40.00/hr + tax
Monday-Thursday (8-hour rental)	160.00 + tax	160.00 + tax
Additional Hours	40.00/hr + tax	40.00/hr + tax
Additional employee fee*	25.00/hr + tax	25.00/hr + tax
*Required when rental occurs outside of normal operating hours		
Pavilions		
Large Pavilions	75.00/day + tax	75.00/day + tax
Inspiration Park, McGriff Park, FPRP PAL, FPRP Scout, Goode Park, Liberty Park, Free Lee Park #1, Vets Park, Bill Madden Park, Knecht Park #1, Nungesser Park, Pollak Park		
Standard Pavilions	50.00/day + tax	50.00/day + tax
Castaways Pointe Park #1, Castaways Pointe Park #2, Castaways Pointe Park #3, Driskell Park, Free Lee Park II, Knecht Park, Lynbrook Park, Oakwood Park #1 North, Knecht Park #1 South, Pollack Park, Riviera Park, FPRP Cricket, Turkey Creek Sanctuary Kiwanis		

City of Palm Bay, Florida
Resolution 2022-21

Small Pavilions	25.00/day + tax	25.00/day + tax
Knecht Park #2, Oak View Park, Oakwood Park		
Electric (where available)	15.00 + tax	15.00 + tax
Water (where available)	15.00 + tax	15.00 + tax
Greenspace (*see maintenance staff fees)		
Security Damage Deposit	200.00	200.00
Greenspace Rental Fee		200.00
Special Event Fee (if deemed Special Event by Recreation Director)	200.00	200.00
Ballfields (*see maintenance staff fees)		
Field Rental (2 hour minimum)	15.00/hr + tax	15.00/hr + tax
Light Fee	30.00/hr + tax	30.00/hr + tax
Field Lights for Community Partners	15.00/hr + tax	15.00/hr + tax
Field Marking – one time only	25.00	25.00
Youth Sports Player Fee (Community Partners Only)**		
** Community partners pay for lights used at \$15.00/hr		
Tournament Fees (*see maintenance staff fees)		
Security Damage Deposit	200.00	200.00
Field Rental	100.00/day + tax	100.00/day + tax
Light Fee	30.00/hr + tax	30.00/hr + tax
Field Lights for Community Partners	15.00/hr + tax	15.00/hr + tax
Baseball/Softball Field Marking – one time only	25.00	25.00

City of Palm Bay, Florida
Resolution 2022-21

Football/Soccer/Lax Field Marking – one time only	150.00	150.00
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Tournaments using 1 to 2 fields require a minimum of one employee at \$35.00/hr. Tournaments using 3 to 4 fields require a minimum of two (2) employees at \$35.00/hr/employee.

NOTE: Director has authority to adjust tournament fees based on tourism impact provided by the TDC Sports Commission, a part of the Tourist Development Council of Brevard County.

*Maintenance Staff Fees	
Attendance of 200-400 people	1 staff member at \$35/hr
Attendance of 401-800 people	2 staff members at \$35/hr/employee
Attendance of 801-1200 people	3 staff members at \$35/hr/employee
Attendance of 1201-1600 people	4 staff members at \$35/hr/employee
Attendance of 1601-2000 people	5 staff members at \$35/hr/employee
Attendance of 2001-2400 people	6 staff members at \$35/hr/employee
Attendance of 2401-2800 people	7 staff members at \$35/hr/employee
Attendance of 2801-3200 people	8 staff members at \$35/hr/employee
Each additional increment of 400 people	One additional staff member at \$35/hr/employee

Please note: There will be an additional charge of \$10.00/hour/employee for rentals held on City holidays.

	FY 21	FY 22
Outdoor Courts		
Court	5.00/hr + tax	5.00/hr + tax
Light Fee	10.00/hr + tax	10.00/hr + tax
Liberty Park Skate Rink		
Rental Fees Rink Rental – without lights	15.00/hr + tax	15.00/hr + tax
Rink Rental – with lights	25.00/hr + tax	25.00/hr + tax

City of Palm Bay, Florida
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Discount Categories
Non-profit/not-for-profit organizations >>and current city employees<< will receive a 25% discount off of the rental fee portion of all rentals upon proof of non-profit/not-for-profit>>/employee<< status.
Community Partners will receive a 50% discount off of the rental fee portion of all rentals.
Direct costs, employee fees, and utility fees for above categories must still be paid at full rates. Recreation Supervisors will verify all documentation and approve/apply rental discounts.

	FY 21	FY 22
<i>Equipment Rentals:</i>		
Mobile Stage Rental*		
Damage Deposit	500.00	500.00
Use Fee	1000.00	1000.00
Use Fee for non-profit/other gov't groups	750.00	750.00
Mobile Bleacher Rental*		
Damage Deposit	500.00	500.00
Use Fee	500.00/set	500.00/set
Use Fee for non-profit/other gov't groups	250.00/set	250.00/set

*Delivery/set-up/breakdown will require a minimum of two (2) employees for two (2) hours at \$35/hour/employee. Depending on the event, up to five (5) employees may be required for up to four (4) hours at \$35/hour/employee. In addition, the City may require an employee to be assigned to the stage during the entire event at \$35/hour.

**Delivery/set-up/breakdown will require an employee for two (2) hours at \$35/hour. Depending on the event, the City may require an employee to be assigned to the bleachers during the entire event at \$35/hour.

	FY 21	FY 22
<i>Palm Bay Aquatic Center:</i>		
Admission		
General Admission	4.00/day	4.00/day

City of Palm Bay, Florida
Resolution 2022-21

Lap swimming	4.00/day	4.00/day
Senior lap swimming	2.00/day	2.00/day
Veteran admission	1.50/day	1.50/day
Veteran's dependents admission	2.00/day	2.00/day
Day Care Groups admission	3.00/child	3.00/child
Seasonal pass (Memorial Day – Labor Day)	125.00	125.00
Seasonal pass (per additional household member)(Memorial Day – Labor Day)	100.00	100.00
12 visit pass	40.00	40.00
Senior 12 visit pass	20.00	20.00
Veteran 12 visit pass	15.00	15.00
All active and retired Police, Fire, Military Personnel, and Active City Employees	15.00	15.00
Rentals		
Full pool rental (in season*)	80.00/hr + tax	80.00/hr + tax
Full pool rental (off season*)	90.00/hr + tax	90.00/hr + tax
Lifeguards for full rental (5 total)	25.00/guard/hr	25.00/guard/hr
Half pool rental (in season*)	40.00/hr + tax	40.00/hr + tax
Half pool rental (off season*)	50.00/hr + tax	50.00/hr + tax

	FY 21	FY 22
Lifeguards for full rental (5 total)	25.00/guard/hr	25.00/guard/hr
Swim clubs/teams (in season*)(4 lanes)	20.00/hr + tax	20.00/hr + tax
Swim clubs/teams (off season*)(4 lanes)	30.00/hr + tax	30.00/hr + tax
Additional lanes	5.00/hr/lane + tax	5.00/hr/lane + tax

*In season is April 1 through October 31; off season is November 1 through March 31.

	FY 21	FY 22
<i>Palm Bay Aquatic Center:</i>		

City of Palm Bay, Florida
Resolution 2022-21

	FY 21	FY 22
Classes		
Swim lessons	40.00	40.00
Swim lessons (qualified for free/reduced lunch>> or child of current city employee<<)	30.00	30.00
Swim lessons (qualified for EBT)	20.00	20.00
Private swim lessons	25.00/hr	25.00/hr
Piranhas Swim team (summer with meets)	125.00	125.00
Lifeguard classes	250.00	250.00
Lifeguard recertification class (City employee)	35.00	35.00
Lifeguard recertification class (non-City employee)	50.00	50.00
Water safety instructor class (City employee)	50.00	50.00
Water safety instructor class (non-City employee)	250.00	250.00
<i>Recreation Programs:</i>		
Day Camps (Regular Day Camp is 7:00 a.m. – 6:00 p.m.)		
Weekly	100.00	90.00
Weekly (qualified for free/reduced lunch>> or child of current city employee<<)	90.00	67.50
Weekly (qualified for EBT)	75.00	45.00
Daily	30.00/day	30.00/day
Teen Camp (weekly only)	100.00	100.00
Late pick-up	20.00/hr	20.00/hr

A fee reduction of \$5.00 per child will be applied if there are three (3) or more kids in the same household. Reduction applies only to households that qualify for no other reduced fees.

Additional admission and transportation fees may apply to additional special activities and field trips.

City of Palm Bay, Florida
Resolution 2022-21

	FY 21	FY 22
<i>Recreation Programs:</i>		
After School Program		
Weekly	35.00	35.00
Bus Trips		
Fees based on ticket cost, availability, and transportation		
Adult League Fees		
Director or designee approves league team fees which will include indirect program costs and a percentage of the costs of electricity, field maintenance and staff coordination.		
Miscellaneous Recreation Programs		
Director or designee approves fees which will include indirect program costs and a percentage of the costs of transportation, supplies, staffing, etc.		
<i>Camping:</i>		
Scout Camping Area at FPRP		
Youth Group Primitive Camping	3.00/person/night	3.00/person/night
Campsites at FPRP		
Primitive camping site	10.00-30.00/night	10.00-30.00/night
Full hook-up site	15.00-50.00/night	15.00-50.00/night
Discount for stays of 30 consecutive days	15%	15%
Vehicle wash pass	5.00-10.00/wash	5.00-10.00/wash

Camping rates during special events determined by Director or designee to reflect the type of event and the impact on the park.

PAL – Police Athletic League
PBAC – Palm Bay Aquatic Center
TRCC – Tony Rosa Community Center
FPRP – Fred Poppe Regional Park
TWCC – Ted Whitlock Community Center

City of Palm Bay, Florida
Resolution 2022-21

~~Strikethrough~~ words shall be deleted; 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

DATE: 5/19/2022

RE: Resolution 2022-22, rescinding Resolution 2016-02, which authorized the closure of Tranter Avenue, between Sandusky and Tidewell Streets.

Tranter Ave (between Sandusky Street SE and Tidewell Street SE) crosses the Melbourne Tilman Water Management District (MTWMD) C-41 Canal. At the Regular Council meeting held on December 17, 2015, the emergency closure of Tranter Ave @ C-41-R canal was considered due to the failure of the drainage structure as the pipes/culverts in the canal under the road had deteriorated past their useful life. At that time, funding for replacement was not available and the motion for emergency closure was approved and the road was closed. The failed culvert was then permitted for removal and this portion of the road was closed since then.

Stormwater funding was previously approved to fund the installation of a new culvert and that project has been substantially completed. This request is to reopen Tranter Ave (between Sandusky Street SE and Tidewell Street SE) where it crosses the Melbourne Tillman Water Management District (MTWMD) canal C-41.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to approve reopening Tranter Ave (between Sandusky Street SE and Tidewell Street SE) at C-41.

ATTACHMENTS:

Description

Resolution 2022-22

RESOLUTION 2022-22

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, RESCINDING RESOLUTION 2016-02, WHICH AUTHORIZED THE CLOSURE OF TRANTER AVENUE, BETWEEN SANDUSKY AND TIDEWELL STREETS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 7, 2016, the City Council enacted Resolution 2016-02, which authorized the closure of Tranter Avenue, between Sandusky and Tidewell Streets, due to the failure of a drainage structure in the Melbourne-Tillman Water Control District C-41 Canal, and

WHEREAS, the construction for the installation of a box culvert has been completed and City staff requests that this segment of Tranter Avenue be reopened.

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 of the City of Palm Bay hereby rescinds Resolution 2016-02, enacted on January 7, 2016, in its entirety.

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, held on , 2022.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



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: 5/19/2022

RE: Ordinance 2022-58, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Community Development Advisory Board', by revising provisions contained therein, first reading.

Effective October 1, 2020, the State Legislature made revisions to the committee makeup of the affordable housing advisory committee and frequency of review of the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government. Further, staff has revised the language in the bylaws regarding the definition of "Essential Services Personnel" to be consistent with Florida Statutes.

Florida Statute 420.9076 states that the definition of "Essential Services Personnel" is defined by the local housing assistance plan. Staff has incorporated these changes into the CDAB Bylaws and Code of Ordinance to reflect these changes and be consistent to Florida Statute 420.9076.

REQUESTING DEPARTMENT:

Community & Economic Development

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to adopt Ordinance amending the City of Palm Bay Code of Ordinances Chapter 52, first reading.

ATTACHMENTS:

Description

Ordinance 2022-58

ORDINANCE 2022-58

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 52, BOARDS, SUBCHAPTER 'COMMUNITY DEVELOPMENT ADVISORY BOARD', BY REVISING THE COMPOSITION AND DUTIES AND RESPONSIBILITIES OF THE BOARD; 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.

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 'Community Development Advisory Board', Section 52.192, Composition, is hereby amended and shall henceforth read as follows:

"Section 52.192 COMPOSITION.

(A) The Community Development Advisory Board shall consist of nine (9) members appointed by the City Council, to include one locally elected official and one representative from at least six (6) of the categories below. Membership shall, to the extent possible, include persons from the following fields:

* * *

(7) One (1) member who represents essential services personnel, >>as<< defined in the local housing assistance plan as all persons who contribute to the growth and well being of the City of Palm Bay. ~~This includes but is not limited to any persons employed by an educational, governmental, or health care institution or any building trade personnel as well as financial and hospitality personnel;~~

* * *"

SECTION 2. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 52, Boards, Subchapter 'Community Development Advisory Board', Section

52.193, Duties and Responsibilities, is hereby amended and shall henceforth read as follows:

“Section 52.193 DUTIES AND RESPONSIBILITIES.

* * *

(C) ~~Triennially~~ >>Annually<<, the Board shall review the established policies and procedures, ordinances, land development regulations, and adopted Palm Bay comprehensive plan and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The initial report to City Council shall be submitted no later than December 31, 2008. Subsequent reports shall be submitted in the year prior to submission of the Local Housing Assistance Plan.

(D) At a minimum, the Board shall submit a report to the City Council that includes recommendations on, and ~~triennially~~ >>annually<< thereafter evaluates the implementation of, affordable housing incentives in the following areas:

* * *”

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- , 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: _____

Strikethrough words shall be deleted; highlighted words that will 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: Nancy A. Bunt, Community & Economic Development Director

DATE: 5/19/2022

RE: Ordinance 2022-59, amending the Code of Ordinances, Chapter 110, Business Taxes, Subchapter 'Business Taxes; Tax Receipts; Receipts', by revising provisions contained therein, first reading.

Staff has prepared an amendment to Palm Bay Code of Ordinances, Chapter 110, Business Taxes, Tax Receipts, Receipts. Specifically, staff is proposing to amend Chapter 110 as follows:

- *110.22 Failure to Pay*, penalties can be assessed through the code enforcement process;
- Removed *110.25 Change of Location and 110.26 Transfer of Receipt* as this requires issuance of a new Business Tax Receipt;
- Replaced Finance Director with Community & Economic Development Director throughout;
- *110.41 Home Business Tax* added language in accordance with Florida Statutes 559.955; and
- *110.44 Receipt Tax Schedule* deleted language as fee schedule has now been reached since the 1996 fee schedule was implemented.

REQUESTING DEPARTMENT:

Community & Economic Development

RECOMMENDATION:

Motion to approve an Ordinance amending Chapter 110, Palm Bay Code of Ordinances, related to Business Taxes; Tax Receipts; Receipts.

ATTACHMENTS:

Description

Ordinance 2022-59

ORDINANCE 2022-59

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XI, BUSINESS REGULATIONS, CHAPTER 110, BUSINESS TAXES, SUBCHAPTER 'BUSINESS TAXES; TAX RECEIPTS; RECEIPTS', BY REVISING PROVISIONS CONTAINED THEREIN; 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.

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 XI, Business Regulations, Chapter 110, Business Taxes, Subchapter 'Business Taxes; Tax Receipts; Receipts', is hereby amended and shall henceforth read as follows:

"§ 110.15 DEFINITIONS.

* * *

SIC MANUAL. The *North American Industry Classification System*, United States, 1997 >>2022, as amended<<, published by the Federal Office of Management Budget.

§ 110.22 DELINQUENT TAXES.

(A) *Penalties for delinquency.* All business taxes required to be paid by this subchapter shall be deemed delinquent if not paid and renewed by October 1st, and all persons delinquent in the payment of such taxes shall be required to pay a penalty of an additional ten percent (10%) of the business tax for the month of October plus an additional five percent (5%) penalty for each month or part thereof that such person is delinquent. However, the total delinquency penalty shall not exceed twenty-five percent (25%) of the business tax.

~~(B) *Collection by City Attorney* Collection procedures may be started by the City Attorney on those applicants who have not paid their business tax by January 1 of each fiscal year.~~

(G >>B<<) *Failure to pay; penalty.* Any person who engages in any business, occupation, or profession who does not pay the business tax within one hundred and fifty (150) days after the date such payment is due shall be required to a penalty of one hundred percent (100%) of the business tax amount, in addition to all other penalties and any collection or administrative costs and attorney fees and court costs incurred by the city in collecting such sums >>, assessed through the code enforcement process<<.

(D >>C<<) *Forfeiture of nonconforming status.* Businesses delinquent in the payment of their business taxes by twenty (20) business days or more shall forfeit their nonconforming status.

* * *

~~§ 110.25 CHANGE OF LOCATION; TAX.~~

~~Upon written request and presentation of the original business tax receipt, the business tax levy may be transferred from one (1) location within the city to another upon surrender of the original business tax receipt and payment of a transfer fee of ten percent (10%) of the annual business tax but no more than twenty-five dollars (\$25.00), whichever is less.~~

~~§ 110.26 TRANSFER OF RECEIPT TO NEW OWNER; TAX.~~

~~A business tax receipt may be transferred to a new owner when there is a bona fide sale of a business upon surrender of the original receipt and evidence of such sale, and upon payment of a transfer fee of ten percent (10%) of the annual business tax or twenty-five dollars (\$25.00), whichever is less.~~

* * *

§ 110.33 DISAGREEMENT AS TO CLASSIFICATION; RIGHT OF APPEAL.

If there is a disagreement between the applicant and the city on the question of proper classification for any person or business upon which a business tax has been levied, the Finance >>Community and Economic Development<< Director shall decide the proper classification with the right of the applicant to appeal the decision to the City Manager, whose decision upon the point shall be final.

§ 110.34 WHEN APPROVAL OF CITY MANAGER REQUIRED.

All businesses requiring approval of the City Manager shall submit applications to the Finance >>Community and Economic Development<< Director not less than two (2) weeks prior to commencement of the proposed activity or function.

§ 110.35 RENEWAL NOTICES; NONRECEIPT OF NOTICE NO DEFENSE.

The Finance >>Community and Economic Development<< Director shall send out annual renewal notices to all businesses that hold a business tax receipt no later than June 25th of each year. Failure to receive such notice will not be considered a justifiable defense for nonpayment of any tax or late fee.

§ 110.36 DUTIES AND RESPONSIBILITIES OF FINANCE >>COMMUNITY AND ECONOMIC DEVELOPMENT<< DIRECTOR.

The Finance >>Community and Economic Development<< Director shall keep a complete record of all business taxes collected, showing the nature of the business, the date of levy, and to whom a business tax receipt was issued.

§ 110.37 EVIDENCE OF ENGAGING IN BUSINESS.

The advertisement of any business by sign, newspaper, magazine, telephone listing or other public notice >>or the distribution of any advertising matter or material or in any other way indicating engagement in a business, profession, or occupation,<< shall be conclusive evidence of the engaging in and carrying on the business in the city so advertised.

* * *

§ 110.41 HOME BUSINESS TAX.

~~A home business tax may be levied to provide a person means of establishing an authorized home business address, when the home is used as a location for a business telephone, an address for business correspondence and a storage place for business records.~~ >>Any person engaged in a business, profession or occupation who chooses to conduct the business, profession or occupation from the applicant's permanent, primary residence shall, prior to conducting such business, profession or occupation, apply for and receive a business tax receipt for a home occupation or home-based business and shall be subject to the regulations contained in Section 559.955, Florida Statutes, as may be amended.<< The business tax for a home business shall be assessed pursuant to the schedule contained in this subchapter. ~~Home businesses and the right to conduct them are subject to all ordinances that pertain to them.~~

* * *

§ 110.44 RECEIPT TAX SCHEDULE.

The business tax which shall be levied against every person engaging or managing businesses, professions or occupations is hereby fixed as follows:

~~Variable Scale~~

~~Variable~~

~~Tax~~

~~Commercial Business Office~~

~~Building Size:~~

~~Square Footage from 1-2000~~ ~~\$ 78.75~~

~~Plus for each 1000 feet or fraction~~ ~~\$ 26.25~~

~~Maximum cap~~ ~~\$210.00~~

~~Plus number of employees:~~

~~(Owner considered an Employee)~~

~~Operated by owner and~~

~~Not more than 3 employees~~ ~~\$ 26.25~~

~~4 and not over 10 employees~~ ~~\$ 52.50~~

~~11 and not over 15 employees~~ ~~\$ 78.75~~

~~16 and not over 25 employees~~ ~~\$105.00~~

~~26 and not over 50 employees~~ ~~\$157.50~~

~~51 and not over 100 employees~~ ~~\$183.75~~

~~101 and not over 150 employees~~ ~~\$210.00~~

~~Each additional 50 employees or fraction over 150~~ ~~\$ 26.25~~

~~Plus machines and/or devices (each):~~

~~(A) Pinball, Juke Boxes, Phonograph
Shuffleboard, Bowling Lanes, Carnival Rides,
Amusement and the like~~ ~~\$ 21.00~~

~~(B) Soft Drink, Food Products and the like,
Journals and Digests, Vending Machines \$0.25 or
less~~ ~~\$ 10.50~~

~~(C) Soft Drink, Food Products, Cigarette
Machines and the like, Journals and Digests,
Vending Machines over \$0.25~~ ~~\$ 21.00~~

~~(D) Service Machines or Devices, Telephones,
Lockers, Copiers, Heart or Blood Pressure,~~ ~~\$ 21.00~~

~~Baggage Carts, Bowling Ball Washers, Laundry
Machines, Weighing Scales, and the like~~

>>(A) Vending Machines, Laundry Machines,
and the like<< >>\$ 21.00<<

(E >>B<<) Fuel Dispensers \$ 26.25

Variable

Tax

Plus Hotels, Motels, Apartments, Rooms, Units:

Each unit \$ 4.20

Plus Vehicles for Hire: \$ 26.25

Plus Professionals: \$131.25

e.g. Acupuncturist, Architect, Attorney,
Auctioneer, Certified Public Accountant,
Chiropractor, Clinical Counselor, Dentist, Doctor -
Physician, Engineer, Geologist, Land Surveyor,
Landscape Architect, Massage Therapist,
Optician, Optometrist, Osteopathic Physician,
Physical Therapist, Pilot, Podiatrist, Psychiatrist,
Psychologist, Real Estate Broker, Real Estate
Appraiser, Self-Employed Nurse/Midwife,
Therapist - Pathologist, Veterinarian

Home Business Office: (if Business is not included under
other section) \$105.00

Contractor: \$236.25

Subcontractor: \$157.50

Out of State Insurance Company \$105.00

>>All other Businesses \$210.00<<

~~Nonconforming Status Business:~~

~~Businesses issued an occupational license (n/k/a business tax receipt) as of
October 1, 1995, and whose taxes did not meet the designated October 1, 1996
rates, shall have their taxes incrementally adjusted on an annual basis until the
current business tax levy is reached, as follows:~~

~~Number of Employees — Adjustment~~

~~1-10 The increase as of October 1, 1996, shall be 25% of the designated fee or business tax; subsequent years shall be 10% each year until the designated business tax levy has been reached;~~

~~11-50 The increase as of October 1, 1996, shall be 25% of the designated fee or business tax; subsequent years shall be 10% each year until the designated business tax levy has been reached;~~

~~51-up The increase as of October 1, 1996, shall be 50% of the designated fee or business tax; subsequent years shall be 25% each year until the designated business tax levy has been reached.~~

* * *

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- , 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: _____

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

DATE: 5/19/2022

RE: Consideration of a request from Florida Power and Light for two (2) ground equipment easements at Inspiration Park.

Florida Power and Light (FPL) is requesting 2 Non-Exclusive Easements for placement of above and underground electric utility facilities. The Easements will be located along Consumer Street SE at the Southeast and Southwest boundary corners of Inspiration Park. The purpose of the request from FPL is to assist them in the continuing FPL Storm Secure Program in this area.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None.

RECOMMENDATION:

Motion to approve the FPL Easement requests at Inspiration Park as noted above.

ATTACHMENTS:

Description

FPL Easement Deed

Exhibit "A"

Vicinity Map

Work Request No.
11074048

SEC.5 TWP 29S, RGE 37E

Parcel I.D.

29-37-05-GJ-A

(Maintained by County Appraiser)

UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Katie Hudson, Project Manager

Co. Name: Bowman Consulting Group

Address: 301 SE Ocean Blvd, Suite 301

Stuart, FL 34994

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility facilities (including cables, conduits, appurtenant equipment and appurtenant above-ground equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

See Exhibit "A" ("Easement Area")

Together with the right to permit any other person, firm, or corporation to attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area heretofore described, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

Reserved for Circuit Court

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 20____.

Signed, sealed and delivered in the presence of:

THE CITY OF PALM BAY, A MUNICIPAL CORPORATION
OF THE STATE OF FLORIDA

(Witness' Signature)

Print Name: _____

(Witness)

By: _____

Print Name: J ROBERT MEDINA, MAYOR

Print Address: 120 MALABAR ROAD

PALM BAY, FL 32907

(Witness' Signature)

Print Name: _____

(Witness)

By: _____

Print Name: _____

Print Address: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ by _____,

(Date)

and _____, ☐ who is (are) personally known to me or ☐ has (have) produced _____ as identification or who did (did not) take an oath.

(Type of Identification)

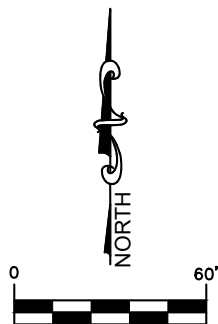
My Commission Expires:

ID 53

Notary Public, Signature

Print Name _____

SKETCH AND DESCRIPTION
THIS IS NOT A SURVEY




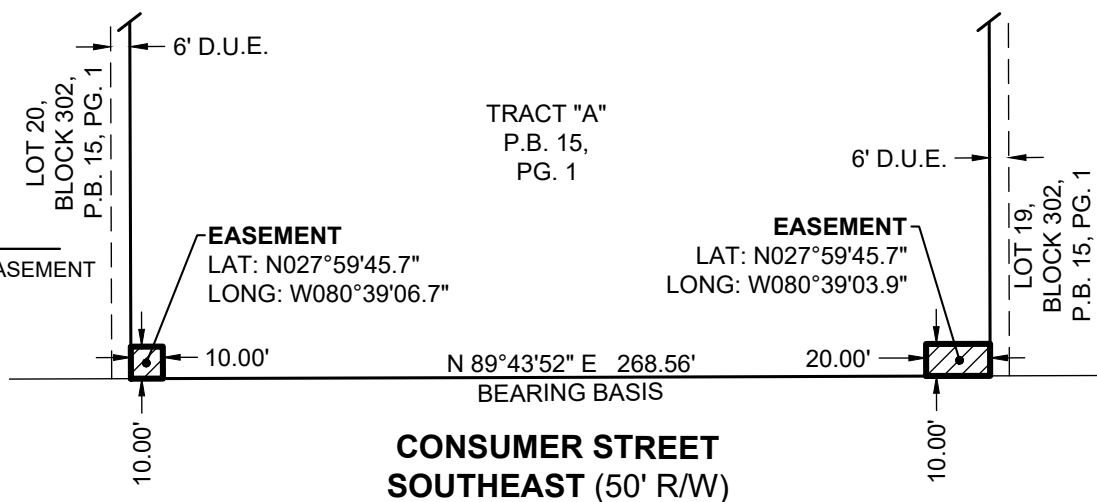
(IN FEET)

1 inch = 60 ft.

THIS MAP IS INTENDED TO
BE DISPLAYED AT A SCALE
OF 1" = 60'

LEGEND

D.U.E. = DRAINAGE & UTILITY EASEMENT
LB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
LTD. = LIMITED
NO. = NUMBER
(P) = PLAT
P.B. = PLAT BOOK
PG. = PAGE
R/W = RIGHT-OF-WAY
 = EASEMENT



SURVEYOR'S NOTES:

1. OTHER MATTERS OF RECORD AFFECTING LANDS SHOWN HEREON MAY BE FOUND IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
2. THE BASIS OF BEARING IS THE SOUTHERLY PROPERTY LINE OF THE PARCEL AS DESCRIBED BELOW, HAVING AN ASSUMED BEARING OF N 89°43'52" E.
3. NO FIELD WORK WAS PERFORMED.
4. LATITUDE AND LONGITUDE ARE FOR RELATIVE LOCATION AND ARE NOT FOR CONSTRUCTION PURPOSES.
5. ALL RADII ARE 25' UNLESS OTHERWISE SHOWN.

LEGAL DESCRIPTION:

THE WESTERLY 10.00' OF THE SOUTHERLY 10.00' TOGETHER WITH THE EASTERLY 20.00' OF THE SOUTHERLY 10.00' OF TRACT "A", PORT MALABAR, UNIT NINE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 1 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

ADDRESS:

751 CONSUMER STREET SOUTHEAST, PALM BAY, FLORIDA

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE SKETCH AND DESCRIPTION SHOWN HEREON WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BRION D. YANCY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS 7162

DATE OF SIGNATURE

NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL OR ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Bowman
CONSULTING

Bowman Consulting Group, Ltd., Inc. Phone: (772) 249-0733
10815 S.W. Tradition Square
Port St. Lucie, FL 34987 www.bowmanconsulting.com

© Bowman Consulting Group, Ltd.

