



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

AGENDA

Regular Council Meeting 2022-21 Thursday

**August 4, 2022 - 6:00 PM
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

CALL TO ORDER:

INVOCATION:

1. Campus Pastor David Fitzgerald, Tomoka Christian Church, Palm Bay.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++
2. One (1) vacancy on the Community Development Advisory Board (represents one of the following positions: 'banking Industry'; 'actively engaged in home building'; 'residential home building'; or 'not-for-profit provider').+

AGENDA REVISIONS:

PROCLAMATIONS AND RECOGNITIONS:

1. Recognition: Presentation of the American Flag - honoring the service of Larry Lawton. (Councilman Filiberto)
2. Recognition: One (1) year of service as a City boardmember on the Infrastructure Advisory and Oversight Board and the Recreation Advisory Board - Thomas Gaume Jr.
3. Proclamation: Florida Water Professionals Month - August 2022.

PRESENTATIONS:

1. S&ME Inc. - Comprehensive Plan Update.

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 2022-75, vacating a portion of the rear public utility and drainage easement located within Lots 17 and 18, Block 2222, Port Malabar Unit 44 (Case VE-5-2022, Judith Kennedy), final reading.
2. Ordinance 2022-77, providing for a referendum election to be held on November 8, 2022, for the purpose of determining whether the City Charter should be amended, final reading.
3. Ordinance 2022-78, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located in the vicinity west of Ladner Road and south of Melbourne Tillman Water Control District Canal 82, from Single-Family Residential Use to Multiple-Family Residential Use (17.41 acres) (Case CP-25-2022, Francis and Anna Bourne), only one reading required.
4. Ordinance 2022-79, rezoning property located in the vicinity west of Ladner Road and south of Melbourne Tillman Water Control District Canal 82, from RS-2 (Single-Family Residential District) to RM-10 (Single-, Two-, Multiple-Family Residential District) (17.41 acres) (CPZ-25-2022, Francis and Anna Bourne), first reading. (Quasi-Judicial Proceeding)
5. Ordinance 2022-80, vacating a portion of the road right-of-way known as Kinney Avenue NE, lying between Orange Blossom Trail and the Florida East Coast Railway (0.50 acres) (Case VRW-2-2022, Palm Bay Marina, LLC), first reading.
6. Ordinance 2022-81, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north and south of Orange Blossom Trail, in the vicinity west of Dixie Highway, from Bayfront Mixed Use Village to Bayfront Mixed Use (8.941 acres) (CP-27-2022, Adelon), only one reading required.
7. Ordinance 2022-82, rezoning property located north and south of Orange Blossom Trail, in the vicinity west of Dixie Highway, from BMUV (Bayfront Mixed Use Village District) to BMU (Bayfront Mixed Use District) (8.941 acres) (CPZ-27-2022, Adelon), first reading. (Quasi-Judicial Proceeding)
8. Ordinance 2022-83, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by removing the conditional use requirement for permitted uses on parcels of ten (10) or more acres within BMU (Bayfront Mixed Use District) zoning (T-29-2022, City of Palm Bay), first reading.
9. Ordinance 2022-84, amending the Code of Ordinances, Chapter 169, Land Development Code, by modifying the applicability provisions for citizen participation plans (T-30-2022, City of Palm Bay), first reading. (Deputy Mayor Johnson)
10. Ordinance 2022-85, amending the Code of Ordinances, Chapter 169, Land Development Code, Subchapter 'Green Development Incentive Program', by repealing the subchapter in its entirety (T-33-2022, City of Palm Bay), first reading. (Deputy Mayor Johnson)
11. Ordinance 2022-86, amending the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Stormwater Management and Conservation – Part 2: Drainage Plan', by including provisions for voluntary low impact development design standards for new development or redevelopment (T-33-2022, City of Palm Bay), first reading. (Deputy Mayor Johnson)
12. Request by the City of Palm Bay to amend the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Planned Unit Development (PUD)', by allowing for Infill Planned Unit

Developments (Case T-25-2022). (WITHDRAWN)

13. Request by ACIS Investment Group, LLC, for a variance to allow a proposed 8-foot-high privacy fence within HC (Highway Commercial District) zoning and RM-10 (Single-, Two-, Multiple-Family Residential District) zoning by granting relief from the 6-foot-high wall or fence requirements established by Section 185.036(B)(3)(b), Palm Bay Code of Ordinances (18.42 acres) (V-28-2022). (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: Meeting 2022-19; July 7, 2022.
2. Award of Bid: Well Repair, Maintenance and Rehabilitation Services - IFB 40-0-2022/SM - Utilities Department (AMPS Inc., \$123,000 annually).
3. Contract: Enterprise Resource Planning (ERP) Consultant Services - Information Technology Department (Government Finance Officers Association - not to exceed \$205,000).
4. Miscellaneous: "Other Agency" Contract for Hydrofluosilicic Acid System Upgrades at SRWTP (Town of Davie contract) – Utilities Department (Odyssey Manufacturing - \$154,840)
5. Miscellaneous: Grit drive assembly, emergency purchase - Utilities Department (Electro Mechanic Industries, Inc. dba Vermana - \$85,112).
6. Consideration of allocating Impact Fee Undesignated Fund Balance for water main extension and upsizing completed at 942-948 U.S. Highway 1 (\$7,938).
7. Consideration of allocating funds for the purchase and installation of reclaimed water meters in Sandy Pines Preserves (\$355,004).
8. Consideration of reallocating funds for well repairs at Fred Poppe Regional Park (\$28,189).
9. Consideration of pursuing legal action for code violations at 2557 Amberly Road NE.
10. Consideration of pursuing legal action for code violations at 539 Ocean Spray Street SW.
11. Consideration of an Easement Agreement with Charter Communications for fiber optic cable installation.
12. Consideration of a letter of support for the Brevard County Sheriff's Office for the Fiscal Year 2022 Edward Byrne Memorial Justice Assistance Grant Program, Countywide Prisoner Transport Program.
13. Consideration of submitting a grant application for the Edward Byrne Justice Assistance Grant Program for Fiscal Year 2022 Local Solicitation.
14. Consideration of travel and training for specified City employees (Police Department).
15. Consideration of travel and training for specified City employees (Parks and Facilities Department).

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Sustainability Advisory Board.

COUNCIL REPORTS:

ADMINISTRATIVE AND LEGAL REPORTS:

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

ADJOURNMENT:

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

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

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

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

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

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

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 8/4/2022

RE: One (1) vacancy on the Community Development Advisory Board (represents one of the following positions: 'banking Industry'; 'actively engaged in home building'; 'residential home building'; or 'not-for-profit provider').+

The City Clerk's Office has been notified of one (1) vacancy on the Community Development Advisory Board as Alan Borkowski has resigned.

The Community Development Advisory Board is comprised of members in various fields related to affordable housing. The individual above represented the following position:

- Member who represents banking or mortgage banking industry in connection with affordable housing.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

None

RECOMMENDATION:

Request for vacancy to be announced and applications solicited at tonight's meeting. Appointment will be made at the regular Council meeting to be held on September 1, 2022.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Suzanne Sherman, Acting Public Works Director

DATE: 8/4/2022

RE: Ordinance 2022-75, vacating a portion of the rear public utility and drainage easement located within Lots 17 and 18, Block 2222, Port Malabar Unit 44 (Case VE-5-2022, Judith Kennedy), final reading.

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

Judith Kennedy has submitted an application to vacate the Southerly 8 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Easterly and Westerly 6 foot Public Utility & Drainage Easement, thereof containing 1184 square feet, more or less, of Lot 17 & 18, Block 2222, Port Malabar Unit 44, according to the Plat thereof, as Recorded in Plat Book 21, Pages 143-163, 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

VE-5-2021 Staff Report

Ordinance 2022-75

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Request to vacate the Southerly 8 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Easterly and Westerly 6 foot Public Utility & Drainage Easement, thereof containing 1184 square feet, more or less, of Lot 17 & 18, Block 2222, Port Malabar Unit 44, according to the Plat thereof, as Recorded in Plat Book 21, Pages 143-163, of the Public Records of Brevard County, Florida, for an inground pool with a screen enclosure.

LOCATION: 1827 Zaminder Street
(Lot 17 and 18, Block 2222, Port Malabar Unit 44)

APPLICANT: Judith Kennedy

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: 1184 square feet, more or less

ADJACENT ZONING	N	RS-2 – Single-Family
& LAND USE:	E	46ft City Drainage right of way.
	S	RS-2 – Single-Family Residential
	W	RS-2 – Single-Family Residential

STAFF ANALYSIS:

Vacation of Easement is requested to vacate the Southerly 8 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Easterly and Westerly 6 foot Public Utility & Drainage Easement, thereof containing 1184 square feet, more or less, of Lot 17 &18, Block 2222, Port Malabar Unit 44, according to the Plat thereof, as Recorded in Plat Book 21, Pages 143-163, of the Public Records of Brevard County, Florida, for an inground pool with a screen enclosure.

Public works, 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 Southerly 8 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Easterly and Westerly 6 foot Public Utility & Drainage Easement, thereof containing 1184 square feet, more or less, of Lot 17 &18, Block 2222, Port Malabar Unit 44, according to the Plat thereof, as Recorded in Plat Book 21, Pages 143-163, 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.



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): JUDITH KENNEDY

Address: 1827 ZAMINDER ST NW

City: PALM BAY Zip Code: 32907

Phone Number: 386-527-3126 Business Phone Number: 321-223-0505

Fax Number: 321-610-6014 Email: dk@wiginton.net

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:

ATTACHED

Section: 21 Township: 28 SOUTH Range: 36 EAST

Size of area covered by this application (calculate acreage): 1.184 AC

Zoning classification at present: RESIDENTIAL

Which action applying for (easement, drainage): EASEMENT

Reason for requesting vacation and intended use: NEW POOL - DECK AREA

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

[Signature]

Date

6/10/22

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

Judith Moran Kennedy

Date

6-10-22

Printed Name of Applicant

Judith Moran Kennedy

SKETCH & DESCRIPTION

SECTION 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST
(NOT A BOUNDARY SURVEY)

SHEET 1 OF 2
NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

LEGAL DESCRIPTION:

A PORTION OF LOTS 17 AND 18, BLOCK 2222, "PORT MALABAR UNIT FORTY FOUR" ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 21, PAGE 143-163 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 17, BLOCK 2222; THENCE SOUTH 00°18'02" EAST ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°41'58" WEST, A DISTANCE OF 6.00 FEET TO THE WEST LINE OF THE PLATTED 6 FOOT PUBLIC UTILITY & DRAINAGE EASEMENT AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°41'58" WEST ALONG THE SOUTH LINE OF THE PLATTED 20 FOOT PUBLIC UTILITY & DRAINAGE EASEMENT, A DISTANCE OF 148.00 FEET TO THE EAST LINE OF THE PLATTED 6 FOOT PUBLIC UTILITY & DRAINAGE EASEMENT ON SAID LOT 18; THENCE NORTH 00°18'02" WEST ALONG SAID EAST LINE OF EASEMENT A DISTANCE OF 8.00 FEET; THENCE NORTH 89°41'58" EAST, A DISTANCE OF 148.00 FEET TO THE SAID WEST LINE OF EASEMENT ON LOT 17; THENCE SOUTH 00°18'02" EAST ALONG SAID WEST LINE OF EASEMENT, A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1,184± SQUARE FEET.

PREPARED BY:



1350 MALABAR ROAD S.E., SUITE 1, PALM BAY, FLORIDA 32907
Phone (321)724-2940 Fax(321)951-4879
E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM




KEVIN A. SMITH - FLORIDA CERTIFICATE NO. 4457
(NOT VALID UNLESS SIGNED AND SEALED)

PREPARED FOR: DANIEL KENNEDY

DRAWN BY: A. TEJADA

CHECKED BY: KAS

DRAWING NO. 21-1157

SECTION 21

DATE: OCT. 20, 2021

SHEET 1 OF 2

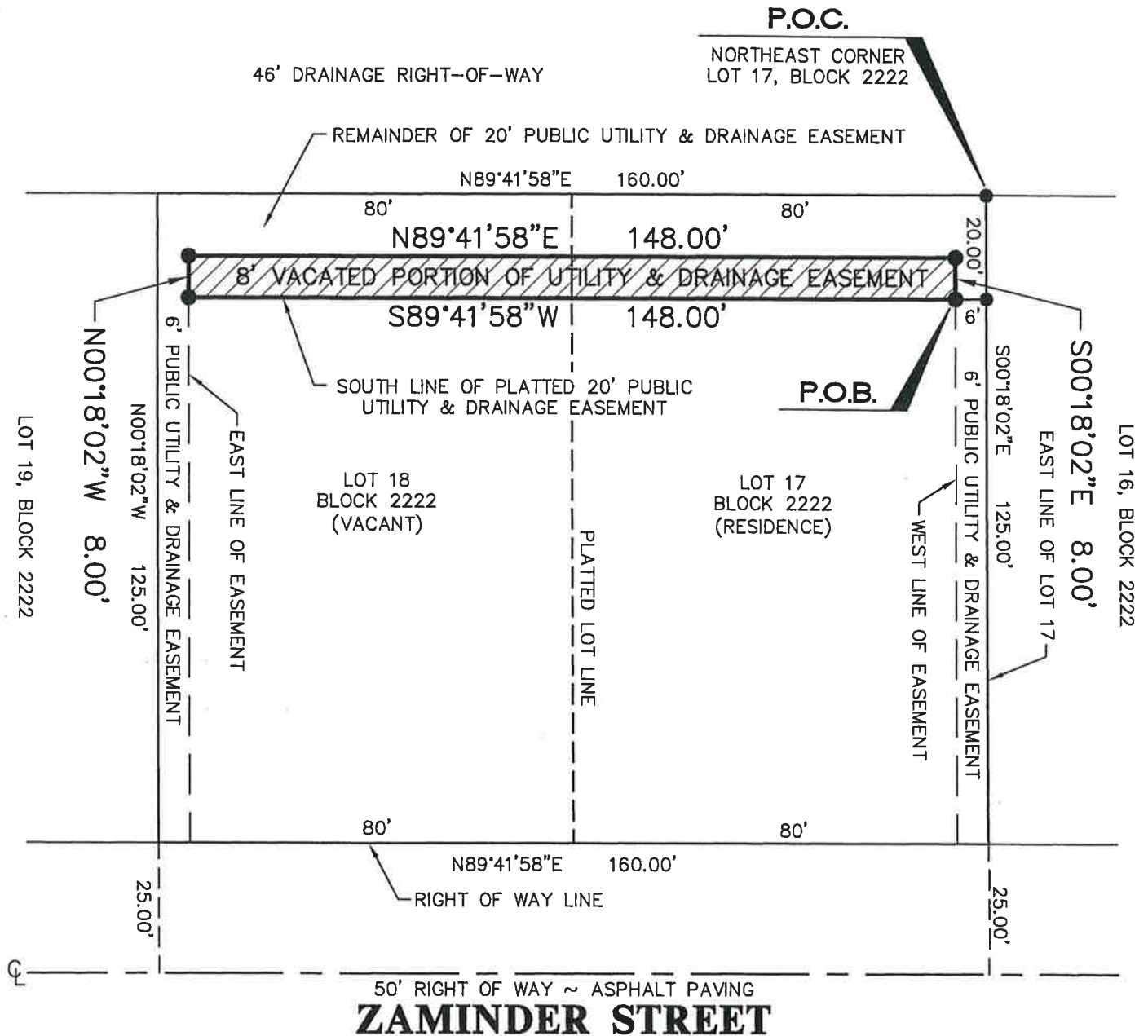
REVISIONS _____

TOWNSHIP 28 SOUTH
RANGE 36 EAST

SKETCH & DESCRIPTION

SECTION 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST
(NOT A BOUNDARY SURVEY)

SHEET 2 OF 2
NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2



SCALE: 1" = 30'

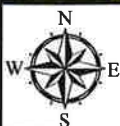
PREPARED BY:



DRAWING NO. 21-1157

1350 MALABAR ROAD S.E., SUITE 1, PALM BAY, FLORIDA 32907
Phone (321)724-2940 Fax (321)951-4879
E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM

LOCATION MAP

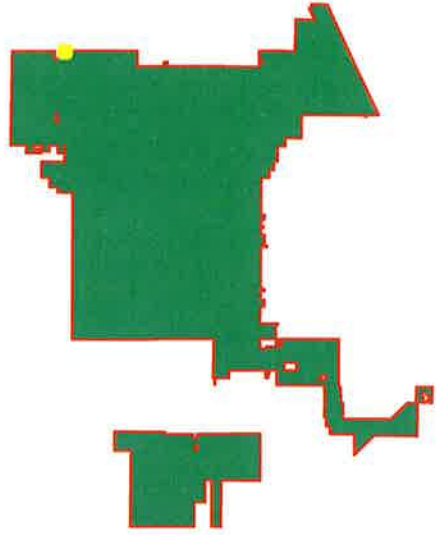


Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on June 23, 2022.

VE-5-2022

0 25 50 100
Feet
1 inch = 100 feet

CITY OF MELBOURNE
(PLATT RANCH)



46' DRAINAGE RIGHT-OF-WAY

SITE




ZAMINDER ST NW

RS-2

CAINS AVE NW

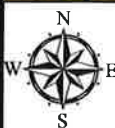
WADENA ST NW

LEGEND

-  EASEMENT TO BE VACATED
-  PARCEL LINES
-  CITY LIMITS

**LOCATION MAP
VE-5-2022**

0 25 50 100
Feet
1 inch = 100 feet



Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on June 23, 2022.

ORDINANCE 2022-75

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOTS 17 AND 18, BLOCK 2222, PORT MALABAR UNIT 44, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 144, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Judith Kennedy, 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 Lots 17 and 18, Block 2222, Port Malabar Unit 44, according to the plat thereof as recorded in Plat Book 21, Page 144, of the Public Records of Brevard County, Florida, Section 21, Township 28S, Range 36E, being more particularly described as follows:

Commence at the northeast corner of said Lot 17, Block 2222; thence S 00°18'02" E along the east line of said Lot 17, a distance of 20.00 feet; thence S 89°41'58" W, a distance of 6.00 feet to the west line of the platted 6-foot public utility and and drainage easement and the Point of Beginning; thence continue S 89°41'58" W along the south line of the platted 20-foot public utility and drainage easement, a distance of 148.00 feet to the east line of the platted 6-foot public utility and drainage easement on said Lot 18; thence N 00°18'02" W along said

east line of easement a distance of 8.00 feet; thence N 89°41'58" E, a distance of 148.00 feet to the said west line of easement on Lot 17; thence S 00°18'02" E along said west line of easement, a distance of 8.00 feet to the Point of Beginning; containing 1,184 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: Judith Kennedy
Case: VE-5-2022

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 8/4/2022

RE: Ordinance 2022-77, providing for a referendum election to be held on November 8, 2022, for the purpose of determining whether the City Charter should be amended, final reading.

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

Pursuant to the Special Council Meeting held on June 14, 2022, attached please find the proposed ordinance providing for the placement of eight (8) referendum issues on the November 8, 2022, regular municipal election ballot.

Council should review the proposed wording and determine any revisions to same, if desired. Be advised that the ballot titles and summaries are limited to no more than fifteen (15) and seventy-five (75) words, respectively.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

The budgeted amount in account 001-1110-511-4902 is \$15,000. The estimated cost of the general election is \$13,100, but does not include the cost for the referendum items.

RECOMMENDATION:

Motion to approve the ordinance as presented or revise as needed.

ATTACHMENTS:

Description

Ordinance 2022-77

ORDINANCE 2022-77

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF DETERMINING WHETHER THE CITY CHARTER SHOULD BE AMENDED; PROVIDING FOR THE PLACEMENT OF EIGHT (8) REFERENDUM ITEMS ON THE BALLOT; PROVIDING THE TEXT OF THE PROPOSED CHARTER AMENDMENTS; DIRECTING THE CITY CLERK TO PROVIDE THE SUPERVISOR OF ELECTIONS WITH A COPY OF THE ORDINANCE; PUBLISHING THE REFERENDUM ITEMS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in December 2021, the City Council of the City of Palm Bay ("City Council") established the Charter Review Commission composed of ten (10) members, and

WHEREAS, the Charter Review Commission, over a period of several months, reviewed the City Charter and made proposed additions and deletions thereto, and

WHEREAS, the City Council reviewed the recommendations of the Charter Review Commission and desires to submit the following eight (8) Charter amendments to the electors of the City of Palm Bay at a referendum election to be held in conjunction with the regular municipal election to be held on November 8, 2022.

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

SECTION 1. The above recitals are true and correct and are hereby incorporated by reference.

SECTION 2. In the event the Proposed Charter Amendment entitled "Charter Amendment Governing Compensation of the Mayor and City Councilmembers," is

approved by a majority vote at the referendum as called for in this Ordinance, Section 3.03 of the City of Palm Bay Charter, entitled "Compensation," shall be amended as follows:

"Section 3.03 Compensation.

Effective November 9, 2016 >>2022<<, the salary for the office of Mayor shall be at the rate of 20 >>25<< cents per capita, and the salary for the office of Councilmember shall be set at the rate of 10 >>20<< cents per capita. The per capita numbers utilized shall be the population as of the date of approval of this revision as set forth in the most recent population estimate of the Bureau of Economic and Business Research of the University of Florida. The annual salary of the Council shall not be increased by more than the increase in the Consumer Price Index, or the annual increase given to City employees, whichever is lower. The annual salary shall be reviewed during the City's annual budget process. No increase in salary shall become effective until October 1."

SECTION 3. In the event the Proposed Charter Amendment entitled "Charter Amendment Governing the Employment of Current and Former Elected Officials by City," is approved by a majority vote at the referendum as called for in this Ordinance, Subsection 3.053 of the City of Palm Bay Charter, entitled "Holding Other Office," shall be amended as follows:

"Subsection 3.053 *Holding other office.*

(a) No >>current or<< former elected city official, nor any relative of such former elected city official, shall hold any compensated appointive city office or employment until, at least, two (2) years after the expiration of the term for which elected. This provision shall not apply to relatives of any current or former elected city official holding a compensated appointive city office or position of employment prior to November 9, 2016.

(b) For the purposes of this section, "relative" shall mean an individual who is related to the >>current or<< former elected city official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister."

SECTION 4. In the event the Proposed Charter Amendment entitled "Charter Amendment Governing the Process for Filling Vacancies on the City Council," is approved by a majority vote at the referendum as called for in this Ordinance, Subsection 3.062 of the City of Palm Bay Charter, entitled "Filling of Vacancies," shall be amended as follows:

"Subsection 3.062 Filling of vacancies.

When a vacancy occurs on council as a result of death, resignation, illness, disability, written court order, forfeiture of office, or other lawful written order or action, such vacancy shall be filled in accordance with the procedures prescribed by ordinance >>by appointment of the majority of the remaining members within sixty (60) days. If the majority of the remaining members of the City Council fail to fill the vacancy through appointment within the sixty-day period, a special election to fill the vacancy shall be called and held in a manner coordinated by the City Clerk with the Supervisor of Elections and adopted by resolution of the City Council. All vacancy elections will run concurrent with the regularly scheduled city elections. Appointments will be to serve until the next general election cycle.<<"

SECTION 5. In the event the Proposed Charter Amendment entitled "Charter Amendment Governing the City Council's Regular Meeting Schedule," is approved by a majority vote at the referendum as called for in this Ordinance, Subsection 3.081 of the City of Palm Bay Charter, entitled "Meetings" shall be amended as follows:

“Subsection 3.081 *Meetings*.

>>Beginning January 2023,<< the council shall have regular council meetings at least twice each month, >>except for June,<< at the city hall or other municipal building, at such times and places as the council may prescribe. Special meetings and workshops may be held at the call of any councilmember and, whenever practicable, upon no less than twenty-four (24) hours verbal and written notice to each member and the public. Such notice shall state the specific purpose or purposes of the meeting. No additional items shall be considered at such special meetings.”

SECTION 6. In the event the Proposed Charter Amendment entitled “Charter Amendment Governing Process to Adopt or Repeal Ordinances by Citizen’s Petition,” is approved by a majority vote at the referendum as called for in this Ordinance, Subsection 3.092 of the City of Palm Bay Charter, entitled “Petitions,” shall be amended as follows:

“Subsection 3.092 *Petitions*.

(1) Number of signatures. All petitions must be signed by at least ten percent (10%) of the electors of the city. They need not be in affidavit form. The petition to amend the charter must be signed by at least ten percent (10%) of the electors of the city of the registered electors as of the last preceding municipal general election or as provided in section 166.031 Florida Statutes as may be amended from time to time. Petitions to propose or repeal ordinances must be signed by at least ~~five percent (5%)~~ >>ten percent (10%)<< of the registered electors as of the last preceding municipal general election.”

SECTION 7. In the event the Proposed Charter Amendment entitled “Charter Amendment Related to Pronouns Used to Refer to City Manager,” is approved by a majority vote at the referendum as called for in this Ordinance, Subsection 4.01 of the City of Palm Bay Charter, entitled “Appointment,” shall be amended as follows:

“Subsection 4.011 Appointment.

The council shall appoint a manager by a majority vote of all councilmembers. The manager shall be selected solely on the basis of administrative and executive qualifications. At the time of appointment, the manager need not be a resident of the city or state. However, should the manager change residency subsequent to his >>or her<< appointment, the manager shall reside within the city during his >>or her<< tenure.”

SECTION 8. In the event the Proposed Charter Amendment entitled “Charter Amendment Related to Determining Winner of Councilmember Election in the Event of a Tie,” is approved by a majority vote at the referendum as called for in this Ordinance, Subsection 5.041 of the City of Palm Bay Charter, entitled “Councilmembers,” shall be amended as follows:

“Subsection 5.041 Councilmembers.

A councilmember shall be elected to a specific seat on the council. The councilmember shall be elected by receiving the highest vote total of the votes cast in the election for a designated council seat. In the event of a tie vote in a special or regular election in which two (2) or more candidates are seeking the same designated seat on the council, a run-off election will only be held if ~~breaking the tie would~~ >>to<< determine the successful candidate. Each elective officer shall hold such office until a successor is elected and qualified. Absentee voting shall be permitted in all elections as provided by law.”

SECTION 9. In the event the Proposed Charter Amendment entitled “Charter Amendment Related to Limitations on City’s Ability to Increase Ad Valorem Taxes,” is approved by a majority vote at the referendum as called for in this Ordinance, Section 6.01 of the City of Palm Bay Charter, entitled “Taxes,” shall be amended as follows:

“Section 6.01 Taxes.

(a) The council shall have full power and authority to levy taxes as authorized by law.

~~(b) Unless otherwise allowed by this subsection, the City Council shall not impose any ad valorem tax for city purposes at a millage rate which causes the budgeted revenue therefrom to the City to increase over the budgeted ad valorem revenue for the previous fiscal year by more than three percent (3%).~~

~~(c) Notwithstanding paragraph (b) of this subsection, the City Council may impose an ad valorem tax for municipal purposes at a rate which exceeds the limitations in paragraph (b) if a supermajority of the City Council concurs in a finding that such an excess is necessary because of emergency or critical need. The finding shall set forth the ultimate facts upon which it is based and shall be valid for a single budget year.~~

~~(d) In calculating the allowable increase in ad valorem revenues over the ad valorem revenues budgeted for the previous year under paragraph (b) of this subsection, the City Council shall exclude from the anticipated revenues all revenue changes from the following kinds of property not appearing on the previous year's roll: 1) new construction; 2) additions to or demolitions in whole or in part of existing construction; and 3) changes in the value of improvements that have undergone renovation to an extent of not less than 100% increase in assessed value (as measured from the last year of assessment prior to commencement of renovation).~~

~~(e) Nothing in this subsection shall authorize imposition of a millage rate which exceeds the rate prohibited by the constitution or general laws of Florida, or prohibit imposition of a millage rate which is required by the constitution or general laws of Florida or by any final order of a court of competent jurisdiction. Nothing in this subsection shall apply to any millage necessary to the payment of general obligation bonds in accordance with all bond covenants or to any other millage approved by referendum of the electors, whether before or after the effective date of this subsection.”~~

SECTION 10. Eight (8) proposed ballot questions shall be presented to the electorate of the City of Palm Bay at the regular municipal election on November 8, 2022. The wording and title of the ballot questions to appear on the ballot on the date of the November 8, 2022, election, as embodied in this Ordinance, shall be as follows:

**CHARTER AMENDMENT GOVERNING COMPENSATION OF THE
MAYOR AND CITY COUNCILMEMBERS**

Shall section 3.03 of the City of Palm Bay Charter be amended to provide that the salary for the office of Mayor be increased from 20 cents per capita to 25 cents per capita, and the salary for the office of City Councilmember be increased from 10 cents per capita to 20 cents per capita, effective November 9, 2022?

_____Yes
_____No

**CHARTER AMENDMENT GOVERNING THE EMPLOYMENT OF
CURRENT AND FORMER ELECTED OFFICIALS BY CITY**

Shall section 3.053 of the City of Palm Bay Charter be amended to provide that neither current nor former elected city officials, nor their familial relatives, may hold compensated appointed city office or employment for two (2) years after the expiration of the term for which they were elected?

_____Yes
_____No

**CHARTER AMENDMENT GOVERNING THE PROCESS FOR FILLING
VACANCIES ON THE CITY COUNCIL**

Shall section 3.062 of the City of Palm Bay Charter be amended to provide that in the event of a vacancy on the City Council, a majority of the remaining City Councilmembers shall appoint a person to fill such vacancy for the remainder of the term, and that if the City Council fails to make an appointment within 60 days, a special election shall be called for the purpose of filling the vacancy?

_____Yes
_____No

**CHARTER AMENDMENT GOVERNING THE CITY COUNCIL'S
REGULAR MEETING SECHEDULE**

Shall section 3.081 of the City of Palm Bay Charter be amended to provide that beginning January 2023, the City Council shall hold regular City Council meetings at least twice each month, except for in the month of June?

_____ Yes
_____ No

**CHARTER AMENDMENT GOVERNING PROCESS TO ADOPT OR
REPEAL ORDINANCES BY CITIZEN'S PETITION**

Shall section 3.092 of the City of Palm Bay charter be amended to increase the required number of electors who must sign a petition to propose or repeal City ordinances from five percent (5%) to ten percent (10%)?

_____ Yes
_____ No

**CHARTER AMENDMENT RELATED TO PRONOUNS USED TO REFER
TO CITY MANAGER**

Section 4.011 of the City of Palm Bay Charter currently uses only masculine pronouns to refer to the City Manager. Shall section 4.011 of the Charter be amended to include both feminine and masculine pronouns in reference to the City Manager?

_____ Yes
_____ No

**CHARTER AMENDMENT RELATED TO DETERMINING WINNER OF
COUNCILMEMBER ELECTION IN THE EVENT OF A TIE**

Shall section 5.041 of the City of Palm Bay Charter be amended to state that in the event of a tie vote in a regular or special election for the office of City Councilmember, a runoff election will be held to determine the successful candidate?

_____ Yes
_____ No

**CHARTER AMENDMENT RELATED TO LIMITATIONS ON CITY'S
ABILITY TO INCREASE AD VALOREM TAXES**

Shall section 6.01 of the City of Palm Bay Charter be amended to delete provisions which currently prohibit the City Council from levying ad valorem taxes in a given year at a millage rate which causes the budgeted revenues therefrom to increase over the budgeted ad valorem revenue for the previous fiscal year by more than three percent (3%) unless a supermajority of the City Council finds that an emergency or critical need exists?

☐ **Yes**
☐ **No**

SECTION 11. The City Clerk is hereby directed to instruct the Supervisor of Elections of Brevard County to include each of the eight (8) ballot questions described in Section 10 of this Ordinance on the ballot for the regular municipal election to be held on November 8, 2022, throughout the City of Palm Bay. All duly qualified electors residing within the City of Palm Bay shall be entitled to participate in and vote at such election.

SECTION 12. As required by Section 100.342, Florida Statutes, at least 30 days' notice of the forthcoming referendum, including its purpose and eligibility requirements for voting, shall be published by the City Council in a newspaper of general circulation in the City, at least twice, once in the fifth week and once in the third week prior to the week in which the election is to be held. Such notice shall contain the text of the proposed ballot questions.

SECTION 13. 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 14. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Charter of the City of Palm Bay, if approved by a majority of the electors voting in the November 8, 2022, election.

SECTION 15. 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 16. 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: _____

cc: (date) Supervisor of Elections



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 8/4/2022

RE: Ordinance 2022-78, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located in the vicinity west of Ladner Road and south of Melbourne Tillman Water Control District Canal 82, from Single-Family Residential Use to Multiple-Family Residential Use (17.41 acres) (Case CP-25-2022, Francis and Anna Bourne), only one reading required.

Mr. Francis R. Bourne and Ms. Anna B. Bourne (James Trauger, Trauger Consulting Engineers, Rep.) have submitted for a small-scale future land use map amendment from Single-Family Residential Use to Multiple-Family Residential Use. The 17.41-acre property is located west of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE.

The 126 multiple-family dwelling units intended for the subject parcel will create a transition in the area between a more intense institutional use and a lower single-family residential density. As such, the land use amendment is compatible with the surrounding area. The subject property is not within a scrub jay polygon, and any protected species found on the site would need to be mitigated as required by State and Federal regulations. The owner/developer will be responsible for extending water and sewer service to the site in accordance with current City regulations. A drainage plan and any stormwater management system will be reviewed and approved by the City and the appropriate agencies during the site plan review process. A traffic impact analysis will also be required during the site plan review to determine negative impacts on the existing transportation system and any suggested improvements.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CP-25-2022.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 4 to 1.

ATTACHMENTS:**Description**

Case CP-25-2022 - Staff Report

Case CP-25-2022 - Survey Sketch

Case CP-25-2022 - Public Works Pre-Application Comments

Case CP-25-2022 - Application

Case CP-25-2022 - Applicant Presentation

Case CP-25-2022 -- School Impact Analysis

Case CP-25-2022 - Board Minutes

Case CP-25-2022 - Correspondence

Ordinance 2022-78



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Stephen White, Principal Planner

CASE NUMBER

CP-25-2022

PLANNING & ZONING BOARD HEARING DATE

July 6, 2022

PROPERTY OWNER & APPLICANT

Francis R. Bourne and Anna B. Bourne
(James Trauger, Trauger Consulting
Engineers, Rep.)

PROPERTY LOCATION/ADDRESS

Tax Parcel 762, Section 34, Township 28, Range 37,
Brevard County, Florida. Specifically located at 2102
Ladner Road NE

SUMMARY OF REQUEST

The applicant is requesting a change in Future Land Use classification from Single-Family Residential, SFR, to Multi-Family Residential.

Existing Zoning

RS-2, Single-Family Residential

Existing Land Use

Single-Family Residential

Site Improvements

Single-Family Residence

Site Acreage

17.0 acres

SURROUNDING ZONING & USE OF LAND

North

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

East

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

South

RS-2, Single-Family Residential District - Vacant

West

IU, Institutional Use – Vacant

BACKGROUND:

The subject property is located at 2102 Ladner Road NE Palm Bay, Florida 32907 and is approximately 17.41 acres in size.

ANALYSIS:

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

1. FUTURE LAND USE ELEMENT

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

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

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

The intended use for the 17.41-acre property will include 126 Multiple-Family dwellings. The Multiple-Family Future Land Use will create a transition in intensity and density, moving from a more intense use to lower density. As such, the proposed land use amendment would be considered compatible.

2. CONSERVATION ELEMENT

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

The subject property is not located within any of the Florida scrub-jay polygons identified in the City's Habitat Conservation Plan (HCP). Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.

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

3. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the city.

4. INFRASTRUCTURE ELEMENTS

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

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

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

5. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed Future Land Use Map amendment alters the distribution of entitled residential land. Furthermore, the parcels under review are increasing the maximum density through the proposed land use change, which will add housing units. Some impacts to the public-school system area are anticipated; however, considering the adjacent concurrency service areas, there is sufficient capacity.

6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment would increase the demand for recreation services as compared to the existing public needs, due to potential increase in density.

However, the requested use would not exceed the existing parkland or recreational level of service standards for the planning area.

7. TRANSPORTATION ELEMENT

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

8. PROPERTY RIGHTS ELEMENT

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

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

STAFF RECOMMENDATION:

Case CP-25-2022 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-25-2022 & CPZ-25-2022

Subject Property

West of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road 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-25-2022 & CPZ-25-2022

Subject Property

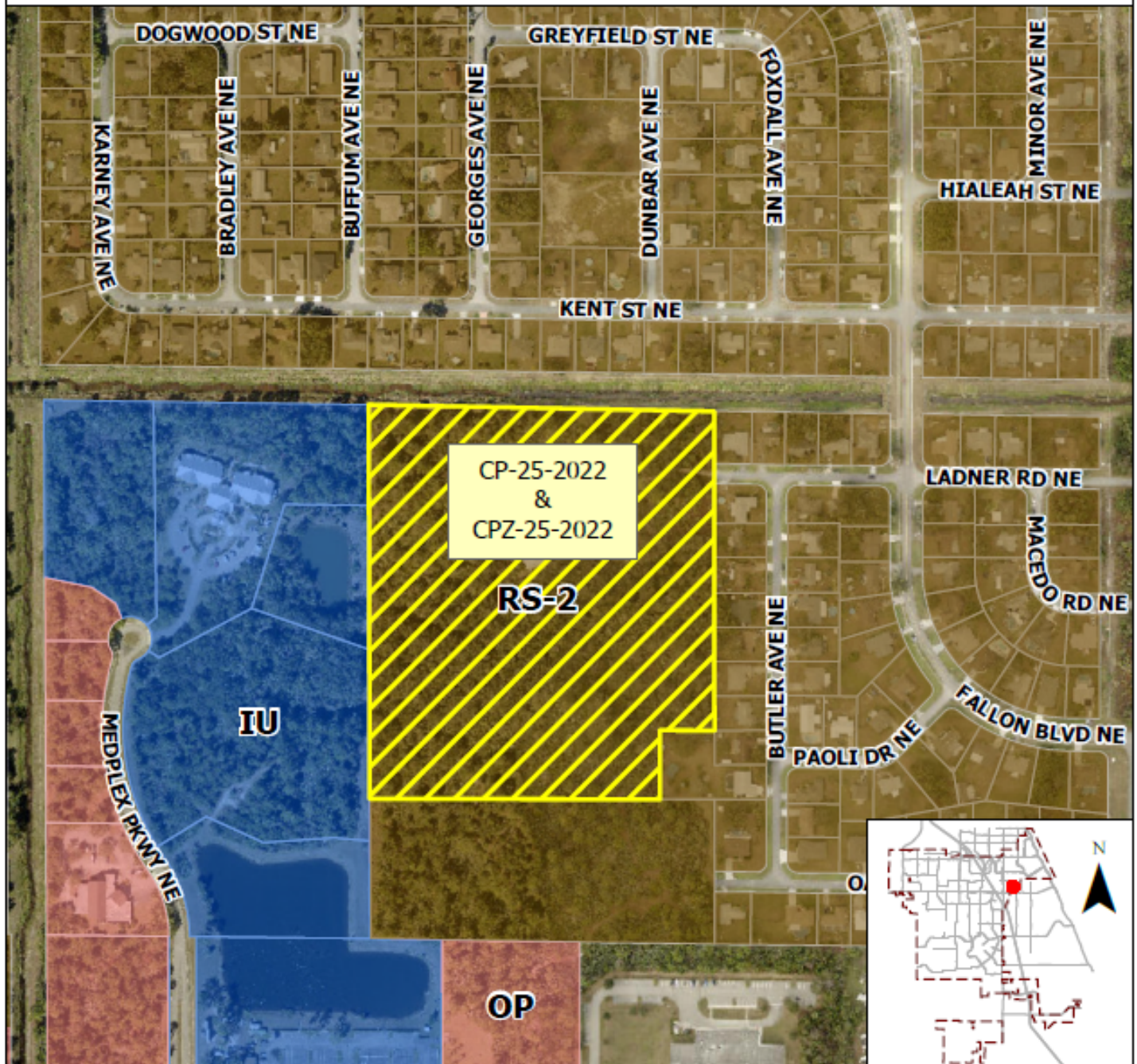
West of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

Future Land Use Classification

SFR – Single Family Residential Use



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



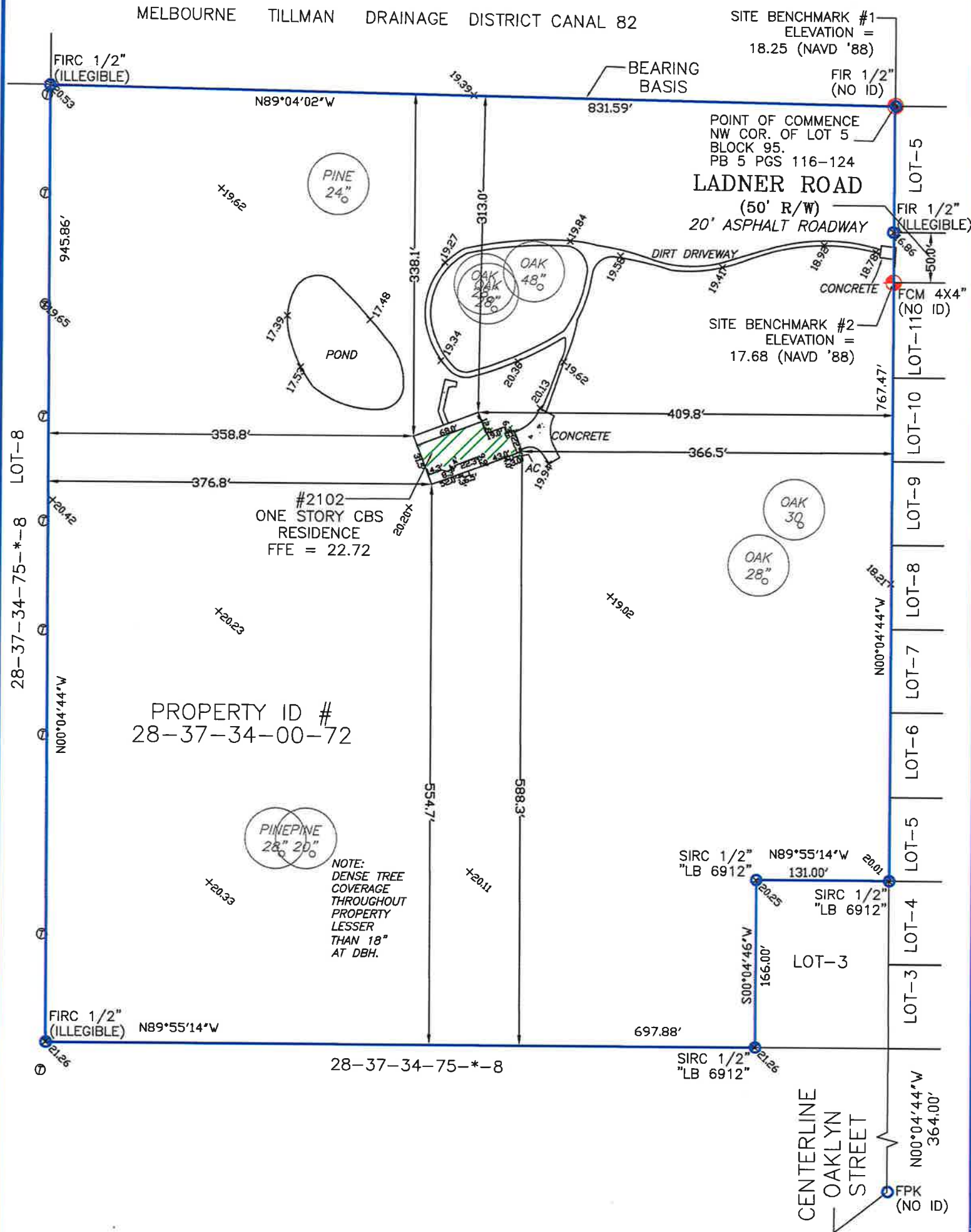
ZONING MAP CASE: CP-25-2022 & CPZ-25-2022

Subject Property

West of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

Current Zoning Classification

RS-2 – Single-Family Residential



LEGAL DESCRIPTION:

PART OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 590, PAGE 924, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 34, TOWNSHIP 28 SOUTH, RANGE 37, SAID BREVARD COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 5, BLOCK 95, PORT MALABAR UNIT SIX, AS RECORDED IN PLAT BOOK 14, PAGES 116 THROUGH 124, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY, TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN SOUTH 00°04'46" WEST, ALONG THE WEST LINE OF SAID BLOCK 95 AND BLOCK 96 OF SAID PORT MALABAR UNIT SIX, ALSO BEING THE EAST LINE OF THE WEST ½ OF LOT 15, FLORIDA INDIAN RIVER LAND COMPANY, AS RECORDED IN PLAT BOOK 1, PAGE 164 OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY, A DISTANCE OF 767.47 FEET, TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3717, PAGE 1231, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY; THENCE RUN NORTH 89°55'14" WEST, ALONG THE NORTH LINE OF SAID OFFICIAL RECORDS BOOK 3717, PAGE 1231, A DISTANCE OF 131.00 FEET, TO THE NORTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 3717, PAGE 1231; THENCE RUN SOUTH 00°04'46" WEST, ALONG THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 3717, PAGE 1231, A DISTANCE OF 166.00 FEET, TO THE SOUTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 3717, PAGE 1231; THENCE RUN NORTH 89°55'14" WEST, A DISTANCE OF 697.88 FEET, TO THE EAST LINE OF THE WEST 5 ACRES OF LOT 14, OF SAID FLORIDA INDIAN RIVER LAND COMPANY; THENCE RUN NORTH 00°04'44" WEST, ALONG SAID EAST LINE, A DISTANCE OF 945.86 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 82; THENCE RUN NORTH 89°04'02" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 831.59 FEET, TO THE POINT-OF-BEGINNING.

SURVEYOR'S LEGEND

A/C = AIR CONDITIONING
BB = BEARING BASIS
BFP = BACKFLOW PREVENTER
BLDG = BUILDING
BLK = BLOCK
BM = BENCHMARK
C = CURVE
CATV = CABLE T.V. RISER
CB = CATCH BASIN
CL = CENTERLINE
CLF = CHAIN LINK FENCE
CLP = CONCRETE LIGHT POLE
CONC = CONCRETE
CP = CONTROL POINT
CPP = CONCRETE POWER POLE
D = DEED
DF = DRAINFIELD
ELEV = ELEVATION
EM = ELECTRIC METER
EOW = EDGE OF WATER
EP = EDGE OF PAVEMENT
F = FIELD
FCM = FOUND CONCRETE MONUMENT
FDH = FOUND DRILL HOLE

FFE = FINISHED FLOOR ELEVATION
FIP = FOUND IRON PIPE
FIPC = FOUND IRON PIPE AND CAP
FIR = FOUND IRON ROD
FIRC = FOUND IRON ROD AND CAP
FN = FOUND NAIL
FN&D = FOUND NAIL AND DISC
FND = FOUND
FPK = FOUND PK NAIL
FPKD = FOUND PK NAIL AND DISC
FRRSPK = FOUND RAILROAD SPIKE
GAR = GARAGE
HYD = FIRE HYDRANT
ID = IDENTIFICATION
L = LENGTH
LB # = LICENSED BUSINESS
LS # = LICENSED SURVEYOR
M = MEASURED
MB = MAP BOOK
MES = MITERED END SECTION
MH = MANHOLE
MLP = METAL LIGHT POLE
OHW = OVERHEAD WIRES
P = PLAT
PB = PLAT BOOK
PC = POINT OF CURVATURE

JOB NUMBER: 2201-208

FIELD WORK DATE: 01/27/2022

PROPERTY ADDRESS:

2102 LADNER ROAD NE, PALM BAY, FL 32907

FLOOD INFORMATION:

PANEL NUMBER: 12009C0613G

FIRM DATE: MARCH 17, 2014

FLOOD ZONE: X

BASE FLOOD ELEVATION: NA

COMMUNITY NAME: PALM BAY, CITY OF

COMMUNITY NUMBER: 120404

AERIAL PHOTOGRAPH

PCC = POINT OF COMPOUND CURVATURE
PCP = PERMANENT CONTROL POINT
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PP = POOL PUMP
PRC = POINT OF REVERSE CURVATURE
PRM = PERMANENT REFERENCE MONUMENT
PT = POINT OF TANGENCY
R = RADIUS
RNG = RANGE
R/W = RIGHT OF WAY
S = SEPTIC
SEC = SECTION
SIR = SET IRON ROD AND CAP
SPKD = SET PK NAIL AND DISC
SV = SEWER VALVE
TBM = TEMPORARY BENCHMARK
TOB = TOP OF BANK
TWP = TOWNSHIP
TR = TELEPHONE RISER
TYP = TYPICAL
WIT = WITNESS
WLP = WOOD LIGHT POLE
WM = WATER METER
WPP = WOOD POWER POLE
WV = WATER VALVE

LINETYPES

— = BOUNDARY LINE
— = STRUCTURE LINE
- - - = CENTERLINE
- - - = EASEMENT LINE
- - - = FENCE LINE
- - - = OLD LOT LINE

SYMBOLS

⊙ = FIRE HYDRANT [] = CATCH BASIN
⊗ = WATER METER ⊕ = SANITARY MANHOLE
⊘ = POWER POLE ⊙ = CABLE T.V. SERVICE
⊙ = GAS SERVICE ⊕ = ELECTRIC SERVICE
⊙ = LIGHT POLE ⊕ = TELEPHONE SERVICE
⊙ = WELL ⊕ = DRAINAGE MANHOLE
⊙ = BENCHMARK ⊕ = SANITARY SERVICE

SURVEYOR'S NOTES

1. UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.
2. JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
3. THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
4. THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.
6. PROPERTY LINES AND OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY.
7. MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C).
8. COMPUTATIONS OF LINES AND OR DATA NOT FOUND ARE SHOWN AS (C).
9. THIS SURVEY MEETS AND/OR EXCEEDS THE ACCURACY REQUIREMENTS PER FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.
10. PRIOR TO SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE, RECORDED PLATS AND OR SECTION CORNER RECORDS IF APPLICABLE.
11. IF ONLY A DIGITAL SURVEY COPY IS REQUIRED A SURVEY REPORT WILL BE PLACED IN FILE. THE DIGITAL SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

SURVEYOR'S SIGNATURE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.025, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

3.24.22

BILL HYATT
SURVEYOR AND MAPPER #4636
STATE OF FLORIDA

DATE

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZ. JN NUMBER LB 6912

CERTIFIED TO:

M&B INVESTMENTS IV FL, LLC
ALLIANCE TITLE INSURANCE AGENCY, INC.