Professional Surveyors and Mappers, Certificate NO. LB-8030

EXHIBIT "A"
FLORIDA POWER AND LIGHT
EASEMENT

BREVARD COUNTY

FLORIDA

PROJECT NO. 100207-01-012

REVISED DATE:

DATE: Apr. 5, 2022

CADD FILE: EXHIBIT 53

WR NO. 11074048

SCALE: 1" = 60'

SHEET 1 OF 1

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 April 12, 2022.

PROPOSED FP&L EASEMENTS
751 CONSUMER STREET SE
INSPIRATION PARK - (TRACT A, PMU 9)

0 10 20 40
Feet
1 inch = 40 feet



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: 5/19/2022

RE: Consideration of a purchase offer for City-owned surplus real estate generally located at 1201 Sunswept Road NE (Tax Account: 2834976 and Parcel ID: 28-37-26-04-A-A) from buyer Joan Kundis (\$20,000).

On January 20, 2022, City Council declared this property as surplus. The .12 acre parcel is unaddressed but generally located at 1201 Sunswept Road NE (Tax Account: 2834976 and Parcel ID: 28-37-26-04-A-A) and was one of four parcels acquired 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.

Ellingson Properties prepared a Comparative Market Analysis (CMA) with a suggested list price of \$15,000 in February 2022. This property has been listed for sale through the City's contract residential real estate broker, Ellingson Properties, LLC. since March 2, 2022.

On March 9, 2022, the city received an offer of \$16,000 from Joan Kundis, who currently resides at 1181 Sunswept Road NE. This offer was presented to City Council at the regular council meeting on April 21, 2022 and not accepted. Council requested the property be re-listed at \$24,000. The city received an offer of \$20,000 from Joan Kundis on April 22, 2022. There have been no other offers on the property since it was listed and staff has confirmed that all adjacent property owners were notified that the property was available for sale.

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 authorize the City Manager to execute the purchase contract for City-owned surplus real estate located at unaddressed Sunswept Road NE (Tax Account: 2834976) with buyer Joan Kundis and bring forth a Resolution at a future Council meeting.

ATTACHMENTS:

Description

Attachment A - Sales Addendum

Attachment B - Vacant Land Contract (Sunswept Road)

Attachment C - Updated Sales Addendum \$24,000

BCPA Property Details

BCPA Property Map

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, with offices located at 120 Malabar Road S.E., Palm Bay, Florida 32907, and **ELLINGSON PROPERTIES, LLC** ("Broker"), with offices located at 5815 S. Highway U.S. 1, Rockledge, Florida 32955.

City and Broker hereby agree to supplement the Agreement as follows:

1. This Addendum is made with respect to the following Property:

i. Address: Burnswept, Palm Bay, 32905
ii. Parcel ID: 28-37-26-04-0000A-0-000A, 00
iii. Tax ID: 2834976

2. The term of Broker's exclusive listing for this Property shall:

i. begin on TBD [Seller to insert date] and
ii. expire at midnight on 12/31/2022 [Seller to insert date].

3. The Property shall be listed at \$ 15,000.

4. Seller designates the following entity as closing agent (title company/law firm) to conduct the closing on the Property: E-title Services.

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: [Signature]

Title: City Manager

Date: 2-28-2022

BROKER:

ELLINGSON PROPERTIES, LLC

By: [Signature]

Title: Broker Associate

Date: 3/2/2022

A		B		C		D		E	
Features/adjustments		Subject		Comp1		Adjustment Co		Comp2	
1	Address	Sunswept		500 Hobart				544 Higgs Ave	
2	Closing Date			1/19/2022				1/4/2022	
3	MLS#			893607				904757	
4	Sqft Living								
5	Price Sold/Contingent			\$21,000				\$ 18,500.00	
6	View	water		no water		\$ 7,000.00		no water	
7	Lot Size					0.14 \$			
8	Condition	non buildable vacant land		0.12		(1,000.00)		buildable	
9	City Water					\$ (10,000.00)			
10	Sewer								
11	Kitchen								
12	Baths								
13	Central Vac								
14	Fireplace								
15	Flooring								
16	Completely Solar								
17	Impact Windows								
18	Pool/Spa								
19	Dock								
20	Total Adjustments					(\$4,000)			
21	Adjusted Price								
22	Adjust SF Price								
23	Adjusted Comp Price					\$17,000			
24						CMA Value Com		\$	
25								13,383.33	

CMA Property Value = \$13383
Suggest list at \$15000.

	F	G	H	I	J	K
	Adjustment Comp	Comp3	Adjustment Com	Comp 4	Adjustment C	Comp 5
1						
2		1614 Seeley		581 Oleander Lane	1400 Nolan	
3		11/29/2022		11/20/2022		11/3/2022
4		920541		906891		898081
5						
6		\$ 25,000.00		\$ 28,000.00		\$19,900
7	\$ 7,000.00	no water	\$ 7,000.00	water	water	
8	\$ (6,000.00)	0.23 \$	\$ (5,500.00)	0.24 \$	\$ (6,000.00)	0.14
9	\$ (10,000.00)	buildable	\$ (10,000.00)	buildable	\$ (10,000.00)	buildable
10						
11			\$ -			
12						
13						
14						
15						
16						
17						
18						
19						
20						no
21	\$ (9,000.00)		\$ (8,500.00)		\$ (16,000.00)	
22						
23						
24	\$ 9,500.00		\$ 16,500.00		\$ 12,000.00	
25						

	L		M		N	
	Adjustment Comp 5		Comp 6		Adjustment Comp 6	
1						
2			1111 NE Ver			
3			10/14/2022			
4			910720			
5						
6			\$25,900			
7			no water		\$ 7,000.00	
8	\$	(1,000.00)	0.25		\$ (6,500.00)	
9	\$	(10,000.00)	buildable		\$ (10,000.00)	
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20			no			
21	\$	(11,000.00)			\$ (9,500.00)	
22						
23						
24	\$	8,900.00			\$ 16,400.00	
25						

893607 Closed Vacant Land

500 Hobart Ave NW, Palm Bay, FL 32907

LP:\$22,500 SP:\$21,000



Area: 344 - NW Palm Bay
Subdiv/Condo: PORT MALABAR UNIT 39
ResType: Residential
Waterfront:
Waterfront Type:
Lot Dim:
Acreage: 0.14
Closed Date: 01/19/2022

County: Brevard

Narrative: Ready to build your dream home then this lot is perfect for you and your family.

Directions: Turn right on Malabar Road, Right on Jupiter Blvd, Left on to Serenade Street and continue right into Hobart.

DOM: 291

Sold Date: 01/19/2022

904757 Closed Vacant Land

544 Higgs Ave NW, Palm Bay, FL 32907

LP:\$19,000 SP:\$18,500



Area: 344 - NW Palm Bay
Subdiv/Condo: PORT MALABAR UNIT 26
ResType: Residential
Waterfront:
Waterfront Type:
Lot Dim:
Acreage: 0.24
Closed Date: 01/04/2022

County: Brevard

Narrative: Wonderful lot in prime 32907 near Hammock Landing shopping.

Directions: From i95 exit 173, west on Malabar, north on Jupiter, west on Serenade, south on Higgs, lot is on west side of road

DOM: 0

Sold Date: 01/04/2022

920541 Closed Vacant Land

1614 Seeley Cir NW, Palm Bay, FL 32907

LP:\$25,000 SP:\$25,000



Area: 344 - NW Palm Bay
Subdiv/Condo: PORT MALABAR UNIT 39
ResType: Residential
Waterfront: No
Waterfront Type:
Lot Dim:
Acreage: 0.24
Closed Date: 11/29/2021

County: Brevard

Narrative: Don't let this beautiful property in NW Palm Bay slip past you. Very quiet neighborhood, easement in the back of the lot for more privacy and close to Shopping, dining, schools, 195 and St Johns Heritage Parkway. Build your perfect home or keep as an investment. Hurry! This property won't last long!

Directions: FROM MALABAR RD., GO NORTH ON KRASSNER, THEN WEST ON SEELEY

DOM: 4

Sold Date: 11/29/2021



Area: 344 - NW Palm Bay
Subdiv/Condo: PORT MALABAR UNIT 41
ResType: Residential
Waterfront: No
Waterfront Type:
Lot Dim:
Acreage: 0.24
Closed Date: 11/20/2021

County: Brevard

Narrative: IN A QUIET NEIGHBORHOOD OF WINDING ROADS, THIS LOVELY LOT BACKS UP TO A DRAINAGE CANAL BUFFERED WITH NATURAL GROWTH. THIS CREATES EXTRA PRIVACY AND A WOODSY SETTING. THE PARCEL IS LOCATED CLOSE TO THE NEW ST. JOHN'S HERITAGE PKWY LEADING TO US-192 AND I-95. HERITAGE HIGH SCHOOL IS JUST 7-MINUTES AWAY. ONE OF THE CITY'S NEWEST PARKS IS ALSO CLOSE BY, OFFERING SPORTS FIELDS, A PET AREA, PLAYGROUND, AND COMMUNITY CENTER. THIS SITE UTILIZES WELL WATER/SEPTIC.

Directions: FROM MALABAR RD., GO NORTH ON KRASSNER, NORTH ON RED BUD, THEN TAKE YOUR FIRST LEFT ON RED BUD. TURN NORTH ON OLEANDER. LOT IS ON THE RIGHT.

DOM: 138

Sold Date: 11/20/2021



Area: 340 - NE Palm Bay
Subdiv/Condo: PORT MALABAR UNIT 28
ResType: Residential
Waterfront:
Waterfront Type:
Lot Dim: 50x125
Acreage: 0.14
Closed Date: 11/03/2021

County: Brevard

Narrative: Are you looking for a beautiful, lake-view, high elevation city-water lot in Palm Bay that is close to the highway? This lot is next to 1402 Nolan St NE. It has city water, and is close to Interstate-95 at Malabar Rd. It is also across from a small lake with privacy to the side. Convenient location to most everything.

Owner financing is available with 30% down or option contract with minimum 20%. Full price offer only. Price may change without notice Please call to confirm.
Directions: From US-1 S: Head South on US-1. Turn RIGHT onto Malabar Rd SE. Turn RIGHT onto Babcock St. Turn LEFT onto Charles Blvd NE. Turn LEFT onto Riley Ave NE. Riley Ave NE turns into Nolan St SE.

DOM: 1352

Sold Date: 11/03/2021



Area: 340 - NE Palm Bay
Subdiv/Condo: FAIRHAVEN SUBD
ResType: Residential
Waterfront: No
Waterfront Type:
Lot Dim:
Acreage: 0.25
Closed Date: 10/14/2021

County: Brevard

Narrative: Fantastic residential lot in Fairhaven Subdivision. Newly paved streets in neighborhood are an added bonus to this desirable quarter acre lot in sought after area. City water available. Build you dream home here, just a few blocks to the river, and close enough to feel the river breezes.

Directions: US1 to west on Port Malabar to right on Bianca to left on Kosuth to right on Ver.

DOM: 40

Sold Date: 10/14/2021

Vacant Land Contract



1. **Sale and Purchase ("Contract"):** _____ City of Palm Bay _____ ("Seller")
 and _____ Joan M Kundis _____ ("Buyer")
 (the "parties") agree to sell and buy on the terms and conditions specified below the property ("Property")
 described as:
 Address: _____ 0000 Sunswept Road NE, Palm Bay, FL 32905
 Legal Description: _____ 28-37-26-04-0000A-0-000A.00 Highland Shores Estates Tract A Block A

 SEC 26 /TWP / 28 /RNG 37 of _____ Brevard _____ County, Florida. Real Property ID No.: _____ 2834976
 including all improvements existing on the Property and the following additional property: _____
2. **Purchase Price:** (U.S. currency) _____ \$ _____ 20,000.00
 All deposits will be made payable to "Escrow Agent" named below and held in escrow by:
 Escrow Agent's Name: _____ Echelon Title
 Escrow Agent's Contact Person: _____ Stacy Vollenweider
 Escrow Agent's Address: _____ 5815 S US 1, Rockledge, FL 32955
 Escrow Agent's Phone: _____ 321-450-4720
 Escrow Agent's Email: _____ stacy@etitlebrevard.com
- (a) Initial deposit (\$0 if left blank) (Check if applicable)
☐ accompanies offer
☒ will be delivered to Escrow Agent within _____ days (3 days if left blank)
 after Effective Date _____ \$ _____ 2,000.00
- (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 _____ \$ _____ 18,000.00
- (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 _____ May 11, 2021 _____, 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 _____ see section 23 _____ ("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 (JMK) (_____) 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 _____ 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

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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 _____ 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 _____ 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 _____ 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 JK (____) 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.

Jenny Walker, GRI BK3119425

Seller's Sales Associate/License No.

Jenny Walker, GRI

BK3119425

Buyer's Sales Associate/License No.

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329 *	Jenny@gregellingson.com	Jenny@gregellingson.com
330	Seller's Sales Associate Email Address	Buyer's Sales Associate Email Address
331		
332 *	13215444751	13215444751
333	Seller's Sales Associate Phone Number	Buyer's Sales Associate Phone Number
334		
335 *	Ellingson Properties	Ellingson Properties, LLC
336	Listing Brokerage	Buyer's Brokerage
337		
338 *	5815 S US 1, Rockledge, FL 32955	5815 S US 1, Rockledge, FL 32955
339	Listing Brokerage Address	Buyer's Brokerage Address

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:** Property to close within 35 days of executed contract.
 346 _____
 347 _____
 348 _____
 349 _____
 350 _____
 351 _____
 352 _____
 353 _____
 354 _____
 355 _____
 356 _____
 357 _____
 358 _____
 359 _____
 360 _____

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:** Joan M Kundis **Date:** 4/22/2022

368 * **Print name:** _____

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 ^{JK} () 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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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, with offices located at 120 Malabar Road S.E., Palm Bay, Florida 32907, and **ELLINGSON PROPERTIES, LLC** ("Broker"), with offices located at 5815 S. Highway U.S. 1, Rockledge, Florida 32955.

City and Broker hereby agree to supplement the Agreement as follows:

1. This Addendum is made with respect to the following Property:

i. Address: Sevensweet, Palm Bay, 32905
ii. Parcel ID: 28-37-26-04-000A-0-000A, 00
iii. Tax ID: 2834976

2. The term of Broker's exclusive listing for this Property shall:

i. begin on TBD [Seller to insert date] and
ii. expire at midnight on 3/13/23 [Seller to insert date].

3. The Property shall be listed at \$ 15,000 \$24,000 gmo

4. Seller designates the following entity as closing agent (title company/law firm) to conduct the closing on the Property: E-title Services

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: [Signature]

Title: City Manager

Date: 2-28-2022

BROKER:

ELLINGSON PROPERTIES, LLC

By: [Signature]

Title: Broker Associate

Date: 3-13-2022



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: Terese Jones, City Clerk

DATE: 5/19/2022

RE: Consideration of reallocating previously approved funding for the Special Election for upgrades to the audio/speaker system in Council Chambers (\$83,069).

On August 5, 2021, City Council approved funding for the special election held March 8, 2022, which had an estimated cost of \$254,000. The final invoice received was \$169,150.

Staff is requesting Council's consideration to reallocate the savings in the amount of \$83,069 for an audio system upgrade in Council Chambers, utilizing the cooperative purchase contract with Omnia Partners (Contract 2019.001535; initial award expires November 2024). The vendor performing the upgrades is AVI-SPL.

Upgrades will include the replacement of all wired and wireless microphones, replacement of all indoor and outdoor speakers, and installation of additional outdoor speakers around the Council Chambers facility.

REQUESTING DEPARTMENT:
Legislative, Information Technology

FISCAL IMPACT:
Transfer \$83,069 from account number 001-1110-511-4902 to account numbers 001-2310-519-3141 (\$25,650); 001-2310-519-4001 (\$3,551); 001-2310-519-4603 (\$3,962); 001-2310-519-5108 (\$48,253); 001-2310-519-5403 (\$1,653)

RECOMMENDATION:
Motion to authorize the reallocation of \$83,069 in previously approved funding from the special election for upgrades to the audio system in Council Chambers.

ATTACHMENTS:

Description

Omnia Contract Equipment List
Budget Transfer Request

Room Summary - Council Chambers

Equipment List

Mfg	Model	Description	Qty	Unit Price	Extended Price
		AUDIO PROCESSING			
QSC	QSCCORE510ICTO	SYSTEM, INTEGRATED CORE W/8 I/O CARD SLOTS, 256 NTWK *CONFIG Omnia Partner MSRP \$8500 20%OFF LIST	1	\$6,000.00	\$6,000.00
QSC	QSCSLDAN32P	SOFTWARE LICENSE, Q-SYS DANTE 32x32 CHANNEL, PERPETUAL Omnia Partner MSRP \$850 20%OFF LIST	1	\$600.00	\$600.00
QSC	QSCCIML4	CARD, 4CH MICROPHONE / LINELEVEL ANALOG AUDIO INPUT Omnia Partner MSRP \$350 20%OFF LIST	4	\$294.12	\$1,176.48
QSC	QSCCOL4	4 CHANNELS OF BALANCED LINE LEVEL AUDIO ANALOG OUTPUT Omnia Partner MSRP \$320 20%OFF LIST	1	\$264.71	\$264.71
QSC	QSCCXQ4K8	AMPLIFIER, 8 CHANNEL 500W Q-SYS NETWORKED, LO-Z, 70V, 100V Omnia Partner MSRP \$4760 20%OFF LIST	1	\$3,764.71	\$3,764.71
RADIO DESIGN LABS	RDLRUADA8D	DISTRIBUTION AMPLIFIER, BALANCED/UNBALANCED 2X8, 1X16 Omnia Partner MSRP \$560.34 10%OFF LIST	1	\$354.69	\$354.69
QSC	QSCIOUSBBRIDGE	Q-SYS POE BRIDGING ENDPOINT FOR AV TO USB BRIDGING Omnia Partner MSRP \$1920 20%OFF LIST	1	\$1,411.76	\$1,411.76
		WIRED MICROPHONES			
SHURE	SHUMX412DS	MICROPHONE, DESKTOP GOOSENECK SUPERCARDIOID Omnia Partner MSRP \$374 25%OFF LIST	13	\$241.32	\$3,137.16
SHURE	SHUMX412S	MICROPHONE, GOOSENECK SUPERCARDIOD Omnia Partner MSRP \$286 25% OFF LIST	1	\$211.92	\$211.92
		WIRELESS MICROPHONES			
SHURE	SHUMXWAPT8Z10	TRANSCIEVER, 8-CH ACCESS POINT Omnia Partner MSRP \$4260 25%OFF LIST	2	\$2,696.03	\$5,392.06
SHURE	SHUMXWNCS8	CHARGING STATION, 8CH NETWORKED Omnia Partner MSRP \$2220 25%OFF LIST	2	\$1,405.34	\$2,810.68
SHURE	SHUMXW8Z10	TRANSMITTER, DESKTOP BASE Omnia Partner MSRP \$625 25%OFF LIST	13	\$459.71	\$5,976.23

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Mfg	Model	Description	Qty	Unit Price	Extended Price
SHURE	SHUMXW2SM58Z10	TRANSMITTER, HANDHELD W/ SM58 MICROPHONE Omnia Partner MSRP \$716 25%OFF LIST	1	\$493.75	\$493.75
SHURE	SHUMXW1OZ10	TRANSMITTER, BODYPACK W/INTERGRATED OMNIDIRECTIONAL MICROPHO OMNIA PARTNER MSRP \$550 25% OFF LIST	1	\$427.50	\$427.50
SHURE	SHUMX410LPC	10" SHOCK-MOUNTED GOOSENECK, CARDIOID, LESS PREAMPLIFIER Omnia Partner MSRP \$276 25%OFF LIST	13	\$177.99	\$2,313.87
SHURE	SHUWL184	MICROPHONE, PRO UNIDIRECTIONAL LAVALIER OMNIA PARTNER MSRP \$133 25% OFF LIST	1	\$99.42	\$99.42
		<u>SPEAKERS</u>			
QSC	QSCACS6TWH	SPEAKER, 6" SURFACT MOUNTED 70/100V (PRICED EA/SOLD IN PRS) Omnia Partner MSRP \$150 20%OFF LIST	20	\$116.47	\$2,329.40
JBL	JBLCONTROLHST	SPEAKER, WIDE COVERAGE ON-WALL Omnia Partner MSRP \$335.32 22%OFF LIST	12	\$228.39	\$2,740.68
		<u>CONTROL</u>			
QSC	QSCSLQUD510P	SOFTWARE LICENSE, Q-SYS CORE 510 UCI DEPLOYMENT, PERPETUAL Omnia Partner MSRP \$420 20%OFF LIST	1	\$376.47	\$376.47
QSC	QSCSLQSE510P	SOFTWARE LICENSE, Q-SYS CORE 510 SCRIPTING ENGINE, PERPETUAL Omnia Partner MSRP \$750 20%OFF LIST	1	\$676.47	\$676.47
QSC	QSC TSC80TWG2BK	TOUCHPANEL 8" W/TABLE TOP MOUNTING ACCESSORY Omnia Partner MSRP \$1800 20%OFF LIST	1	\$1,488.24	\$1,488.24
QSC	QSCNS26300	NETWORK SWITCH, 26-PORT PRECONFIGURED FOR Q-SYS AUDIO/VIDEO Omnia Partner MSRP \$2505 20%OFF LIST	1	\$2,000.00	\$2,000.00
		<u>RACK / POWER</u>			
MIDDLE ATLANTIC	MIDERK2128	RACK, 21 SPACE 28" DEEP WITH REAR DOOR Omnia Partner MSRP \$937 25%OFF LIST	1	\$561.48	\$561.48
MIDDLE ATLANTIC	MIDCBSEK25R	CASTER BASE Omnia Partner MSRP \$313 25%OFF LIST	1	\$191.25	\$191.25
MIDDLE ATLANTIC	MIDUPSOL1500R	UPS, RACKMOUNT OL UPS 1500VA, 120V, 60HZ Omnia Partner MSRP \$2642 25%OFF LIST	1	\$1,569.23	\$1,569.23
MIDDLE ATLANTIC	MIDPDS615R	SWITCHED POWER DISTRIBUTION Omnia Partner MSRP \$691 25%OFF LIST	1	\$403.98	\$403.98
MIDDLE ATLANTIC	MIDPD915RVRN	POWER STRIP, 9 OUTLET, 15A SURGE/SPIKE PROTECTED, RACKMOUNT	1	\$178.98	\$178.98

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Mfg	Model	Description	Qty	Unit Price	Extended Price
		Omnia Partner MSRP \$271 25%OFF LIST			
MIDDLE ATLANTIC	MIDQTFP2	QUIET FAN PANEL ASSY, 2 FANS, 3 SPACE TEXTURED FINISH Omnia Partner MSRP \$197 25%OFF LIST	1	\$122.73	\$122.73
RADIO DESIGN LABS	RDLRURA3R	RACK ADAPTER, 3 RACK UP SERIES MODULE N/A OPEN MARKET	1	\$51.22	\$51.22
MIDDLE ATLANTIC	MIDUTR1	SHELF, HALF/THIRD RACK, UNIVERSAL Omnia Partner MSRP \$46.00 25%OFF LIST	1	\$28.63	\$28.63
MIDDLE ATLANTIC	MIDBR1	1 SPACE (1 3/4") BRUSH GROMMET PANEL OMNIA PARTNER MSRP \$74 25% OFF LIST	1	\$43.46	\$43.46
MIDDLE ATLANTIC	MIDEB1	1 SP (1 3/4") FLANGED ECONO-BLANK, BLACK POWDER OMNIA PARTNER MSRP \$9.20 25% OFF LIST	5	\$7.68	\$38.40
MIDDLE ATLANTIC	MIDD3	3 SPACE (5 1/4") RACK DRAWER, BLACK BRUSHED FINI OMNIA PARTNER MSRP \$270 25% OFF LIST	1	\$157.50	\$157.50
				Subtotal	\$47,393.06

Room Support and Maintenance

Elite Maintenance Services - Room; 12-months

\$3,961.85

Equipment Total	\$47,393.06
Installation Materials	\$2,512.82
Professional Services	\$25,650.00
Direct Costs	\$1,764.71
General & Administrative	\$1,786.35
Services - Room Support and Maintenance	\$3,961.85
Subtotal	\$83,068.79

For informational purposes only – all Purchase Orders must match Investment Summary details.

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Request/Submission Date

BT Number	Group #	Processing Date
1	1	1/1/2020
2	2	2/1/2020
3	3	3/1/2020
4	4	4/1/2020
5	5	5/1/2020
6	6	6/1/2020
7	7	7/1/2020
8	8	8/1/2020
9	9	9/1/2020
10	10	10/1/2020
11	11	11/1/2020
12	12	12/1/2020
13	13	1/1/2021
14	14	2/1/2021
15	15	3/1/2021
16	16	4/1/2021
17	17	5/1/2021
18	18	6/1/2021
19	19	7/1/2021
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22	22	10/1/2021
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24	24	12/1/2021
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26	26	2/1/2022
27	27	3/1/2022
28	28	4/1/2022
29	29	5/1/2022
30	30	6/1/2022
31	31	7/1/2022
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36	36	12/1/2022
37	37	1/1/2023
38	38	2/1/2023
39	39	3/1/2023
40	40	4/1/2023
41	41	5/1/2023
42	42	6/1/2023
43	43	7/1/2023
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70	70	10/1/2025
71	71	11/1/2025
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78	78	6/1/2026
79	79	7/1/2026
80	80	8/1/2026
81	81	9/1/2026
82	82	10/1/2026
83	83	11/1/2026
84	84	12/1/2026
85	85	1/1/2027
86	86	2/1/2027
87	87	3/1/2027
88	88	4/1/2027
89	89	5/1/2027
90	90	6/1/2027
91	91	7/1/2027
92	92	8/1/2027
93	93	9/1/2027
94	94	10/1/2027
95	95	11/1/2027
96	96	12/1/2027
97	97	1/1/2028
98	98	2/1/2028
99	99	3/1/2028
100	100	4/1/2028

[illegible]

Justification for Budget Transfer Request

Signature/Approval Requirements

Authorized Department Designee

Processed By

Budget Office Designee

City Manager

Please submit all Budget Transfer/BT requests to the Budget Office via e-mail at Budget@palmbayflorida.org



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 5/19/2022

RE: Consideration of utilizing Stormwater Utility Funds for construction funding related to Port Malabar Units 37 and 57 culvert pipe replacements (\$360,000).

Staff is requesting to appropriate funds for Port Malabar Unit 37 and unit 57 projects so that the construction services can be issued as a competitive solicitation upon completion of designs. This project is comprised of the replacement and restoration of culvert crossings along the Port Malabar (PMU) Unit 37 and 57. Construction of this project is turn-key and will include all aspects of work. The culvert replacement must occur prior to the road paving as part of the Phase 3 GO Road Bond paving project. In Port Malabar Unit 37 and 57, twelve (12) drainage crossings locations are proposed for culvert replacements or installation in Unit 37 as identified by the culvert inspection process and City unit paving and drainage plans and eleven (11) drainage crossings locations are proposed for culvert replacements or installation in Unit 57 as identified by the culvert inspection process and City unit paving and drainage plans.

The City's preliminary engineer's estimate for these projects, including design, advertisement, and other costs involved is \$135,000 for Unit 37 and \$225,000 in Unit 57. Public Works staff is preparing the summary of pay items, construction plans, and utility conflict locations matrix. The consideration of award of the competitive solicitation will be brought before Council upon completion of the Procurement process. Any funds remaining or required once the project has been bid out and ready for award will be requested or transferred back to the Stormwater Fund account at award.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

The estimated budget for these projects is \$360,000. Funds are available in Stormwater Utility Fund Undesignated Fund Balance 461-0000-392-3006 and will be appropriated as follows: \$135,000 to 461-7084-541-6309/22SU08 and \$225,000 to 461-7084-541-6309/22SU09 on the next scheduled Budget Amendment.

RECOMMENDATION:

Motion to approve Construction Funding for - Port Malabar Unit 37 Culvert Pipe Replacement and Port Malabar Unit 57 Culvert Pipe Replacement.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 5/19/2022

RE: Consideration of utilizing Stormwater Utility Funds for construction funding related to Rockabye Avenue at Melbourne Tillman Water Control District Canal C-41R and Harper Boulevard at Melbourne Tillman Water Control District Canal C-18 replacement/restoration of culvert crossings (\$850,000).

Staff is requesting to appropriate funds for Rockabye Ave. at Melbourne Tillman Water control district (MTWCD) Canal C-41R and Harper Blvd. at MTWCD Canal C-18 projects so that the construction services can be issued as a competitive solicitation upon completion of designs permitting. These projects are comprised of the replacement and restoration of culvert crossings in Port Malabar unit (PMU) 22 and 17 for Rockabye Ave. and PMU 36 for Harper Blvd. Construction of this project is turn-key and will include all aspects of work. These replacements were identified by the culvert inspection process and City unit paving and drainage plans. These projects have been in permitting and now need to be funded as permits have been issued.

The City's preliminary engineer's estimate for these projects, including design, advertisement, and other costs involved is \$400,000 for Rockabye Ave. at MTWCD Canal C-41R and \$450,000 for Harper Blvd. at MTWCD Canal C-18; Public Works staff is preparing the summary of pay items, construction plans, and utility conflict locations matrix. The consideration of award of the competitive solicitation will be brought before Council upon completion of the Procurement process. Any funds remaining or required once the project has been bid out and ready for award will be requested or transferred back to the Stormwater Fund account at award.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

The estimated budget for these projects is \$850,000 Funds are available in Stormwater Utility Fund Undesignated Fund Balance 461-0000-392-3006 and will be appropriated as follows: \$400,000 to 461-7084-541-6309/18SU12 and \$450,000 to 461-7084-541-6309/18SU14 on the next scheduled Budget Amendment.

RECOMMENDATION:

Motion to approve Construction Funding for - Rockabye Ave. at Melbourne Tillman Water control district (MTWCD) Canal C-41R and Harper Blvd. at MTWCD Canal C-18.