KNOW IT NOW, INC.
PROFESSIONAL SURVEYING AND MAPPING
5220 US HIGHWAY 1, #140
VERO BEACH, FL 32967
PHONE - (3) 396-7770
WWW.KINSURVEYORS.COM



From: [Alexandra Bernard](#)
To: [Chandra Powell](#)
Cc: [Jesse Anderson](#)
Subject: FW: P&Z New Business items 2 and 3
Date: Thursday, July 7, 2022 12:24:15 PM
Attachments: [image001.png](#)

Chandra,

Can you make sure that this gets added to the staff report for Crown Villas for the Council Meeting.

Thank you,
Alix

From: Natalie Shaber <Natalie.Shaber@palmbayflorida.org>
Sent: Thursday, July 7, 2022 12:21 PM
To: Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Frank Watanabe <Frank.Watanabe@palmbayflorida.org>; Mariano Augello <Mariano.Augello@palmbayflorida.org>; Leslie Hoog <Leslie.Hoog@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>
Cc: Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>
Subject: RE: P&Z New Business items 2 and 3

Alix and Jesse

Please see below PW's comments below that were discussed with EOR Jim Trauger in March at the pre-application meeting. I offered to meet with Jim to discuss but never heard from him. Please let me know if we need to discuss.

Natalie- Onsite engineering and environmental

1. There's a large wetland which is part of a documented system (NWIS) on this property. The wetland shall be delineated and an environmental study to determine if there will be habitat disruption.
2. The wetland would have to be mitigated and there will be surface water impacts. Prior to scheduling a pre-sitework meeting the SJRWMD permit will be provided
3. All external agency permits shall be provided prior to scheduling a pre-sitework meeting including the MTWCD
4. Stormwater management would include evaluating and replacing the storage lost by filling the wetland and existing stormwater management pond. In addition to replacing existing storage the water quality treatment volume would need to be held in the proposed stormwater management system. A nutrient analysis would be required as there is direct discharge to an impaired waterbody, Turkey Creek. A wet detention pond only provides 65% removal and would have to be part of a treatment train to obtain the required nutrient removal
5. A MTWCD permit to use their R/W for a force main would be required. Sanitary sewer along

canals is discouraged particularly in this sensitive area.

6. Comprehensive topographic survey to support the storage evaluation in the pre-development condition. The survey shall extend sufficient distance offsite to determine offsite flow.
7. Offsite flow shall be treated and attenuated onsite in the post-development condition.

Frank- Traffic engineering

Here are my comments on the 124 multi-family units

- The AM/PM trips is below the 100 peak trips, but an infill development, so traffic study
- Assess if an all-way stop on entrance street of Ladner at Fallon
- Assess any impacts to traffic signal at Fallon and Babcock
- Add sidewalks on Fallon

Hector/ Fernando R/W

- D/w permit and fee
- R/w permit and fee
- MTWCD permit
- Sidewalk on and off site with connection to Fallon sidewalk
- Drainage easement along property line with residential property.
- Pre vs post outfall.
- Inspection fee for offsite work
- Traffic study and offsite improvements as applicable.
- Drainage easement for existing canal to the north (MTWCD)

Thank you,
Natalie

From: Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>

Sent: Thursday, July 7, 2022 11:54 AM

To: Joan Junkala <Joan.Junkala@palmbayflorida.org>; Frank Watanabe <Frank.Watanabe@palmbayflorida.org>; Natalie Shaber <Natalie.Shaber@palmbayflorida.org>; Mariano Augello <Mariano.Augello@palmbayflorida.org>; Leslie Hoog <Leslie.Hoog@palmbayflorida.org>

Cc: Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>

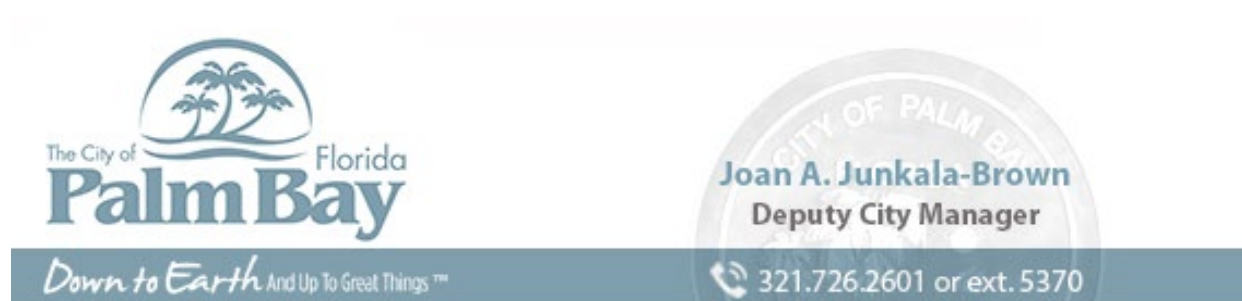
Subject: RE: P&Z New Business items 2 and 3

Sounds good, thanks for the update. Team, please see attached and coordinate with Growth Management on this item.

Suzanne Sherman
City Manager
City of Palm Bay
120 Malabar Road, SE
Palm Bay, FL 32907
O: 321-952-3411
M: 321-210-1231

From: Joan Junkala <Joan.Junkala@palmbayflorida.org>
Sent: Thursday, July 7, 2022 9:10 AM
To: Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>
Cc: Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>
Subject: FW: P&Z New Business items 2 and 3

FYI for the 8/4 RCM – although you will not be here that week, I suspect Council may inquire. This was a contentious item and one we should be fully prepared for at a staff level in terms of traffic, access, stormwater, police and fire access, etc. Approved by PZ by all except Randall O.



From: Chandra Powell <Chandra.Powell@palmbayflorida.org>
Sent: Thursday, July 7, 2022 8:15 AM
To: Joan Junkala <Joan.Junkala@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>
Subject: RE: P&Z New Business items 2 and 3

Good morning, here's their presentation.

From: Joan Junkala <Joan.Junkala@palmbayflorida.org>
Sent: Wednesday, July 6, 2022 6:57 PM
To: Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>
Cc: Chandra Powell <Chandra.Powell@palmbayflorida.org>
Subject: P&Z New Business items 2 and 3

Can you provide me with a copy of the presentation that Mr. James Trauger gave tonight?



Down to Earth And Up To Great Things™

Joan A. Junkala-Brown
Deputy City Manager

 321.726.2601 or ext. 5370



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT
APPLICATION**

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

APPLICATION AMENDMENT TYPE:

☒

Small Scale (50 acres or Less)

☐

Text Amendment (Comp. Plan)

☐

Large Scale (More than 50 acres)

PARCEL ID(S):

28-37-34-00-762

TAX ACCOUNT NUMBER(S):

2853479

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

PART OF LOTS 14 & 15 OF PB 1 PG 164 AS DESC IN ORB 3834 PG 3048

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

17.41

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

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

SFR

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

MFR

PRESENT USE OF PROPERTY:

Single Family

STRUCTURES LOCATED ON THE PROPERTY: 1

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: Yes

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

The proposed FLU change to allow the proposed rezoning to RM-10 requires a MFR land use to be consistent with the proposed multifamily use.

SPECIFIC USE INTENDED FOR PROPERTY:

126 UNIT MULTI FAMILY DEVELOPMENT

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



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



\$1,200.00 - Small Scale (50 acres or Less)



\$2,000.00 - Large Scale (More than 50 acres)



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

CITY OF PALM BAY, FLORIDA

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

PAGE 3 OF 3

- ☐ Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**
- ☐ 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 James Trauger

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

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

Owner Signature

Francis R. Bourne / Anna B. Bourne

Date

28 April 2022
4-28-22

Printed Name

Francis R. Bourne / Anna B. Bourne

Full Address

2102 Laidner Rd NE, Palm Bay, FL 32907

Telephone

(321) 759-3424

Email

frbourne3@gmail.com

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

28 Mar, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

2102 LADNER RD NE PALM BAY FL 32907

I, Owner Name:

Francis R. Bourne & Anna B. Bourne

Address:

2102 Ladner Rd NE, Palm Bay, FL 32907

Telephone:

321-759-3424

Email:

frbourne3@gmail.com

hereby authorize:

Representative:

James Trauger of Trauger Consulting Engineers

Address:

2210 Front Street Ste. 204 Melbourne FL 32901

Telephone:

321 292-0745

Email:

jim@traugerconsulting.com

to represent the request(s) for:

Rezoning from RS-2 to RM-10 & FLU change from SFR to MFR

Francis R. Bourne
Anna B. Bourne
(Property Owner Signature)

STATE OF

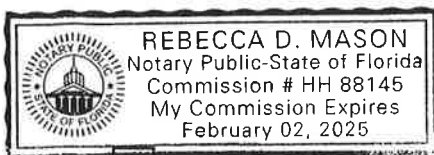
Florida

COUNTY OF

Brevard

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

Frances R. Bourne & Anna B. Bourne, property owner.



Rebecca D. Mason, Notary Public

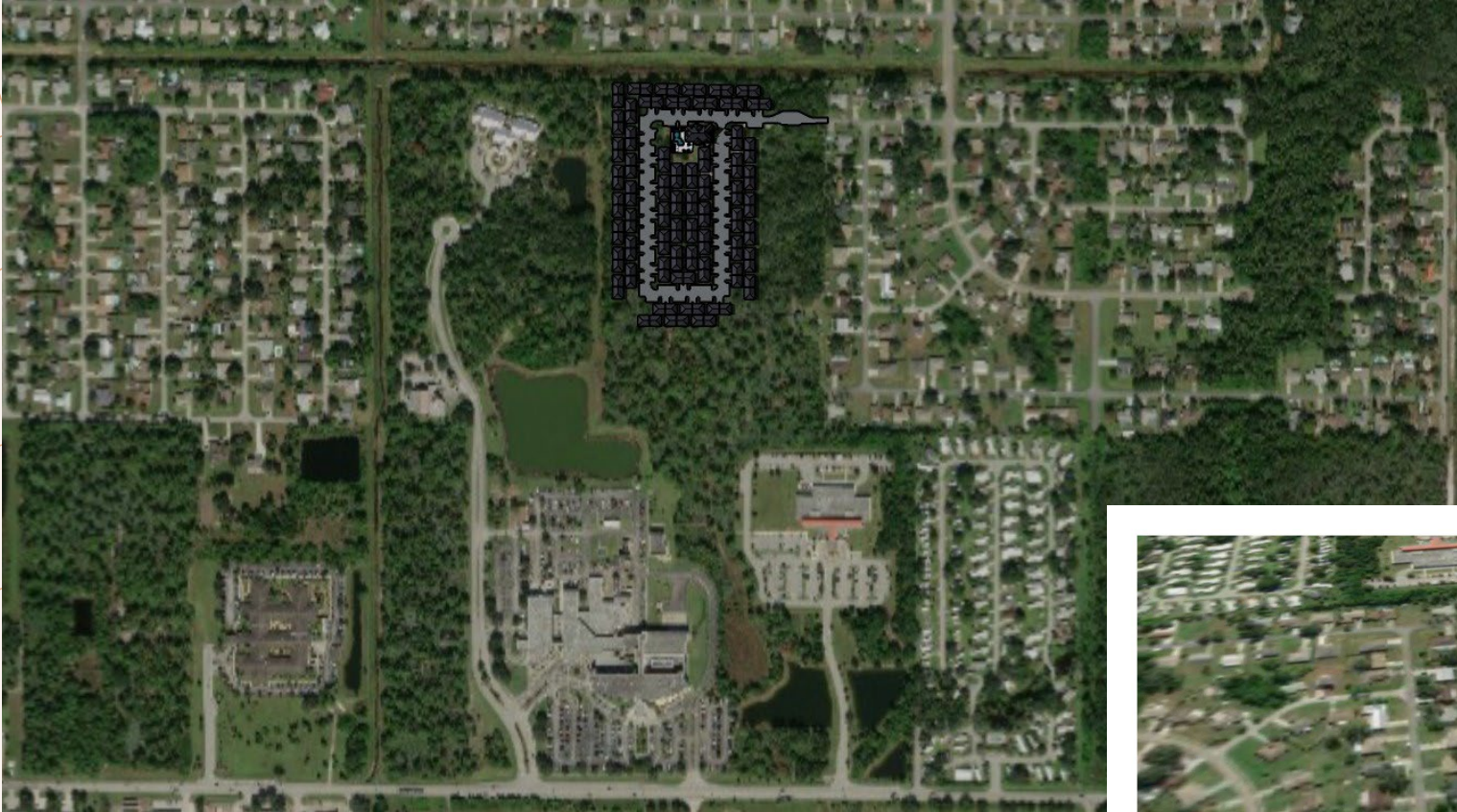
☐ Personally Known or ☒ Produced the Following Type of Identification:

valid I.D.



CROWN VILLAS AT PALM BAY

CP-25-2022 & CPZ-25-2022



AERIAL VIEW OF PROPERTY

VIEW LOOKING SOUTH



Crown Villas
Palm Bay, Florida

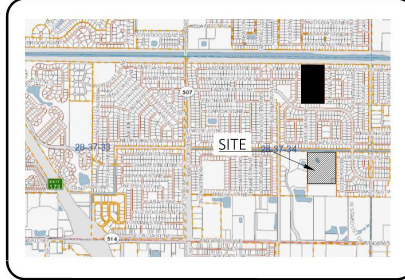
© COPYRIGHT 2022 ARCHETYPE DESIGN, LLC. THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION.

ARCHITECT CONTACT INFORMATION: BROOKS HALL, Architect 404.579.1392 brooks.hall@archetypedesignllc.com



VICINITY MAP:

N.T.S.



CIVIL SITE DATA:

GENERAL STATEMENT

THIS PROJECT CONSISTS OF TYPICAL SITE AMENITIES TO ACCOMMODATE A 124 UNIT, MULTIFAMILY DEVELOPMENT. THE PROPOSED UNITS SHALL BE A MIX OF SINGLE STORY DUPLEX UNITS AND TWO STORY UNITS WITH SINGLE CAR GARAGES. THE UNITS CLOSEST TO THE RESIDENTIAL ZONING DISTRICT SHALL BE SINGLE STORY. THE PROPERTY IS TRANSITIONAL IN NATURE, WITH INSTITUTIONAL USE TO THE SOUTH AND WEST OF THE SITE AND MEDIUM DENSITY RESIDENTIAL TO THE NORTH AND EAST. THERE IS ALSO A MOBILE HOME PARK VERY CLOSE BY. TO THE SOUTHEAST OF THIS SITE. PUBLIC SEWER SERVICE IS NOT AVAILABLE TO THE SITE SO A PUBLIC FOREMAIN ALONG THE MELBOURNE TILMAN ROW IS PROPOSED FOR A TIE IN TO THE BABCOCK STREET ROW. A 8" WATERLINE IS PROPOSED TO BE LOOPED FROM THE CLOSEST AVAILABLE PUBLIC WATER LINES. AN OVERSIZED WET DETENTION POND IS PROPOSED FOR STORMWATER TREATMENT. PERIMETER BUFFERING SHALL BE PROVIDED AS REQUIRED BY CITY CODE, INCLUDING OPAQUE FENCING AND LANDSCAPING. AMENITIES SHALL INCLUDE A CLUBHOUSE, POOL, SPORT COURTS, A PLAYGROUND AND PAVILIONS, AND DOG PARK. THE DEVELOPMENT IS PROPOSED TO HAVE A GATED VEHICULAR ENTRY. REGARDLESS OF PUBLIC OR PRIVATE MAINTENANCE RESPONSIBILITY, ALL STREETS, SIDEWALKS, SEWER FACILITIES, UTILITIES AND DRAINAGE SHALL BE IN COMPLIANCE WITH CHAPTER 188 OF THE CITY OF PALM BAY CODE OF ORDINANCES OR AS AGREED UPON BY CITY STAFF DURING ENGINEERING REVIEW.

CONTACT INFORMATION

DEVELOPER
AL UNIVAT
4828 ASHFORD DUNWOODY ROAD, STE. 400
ATLANTA, GA 30338
TEL: 770-294-6543
EMAIL: ALUCROWN@GROUP.COM

CIVIL ENGINEER
TRAUGER CONSULTING ENGINEERS, INC.
P.O. BOX 360253
MELBOURNE, FL 32936
TEL: 321-292-0745
E-MAIL: JIM@TRAUGERCONSULTING.COM

SITE DATA

TOTAL ACREAGE: ±17.4 ACRES
PARCEL ID: 28-37-34-00-762
TAX ACCOUNT NUMBER: 2833479
CURRENT ZONING CLASSIFICATION: RS-2
CURRENT FUTURE LAND USE: SFR
PROPOSED ZONING CLASSIFICATION: RM-10
PROPOSED FUTURE LAND USE: MFR

TOWNSHIP: 28
RANGE: 37E
SECTION: 34

ALLOWED DENSITY FOR RM-10: 10 UPA X 17.4 AC = 174 UNITS
PROPOSED DENSITY 126 UNITS

BUILDING SETBACKS:	MINIMUM	PROPOSED
FRONT (EAST)	5'	144.0'
REAR (WEST)	25'	26.5'
SIDE (NORTH)	25'	29'
SIDE (SOUTH)	8'	29.65'

REQUIRED PARKING FOR THREE BEDROOM DWELLING UNIT: 2 SPACES X 126 UNITS = 252 SPACES
PROPOSED PARKING FOR THE DEVELOPMENT = 318 SPACES INCLUDING GARAGE PARKING SPACES

LEGEND:

DESCRIPTION

PROPERTY LINE

PROPOSED BUILDING

ASPHALTIC PAVEMENT

CONCRETE SIDEWALK

STORMWATER CONTOUR

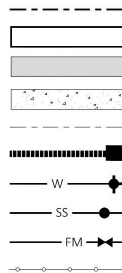
STORMWATER PIPE & INLET

WATERMAIN & FIRE HYDRANT

GRAVITY SANITARY SEWER & MANHOLE

SANITARY FORCE MAIN & VALVE

FENCE

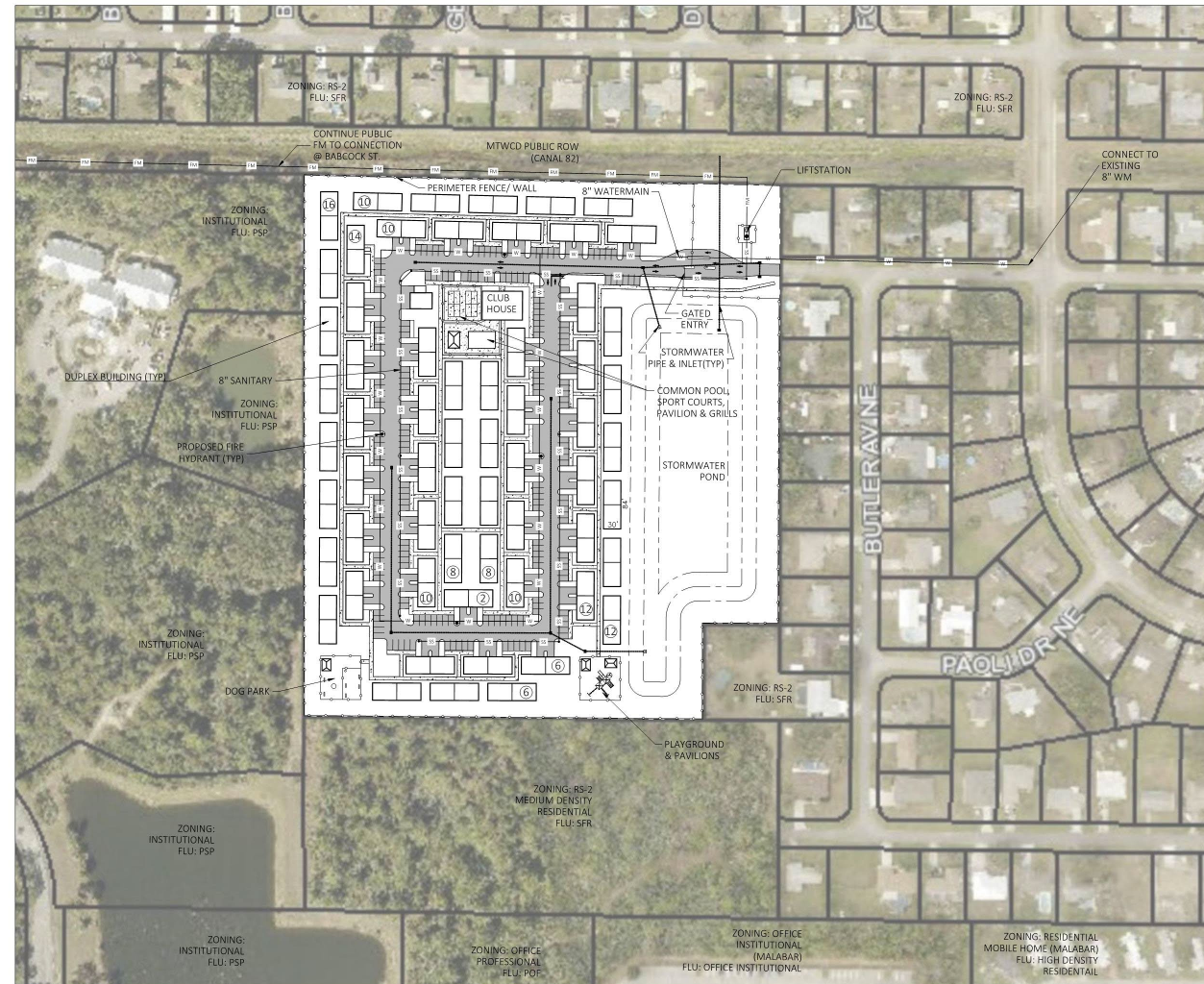


CROWN VILLAS AT PALM BAY

PALM BAY, FLORIDA

DATE:

MARCH 6, 2022



CONCEPTUAL SITE PLAN

1"=100'

100' 0' 100' 200'

TRAUGER CONSULTING ENGINEERS
P.O. BOX 360253
MELBOURNE, FL 32936-0253
email: jim@traugerconsulting.com

CROWN VILLAS AT PALM BAY
PALM BAY, FL
CONCEPTUAL SITE PLAN

DATE: 3-6-22

SECTION: 34

TOWNSHIP: 28S

RANGE: 37E

SCALE: 1"=100'

DRAWING NO:

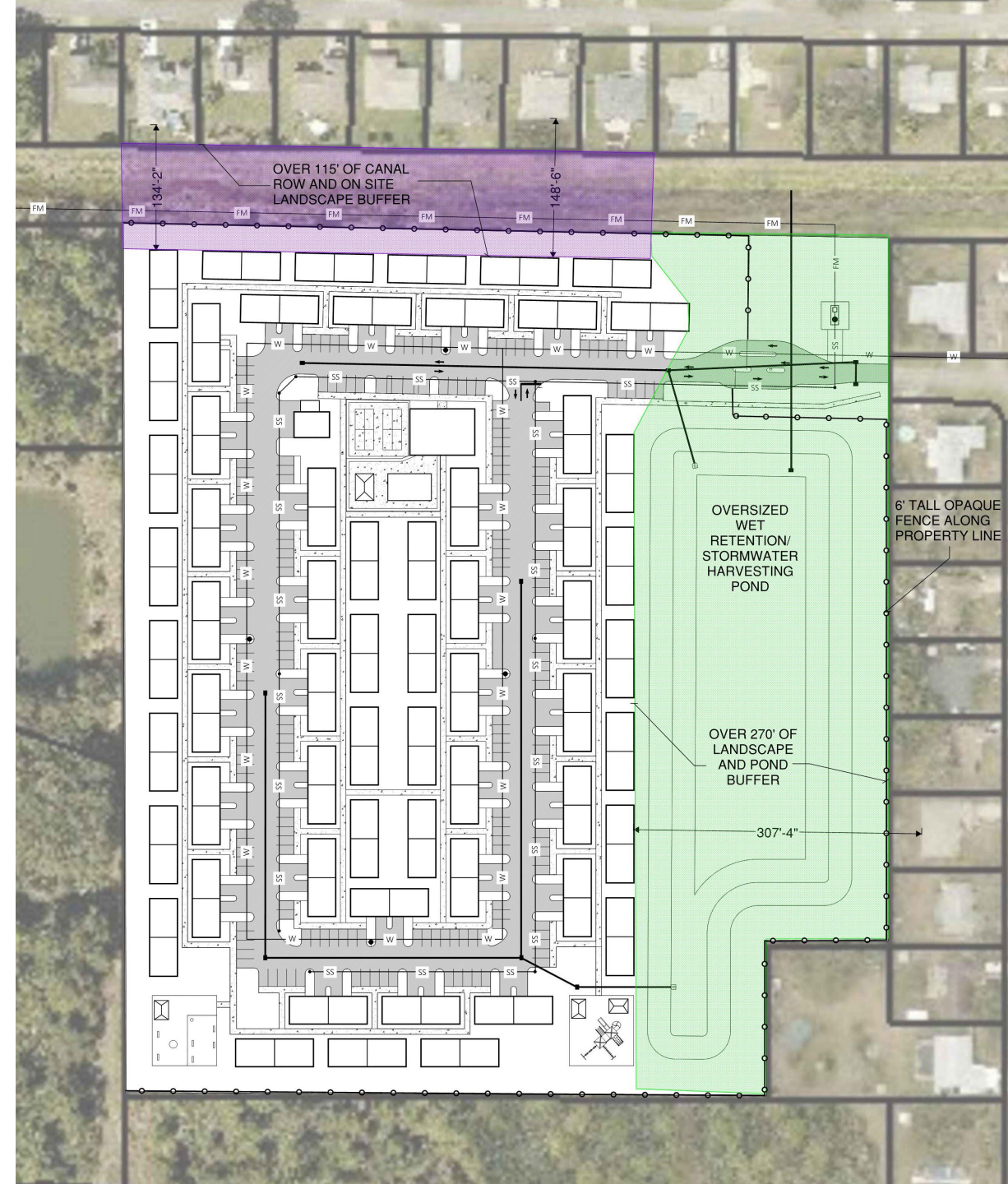
EX-1

PROJECT: 21-143

CONCEPTUAL SITE PLAN OVERVIEW

QUICK FACTS

- Gated Residential Community
- Modern Class A Development
- One and Two Story Buildings Only
- Provide Variety of Housing Options
- Attached Single Family (Duplex) Style Units
- Resort Style Amenities
- Perimeter Six Foot Tall Opaque Privacy Fence
- Proposed Oversize Stormwater Harvesting Pond for Low Impact Design
- Traffic Impact Analysis Methodology is Underway for Coordination with Palm Bay Public Works/ Engineering Staff
- Substantial Buffering to Existing Homes



AMENITY CENTER





Crown Villas Palm Bay, Florida

© COPYRIGHT 2022 ARCHETYPE DESIGN, LLC: THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION.



ARCHITECT CONTACT INFORMATION:

BROOKS HALL, Architect

404.579.1392

brooks.hall@archetypedesignllc.com



Crown Villas Palm Bay, Florida

© COPYRIGHT 2022 ARCHETYPE DESIGN, LLC: THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION.



ARCHITECT CONTACT INFORMATION:

BROOKS HALL, Architect

404.579.1392

brooks.hall@archetypedesignllc.com







Crown Villas Palm Bay, Florida

© COPYRIGHT 2022 ARCHETYPE DESIGN, LLC: THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION.



ARCHITECT CONTACT INFORMATION:

BROOKS HALL, Architect

404.579.1392

brooks.hall@archetypedesignllc.com



Crown Villas Palm Bay, Florida

© COPYRIGHT 2022 ARCHETYPE DESIGN, LLC. THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION.

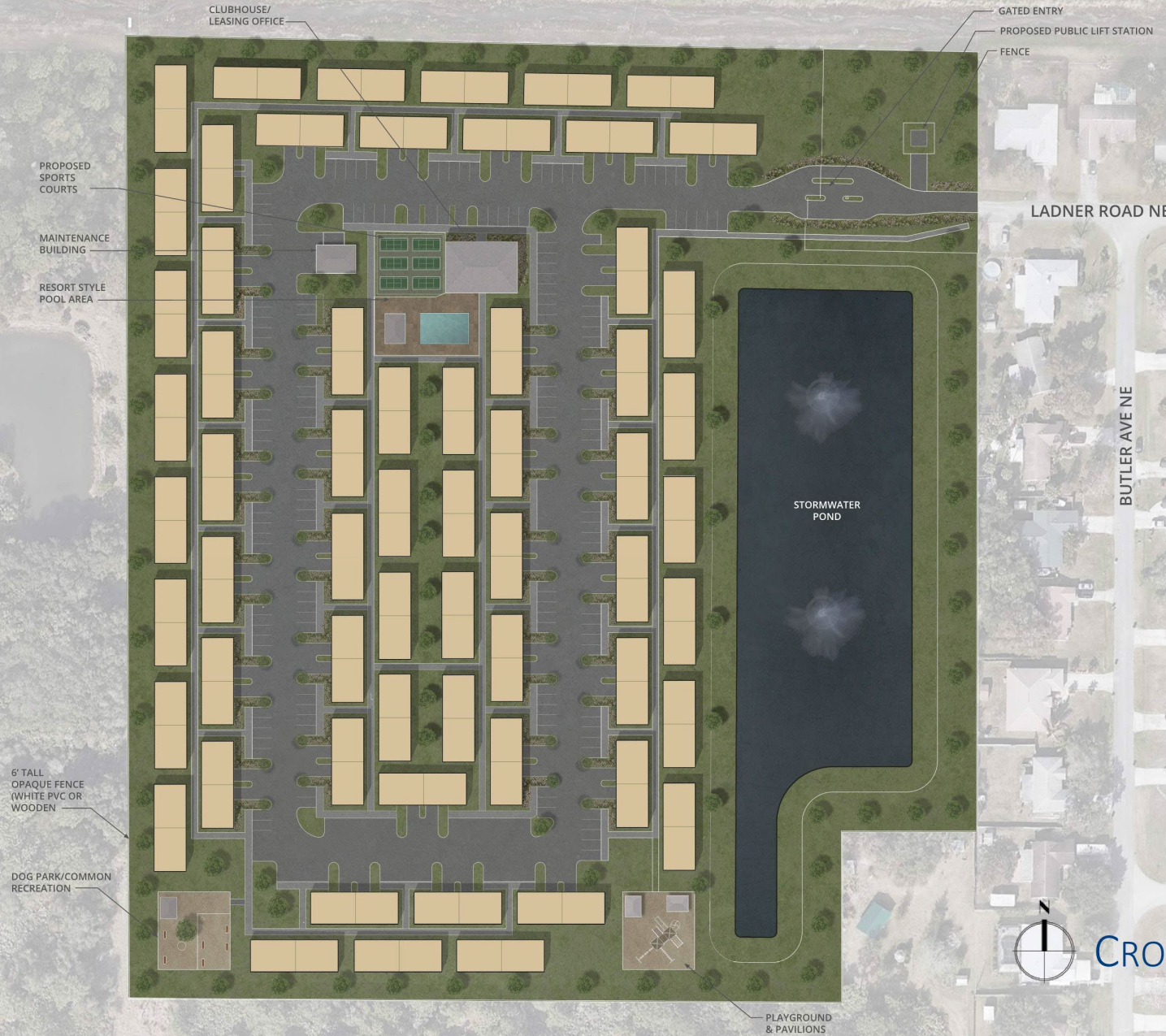


ARCHITECT CONTACT INFORMATION:

BROOKS HALL, Architect

404.579.1392

brooks.hall@archetypedesignllc.com



CROWN VILLAS AT PALM BAY
PALM BAY, FLORIDA

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Dr. Mark W. Mullins, Ed.D., Superintendent



June 29, 2022

Ms. Alix Bernard
Growth Management Director
City of Palm Bay
Growth Management Department
120 Malabar Road SE
Palm Bay, Florida 32907

**RE: Proposed Crown Villas at Palm Bay Development
School Impact Analysis – Capacity Determination CD-2022-30**

Dear Ms. Bernard,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2853479 (Parcel ID number: 28-37-34-00-762) containing a total of approximately 17.41 acres in the City of Palm Bay, Florida. The proposed development includes 126 multi-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2022-23 to 2026-27 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27* which is attached for reference.

Multi-Family Homes	126		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.11	13.86	14
Middle	0.02	2.52	3
High	0.05	6.3	6
Total	0.18		23

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to
2026-27**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Port Malabar		852	852	852	852	852
Stone		1,024	1,024	1,024	1,024	1,024
Palm Bay		2,631	2,631	2,631	2,631	2,631

Projected Student Membership

School		2022-23	2023-24	2024-25	2025-26	2026-27
Port Malabar		636	630	636	645	632
Stone		747	706	745	772	846
Palm Bay		1,325	1,467	1,573	1,645	1,643

Students Generated by Newly Issued SCADL Reservations Since FFP

School		2022-23	2023-24	2024-25	2025-26	2026-27
Port Malabar		-	-	-	-	-
Stone		-	-	-	-	-
Palm Bay		-	-	-	-	-

**Cumulative Students Generated by
Proposed Development**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Port Malabar		-	-	14	14	14
Stone		-	-	3	3	3
Palm Bay		-	-	6	6	6

**Total Projected Student Membership (includes
Cumulative Impact of Proposed Development)**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Port Malabar		636	630	650	659	646
Stone		747	706	748	775	849
Palm Bay		1,325	1,467	1,579	1,651	1,649

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Port Malabar		216	222	202	193	206
Stone		277	318	276	249	175
Palm Bay		1,306	1,164	1,052	980	982

At this time, Port Malabar Elementary School, Stone Magnet Middle School and Palm Bay Magnet High School are projected to have enough capacity for the total of projected and potential students from the Crown Villas at Palm Bay development.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karen Black", with a long horizontal flourish extending to the right.

Karen M. Black, AICP
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School
Years 2021-22 to 2026-27*

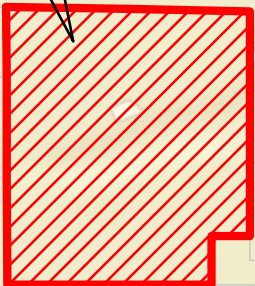
Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2022-30

David G. Lindemann, AICP, Director of Planning & Project
Management, Facilities Services
File CD-2022-30

Crown Villas at Palm Bay Location Map



**Crown Villas at Palm Bay
126 Multi-Family Units**

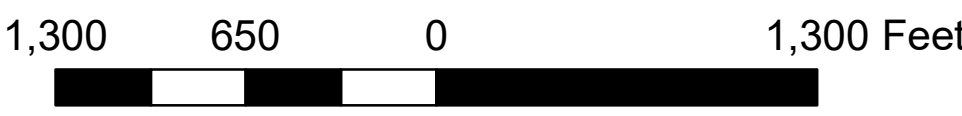


PORT MALABAR ELEMENTARY

Palm Bay
Hospital

Schools Affected by Development:
Port Malabar Elementary School
Stone Middle School
Palm Bay Magnet High School

Drawn By:
Planning & Project Management
Blake Stinson
06/24/2022



Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the **100%** Level of Service

Data and Analysis for School Years 2021-22 to 2026-27



Summary	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
Highest Utilization Elementary Schools:	88%	89%	95%	98%	97%	99%
Highest Utilization Middle Schools:	88%	89%	90%	89%	92%	96%
Highest Utilization Jr / Sr High Schools:	84%	84%	82%	82%	79%	78%
Highest Utilization High Schools:	101%	100%	99%	95%	94%	97%

				School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27		
School	Type	Grades	Utilization Factor	FISH Capacity	10/15/21 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	630	84%	751	632	84%	751	694	92%	751	739	98%	773	752	97%	773	738	95%
Andersen	Elementary	K-6	100%	884	592	67%	884	591	67%	884	597	68%	884	589	67%	884	565	64%	884	554	63%
Apollo	Elementary	K-6	100%	902	782	87%	902	783	87%	902	755	84%	902	761	84%	902	739	82%	902	729	81%
Atlantis	Elementary	PK-6	100%	739	629	85%	739	630	85%	739	616	83%	739	600	81%	739	592	80%	739	576	78%
Audubon	Elementary	PK-6	100%	761	464	61%	761	464	61%	761	458	60%	761	438	58%	761	427	56%	761	440	58%
Cambridge	Elementary	PK-6	100%	765	506	66%	765	506	66%	765	513	67%	765	510	67%	765	485	63%	765	480	63%
Cape View	Elementary	PK-6	100%	570	278	49%	570	285	50%	570	287	50%	570	281	49%	570	286	50%	570	284	50%
Carroll	Elementary	K-6	100%	751	614	82%	751	619	82%	751	605	81%	751	613	82%	751	600	80%	751	593	79%
Challenger 7	Elementary	PK-6	100%	573	506	88%	573	508	89%	573	476	83%	573	449	78%	573	437	76%	573	414	72%
Columbia	Elementary	PK-6	100%	751	462	62%	751	484	64%	751	546	73%	751	568	76%	751	569	76%	751	572	76%
Coquina	Elementary	K-6	100%	711	534	75%	711	531	75%	711	557	78%	711	572	80%	711	596	84%	711	602	85%
Creel	Elementary	PK-6	100%	1,114	717	64%	1,114	762	68%	1,114	812	73%	1,114	847	76%	1,114	877	79%	1,114	922	83%
Croton	Elementary	PK-6	100%	795	487	61%	795	488	61%	795	530	67%	795	559	70%	795	586	74%	795	604	76%
Discovery	Elementary	PK-6	100%	980	615	63%	980	644	66%	980	639	65%	980	633	65%	980	608	62%	980	611	62%
Endeavour	Elementary	PK-6	100%	968	657	68%	968	670	69%	968	668	69%	968	641	66%	968	627	65%	968	640	66%
Enterprise	Elementary	K-6	100%	729	605	83%	729	608	83%	729	587	81%	729	561	77%	729	529	73%	729	513	70%
Fairglen	Elementary	PK-6	100%	789	581	74%	789	580	74%	789	597	76%	789	620	79%	789	626	79%	789	639	81%
Gemini	Elementary	K-6	100%	711	427	60%	711	442	62%	711	440	62%	711	424	60%	711	420	59%	711	409	58%
Golfview	Elementary	PK-6	100%	777	454	58%	777	454	58%	777	467	60%	777	503	65%	777	513	66%	777	521	67%
Harbor City	Elementary	PK-6	100%	629	359	57%	629	357	57%	629	386	61%	629	399	63%	629	400	64%	629	411	65%
Holland	Elementary	PK-6	100%	605	444	73%	605	465	77%	605	471	78%	605	473	78%	605	472	78%	605	477	79%
Imperial Estates	Elementary	K-6	100%	729	624	86%	729	622	85%	729	626	86%	729	619	85%	729	620	85%	729	645	88%
Indialantic	Elementary	K-6	100%	798	671	84%	798	672	84%	798	658	82%	798	646	81%	798	620	78%	798	622	78%
Jupiter	Elementary	PK-6	100%	930	724	78%	930	721	78%	930	817	88%	930	857	92%	930	854	92%	930	920	97%
Lockmar	Elementary	PK-6	100%	892	632	71%	892	631	71%	892	594	67%	892	578	65%	892	559	63%	892	553	62%
Longleaf	Elementary	PK-6	100%	790	594	75%	790	594	75%	790	587	74%	790	583	74%	790	565	72%	790	551	70%
Manatee	Elementary	K-6	100%	998	843	84%	998	855	86%	998	815	82%	998	793	79%	998	765	77%	998	750	75%
McAuliffe	Elementary	PK-6	100%	918	634	69%	918	633	69%	918	624	68%	918	583	64%	918	576	63%	918	565	62%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	832	75%	1,114	832	75%	1,114	902	81%	1,114	920	83%	1,114	950	85%	1,114	950	85%
Meadowlane Primary	Elementary	K-6	100%	824	678	82%	824	678	82%	824	731	89%	824	725	88%	824	734	89%	824	731	89%
Mila	Elementary	PK-6	100%	707	438	62%	707	432	61%	707	430	61%	707	444	63%	707	417	59%	707	416	59%
Mims	Elementary	PK-6	100%	725	431	59%	725	442	61%	725	433	60%	725	441	61%	725	452	62%	725	446	62%
Oak Park	Elementary	PK-6	100%	968	561	58%	968	563	58%	968	554	57%	968	510	53%	968	508	52%	968	523	54%
Ocean Breeze	Elementary	PK-6	100%	654	538	82%	654	543	83%	654	524	80%	654	506	77%	654	484	74%	654	472	72%
Palm Bay Elem	Elementary	PK-6	100%	983	547	56%	983	567	58%	983	571	58%	983	570	58%	983	602	61%	983	622	63%
Pinewood	Elementary	PK-6	100%	569	496	87%	569	500	88%	569	517	91%	569	524	92%	569	526	92%	569	532	93%
Port Malabar	Elementary	PK-6	100%	852	636	75%	852	636	75%	852	630	74%	852	636	75%	852	645	76%	852	632	74%
Quest	Elementary	PK-6	100%	1,152	673	58%	1,152	673	58%	1,152	694	60%	1,152	722	63%	1,152	734	64%	1,152	728	63%
Riviera	Elementary	PK-6	100%	777	624	80%	777	631	81%	777	681	88%	777	709	91%	777	722	93%	777	750	97%
Roosevelt	Elementary	K-6	100%	599	263	44%	599	261	44%	599	241	40%	599	221	37%	599	202	34%	599	190	32%
Sabal	Elementary	PK-6	100%	785	516	66%	785	507	65%	785	516	66%	785	523	67%	785	516	66%	785	530	68%
Saturn	Elementary	PK-6	100%	976	678	69%	976	679	70%	976	731	75%	976	772	79%	976	822	84%	976	810	83%
Sea Park	Elementary	PK-6	100%	461	299	65%	461	317	69%	461	324	70%	461	324	70%	461	330	72%	461	331	72%
Sherwood	Elementary	PK-6	100%	609	428	70%	609	429	70%	609	429	70%	609	434	71%	609	442	73%	609	441	72%
Sunrise	Elementary	PK-6	100%	913	691	76%	913	690	76%	913	738	81%	935	824	88%	1,001	929	93%	1,067	1,061	99%
Suntree	Elementary	K-6	100%	755	595	79%	755	595	79%	755	584	77%	755	555	74%	755	546	72%	755	523	69%
Surfside	Elementary	K-6	100%	541	408	75%	541	407	75%	541	372	69%	541	345	64%	541	336	62%	541	329	61%
Tropical	Elementary	K-6	100%	910	641	70%	910	642	71%	910	635	70%	910	614	67%	910	597	66%	910	609	67%
Turner	Elementary	PK-6	100%	874	579	66%	874	576	66%	874	621	71%	874	642	73%	874	659	75%	874	694	79%
University Park	Elementary	PK-6	100%	811	466	57%	811	464	57%	811	496	61%	811	554	68%	811	622	77%	811	657	81%
Viera Elem	Elementary	K-6	100%	1,030	585	57%	1,030	635	62%	1,030	671	65%	1,030	742	72%	1,030	826	80%	1,030	902	88%
Westside	Elementary	K-6	100%	857	728	85%	857	761	89%	857	815	95%	879	855	97%	901	872	97%	923	895	97%
Williams	Elementary	PK-6	100%	715	494	69%	715	493	69%	715	483	68%	715	473	66%	715	452	63%	715	438	61%
Elementary Totals				42,471	29,890		42,471	30,184		42,471	30,745		42,515	31,024		42,625	31,190		42,735	31,547	

Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,171	77%	1,514	1,171	77%	1,514	1,217	80%	1,514	1,238	82%	1,514	1,319	87%	1,514	1,360	90%
DeLaura	Middle	7-8	90%	960	843	88%	960	851	89%	960	829	86%	960	854	89%	960	816	85%	960	787	82%
Hoover	Middle	7-8	90%	680	510	75%	680	510	75%	680	485	71%	680	506	74%	680	550	81%	680	539	79%
Jackson	Middle	7-8	90%	660	574	87%	660	574	87%	660	594	90%	660	556	84%	660	540	82%	660	531	80%
Jefferson	Middle	7-8	90%	873	622	71%	873	622	71%	873	583	67%	873	580	66%	873	583	67%	873	535	61%
Johnson	Middle	7-8	90%	1,064	690	65%	1,064	690	65%	1,064	707	66%	1,064	752	71%	1,064	795	75%	1,064	813	76%
Kennedy	Middle	7-8	90%	869	682	78%	869	682	78%	869	641	74%	869	617	71%	869	628	72%	869	656	75%
Madison	Middle	7-8	90%	781	480	61%	781	480	61%	781	471	60%	781	480	61%	781	457	59%	781	446	57%
McNair	Middle	7-8	90%	611	336	55%	611	350	57%	611	359	59%	611	353	58%	611	362	59%	611	349	57%
Southwest	Middle	7-8	90%	1,211	940	78%	1,211	940	78%	1,211	922	76%	1,211	1,000	83%	1,211	1,119	92%	1,211	1,157	96%
Stone	Middle	7-8	90%	1,024	747	73%	1,024	747	73%	1,024	706	69%	1,024	745	73%	1,024	772	75%	1,024	846	83%
Middle Totals				10,247	7,595		10,247	7,617		10,247	7,514		10,247	7,681		10,247	7,941		10,247	8,019	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,084	1,516	73%	2,084	1,517	73%	2,084	1,578	76%	2,084	1,627	78%	2,084	1,637	79%	2,084	1,626	78%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	943	65%	1,445	955	66%	1,445	917	63%	1,445	890	62%	1,445	821	57%	1,445	782	54%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,556	84%	1,852	1,557	84%	1,852	1,526	82%	1,852	1,511	82%	1,852	1,465	79%	1,852	1,448	78%
Jr / Sr High Totals				5,381	4,015		5,381	4,029		5,381	4,021		5,381	4,028		5,381	3,923		5,381	3,856	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,077	74%	1,451	1,076	74%	1,451	1,094	75%	1,451	1,086	75%	1,451	1,078	74%	1,451	1,086	75%
Bayside	High	9-12	95%	2,263	1,653	73%	2,263	1,728	76%	2,263	1,850	82%	2,263	1,942	86%	2,263	2,002	88%	2,263	2,069	91%
Eau Gallie	High	PK, 9-12	95%	2,221	1,610	72%	2,221	1,605	72%	2,221	1,634	74%	2,221	1,655	75%	2,221	1,680	76%	2,221	1,700	77%
Heritage	High	9-12	95%	2,314	1,991	86%	2,314	2,038	88%	2,314	2,149	93%	2,314	2,193	95%	2,314	2,179	94%	2,314	2,248	97%
Melbourne	High	9-12	95%	2,370	2,210	93%	2,370	2,208	93%	2,370	2,201	93%	2,370	2,200	93%	2,370	2,151	91%	2,370	2,185	92%
Merritt Island	High	PK, 9-12	95%	1,962	1,523	78%	1,962	1,523	78%	1,962	1,494	76%	1,962	1,454	74%	1,962	1,401	71%	1,962	1,389	71%
Palm Bay	High	PK, 9-12	95%	2,631	1,286	49%	2,631	1,325	50%	2,631	1,467	56%	2,631	1,573	60%	2,631	1,645	63%	2,631	1,643	62%
Rockledge	High	9-12	95%	1,836	1,568	85%	1,836	1,568	85%	1,836	1,641	89%	1,836	1,658	90%	1,836	1,638	89%	1,836	1,620	88%
Satellite	High	PK, 9-12	95%	1,527	1,513	99%	1,551	1,550	100%	1,551	1,533	99%	1,551	1,470	95%	1,551	1,438	93%	1,551	1,387	89%
Titusville	High	9-12	95%	1,849	1,231	67%	1,849	1,272	69%	1,849	1,295	70%	1,849	1,313	71%	1,849	1,330	72%	1,849	1,270	69%
Viera	High	PK, 9-12	95%	2,203	2,216	101%	2,251	2,233	99%	2,583	2,272	88%	2,583	2,386	92%	2,583	2,411	93%	2,583	2,469	96%
High Totals				22,627	17,878		22,699	18,126		23,031	18,630		23,031	18,930		23,031	18,953		23,031	19,066	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	406	85%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
South Lake	Elementary	K-6	100%	481	396	82%	481	417	87%	481	417	87%	481	417	87%	481	417	87%	481	417	87%
Stevenson	Elementary	K-6	100%	569	498	88%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
West Melbourne	Elementary	K-6	100%	618	544	88%	618	552	89%	618	552	89%	618	552	89%	618	552	89%	618	552	89%
Edgewood	Jr / Sr High	7-12	90%	1,077	921	86%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%
Schools of Choice				4,484	3,711		4,484	3,787		4,484	3,787		4,484	3,787		4,484	3,787		4,484	3,787	
Brevard Totals				85,210	63,089		85,282	63,743		85,614	64,697		85,658	65,450		85,768	65,794		85,878	66,275	

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2021-22 are reported from the FISH database as of October 12, 2021.
- Student Membership is reported from the Fall Final Membership Count (10/15/2021).
- Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nongeocoded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- A total of 15 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Roy Allen Elementary, Jupiter Elementary, Sunrise Elementary, and Westside Elementary Schools (Total 12 Classrooms)
 - High school relocatable classrooms are proposed to be added at Satellite High and Viera High (Total of 3 Classrooms)
- A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-08

Held on Wednesday, July 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

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

ROLL CALL:

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

The absences were excused for Ms. Maragh and Mr. Rainer.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Erich Messenger, Deputy City Attorney; Natalie Shaber, Engineer II.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-07; June 1, 2022.

Land Development Code, Chapter 185: Zoning Code, Section 185.060 and 185.065, to allow for Infill Planned Unit Development

Ms. Bernard announced that the continuance for Case T-25-2022 was overlooked. Mr. Weinberg noted that withdrawals did not require board action. Mr. Olszewski asked Mr. Messenger to advise the board. Mr. Messenger surmised that board action was not required to continue Case T-25-2022.

The board resumed consideration of items in the order that was set by the agenda.

NEW BUSINESS:

1. ****V-28-2022 - WITHDRAWN - Artesia Palm Bay - Mimis Mitropoulos, ACIS Investment Group, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Jeremy Mears, Brownstone Group, Reps.) - A Variance to allow a proposed 8-foot-high privacy fence within an HC, Highway Commercial District and an RM-10, Single-, Two-, Multiple-Family Residential District by granting relief from the 6-foot-high wall or fence requirements established by Section 185.036(B)(3)(b) of the City of Palm Bay Code of Ordinances - Tax Parcel 502, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 18.42 acres. Located between and adjacent to Malabar Road NE and Biddle Street NE**

Case V-28-2022 was withdrawn by the applicant. Board action was not required to withdraw the case.