ATTACHMENTS:

Description

Harper Blvd Engineering Estimate

Rockabye Ave Engineering Estimate

Schedule of Prices for: HARPER BOULEVARD AT CANAL C-18 (FDOT ESTIMATE)

Bid #

Project No.: 18-17

SUMMARY OF PAY ITEMS

				Engineering Estimate	
Item	Description	Estimated Quantity	Unit	Unit Price	Amount
101-1	MOBILIZATION (10%)	1	LS	\$ 44,903.49	\$ 44,903.49
102-1	MAINTENANCE OF TRAFFIC (1%)	1	LS	\$ 7,483.92	\$ 7,483.92
104-1	EROSION CONTROL	1	LS	\$ 3,741.96	\$ 3,741.96
110-1-1	CLEARING & GRUBBING	0.23	AC	\$ 31,425.57	\$ 7,227.88
120-1	REGULAR EXCAVATION (SWALES)	49	CY	\$ 50.53	\$ 2,475.97
120-6	EMBANKMENT	232	CY	\$ 18.46	\$ 4,282.72
160-4	TYPE B STABILIZATION	134	SY	\$ 26.41	\$ 3,538.94
285-709	OPTIONAL BASE, BASE GROUP 09	123	SY	\$ 38.75	\$ 4,766.25
327-70-5	MILLING EXIST ASPH PAVT, 2" AVG DEPTH	84	SY	\$ 3.12	\$ 262.08
334-1-53	SUPERPAVE ASPH CONC, TRAF C, PG76-22 (2")	195	SY	\$ 45.33	\$ 8,839.35
400-1-2	CONC CLASS I, ENDWALLS	3.12	CY	\$ 1,537.79	\$ 4,797.90
400-2-2	CONC CLASS II, ENDWALLS	60	CY	\$ 2,064.72	\$ 123,883.20
	10'x 7' PRECAST CONCRETE BOX CULVERT	80	LF	\$ 1,503.33	\$ 120,266.40
430-175-115	PIPE CULV, OPT MATL, ROUND, 15" S/CD	40	LF	\$ 49.32	\$ 1,972.80
430-175-118	PIPE CULV, OPT MATL, ROUND, 18" S/CD	110	LF	\$ 58.74	\$ 6,461.40
430-982-123	MITERED END SECT, OPTIONAL RD, 15" CD	1	EA	\$ 798.00	\$ 798.00
430-982-125	MITERED END SECT, OPTIONAL RD, 18" CD	1	EA	\$ 922.57	\$ 922.57
530-3-4	RIPRAP, RUBBLE, F & I, DITCH LINING	293	TN	\$ 191.31	\$ 56,053.83
530-74	BEDDING STONE	176	TN	\$ 134.41	\$ 23,656.16
570-1-2	PERFORMANCE TURF, SOD	705	SY	\$ 5.66	\$ 3,990.30
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
TOTAL					\$ 430,325.12

\$ 374,195.76

Schedule of Prices for: ROCKABYE AVENUE @ C-41R CULVERT REPLACEMENT

Bid #

Project No. 20-31

SUMMARY OF PAY ITEMS				Engineering Estimate	
(Cont)					
Item	Description	Estimated Quantity	Unit	Unit Price	Amount
101-1	MOBILIZATION	1	LS	10%	\$ 31,493.60
102-1	MAINTENANCE OF TRAFFIC	1	LS	10%	\$ 31,493.60
104-1	EROSION CONTROL	1	LS	1%	\$ 3,149.36
120-1	REGULAR EXCAVATION (SWALES)	47	CY	\$ 10.18	\$ 478.46
120-6	EMBANKMENT	200	CY	\$ 18.46	\$ 3,692.00
160-4	TYPE B STABILIZATION	140	SY	\$ 7.86	\$ 1,100.40
285-706	OPTIONAL BASE, BASE GROUP 06	125	SY	\$ 22.17	\$ 2,771.25
327-70-6	MILLING EXIST ASPH PAVT, 1 1/2" AVG DEPTH	114	SY	\$ 3.12	\$ 355.68
337-1-13	1-1/2" SUPERPAVE ASPHALTIC CONCRETE, TRAFFIC C	20	TONS	\$ 116.76	\$ 2,335.20
400-2-2	CONC CLASS II, ENDWALLS	60	CY	\$ 2,064.72	\$ 123,883.20
	9'x 6' PRECAST CONCRETE BOX CULVERT	64	LF	\$ 1,800.00	\$ 115,200.00
530-3-4	RIPRAP, RUBBLE, F&I, DITCH LINING	354	TN	\$ 137.63	\$ 48,721.02
530-74	BEDDING STONE	100	TN	\$ 138.50	\$ 13,850.00
570-1-2	PERFORMANCE TURF, SOD	720	SY	\$ 3.54	\$ 2,548.80
TOTAL					\$ 381,072.57

\$ 314,936.01



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 5/19/2022

RE: Consideration of utilizing Stormwater Utility Funds for construction funding related to Port Malabar Unit 44 culvert pipe replacements (\$1,780,000).

Staff is requesting to appropriate funds for Port Malabar Unit 44 culvert pipe replacement project so that the construction services can be issued as a competitive solicitation upon completion of designs. This project is comprised of the replacement and restoration of culvert crossings along the Port Malabar (PMU) Unit 44. Construction of this project is turn-key and will include all aspects of work. The culvert replacement must occur prior to the road paving as part of the Phase 3 GO Road Bond paving project. In Port Malabar Unit 44, eighty-nine (89) drainage crossings locations are proposed for culvert replacements or installation as identified by the culvert inspection process and City unit paving and drainage plans.

The City's preliminary engineer's estimate for these projects, including design, advertisement, and other costs involved is \$1,780,000 in unit 44. Public Works staff is preparing the summary of pay items, construction plans, and utility conflict locations matrix. The consideration of award of the competitive solicitation will be brought before Council upon completion of the Procurement process. Any funds remaining or required once the project has been bid out and ready for award will be requested or transferred back to the Stormwater Fund account at award.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

The estimated budget for this project is \$1,780,000. Funds are available in Stormwater Utility Fund Undesignated Fund Balance 461-0000-392-3006 and will be appropriated as follows: \$1,780,000 to 461-7084-541-6309/22SU10 on the next scheduled Budget Amendment.

RECOMMENDATION:

Motion to approve Construction Funding for - Port Malabar Unit 44 Culvert Pipe Replacement.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 5/19/2022

RE: Consideration of utilizing Transportation Impact Fee funds for the acquisition of right-of-way from GA Property, LLC, for the widening of Babcock Street at the intersection of the St. Johns Heritage Parkway per the Interlocal Agreement between the City of Palm Bay and Brevard County (\$12,965.94).

The City of Palm Bay and Brevard County entered into an Interlocal Agreement known as the "St. Johns Heritage Parkway Intersection and Babcock Street", with an effective date of April 30, 2020, requiring the City to acquire the necessary right of way for the completion the Phase 3 road widening and utility relocation along Babcock Street at the Intersection of St Johns Heritage Parkway by December 31, 2021. An amendment to the Interlocal Agreement was approved by the County to extend the right of way acquisition date to April 30, 2022, with a subsequent extension to June 30, 2022.

Staff is requesting Council's consideration for use of Transportation Impact Fee funds from Nexus/zipcode 32909, which has a balance of approximately \$10,843,179.84, to acquire the approximately 0.11 acres of right-of-way from property owner, GA Property, LLC. On April 12, 2022, the City received an appraisal for six parcels of land (see attached) totaling \$8,500. The property owner believes that the value of his right-of-way is more significant than the appraisal obtained and is requesting \$12,648 from the City. Staff is requesting Council's consideration to purchase the necessary right-of-way for \$12,648 plus an additional \$317.94 in closing costs.

This is the last section of right-of-way required to comply with the interlocal agreement with the County prior to the June 30, 2022 deadline.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

Total funding request of \$12,965.94 for the acquisition of 0.11 acres of right-of-way along Babcock Street and closing costs will be appropriated from Transportation Impact Fee (TIF) Fund – Nexus 32909 Undesignated Fund Balance Account 199-0000-392-1001 to Account 199-7050-541-6301 / Project # 21PW06.

RECOMMENDATION:

Motion to authorize the allocation of \$12,965.94 in Transportation Impact Fee funds from Nexus/zipcode 32909 for the acquisition of necessary right-of-way along Babcock Street.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Larry Wojciechowski, Finance Director

DATE: 5/19/2022

RE: Acknowledgement of the City's monthly financial report for March 2022 (Unaudited).

Attached for your information is the monthly financial report which provides an overview of the City's financial activities for March 2022. March is the sixth month of the fiscal year and represents 50% of the annual budget year.

Citywide cash and investments increased by \$34 million or 13.1% in comparison to the prior year. This is primarily due to the receipt of the proceeds from the General Obligation Bonds, Series 2021. The city also received \$9 million in revenue from the American Rescue Plan Act (ARPA). This also contributed to the increase in Citywide revenues.

The General Fund is the City's primary operating fund. General Fund revenues received through March were \$52.8 million and are 57.3% of the annual budget. General Fund expenditures through the end of March were \$37.7 million and are 40.9% of the annual budget. General Fund total cash & investments on March 31, 2022 was \$45.6 million, which is \$8.8 million or 24% higher than one year ago.

General Fund revenues collected through March 31, 2022, overall were 9.2% higher than the revenues collected during the same period last year. The overall increase was mainly attributable to an increase in revenue collections from Ad Valorem Taxes and State shared revenues compared to the same period last year.

General Fund expenditures through March 31, 2022, overall were 5.7% higher than expenditures incurred during the same period last year. Pages 14 through 16 provide a summary of all funds' budget, revenues and expenditures posted for March 31, 2022.

REQUESTING DEPARTMENT:

Finance

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to acknowledge receipt of the March 2022 Financial Report.

ATTACHMENTS:

Description

March 31, 2022 Monthly Financial Report (available upon request)



MONTHLY FINANCIAL REPORT (UNAUDITED)

MARCH 2022

City of Palm Bay, Florida

Report Summary



Financial Report Summary	Page 1
General Fund	
➤ Year-to-Date Revenue	Page 2
➤ Year-to-Date Expenditures	Page 3
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Financial Activity by Fund	
➤ General Fund, Special Revenue Funds, and Impact Fee Funds	Page 14
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MONTHLY FINANCIAL REPORT (UNAUDITED)

MARCH 2022

CITY OF PALM BAY, FLORIDA



The City of Palm Bay, Florida's (the "City") monthly financial report presents an overview and analysis of the City's financial activities during the month of March 2022. March is the sixth month of the fiscal year and represents 50% of the annual budget.

Financial Report Summary

- Citywide revenues^{1*} of 130.2 million are at 33.6% of the annual budget. Citywide expenditures^{1*} of \$95.2 million are at 24.6% of the annual budget. Traditionally revenue collections are two months in arrears. For this reason, certain revenues for grants and other governmental resources are accrued at year end to reflect the period in which it represents.
- Citywide cash and investments increased by \$34.0 million, or 13.1%, in comparison to the prior year.
- Most of the decreased citywide revenues were a result of \$56 million in bond proceeds received in February 2021 from the General Obligation Bonds, Series 2021. The City also received \$9 million in revenue as a result of the American Rescue Plan Act (ARPA) in June 2021.

Citywide - Cash & Investments ¹		Citywide - Revenues ^{1*}		Citywide - Expenditures ^{1*}	
3/31/2022	\$ 293,744,024.58	3/31/2022	\$ 130,196,444.24	3/31/2022	\$ 95,233,029.41
3/31/2021	259,694,714.27	3/31/2021	171,434,965.92	3/31/2021	86,363,060.22
Increase	13.1% \$ 34,049,310.31	Decrease	-24.1% \$ (41,238,521.68)	Increase	10.3% \$ 8,869,969.19

¹ Not including Cash, Revenues, or Expenditures from PB Municipal Foundation.

* Not including interfund transfers

- General Fund revenues of \$52.8 million are at 57.3% of the annual budget. This is an increase of \$4.45 million, or 9.2%, in comparison to the prior year.
- General Fund expenditures of \$37.7 million are at 40.9% of the annual budget. This is an increase of \$2.03 million, or 5.7%, in comparison to the prior year.
- General Fund cash and investments increased by \$8.8 million, or 24.0%, in comparison to the prior year. Of this increased General Fund cash, \$800,000 is reserved.

General Fund - Cash & Investments		General Fund - Revenues		General Fund - Expenditures	
3/31/2022	\$ 45,598,255.96	3/31/2022	\$ 52,785,264.71	3/31/2022	\$ 37,674,084.80
3/31/2021	36,765,970.39	3/31/2021	48,338,751.55	3/31/2021	35,647,362.98
Increase	24.0% \$ 8,832,285.57	Increase	9.2% \$ 4,446,513.16	Increase	5.7% \$ 2,026,721.82

The General Fund is the City's primary operating fund and is used to account for all resources except those that are required to be accounted for in another fund.

This report contains unaudited information. If you have any questions or comments on the financial reports, please contact Larry Wojciechowski, Finance Director or Ruth Chapman, Assistant Finance Director.

City Website: <http://www.palmbayflorida.org/>
Finance Website: www.palmbayflorida.org/finance

MONTHLY FINANCIAL REPORT (UNAUDITED)**MARCH 2022**

CITY OF PALM BAY, FLORIDA

**General Fund (GF) Revenues - Summary**➤ **FY 2022 YTD Revenue Variance**

As Compared to Prior Year

	Prior YTD	Current YTD	% Variance	Annual Budget
Ad Valorem Taxes	\$ 32,233,935	\$ 35,160,704	9.1%	\$ 38,013,418
Local Option Fuel Tax (1)	971,544	1,250,407	28.7%	3,796,230
Utility Service Taxes	3,381,556	3,389,031	0.2%	9,385,000
Communication Service Tax	869,184	878,064	1.0%	2,633,283
Franchise Fees	1,867,029	1,986,397	6.4%	5,944,250
State Shared Revenues (2)	1,379,201	1,679,098	21.7%	5,567,523
Half Cent Sales Tax (3)	2,355,375	2,736,874	16.2%	7,491,179
Licenses and Permits	559,462	536,503	-4.1%	714,080
Grants and Other Entitlements (4)	445,842	145,954	-67.3%	736,326
Charges for Services (5)	2,672,361	3,147,095	17.8%	5,372,580
Fines and Forfeitures (6)	287,324	247,097	-14.0%	491,400
Interest, Rents & Other Revenues (7)	406,463	267,678	-34.1%	945,390
Interfund Transfers & Other Sources (8)	909,476	1,360,363	49.6%	3,250,113
Fund Balance	-	-	0.0%	7,812,217
	\$ 48,338,752	\$ 52,785,265	9.2%	\$ 92,152,989

(1) Increase primarily due to higher year-to-date collections of Local Option Fuel Tax in FY22.

(2) Increase primarily due to higher year-to-date collections of State Shared Revenues in FY22.

(3) Increase primarily due to higher year-to-date collections of Half Cent Sales Tax in FY22.

(4) Decrease primarily due to lower year-to-date collections from FEMA, DOJ, and Cares Act grants in FY22.

(5) Increase primarily due to higher year-to-date collections of Engineering Plan Fees in FY22.

(6) Decrease primarily due to lower year-to-date collections of Judgments and Fines in FY22.

(7) Decrease primarily due to lower year-to-date collections of Forfeitures in FY22.

(8) Increase primarily due to higher budgeted transfers from Employee Benefits Fund and higher Sales of Capital Assets in FY22.

MONTHLY FINANCIAL REPORT (UNAUDITED)

MARCH 2022

CITY OF PALM BAY, FLORIDA



General Fund (GF) Expenditures - Summary

➤ FY 2022 YTD Expenditure Variance
As Compared to Prior Year

	Prior YTD	Current YTD	% Variance	Annual Budget
Legislative	\$ 402,197	\$ 368,517	-8.4%	\$ 1,113,120
City Manager (1)	197,320	502,978	154.9%	1,375,255
City Attorney (2)	104,610	147,816	41.3%	539,748
Procurement (3)	267,035	304,333	14.0%	691,561
Finance (4)	767,526	620,257	-19.2%	1,498,269
Information Technology (5)	1,213,991	1,520,625	25.3%	4,073,945
Human Resources	254,318	252,723	-0.6%	779,134
Growth Management	745,706	731,803	-1.9%	2,163,056
Comm & Economic Dev. (6)	473,164	331,985	-29.8%	1,320,317
Recreation (7)	2,125,564	735,302	-65.4%	2,199,276
Parks and Facilities (8)	1,182,309	2,792,865	136.2%	7,871,084
Police	10,154,274	11,007,723	8.4%	25,675,346
Fire	7,955,311	8,164,029	2.6%	17,578,049
Public Works	2,694,556	2,894,774	7.4%	8,484,696
Non-Departmental (9)	2,532,634	2,826,886	11.6%	5,946,642
Transfers	4,576,846	4,471,469	-2.3%	10,843,491
	\$ 35,647,363	\$ 37,674,085	5.7%	\$ 92,152,989

(1) Increase primarily due to higher year-to-date personnel costs since bringing Public Information back to City Manager's Office, and filling Deputy City Manager and Government Relations Manager positions.

(2) Increase primarily due to higher year-to-date expenditures for Other Attorneys Costs in FY22.

(3) Increase primarily due to higher year-to-date personnel costs in FY22.

(4) Decrease primarily due to lower year-to-date personnel costs resulting from temporary vacancies and transition of Revenue Division from Finance to C&ED in FY22.

(5) Increase primarily due to higher year-to-date costs for computer software maintenance and personnel costs in FY22.

(6) Decrease primarily due to lower year-to-date costs since transferred Public Information back to CMO.

(7) Decrease primarily due to moving Parks from Recreation to Facilities in FY22.

(8) Increase primarily due to moving Parks from Recreation to Facilities in FY22.

(9) Increase primarily due to higher year-to-date costs of Fleet Operating Charges, Credit Card Fees, and Liability/Property Insurance in FY22.

	YTD Actual	YTD Budget	Annual Budget	% Spent
Debt Service	\$ 3,208,910.22	\$ 3,206,573	\$ 6,413,145	50.0%
Personnel	26,002,991.02	29,782,719	59,565,437	43.7%
Operating	6,796,861.66	9,564,355	19,128,709	35.5%
Capital	402,762.90	1,300,176	2,600,352	15.5%
Contributions	-	7,500	15,000	0.0%
Transfers	1,262,559.00	2,215,173	4,430,346	28.5%
Reserves	-	-	-	0.0%
	\$ 37,674,084.80	\$ 46,076,495	\$ 92,152,989	40.9%

MONTHLY FINANCIAL REPORT (UNAUDITED)**MARCH 2022**

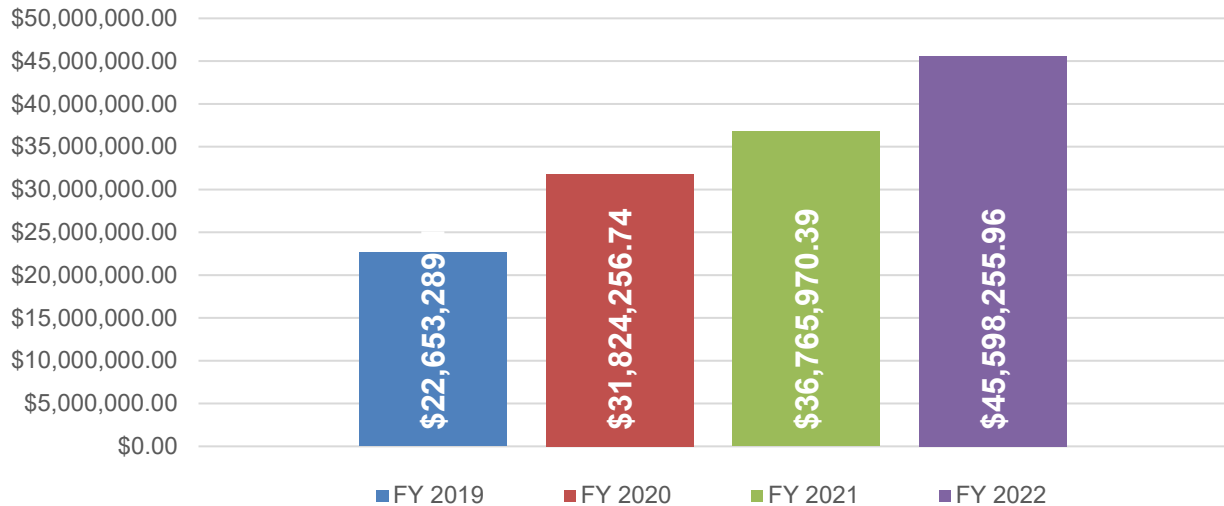
CITY OF PALM BAY, FLORIDA



The total budgeted expenditures for FY22 are \$86,804,539 (including encumbrances from prior year and budget amendments). Of this amount, \$58,617,438, or 67.5%, is related to personnel costs.

General Fund (GF) Cash & Investments - Summary

➤ Year-to-Date (YTD) Cash & Investments Comparisons



General Fund Cash & Investments		General Fund Cash & Investments	
Prior Month Ending Balance	\$ 47,809,191.17	March 2022 Ending Balance	\$ 45,598,255.96
Cash Increase (Decrease)	(2,210,935.21)	Cash Advanced to Other Funds:	
		CDBG Funds 112 and 126	(218,106.26)
Ending Balance 3/31/2022	\$ 45,598,255.96	Total Available Cash & Investments	\$ 45,380,149.70

MONTHLY FINANCIAL REPORT (UNAUDITED)**MARCH 2022**

CITY OF PALM BAY, FLORIDA

**General Fund (GF) Balance - Summary**

CITY OF PALM BAY, FLORIDA
OPERATING STATEMENT AND CHANGES IN FUND BALANCES
GENERAL FUND
 For the Month Ended March 31, 2022

	Prior YTD	Current YTD
<u>REVENUES</u>		
Ad Valorem Taxes	\$ 32,233,935	\$ 35,160,704
Local Option Fuel Tax	971,544	1,250,407
Utility Service Taxes	3,381,556	3,389,031
Communication Service Tax	869,184	878,064
Franchise Fees	1,867,029	1,986,397
State Shared Revenues	1,379,201	1,679,098
Half Cent Sales Tax	2,355,375	2,736,874
Licenses and Permits	559,462	536,503
Grants and Other Entitlements	445,842	145,954
Charges for Services	2,672,361	3,147,095
Fines and Forfeitures	287,324	247,097
Interest, Rents and Other Revenues	406,463	267,678
Interfund Transfers and Other Sources	909,476	1,360,363
Total Revenues	48,338,752	52,785,265
<u>EXPENDITURES</u>		
Legislative	402,197	368,517
City Manager	197,320	502,978
City Attorney	104,610	147,816
Procurement	267,035	304,333
Finance	767,526	620,257
Information Technology	1,213,991	1,520,625
Human Resources	254,318	252,723
Growth Management	745,706	731,803
Economic Development	473,164	331,985
Parks and Recreation	2,125,564	735,302
Facilities	1,182,309	2,792,865
Police	10,154,274	11,007,723
Fire	7,955,311	8,164,029
Public Works	2,694,556	2,894,774
Non-Departmental	2,532,634	2,826,886
Transfers	4,576,846	4,471,469
Total Expenditures	35,647,363	37,674,085
Excess (Deficiency) of Revenues Over Expenditures	12,691,389	15,111,180
Fund Balance - Beginning	24,540,027	27,429,971
Fund Balance - Ending	\$ 37,231,416	42,541,151

General Fund (GF) Balance - Summary

The minimum General Fund unrestricted fund balance, as established by Resolution 2021-03 (effective with the preparation of the City's September 30, 2022, Annual Comprehensive Financial Report and adoption of the City's Fiscal Year 2022 Budget), is two months of regular budgetary General Fund operating expenditures. The following is a history of the City's General Fund unrestricted fund balance.

General Fund Balance - History			
	Minimum Required	Unrestricted Fund Balance	Unrestricted Fund Balance %
FY 2021*	\$ 7,553,655	\$ 26,924,998	35.6%
FY 2020	6,758,163	23,658,524	35.0%
FY 2019	6,784,007	18,205,817	26.8%
FY 2018	6,478,266	14,940,492	23.1%
FY 2017	6,107,113	8,610,875	14.1%

* Unaudited

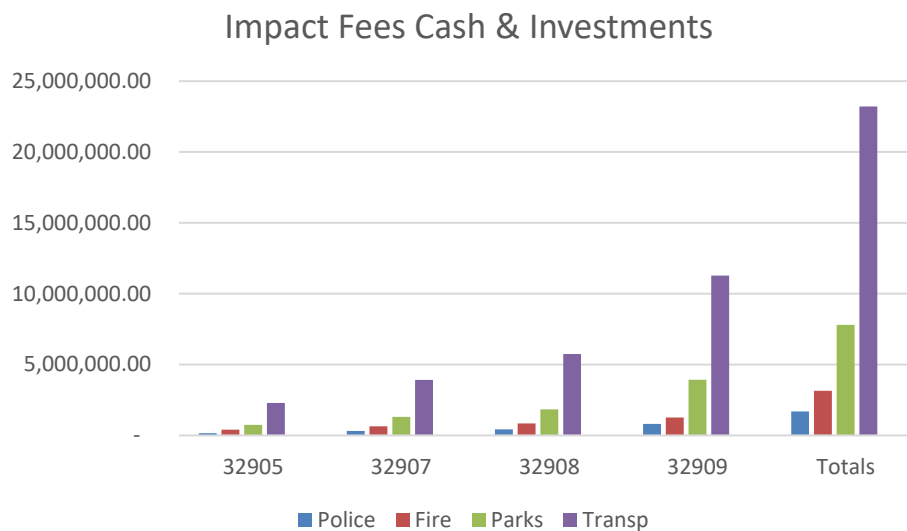
MONTHLY FINANCIAL REPORT (UNAUDITED)**MARCH 2022**

CITY OF PALM BAY, FLORIDA

**Impact Fees by Nexus Zone - Cash & Investments – Summary***

3/31/2022	Zone 1	Zone 2	Zone 3	Zone 4	
	32905	32907	32908	32909	Totals
Police	147,138.65	310,970.91	418,590.02	810,614.08	1,687,313.66
Fire	399,721.43	640,707.32	841,976.85	1,261,849.89	3,144,255.49
Parks	735,080.47	1,304,471.03	1,836,291.54	3,923,221.75	7,799,064.79
Transp	2,283,815.60	3,913,829.15	5,739,538.32	11,271,948.43	23,209,131.50
Totals	3,565,756.15	6,169,978.41	8,836,396.73	17,267,634.15	35,839,765.44

*Not including Transportation Impact Fees Zone 32909 amount of \$373,669.50 Special Purpose Deposits / Bayside Estates or \$71,824.50 segregated amount per I.L.A. with Brevard County.