2. **CP-25-2022 – Crown Villas at Palm Bay - Francis R. Bourne and Anna B. Bourne (James Trauger, Trauger Consulting Engineers, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use to MultipleFamily Residential Use - Tax Parcel 762, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 17.41 acres. Located west of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE**

Mr. White presented the staff report for Case CP-25-2022. Staff recommended Case CP-25-2022 for approval.

Mr. Jack Spira, Spira Beadle & McGarrell PA Law Firm (representative for Crown Holdings Group), stated that Trauger Consulting Engineers also represented Crown Holdings Group. He said that the 17.41-acre property was located behind the Health First Medical Center and would consist of 126 duplex type units, which was less than 7.5 units per acre. The development allowed a diversity of housing options, and Health First was excited that the utilities for the project could assist with the medical center's water capacity issues and provide rental units within close proximity for their staff.

Mr. James Trauger, Trauger Consulting Engineers (representative for the applicant) stated that he was the civil engineer for the project. He gave a PowerPoint presentation describing the proposed residential community as a fully gated, modern Class A rental product with single-story and two-story buildings. The two-story buildings would be located within the interior of the site, and the amenities would include a resort style swimming pool, club house, and cabanas. The existing residential areas would be buffered from the development by a six-foot-high opaque perimeter fence, an oversized wet retention pond, and a Melbourne-Tillman canal right-of-way. A stormwater harvesting system would keep the water onsite to promote low impact design, and a traffic study methodology was being prepared.

Mr. Olszewski was pleased with the concept of the proposed development but not at the subject location. Peacocks lived in the wooded area, speeding was already a problem on Fallon Boulevard NE, and the capacity that the development would bring into the quiet, dead-end street was incomprehensible. The project was welcome in the City, but the proposed location was less than ideal and incompatible. He remarked on how the Health First employees that would reside at the subject site would still have to drive ten to fifteen minutes to work, so there was no connectivity between the two properties. He questioned how the project could be considered compatible for the specific site.

Mr. Trauger stated that City staff had indicated that there was capacity on Fallon Boulevard, a traffic study would also address staff concerns regarding signal timing at Babcock Street, and the speeding on Fallon Boulevard was more of an enforcement issue. He said that traffic trips and capacity issues would be addressed as the project progressed.

The floor was opened for public comments, and there were two items of correspondence in the file in opposition to the request.

Mr. Robert Busch (resident at Butler Avenue NE) spoke against the request. He commented on his tight-knit neighborhood. The main concern was with the number of vehicles that entered the area by mistake and used Butler Avenue to make their way back out. Speeders were already a danger in the area. He was concerned about where the animals on the subject site would go, and light pollution that would now glare into existing homes. He asked the board to prohibit the development's traffic from going down Ladner Road NE or require speed bumps to be installed on Butler Avenue and Ladner Road.

Ms. Mary Logue (resident at Ladner Road NE) spoke against the request. Ladner Road had only seven homes located where Fallon Road ended. The proposed development would bring constant traffic into the area, impact the peacocks and gopher tortoises, and cause glaring lights to shine into the neighborhood yards, swimming pools, and homes. She said that the development would affect her livelihood, and the project should be accessed off Malabar Road and not Ladner Road or Fallon Boulevard.

Ms. Teresa Keck (resident at Butler Avenue NE) spoke against the request. She stated how the subject site caused her property to flood during hurricanes. Since the flooding began when the medical center was built, she was concerned about the development's retention pond that was planned near her backyard. The quiet, peaceful neighborhood and habitat would be impacted by more traffic since Ladner Road was the only way into the area.

Mr. Deacon Canela (resident at Ladner Road NE) spoke against the request. His biggest concern was the flooding that occurred at the intersection of Fallon Boulevard and Ladner Road during hurricanes and a possible road collapse because of excess traffic. He worried about the flooding, so he parked his vehicle on Fallon Boulevard. He commented on speeders and vehicles that ran the stop sign at the corner of Butler Avenue and Ladner Road.

Ms. Patricia Dalpra (resident at Georges Avenue NE) spoke against the request. She commented on how the lot elevations in the area had changed over the years

so that flooding had become an issue, and the proposed development would add to the problem. She felt that the City should stop rezoning properties haphazardly and focus on the City as a whole. The northeast section of Palm Bay needed revitalizing, and adding more homes and buildings would increase crime, traffic, flooding, and water and sewer problems. There was not enough police and fire to service the single-accessed area. She stated that less homes and more good businesses, and revitalized parks and community centers, were needed in the City.

Mr. Stephen Llewellyn (resident at Kent Street NE) spoke against the request. He said that the rental development of well over 100 units would drastically change the flavor of the neighborhood. The renters would have to drive through his neighborhood to reach the back end of the neighborhood. The renters would not be long-term residents that were invested in the community, and the foot traffic along the canal near his home would be a safety issue with his children. The rental development would change the traditional character of the neighborhood, which would lower home values and lead the neighborhood into a decline.

Mr. Nathaniel Levy (resident at Butler Avenue NE) inquired if water and sewer would be extended into the area and other utilities upgraded so that the existing residents could benefit.

Ms. Leslie Wolfeld (resident at Georges Avenue NE) spoke against the request. She asked if the development would have a private wastewater collection system, and if there were plans to upgrade the utilities and infrastructure in the existing 60-year-old neighborhood. She inquired whether there was any coordination with the Brevard County School system regarding capacity. The proposed development was not the best or safest proposal for the neighborhood.

Mr. Mike Manuel (resident at Butler Avenue NE) spoke against the request. His concerns about the development were regarding traffic, nature, and property values. He did not believe the Babcock Street traffic signal timing could be fixed, and many accidents occurred at the light. Speeders and an increase in traffic would be a safety issue for his autistic son. He questioned where the various wildlife would go if the subject site was developed.

Mr. Paul Rosman (resident at Fallon Boulevard NE) spoke against the request. He enjoyed walking with his dogs in his nice and quiet neighborhood. The development would bring construction trucks into the area that would tear up the roads. Widening Fallon Boulevard in the future to accommodate the development would leave no place to walk or bike. Ladner Road had no room to be widened. He was opposed to the development because of noise, congestion, safety, and infrastructure.

In response to the comments from the audience, Mr. Spira stated that traffic appeared to be an existing problem that enforcement could help alleviate. A traffic study would also be provided by the applicant. Light pollution would have to meet code requirements for spillover, speed bumps could be a condition by the board or City Council, and code requirements for onsite retention would need to be met. Crime was also an enforcement issue. He stated that \$2,200 a month was not a low rental. The property would be a stepdown zoning district between the adjacent Institutional and single-family residential zoning districts. Home values would not decline as the property value would be consistent with surrounding properties. He indicated how sewer would be extended to the site, and the water line system would be looped to correct the water problem at Health First. School capacity would be determined by the Brevard County School Board. He noted that a maximum of 85 homes were currently allowed to be built on the property. The subject request would provide a mix of residential uses in the area, which was consistent with the Comprehensive Plan.

Mr. Josh Black, Lassiter Transportation Group (representative for the request) stated that he was part of the development team. He informed the board that the project would yield approximately 61 new morning trips and 74 evening trips, which was slightly less than what 85 single-family homes would generate.

The floor was closed for public comments.

Mr. Weinberg remarked that many of the concerns would be addressed by the traffic study, photometric ordinance, and onsite drainage requirements.

Motion to submit Case CP-25-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good.

Nay: Olszewski.

3. ****CPZ-25-2022 – Crown Villas at Palm Bay - Francis R. Bourne and Anna B. Bourne (James Trauger, Trauger Consulting Engineers, Rep.) - A Zoning amendment from an RS-2, Single Family Residential District to an RM-10, Single-, Two-, Multiple-Family Residential District - Tax Parcel 762, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 17.41 acres. Located west of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE**

Mr. White presented the staff report for Case CPZ-25-2022. Staff recommended Case CPZ-25-2022 for approval.

Mr. Jack Spira, Spira Beadle & McGarrell PA Law Firm (representative for the request), stated that the subject proposal would permit a multiple-family residential development with an overall density of 7.41 units per acre.

Mr. Olszewski wanted to know how utilities would be extended to the project. Mr. James Trauger, Trauger Consulting Engineers (representative for the applicant) explained that an eight-inch water main would be extended to the subject site from Fallon Boulevard NE and Ladner Road NE. Discussions were underway with Health First Medical Center to loop the water main into the public water system at Medplex Parkway NE. There was also discussion to tie the project into the medical center's private sewer system. Another option for the development would be a public lift station with a long force main along the Melbourne-Tillman canal right-of-way for connection into the public sewer at Babcock Street. Mr. Olszewski asked if the force main for the sewer would be located in the canal. Mr. Trauger clarified that a buried force main would be run parallel to the canal.

Mr. Olszewski inquired if there was feasible access to the site that would not include Ladner Avenue NE. Mr. Trauger explained that any other access would be on private

CASES

CP-25-2022 & CPZ-25-2022

CORRESPONDENCE

CITY OF PALM BAY
RECEIVED

JUL 06 2022

LAND DEVELOPMENT

June 26,2022

TO: Planning and Zoning Board City Council c/o Land Development Division

Reference to case CP-25-2022 and CPZ-25-2022

I am writing this letter in protest of changing Tax Parcel 762, Section 34, Township 28, Range, 37, Brevard County Florida from Single-Family Residential use to Multiple-Family use.

My residence 2126 Ladner Rd NE,, Palm Bay, Florida 32907. I built this home in 1978 with the hopes of living in a quiet residential environment. Now 44 years later I am retired and enjoying all the hard work and money I have put into my home. This action that is being considered will destroy this dream.

The entrance and exit of this neighborhood has one way in and one way out from Babcock via Fallon Blvd. and Ladner Rd. The amount of traffic that this will create in front of my home traveling to the end of Ladner Rd. where it dead ends (location of land proposing to build up) will be a nightmare. The traffic at the light of Fallon Blvd. and Babcock will line up for miles trying to exit the neighborhood.

This proposed construction will ruin the peaceful and quiet environment of our neighborhood, not to mention the destruction of the wild life that is now living in the area that is being considered to build up.

I plead with you not to approve this deplorable proposal and take into consideration the desires and well being of all the families and peacefulness of our neighborhood.

Regards,

Harle and Patricia Ross

Harle B. Ross

Patricia Ross

2126 Ladner Rd NE

Palm Bay, FL 32907

City of Palm Bay
Planning and Zoning
6 July 2022
6pm

CP-25-2022 – Crown Villas at Palm Bay

0.1. Staff report

1. FUTURE LAND USE ELEMENT

- a) The intended use for the 17.41-acre property will include 126 Multiple-Family [MF] dwellings. The Multiple-Family Future Land Use will create a transition in intensity and density, moving from a more intense use to lower density. As such, the proposed land use amendment would be considered compatible.
- **Please explain the intended use from more intense density to lower density?**
 - **The intended use to add 126 MF, may average a minimum of 200, avg 2 vehicles to home.**
 - **Eliminating the trees, increasing the potential carbon footprint with the additional traffic, fire pits, etc.**

2. CONSERVATION ELEMENT

- a) The environmental character of the city is maintained through conservation, appropriate use, and protection of natural resources.
- **Please explain how destroy 17.41 +/- acres is protecting our natural resources?**
 - **Adjacent to Canal located south of said property and north of lake adjacent to the PB Hospital**
 - **Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.**
 - **Wildlife has been seen on the property, ie gopher turtles.**
 - **The increased square miles, approx 30% in 10 years yielded little to no additional parks/green spaces**
 - <https://www.census.gov/quickfacts/fact/table/palmbaycityflorida#>
 - Population per square mile, 2010 1,570.6
 - Land area in square miles, 2020 86.42
 - Land area in square miles, 2010 65.70

3. HOUSING ELEMENT

- a) The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the city.
- **Please explain how adding 126 MF units not adversely impact the favorably of housing?**
 - <https://www.redfin.com/city/13979/FL/Palm-Bay/housing-market>
 - **Avg home is sold over 300\$k**
 - <https://www.census.gov/quickfacts/fact/table/palmbaycityflorida#>
 - **1 april 2021, population +119k, increased 2.6%**
 - **Household income (in 2020 dollars), 2016-2020 \$52,435**
 - **Median household income (in 2020 dollars), 2016-2020 \$52,435**
 - **Per capita income in past 12 months (in 2020 dollars), 2016-2020 \$24,075**
 - **Persons in poverty, percent 13.4%**
 - **Economy In civilian labor force, total, percent of population age 16 years+, 2016-2020 57.6%**

4. INFRASTRUCTURE ELEMENTS

- a) Utilities

- According to PB city code
 - Wastewater collection systems to assure compatibility with the City's wastewater system and upon connection to prevent damage thereto.
 - Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface
 - the diversion of stormwater, etc from effecting adversely to surrounding neighborhood and canals.
 - The owner/developer will be responsible for extending service to the site in accordance with current City regulations.
 - **Will the extended water service main lines from Babcock to Fallon to the proposed property be upgraded to accommodate the 126 MF units with an unknown # of residents per unit?**
 - **Will the wastewater needs to be privately owned wastewater collection systems to assure compatibility with the City's wastewater system and upon connection to prevent damage thereto. Where as our neighborhood is entirely on septic systems**
- The staff report did not include impact of the electrical grid currently under a 30 yr contract with FPL.
 - **Will the proposed 127 units:**
 - **have underground wiring**
 - **above ground transfer boxes**
 - **upgrade the power grid from Babcock to Ladner**

b) Drainage

- According to PB city code
 - The owner of real property is responsible for providing and maintaining stormwater drainage facilities to collect and dispose of stormwater on-site.
- The city of PB has enacted Ord. 95-33, passed 8-24-95
 - SLOPE. A degree of deviation of a surface from the horizontal; measured as a numerical ratio, percentage, or in degrees. Expressed as a ratio, the first number is the horizontal distance and the second is the vertical distance, such as two to one (2:1). A two to one (2:1) slope is a fifty percent (50%) slope.
 - **If the city officials truly cares about our city environment, why do we have so many different elevations?**
 - **This proposed property of 127 units will only compound the currently overloaded stormwater runoff maintained on a case by case for basis.**

5. INTERGOVERNMENTAL COORDINATION ELEMENT

a) Public Schools

- Some impacts to the public-school system area are anticipated
 - **I am only citing the closest public-school**
 - **The closest elementary Port Malabar Elementary**
 - **Was the school board contacted in regard availability to accommodate**
 - **buses and student spaces for potential new students**

6. RECREATION AND OPEN SPACE ELEMENT

- a) would increase the demand for recreation services as compared to the existing public needs, due to potential increase in density. However, the requested use would not exceed the existing parkland or recreational level of service standards for the planning area.
- **How neighborhood has zero recreation, the 2 +- acres on Dunbar was supposed to be a park.**
 - **The city sold the property to a private relator which inturned sold said property 2 different home owners.**

- **Total disregard to the recreation and open space lacking in our neighborhood**
7. TRANSPORTATION ELEMENT
- a) Provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community.
 - **Currently, the major outlet for our community is Fallon Blvd.**
 - **Fallon and Babcock is a dangerous intersection**
 - **speeding**
 - **currently the hold time at fallon blvd is appox 2 min and 50 sec, regardless of time and day.**
 - **The closest fire dept is located at PT Malabar road**
 - Currently, Ladner is the only road into and out of the 17+- acres
 - **Is the proposed property going to include:**
 - **additional road from said property to Metroplex rd to alleviate the additional traffic vehicles and ensure surrounding properties have timely access to the fire dept and hospital on malabar road**
 - **Improve roads from babcock to ladner due to the excessive amount of heavy construction vehicles and future vehicle traffic**

Summary

1. As a 40 = yr resident, have seen many improvements from no point on a map of florida to a map and one of the fastest growing cities in our county.
2. Drainage issues with stormwater runoff from private homes onto adjacent properties.
3. Lack of infrastructure improvements and maintenance, ie sidewalks, roads, stormwater, culverts, recreation parks
4. Lack of hiring of police, fire, recreation, code enforcement officers, and other city staff positions.
5. With the increase of population should cause an increase of revenue from our property taxes, is the City ensuring adequate staffing and safe infrastructure?
6. I hear too many city employees mentioning we don't have staffing
7. Adding MF units into the middle of a single family residential community will not provide economically and environmentally safe guards for our future generations. Will increase the crime and traffic carbon footprint.

City of Palm Bay

Planning and Zoning

6 July 2022

6pm

CP-25-2022 – Crown Villas at Palm Bay

Presenter:

Leslie Wohlfeld

SSG, USAR Retired

450 Georges AVE NE

FUTURE LAND USE ELEMENT

The intended use for the 17.41-acre property will include 126 Multiple-Family [MF] dwellings. The Multiple-Family Future Land Use will create a transition in intensity and density, moving from a more intense use to lower density. As such, the proposed land use amendment would be considered

CONSERVATION ELEMENT

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

1. Please explain how destroy 17.41 +/- acres is protecting our natural resources?

HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the city.

1. Please explain how adding 126 MF units not adversely impact the favorably of housing?

INFRASTRUCTURE ELEMENTS

-Utilites

According to PB city code

Wastewater collection systems to assure compatibility with the City's wastewater system and upon connection to prevent damage thereto.

Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface

INTERGOVERNMENTAL COORDINATION ELEMENT

- Public Schools

Some impacts to the public-school system area are anticipated

1. I am only citing the closest public-school

2. The closest elementary Port Malabar

TRANSPORTATION ELEMENT

Provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community.

1. Currently, the major outlet for our community is Fallon Blvd.

2. Fallon and Babcock is a dangerous

Summary

A. As a 40 = yr resident, have seen many improvements from no point on a map of flordia to a map and one of the fasting growing cities in our county.

B. Drainage issues with stormwater runoff from private homes onto adjacent

From: [Terese Jones](#)
To: [Chandra Powell](#); [Alexandra Bernard](#); [Jesse Anderson](#)
Subject: FW: "Amended" Request
Date: Thursday, July 28, 2022 8:51:27 AM

From: Terri Keck <tk32106@gmail.com>
Sent: Wednesday, July 27, 2022 4:55 PM
To: Terese Jones <Terese.Jones@palmbayflorida.org>
Subject: "Amended" Request

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.

Date: July 27, 2022

TO: CITY CLERK, PALM BAY, Florida.

This email will serve as my "Amended" written Notice as an aggrieved person Opposed to the proposed changes to the Future Land Use Plan, to be considered at the Quasi-Judicial hearing to be held on August 4, 2022, at Palm Bay City Hall.

Case:CP-25-2022 and CPZ-25-2022

This proposed action will negatively effect my real property value, my quality of life, and my pursuit of happiness in my home.

This filing of Notice will serve as proper notice to all parties of my intent to testify, present evidence, (including photographs), bring forth witnesses, and cross-examine witnesses during the afore mentioned Quasi-Judicial Hearing.

Respectfully Submitted,

Teresa Keck
372 Butler Ave NE
Palm Bay Florida 32907

Phones:
Home: 321-729-9308
Cell: 321-693-9014

My name is: Paul J. Rosman
Address: 2373 Fallon Blvd. NE, Palm Bay, FL 32907
Phone: 772-359-0804,
paulrosman@yahoo.com
Date: July 28, 2022

Office of The
JUL 28 2022
City Clerk

Palm Bay City Council
120 Malabar Rd.
Palm Bay, FL

I desire to become a party in the quasi-judicial proceedings for the following 2 Cases: CP-25-2022 & CPX-25-2022. The Subject Property consists of approximately 17.41 acres at the west end of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

The reasons behind this request are as follows:

A: I purchased my property for it's quiet, residential charm. Adding a high density, multi family rental complex in my neighborhood would drastically alter the original zoning designation, thus creating excessive traffic and congestion.

B: Having a rental apartment complex close by would drastically reduce my (and my neighbor's) property values.

C: Environmental impact: Source of light pollution, litter, wildlife disruption.

D: Infrastructure impact: Excessive strain on water supply, internet connectivity, school capacity, and stormwater disbursement.

All of these reasons will have an aggrieved and effected impact on my rights, as guaranteed by the US Constitution.

Sincerely,

A handwritten signature in black ink that reads "Paul J. Rosman". The signature is fluid and cursive, with the first name "Paul" and last name "Rosman" clearly legible.

Paul J. Rosman

Terese Jones

From: s llewellyn <soulsteve@hotmail.com>
Sent: Friday, July 29, 2022 3:33 PM
To: Terese Jones
Subject: Request / Notice

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.

Date: July 29, 2022

TO: CITY CLERK, PALM BAY, Florida.

I am writing after being informed by other concerned parties that it is necessary to provide this notice in order to speak before the City Council on August 4, 2022 regarding the matter referenced below. If I am in error, please advise as to how to proceed.

This email will serve as my "Amended" written Notice as an aggrieved person Opposed to the proposed changes to the Future Land Use Plan, to be considered at the Quasi-Judicial hearing to be held on August 4, 2022, at Palm Bay City Hall.

Case:CP-25-2022 and CPZ-25-2022

This proposed action will negatively affect my real property value, my quality of life, and my pursuit of happiness in my home.

This filing of Notice will serve as proper notice to all parties of my intent to testify, present evidence, (including photographs), bring forth witnesses, and cross-examine witnesses during the afore mentioned Quasi-Judicial Hearing.

Respectfully Submitted,

Stephen Llewellyn
2012 Kent St. NE
Palm Bay Florida 32907

Phone: 321-704-6141

Terese Jones

From: Kenny Johnson
Sent: Friday, July 29, 2022 1:02 PM
To: Suzanne Sherman; Terese Jones; Patricia D. Smith
Subject: Fwd: Rezoning of Ladner Rd. off Fallon Blvd.

Sincerely,
Kenny Johnson
Palm Bay City Councilman Seat 4
321-474-0183

From: nancy heinz <n57heinz@yahoo.com>
Sent: Wednesday, July 27, 2022 1:20:47 PM
To: Kenny Johnson <Kenny.Johnson@palmbayflorida.org>
Subject: Rezoning of Ladner Rd. off Fallon Blvd.

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.

Kenny Johnson

I am a taxpayer who lives on Minor Ave, NE off Fallon Blvd.

I am opposed to the current rezoning proposal of Ladner Rd off Fallon Blvd. for a 175-unit rental complex.

Fallon Blvd. and Ladner Rd. are both dead end roads. The people who live here would have a difficult time evacuating in the case of an emergency.

Fallon Blvd. already has speeders and people who run the stop signs from the side streets.

I am opposed to the destruction of the habitats in the woods that would be destroyed. There is far too much of that, and these animals have nowhere to go.

The zoning board has already proven they don't care about anything the people are concerned about. You must care and vote no this proposal!

Our police, fire, and schools will be overwhelmed with the added services.

Do you really think Port Malabar Elementary School can handle a possible 175 plus more students?

The city council must have the courage to say NO to this proposal!

VOTE NO TO THE PROPOSED REAZONING OF LADNER OFF FALLON FOR THE 175 UNIT RENTAL COMPLEX!

Nancy Heinz

Terese Jones

From: paul rosman <paulrosman@yahoo.com>
Sent: Friday, July 29, 2022 11:26 AM
To: Terese Jones
Subject: August 4th Council Meeting, Case #'s CP-25-2022 & CPZ-25-2022

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.

Paul J. Rosman
2373 Fallon Blvd. NE
Palm Bay, FL 32907

Phone:
Cell: 772-359-0804
Email: paulrosman@yahoo.com

Date: July 29, 2022

TO: CITY CLERK, PALM BAY, FLORIDA.

This email will serve as my "Amended" written Notice as an aggrieved person Opposed to the proposed changes to the Future Land Use Plan, to be considered at the Quasi-Judicial hearing to be held on August 4, 2022, at Palm Bay City Hall.

Case CP-25-2022 and CPZ-25-2022

This proposed action will negatively affect my real property value, my quality of life, and my pursuit of happiness in my home.

This filing of Notice will serve as proper notice to all parties of my intent to testify, present evidence, (including photographs), bring forth witnesses, and cross-examine witnesses during the afore mentioned Quasi-Judicial Hearing.

Respectfully Submitted,

Paul J. Rosman

Terese Jones

From: Pat Dalpra <pdalprabealive@gmail.com>
Sent: Friday, July 29, 2022 10:05 AM
To: Terese Jones
Subject: Amended Request

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.

Date: July 29, 2022

TO: CITY CLERK, PALM BAY, Florida.

This email will serve as my "Amended" written Notice as an aggrieved person Opposed to the proposed changes to the Future Land Use Plan, to be considered at the Quasi-Judicial hearing to be held on August 4, 2022, at Palm Bay City Hall.

Case:CP-25-2022 and CPZ-25-2022

This proposed action will negatively affect my real property value, my quality of life, and my pursuit of happiness in my home. This filing of Notice will serve as proper notice to all parties of my intent to testify, present evidence, (including photographs), bring forth witnesses, and cross-examine witnesses during the aforementioned Quasi-Judicial Hearing.

Respectfully Submitted,

Patricia Dalpra
410 Georges Ave NE
Palm Bay, Florida 32907

Phones
Home 321-725-1293
Cell 321-604-9495

Terese Jones

From: Nathaniel Levy <levynathaniel@gmail.com>
Sent: Friday, July 29, 2022 9:56 AM
To: Terese Jones
Subject: Filing as Aggrieved party for August 4 city council meeting

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.