MONTHLY FINANCIAL REPORT (UNAUDITED)

MARCH 2022

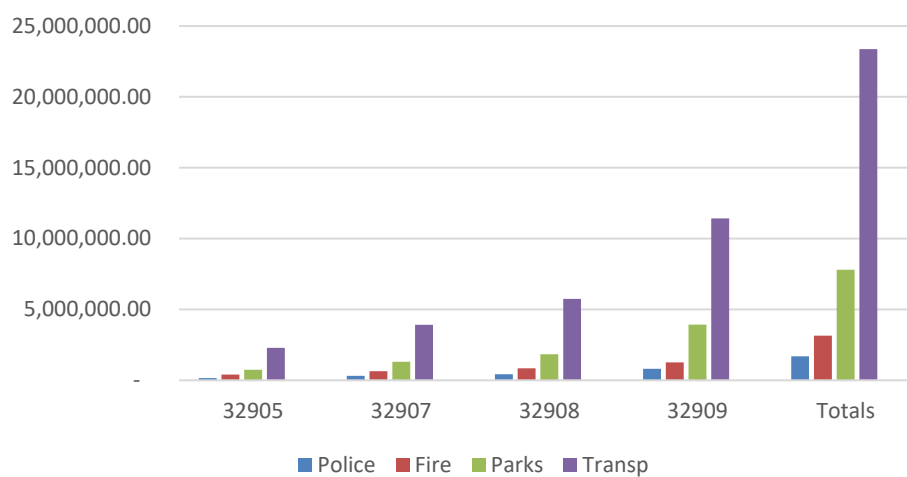
CITY OF PALM BAY, FLORIDA



Impact Fees by Nexus Zone – Fund Balance - Summary

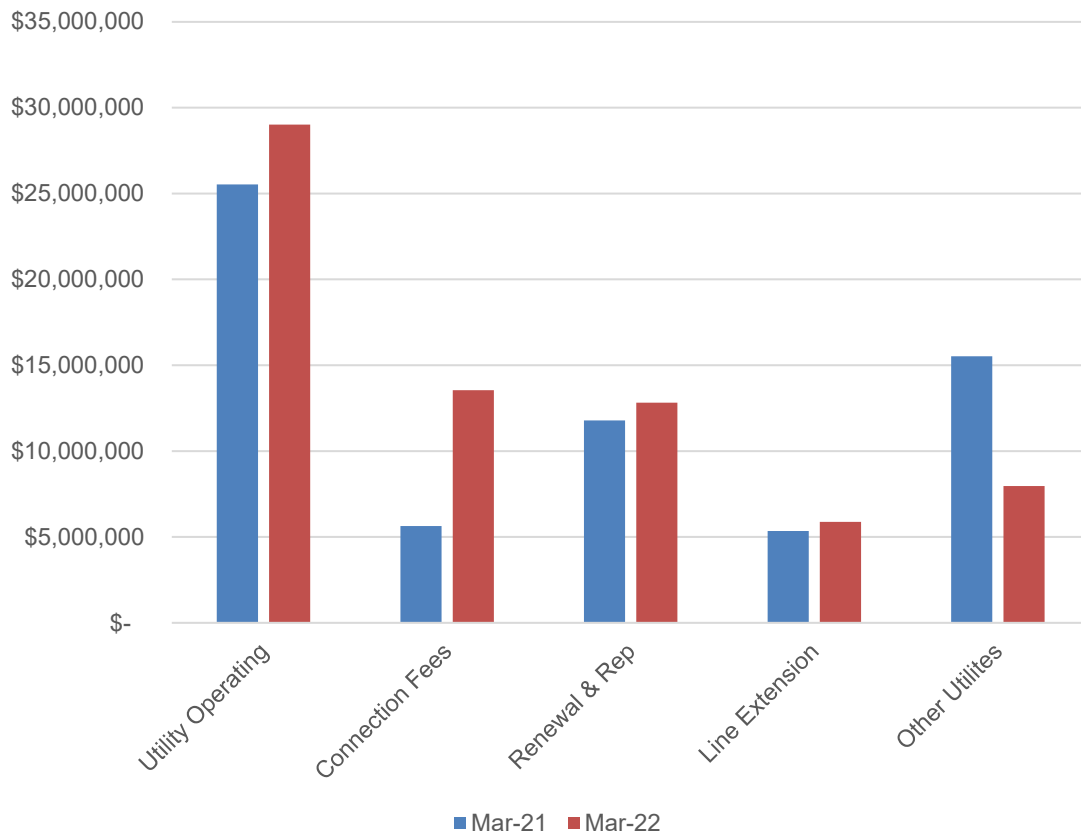
3/31/2022	32905	32907	32908	32909	Totals
Police	147,138.65	310,970.91	418,590.02	810,614.08	1,687,313.66
Fire	399,721.43	640,707.32	841,976.85	1,256,424.74	3,138,830.34
Parks	735,080.47	1,304,471.03	1,836,291.54	3,923,222.64	7,799,065.68
Transp	2,283,813.89	3,913,829.15	5,739,538.32	11,424,521.02	23,361,702.38
Totals	3,565,754.44	6,169,978.41	8,836,396.73	17,414,782.48	35,986,912.06

Fund Equity by Zone



Utilities Fund Cash & Investments - Summary

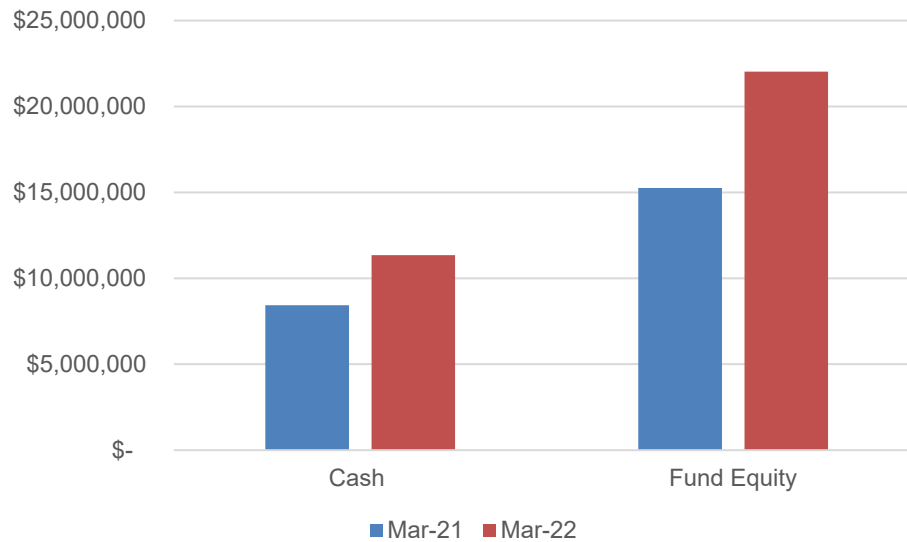
Year-to-Date (YTD) Comparison: Water & Sewer



Overall, the Water & Sewer Funds cash and investments increased by \$5.41 million, or 8.5%, year over year.

Stormwater Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity

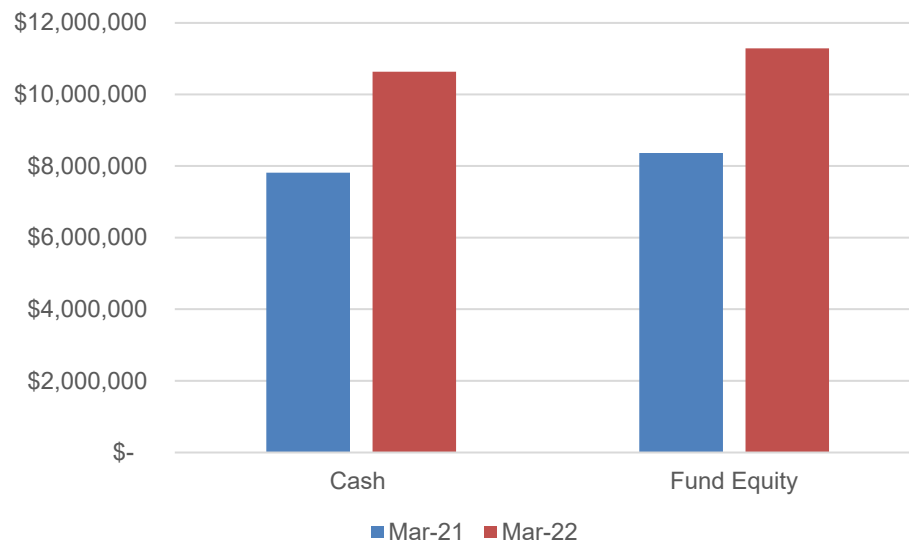


Overall, the Stormwater cash and investment balance increased by \$2,908,614, or 34.5%, year over year.

Overall, the Stormwater fund equity increased by \$6,771,825, or 44.4%, year over year.

Building Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity

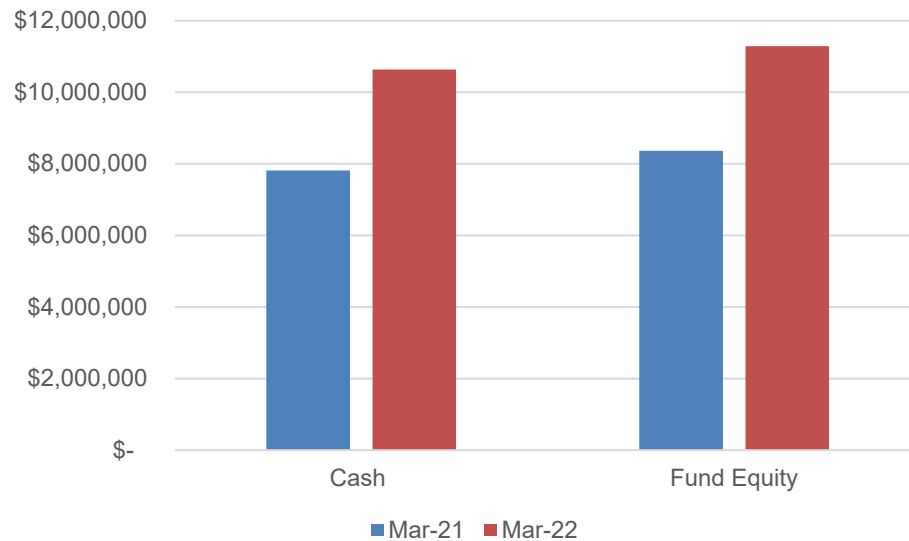


Overall, the Building cash and investment balance increased by \$2,822,315, or 36.1%, year over year.

Overall, the Building fund equity increased by \$2,924,089, or 35.0%, year over year.

General Obligation Road Program Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity

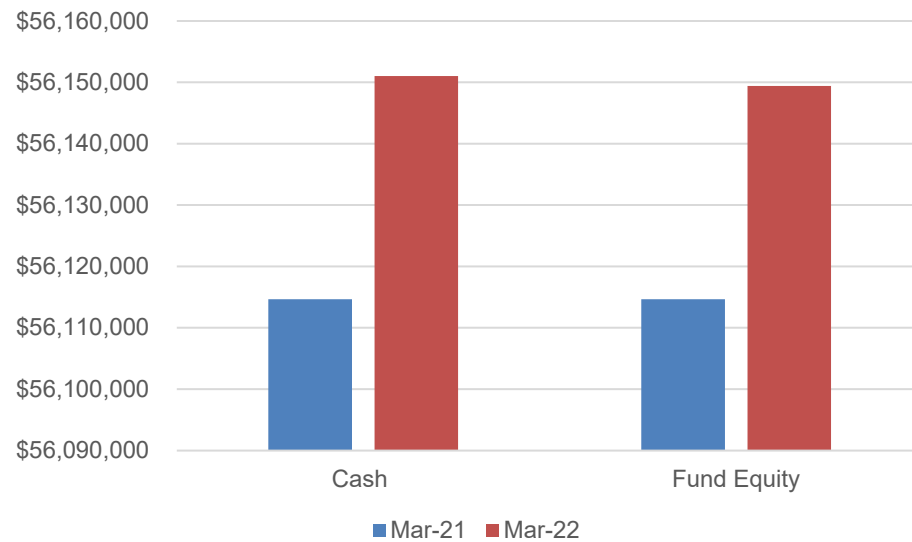


The 2019 General Obligation Road Program cash and investment balance decreased by \$23,810,580, or 80.1%, year over year.

The 2019 G.O. Road Program Fund equity decreased by \$26,297,171, or 84.4%, year over year.

General Obligation Road Program Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity



The 2021 General Obligation Road Program cash and investment balance decreased by \$36,373, or 0.1%, year over year.

The 2021 G.O. Road Program Fund equity decreased by \$34,758, or 0.1%, year over year.

MONTHLY FINANCIAL REPORT (UNAUDITED)**MARCH 2022**

CITY OF PALM BAY, FLORIDA

**Unaudited Financial Activity - All Funds**

City of Palm Bay, Florida

As of March 31, 2022

50% of fiscal year completed

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
General Fund							
001	General Fund	\$83,236,049	\$92,152,989	\$52,785,265	57.3%	\$37,674,085	40.9%
Special Revenue Funds							
101	Law Enforcement Trust Fund	9,500	110,131	717	0.7%	87,713	79.6%
103	Palm Bay Municipal Foundation	30,000	30,000	19,301	64.3%	18,939	63.1%
105	Code Nuisance Fund	328,500	328,500	87,328	26.6%	61,978	18.9%
111	State Housing Grant Fund	4,500	159,160	1,224,253	769.2%	68,020	42.7%
112	Comm Devel Block Grant Fund	0	2,376,015	51,599	2.2%	142,566	6.0%
114	Home Invest Grant Fund	0	1,019,136	34,649	3.4%	5,203	0.5%
123	NSP Program Fund	0	4,323	127,390	2946.8%	31	0.7%
126	CDBG Coronavirus Fund	0	1,136,835	0	0.0%	136,892	0.0%
128	ARPA Fund	4,000,000	5,705,609	5,497	0.0%	8,909	0.0%
131	Donations Fund	0	16,827	22,037	0.0%	20,683	0.0%
153	Fire Impact Fee Fund	0	0	61	0.0%	-	0.0%
161	Environmental Fee Fund	100,000	100,000	93,313	93.3%	0	0.0%
181	Bayfront Comm Redev Fund	2,562,370	2,737,761	1,638,971	59.9%	350,584	12.8%
Impact Fee Funds							
180	Police Impact Fees - 32905	30,050	60,053	32,059	53.4%	53,932	89.8%
183	Police Impact Fees - 32907	75,100	91,200	89,668	98.3%	25,607	28.1%
184	Police Impact Fees - 32908	90,150	127,911	121,366	94.9%	44,337	34.7%
186	Police Impact Fees - 32909	200,300	238,086	197,234	82.8%	63,292	26.6%
187	Fire Impact Fees - 32905	60,400	60,400	49,957	82.7%	249	0.4%
188	Fire Impact Fees - 32907	150,700	150,700	137,881	91.5%	338	0.2%
189	Fire Impact Fees - 32908	200,800	200,800	179,991	89.6%	1,062	0.5%
190	Fire Impact Fees - 32909	401,500	1,039,117	297,941	28.7%	150,789	14.5%
191	Parks Impact Fees - 32905	70,400	235,090	105,610	44.9%	226	0.1%
192	Parks Impact Fees - 32907	301,000	1,053,056	242,347	23.0%	9,872	0.9%
193	Parks Impact Fees - 32908	401,500	864,137	380,314	44.0%	392	0.0%
194	Parks Impact Fees - 32909	803,000	803,000	597,235	74.4%	327	0.0%
196	Trans Impact Fees - 32905	253,700	253,700	319,221	125.8%	415	0.2%
197	Trans Impact Fees - 32907	1,003,700	3,991,211	804,426	20.2%	18,093	0.5%
198	Trans Impact Fees - 32908	1,303,500	5,803,500	1,408,094	24.3%	676	0.0%
199	Trans Impact Fees - 32909	2,720,600	3,348,945	1,981,227	59.2%	995,469	29.7%

MONTHLY FINANCIAL REPORT (UNAUDITED)**MARCH 2022**

CITY OF PALM BAY, FLORIDA

**Unaudited Financial Activity - All Funds****City of Palm Bay, Florida****As of March 31, 2022****50% of fiscal year completed**

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
Debt Service Funds							
201	Debt Service Fund	528,207	528,207	266,903	50.5%	266,903	50.5%
214	2004 Pension Bond Debt Svc Fd	190,100	190,100	95,027	50.0%	175,000	92.1%
221	2013 Pension Bonds DS Fund	1,467,947	1,467,947	733,623	50.0%	1,367,455	93.2%
223	2015 Franchise Fee Note DS Fd	531,607	531,607	265,758	50.0%	504,198	94.8%
224	2015 Sales Tax Bonds DS Fd	824,350	824,350	411,959	50.0%	817,648	99.2%
225	2015 Sales Tax Bonds DS Fd - TIF	227,231	227,231	227,025	99.9%	225,181	99.1%
226	2016 Franchise Fee Note DS Fd	337,191	337,191	168,492	50.0%	262,373	77.8%
227	2018 LOGT Note DS Fd	768,589	768,589	768,010	99.9%	662,392	86.2%
228	2019 GO Bonds DS Fd	3,529,100	6,976,726	6,487,938	93.0%	4,097,810	58.7%
229	2019 Pension Bonds DS Fund	2,208,155	2,208,155	1,103,785	50.0%	1,412,617	64.0%
230	2020 Special Oblig Ref Note	328,538	328,538	164,243	0.0%	288,025	87.7%
231	2021 Pension Bonds DS Fund	3,449,976	3,449,976	3,205,500	92.9%	1,478,976	42.9%
Capital Projects Funds							
301	Community Investment Fund	1,000	4,014,021	148,527	3.7%	25,990	0.6%
306	2015 FF Nt Procds I-95 Intchg Fd	100	180,745	0	0.0%	0	0.0%
307	Road Maintenance CIP Fd	755,000	2,133,684	751,827	35.2%	696,544	32.6%
308	'18 LOGT Nt Procds-Rd I-95 Fd	500	310,108	39	0.0%	0	0.0%
309	'19 GO Bond Proceeds-Road Fd	100,000	61,453,135	3,883	0.0%	1,542,296	2.5%
310	'21 GO Bond Proceeds-Road Fd	0	8,799	26,878	0.0%	0	0.0%

MONTHLY FINANCIAL REPORT (UNAUDITED)**MARCH 2022**

CITY OF PALM BAY, FLORIDA

**Unaudited Financial Activity - All Funds**

City of Palm Bay, Florida

As of March 31, 2022

50% of fiscal year completed

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
Proprietary Funds							
Utility Funds							
421	Utilities Operating Fund	36,364,755	41,062,507	16,766,981	40.8%	13,008,369	31.7%
423	Utility Connection Fee Fund	5,142,459	5,350,081	4,760,850	89.0%	1,860,858	34.8%
424	Utility Renewal / Replace Fd	7,290,511	16,443,367	3,180,629	19.3%	2,233,244	13.6%
425	Main Line Extension Fee Fund	1,803,549	2,472,181	955,893	38.7%	776,340	31.4%
426	2016 Utility Bond Fund	1,533,420	1,533,420	765,932	49.9%	0	0.0%
427	2001 Bond Fund	1,951,231	1,951,231	958,281	49.1%	0	0.0%
431	USA1 Assessment Fund	0	0	31	0.0%	0	0.0%
432	Unit 31 Assessment Fund	361,202	361,202	334,216	92.5%	281,757	78.0%
433	Utility SRF Loan Fund	3,196	28,573,353	0	0.0%	2,568,767	9.0%
434	2020 Utility Note Fund	769,468	6,179,350	386,576	6.3%	2,003,761	32.4%
Other Enterprise Funds							
451	Building Fund	10,630,867	11,536,107	3,037,618	26.3%	2,278,293	19.7%
461	Stormwater Fund	9,444,554	12,820,510	5,399,209	42.1%	2,428,495	18.9%
471	Solid Waste Fund	13,194,432	13,194,432	6,633,125	50.3%	5,372,544	40.7%
Internal Service Funds							
511	Employee Health Insurance Fd	16,038,918	16,039,168	7,979,379	49.7%	6,431,647	40.1%
512	Risk Management Fund	4,923,374	4,923,374	2,454,975	49.9%	2,113,020	42.9%
513	Other Employee Benefits Fd	5,145,880	5,145,880	2,030,144	39.5%	2,294,551	44.6%
521	Fleet Services Fund	4,527,849	9,396,610	2,370,097	25.2%	3,498,794	37.2%



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Larry Wojciechowski, Finance Director

DATE: 5/19/2022

RE: Acknowledgement of the City's quarterly Budget Monitoring Report for Fiscal Year 2022 Quarter Two (Unaudited).

Attached for your information is the quarterly Budget Monitoring Report, covering Fiscal Year 2022 revenue and expenditure periods between January 1, 2022 and March 31, 2022. The report presents a comparison and analysis of the City's fiscal year budget and actual activity for the General Fund and All Funds (in total) including revenues and expenditures by category type and/or department level. Revenue and spending activity are monitored on a monthly basis and reported in aggregate quarterly each fiscal year.

In summary, revenues and expenditures for FY 2022 Quarter Two for the General Fund and All Funds (in total) are as follows:

General Fund revenues collected, ending March 2022, total \$52,785,269, or 62.6% of the amended budget. A total balance of \$31,555,503, or 37.4% of the amended budget, in revenue is unrealized.

General Fund expenditures expensed and/or encumbered, ending March 2022, total \$41,997,943, or 45.6% of the amended budget. A total balance of \$50,155,046, or 54.4% of the amended budget, is recorded across all category types.

All Funds (in total) revenues collected, ending March 2022, total \$135,878,313, or 59.3% of the amended budget. A total balance of \$93,090,049, or 40.7% of the amended budget, in revenue is unrealized.

All Funds (in total) expenditures expensed and/or encumbered, ending March 2022, total \$152,559,836, or 39.4% of the amended budget. A total balance of \$234,560,238, or 60.6% of the amended budget, is recorded across all category types.

REQUESTING DEPARTMENT:

Finance

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to acknowledge receipt of the FY 2022 Quarter Two Budget Monitoring Report.

ATTACHMENTS:

Description

FY 22 - Q2_Quarterly Budget Monitoring Report (Period 6 Close-Out)

Quarterly Budget Monitoring Report

Quarter Two – January 2022 to March 2022

FY 2022

Report Summary

The City of Palm Bay, Florida's (the "City") Quarterly Budget Monitoring Report presents a comparison and analysis of the City's current fiscal year budget and actual activity for the General Fund and All Funds (in total) including revenues and expenditures by category type and/or department level.

Revenue and spending activity are monitored on a monthly basis and reported in aggregate quarterly each fiscal year.

Quarterly Budget Monitoring Report timeframes are as follows:

- Quarter One: October through December
- **Quarter Two: January through March**
- Quarter Three: April through June
- Quarter Four: July through September

Data Analysis

- **Year-to-Date Actuals** include actuals and encumbrances within the expenditure analysis side.
- **Balances** reflect year-to-date actuals versus the amended budget.
- **Percentages Collected & Spent** are reflected versus the type and/or departmental amended budget.

This report contains unaudited information. If you have any questions or comments on the financial reports, please contact the City of Palm Bay's Budget Office at budget@palmbayflorida.org

City Website: <http://www.palmbayflorida.org/>
Finance Website: www.palmbayflorida.org/finance

Quarterly Amended Budget Highlights

- The City's second Budget Amendment was approved by City Council on April 21, 2022 via Ordinance 2022-47. A total of 29 departmental requests, covering fund appropriation needs between January 1, 2022 and March 31, 2022, were included with a total city-wide all funds impact of \$56,272,777.
- A total of 11 Budget Transfers were processed between January 1, 2022 and March 31, 2022 transferring existing budgeted funds between divisional general ledger accounts.

General Fund Overview

Revenues by Type

- Ending March 2022, a total revenue of \$52,785,269, or 62.6% of the amended budget, has been collected. A total balance of \$31,555,503, or 37.4% of the amended budget, in unrealized revenue is pending collection.
- Property tax revenue attributes to the largest collection across all revenue types; a total of \$35,160,704, or 41.7% of the total amended budget has been collected.

	FY 22 Approved Budget	FY 22 Amended Budget	FY 22 Year-to-Date Actuals	FY 22 Balance	FY 22 % Collected
Property Taxes	38,013,418	38,013,418	35,160,704	(2,852,714)	41.7%
Sales, Use & Fuel Tax	3,796,230	3,796,230	1,250,407	(2,545,823)	1.5%
Franchise Fees	5,944,250	5,944,250	1,986,397	(3,957,853)	2.4%
Utility Taxes	9,385,000	9,385,000	3,389,031	(5,995,969)	4.0%
Comm. Svc. Tax	2,500,000	2,633,283	878,064	(1,755,219)	1.0%
Licenses & Permits	669,080	669,080	520,482	(148,598)	0.6%
Intergovernmental	12,997,108	13,840,028	4,577,950	(9,262,078)	5.4%
Charges for Services	5,368,330	5,372,580	3,147,096	(2,225,484)	3.7%
Fines & Forfeitures	491,400	491,400	247,097	(244,303)	0.3%
Miscellaneous	945,390	945,390	267,677	(677,713)	0.3%
Capital Contributions	0	169,274	169,274	0	0.2%
Transfers	3,125,843	3,080,839	1,191,090	(1,889,749)	1.4%
Totals	83,236,049	84,340,772	52,785,269	(31,555,503)	62.6%
Fund Balance	0	7,812,217	0	0	N/A

Expenditures by Category Type

- Ending March 2022, a total of \$41,997,943, or 45.6% of the amended budget, has been expensed and/or encumbered. A total balance of \$50,155,046, or 54.4% of the amended budget, is recorded across all category types.
- Personnel attributes to the largest expense across all category types. While \$26,003,185, or 43.7%, of the amended personnel services budget of \$59,565,437 has been expensed, costs account for 28.2% of the total amended budget.

	FY 22 Approved Budget	FY 22 Amended Budget	FY 22 Year-to-Date Actuals	FY 22 Balance	FY 22 % Spent
<i>Personnel Services</i>	58,614,122	59,565,437	26,003,185	33,562,252	43.7%
<i>Operating Expenditures</i>	16,922,425	19,128,709	10,361,765	8,766,944	54.2%
<i>Capital Expenditures</i>	0	2,615,352	1,161,524	1,453,828	44.4%
<i>Debt Service</i>	0	0	0	0	N/A
<i>Contributions</i>	0	0	0	0	N/A
<i>Transfers</i>	7,699,502	10,843,491	4,471,469	6,372,022	41.2%
Totals	83,236,049	92,152,989	41,997,943	50,155,046	45.6%

Expenditures by Department

- Ending March 2022, the Parks and Facilities Department accounts for the largest spending of their departmental amended budget. A total of \$4,264,740, or 54.2%, of the department's amended budget of \$7,871,084 has been expensed and/or encumbered.

	FY 22 Approved Budget	FY 22 Amended Budget	FY 22 Year-to-Date Actuals	FY 22 Balance	FY 22 % Spent
<i>Legislative</i>	785,169	1,113,120	434,951	678,169	39.1%
<i>Office of City Manager</i>	1,248,759	1,375,255	608,983	766,272	44.3%
<i>Office of City Attorney</i>	479,656	539,748	270,183	269,565	50.1%
<i>Procurement</i>	684,440	691,561	304,427	387,134	44.0%
<i>Finance</i>	1,444,502	1,498,269	626,184	872,085	41.8%
<i>Information Technology</i>	3,535,552	4,073,945	2,054,803	2,019,142	50.4%
<i>Human Resources</i>	783,564	779,134	270,540	508,594	34.7%
<i>Growth Management</i>	1,869,016	2,163,056	757,877	1,405,179	35.0%
<i>Comm. & Econ. Dev.</i>	1,248,518	1,320,317	388,100	932,217	29.4%
<i>Parks & Recreation¹</i>	0	0	(1,147)	1,147	N/A
<i>Recreation</i>	2,187,335	2,199,276	1,050,178	1,149,098	47.8%
<i>Parks & Facilities</i>	5,804,426	7,871,084	4,264,740	3,606,344	54.2%
<i>Police</i>	24,977,290	25,675,346	11,188,415	14,486,931	43.6%
<i>Fire</i>	16,947,389	17,578,049	8,435,434	9,142,615	48.0%
<i>Public Works</i>	7,406,242	8,484,696	3,933,694	4,551,002	46.4%
<i>Transfers</i>	7,699,502	10,843,491	4,471,469	6,372,022	41.2%
<i>Non-Departmental²</i>	6,134,689	5,946,642	2,939,112	3,007,530	49.4%
Totals	83,236,049	92,152,989	41,997,943	50,155,046	45.6%

¹ Per Ordinance 2021-38, the Parks & Recreation Department has been eliminated and was re-organized into the Parks & Facilities Department and Recreation Department. Any outstanding encumbrances and budget appropriations resulting from FY 2021 Year-End Rollovers will be transferred to the corresponding Department.

² Non-departmental accounts contain expenditure items essential to the operation of the City; however, they don't fall within a function assigned or provide expenditures related to more than one department.

All Funds Overview

The All Funds Overview presented below contains all citywide funds as outlined:

- Governmental Funds: General Fund, Debt Service Funds, Special Revenue Funds and Capital Project Funds.
- Proprietary Funds: Enterprise Funds and Non-Major Enterprise Funds.
- Internal Service Funds

Revenues by Type

- Ending March 2022, a total revenue of \$135,878,313, or 59.3% of the amended budget, has been collected. A total balance of \$93,090,049, or 40.7% of the amended budget, is pending collection.
- Charges for Services revenue attributes to the largest collection across all revenue types; a total of \$44,147,235, or 19.3% of the total amended budget has been collected.

	FY 22 Approved Budget	FY 22 Amended Budget	FY 22 Year-to-Date Actuals	FY 22 Balance	FY 22 % Collected
Property Taxes	46,447,794	46,623,185	43,285,869	(3,337,316)	18.9%
Sales, Use & Fuel Tax	3,796,230	3,796,230	1,250,407	(2,545,823)	0.5%
Franchise Fees	5,944,250	5,944,250	1,986,397	(3,957,853)	0.9%
Utility Taxes	9,385,000	9,385,000	3,389,031	(5,995,969)	1.5%
Comm. Svc. Tax	2,500,000	2,633,283	878,064	(1,755,219)	0.4%
Licenses & Permits	4,669,080	4,669,080	3,305,396	(1,363,684)	1.4%
Impact Fees	8,025,000	8,025,000	6,928,602	(1,096,398)	3.0%
Intergovernmental	13,047,108	17,160,422	5,923,907	(11,236,515)	2.6%
Charges for Services	90,529,560	90,833,023	44,147,235	(46,685,788)	19.3%
Fines & Forfeitures	500,400	500,400	247,680	(252,720)	0.1%
Miscellaneous	2,172,887	2,233,775	1,238,231	(995,544)	0.5%
Capital Contributions	6,355,476	6,524,750	7,318,028	793,278	3.2%
Transfers	24,120,464	30,639,964	15,979,466	(14,660,498)	7.0%
Totals	217,493,249	228,968,362	135,878,313	(93,090,049)	59.3%
Fund Balance	15,217,326	158,151,712	0	0	N/A

Expenditures by Category Type

- Ending March 2022, a total of \$152,559,836, or 39.4% of the amended budget, has been expensed and/or encumbered. A total balance of \$234,560,238, or 60.6% of the amended budget, is recorded across all category types.
- Capital expenditures attribute to the largest expense across all category types. While \$47,264,947, or 29.1%, of the amended capital budget of \$162,206,382 has been expensed, costs account for 12.2% of the total spending of \$152,559,836.

	FY 22 Approved Budget	FY 22 Amended Budget	FY 22 Year-to-Date Actuals	FY 22 Balance	FY 22 % Spent
<i>Personnel Services</i>	80,549,088	82,123,576	35,122,193	47,001,383	9.1%
<i>Operating Expenditures</i>	70,121,114	76,717,625	44,040,233	32,677,392	11.4%
<i>Capital Expenditures</i>	23,887,128	162,206,382	47,264,947	114,941,435	12.2%
<i>Debt Service</i>	22,954,363	22,954,363	8,973,928	13,980,435	2.3%
<i>Contributions</i>	0	1,032,619	521,912	510,707	0.1%
<i>Transfers</i>	24,120,464	30,639,964	15,979,465	14,660,499	4.1%
<i>Reserves</i>	11,078,418	11,445,545	657,158	10,788,387	0.2%
Totals	232,710,575	387,120,074	152,559,836	234,560,238	39.4%

Expenditures by Department

- Ending March 2022, the Utilities Department accounts for the largest spending of their departmental amended budget. A total of \$43,600,134, or 53.9%, of the department's amended budget of \$80,853,246 has been expensed and/or encumbered.