TO: CITY CLERK, PALM BAY, Florida.

This email will serve as my "Amended" written Notice as an aggrieved person Opposed to the proposed changes to the Future Land Use Plan, to be considered at the Quasi-Judicial hearing to be held on August 4, 2022, at Palm Bay City Hall.

Case:CP-25-2022 and CPZ-25-2022

This proposed action will negatively effect my real property value, my quality of life, and my pursuit of happiness in my home. This filing of Notice will serve as proper notice to all parties of my intent to testify, present evidence, (including photographs), bring forth witnesses, and cross-examine witnesses during the afore mentioned Quasi-Judicial Hearing.

Respectfully Submitted,

Nathaniel Levy
242 Butler Ave NE
Palm Bay Florida 32907

Cell: 4074091909

ORDINANCE 2022-78

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

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held a public hearing on an amendment to the Comprehensive Plan on July 6, 2022, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on August 4, 2022, after public notice, and

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

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

SECTION 1. The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Single-Family Residential Use to Multiple-Family Residential Use, which property is legally described as follows:

Tax Parcel 762, of the Public Records of Brevard County, Florida; Section 34, Township 28S, Range 37E; containing 17.41 acres, more or less.

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

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. The provisions within this ordinance shall take effect thirty-one (31) days from the enactment date.

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

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

*Only one reading required pursuant to Chapter 163, Florida Statutes.

Reviewed by CAO: _____

Applicant: Francis and Anna Bourne
Case: CP-25-2022

cc: (date) Brevard County Property Appraiser
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: 8/4/2022

RE: Ordinance 2022-79, rezoning property located in the vicinity west of Ladner Road and south of Melbourne Tillman Water Control District Canal 82, from RS-2 (Single-Family Residential District) to RM-10 (Single-, Two-, Multiple-Family Residential District) (17.41 acres) (CPZ-25-2022, Francis and Anna Bourne), first reading. (Quasi-Judicial Proceeding)

Mr. Francis R. Bourne and Ms. Anna B. Bourne (James Trauger, Trauger Consulting Engineers, Rep.) have submitted for a rezoning from RS-2, Single Family Residential District to an RM-10, Single-, Two-, Multiple-Family Residential District. The 17.41-acre property is located west of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE.

The developer intends to construct a multiple-family development that will promote more walkability in the area and reduce urban sprawl. The proposed RM-10 designation is compatible with the surrounding area and consistent with the City's desire and plan for more housing options with a surrounding mixture of uses.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CPZ-25-2022.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 4 to 1.

ATTACHMENTS:**Description**

Case CPZ-25-2022 - Staff Report

Case CPZ-25-2022 - Survey Sketch

Case CPZ-25-2022 - Public Works Pre-Application Comments

Case CPZ-25-2022 - Application

Case CPZ-25-2022 - Applicant Presentation

Case CPZ-25-2022 -- School Impact Analysis

Case CPZ-25-2022 - Board Minutes

Case CPZ-25-2022 - Correspondence

Ordinance 2022-79



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Stephen White, Principal Planner

CASE NUMBER

CPZ-25-2022

PLANNING & ZONING BOARD HEARING DATE

July 6, 2022

PROPERTY OWNER & APPLICANT

Francis R. Bourne and Anna B. Bourne
(James Trauger, Trauger Consulting
Engineers, Rep.)

PROPERTY LOCATION/ADDRESS

Tax Parcel 762, Section 34, Township 28, Range 37,
Brevard County, Florida. Specifically located at 2102
Ladner Road NE

SUMMARY OF REQUEST

The applicant is requesting a rezoning from RS-2, Single-Family Residential to RM-10, Single, Two, and Multi-Family Residential.

Existing Zoning

RS-2, Single-Family Residential

Existing Land Use

Single-Family Residential

Site Improvements

Developed Property Developed Property

Site Acreage

17.41 acres

SURROUNDING ZONING & USE OF LAND

North

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

East

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

South

RS-2, Single-Family Residential District – Vacant

West

IU, Industrial Use – Vacant

BACKGROUND:

The subject property is located at 2102 Ladner Road NE Palm Bay, Florida 32907. The parcel is approximately 17.41 acres in size.

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 is, "to change the zoning districts to enable the developer to construct proposed multi-family developments. The RM-10 zoning district will allow for Multifamily-Family type dwellings, while the RS-2 zoning district will only allow for Single-Family development. The change in zoning will allow for more definitive transitions between zoning districts."

If approved, the proposed change will increase density in an area with a mixture of uses that will promote more walkability and reduce urban sprawl.

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-10 zoning districts for the subject property is compatible with the surrounding area and is consistent with the City's desire and plan for development, due to the increasing diversity of housing options and surrounding mix of uses.

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 proposed development located within 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. Currently in the City, there is a vast amount of RS-2 parcels and few RM-10. The proposed change will provide more of a balance between the distribution of zoning districts.

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).*

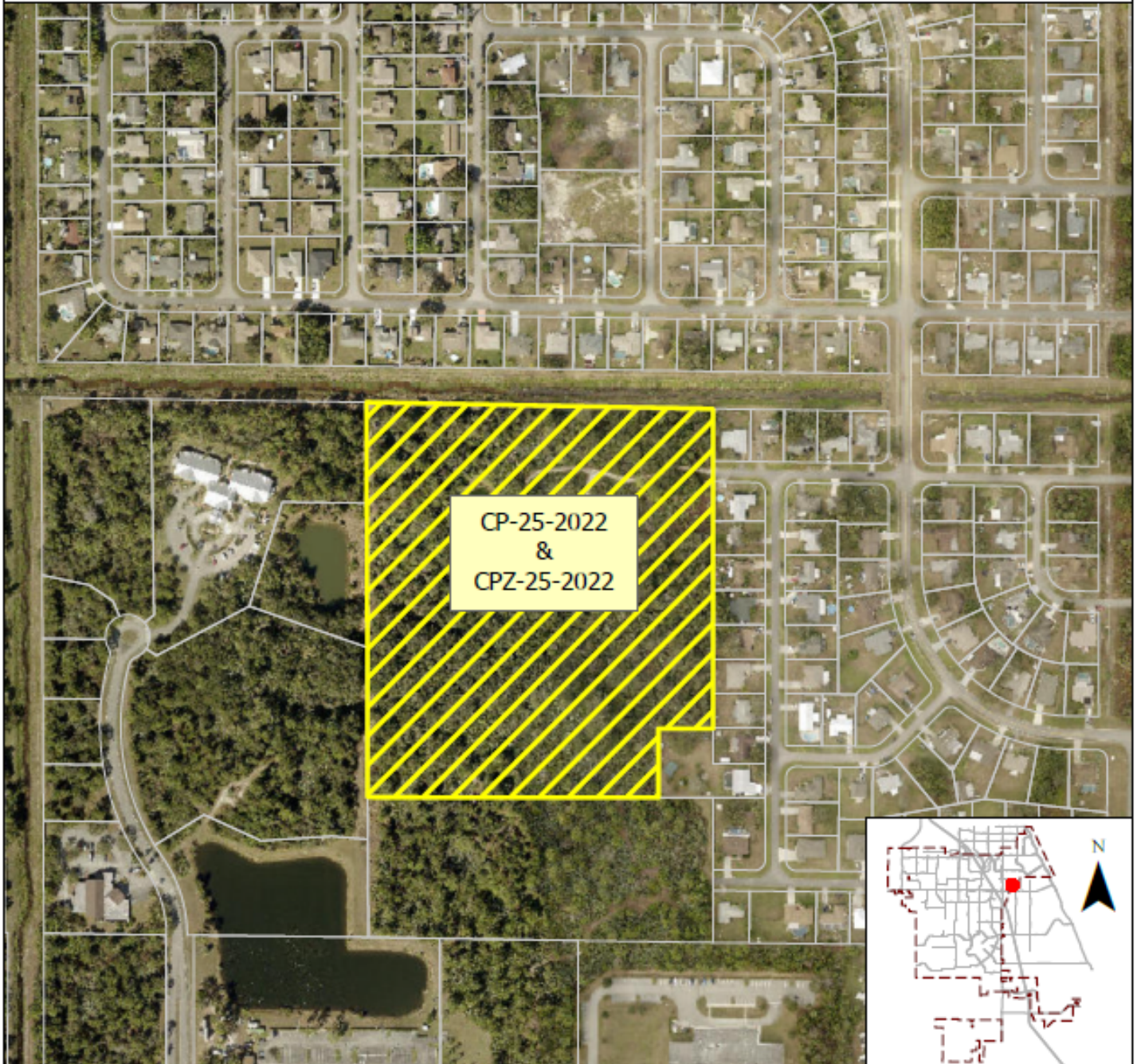
The proposed amendment will further the purposes of Chapter 185, the Comprehensive Plan by promoting a more balanced mixture of uses in the general area.

STAFF RECOMMENDATION:

Case CPZ-25-2022 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-25-2022 & CPZ-25-2022

Subject Property

West of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road 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-25-2022 & CPZ-25-2022

Subject Property

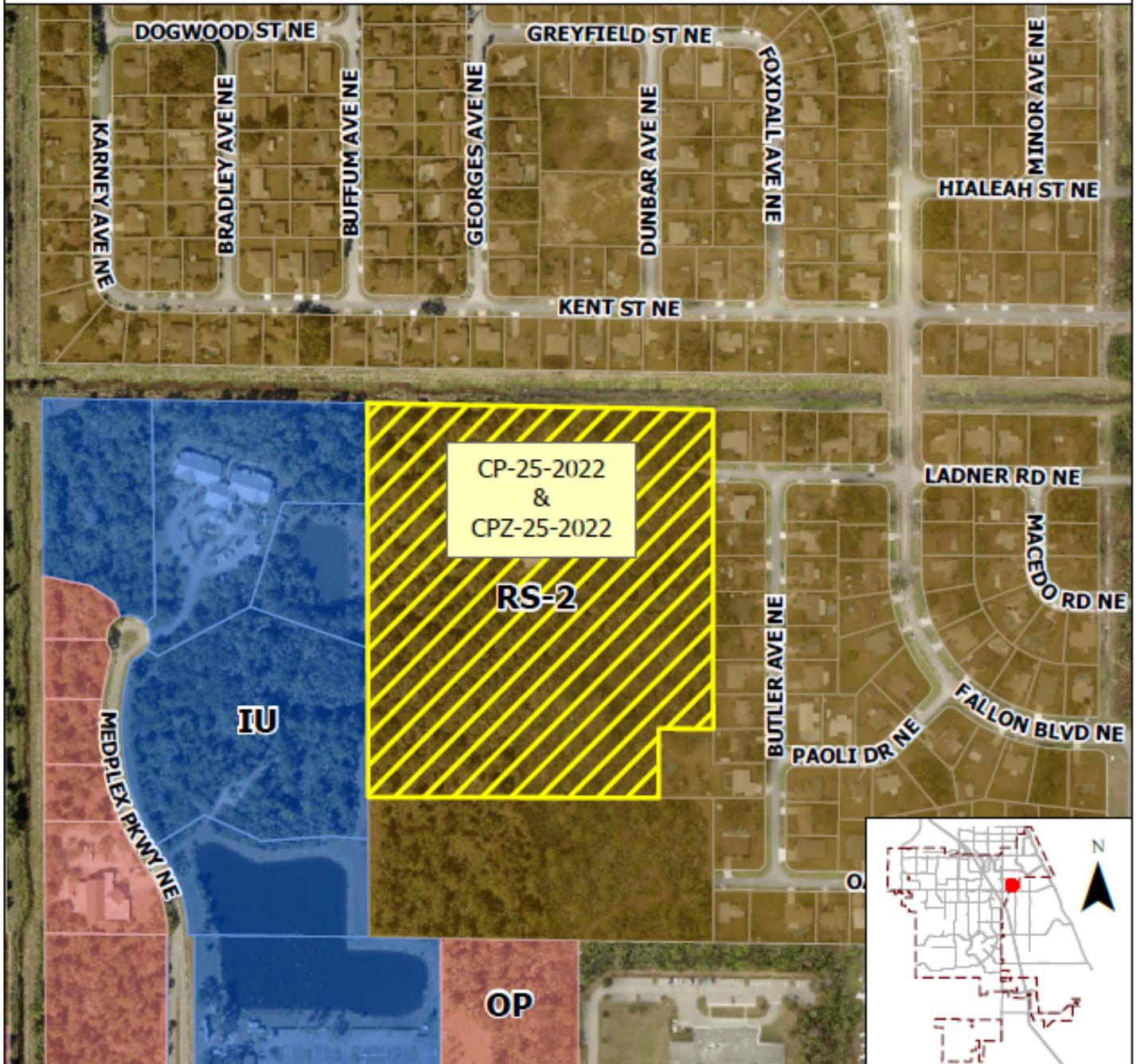
West of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

Future Land Use Classification

SFR – Single Family Residential Use



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



ZONING MAP CASE: CP-25-2022 & CPZ-25-2022

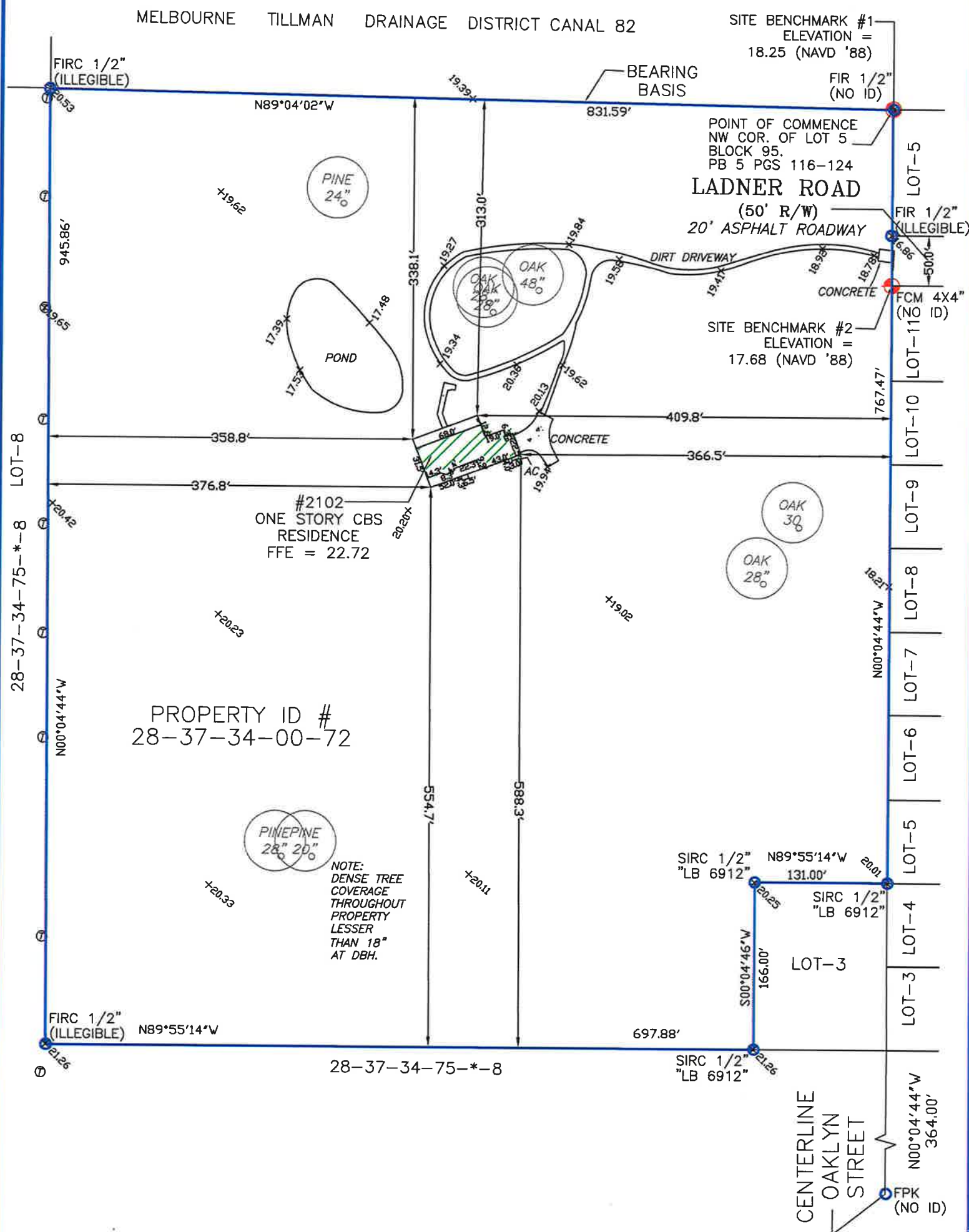
Subject Property

West of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

Current Zoning Classification

RS-2 – Single-Family Residential

MAP OF BOUNDARY SURVEY PREPARED FOR ALLIANCE TITLE INSURANCE AGENCY, INC.

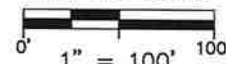


NOTES:
ALL BEARINGS AND DISTANCES SHOWN ARE RECORD AND
MEASURED, UNLESS OTHERWISE SHOWN.
P.U.&D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT.
BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE
NORTHERLY BOUNDARY LINE FOR PROPERTY ID NUMBER
28-37-34-00-72.

ELEVATION NOTES:
ALL ELEVATIONS SHOWN ARE BASED UPON NORTH AMERICAN
VERTICAL DATUM OF 1988 (NAVD'88).
PROPOSED FINISHED FLOOR ELEVATION IS SUBJECT TO CHANGE
PER HEALTH DEPARTMENT.



NORTH ARROW &
GRAPHIC SCALE



PERMIT NUMBER AND CONTACT
N/A

EXISTING ELEVATION= +20.00 PROPOSED ELEVATION= 20.00 DRAINAGE ARROW =

JOB # - 2201-208	REVISION -
FIELD DATE - 01/27/2022	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912

KNOW IT NOW, INC.
PROFESSIONAL SURVEYING AND MAPPING
5220 US HIGHWAY 1, #104
VERO BEACH, FL 32967
PHONE - (888) 396-7770
WWW.KINSURVEYORS.COM



LEGAL DESCRIPTION:

PART OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 590, PAGE 924, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 34, TOWNSHIP 28 SOUTH, RANGE 37, SAID BREVARD COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 5, BLOCK 95, PORT MALABAR UNIT SIX, AS RECORDED IN PLAT BOOK 14, PAGES 116 THROUGH 124, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY, TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN SOUTH 00°04'46" WEST, ALONG THE WEST LINE OF SAID BLOCK 95 AND BLOCK 96 OF SAID PORT MALABAR UNIT SIX, ALSO BEING THE EAST LINE OF THE WEST ½ OF LOT 15, FLORIDA INDIAN RIVER LAND COMPANY, AS RECORDED IN PLAT BOOK 1, PAGE 164 OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY, A DISTANCE OF 767.47 FEET, TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3717, PAGE 1231, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY; THENCE RUN NORTH 89°55'14" WEST, ALONG THE NORTH LINE OF SAID OFFICIAL RECORDS BOOK 3717, PAGE 1231, A DISTANCE OF 131.00 FEET, TO THE NORTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 3717, PAGE 1231; THENCE RUN SOUTH 00°04'46" WEST, ALONG THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 3717, PAGE 1231, A DISTANCE OF 166.00 FEET, TO THE SOUTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 3717, PAGE 1231; THENCE RUN NORTH 89°55'14" WEST, A DISTANCE OF 697.88 FEET, TO THE EAST LINE OF THE WEST 5 ACRES OF LOT 14, OF SAID FLORIDA INDIAN RIVER LAND COMPANY; THENCE RUN NORTH 00°04'44" WEST, ALONG SAID EAST LINE, A DISTANCE OF 945.86 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 82; THENCE RUN NORTH 89°04'02" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 831.59 FEET, TO THE POINT-OF-BEGINNING.

SURVEYOR'S LEGEND

A/C = AIR CONDITIONING
BB = BEARING BASIS
BFP = BACKFLOW PREVENTER
BLDG = BUILDING
BLK = BLOCK
BM = BENCHMARK
C = CURVE
CATV = CABLE T.V. RISER
CB = CATCH BASIN
CL = CENTERLINE
CLF = CHAIN LINK FENCE
CLP = CONCRETE LIGHT POLE
CONC = CONCRETE
CP = CONTROL POINT
CPP = CONCRETE POWER POLE
D = DEED
DF = DRAINFIELD
ELEV = ELEVATION
EM = ELECTRIC METER
EOW = EDGE OF WATER
EP = EDGE OF PAVEMENT
F = FIELD
FCM = FOUND CONCRETE MONUMENT
FDH = FOUND DRILL HOLE

FFE = FINISHED FLOOR ELEVATION
FIP = FOUND IRON PIPE
FIPC = FOUND IRON PIPE AND CAP
FIR = FOUND IRON ROD
FIRC = FOUND IRON ROD AND CAP
FN = FOUND NAIL
FN&D = FOUND NAIL AND DISC
FND = FOUND
FPK = FOUND PK NAIL
FPKD = FOUND PK NAIL AND DISC
FRRSPK = FOUND RAILROAD SPIKE
GAR = GARAGE
HYD = FIRE HYDRANT
ID = IDENTIFICATION
L = LENGTH
LB # = LICENSED BUSINESS
LS # = LICENSED SURVEYOR
M = MEASURED
MB = MAP BOOK
MES = MITERED END SECTION
MH = MANHOLE
MLP = METAL LIGHT POLE
OHW = OVERHEAD WIRES
P = PLAT
PB = PLAT BOOK
PC = POINT OF CURVATURE

JOB NUMBER: 2201-208

FIELD WORK DATE: 01/27/2022

PROPERTY ADDRESS:

2102 LADNER ROAD NE, PALM BAY, FL 32907

FLOOD INFORMATION:

PANEL NUMBER: 12009C0613G

FIRM DATE: MARCH 17, 2014

FLOOD ZONE: X

BASE FLOOD ELEVATION: NA

COMMUNITY NAME: PALM BAY, CITY OF

COMMUNITY NUMBER: 120404

AERIAL PHOTOGRAPH**LINETYPES**

— = BOUNDARY LINE
— = STRUCTURE LINE
- - - = CENTERLINE
- - - = EASEMENT LINE
- - - = FENCE LINE
- - - = OLD LOT LINE

SYMBOLS

⊙ = FIRE HYDRANT [] = CATCH BASIN
⊗ = WATER METER ⊕ = SANITARY MANHOLE
⊘ = POWER POLE ⊙ = CABLE T.V. SERVICE
⊙ = GAS SERVICE ⊕ = ELECTRIC SERVICE
⊙ = LIGHT POLE ⊕ = TELEPHONE SERVICE
⊙ = WELL ⊕ = DRAINAGE MANHOLE
⊙ = BENCHMARK ⊕ = SANITARY SERVICE

SURVEYOR'S NOTES

1. UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.
2. JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
3. THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
4. THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.
6. PROPERTY LINES AND OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY.
7. MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C).
8. COMPUTATIONS OF LINES AND OR DATA NOT FOUND ARE SHOWN AS (C).
9. THIS SURVEY MEETS AND/OR EXCEEDS THE ACCURACY REQUIREMENTS PER FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.
10. PRIOR TO SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE, RECORDED PLATS AND OR SECTION CORNER RECORDS IF APPLICABLE.
11. IF ONLY A DIGITAL SURVEY COPY IS REQUIRED A SURVEY REPORT WILL BE PLACED IN FILE. THE DIGITAL SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

SURVEYOR'S SIGNATURE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.025, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

3.24.22

BILL HYATT
SURVEYOR AND MAPPER #4636
STATE OF FLORIDA

DATE

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZ. JN NUMBER LB 6912

CERTIFIED TO:

M&B INVESTMENTS IV FL, LLC
ALLIANCE TITLE INSURANCE AGENCY, INC.

KNOW IT NOW, INC.
PROFESSIONAL SURVEYING AND MAPPING
5220 US HIGHWAY 1, #140
VERO BEACH, FL 32967
PHONE - (3) 396-7770
WWW.KINSURVEYORS.COM



From: [Alexandra Bernard](#)
To: [Chandra Powell](#)
Cc: [Jesse Anderson](#)
Subject: FW: P&Z New Business items 2 and 3
Date: Thursday, July 7, 2022 12:24:15 PM
Attachments: [image001.png](#)

Chandra,

Can you make sure that this gets added to the staff report for Crown Villas for the Council Meeting.

Thank you,
Alix

From: Natalie Shaber <Natalie.Shaber@palmbayflorida.org>
Sent: Thursday, July 7, 2022 12:21 PM
To: Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Frank Watanabe <Frank.Watanabe@palmbayflorida.org>; Mariano Augello <Mariano.Augello@palmbayflorida.org>; Leslie Hoog <Leslie.Hoog@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>
Cc: Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>
Subject: RE: P&Z New Business items 2 and 3

Alix and Jesse

Please see below PW's comments below that were discussed with EOR Jim Trauger in March at the pre-application meeting. I offered to meet with Jim to discuss but never heard from him. Please let me know if we need to discuss.

Natalie- Onsite engineering and environmental

1. There's a large wetland which is part of a documented system (NWIS) on this property. The wetland shall be delineated and an environmental study to determine if there will be habitat disruption.
2. The wetland would have to be mitigated and there will be surface water impacts. Prior to scheduling a pre-sitework meeting the SJRWMD permit will be provided
3. All external agency permits shall be provided prior to scheduling a pre-sitework meeting including the MTWCD
4. Stormwater management would include evaluating and replacing the storage lost by filling the wetland and existing stormwater management pond. In addition to replacing existing storage the water quality treatment volume would need to be held in the proposed stormwater management system. A nutrient analysis would be required as there is direct discharge to an impaired waterbody, Turkey Creek. A wet detention pond only provides 65% removal and would have to be part of a treatment train to obtain the required nutrient removal
5. A MTWCD permit to use their R/W for a force main would be required. Sanitary sewer along

canals is discouraged particularly in this sensitive area.

6. Comprehensive topographic survey to support the storage evaluation in the pre-development condition. The survey shall extend sufficient distance offsite to determine offsite flow.
7. Offsite flow shall be treated and attenuated onsite in the post-development condition.

Frank- Traffic engineering

Here are my comments on the 124 multi-family units

- The AM/PM trips is below the 100 peak trips, but an infill development, so traffic study
- Assess if an all-way stop on entrance street of Ladner at Fallon
- Assess any impacts to traffic signal at Fallon and Babcock
- Add sidewalks on Fallon

Hector/ Fernando R/W

- D/w permit and fee
- R/w permit and fee
- MTWCD permit
- Sidewalk on and off site with connection to Fallon sidewalk
- Drainage easement along property line with residential property.
- Pre vs post outfall.
- Inspection fee for offsite work
- Traffic study and offsite improvements as applicable.
- Drainage easement for existing canal to the north (MTWCD)

Thank you,
Natalie

From: Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>

Sent: Thursday, July 7, 2022 11:54 AM

To: Joan Junkala <Joan.Junkala@palmbayflorida.org>; Frank Watanabe <Frank.Watanabe@palmbayflorida.org>; Natalie Shaber <Natalie.Shaber@palmbayflorida.org>; Mariano Augello <Mariano.Augello@palmbayflorida.org>; Leslie Hoog <Leslie.Hoog@palmbayflorida.org>

Cc: Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>

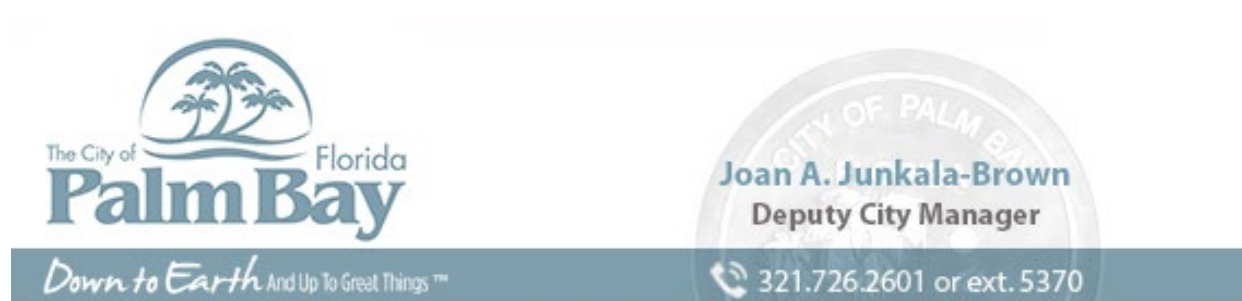
Subject: RE: P&Z New Business items 2 and 3

Sounds good, thanks for the update. Team, please see attached and coordinate with Growth Management on this item.

Suzanne Sherman
City Manager
City of Palm Bay
120 Malabar Road, SE
Palm Bay, FL 32907
O: 321-952-3411
M: 321-210-1231

From: Joan Junkala <Joan.Junkala@palmbayflorida.org>
Sent: Thursday, July 7, 2022 9:10 AM
To: Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>
Cc: Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>
Subject: FW: P&Z New Business items 2 and 3

FYI for the 8/4 RCM – although you will not be here that week, I suspect Council may inquire. This was a contentious item and one we should be fully prepared for at a staff level in terms of traffic, access, stormwater, police and fire access, etc. Approved by PZ by all except Randall O.



From: Chandra Powell <Chandra.Powell@palmbayflorida.org>
Sent: Thursday, July 7, 2022 8:15 AM
To: Joan Junkala <Joan.Junkala@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>
Subject: RE: P&Z New Business items 2 and 3

Good morning, here's their presentation.


From: Joan Junkala <Joan.Junkala@palmbayflorida.org>
Sent: Wednesday, July 6, 2022 6:57 PM
To: Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>
Cc: Chandra Powell <Chandra.Powell@palmbayflorida.org>
Subject: P&Z New Business items 2 and 3

Can you provide me with a copy of the presentation that Mr. James Trauger gave tonight?



Down to Earth And Up To Great Things™

Joan A. Junkala-Brown
Deputy City Manager

 321.726.2601 or ext. 5370



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):

28-37-34-00-762

TAX ACCOUNT NUMBER(S):

2853479

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

PART OF LOTS 14 & 15 OF PB 1 PG 164 AS DESC IN ORB 3834 PG 3048

PROPERTY ADDRESS:

2102 LADNER RD NE PALM BAY FL 32907

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

17.41

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

RS-2

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

RM-10

STRUCTURES LOCATED ON THE PROPERTY:

1

PRESENT USE OF THE PROPERTY:

Single Family Residential

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Multifamily/ Townhome

The proposed FLU change to allow the proposed rezoning to RM-10 is justified due to the adjacent property uses. The property to the west is institutional use and to the east is single family. A multifamily use for this property would be a good transitional use between these adjacent zoning districts.

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 James Trauger

**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

Francis R. Bourne
Anna B. Bourne

Date

28 April 2022
4-28-22

Printed Name

Francis R. Bourne / Anna B. Bourne

Full Address

2102 Ladner Road NE, Palm Bay, FL 32909

Telephone

(321) 755-3424

Email

frbourne3@gmail.com

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

28 Mar

, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

2102 LADNER RD NE PALM BAY FL 32907

I, Owner Name:

Francis R. Bourne & Anna B. Bourne

Address:

2102 Ladner Rd NE, Palm Bay, FL 32907

Telephone:

321-759-3424

Email:

frbourne3@gmail.com

hereby authorize:

Representative:

James Trauger of Trauger Consulting Engineers

Address:

2210 Front Street Ste. 204 Melbourne FL 32901

Telephone:

321 292-0745

Email:

jim@traugerconsulting.com

to represent the request(s) for:

Rezoning from RS-2 to RM-10 & FLU change from SFR to MFR

Francis R. Bourne
Anna B. Bourne
(Property Owner Signature)

STATE OF

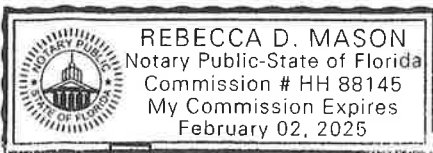
Florida

COUNTY OF

Brevard

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

Francis R. Bourne & Anna B. Bourne, property owner.



Rebecca D. Mason, Notary Public

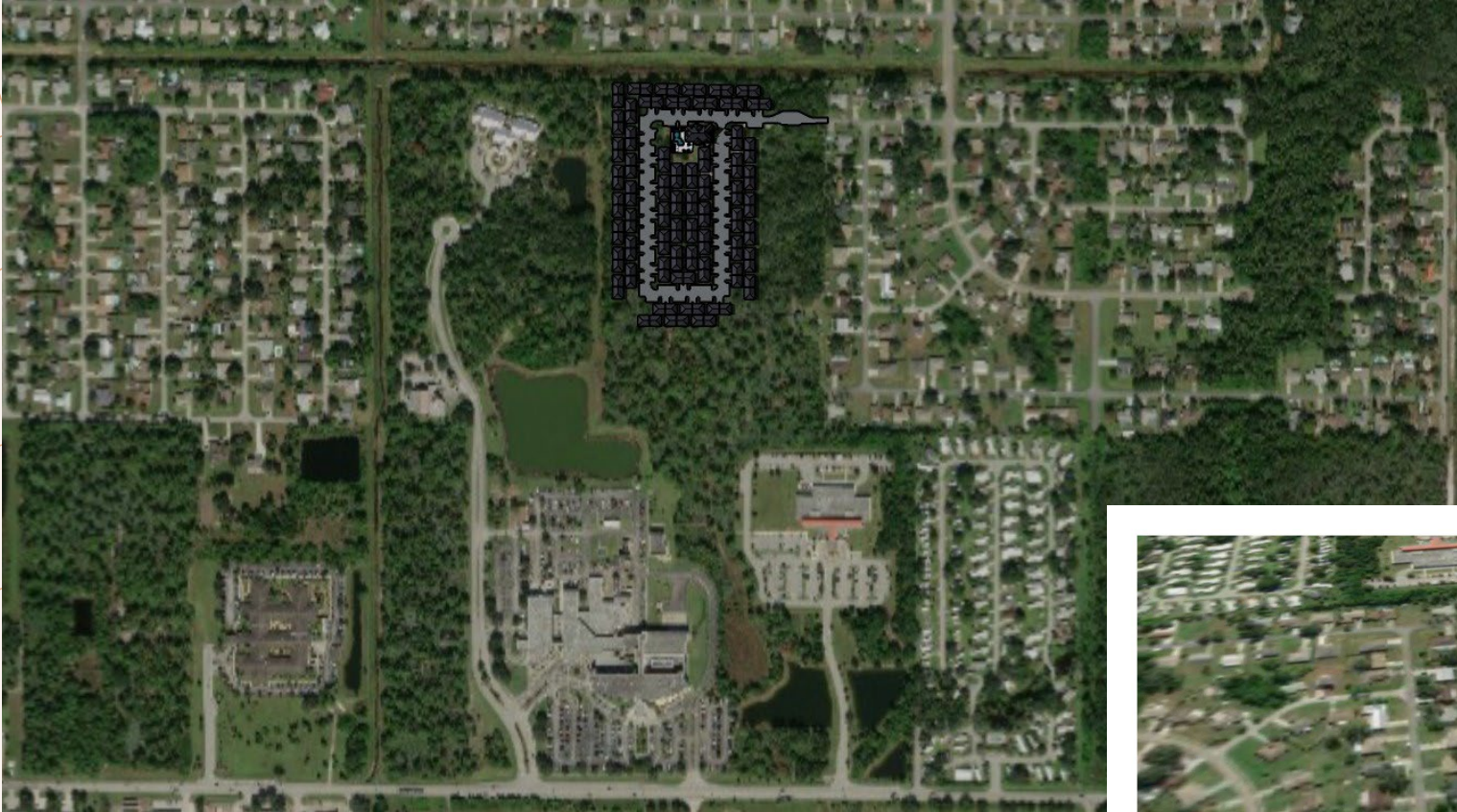
☐ Personally Known or ☒ Produced the Following Type of Identification:

Valid I.D.



CROWN VILLAS AT PALM BAY

CP-25-2022 & CPZ-25-2022



AERIAL VIEW OF PROPERTY

VIEW LOOKING SOUTH



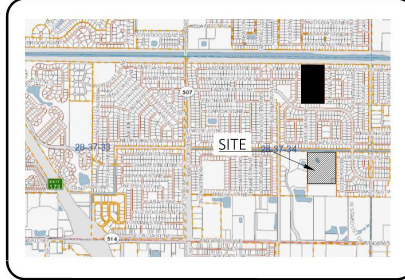
Crown Villas
Palm Bay, Florida

© COPYRIGHT 2022 ARCHETYPE DESIGN, LLC. THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION.

ARCHITECT CONTACT INFORMATION: BROOKS HALL, Architect 404.579.1392 brooks.hall@archetypedesignllc.com

VICINITY MAP:

N.T.S.



CIVIL SITE DATA:

GENERAL STATEMENT

THIS PROJECT CONSISTS OF TYPICAL SITE AMENITIES TO ACCOMMODATE A 124 UNIT, MULTIFAMILY DEVELOPMENT. THE PROPOSED UNITS SHALL BE A MIX OF SINGLE STORY DUPLEX UNITS AND TWO STORY UNITS WITH SINGLE CAR GARAGES. THE UNITS CLOSEST TO THE RESIDENTIAL ZONING DISTRICT SHALL BE SINGLE STORY. THE PROPERTY IS TRANSITIONAL IN NATURE, WITH INSTITUTIONAL USE TO THE SOUTH AND WEST OF THE SITE AND MEDIUM DENSITY RESIDENTIAL TO THE NORTH AND EAST. THERE IS ALSO A MOBILE HOME PARK VERY CLOSE BY. TO THE SOUTHEAST OF THIS SITE. PUBLIC SEWER SERVICE IS NOT AVAILABLE TO THE SITE SO A PUBLIC FOREMAIN ALONG THE MELBOURNE TILMAN ROW IS PROPOSED FOR A TIE IN TO THE BABCOCK STREET ROW. A 8" WATERLINE IS PROPOSED TO BE LOOPED FROM THE CLOSEST AVAILABLE PUBLIC WATER LINES. AN OVERSIZED WET DETENTION POND IS PROPOSED FOR STORMWATER TREATMENT. PERIMETER BUFFERING SHALL BE PROVIDED AS REQUIRED BY CITY CODE, INCLUDING OPAQUE FENCING AND LANDSCAPING. AMENITIES SHALL INCLUDE A CLUBHOUSE, POOL, SPORT COURTS, A PLAYGROUND AND PAVILIONS, AND DOG PARK. THE DEVELOPMENT IS PROPOSED TO HAVE A GATED VEHICULAR ENTRY. REGARDLESS OF PUBLIC OR PRIVATE MAINTENANCE RESPONSIBILITY, ALL STREETS, SIDEWALKS, SEWER FACILITIES, UTILITIES AND DRAINAGE SHALL BE IN COMPLIANCE WITH CHAPTER 188 OF THE CITY OF PALM BAY CODE OF ORDINANCES OR AS AGREED UPON BY CITY STAFF DURING ENGINEERING REVIEW.

CONTACT INFORMATION

DEVELOPER
AL UNIVAT
4828 ASHFORD DUNWOODY ROAD, STE. 400
ATLANTA, GA 30338
TEL: 770-294-6543
EMAIL: ALUCROWN@GROUP.COM

CIVIL ENGINEER
TRAUGER CONSULTING ENGINEERS, INC.
P.O. BOX 360253
MELBOURNE, FL 32936
TEL: 321-292-0745
E-MAIL: JIM@TRAUGERCONSULTING.COM

SITE DATA

TOTAL ACREAGE: ±17.4 ACRES
PARCEL ID: 28-37-34-00-762
TAX ACCOUNT NUMBER: 2833479
CURRENT ZONING CLASSIFICATION: RS-2
CURRENT FUTURE LAND USE: SFR
PROPOSED ZONING CLASSIFICATION: RM-10
PROPOSED FUTURE LAND USE: MFR

TOWNSHIP: 28
RANGE: 37E
SECTION: 34

ALLOWED DENSITY FOR RM-10: 10 UPA X 17.4 AC = 174 UNITS
PROPOSED DENSITY 126 UNITS

BUILDING SETBACKS:	MINIMUM	PROPOSED
FRONT (EAST)	5'	144.0'
REAR (WEST)	25'	26.5'
SIDE (NORTH)	25'	29'
SIDE (SOUTH)	8'	29.65'

REQUIRED PARKING FOR THREE BEDROOM DWELLING UNIT: 2 SPACES X 126 UNITS = 252 SPACES
PROPOSED PARKING FOR THE DEVELOPMENT = 318 SPACES INCLUDING GARAGE PARKING SPACES

LEGEND:

DESCRIPTION

PROPERTY LINE

PROPOSED BUILDING

ASPHALTIC PAVEMENT

CONCRETE SIDEWALK

STORMWATER CONTOUR

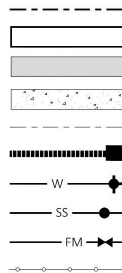
STORMWATER PIPE & INLET

WATERMAIN & FIRE HYDRANT

GRAVITY SANITARY SEWER & MANHOLE

SANITARY FORCE MAIN & VALVE

FENCE

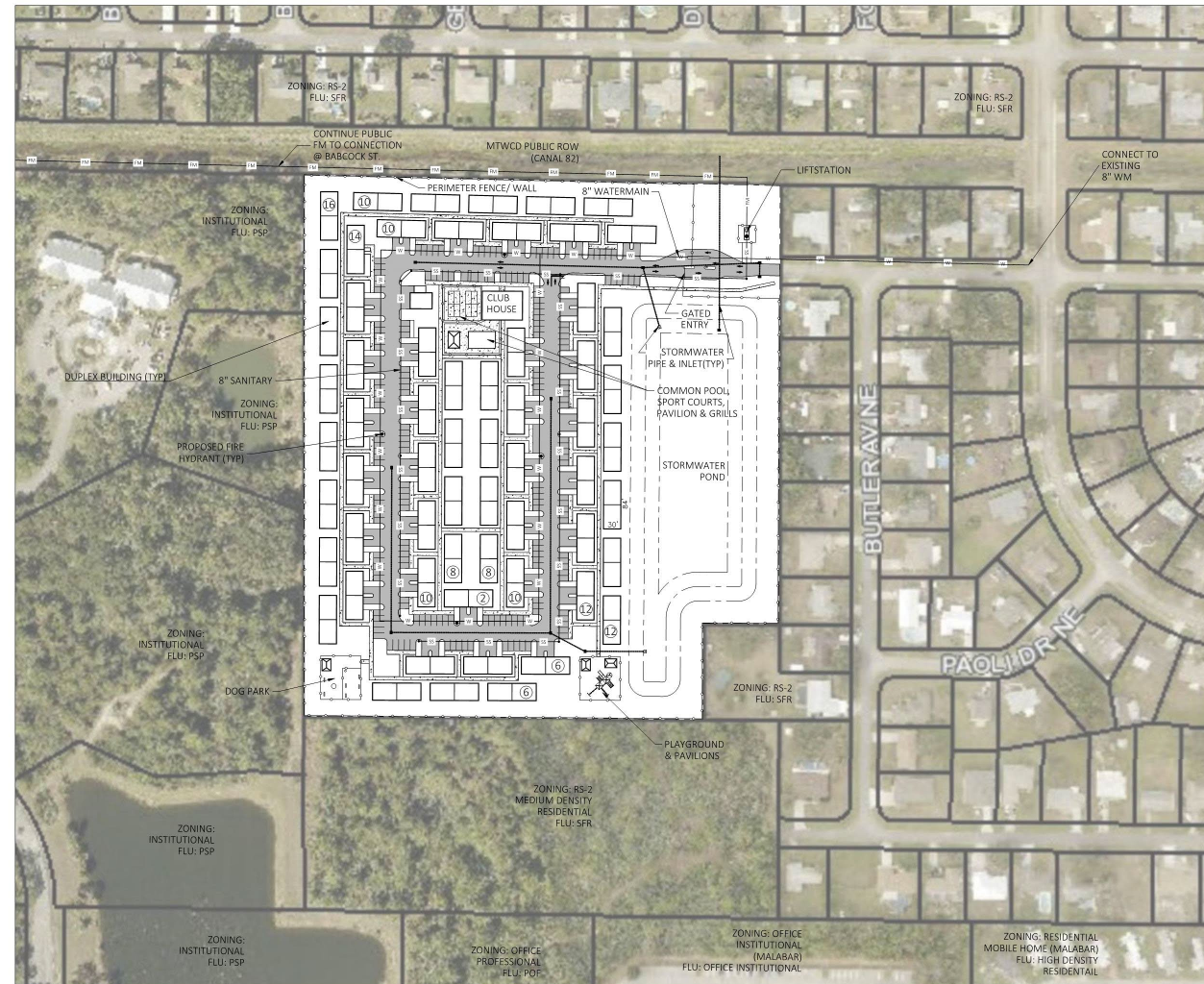


CROWN VILLAS AT PALM BAY

PALM BAY, FLORIDA

DATE:

MARCH 6, 2022



CONCEPTUAL SITE PLAN

1"=100'

100' 0' 100' 200'

TRAUGER CONSULTING ENGINEERS
P.O. BOX 360253 MELBOURNE FL 32936-0253
email: jim@traugerconsulting.com direct: (321) 292-0745

CROWN VILLAS AT PALM BAY
PALM BAY, FL
CONCEPTUAL SITE PLAN

DATE: 3-6-22

SECTION: 34

TOWNSHIP: 28S

RANGE: 37E

SCALE: 1"=100'

DRAWING NO:

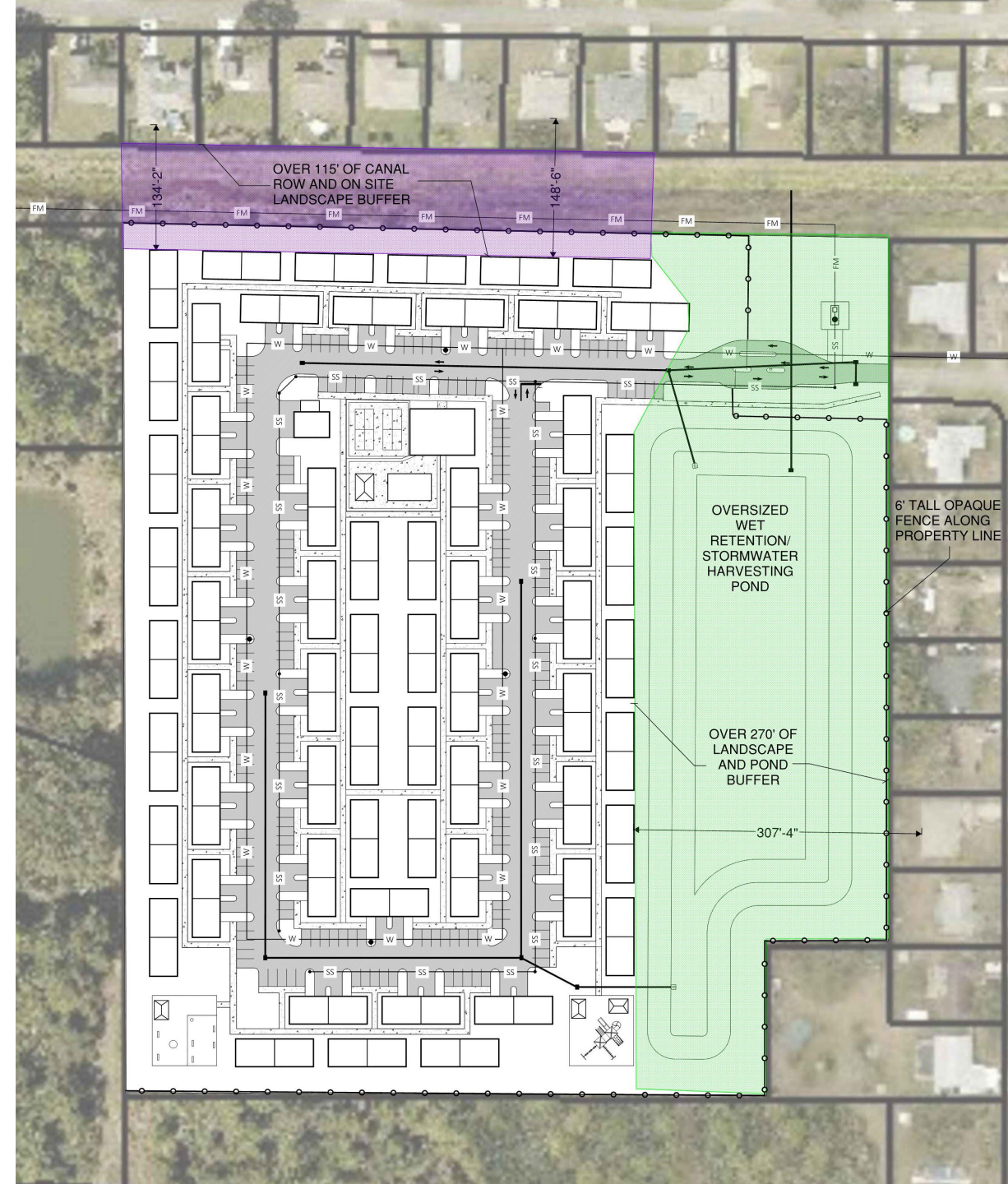
EX-1

PROJECT: 21-143

CONCEPTUAL SITE PLAN OVERVIEW

QUICK FACTS

- Gated Residential Community
- Modern Class A Development
- One and Two Story Buildings Only
- Provide Variety of Housing Options
- Attached Single Family (Duplex) Style Units
- Resort Style Amenities
- Perimeter Six Foot Tall Opaque Privacy Fence
- Proposed Oversize Stormwater Harvesting Pond for Low Impact Design
- Traffic Impact Analysis Methodology is Underway for Coordination with Palm Bay Public Works/ Engineering Staff
- Substantial Buffering to Existing Homes



AMENITY CENTER





Crown Villas Palm Bay, Florida

© COPYRIGHT 2022 ARCHETYPE DESIGN, LLC: THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION.



ARCHITECT CONTACT INFORMATION:

BROOKS HALL, Architect

404.579.1392

brooks.hall@archetypedesignllc.com



Crown Villas Palm Bay, Florida

© COPYRIGHT 2022 ARCHETYPE DESIGN, LLC: THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION.