	FY 22 Approved Budget	FY 22 Amended Budget	FY 22 Year-to-Date Actuals	FY 22 Balance	FY 22 % Spent
<i>Legislative</i>	785,169	1,113,120	434,951	678,169	39.1%
<i>Office of City Manager</i>	1,248,759	1,375,255	608,983	766,272	44.3%
<i>Office of City Attorney</i>	5,292,103	5,374,432	2,422,285	2,952,147	45.1%
<i>Procurement</i>	684,440	691,561	304,427	387,134	44.0%
<i>Finance</i>	1,444,502	1,498,269	626,184	872,085	41.8%
<i>Information Technology</i>	3,535,552	4,073,945	2,054,803	2,019,142	50.4%
<i>Human Resources</i>	20,912,211	20,923,762	10,084,277	10,839,485	48.2%
<i>Building</i>	10,630,867	11,536,107	2,926,329	8,609,778	25.4%
<i>Growth Management</i>	2,089,902	2,497,178	772,340	1,724,838	30.9%
<i>Comm. & Econ. Dev.</i>	5,248,518	11,117,836	2,929,480	8,188,356	26.3%
<i>Parks & Recreation¹</i>	0	2,704,729	(1,257)	2,705,986	0.0%
<i>Recreation</i>	2,187,335	2,199,276	1,050,178	1,149,098	47.8%
<i>Parks & Facilities</i>	5,809,300	8,792,704	4,320,272	4,472,432	49.1%
<i>Police</i>	24,978,238	26,967,320	11,541,544	15,425,776	42.8%
<i>Fire</i>	16,949,202	18,434,986	9,141,670	9,293,316	49.6%
<i>Public Works</i>	33,608,103	115,107,739	31,830,375	83,277,364	27.7%
<i>Utilities</i>	32,146,345	80,853,246	43,600,134	37,253,112	53.9%
<i>Other Gov't Units/BCRA</i>	842,095	842,095	1,417	840,678	0.2%
<i>Debt Service</i>	22,954,363	22,954,363	8,973,928	13,980,435	39.1%
<i>Transfers</i>	24,120,464	30,639,964	15,979,465	14,660,499	52.2%
<i>Non-Departmental²</i>	6,164,689	5,976,642	2,958,051	3,018,591	49.5%
<i>Reserves</i>	11,078,418	11,445,545	0	11,445,545	0.0%
Totals	232,710,575	387,120,074	152,559,836	234,560,238	39.4%

¹ Per Ordinance 2021-38, the Parks & Recreation Department has been eliminated and was re-organized into the Parks & Facilities Department and Recreation Department. Any outstanding encumbrances and budget appropriations resulting from FY 2021 Year-End Rollovers will be transferred to the corresponding Department.

² Non-departmental accounts contain expenditure items essential to the operation of the City; however, they don't fall within a function assigned or provide expenditures related to more than one department.

All Funds Revenue & Expenditure Activity

The following pages provide an activity summary, including revenues and expenditures, for all Funds.

	BUDGET	REVENUES		EXPENDITURES	
	FY 22 Amended Budget	FY 22 Year-to-Date Actuals	FY 22 % Collected	FY 22 Year-to-Date Actuals + Encumbered	FY 22 % Spent
General Fund					
001 – General	92,152,989	52,785,269	57.3%	41,997,943	45.6%
Special Revenue Funds					
101 – Law Enforcement Trust	110,131	717	0.7%	87,713	79.6%
103 – PB Municipal Found.	30,000	19,301	64.3%	18,939	63.1%
105 – Code Nuisance	328,500	87,328	26.6%	121,086	36.9%
111 – SHIP	159,160	1,224,253	769.2%	196,084	123.2%
112 – CDBG	2,376,015	51,599	2.2%	364,980	15.4%
114 – HOME	1,019,136	34,649	3.4%	862,730	84.7%
123 – NSP Program	4,323	127,390	2946.8%	31	0.7%
124 – Coronavirus Relief	0	0	N/A	0	N/A
126 – CDBG – Corona Virus	1,136,835	0	0.0%	423,891	37.3%
128 – ARPA	5,705,609	5,496	0.1%	693,695	12.2%
131 – Donations	16,827	22,037	131.0%	20,740	123.3%
161 – Environmental Fee	100,000	93,313	93.3%	0	0.0%
181 – BCRA Operating	2,737,761	1,638,971	59.9%	350,584	12.8%
Impact Fee Funds					
180 – Police - 32905	60,053	32,060	53.4%	53,932	89.8%
183 – Police - 32907	91,200	89,668	98.3%	28,518	31.3%
184 – Police - 32908	127,911	121,366	94.9%	44,337	34.7%
186 – Police - 32909	238,086	197,234	82.8%	63,292	26.6%
187 – Fire - 32905	60,400	49,957	82.7%	17,984	29.8%
188 – Fire - 32907	150,700	137,881	91.5%	18,073	12.0%
189 – Fire - 32908	200,800	179,991	89.6%	36,532	18.2%
190 – Fire - 32909	1,039,117	297,941	28.7%	632,049	60.8%
191 – Parks - 32905	235,090	105,610	44.9%	12,640	5.4%
192 – Parks - 32907	1,053,056	242,347	23.0%	42,063	4.0%
193 – Parks - 32908	864,137	380,315	44.0%	392	0.0%
194 – Parks - 32909	803,000	597,234	74.4%	327	0.0%
196 – Transportation - 32905	253,700	319,221	125.8%	415	0.2%
197 – Transportation - 32907	3,991,211	804,426	20.2%	31,693	0.8%
198 – Transportation - 32908	5,803,500	1,408,095	24.3%	676	0.0%
199 – Transportation - 32909	3,348,945	1,981,227	59.2%	998,169	29.8%

	BUDGET	REVENUES		EXPENDITURES	
	FY 22 Amended Budget	FY 22 Year-to-Date Actuals	FY 22 % Collected	FY 22 Year-to-Date Actuals + Encumbered	FY 22 % Spent
Debt Service Funds					
201 – L/P Agreements	528,207	266,903	50.5%	266,904	50.5%
214 – 2004 Pension Bonds	190,100	95,026	50.0%	175,000	92.1%
221 – 2013 Pension Bonds	1,467,947	733,624	50.0%	1,367,455	93.2%
223 – 2015 Franchise Fee Note	531,607	265,759	50.0%	504,198	94.8%
224 – 2015 Sales Tax Bond	824,350	411,959	50.0%	817,648	99.2%
225 – 2015 Sales Tax Bond - TIF	227,231	227,025	99.9%	225,181	99.1%
226 – 2016 Franchise Fee Note	337,191	168,492	50.0%	262,373	77.8%
227 – 2018 LOGT Note	768,589	768,009	99.9%	662,392	86.2%
228 – 2019 G.O. Bonds	6,976,726	6,487,938	93.0%	4,097,810	58.7%
229 – 2019 T.S.O. Bonds	2,208,155	1,103,784	50.0%	1,412,617	64.0%
230 – 2020 Rev. Refund Note	328,538	164,243	50.0%	288,025	87.7%
231 – 2021 G.O. Bonds	3,449,976	3,205,500	92.9%	1,478,976	42.9%
Capital Project Funds					
301 – Capital Improvement	4,014,021	148,528	3.7%	188,650	4.7%
306 – I-95 Interchange	180,745	0	0.0%	180,646	99.9%
307 – Road Maintenance CIP	2,133,684	751,827	35.2%	969,981	45.5%
308 – Connector to I-95	310,108	39	0.0%	180,181	58.1%
309 – 2019 G.O. Road Bond	61,453,135	3,883	0.0%	2,857,743	4.7%
310 – 2021 G.O. Road Bond	8,799	26,878	305.5%	0	0.0%
Proprietary Funds – Utilities					
421 – Utility Operating	41,062,507	16,766,983	40.8%	15,807,531	38.5%
423 – Utility Connection Fee	5,350,081	4,760,850	89.0%	1,863,781	34.8%
424 – Utility Renewal/Replace.	16,443,367	3,180,629	19.3%	3,456,082	21.0%
425 – Main Line Extension	2,472,181	955,892	38.7%	782,744	31.7%
426 – 2016 Utility Rev. Ref. Bond	1,533,420	765,933	49.9%	0	0.0%
427 – 2001 Utility Bond Constr.	1,951,231	958,281	49.1%	0	0.0%
431 – USA-1 Assessment	0	30	N/A	0	N/A
432 – Unit 31 Assessment	361,202	334,216	92.5%	281,757	78.0%
433 – Utility SRF Loan	28,573,353	0	0.0%	23,262,556	81.4%
434 – 2020 Utility Constr. Bond	6,179,350	386,575	6.3%	5,165,593	83.6%
Proprietary Funds – Other					
451 – Building	11,536,107	3,037,619	26.3%	2,819,675	24.4%
461 – Stormwater Utility	12,820,510	5,399,210	42.1%	5,831,636	45.5%
471 – Solid Waste	13,194,432	6,633,125	50.3%	11,829,562	89.7%

	BUDGET	REVENUES		EXPENDITURES	
	FY 22 Amended Budget	FY 22 Year-to-Date Actuals	FY 22 % Collected	FY 22 Year-to-Date Actuals + Encumbered	FY 22 % Spent
Internal Service Funds					
<i>511 – Employee Benefits</i>	16,039,168	7,979,379	49.7%	7,354,942	45.9%
<i>512 – Risk Management</i>	4,923,374	2,454,976	49.9%	2,152,102	43.7%
<i>513 – Other Employee Benefits</i>	5,145,880	2,030,143	39.5%	2,930,443	56.9%
<i>521 – Fleet Services</i>	9,396,610	2,370,098	25.2%	5,966,144	63.5%



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Valentino Perez, Chief Building Official

DATE: 5/19/2022

RE: Consideration of travel and training for specified City employees (Building Department).

Building Department is requesting approval for John Pearson to travel overnight to attend the Building Code Administrators and Inspectors Board meeting being held on June 15th, 16th, and 17th 2022 at Hilton Garden Inn Palm Beach Gardens, 3505 Kyoto Gardens Drive, Palm Beach Gardens, FL 33410.

The Building Code & Inspectors Board Meeting releases the names of the applicants 2 weeks prior to the meeting. At this time, we are expecting the Board will be reviewing applications for 4 team members to be approved for internship to qualify for testing to obtain licenses in different trades. John Pearson will be speaking as the Deputy Building Official on June 15th 2022 to June 17th 2022. The Building Department's employees that have sent in applications are Inspector Darrell Dacus for Provisional Residential Inspector, Inspector Ray Declue for Provisional Residential Inspector, Sr Plans Examiner Scott Stafford for Building Official license. Those 3 employees will utilize day travel only. Meetings start at 9 am on June 15, 16 & 17th 2022 and end when they are completed with the designated applications in alphabetical order. At this time, John Pearson will begin his travel at 7:00 PM June 14th 2022 and stay overnight June 14th, 15th, and 16th.

Meal & Incidentals for John Pearson are \$57.00 per day for 3 days totaling \$171.00. Hotel per night is \$121 for 3 nights totaling \$363. Total cost of travel will be \$534.00.

Funds are available in Building Department Education Surplus account #451-0000-220-1024.

REQUESTING DEPARTMENT:

Building Department

FISCAL IMPACT:

Total Cost of travel is estimated at \$534 and is available in the Building Department Education Surplus Fund, account #451-0000-220-1024.

RECOMMENDATION:

Motion to acknowledge and approve travel as mentioned above.

ATTACHMENTS:

Description

John Pearson Travel Request



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control # _____
Request Date: 5/4/2022
Contact/Ext 3415

Name: <u>John Pearson, Deputy Building Official</u>		Destination: <u>Palm Beach Gardens, FL 33410</u>				
Department/Division: <u>Building</u>		Departure Date of: <u>6/14/2022</u>		Return Date of: <u>6/17/2022</u>		
Account To Be Charged: <u>451-0000-220-1024</u>		Time of: <u>7:00 PM</u>		Time of: <u>5:00 PM</u>		
Account To Be Charged:		Estimated Cost: before mileage reimbursement \$534.00				
Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY Attend the Building Code Administrators & Inspectors Board meeting being held at Hilton Garden Inn 3505 Kyoto Gardens Drive, Palm Beach Gardens, FL 33410.						
Date Approved By Council: _____						
Transportation: boldface or circle choice(s) <u>POV - Estimated Mileage</u> <u>NA</u> <u>City Vehicle</u> Common Carrier (complete below)						
PREPAID EXPENSES		VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration		N/A			Vendor #	Check #
Due Date					Date	
Hand Carry Y N						
Lodging Paid by		Hilton Garden Inn 3505 Kyoto Gardens Dr. Palm Beach Gardens, FL 33410	Rate <u>\$121.00</u> # Nights <u>3</u>	\$363.00	Vendor #	Check #
Doreen CC					Date	
Due Date <u>ASAP</u>						
Hand Carry Y N						
Common Carrier (if applicable)					Vendor #	Check #
Due Date					Date	
Hand Carry Y N				\$0.00		
Other Expenses					Vendor #	Check #
Due Date					Date	
Hand Carry Y N				\$0.00		
Other Expenses					Vendor #	Check #
Due Date					Date	
Hand Carry Y N				\$0.00		
PER DIEM ADVANCE: Advanced or Upon Return (circle one) Refer to www.gsa.gov for rates - <u>attach proof of rate</u> (Lodging prepaid - receipt required)					Vendor #	Check #
Breakfast <u>3</u> @ <u>\$16.00</u> = <u>\$48.00</u>				\$171.00		Date
Lunch <u>3</u> @ <u>\$17.00</u> = <u>\$51.00</u>						
Dinner <u>2</u> @ <u>\$31.00</u> = <u>\$62.00</u>						
Incidentals <u>2</u> @ <u>\$5.00</u> = <u>\$10.00</u>						

TRAVEL APPROVALS

Val Ag 5/4/22
Department Head Date

Finance Date

(if applicable)

City Manager Date

(ATTACH TO EXPENSE REPORT UPON RETURN)



Dates/Times of Departure:	6/14/22 @ 7:00PM
Dates/Times of Return:	6/17/22 @ 5:00PM
Destination:	

Purpose of Trip:	Building Code Administrators License Board
-------------------------	--

City Vehicle

I certify that all expenses listed on this sheet were incurred on City business within the guidelines set by Administrative Code No G 20.4

DEPARTMENT APPROVALS: _____

For Accounting Purposes Only:

Payroll:	Pay Period Ending:	
Taxable Subsistence Allowance:		\$

Notice of Meeting/Workshop Hearing

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

The Building Code Administrators and Inspectors Board announces a public meeting to which all persons are invited.

DATES AND TIMES: June 15, 2022, 9:00 a.m.; June 16, 2022, 9:00 a.m.; June 17, 2022, 9:00 a.m.

PLACE: Hilton Garden Inn Palm Beach Gardens, 3505 Kyoto Gardens Drive, Palm Beach Gardens, Florida 33410, Telephone Number: (561)694-5833

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, probable cause panel (portions of which may be closed to the public), general board business.

A copy of the agenda may be obtained by contacting: Myfloridalicense.com – Licensing and Regulation - Building Code Administrators & Inspectors - Board Meeting Information.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, 2601 Blair Stone Road, Tallahassee, FL 32399, or by calling (850)717-1980. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, 2601 Blair Stone Road, Tallahassee, FL 32399, or by calling (850)717-1980.

Doreen Hensel

From: Hilton Garden Inn Confirmed <noreply@h4.hilton.com>
Sent: Monday, May 2, 2022 12:15 PM
To: Doreen Hensel
Subject: Your Jun-14-2022 Confirmation #3255550691

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hilton

Join Hilton Honors

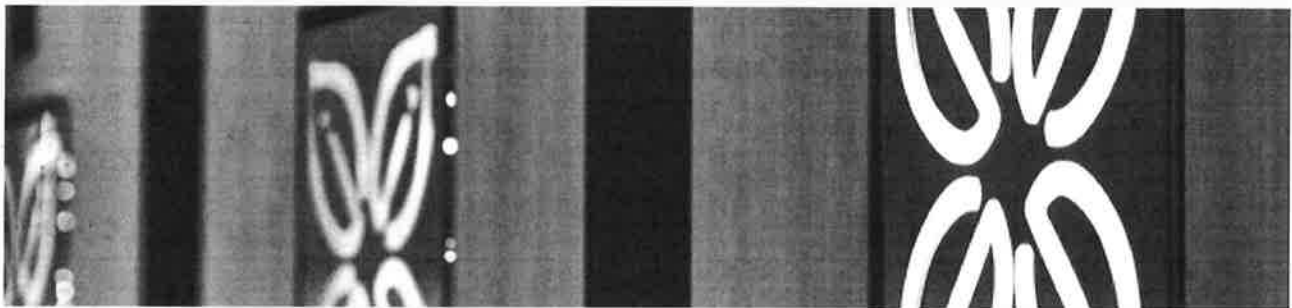
Get instant benefits by joining - for free.




See you soon, John Pearson

Your reservation for Jun-14-2022 has been confirmed.

Confirmation #3255550691



Hilton Garden Inn Palm Beach Gardens

 3505 Kyoto Gardens Drive
Palm Beach Gardens FL 33410 US
[Maps & Directions >>](#)

 15616945833

14 TUE
JUN

Check In: 3:00 PM


3 Nights

17 FRI
JUN

Check Out: 12:00 PM



Add to Calendar



Due to the current travel environment, hotel amenities and services may be limited. Visit the **Hilton Garden Inn Palm Beach Gardens** hotel website for property policies and updates. Please check with regional health and government authorities about the evolving health and safety requirements that may be in place at the location of your stay. [Learn more→](#)

Your Room Information

Guest Name:	John Pearson
Guests:	1 Adult
Rooms:	1
Room Plan:	1 KING BED LAKEVIEW

Your Rate Information

STATE GOVERNMENT

Rate per night

Jun-14-2022 - Jun-17-2022	121.00 USD
---------------------------	------------

Total for Stay per Room Rate	363.00 USD
-------------------------------------	-------------------

Taxes	47.19 USD
--------------	-----------

Total price for Stay	410.19 USD
-----------------------------	-------------------

← Removed at
Check out!
(tax exempt)



[Modify Your Reservation >](#)

What To Expect When You Arrive



Clean & Ready for You

We are creating an even cleaner stay for you from your guest room to public areas to food and beverage. [Learn more→](#)



U.S. General Services Administration

FY 2022 Per Diem Rates for ZIP 33410

Meals & Incidentals (M&IE) Breakdown

Primary Destination	County	M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & LastDay of Travel
Boca Raton / Delray Beach / Jupiter	Palm Beach / Hendry	\$69	\$16	\$17	\$31	\$5	\$51.75

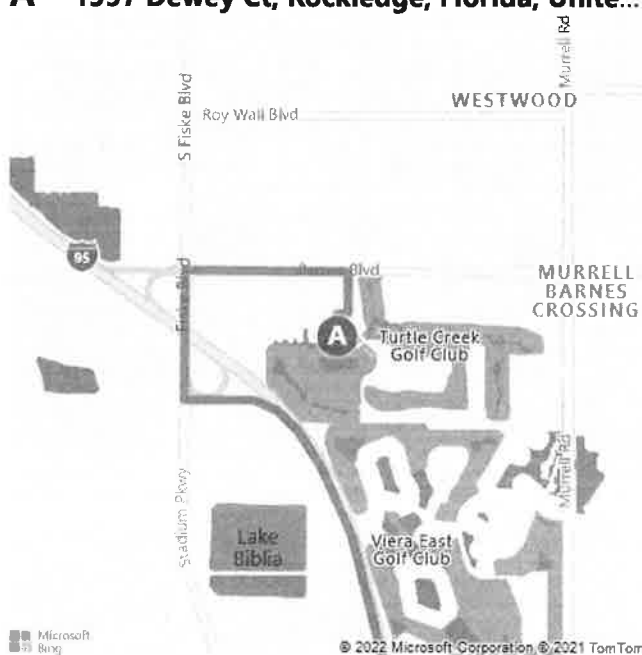
A 1357 Dewey Ct, Rockledge, Florida, United States**B** 3505 Kyoto Gardens Dr, Palm Beach Gardens, Florida, United States1 hr 34 min , 119 miles
Light traffic (Leave at 11:03 AM)
Via I-95 S**A** 1357 Dewey Ct, Rockledge, Florida, United States

↑	1. Head north on Dewey Ct toward Halsey Dr	397 ft
↗	2. Turn right onto Halsey Dr , then immediately turn left onto Admiralty Blvd	0.2 mi
↶	3. Turn left onto Barnes Blvd	0.5 mi
↶	4. Turn left onto Fiske Blvd	0.5 mi
↶	5. Turn left onto road toward I-95 South	66 ft
	6. Take the ramp on the right for I-95 S	116.0 mi, 1 hr 21 min
↗	7. At Exit 79 , head on the ramp right and follow signs for FL-786	0.3 mi
↵	8. Bear left , then bear left onto FL-786 / Pga Blvd	0.7 mi
↶	9. Turn left onto Lake Victoria Gardens Ave	0.2 mi
↗	10. Turn right onto Kyoto Gardens Dr	0.1 mi
↶	11. Turn left	36 ft
↑	12. Keep straight to get onto road	282 ft
↶	13. Turn left	105 ft
	14. Arrive at your destination on the left	

B 3505 Kyoto Gardens Dr, Palm Beach Gardens, Florida, United States



A 1357 Dewey Ct, Rockledge, Florida, United States



B 3505 Kyoto Gardens Dr, Palm Beach Gardens, Florida, United States



These directions are subject to the Microsoft® Service Agreement and are for informational purposes only. No guarantee is made regarding their completeness or accuracy. Construction projects, traffic, or other events may cause actual conditions to differ from these results. Map and traffic data © 2022 TomTom.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 5/19/2022

RE: Consideration of travel and training for specified City employees (Code Compliance Division).

The Growth Management Department/Code Division is requesting approval for Code Officer Phil Clendenin to travel to Oakland Park Florida June 12-16, 2022 to attend the FACE Officer Safety and Field Applications course and exam. The training will be held at Jaco Pastorius Park. The training will provide Mr. Clendenin with his annual training hours needed to retain his certification. The total trip cost is estimated at \$1,409.00. The registration cost is \$650.00; lodging cost is \$516.00; per diem is estimated at 243.00.

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

The estimated total cost is \$1,409.00 and is available in accounts 001-3330-529-4001 and 001-3330-529-5501.

RECOMMENDATION:

Motion to approve training and travel for Code Officer Phil Clendenin.

ATTACHMENTS:

Description

Travel Memo -Phil Clendenin

**LEGISLATIVE MEMORANDUM**

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard

DATE: 5/5/2022

RE: Consideration of travel and training for specified City employees (Code Compliance Division).

The Growth Management Department /Code Division is requesting approval for Code Officer Phil Clendenin to travel to Oakland Park Florida June 12-16, 2022 to attend the FACE Officer Safety and Field Applications course and exam. The training will be held at Jaco Pastorius Park. The total trip cost is estimated at \$1,409.00. The registration cost is \$650.00; lodging cost is \$516.00; per diem is estimated at 243.00.

REQUESTING DEPARTMENT:
Growth Management

FISCAL IMPACT:
The estimated total cost is \$1,409.00 and is available in accounts 001-3330-529-4001 and 001-3330-529-5501.

RECOMMENDATION:
Motion to Motion to authorize training and travel for Code Officer Phil Clendenin.



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control # _____

Request Date: 4/21/2022

Contact/Ext Jeanne 5674

Name: Phil Clendenin	Destination: 1098 N.E. 40th Court, Oakland Park, FL
Department/Division: Code Compliance	Departure: 6/12/2022 Return: 6/16/2022
Account To Be Charged:	Time of: 3PM 8:30PM
Account To Be Charged:	Estimated Cost: before mileage reimbursement \$1,409.00

Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY

Date Approved By Council: _____

Transportation: **boldface** or circle choice(s) POV - Estimated Mileage _____ City Vehicle
Common Carrier (complete below)

PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY		
Registration	FACE Officer Safety 1098 N.E. 40th CT, Oakland	FACE Officer Safety and Field Applications		Vendor #	Check #	
Due Date 4/19/2022						Date
Hand Carry Y N						
Lodging	Hampton Inn Ft. Lauderdale 720 E Cypress Creek Rd,	Rate \$129.00		Vendor #	Check #	
Due Date 6/12/2022		Date				
Hand Carry Y N						# Nights 4
			\$516.00			
Common Carrier (if applicable)				Vendor #	Check #	
Due Date _____						Date
Hand Carry Y N						
			\$0.00			
Other Expenses				Vendor #	Check #	
Due Date _____						Date
Hand Carry Y N						
			\$0.00			
Other Expenses				Vendor #	Check #	
Due Date _____						Date
Hand Carry Y N						
			\$0.00			
PER DIEM ADVANCE: Advanced or Upon Return (circle one)				Vendor #	Check #	
Refer to www.gsa.gov for rates - <u>attach proof of rate</u>						
(Lodging prepaid - receipt required)						
Breakfast 0	@	\$0.00	=	\$0.00	Date	
Lunch 4	@	\$17.00	=	\$68.00		
Dinner 5	@	\$31.00	=	\$155.00		
Incidentals 4	@	\$5.00	=	\$20.00		
			\$243.00			



Department Head Date

TRAVEL APPROVALS

Finance Date

(if applicable)

City Manager Date

(ATTACH TO EXPENSE REPORT UPON RETURN)



FLORIDA ASSOCIATION OF CODE ENFORCEMENT CERTIFICATION

In conjunction with the Florida Association of Code Enforcement, Inc. (F.A.C.E.) the John Scott Dailey Florida Institute of Government at FAU is pleased to offer the 30 hours of classes required for the Officer Safety and Field Application certification.

Officer Safety and Field Applications

Host: Jaco Pastorius Park, 1098 N.E. 40th Court, Oakland Park, FL 33334

Date	Topic	Time
June 13	Defensive Tactics with Practical Application	8 am – 5 pm
June 14	Interpersonal Skills Training Part I: Conflict, Courtesy, Human Behavior, and Diversity	8 am – 5 pm
June 15	Interpersonal Skills Training Part II: Persons with Special Concerns, Substance Abuse, and Officer Survival	8 am – 5 pm
June 16	Field Safety and Survival	8 am – 3 pm
	Officer Safety Exam	3:30 – 5:30 pm

The registration fee includes course materials only. Participants will be on their own for lunch. Participation in the physical part of the Defensive Tactics Training is required for the Officer Safety Certification. You must return the signed, original liability waiver emailed to you after you register on the first day of class.

	Active FACE Members	Non-Members
Course Fee	\$550	\$750
Exam Fee	\$100	\$150

REGISTRATION INFORMATION: Registrations are confirmed only if they are accompanied by payment. Refunds must be requested in writing and received no later than seven days prior to the first day of the classes. Fees will be refunded less a **\$75.00** administrative fee. All monies are forfeited beyond this date. Non-attendance does not constitute a withdrawal or refund request. We reserve the right to cancel the classes; in that case, the registration fees will be refunded in full.

Are you a FACE Member?

Non-members pay a higher fee for the class and exam. Join FACE before you register.

Join FACE Today

face-online.org/

Register for Class

flog.fau.edu

Class Registration Deadline

May 27, 2022

Register for the Exam

Flog.fau.edu

Questions? Contact Sue Dean at sdean@fau.edu or 561-297-3749



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: 5/19/2022

RE: Consideration of travel and training for specified City employees (Community and Economic Development Department).

Anna Ferreira, Customer Account Specialist, will be attending the Florida Association of Business Tax Officials (FABTO) Educational Conference in Sarasota, FL from May 30 through June 3, 2022 to obtain training required to become certified as an official in the area of Business Tax Receipts. Ms. Ferreira will gain knowledge regarding the latest regulations and practices pertaining to granting and processing business licenses on behalf of the City.

Registration for the conference is \$378. Lodging/accommodations for four nights is estimated to be \$636. Self parking per day for four days at \$10 per day will total \$40. Per diem is estimated to be \$242. The total cost is \$1,296.

REQUESTING DEPARTMENT:
Community & Economic Development

FISCAL IMPACT:
The estimated total cost is \$1,296.00 and is available in the Community & Economic Development budgeted travel and training line items: 001-3410-552-4001 and 5501.

RECOMMENDATION:
Motion to approve travel for Anna Ferreira to attend the 34th Annual FABTO Conference.

ATTACHMENTS:

Description

Travel Authorization Packet - 34th Annual FABTO Educational Conference - A. Ferreira



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control #

Request Date: 4/25/2022

Contact/Ext Danielle Crofts x 5428

Name: Anna Ferreira		Destination: Sarasota, FL			
Department/Division: CED/ED		Departure Date of: 5/30/2022		Return Date of: 6/3/2022	
Account To Be Charged: 001-3410-552-40-01 (Travel)		Time of: 12:00PM		5:00PM	
Account To Be Charged: 001-3410-552-55-01 (Training)		Estimated Cost: before mileage reimbursement \$1,296.00			
Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY					
34th Annual Florida Association of Business Tax Officials, Inc. (FABTO) Education Conference					
Date Approved By Council: _____					
Transportation: boldface or circle choice(s)		POV - Estimated Mileage		City Vehicle	
		Common Carrier (complete below)			
PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration	FABTO (FEIN # 91-2000956)	Conference Registration		Vendor #	Check #
Due Date	Attn: Kathleen Adle	386-410-2865			Date
Hand Carry Y N	C/O City of New Smyrna Beach	kadle@cityofnsb.com			
	214 Sams Ave	(Cost includes 5% online CC Convenience Fee)	\$378.00		
Lodging	Westin Sarasota	P-Card - D. Crofts		Vendor #	Check #
Due Date	100 Marina View Dr.	Rate \$159.00			Date
Hand Carry Y N	Sarasota, FL 34236	# Nights 4	\$636.00		
	1-941-217-4777				
	Conf. # 76916732				
Common Carrier (if applicable)				Vendor #	Check #
Due Date					Date
Hand Carry Y N			\$0.00		
Other Expenses	Self-parking (per-day)			Vendor #	Check #
Due Date	Westin Sarasota	\$10.00			Date
Hand Carry Y N		4	\$40.00		
Other Expenses				Vendor #	Check #
Due Date					Date
Hand Carry Y N			\$0.00		
PER DIEM ADVANCE: Advanced or Upon Return (circle one)				Vendor #	Check #
Refer to www.gsa.gov for rates - attach proof of rate					Date
(Lodging prepaid - receipt required)					
Breakfast	4	@ \$16.00 = \$64.00			
Lunch	2	@ \$17.00 = \$34.00			
Dinner	4	@ \$31.00 = \$124.00			
Incidentals	4	@ \$5.00 = \$20.00			
			\$242.00		

TRAVEL APPROVALS

Nancy A. Bant 4/25/2022
 Department Head Date

Finance Date

(if applicable)

City Manager Date

(ATTACH TO EXPENSE REPORT UPON RETURN)



Florida Association of Business Tax Officials, Inc.

[HOME](#)[BOARD](#)[MEMBERSHIP](#)[CHAPTERS](#)[CALENDAR](#)[CONFERENCE](#)[FAQS](#)

Defining Issues Exchanging Ideas Solving Problems

FABTO[Home](#)

Thanks for visiting the Florida Association of Business Tax Officials "FABTO" Website. We are currently undergoing updates as we become ADA Compliant.

FABTO's 34th Annual Education Conference

The 34th FABTO Annual Educational Conference is taking place at The Westin Sarasota.

[Conference Registration Form](#)

- WHEN: May 31 – June 3, 2022
- WHERE: [The Westin Sarasota](#)
- 100 Marina View Drive
- Sarasota, FL 34236
- CONTACT INFO: 941-217-4777

[Conference Agenda](#)

Registration Cutoff Date:

In-person 22 days – Monday, May 9, 2022 at 5pm

Virtual 20 days – Wednesday, May 11, 2022 at 5pm

Cancellation Deadline: TBD

How to Register

Once you have registered as a new user on FABTO's website and paid your FABTO membership dues you are able to log-in and access the user "Navigation Menu". Listed on the left of the screen is menu link "Register for the Annual Conference". Please be sure to complete this registration prior to purchasing your conference ticket. It is very important that we know your attendance preferences while we are planning the conference.

Registration Fees:

Click on the blue links below to add the item to your shopping cart.

- [On or before May 9, 2022](#)

- Full Conference - \$360.00
- Full Conference Non-member - \$399.00

- After May 9, 2022

- Full Conference - \$410.00
- Full Conference Non-member - \$449.00

One day Re-Certification Fee:

- On or before May 9, 2022

- One Day Re-Certification - \$300.00
- One Day Re-Certification Non-member - \$350.00

- After May 9, 2022

- One Day Re-Certification - \$350.00
- One Day Re-Certification Non-member - \$400.00

Virtual Conference:

- On or before May 11, 2022

- VIRTUAL Full Conference - \$300.00
- VIRTUAL Full Conference Non-member - \$350.00
- VIRTUAL One Day Re-Certification - \$275.00
- VIRTUAL One Day Re-Certification Non-member - \$300.00

- After May 11, 2022

- VIRTUAL Full Conference - \$350.00
- VIRTUAL Full Conference Non-member - \$400.00
- VIRTUAL One Day Re-Certification - \$325.00
- VIRTUAL One Day Re-Certification Non-member - \$350.00

The following forms of payments are accepted for online transactions, Mastercard, Visa, American Express, and Discover. Please be advised that all payments transactions will be assessed a non-refundable 5% convenience fee. Once the order has been placed, it cannot be cancelled.

Reservations

A block of rooms have been reserved for FABTO conference attendees at **The Westin Sarasota**

"Hotel Registration Link"

The 2022 Conference is approaching. Room rates have been confirmed and are listed below.

Standard Room - \$159.00 + \$10.00 Parking

Hotel Reservation Deadline : May 9, 2022

Download a registration form "[Conference Registration Form](#)"

Statewide Certification Program

The FABTO Statewide Certification Program was instituted as one of the many tools FABTO utilizes to accomplish educational goals. FABTO encourages all of its members to participate in the program and looks forward to providing members the educational opportunities needed in order to obtain certification and remain educated on all details regarding Local Business Taxes in Florida.

[Read more](#)

FAU/IOG Certificate of Completion-Level I

This Continuing Education Unit (CEU) certificate is issued by the Florida Atlantic University Institute of Government and will be awarded upon attendance at a FABTO Annual Educational Conference and will reflect the number of educational hours attended at said conference.

[Read more](#)

Certified Business Tax Official (CBTO)-Level II

This certificate will be awarded after the member has met the following requirements:

[Read more](#)

Re-Certification - Certified Business Tax Official (CBTO)

Re-certification requires attendance at one full day of any annual conference within three (3) consecutive conferences. For purposes of re-certification "one full day" is defined as a minimum of a full single days conference attendance at a conference. For clarification a "full single day" excludes attendance at the opening and closing half days of the conference.

Re-certifications will expire at the end of the month three years from the issue date.

[Read more](#)

Senior Business Tax Official (SBTO)-Level III

This certificate will be awarded after the member has met the following requirements.

[Read more](#)

Master Business Tax Official (MBTO)-Level IV

This certificate will be awarded after the member has met the following requirements.

[Read more](#)

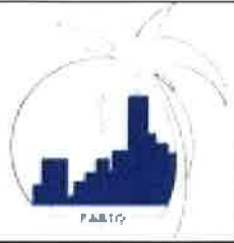
Scholarships

Scholarship applications for the conference registration fee will be available from your chapter president and must be submitted to the chapter for review at least 90 days prior to the conference.

Scholarships will be based on available funds at the chapter and state levels and first time applicants will receive priority. The following items will be taken into consideration:

- You must be a paid member of FABTO at present and for at least one previous year
- Attend 60% or more local chapter meetings
- Service to FABTO (Officer, Board of Directors, Committees, etc.) at the chapter or state level
- Applicant's efforts to obtain financing from their municipality
- Applications for scholarships must be submitted at least 90 days prior to start date of conference

Note: It shall be the responsibility of the member to request certification and provide written proof of eligibility. The State Board of Directors reserves the right to grant certification of any level to a member upon a majority vote of the state board. Individuals must be a current paid member of FABTO in order to receive certification at any level.



34th Annual Educational Conference Registration Form

May 31-June 3, 2022

Name Anna Ferreira				First Time No Attendee? Yes or No	
Name for Nametag Anna			Certification Level		N/A
Agency Name City of Palm Bay			Chapter Central Florida		
Agency Address 120 Malabar Road NE					
City Palm Bay			State FL		Zip Code 32907
Phone 321-952-3419		Ext 3330	Cell Phone		Fax
Email (Required) Anna.Ferreira@palmbayflorida.org					
VIRTUAL REGISTRATION:					
Check Box	Registering For	Member Before May 11, 2022	Member After May 11, 2022	Non-Member Before May 11, 2022	Non-Member After May 11, 2022
	Entire Conference	\$300.00	\$350.00	\$350.00	\$400.00
	1 - Day Recertification Wednesday, June 1	\$275.00	\$325.00		
	1 - Day Recertification Thursday, June 2	\$275.00	\$325.00		
FS Chapter 205/Business Tax 101 Class, (REQUIRED FOR FIRST TIME ATTENDEES) Tuesday, May 31 (9am-4pm)					
FS Chapter 205.2/Advanced/Refresher Tuesday, May 31 (1:30-4pm)					
BREAKOUT SESSIONS		Cottage Foods	Check Box	Rental Permits- Property Maint. Program	Check Box

IN-PERSON REGISTRATION:					
Are you staying at the host hotel? <u>Yes</u> or No				DEADLINE FOR HOTEL MAY 9, 2022	
	Registering For	Member Before May 9, 2022	Member After May 9, 2022	Non-Member Before May 9, 2022	Non-Member After May 9, 2022
X	Entire Conference	\$360.00	\$399.00	\$410.00	\$449.00
	1 – Day Recertification Wednesday, June 2	\$300.00	\$350.00		
	1 – Day Recertification Thursday June 3	\$300.00	\$350.00		
X	FS Chapter 205/Business Tax 101 Class, (REQUIRED FOR FIRST TIME ATTENDEES) Tuesday, June 1 (9am-4pm) Lunch provided				
	FS Chapter 205.2/Refresher Tuesday, May 31 (1:30pm-4pm)				
BREAKOUT SESSIONS (Please check your selection.)		<u>Cottage Foods</u>	Check Box ✓	Rental Permits-Property Maint. Program	Check Box
Please tell us a little about yourself to assure we plan meals correctly. Check the box that best suits your needs. If allergies, please list in the box labeled allergies.					
Vegetarian		Vegan	Gluten Free	Pescatarians	Allergies: <u>NO</u>

T-Shirt Size: Large **(in person attendees only)**

Check Enclosed? \$ _____ OR Paid Online with credit card _____

Please be advised that all credit card payment transactions will be assessed a **non-refundable 5% convenience fee. Once the order has been placed, it cannot be cancelled.**

Please make check payable to FABTO (FEIN #91-2000956), reference 2022 Conference in the memo line and mail to FABTO 34th Annual Educational Conference, Kathleen Adle, C/O City of New Smyrna Beach, 214 Sams Ave, New Smyrna Beach, FL 32168. You may reach out to Kathleen directly at Telephone: 386.410.2865 or via email at kadle@cityofnsb.com.

This form and corresponding payments are for registration for the 2022 FABTO Educational Conference ONLY. Please do not include Chapter membership fees with this registration. (Membership forms and fees must be submitted directly to the Membership Director). Refunds minus a \$50.00 processing fee will be made when a written request for refund is received by the FABTO Conference Registrar no later than May 7, 2022.

All Certificates will be emailed. First Time CBTO's, SBTO's and MBTO's will receive an original.

Due to planning considerations no refunds will be issued after May 7, 2022 date, unless determined by the Board due to a natural disaster, or health concerns. Individuals must be current paid members of FABTO to receive certification at any level.

FLORIDA ASSOCIATION OF BUSINESS TAX OFFICIALS, INC.
34th ANNUAL EDUCATIONAL CONFERENCE
3rd Hybrid Conference

May 31-June 3, 2022
The Westin, Sarasota

AGENDA

TUESDAY, May 31

8:00 a.m. Registration

9:00 a.m.-3:45 p.m.* **F.S. Chapter 205** (required for first-year attendees)

Patt Gavin, CBTO, Senior Business Tax Specialist, Fort Lauderdale

*3 15-minute breaks and a 1 hour 15-minute lunch will be provided

1:30 – 3:45 p.m. **F.S. Chapter 205.2 Advanced Session**

Ginger Wright, Vice President, Florida Association of Business Tax Officials
Victoria Mercer, Secretary, Central FL Chapter - City of Indian River
William Ackles, Local Business Tax Clerk / Records Management Liaison Officer -
City of Bradenton

3:45 p.m. **Door Prize Drawing**

4:00 p.m. **Adjourn**

6:30-8:00 p.m. **Meet and Greet Reception (hosted by Gold Coast Chapter) – no food**

WEDNESDAY, JUNE 1

8:00 a.m. Registration

8:30 a.m. **Welcome**

Angie Lester, President
Florida Association of Business Tax Officials

Marlon Brown, City Manager, City of Sarasota

9:00 a.m. **Keynote Session:**
Anne Schroeder
Habits of Highly Effective People

10:15 a.m. Break

10:30 a.m. **Keynote session continued**

11:45 a.m. Lunch with Speaker (lunch provided)
1:15 p.m. **Florida Department of Agriculture and Consumer Services**
Juan Rodriguez, Environmental Manager, Food Safety (*virtual*)
Juan.Rodriguez@fdacs.gov

2:00 p.m. Break

2:15-3:15 p.m. **FDACS presentation continued**

3:30-4:30 p.m. **City/County Discussions– 205.2.1 – Patt Gavin, Moderator**
Panel State Board/Chapters Members

4:45 p.m. Door prize drawing

5:00 p.m. Adjourn

THURSDAY, JUNE 2

8:00 a.m. **Conference Information/General Membership Meeting**

9:15 a.m. **Florida Department of Agriculture and Consumer Services**
Holly Bell, Director of Cannabis (in person)

10:45 a.m. Break

11:00 a.m. **Florida Department of Business and Professional Regulation**
Timothy McGrath, Director (in person)
Dawn Mars is the Regional Manager (in person)

12:30 -1:30 p.m. Lunch – *food not provided*

2:00 p.m. **Breakout Sessions**

— **Cottage industry: How to host an event to teach the community**
The Honorable Bruce Vickers, Osceola County Tax Collector (in person)
Rental Permits/Inspection-Property Maintenance Program
David Hooker, Code Compliance Manager, Town of Ponce Inlet (in person)

3:15 p.m. Break

3:30 p.m. **Members Helping Members: Chapter Meetings**

4:45 p.m. Door Prize Drawing

5:00 p.m. Adjourn

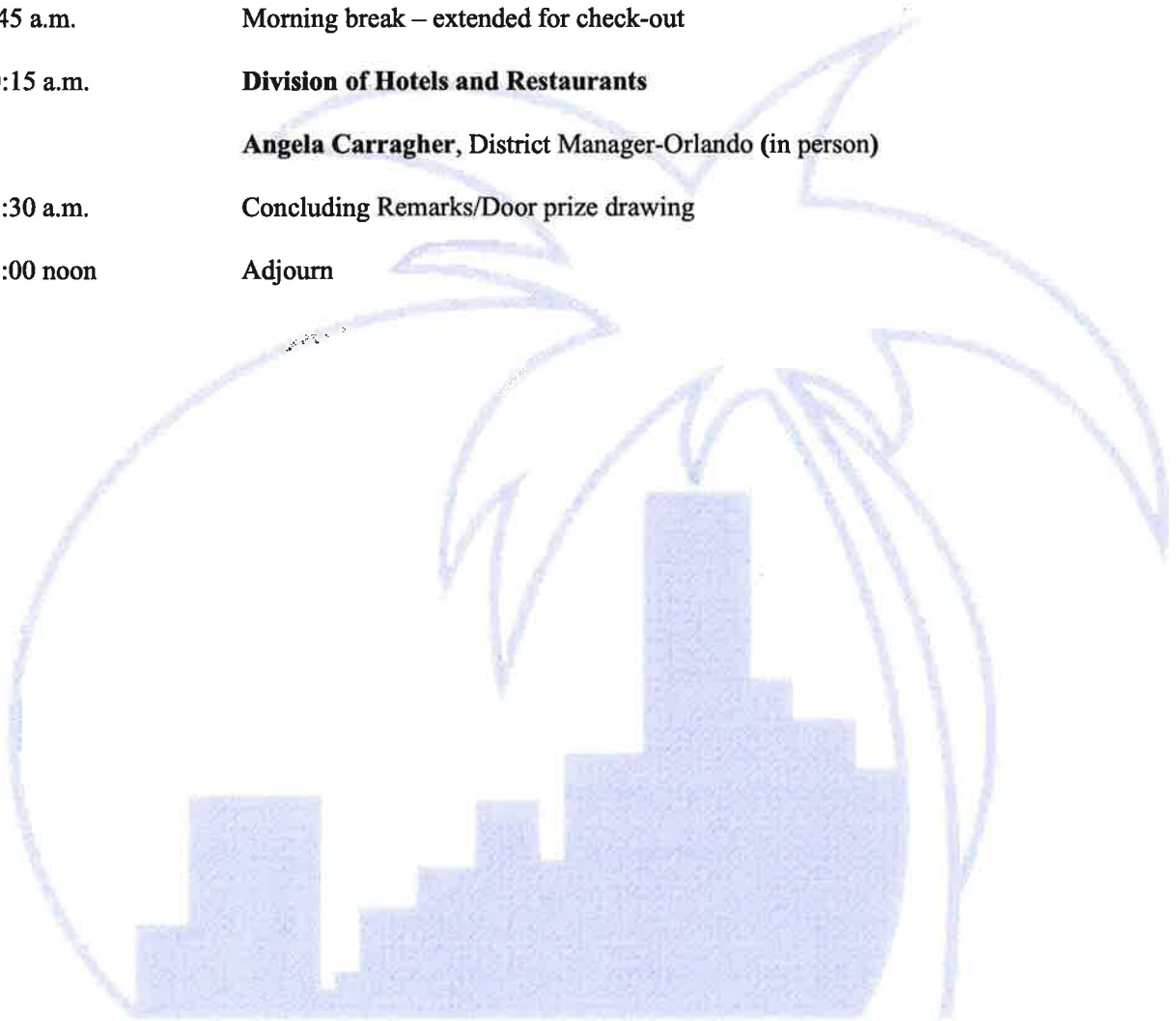
6:30 p.m.-8:00 p.m. **Thursday Evening Event (hosted by Bay Area Chapter) – no food**

FRIDAY, JUNE 3

- 8:00 a.m. **Notes from the President Angie Lester**
- 8:30 a.m. **Legislative Update –**

 David Hooker, Code Compliance Manger (in person)
 Town of Ponce Inlet(in person)
- 9:45 a.m. **Morning break – extended for check-out**
- 10:15 a.m. **Division of Hotels and Restaurants**

 Angela Carragher, District Manager-Orlando (in person)
- 11:30 a.m. **Concluding Remarks/Door prize drawing**
- 12:00 noon **Adjourn**



Danielle Crotts

From: Adle, Kathleen <kadle@cityofnsb.com>
Sent: Tuesday, April 12, 2022 12:59 PM
To: Danielle Crotts
Subject: RE: FABTO Conference - Meals

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Danielle,

It's on the conference agenda. Click on it on the "CONFERENCE" page.

Kathleen

Kathleen Adle, CBTO
Business Tax Specialist
City of New Smyrna Beach
214 Sams Ave
New Smyrna Beach, FL 32168
Office (386) 410-2865
kadle@cityofnsb.com
www.cityofnsb.com



From: Danielle Crotts [mailto:Danielle.Crotts@palmbayflorida.org]
Sent: Tuesday, April 12, 2022 12:57 PM
To: Adle, Kathleen <kadle@cityofnsb.com>
Cc: Anna Ferreira <Anna.Ferreira@palmbayflorida.org>
Subject: RE: FABTO Conference - Meals

Thank you, Kathleen!

I do not see on the conference site whether meals are included each day, where would I find that information?



Danielle Crotts
Business Development Coordinator
Community & Economic Development

Down to Earth And Up To Great Things™

321.409.7187 ext. 5428

From: Adle, Kathleen <kadle@cityofnsb.com>
Sent: Tuesday, April 12, 2022 12:47 PM
To: Danielle Crotts <Danielle.Crotts@palmbayflorida.org>
Cc: Anna Ferreira <Anna.Ferreira@palmbayflorida.org>
Subject: RE: FABTO Conference - Meals

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Danielle,

You can go to www.fabto.org and find all the information by selecting "CONFERENCE" at the top of the page.

Anna should register and create an account if she has not already. The best user name to use is first initial, then last name. For example "aferreira". She will also have to pay 2022 membership dues. That information can be found by selecting "MEMBERSHIP" at the top of the page.

If you are planning on paying online with a credit card, then she will register for everything herself. If you are mailing a check for payment, then please look for the printable forms to complete and mail with a check.

Thank you

Kathleen
Kathleen Adle, CBTO
Business Tax Specialist
City of New Smyrna Beach
214 Sams Ave
New Smyrna Beach, FL 32168
Office (386) 410-2865
kadle@cityofnsb.com
www.cityofnsb.com



From: Danielle Crotts [<mailto:Danielle.Crotts@palmbayflorida.org>]
Sent: Tuesday, April 12, 2022 12:38 PM
To: Adle, Kathleen <kadle@cityofnsb.com>
Cc: Anna Ferreira <Anna.Ferreira@palmbayflorida.org>
Subject: FABTO Conference - Meals

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

Good afternoon Kathleen,

We are looking to register Anna Ferreira (copied here) for the upcoming FABTO Conference in Sarasota at the end of May. Would you be able to tell us what meals are included in the registration/agenda fee? Our Accounting Department requires this information for per diem reimbursement.

Thank you,



Danielle Crotts
Business Development Coordinator
Community & Economic Development

321.409.7187 ext. 5428

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VISIT OUR WEBSITE FOR MORE INFORMATION ABOUT THE CITY OF NEW SMYRNA BEACH FLORIDA

www.cityofnsb.com

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Promoting a Green Palm Bay - Please consider the environment before printing this e-mail!



U.S. General Services Administration

FY 2022 Per Diem Rates for Sarasota, Florida

Meals & Incidentals (M&IE) Breakdown

Primary Destination	County	M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & Last Day of Travel
Sarasota	Sarasota	\$69	\$16	\$17	\$31	\$5	\$51.75

	B	L	D
5/30			✓
5/31	✓		✓
6/1	✓		✓
6/2	✓	✓	✓
6/3	✓	✓	

Stay Details

STAY DATES

Mon May 30, 2022 – Fri Jun 3, 2022

Room(s): 1

Adult(s): 1



The Westin Sarasota

100 Marina View Drive Sarasota Florida 34236 USA

Phone: +1 941-217-4777

#76916732

Anna Ferreira, thank you for your reservation. Your reservation is guaranteed to your *Visa* card. An email with this information has been sent to **anna.ferreira@palmbayflorida.org**. We look forward to greeting you soon.

Your receipt for hotel stays may be automatically sent to the email address associated with your reservation. If you prefer, you may request a paper copy at the front desk when you check in. Learn how to change your email address.

No room preferences were selected.

Summary of Charges

Room Type: Run of House, Guest room, 1 King or 2 Queen, Limited view, Limited view

FABTO ATTENDEES

1 room(s) for 4 night(s)

Prices in USD

Monday, May 30, 2022	159.00
Tuesday, May 31, 2022	159.00
Wednesday, June 1, 2022	159.00
Thursday, June 2, 2022	159.00

Total cash rate 636.00

Destination Amenity Fee

~~88.00~~

Estimated government taxes and fees

Total Stay

810.88 USD

remove tax
86.88
per email
attached

Danielle Crotts

From: Danielle Crotts
Sent: Monday, April 25, 2022 1:59 PM
To: 'grissobelle.cancel@westinsarasota.com'
Cc: Anna Ferreira
Subject: FW: File Danielle Crotts has been signed at The Westin Sarasota
Attachments: TAX EXEMPT thru 2022 with Letterhead.pdf

Good afternoon Grissobelle,

See attache tax exempt form for the City of Palm Bay for this reservation (Conf. # 76916732)

Thank you,



Danielle Crotts
Business Development Coordinator
Community & Economic Development

Down to Earth And Up To Great Things™

321.409.7187 ext. 5428

From: Grissobelle Cancel <Services@sertifi.net>
Sent: Monday, April 25, 2022 1:50 PM
To: Danielle Crotts <Danielle.Crotts@palmbayflorida.org>
Subject: File Danielle Crotts has been signed at The Westin Sarasota

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



All signatures requested by Grissobelle Cancel (The Westin Sarasota) have been received for "CC Auth Form - English" in the file "Danielle Crotts".

You may view the signed document by clicking the button below.

VIEW

Alternatively to view the document you may copy and paste the following URL in your browser:

https://www.sertifi.com/WestinSarasota_SRQWI/r.aspx?pdByFTQeDOLEk8Qg

Powered by Sertifi

Learn how to close business faster using Sertifi. <https://www.sertifi.com>



350 N LaSalle St -300, Chicago, IL 60654

WESTIN®

HOTELS & RESORTS

Payment Authorization Request:

Please complete this payment authorization form to allow the third-party expenses outlined below to be charged to your credit/debit card.

[Click here to open Marriott Privacy Center](#)

Guest Information

Confirmation Number: 76916732 Arrival Date: 5/30/22 Departure Date: 6/3/22

Guest Name: Anna Ferreira

Company Name: City of Palm Bay

Phone Number: 321-409-7187

Address: 120 Malabar Road NE

City, State, Zip: Palm Bay, FL, 32907

Relation to Cardholder: ☐ Relative ☐ Friend ☒ Business Associate ☐ Other: _____
(If applicable)

Rate Information and Approved Charges:

- | | | | | |
|---|--|---|---|-------------------------------------|
| <input type="checkbox"/> All Charges | <input checked="" type="checkbox"/> Room & Tax | <input type="checkbox"/> Telephone (LD) | <input type="checkbox"/> Telephone (Local) | <input type="checkbox"/> Restaurant |
| <input type="checkbox"/> Room Service | <input type="checkbox"/> Valet/Laundry | <input checked="" type="checkbox"/> Parking | <input type="checkbox"/> HS Internet Access | <input type="checkbox"/> Movies |
| <input type="checkbox"/> Event/Catering/Banquet Charges | | | | |
| <input type="checkbox"/> Other: <u>Parking \$10/day rate for FABTO Conference</u> | | | | |

Currency type: USD

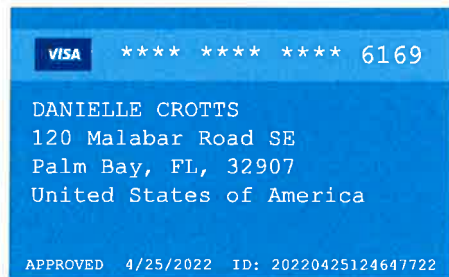
Charges must not exceed 676.00 (room + parking) for the entire stay/event

Room Rate: 159.00 Taxes: 0.00 Total Daily Rate: 159.00 Number of Nights: 4

Comments/Special Requests:

Tax exempt - will email separately. Parking \$10/day per FABTO Conference

Payment Information:



Cardholder Phone Number: 321-409-7187

Acceptance and eSignature:

✓ I authorize the hotel mentioned above to charge payment for all charges as indicated in the Rate Information and Approved Charges section of this form by processing a charge to the credit/debit card listed above. I confirm that all guests listed above are age 18 or older. I am the authorized signer for the payment information attached.

Cardholder Signature: Danielle Crotts
danielle.crotts@pbfl.org

Date: 04/25/2022



To Whom It May Concern:

Please note that the City of Palm Bay is a governmental entity and is tax-exempt. The Florida Sales and Use Tax Exemption Number is **85-8012646361C-4**.

A copy of the Sales Tax Consumer's Certificate of Exemption is shown below.

For additional information, please contact the Finance Department at (321) 952-3418.

CITY OF PALM BAY

Ruth Chapman

Ruth Chapman
Assistant Finance Director
www.palmbayflorida.org

0000047 05/17/17



Consumer's Certificate of Exemption

Issued Pursuant to Chapter 212, Florida Statutes

DR-14
R. 10/15

85-8012646361C-4	07/31/2017	07/31/2022	MUNICIPAL GOVERNMENT
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

CITY OF PALM BAY
120 MALABAR RD SE
PALM BAY FL 32907-3009

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Mariano Augello, Chief of Police

DATE: 5/19/2022

RE: Consideration of travel and training for specified City employees (Police Department).

Officer Edwin Lutz will be traveling to Orlando, FL June 12, 2022 – June 16, 2022, to attend the Symposium on Traffic Safety. This training/symposium focuses on emerging technology and innovative solutions used in both crash reconstruction and highway safety fields. This symposium is geared toward DUI/Traffic enforcement professionals, as a Drug Recognition Expert, Officer Lutz is trained to identify people whose driving is impaired by drugs other than, or in addition to, alcohol. This training will be held approximately 78 miles away. The Registration Cost is estimated at \$695.00, the Lodging Cost is estimated at \$516.00, the Parking Cost is estimated at \$48.00, and the Per Diem is estimated at \$276.00 with an approximate total of \$1,535.00. This will be paid out of the Uniform Services Division Account (5012).

Detective Christina West will be traveling to Miami, FL July 17, 2022 – July 22, 2022, to attend the Cold Case/No Body Homicide Investigation and Prosecution course. This training focuses on Homicide investigation and prosecution when there is no body. It takes the officer through the steps of investigation, case analysis, laboratory considerations, and Evidence for better case preparation/prosecution. This training will be held approximately 176 miles away. The Registration Cost is estimated at \$375.00, the Lodging Cost is estimated at \$575.00, the Parking Cost is estimated at \$87.50, and the Per Diem is estimated at \$323.00 with an approximate total of \$1,360.50. This will be paid out of the Investigations Division Account (5013).

Victims Advocate Amanda Housewright will be traveling to Orlando, FL July 18, 2022 – July 20, 2022, to attend the Krime Against Kids Training/Conference. This training focuses on training those that advocate for children alleged to be victims of abuse or neglect regarding being interviewed, receiving medical exams if necessary, therapy and other critical services in a non-threatening and child-friendly environment. This training will be held approximately 85 miles away. The Registration Cost is estimated at \$375.00, the Lodging Cost is estimated at \$300.00, the Parking Cost is estimated at \$40.00 and the Per Diem is estimated at \$160.00 with an approximate total of \$875.00. This will be paid out of the Victim Services Unit Division Account (5025).

REQUESTING DEPARTMENT:
Police Department

FISCAL IMPACT:

The total cost of travel is estimated at \$3,770.50 and is available in 001-5012-521-4001 (\$840); 001-5012-521-5501 (\$695); 001-5013-521-4001 (\$985.50); 001-5013-521-5501 (\$375); 001-5025-521-4001 (\$500); and 001-5025-521-5501 (\$375).

RECOMMENDATION:

Motion to acknowledge and approve travel as mentioned above.

ATTACHMENTS:

Description



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 5/19/2022

RE: Consideration of travel and training for specified City employees (Procurement Department).

The Procurement Department is requesting City Council approval for the following employees to travel for business purposes:

Juliet Misconi, Chief Procurement Officer and James "Nick" Canjar, Procurement Agent III, will be attending the NIGP (National Institute of Governmental Purchasing, Inc.) National Forum to be held in Boston, Massachusetts August 20 – 25, 2022. Mr. Canjar will also be part of a panel discussion presentation regarding the Request for Proposal (RFP) process. The City will be covering Ms. Misconi's registration fee (\$897.00), hotel (\$960.00) and per diem (\$303.00) for a total of \$2,160.00; the balance will be covered by scholarship funds. The City will be covering Mr. Canjar's registration fee only (\$897.00); the balance will be self paid. Procurement budgeted for one person to attend the Forum, but has funds for the full registration for two people due to cost savings. The full registration costs and partial pay of the travel expenses is budgeted.

The NIGP National Forum provides the opportunities to participate in over seventy (70) learning sessions throughout the multi-day event that pertain to current Procurement issues. Session topics include procurement in the courtroom, improving vendor performance management, small and local business outreach methods, procurement leadership and procurement trends beyond COVID. It also provides continuing education credits for professional procurement certifications.

REQUESTING DEPARTMENT:

Procurement

FISCAL IMPACT:

The estimated expenditures of \$3,057.00 are budgeted for Fiscal Year 2022 in 001-1510-513-55-01 and 001-1510-513-40-01.

RECOMMENDATION:

Motion to acknowledge and approve travel for Juliet Misconi and James "Nick" Canjar to attend the National

Institute of Governmental Purchasing, Inc.'s National Forum.

ATTACHMENTS:

Description

Travel Backup



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Contact/Ext Bonnie Hall x 3424

Control #

Request Date: 5/9/2022

Name: Juliet Misconi		Destination: NIGP National Forum Boston, MA			
Department/Division: Procurement		Departure Date of: 8/20/2022		Return 8/25/2022	
Account To Be Charged: 001-1510-513-55.01		Time of: 12:00 PM		5:00 PM	
Account To Be Charged: 001-1510-513-40.01		Estimated Cost: before mileage reimbursement \$2,160.00			
Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY Attending National NIGP Forum for updated and advancements in Procurement processees. Travel requested is only partially funded by the City, as listed below.					
Date Approved By Council: May 19, 2022					
<div style="display: flex; justify-content: space-between;"> <div> Transportation: boldface or circle choice(s) POV - Estimated Mileage Common Carrier (complete below) </div> <div> City Vehicle Travel will be paid for by employee </div> </div>					
PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration	NIGP Forum Boston Convention and Exhibit Center 415 Summer St Boston, MA 02210	P-Card		Vendor #	Check #
Due Date 5/31/2022					Date
Hand Carry Y N			\$897.00		
Lodging	Aloft Boston Seaport District 401-403 D Street Boston, MA 02210	Rate \$192.00		Vendor #	Check #
Due Date 5/31/2022		# Nights 5			Date
Hand Carry Y N	P-Card		\$960.00		
Common Carrier (if applicable)	American Airlines	Est Airline Ticket - \$489 Est Bag fee - \$30 ea way		Vendor #	Check #
Due Date 5/31/2022		**Self-pay**			Date
Hand Carry Y N		No City expense	\$0.00		
Other Expenses	Uber	Transportation from air-port to hotel and back, **Self-pay**		Vendor #	Check #
Due Date 8/25/2022		No City expense			Date
Hand Carry Y N			\$0.00		
Other Expenses				Vendor #	Check #
Due Date					Date
Hand Carry Y N			\$0.00		
PER DIEM ADVANCE: Advanced or Upon Return (circle one) Refer to www.gsa.gov for rates - attach proof of rate (Lodging prepaid - receipt required)				Vendor #	Check #
Breakfast 5	@	\$18.00 =	\$90.00		Date
Lunch 4	@	\$20.00 =	\$80.00		
Dinner 3	@	\$36.00 =	\$108.00		
Incidentals 5	@	\$5.00 =	\$25.00		
			\$303.00		

TRAVEL APPROVALS

Department Head _____ Date _____

Finance _____ Date _____

(if applicable)

City Manager _____ Date _____



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control # _____

Request Date: 5/9/2022

Contact/Ext Bonnie Hall x 3424

Name: <u>Nick Canjar</u>		Destination: <u>NIGP National Forum Boston, MA</u>			
Department/Division: <u>Procurement</u>		Departure		Return	
Account To Be Charged: <u>001-1510-513-55.01</u>		Date of: <u>8/20/2022</u>		<u>8/24/2022</u>	
Account To Be Charged: _____		Time of: <u>06:30 AM</u>		<u>5:00 PM</u>	
		Estimated Cost: before mileage reimbursement \$897.00			
Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY					
Attending National NIGP Forum for updated and advancements in Procurement processees. Presenting a panel discussion session regarding Request for Proposals. Only Registration is a cost to the City.					
Date Approved By Council: _____					
<div style="display: flex; justify-content: space-between;"> <div> Transportation: boldface or circle choice(s) </div> <div> POV - Estimated Mileage _____ </div> <div> City Vehicle </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div></div> <div>Common Carrier (complete below)</div> <div>Travel will be paid for by employee</div> </div>					
PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration	NIGP Forum Boston Convention and Exhibit Center 415 Summer St Boston , MA 02210			Vendor #	Check #
Due Date <u>5/31/2022</u>					Date
Hand Carry Y N			\$897.00		
Lodging		Rate <u>\$0.00</u>		Vendor #	Check #
Due Date _____		# Nights <u>0</u>			Date
Hand Carry Y N			\$0.00		
Common Carrier (if applicable)				Vendor #	Check #
Due Date _____					Date
Hand Carry Y N			\$0.00		
Other Expenses				Vendor #	Check #
Due Date _____					Date
Hand Carry Y N			\$0.00		
Other Expenses				Vendor #	Check #
Due Date _____					Date
Hand Carry Y N			\$0.00		
PER DIEM ADVANCE: Advanced or Upon Return (circle one) Refer to www.gsa.gov for rates - <u>attach proof of rate</u> (Lodging prepaid - receipt required)				Vendor #	Check #
Breakfast <u>0</u>	@	\$0.00 =	\$0.00		Date
Lunch <u>0</u>	@	\$0.00 =	\$0.00		
Dinner <u>0</u>	@	\$0.00 =	\$0.00		
Incidentals <u>0</u>	@	\$5.00 =	\$0.00		
			\$0.00		

TRAVEL APPROVALS

Department Head _____ Date _____

Finance _____ Date _____

(if applicable)

City Manager _____ Date _____

JOIN US IN BOSTON

August 20 - 24, 2022

Boston Convention and Exhibition Center, Boston, MA



- **5** Keynote Experiences
- **70+** Live Learning Sessions
- **10** Interactive Workshops (**NEW**)
- **16** Critical Conversations
- **300+** Exhibitors at Face-to-Face Products Expo
- **12** Supplier Topical Networking Sessions
- Fun Social Events to Reconnect
- Awards Dinner

EARLY REGISTRATION

through May 31

\$897

member

\$1,097

non-member

REGISTER NOW

Imagine new possibilities.

In person or virtual. All in real time.

NIGP
FORUM
2022

NIGP Forum Value Toolkit: Why Attend in 2022

Influence your manager and organizational leadership to **SUPPORT YOUR ATTENDANCE AT NIGP FORUM 2022**

We know it may be a challenge to get funding from your organization to attend NIGP Forum. In times of tightening budgets, this may especially be the case. We developed these tools and message talking points to make the conversation a little easier. Whether you're trying to influence your direct manager or your department head, we hope this will help you best position the value you and your organization will get out of attending.

General Tips



1. Focus on the return on investment (ROI) to sell the value of attending.

NIGP Forum offers tremendous value to every public procurement professional, here's how:

In-Person Experience

- NIGP Forum is the ultimate networking experience in the industry
- It provides a one-of-a-kind annual event where you get to meet and work with procurement colleagues who may be facing many of the same challenges and successes you or your entity are facing
- Choose from 70+ live learning sessions on relevant procurement topics that offer practical advice and expertise you can bring back to your entity
- Meet 300+ exhibitors face-to-face at the Products Expo featuring the latest products and services available to the government market

Virtual experience

- You'll get incredible value from this learning and networking experience- there's no travel expense to worry about
- Choose from 24 live learning sessions on impactful procurement-related topics
- Access 24 recorded sessions with live presenter Q&A via text chat
- Connect with colleagues in virtual networking rooms

Whether you attend in-person or virtually, you'll receive:

- 20.5 Contact Hours
- On Demand Access to all virtual content
- 12 Entity Networking Sessions
- Access to virtual platform to connect with participants
- Access to the Virtual Supplier Resource Center



2. Show how your attendance can help benefit others within your team/department or entity.

- Offer to deliver a post-event presentation or write-up that you can share with others in your organization so everyone benefits from the experience.
- Explain that session handouts will be posted online so everyone in your office will have access to most of the content.
- Write about your experience and share in your organization's newsletter or website to highlight your individual or department's focus on professional development efforts.
- Share learnings you get from the sessions and make an actionable plan of how you can implement new initiatives within your department or at your agency.



3. Ease the burden of planning for your time away from your normal routines.

- Create a plan for how your work will get done while you're participating at Forum.



4. Show the value of increasing your network with public procurement peers and suppliers alike.

No matter the industry or profession, who you know is critical to your success, in the short-term and in the long run.

- Showcase how Forum will help you broaden your network so you can more easily find mentors and collaborators to help you with your every-day challenges.
- If you're a more seasoned professional, talk up how Forum allows you to give back to the profession by providing mentorship and guidance to more junior professionals.
- In addition to expanding your peer network, Forum allows you the chance to establish critical connections or deepen relationships with suppliers who may be offering a product or service you're in need of.

SCHEDULE AT A GLANCE

IN PERSON AND VIRTUAL

ALL TIMES LISTED BELOW ARE IN EASTERN DAYLIGHT TIME

Contact Hours: 20.5

Session titles, descriptions, speakers, etc. will be added as they become available.

[Download PDF of Schedule](#)

Saturday, August 20

IN BOSTON

TIME	EVENT	HOURS
9:00 AM - 6:00 PM	Registration Center Open	
5:00 PM - 6:30 PM	Reception	
6:30 PM - 10:00 PM	Awards Dinner/Celebration	

Sunday, August 21

IN BOSTON

TIME	EVENT	HOURS
7:00 AM - 6:30 PM	Registration Center Open	
8:00 AM - 9:30 AM	Opening Ceremonies and Keynote Speaker	1.25
10:00 AM - 12:00 PM	Entity Networking	2
12:00 PM - 1:30 PM	Lunch on own	
1:30 PM - 2:30 PM	Concurrent Sessions	1.0
2:30 PM - 6:30 PM	Exhibit Hall Open/Evening Reception	

Monday, August 22

IN BOSTON

TIME	EVENT	HOURS
7:30 AM - 5:00 PM	Registration Center Open	
8:00 AM - 9:15 AM	Plenary Session	1.25
9:30 AM - 10:30 AM	Topical Networking	1.0
10:30 AM - 2:30 PM	Exhibit Hall Open/Lunch	
2:45 PM - 3:45 PM	Concurrent Sessions	1.0
4:00 PM - 5:00 PM & 4:00 PM - 5:30 PM	Concurrent Sessions	1 or 1.5 (depending on length)
6:00 PM - 10:30 PM	Social Event (location TBD) - Dinner included	

ATTENDING VIRTUALLY

TIME	EVENT	HOURS
8:00 AM - 9:15 AM	Plenary Session	1.25
10:00 AM - 11:00 AM	Concurrent Sessions	1.0
11:15 AM - 12:15 PM	Critical Conversations	1.0
1:00 PM - 2:30 PM	Entity Networking	1.5
2:45 PM - 3:45 PM	Concurrent Sessions	1.0
4:00 PM - 5:00 PM	Concurrent Sessions	1.0

Tuesday, August 23

IN BOSTON

ATTENDING VIRTUALLY



TIME	EVENT	HOURS	TIME	EVENT	HOURS
7:30 AM - 5:00 PM	Registration Center Open		8:00 AM - 9:15 AM	Plenary Session	1.25
8:00 AM - 9:15 AM	Plenary Session	1.25	9:30 AM - 10:30 AM	Concurrent Sessions	1.0
9:45 AM - 11:00 AM	Critical Conversations	1.25	10:45 AM - 11:45 AM	Concurrent Sessions	1.0
11:00 AM - 12:30 PM	Lunch on own		12:15 PM - 1:15 PM	Critical Conversations	1.0
12:30 PM - 1:30 PM	Concurrent Sessions	1.0	1:45 PM - 2:45 PM	Concurrent Sessions	1.0
1:45 PM - 2:45 PM	Concurrent Sessions	1.0	3:00 PM - 4:00 PM	Concurrent Sessions	1.0
3:00 PM - 4:00 PM	Concurrent Sessions	1 or 1.5 (depending on length)	4:15 PM - 5:15 PM	Concurrent Sessions	1.0
3:00 PM - 4:30 PM					

Wednesday, August 24

IN BOSTON

TIME	EVENT	HOURS
8:00 AM - 4:00 PM	Registration Center Open	
8:00 AM - 9:15 AM	Plenary Session	1.25
9:30 AM - 10:30 AM	Concurrent Sessions	1.0
10:45 AM - 11:45 AM	Concurrent Sessions	1.0
11:45 AM - 1:15 PM	Lunch on own	
1:15 PM - 2:15 PM	Concurrent Sessions	1.0
2:30 PM - 3:30 PM	Concurrent Sessions	1.0
3:45 PM - 5:00 PM	Closing General Session	1.25

ATTENDING VIRTUALLY

TIME	EVENT	HOURS
8:00 AM - 9:15 AM	Plenary Session	1.25
9:30 AM - 10:30 AM	Concurrent Sessions	1.0
10:45 AM - 11:45 AM	Concurrent Sessions	1.0
1:15 PM - 2:15 PM	Concurrent Sessions	1.0
2:30 PM - 3:30 PM	Concurrent Sessions	1.0
3:45 PM - 5:00 PM	Closing General Session	1.25

** SCHEDULE IS SUBJECT TO CHANGE. **



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 5/19/2022

RE: Appointment of one (1) member to the Youth Advisory Board (represents 'at-large student member' position).

The vacancy has been announced at several regular Council meetings and applications solicited for same.

The aforementioned vacancy represents the 'at-large student member' position.

The following application has been received:

Wyatt Robertson
2891 Gabrysh Avenue, SE 32909

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve the appointment of one (1) member to serve on the Youth Advisory Board representing the 'at-large student member' position.

ATTACHMENTS:

Description

W.Robertson



City of Palm Bay, Florida
**YOUTH ADVISORY BOARD
APPLICATION**

Office of The

MAY 06 2022

City Clerk

The vision for the City of Palm Bay's Youth Advisory Board is to empower caring youth dedicated to personal development and servant leadership. If you are interested in applying for membership to the Board, please complete the following application.

Applicants **MUST** be a City of Palm Bay resident for at least 1 year and be in grades **9-12**. Please type or print clearly in blue or black ink. Attach additional sheets as requested. ALL information must be completed in order to be considered for the Palm Bay Youth Advisory Board.

Student Information:

Name: Wyatt Robertson Age: 17

School: West Shore Jr. High Grade: 11

Home Address: 2891 Gubrygh Avenue

City: PALM BAY State: Florida Zip Code: 32909

Home Telephone: _____ Cell Phone: (321)-544-1751

Email: WyRobertson@gmail.com Date of Birth: 10/16/04

Parent/Guardian: Brandi Martin (321)-544-6764

Christopher Robertson (407)-446-8726

Do you have transportation to get to Youth Advisory Board meetings/events? ☒ Yes ☐ No

Please attach your response to the following:

1. Why do you want to serve as a member of the Youth Advisory Board?
2. What personal skills and characteristics do you possess that would make you a good member?
3. If you could bring one thing to this city or change one thing, what would it be?

Please provide two (2) adult references (non-relatives) with phone numbers. You must also attach letters of recommendation from these individuals. The letters of reference should be from a dean, principal, teacher, guidance counselor, pastor, coach, employer, neighbor, etc.

1. Name: Ms. Taniara Reis Contact No.: (321)-745-2220
2. Name: Mr. David Chafin Contact No.: (321) 230-7555

I have read and understand the commitment required for the City of Palm Bay's Youth Advisory Board and realize the importance of teamwork and cooperation, and I am willing to make this commitment.

Student Signature: [Signature] Date: 4/23/22

Parent/Legal Guardian Permission:

I hereby give my permission for Wyn + Robertson to seek the position of board member on the City of Palm Bay's Youth Advisory Board.

Parent/Guardian Signature: Brandi Martin Date: 4/23/22

Home Telephone: _____ Cell Phone: (321)-544-6764

Emergency Contact Information:

Name: Brandi Martin

Relationship: mother Contact No.: (321)-544-6764

Mail to or drop off at:

City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, FL 32907

Email complete packet to:

Judy.Denis@pbfl.org

1. Why do you want to serve as a member of the Youth Advisory Board?

I am from Palm Bay. I have lived here my entire life. As long as I can remember, I have lived in the same house, gone to the same 7-Eleven for Slurpees, gotten groceries at the same Publix, eaten at the same Chinese restaurant, gone past the same McDonald's, and played in the same parks. I've grown and changed, and the city has not, and for that I am grateful. Part of me can remain the same in a world in which the only thing that never changes is the fact that everything changes. Last year, I e-learned online due to COVID at a new school. This year, I went to West Shore in person, and I quickly learned of the negative stigma that Palm Bay has. I attended Bayside, a lower income school, for my freshman year, and seeing the amount of Teslas parked in the student lot of a school of under a thousand was shocking. The people there, however, were no better than the people at Bayside. In fact, I had better friends at Bayside, and the school was less predacious and kinder. Kids there assume that I'm a hoodlum just because I went to Bayside and Southwest, when those schools were filled with nicer people who were always willing to lend one a hand. When I told my lacrosse team that I live in Palm Bay, two kids mentioned that they work at the Wagon Wheel here, and that they don't feel comfortable there. I have dined there, and I know that the employees and customers are fine people. We were scheduled to play a game that would be televised locally, and one of the ones who works at Wagon Wheel said "Is it on that Palm Bay local channel that just plays which person got capped there this week?" The coach called Palm Bay "The Detroit of Florida." I hate that people are looked down upon just because of where they are from when they are just as good as everyone else, and I want to do all I can to help change how people view Palm Bay, and to see that my hometown truly is a great place to grow.

2. What personal skills and characteristics do you possess that would make you a good member?

I can think incredibly quickly on my feet, and I am excellent at research. I also have an unwavering commitment to something once I set my mind to it, and I would go out in the freezing rain to ask people door-to-door for their opinions on an upcoming meeting if need be. I am an outstanding speaker, and I can execute a near-flawless debate without attacking the other person or committing another logical fallacy. I have a strong desire to eliminate discrimination of all kinds, and I would make sure that those who cannot speak for themselves have someone who can speak for them. My goal is to represent the true wants of the city and to do what's best for the community as a whole; not to do what I want.

3. If you could bring one thing to this city or change one thing, what would it be?

The city is already excellent, and the roads just got repaved. If I had to pick one thing, it would be the opportunities present for youth. I am attending West Shore, and the school has so much more than Bayside, and that inequality is unjust. I would try to help the education system do its

job and grant these kids here with the best educational opportunities they can have, and to help every kid take the path that is best for them, and to make a general education one-size-fits-all education an option, not a requirement, for youth looking to educate themselves and better prepare themselves for the real world. The community centers here are also inadequate, and there's simply not a lot for children to do that does not cost them much. With new issues such as the Bay Front Development, kids may lose more of that precious area we call Turkey Creek; one of the few places left in a modernized world where a teenager can just run amok, find cool sticks and look at fish, and just be a child in a demanding world, if only for a few hours. I had a good childhood, but the purpose of progress is to make things better for posterity, and the kids of the future deserve at least an equal, if not better, childhood than I had.

*951 Sunswept Rd NE
Palm Bay
FL 32905*

23rd April, 2022

City Council
Palm Bay
Florida

Dear Council Members,

Youth Advisory Board Recommendation

It is my pleasure to recommend Wyatt Robertson be considered for a position on the Youth Advisory Board of Palm Bay. As Wyatt's 11th grade AP Language & Composition Teacher at West Shore Jr/Sr High School, I have come to know Wyatt over the last year.

Wyatt is a leader in the classroom, as well as an excellent communicator and public speaker. Wyatt is very mature for his age and is articulate with both his peers and teachers; able to express opinions in a well thought out and respectful way.

Wyatt is well versed in both national and local current events ranging from political to sports; able to talk and represent his views on both in a way which I think would be beneficial to Palm Bay, especially considering the way the City is growing and developing at this time.

Students like Wyatt are why people go into teaching, and feel a sense of optimism for the future. I truly believe that Wyatt would be of great help to the Youth Advisory Board.

Yours sincerely,

Tamara Reis
Instructor - West Shore Jr/Sr High School
Email: reis.tamara@brevardschools.org



Imagine Believe Realize, LLC
1017 Pathfinder Way, ste 100
Rockledge, FL 32955
www.teamibr.com

Dear Palm Bay City Council Members,

I am pleased to present this letter of recommendation for Wyatt Robertson in support of the Youth Advisory Board of Palm Bay. In the summer of 2021, Wyatt was a software engineering intern with our firm supporting an assignment to deliver a mobile COVID questionnaire solution that could be used internally and for our clients. Wyatt exceeded expectations on many levels and demonstrated many characteristics that we look for in future teammates. Examples of his abilities include:

- Ability to work with limited supervision: Wyatt was paired with other interns and they had limited sessions with experienced developers for task direction. They were given daily assignments that they had to finish on their own. Wyatt delivered his assignments 100% on time.
- Ability to learn: The assignment required Wyatt to learn a new programming language in a short period of time. Wyatt put in extra effort to learn the new language faster than expected
- Ability to communicate: The internship required written and oral communication. Wyatt was able to articulate technical and non-technical aspects of the assignment at a high level
- Teamwork: During the final presentation of the assignment, one of the team members had a personal issue and was not able to attend. Wyatt volunteered to learn and deliver the material from teammate that could not be there. He handled the adversity well and was willing to put in extra work to support the team.

My list of examples could continue. Wyatt is a well-rounded young man with a bright future. He will excel at whatever he puts his mind to. If you have any questions or concerns, please do not hesitate to contact me.

David Chafin, President IBR
dchafin@teamibr.com
321-230-7555



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Fred Poppe, Recreation Director

DATE: 5/19/2022

RE: Consideration of City's co-sponsorship with the Court Kingz 2022 Summer Basketball League

The Palm Bay Recreation and Police Department is proposing a collaboration with Court Kingz to offer the Summer Basketball League, a program dedicated to the most vulnerable age group and demographic of kids ages 12-17. This program is intended to encourage kids to be part of a structured team during times in which they may likely be on the streets. The League will host games every Friday from June 10 thru June 17th and July 8th thru July 15th, 2022, at the Tony Rosa Community Center between the hours of 5 pm-10 pm. Court Kingz will also provide 2 half days of entertainment for the City of Palm Bay summer camp program.

Court Kingz has a history of success with events in Palm Bay throughout the years. Court Kingz is requesting that the city co-sponsor the event and waive fees associated with staffing and resources from both the Police and the Recreation Departments. The value of this co-sponsorship is estimated to be a total of \$5,555.60, \$3,600 of in-kind wages for Police (\$3,400) and Recreation staff (\$200) and \$1,955.60 in fee waivers from the Recreation Department.

The Recreation Department would provide two (2) event staff for one hour every Friday during the 4-week season at a rate of \$50 per day for a total of \$200. Finally, the Recreation Department would waive the following fees for the duration of the 4-week session: Special Event Fee at \$200 per day for a total of \$800; Gymnasium Rental fee's (4pm - 10 pm) at \$45/hr+tax for a total of \$288.90 per day or \$1,155.60 for all 4 days (Non-Profit Discount Applied) totaling \$1,155.60 for the 4-week season.

The Police Department will provide security detail at the event. The Police Department will also provide community engagement at each event on Fridays with Court Kings.

In accordance with the City Co-Sponsorship Policy, staff has confirmed that the event provides a public purpose and meets the co-sponsorship goal of enhancing the quality of life and well-being of some or all residents of the community. It is also free and open to the public and is planned and conducted by a non-profit organization.

REQUESTING DEPARTMENT:
Recreation, Police Department

FISCAL IMPACT:

The Police and Recreation Departments are requesting to provide a total of \$5,555.60 in both in-kind services and fee waivers. Both departments will provide in-kind labor and fees from their respective budgets totaling \$3,600 for wages. With Police totaling \$3,400 and Recreation totaling \$200. The balance of \$1,955.60 will be provided in the form of fee waivers from Recreation.

RECOMMENDATION:

Motion to

Motion to approve the City's co-sponsorship with Court Kingz to host the 2022 Summer Basketball League, approving for \$3,600 of in-kind wages (labor) and authorizing \$1,955.60 in fee waivers, for a total request of \$5,555.60.

ATTACHMENTS:**Description**

Co-Sponsorship Letter request

Co-Sponsorship Breakdown Sheet



2022 Summarized Plan

Dear City of Palm Bay

Court Kingz is grateful for the strategic partnership between the City of Palm Bay. For 2022, Court Kingz is seeking the city of Palm Bays Assistance for 6 weeks of Summer Streetball Friday Nights that include 2 free 2 Summer Camps . Our goal this summer is to serve families that are unable to afford camps and other sports prevention programming services . Our mission is to serve along side Palm Bay PD and IMPACT our participants this summer for greatness . This Summer will also serve in loving Memory of Simon Martinez , The MC of Court Kingz whom grew up in Palm Bay and drove the Court Kingz Bus for 13 years impacting Inner -City Students with Court Kingz . Simon Martinez Passed October 15th 2021



2021 Summer Results “We felt that our participants felt like they **BELONG** , they were able to **PLAY** and most all, there life has **VALUE**

Court Kingz had so many challenges with launching May 17th 2021 . We were still able to REGISTER

311 PARTICIPANTS



2021 SUMMER IMPACT REPORT



311 REGISTRATIONS

210 MIDDLE SCHOOL HIGH SCHOOL 105 YOUNG ADULTS

OVER \$20,000 USD OF IN KIND-DONATIONS SHOES, JERSEYS, SHORTS, HEADBANDS, AWARDS GIVEN OUT FOR FREE, WITHIN A 9 WEEK DELIVERY

400 HOTDOGS AND FREE DRINKS GIVEN OUT EACH WEEK FOR 9 SESSIONS

COURT KINGZ PLAYER GUEST APPEARANCES

PREVENTION MESSAGING EACH WEEK

200 FREE BACKPACKS , 50 FREE HAIR CUTS , BOUNCE HOUSES



**BELONG.
PLAY .
MATTER.**



City of Palm Bay , Mayor Rob Medina's overwhelming support to make a Impact



BELONG.

CK PARTNERS WITH PALM BAY PD THIS SUMMER
FOR 6 WEEKS OF SUMER PREVENTION



CK PRESENTS **6 WEEKS OF PREVENTION** STREET BASKETBALL PROGRAMING WITH 2
SUMMER FREE CHARACTER BASKETBALL CAMPS , FREE OF CHARGE IN COURTESY OF
ECKERED CONNECTS AND PALM BAY PD

FRIDAY JUNE 11 RD - JULY
2 CAMPS JUNE, JULY TBA



2 COURT KINGZ SUMMER CAMPS FREE OF CHARGE

Dates to be determined . CK is dedicated to delivering 2 Free Basketball Clinics/ Camps This Summer . The Camp will be CO-ED

Some Camps, including Faith Based Camps in Brevard County range from \$125- \$250 for each participant. Court Kingz is happy to reward our participants free of charge



The Camp Highlights :

- Entry, Advanced Level Basketball Training
- Inner -City Moves and Fun
- College and Pro Training
- Character Building Motivational Messages
- Awards
- Free Food
- Free Camp T-Shirt



Why Our Partnership is Important

Court Kingz helps kids see that they can overcome these obstacles, develop personal character, pursue higher education, and realize their hopes and dreams.

We exceeded our goal of impacting 30,000 at-risk kids in 23 urban communities in Brevard County, FL and in South America in 2021! Thank you for your support in making this a reality!

THEY MATTER



We thank Former Chief Nelson Moya , Susan Sherman, Fred Poppe also
For amazing support and love for the City of Palm Bay .

Court Kingz 2022- Co-Sponsor Request

Date of Event

Friday, June 11th & 17th

Friday, July 8th & 15th

Staffing Costs:

Recreation	\$ 200.00	2 staff at 1 hour at \$25 per hour for 4 days = \$200
Police	\$ 3,400.00	\$850 per day * 4 days = \$3400
Total:	\$ 3,600.00	

Equipment/Greenspace:

Rental Fees	\$ 1,155.60	\$45+tax per hour * 4 days * 6 hours = \$1155.60
Special Event Fees	\$ 800.00	Special Event Fees: \$200 * 4 Days = \$800
Total:	\$ 1,955.60	

Total: \$ 5,555.60



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Fred Poppe, Recreation Director

DATE: 5/19/2022

RE: Consideration of City's co-sponsorship of two (2) events for the Brevard Caribbean American Sports and Cultural Association's (BCASCA) celebration of Caribbean American Heritage Month.

BCASCA (Brevard Caribbean American Sports and Cultural Association) is requesting that the City of Palm Bay co-sponsor 2 events that are part of their month-long celebration of Caribbean American Heritage Month. The first one is on June 11, 2022, to be located at the Captains House for the presentation of Caribbean Art and Readings. BCASCA is requesting the rental fees to be waived.

The second event will be held on June 25, 2022, at Fred Poppe Regional Park (cricket pavilion parking lot), that will be a parade and festival within the park. They are requesting the stage, generator, bleachers, light towers, (3) 20x20 tents, security (PD), (3) 10x10 tents, cones, tables and chairs.

The June 11, 2022 request is for the rental fees to be waived would be \$243.75 with a \$200 Security deposit for a total \$443.75. The June 25, 2022 request is for the staff wages which have been estimated at \$4,892.50, and equipment fees estimated at \$1,380.00, both to be waived for a total of \$6,272.50. Total cost estimate for both events will be \$6,716.25.

Based on historical attendance at free events such as these, staff estimates the June 11th event turnout in the range of 60-100 people and the June 25th turnout could be in the 5,000 range. Most of the cost estimates are for staff time. Parks and Facilities staff rates are charged at \$35/hour in accordance with the fee schedule. All other staff rates are calculated as fully loaded estimates, meaning that a calculation of benefits costs is added in beyond hourly overtime rates. Additionally, the Police officer estimates are based on the highest ranked/highest paid officer who has the potential to sign up for the detail.

The value of the waived resource fees provided for this co-sponsorship is clarified by event below and attached:

June 11, 2022: \$443.75

June 25, 2022: \$6,272.50

Total for both events: \$6,716.25

In accordance with the City Co-Sponsorship Policy, staff has confirmed that the events provide a public purpose and meet the co-sponsorship goal of advancing the City's commitment to and pride in being a multicultural

community. It is also free and open to the public and is planned and conducted by a non-profit organization.

REQUESTING DEPARTMENT:

Recreation

FISCAL IMPACT:

If approved, the city would waive resource fees of \$6716.25 for staff time and greenspace/equipment fees from the requesting departments for these events.

RECOMMENDATION:

Motion to approve the BCASCA co-sponsorship request and waive fees associated with the events for city resources.

ATTACHMENTS:

Description

Co-Sponsorship Cost Details

BCASCA release

Co-Sponsorship Letter request

BCASCA 2022 - Co-sponsorship Details (Caribbean Heritage Month)

Date of Event

Friday, June 11, 2022

Staffing Costs:

Facilities/Parks

Facilities/Parks

Equipment/Greenspace:

Recreation

Facilities/Parks

Police

Fire

Captains House Rental (6/11)

1pm-9pm

Rental: \$243.75 / Security Deposit: \$200 = Total \$443.75

Total: \$ 443.75

Date of Event

Saturday, June 25, 2021

Festival and Parade

Staffing Costs:

Recreation		Recreation Staff on site for photos and event support
Facilities/Parks	\$ 560.00	Electrician (2) at \$35/hr* 16 MH = \$560
Facilities/Parks	\$ 140.00	Stage Set Up/Breakdown: 2 MW * 2 MH *\$35/hr = \$140
Facilities/Parks	\$ 1,942.50	Set Up/BrkDn: 4 MW x 13.5 MH x \$35/hr + 1 Oper. x 1.5 MH x \$35/hr =
Police	\$2,250	4 officers for 8 hours
Total:	\$ 4,892.50	

Equipment/Greenspace:

Recreation	\$ 500.00	Stage Rental(Security Deposit - \$500) (Community Partner Fee) (\$500) Total: \$1000
Recreation	\$200	Special Event Fee (Security Deposit \$200) = \$400
Recreation	0	Marketing of event
Facilities/Parks	\$ 500.00	2 sets of the Small Bleachers (Security deposit \$500) = \$1000
Facilities/Parks	\$ 180.00	3 light towers/3 hours each/\$20/hr
Facilities/Parks	Staff time	3 (20x20 Tents); 3 (10x10 tents)
Facilities/Parks	Staff time	Cones to block event area and parade route/tables/chairs/ Large generator behind stage (pull behind gen)
Facilities/Parks	Staff time	Garbage bins
Total:	\$ 1,380.00	

Total: \$ 6,272.50

Total:

Total for all events: \$ 6,716.25

For Immediate Release

Contact: Marcia Campbell
2174 Harris Ave NE,
Palm Bay, FL 32905
Phone: 646-361-8302
Email:
Date: 10 May 2022

The Brevard Caribbean American Sports & Cultural Association (BCASCA) commemorates National Caribbean American Heritage Month (NCAHM) – June 2022

In February 2006, the U.S. Congress adopted June as National Caribbean American Heritage Month (NCAHM). Every year since then, Caribbean organizations across the United States recognize and commemorate NCAHM by executing activities within their communities that display and showcase the accomplished history, heritage, and rich culture of the Caribbean.

This year, the Brevard Caribbean American Sports & Cultural Association (BCASCA), the largest Caribbean Organization in Brevard County, will hold its 2nd annual National Caribbean American Heritage Month by hosting a series of events throughout the month of June to showcase the rich culture of the French, Spanish and English speaking Caribbean, through art, food, music, film and fashion.

The commemoration begins on Thursday June 2nd with a Proclamation of June 2022 as National Caribbean American Heritage Month at Palm Bay City Hall (120 Malabar Rd, Palm Bay) starting at 5:00PM . There will be music and samples of Caribbean food.

On Saturday, June 4th, we celebrate the French speaking Caribbean with the Haitian/Caribbean Flag Night at the BCASCA Center (2174 Harris Ave NE, Palm Bay) from 9:00 PM to 2:00 AM. Admission is only \$10 at the door. Get ready to dance and have a good time while celebrating the contributions of the Haitian community.

On Sunday June 5th and 12th, join us at Fred Poppe Regional Park (1951 Malabar Rd, Palm Bay) for Caribbean Themed Sundays from 12:00PM to 8 PM. Why – just to relax and reflect – listen to great Caribbean music (contemporary and oldies), play dominoes and eat some good food .

On Saturday, June 11th, come out and enjoy a festival of Caribbean Arts at Captain's House (1300 Bianca Drive NE, Palm Bay) from 4:00 PM to 8:00 PM. This is another event that is free to the community. Here you will get the chance to view and appreciate artwork by renowned artist Philip Curtis of Jamaica , poetry, fashion show featuring traditional costumes and film. Caribbean artifacts that reflect the rich history of different Caribbean countries will also be on display. Please bring your drums as the night ends with a drum circle.

Saturday, June 18th is Latin Night at the BCASCA Center from 9:00 PM to 2:00AM. Dance your heart out to salsa, merengue, mambo, and tango. Admission is only \$15 at the door.

Sunday June 19th is Caribbean Sports Day at Fred Poppe Regional Park. Come out to this free event and experience the games played in the Caribbean like cricket, volleyball, dominoes, road tennis, marbles, Table Tennis, Ludo and much more. This is also the day to reminisce with some great classic, vintage Caribbean music.

On Friday, June 24th, join the BCASCA members for an afternoon of Caribbean Storytelling at DeGroot Library (6475 Minton Rd, Palm Bay) from 2:30 PM to 4:00 PM. This is a chance for children to learn more about the Caribbean through stories, music and dance. Books by Caribbean authors and artifacts from various Caribbean countries will also be on display .

The month's events culminate in a signature Caribbean Concert and Carnival style Parade at Fred Poppe Regional Park on Saturday June 25th from 1:00 PM to 9:00 PM. This is a family-themed event. There will be lots of food, live music from Eruption Band, Branches Steel Orchestra, Space Coast Collective Drummers, Orlando Unity, Rhythm Section and many more. Come in your colors and join the masqueraders and Moko Jumbies (Stilt Walkers) in the parade. There will also be a host of activities for teens and young children. This event is also free so bring the entire family.

Our last event of the month's commemoration is Sunday June 26th. This is our "Caribbean Cool Down Sunday" at Fred Poppe Regional Park from 12:00 PM to 8:00 PM. Come out and enjoy the cool vibes with music, games and friends

So there it is! National Caribbean American Heritage Month – June 2022 promises to be an exciting one and a great start to summer. As the President of BCASCA reflects on the month's activities, she wishes that "the collaboration with our French, Spanish and English Islands during the month-long celebration of our Caribbean heritage will form a unity whereby we can celebrate and showcase Caribbean culture throughout the year,"

So come one, come all. Attend all events. Remember the CDC still recommends you follow COVID-19 prevention protocols.

To become a sponsor of, or a vendor at, one of BCASCA's events, call 321-557-2968. To learn more about our Association, check out the BCASCA website at www.bcascafl.com and the BCASCA Facebook page @Brevard Caribbean American Sports & Cultural Assoc, Inc (BCASCA).



BREVARD CARIBBEAN AMERICAN SPORTS AND CULTURAL ASSN., INC.
(BCASCA)

The BCASCA Development Center
2174 Harris Avenue NE – Suite 6, Palm Bay, FL 32905

Executive Officers

President

Marcia Campbell

Vice-President

Courtney Morris

Secretary

Norma Lawrence

Treasurer

Patricia Martinez

Recording Sec.

Jenifer Plummer-Barrett

Directors

Public Relations

Paul Edwards

Building Manager

Joseph Miller

Sports Director

Moolchand Pariag

Directors at Large

Anthony Harris

Eustace King

Enid Morgan

Michael Yearwood

Merna Young

www.bcascafl.com

(321) 557-2968

May 11, 2022

Good afternoon Ms. Burak:

Brevard Caribbean American Sports & Cultural Association (BCASCA) is holding the 2nd Annual National Caribbean American Heritage Month Celebration in Brevard County. We are hosting a series of events throughout the month of June, to showcase the rich culture of the French, Spanish and English speaking Caribbean, through art, food, music, film, entertainment and fashion. Please see the attached calendar of events.

We are seeking partnership with the City of Palm Bay for two major events. The first one takes place one Saturday, June 11th at Captain's House. This event is free to the community. Here the community will get the chance to view and appreciate artwork, poetry, traditional fashion, costumes, and artifacts reflecting the rich history of the different Caribbean Countries. Our request is for the rental fee to (\$243.75), and the (\$200.00) security deposit, totaling \$443.75 to be waived.

The second request is for the stage, generator, bleachers, light towers, (3) 20x20 tents, security (PD), (3) 10x10 tents, cones, tables, chairs and garbage bins for the Caribbean Concert and Carnival Style Parade at Fred Poppe Regional Park on Saturday, June 25th. This is a family-themed event with a host of activities. There will be lots of food, live music, Steel Pan, Drummers, Masqueraders, Stilt Walkers and more.

We look forward to the partnership. It is our goal to make this year's activities bigger and better than last year. Thanking you in advance for your time and consideration.

Sincerely,

Marcia Campbell
President/BCASCA

"UNITY IN DIVERSITY"

Brevard Caribbean American Sports & Cultural Assn, Inc.
A Non- Profit 501 C (3) Organization - Established: 1989



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 5/19/2022

RE: Consideration of councilmembers attending the annual Florida League of Cities Conference, in conjunction with the Florida League of Mayors, August 11-13, 2022, in Hollywood, Florida; appointment of voting delegate.

A) Consideration of Council members attending the conference:

The Florida League of Cities 2022 Annual Conference will be held at The Diplomat Beach Resort in Hollywood, Florida, from August 11-13, 2022, in conjunction with meetings for the Florida League of Mayors.

Councilmembers interested in attending need to announce same at tonight's meeting. If you are attending, you will be given a registration form to complete. Please return it to Rosemarie by Friday, May 20th, so all travel arrangements can be made and hotel accommodations secured.

B) Appointment of Voting Delegate:

A voting delegate needs to be appointed by the City Council for the above conference. The delegate may be either an elected or appointed official.

Election of League leadership and adoption of resolutions are undertaken during the business meeting. One official from each city will make decisions that determine the direction of the League. Please announce which councilmembers will be attending the conference as well as appointing a delegate.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

Cost per person is approximately \$1,761. Funding is available in Legislative operating accounts 001-1110-511-4005 and 001-1110-511-5505.

RECOMMENDATION:

Motion to approve travel for members of Council as requested and appoint a voting delegate.

ATTACHMENTS:

Description
Program



2022 **ANNUAL CONFERENCE**

**The Diplomat Beach Resort, Hollywood
August 11-13, 2022**

*3555 South Ocean Drive
Hollywood, FL 33019*

#FLCities2022

**Hotel Registration
Deadline: July 10, 2022**

**Conference Registration
Deadline: July 29, 2022**

**Paid registration is
required to receive housing
information, so sign up early!
See page 7 for details.**

GENERAL INFORMATION



The Florida League of Cities (FLC) 2022 Annual Conference will be held August 11-13, 2022, at the Diplomat Beach Resort in Hollywood. Join us as we celebrate the League's **100th anniversary** and its dedication to serving Florida municipalities for the past century.

The conference is an opportunity for municipal officials and senior staff to enhance leadership skills, learn from municipal experts, share ideas with peers, discuss strategies for Florida's future and discover the latest products and services for municipal governments.

This year's conference will include breakout sessions, committee meetings, keynote presentations, awards and a **special registration offer for first-time attendees**. We're even bringing back Saturday night's formal gala to celebrate our 100 years! In addition, a History Hub near the registration area will show the League's history through mementos, scrapbooks and a video that includes voices from the past. Don't miss this opportunity to learn, network and share.

Location/Dates

The Diplomat Beach Resort – Hollywood, FL
Thursday, August 11 – Saturday, August 13, 2022

Registration Hours

Thursday, August 11: 7:00 a.m. - 7:00 p.m.
Friday, August 12: 7:30 a.m. - 5:00 p.m.
Saturday, August 13: 7:30 a.m. - 4:00 p.m.

REGISTRATION FEES

City/County/Government (\$550), Corporate (\$650) and Guest (\$150): These fees cover your name badge, admission to all conference sessions and the exhibit hall, refreshment breaks, Friday's membership networking event, Saturday's Past Presidents' Luncheon and the 100th Anniversary Gala.

NOTE: Registrants are defined as any elected government official or any employee of governments, organizations or corporations. **Guests** are defined as spouses, partners or other nonprofessional relations of conference delegates. Guest registration **may not** be used for other elected government officials, staff or company representatives.

Teen Guest 13-18 years (\$20) and Child Guest 3-12 years (\$15): These fees cover your name badge, admission to the exhibit hall, Friday's membership networking event and refreshment breaks. **Teen and child guest registration does not include Saturday's Past Presidents' Luncheon or the 100th Anniversary Gala.**

Exhibit Hall Pass (\$50): This pass allows family members and guests who are not registered for the conference to access all events in the exhibit hall, as well as Friday's membership networking event. **The pass is not good for any other conference events and is not equivalent to a registration.**

SPECIAL REGISTRATION OFFER FOR FIRST-TIME ATTENDEES:

To celebrate our milestone anniversary, we are offering up to **100 complimentary registrations** to elected municipal officials who have never attended our conference before. This is **only** for first-time attendees, and the registrant will still be responsible for any travel or housing costs, as well as registration fees for any guests. To take advantage of this offer, complete and return the special registration form on page 10.

GENERAL INFORMATION



REGISTRATION PROCEDURES

Online Registration – Credit Cards Only

Visit flcities.com/annualconference to access the online registration and pay with your Visa, Mastercard or American Express. You will receive your conference confirmation immediately via email. Conference confirmations include your registration information, totals and housing instructions. Please check your confirmation carefully to verify that all information is correct and inform the League immediately of any errors.

Mail Registration – Checks Only

To pay via check, fill out the registration form on page 9, attach your check for the appropriate fee and mail it to the League office by **Friday, July 29, 2022**. Name badges and other information can be picked up at the conference registration desk.

Email Registration – First-Time Attendees Only

If you are a first-time attendee, fill out the special registration form on page 10 and email it to mhowe@flcities.com by **Friday, July 29, 2022**.

DEADLINES

Registration – Conference registrations must be received no later than **Friday, July 29, 2022**. If you are unable to meet this deadline, please register on-site. **NOTE: Registration fees will increase to \$580 for government and \$680 for corporate registrants for all registrations done on-site**, so we encourage you to register in advance.

Hotel Reservations – The cutoff date for reservations at the Diplomat is **July 10, 2022**. Reservations must be made via an FLC-provided security code only; no one will receive housing information until **after** their **paid** registration is received. Please see page 7 for more details.

Cancellation Policy

Conference registration cancellation requests must be sent in writing via email to mhowe@flcities.com. All cancellations received in the FLC

office by 5:00 p.m., **Friday, July 29, 2022**, will receive refunds, minus a **\$50.00** cancellation fee. Refunds will be issued after the conference. **No refunds can be made after July 29 or for early departure from the conference.**

Hotel reservations must be canceled no later than **72 hours** prior to the scheduled arrival date to avoid a penalty of one night's room and tax.

Special Needs

If you are physically challenged and require special services, or if you have special dietary needs (i.e. allergies or Kosher or vegetarian meals), please attach a written description to your registration form. Contact the hotel directly if you will need any special accommodations in your room.

Certification Credit

This year's conference will include the launch of our new **Certificate Program for Elected Municipal Officials**. See page 8 for more details.

Live Feeds via Social Media

The League will be posting real-time updates and photos via Twitter, Facebook, Instagram and YouTube during the conference. Follow @FLCities on all major platforms. Connect with the conversation or pose questions by using the hashtag **#FLCities2022** in your conference-related posts.

Thursday is City Shirt Day!

We encourage all of you to show your city spirit by wearing your city shirt on **Thursday, August 11**.

Contact Information

For additional information, please contact Melanie Howe at mhowe@flcities.com or **850.222.9684**.

TENTATIVE SCHEDULE



Following is a tentative schedule of conference events. Be sure to check our website for updates!

WEDNESDAY, AUGUST 10, 2022

8:30 a.m. - 1:00 p.m.

Research Symposium

Additional registration required through the League's Center for Municipal Research; contact Wade Burkley at wburkley@flcities.com.

2:00 p.m. - 5:00 p.m.

Florida League of Mayors Forum

Additional registration required through the Florida League of Mayors; contact Rachel Embleton at rembleton@flcities.com.

THURSDAY, AUGUST 11, 2022

7:00 a.m. - 7:00 p.m.

Registration Desk Open

8:00 a.m. - 12:00 p.m.

Continuing Education in Ethics: Have You Completed Your Hours?

Florida's municipal elected officers are required to take four hours of specific continuing education in ethics per year. If you haven't completed your hours yet, this is your opportunity! The four-hour session includes two hours on the Florida Ethics Law (Chapter 112, Florida Statutes), one hour of public meetings (Chapter 286, Florida Statutes) and one hour of public records (Chapter 119, Florida Statutes). If your hours are completed, this class is a good refresher.

NOTE: Registration is limited to the first 175 people and will be on a first-come, first-served basis.

9:00 a.m. - 10:00 a.m.

Florida League of Mayors Nominating Committee Meeting

10:00 a.m. - 11:00 a.m.

Florida League of Mayors Business Meeting

For more information, contact Rachel Embleton at rembleton@flcities.com.

11:00 a.m. - 12:00 p.m.

Florida League of Mayors Board of Directors Meeting

12:30 p.m. - 7:30 p.m.

Exhibit Hall Open

1:00 p.m. - 2:00 p.m.

Legislative Policy Committee Meetings

Finance, Taxation and Personnel

Land Use and Economic Development

Municipal Administration

Transportation and Intergovernmental Relations

Utilities, Natural Resources and Public Works

1:00 p.m. - 3:00 p.m.

"Cities 101" Workshop

If you are newly elected or newly appointed, this "crash course" is designed for you. Details about Florida municipalities, the services they provide and governing challenges will be discussed. This course is a prequel to the popular Institute for Elected Municipal Officials (IEMO) but is not a substitute for the three-day IEMO class.

3:15 p.m. - 4:30 p.m.

Workshops

4:45 p.m. - 5:45 p.m.

Resolutions Committee Meeting

5:15 p.m. - 6:00 p.m.

First-Time Attendees' Orientation

If this is your first FLC Conference, welcome! This workshop will acquaint you with the League, the conference program (with tips for the best use of your time), how to get involved in your local or regional league, FLC legislative policy committees and other municipal services.

TENTATIVE SCHEDULE

6:00 p.m. - 7:30 p.m.

President's Welcome Reception in the Exhibit Hall

FRIDAY, AUGUST 12, 2022

7:30 a.m. - 8:30 a.m.

FREE Sunrise Yoga on the Beach

Join us on the beach for a **sunrise yoga class**. Flow with grace in a variety of postures designed to open up your mind, body and heart. This relaxing class will be led by a certified personal trainer and is great for individuals at all levels of fitness. You don't need to bring a yoga mat, but be sure to wear comfortable clothing. There is no charge for the event, **but preregistration is required** and the class is limited to the **first 50 participants**.

7:30 a.m. - 9:00 a.m.

Florida Black Caucus of Local Elected Officials Breakfast

Additional registration required through the Florida Black Caucus of Local Elected Officials;

contact Nykierama Cooper at ncooper@flcities.com.

7:30 a.m. - 9:00 a.m.

Continental Breakfast in the Exhibit Hall

7:30 a.m. - 1:15 p.m.

Exhibit Hall Open

7:30 a.m. - 5:00 p.m.

Registration Desk Open

8:15 a.m. - 9:15 a.m.

Federal Action Strike Team Meeting

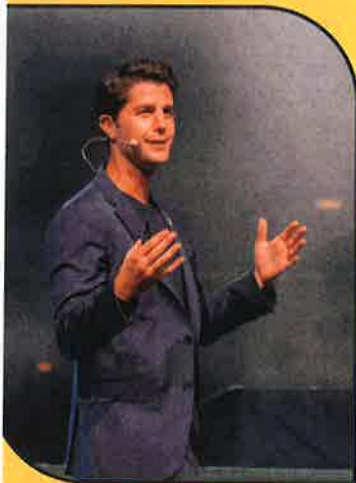
9:15 a.m. - 10:30 a.m.

Workshops

10:45 a.m. - 12:15 p.m.

Opening General Session

Featuring the presentation of the E. Harris Drew Municipal Official Lifetime Achievement Award and a keynote presentation by **Ben Nemtin**.



BEN NEMTIN

Ben Nemtin is the No. 1 New York Times bestselling author of "What Do You Want to Do Before You Die?" and a star of MTV's highest-rated show on iTunes and Amazon called "The Buried Life." As the co-founder of The Buried Life movement, Nemtin's message of radical possibility has been featured on the "Today" show, "The Oprah Winfrey Show," CNN, FOX and NBC News. President Barack Obama called Nemtin and The Buried Life "inspiration for a new generation," and Winfrey declared their mission "truly inspiring."

In his first year of college, Nemtin was unexpectedly hit with a depression that forced him to drop out. To feel more alive, he created the world's greatest bucket list with his three best friends. They borrowed a rickety, old recreational vehicle, crisscrossed North America and achieved the unthinkable. And most importantly, every time they accomplished a dream, they helped a stranger cross something off their bucket list. From playing basketball with Obama to having a beer with Prince Harry, from reuniting a father and son after 17 years to surprising a young girl with a much-needed bionic arm, Nemtin's bucket list quest has inspired millions to thrive personally and professionally.

TENTATIVE SCHEDULE

12:15 p.m. - 1:15 p.m.

Sidewalk Café in Exhibit Hall (Cash Sales)

1:30 p.m. - 2:30 p.m.

Workshops

2:45 p.m. - 4:00 p.m.

Workshops

4:15 p.m. - 5:30 p.m.

Workshops

6:00 p.m. - 7:00 p.m.

Membership Networking Event

Evening Open

SATURDAY, AUGUST 13, 2022

7:30 a.m. - 8:30 a.m.

Various Local/Regional League Breakfast Meetings

Contact your local league for more information.

7:30 a.m. - 4:00 p.m.

Registration Desk Open

9:00 a.m. - 4:30 p.m.

Youth Council Program

See page 11 for details and registration information.

9:00 a.m. - 10:00 a.m.

Annual Business Meeting

10:15 a.m. - 12:15 p.m.

Second General Session

Featuring recognition of the Years of Service awards and a keynote address by **Mickey Smith Jr.**

12:30 p.m. - 2:15 p.m.

Past Presidents' Luncheon and Installation of New President

2:30 p.m. - 4:30 p.m.

Workshops

6:15 p.m. - 11:00 p.m.

100th Anniversary Gala

See page 6 for all the exciting details!

Schedule and speakers subject to change.



MICKEY SMITH JR.

Educa-tainer **Mickey Smith Jr.** is a Grammy Music Educator Award recipient who hails from a forgotten community in Louisiana and now stands on phenomenal stages encouraging people to "See the Sound and Keep On Going."

Smith is an acclaimed international speaker, saxophonist, author, master development coach and self-management strategist. He is committed to encouraging and equipping people with the tools to "Discover Their Sound" of significance and "Keep On Going" with resilience. Smith specializes in engaging, educating and elevating every audience member to excellence. Smith believes that everyone has a "sound" (a significance) that has the power to resonate with others and create a shift in thoughts and perspectives.

Smith's motivational mixture of music and message teaches how to reach people with consistency, intention and strategy.

100TH ANNIVERSARY GALA

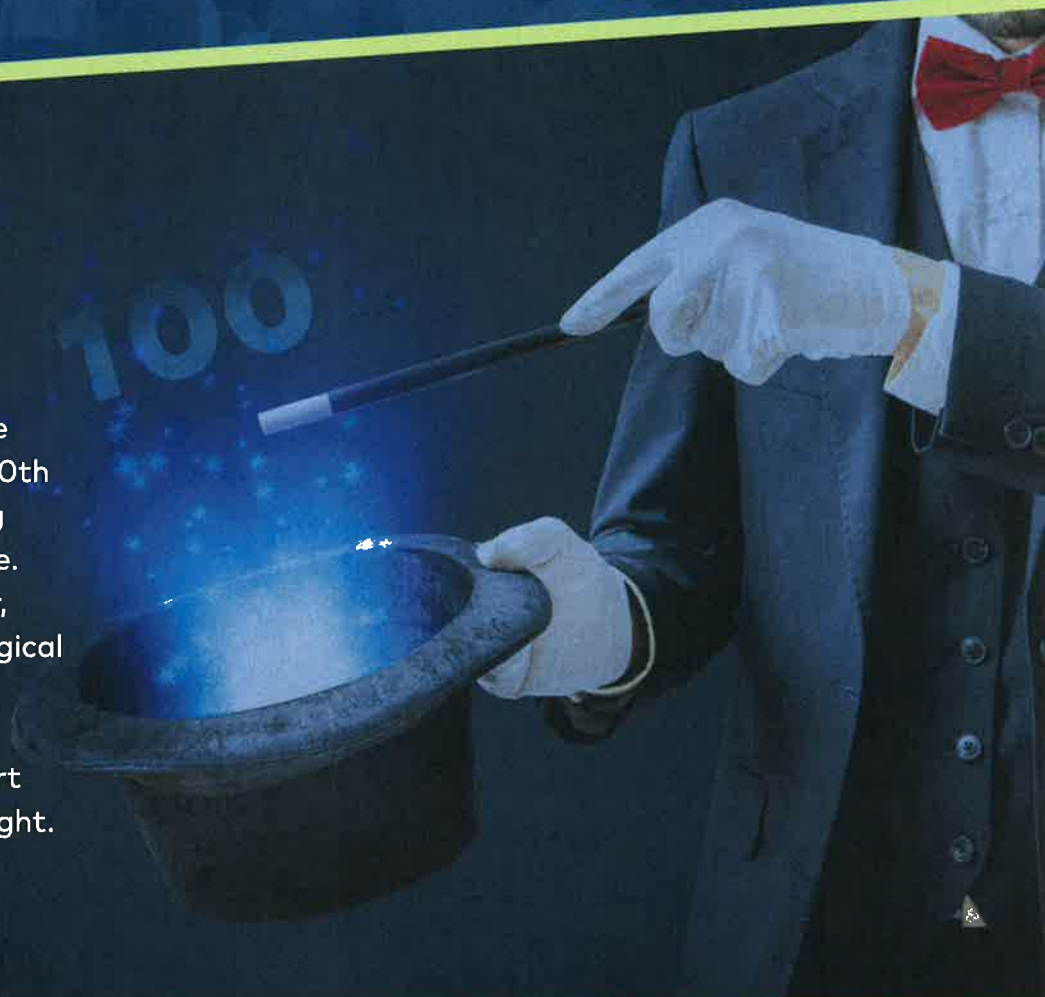
Saturday, August 13

6:15 p.m. - 11:00 p.m.

100th Anniversary Gala

Pack your suits, tuxes and fancy dresses because we're celebrating the League's 100th anniversary with an evening that's sure to be memorable. Following a sit-down dinner, you'll be amazed by the magical talents of **Justin Willman**.

After the show, enjoy dessert and dancing late into the night.



JUSTIN WILLMAN

Magician/comedian and recent Critics' Choice Awards nominee **Justin Willman** has cemented himself as one of today's most prolific entertainers.

In 2018, Willman premiered his six-episode magic series on Netflix titled "Magic for Humans." In the series, Willman brings his skills as a magician to America's strange and misunderstood subcultures while incorporating his disarming demeanor into street magic and social experiments that will boggle the mind. IndieWire called Willman the "perfect magician/hybrid prototype with incredible comedic timing," and Rotten Tomatoes has the show listed at an 85% audience approval. The Los Angeles Times exclaimed that Willman is "a new breed of magician who's making magic cool again for grown-ups."

Before "Magic for Humans," Willman was known for his multiple appearances on "The Tonight Show," "The Ellen Degeneres Show" and "Conan." He also performed live at the White House for the Obama family. His debut comedy/magic special "Sleight of Mouth with Justin Willman" premiered on Comedy Central in 2015 to rave reviews.

HOUSING INFORMATION

CONFERENCE HOUSING INFORMATION

The **Diplomat Beach Resort** will serve as the conference hotel. It is located at 3555 S. Ocean Drive in Hollywood. The hotel's phone is 954.602.6000. (**NOTE:** Reservations may be made via an FLC-provided code only. Please **do not** call the Diplomat to make reservations until you receive this code.) FLC has secured the reduced rate of **\$28.80** per day for self-parking and **\$37.60** per day for valet parking.

The landmark Diplomat sits right on Hollywood Beach and features incredible views of the Atlantic. The hotel boasts a spectacular two-level lagoon-style pool and many water activities. Visit the hotel's website at diplomatresort.com for more details. **The Diplomat is a smoke-free property.**

IMPORTANT – PLEASE READ

Room Reservations

In order to protect our room blocks for conference registrants, it is our policy that no one will receive housing information **until we have received your PAID registration**. Once your registration is paid, you will be sent housing information via email.

Please note that the reservation cutoff date at the Diplomat is **July 10, 2022**, and the rate is **\$199/night**. It is important that you register for the conference early so you have plenty of time to make your reservations. **Availability is on a first-come, first-served basis.**

Remember that we are unable to guarantee reservations for anyone or the exact date on which the hotel block will sell out, **so please register early.**





LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 5/19/2022

RE: Committee/Council Reports

Committee Reports:

- Space Coast Transportation Planning Organization
- Space Coast League of Cities
- Tourist Development Council

Council Reports

REQUESTING DEPARTMENT:

Legislative