ARCHITECT CONTACT INFORMATION:

BROOKS HALL, Architect

404.579.1392

brooks.hall@archetypedesignllc.com







Crown Villas Palm Bay, Florida

© COPYRIGHT 2022 ARCHETYPE DESIGN, LLC: THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION.



ARCHITECT CONTACT INFORMATION:

BROOKS HALL, Architect

404.579.1392

brooks.hall@archetypedesignllc.com



Crown Villas Palm Bay, Florida

© COPYRIGHT 2022 ARCHETYPE DESIGN, LLC. THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION.

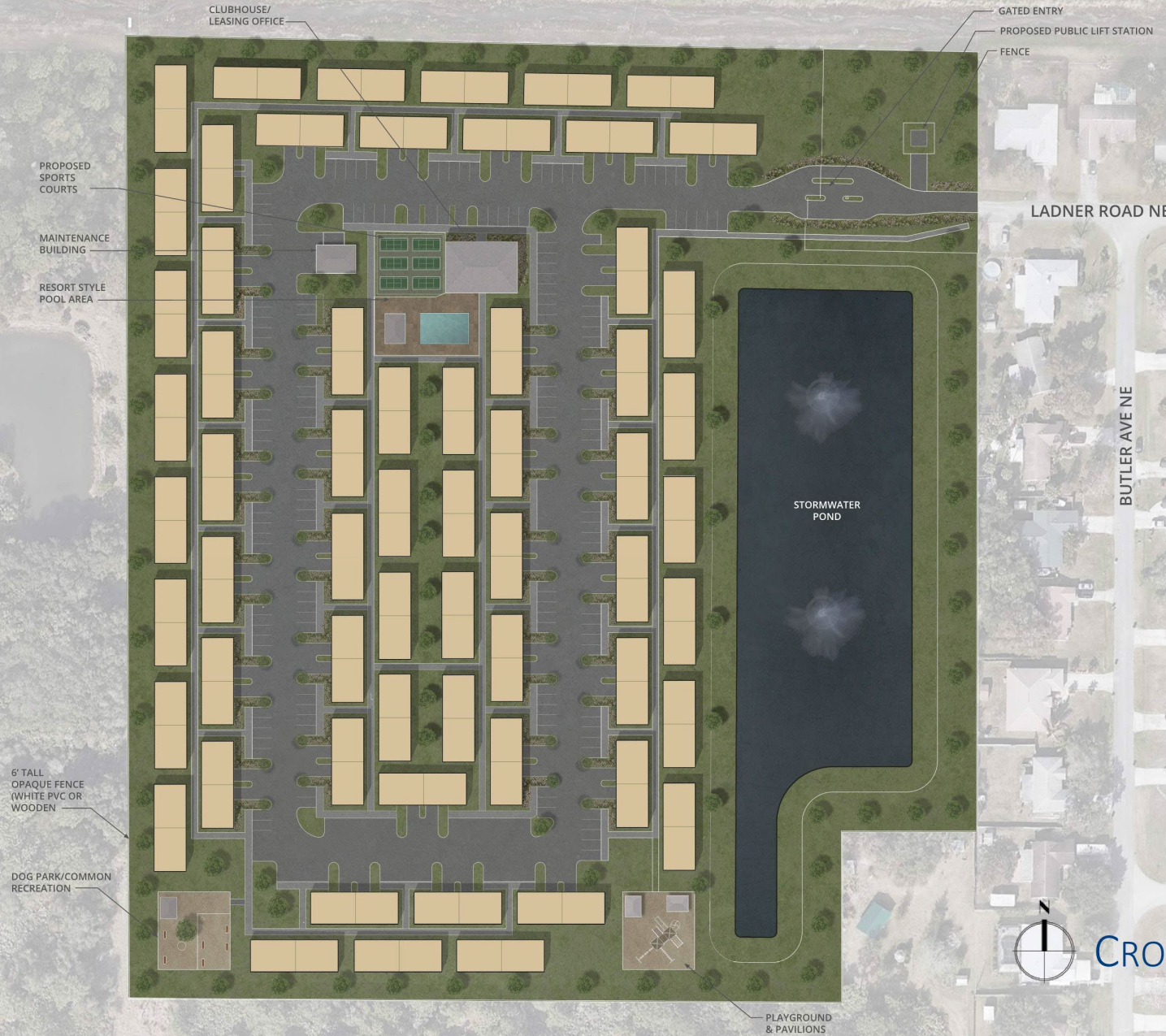


ARCHITECT CONTACT INFORMATION:

BROOKS HALL, Architect

404.579.1392

brooks.hall@archetypedesignllc.com



CROWN VILLAS AT PALM BAY
PALM BAY, FLORIDA

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Dr. Mark W. Mullins, Ed.D., Superintendent



June 29, 2022

Ms. Alix Bernard
Growth Management Director
City of Palm Bay
Growth Management Department
120 Malabar Road SE
Palm Bay, Florida 32907

**RE: Proposed Crown Villas at Palm Bay Development
School Impact Analysis – Capacity Determination CD-2022-30**

Dear Ms. Bernard,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2853479 (Parcel ID number: 28-37-34-00-762) containing a total of approximately 17.41 acres in the City of Palm Bay, Florida. The proposed development includes 126 multi-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2022-23 to 2026-27 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27* which is attached for reference.

Multi-Family Homes	126		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.11	13.86	14
Middle	0.02	2.52	3
High	0.05	6.3	6
Total	0.18		23

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to
2026-27**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Port Malabar		852	852	852	852	852
Stone		1,024	1,024	1,024	1,024	1,024
Palm Bay		2,631	2,631	2,631	2,631	2,631

Projected Student Membership

School		2022-23	2023-24	2024-25	2025-26	2026-27
Port Malabar		636	630	636	645	632
Stone		747	706	745	772	846
Palm Bay		1,325	1,467	1,573	1,645	1,643

Students Generated by Newly Issued SCADL Reservations Since FFP

School		2022-23	2023-24	2024-25	2025-26	2026-27
Port Malabar		-	-	-	-	-
Stone		-	-	-	-	-
Palm Bay		-	-	-	-	-

**Cumulative Students Generated by
Proposed Development**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Port Malabar		-	-	14	14	14
Stone		-	-	3	3	3
Palm Bay		-	-	6	6	6

**Total Projected Student Membership (includes
Cumulative Impact of Proposed Development)**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Port Malabar		636	630	650	659	646
Stone		747	706	748	775	849
Palm Bay		1,325	1,467	1,579	1,651	1,649

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Port Malabar		216	222	202	193	206
Stone		277	318	276	249	175
Palm Bay		1,306	1,164	1,052	980	982

At this time, Port Malabar Elementary School, Stone Magnet Middle School and Palm Bay Magnet High School are projected to have enough capacity for the total of projected and potential students from the Crown Villas at Palm Bay development.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karen Black", with a long horizontal flourish extending to the right.

Karen M. Black, AICP
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School
Years 2021-22 to 2026-27*

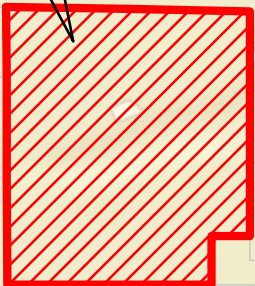
Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2022-30

David G. Lindemann, AICP, Director of Planning & Project
Management, Facilities Services
File CD-2022-30

Crown Villas at Palm Bay Location Map



**Crown Villas at Palm Bay
126 Multi-Family Units**

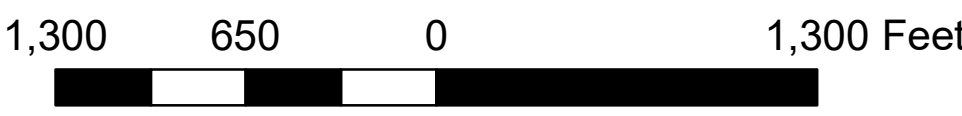


PORT MALABAR ELEMENTARY

Palm Bay
Hospital

Schools Affected by Development:
Port Malabar Elementary School
Stone Middle School
Palm Bay Magnet High School

Drawn By:
Planning & Project Management
Blake Stinson
06/24/2022



Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the **100%** Level of Service

Data and Analysis for School Years 2021-22 to 2026-27



Summary	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
Highest Utilization Elementary Schools:	88%	89%	95%	98%	97%	99%
Highest Utilization Middle Schools:	88%	89%	90%	89%	92%	96%
Highest Utilization Jr / Sr High Schools:	84%	84%	82%	82%	79%	78%
Highest Utilization High Schools:	101%	100%	99%	95%	94%	97%

				School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27		
School	Type	Grades	Utilization Factor	FISH Capacity	10/15/21 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	630	84%	751	632	84%	751	694	92%	751	739	98%	773	752	97%	773	738	95%
Andersen	Elementary	K-6	100%	884	592	67%	884	591	67%	884	597	68%	884	589	67%	884	565	64%	884	554	63%
Apollo	Elementary	K-6	100%	902	782	87%	902	783	87%	902	755	84%	902	761	84%	902	739	82%	902	729	81%
Atlantis	Elementary	PK-6	100%	739	629	85%	739	630	85%	739	616	83%	739	600	81%	739	592	80%	739	576	78%
Audubon	Elementary	PK-6	100%	761	464	61%	761	464	61%	761	458	60%	761	438	58%	761	427	56%	761	440	58%
Cambridge	Elementary	PK-6	100%	765	506	66%	765	506	66%	765	513	67%	765	510	67%	765	485	63%	765	480	63%
Cape View	Elementary	PK-6	100%	570	278	49%	570	285	50%	570	287	50%	570	281	49%	570	286	50%	570	284	50%
Carroll	Elementary	K-6	100%	751	614	82%	751	619	82%	751	605	81%	751	613	82%	751	600	80%	751	593	79%
Challenger 7	Elementary	PK-6	100%	573	506	88%	573	508	89%	573	476	83%	573	449	78%	573	437	76%	573	414	72%
Columbia	Elementary	PK-6	100%	751	462	62%	751	484	64%	751	546	73%	751	568	76%	751	569	76%	751	572	76%
Coquina	Elementary	K-6	100%	711	534	75%	711	531	75%	711	557	78%	711	572	80%	711	596	84%	711	602	85%
Creel	Elementary	PK-6	100%	1,114	717	64%	1,114	762	68%	1,114	812	73%	1,114	847	76%	1,114	877	79%	1,114	922	83%
Croton	Elementary	PK-6	100%	795	487	61%	795	488	61%	795	530	67%	795	559	70%	795	586	74%	795	604	76%
Discovery	Elementary	PK-6	100%	980	615	63%	980	644	66%	980	639	65%	980	633	65%	980	608	62%	980	611	62%
Endeavour	Elementary	PK-6	100%	968	657	68%	968	670	69%	968	668	69%	968	641	66%	968	627	65%	968	640	66%
Enterprise	Elementary	K-6	100%	729	605	83%	729	608	83%	729	587	81%	729	561	77%	729	529	73%	729	513	70%
Fairglen	Elementary	PK-6	100%	789	581	74%	789	580	74%	789	597	76%	789	620	79%	789	626	79%	789	639	81%
Gemini	Elementary	K-6	100%	711	427	60%	711	442	62%	711	440	62%	711	424	60%	711	420	59%	711	409	58%
Golfview	Elementary	PK-6	100%	777	454	58%	777	454	58%	777	467	60%	777	503	65%	777	513	66%	777	521	67%
Harbor City	Elementary	PK-6	100%	629	359	57%	629	357	57%	629	386	61%	629	399	63%	629	400	64%	629	411	65%
Holland	Elementary	PK-6	100%	605	444	73%	605	465	77%	605	471	78%	605	473	78%	605	472	78%	605	477	79%
Imperial Estates	Elementary	K-6	100%	729	624	86%	729	622	85%	729	626	86%	729	619	85%	729	620	85%	729	645	88%
Indialantic	Elementary	K-6	100%	798	671	84%	798	672	84%	798	658	82%	798	646	81%	798	620	78%	798	622	78%
Jupiter	Elementary	PK-6	100%	930	724	78%	930	721	78%	930	817	88%	930	857	92%	930	854	92%	930	920	97%
Lockmar	Elementary	PK-6	100%	892	632	71%	892	631	71%	892	594	67%	892	578	65%	892	559	63%	892	553	62%
Longleaf	Elementary	PK-6	100%	790	594	75%	790	594	75%	790	587	74%	790	583	74%	790	565	72%	790	551	70%
Manatee	Elementary	K-6	100%	998	843	84%	998	855	86%	998	815	82%	998	793	79%	998	765	77%	998	750	75%
McAuliffe	Elementary	PK-6	100%	918	634	69%	918	633	69%	918	624	68%	918	583	64%	918	576	63%	918	565	62%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	832	75%	1,114	832	75%	1,114	902	81%	1,114	920	83%	1,114	950	85%	1,114	950	85%
Meadowlane Primary	Elementary	K-6	100%	824	678	82%	824	678	82%	824	731	89%	824	725	88%	824	734	89%	824	731	89%
Mila	Elementary	PK-6	100%	707	438	62%	707	432	61%	707	430	61%	707	444	63%	707	417	59%	707	416	59%
Mims	Elementary	PK-6	100%	725	431	59%	725	442	61%	725	433	60%	725	441	61%	725	452	62%	725	446	62%
Oak Park	Elementary	PK-6	100%	968	561	58%	968	563	58%	968	554	57%	968	510	53%	968	508	52%	968	523	54%
Ocean Breeze	Elementary	PK-6	100%	654	538	82%	654	543	83%	654	524	80%	654	506	77%	654	484	74%	654	472	72%
Palm Bay Elem	Elementary	PK-6	100%	983	547	56%	983	567	58%	983	571	58%	983	570	58%	983	602	61%	983	622	63%
Pinewood	Elementary	PK-6	100%	569	496	87%	569	500	88%	569	517	91%	569	524	92%	569	526	92%	569	532	93%
Port Malabar	Elementary	PK-6	100%	852	636	75%	852	636	75%	852	630	74%	852	636	75%	852	645	76%	852	632	74%
Quest	Elementary	PK-6	100%	1,152	673	58%	1,152	673	58%	1,152	694	60%	1,152	722	63%	1,152	734	64%	1,152	728	63%
Riviera	Elementary	PK-6	100%	777	624	80%	777	631	81%	777	681	88%	777	709	91%	777	722	93%	777	750	97%
Roosevelt	Elementary	K-6	100%	599	263	44%	599	261	44%	599	241	40%	599	221	37%	599	202	34%	599	190	32%
Sabal	Elementary	PK-6	100%	785	516	66%	785	507	65%	785	516	66%	785	523	67%	785	516	66%	785	530	68%
Saturn	Elementary	PK-6	100%	976	678	69%	976	679	70%	976	731	75%	976	772	79%	976	822	84%	976	810	83%
Sea Park	Elementary	PK-6	100%	461	299	65%	461	317	69%	461	324	70%	461	324	70%	461	330	72%	461	331	72%
Sherwood	Elementary	PK-6	100%	609	428	70%	609	429	70%	609	429	70%	609	434	71%	609	442	73%	609	441	72%
Sunrise	Elementary	PK-6	100%	913	691	76%	913	690	76%	913	738	81%	935	824	88%	1,001	929	93%	1,067	1,061	99%
Suntree	Elementary	K-6	100%	755	595	79%	755	595	79%	755	584	77%	755	555	74%	755	546	72%	755	523	69%
Surfside	Elementary	K-6	100%	541	408	75%	541	407	75%	541	372	69%	541	345	64%	541	336	62%	541	329	61%
Tropical	Elementary	K-6	100%	910	641	70%	910	642	71%	910	635	70%	910	614	67%	910	597	66%	910	609	67%
Turner	Elementary	PK-6	100%	874	579	66%	874	576	66%	874	621	71%	874	642	73%	874	659	75%	874	694	79%
University Park	Elementary	PK-6	100%	811	466	57%	811	464	57%	811	496	61%	811	554	68%	811	622	77%	811	657	81%
Viera Elem	Elementary	K-6	100%	1,030	585	57%	1,030	635	62%	1,030	671	65%	1,030	742	72%	1,030	826	80%	1,030	902	88%
Westside	Elementary	K-6	100%	857	728	85%	857	761	89%	857	815	95%	879	855	97%	901	872	97%	923	895	97%
Williams	Elementary	PK-6	100%	715	494	69%	715	493	69%	715	483	68%	715	473	66%	715	452	63%	715	438	61%
Elementary Totals				42,471	29,890		42,471	30,184		42,471	30,745		42,515	31,024		42,625	31,190		42,735	31,547	

Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,171	77%	1,514	1,171	77%	1,514	1,217	80%	1,514	1,238	82%	1,514	1,319	87%	1,514	1,360	90%
DeLaura	Middle	7-8	90%	960	843	88%	960	851	89%	960	829	86%	960	854	89%	960	816	85%	960	787	82%
Hoover	Middle	7-8	90%	680	510	75%	680	510	75%	680	485	71%	680	506	74%	680	550	81%	680	539	79%
Jackson	Middle	7-8	90%	660	574	87%	660	574	87%	660	594	90%	660	556	84%	660	540	82%	660	531	80%
Jefferson	Middle	7-8	90%	873	622	71%	873	622	71%	873	583	67%	873	580	66%	873	583	67%	873	535	61%
Johnson	Middle	7-8	90%	1,064	690	65%	1,064	690	65%	1,064	707	66%	1,064	752	71%	1,064	795	75%	1,064	813	76%
Kennedy	Middle	7-8	90%	869	682	78%	869	682	78%	869	641	74%	869	617	71%	869	628	72%	869	656	75%
Madison	Middle	7-8	90%	781	480	61%	781	480	61%	781	471	60%	781	480	61%	781	457	59%	781	446	57%
McNair	Middle	7-8	90%	611	336	55%	611	350	57%	611	359	59%	611	353	58%	611	362	59%	611	349	57%
Southwest	Middle	7-8	90%	1,211	940	78%	1,211	940	78%	1,211	922	76%	1,211	1,000	83%	1,211	1,119	92%	1,211	1,157	96%
Stone	Middle	7-8	90%	1,024	747	73%	1,024	747	73%	1,024	706	69%	1,024	745	73%	1,024	772	75%	1,024	846	83%
Middle Totals				10,247	7,595		10,247	7,617		10,247	7,514		10,247	7,681		10,247	7,941		10,247	8,019	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,084	1,516	73%	2,084	1,517	73%	2,084	1,578	76%	2,084	1,627	78%	2,084	1,637	79%	2,084	1,626	78%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	943	65%	1,445	955	66%	1,445	917	63%	1,445	890	62%	1,445	821	57%	1,445	782	54%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,556	84%	1,852	1,557	84%	1,852	1,526	82%	1,852	1,511	82%	1,852	1,465	79%	1,852	1,448	78%
Jr / Sr High Totals				5,381	4,015		5,381	4,029		5,381	4,021		5,381	4,028		5,381	3,923		5,381	3,856	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,077	74%	1,451	1,076	74%	1,451	1,094	75%	1,451	1,086	75%	1,451	1,078	74%	1,451	1,086	75%
Bayside	High	9-12	95%	2,263	1,653	73%	2,263	1,728	76%	2,263	1,850	82%	2,263	1,942	86%	2,263	2,002	88%	2,263	2,069	91%
Eau Gallie	High	PK, 9-12	95%	2,221	1,610	72%	2,221	1,605	72%	2,221	1,634	74%	2,221	1,655	75%	2,221	1,680	76%	2,221	1,700	77%
Heritage	High	9-12	95%	2,314	1,991	86%	2,314	2,038	88%	2,314	2,149	93%	2,314	2,193	95%	2,314	2,179	94%	2,314	2,248	97%
Melbourne	High	9-12	95%	2,370	2,210	93%	2,370	2,208	93%	2,370	2,201	93%	2,370	2,200	93%	2,370	2,151	91%	2,370	2,185	92%
Merritt Island	High	PK, 9-12	95%	1,962	1,523	78%	1,962	1,523	78%	1,962	1,494	76%	1,962	1,454	74%	1,962	1,401	71%	1,962	1,389	71%
Palm Bay	High	PK, 9-12	95%	2,631	1,286	49%	2,631	1,325	50%	2,631	1,467	56%	2,631	1,573	60%	2,631	1,645	63%	2,631	1,643	62%
Rockledge	High	9-12	95%	1,836	1,568	85%	1,836	1,568	85%	1,836	1,641	89%	1,836	1,658	90%	1,836	1,638	89%	1,836	1,620	88%
Satellite	High	PK, 9-12	95%	1,527	1,513	99%	1,551	1,550	100%	1,551	1,533	99%	1,551	1,470	95%	1,551	1,438	93%	1,551	1,387	89%
Titusville	High	9-12	95%	1,849	1,231	67%	1,849	1,272	69%	1,849	1,295	70%	1,849	1,313	71%	1,849	1,330	72%	1,849	1,270	69%
Viera	High	PK, 9-12	95%	2,203	2,216	101%	2,251	2,233	99%	2,583	2,272	88%	2,583	2,386	92%	2,583	2,411	93%	2,583	2,469	96%
High Totals				22,627	17,878		22,699	18,126		23,031	18,630		23,031	18,930		23,031	18,953		23,031	19,066	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	406	85%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
South Lake	Elementary	K-6	100%	481	396	82%	481	417	87%	481	417	87%	481	417	87%	481	417	87%	481	417	87%
Stevenson	Elementary	K-6	100%	569	498	88%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
West Melbourne	Elementary	K-6	100%	618	544	88%	618	552	89%	618	552	89%	618	552	89%	618	552	89%	618	552	89%
Edgewood	Jr / Sr High	7-12	90%	1,077	921	86%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%
Schools of Choice				4,484	3,711		4,484	3,787		4,484	3,787		4,484	3,787		4,484	3,787		4,484	3,787	
Brevard Totals				85,210	63,089		85,282	63,743		85,614	64,697		85,658	65,450		85,768	65,794		85,878	66,275	

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2021-22 are reported from the FISH database as of October 12, 2021.
- Student Membership is reported from the Fall Final Membership Count (10/15/2021).
- Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nongeocoded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- A total of 15 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Roy Allen Elementary, Jupiter Elementary, Sunrise Elementary, and Westside Elementary Schools (Total 12 Classrooms)
 - High school relocatable classrooms are proposed to be added at Satellite High and Viera High (Total of 3 Classrooms)
- A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-08

Held on Wednesday, July 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

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

ROLL CALL:

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

The absences were excused for Ms. Maragh and Mr. Rainer.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Erich Messenger, Deputy City Attorney; Natalie Shaber, Engineer II.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-07; June 1, 2022.

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

Aye: Jordan, Weinberg, Boerema, Good.

Nay: Olszewski.

3. ****CPZ-25-2022 – Crown Villas at Palm Bay - Francis R. Bourne and Anna B. Bourne (James Trauger, Trauger Consulting Engineers, Rep.) - A Zoning amendment from an RS-2, Single Family Residential District to an RM-10, Single-, Two-, Multiple-Family Residential District - Tax Parcel 762, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 17.41 acres. Located west of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE**

Mr. White presented the staff report for Case CPZ-25-2022. Staff recommended Case CPZ-25-2022 for approval.

Mr. Jack Spira, Spira Beadle & McGarrell PA Law Firm (representative for the request), stated that the subject proposal would permit a multiple-family residential development with an overall density of 7.41 units per acre.

Mr. Olszewski wanted to know how utilities would be extended to the project. Mr. James Trauger, Trauger Consulting Engineers (representative for the applicant) explained that an eight-inch water main would be extended to the subject site from Fallon Boulevard NE and Ladner Road NE. Discussions were underway with Health First Medical Center to loop the water main into the public water system at Medplex Parkway NE. There was also discussion to tie the project into the medical center's private sewer system. Another option for the development would be a public lift station with a long force main along the Melbourne-Tillman canal right-of-way for connection into the public sewer at Babcock Street. Mr. Olszewski asked if the force main for the sewer would be located in the canal. Mr. Trauger clarified that a buried force main would be run parallel to the canal.

Mr. Olszewski inquired if there was feasible access to the site that would not include Ladner Avenue NE. Mr. Trauger explained that any other access would be on private

property, and that a public right-of-way access was required. Mr. Olszewski suggested that the Health First site be considered for shared access. Mr. Trauger stated that this would be possible, but it was private property and there were wetlands and environmental studies that would need to be done. Mr. Olszewski was concerned with how the construction of the proposed development would impact the surrounding neighborhood. Mr. Trauger stated that the Melbourne-Tillman Water Control District had given permission to use their right-of-way for construction access.

Mr. Weinberg asked about the distance that would need to be requested along the Melbourne-Tillman canal for construction access. Mr. Trauger stated that a half mile of access would likely be requested; and potentially, the development would already be running a sewer force main along the canal easement.

The floor was opened for public comments, and there were two items of correspondence in the file in opposition to the request.

Mr. Robert Busch (resident at Butler Avenue NE) spoke against the request. He stated that Ladner Road was small and only permitted one car to pass through at a given time. The proposed development would put tons of traffic into a bottleneck, and the traffic problem in the area should not be placed solely on law enforcement.

Mr. Deacon Canela (resident at Ladner Road NE) spoke against the request. His home was located near the Melbourne-Tillman canal, so he and his family would have to deal with constant noise from construction trucks. He stated that he wanted to retire at his property in peace but would move from Palm Bay if good, hearty single-family home neighborhoods could be rezoned for anybody with cash.

Ms. Teresa Keck (resident at Butler Avenue NE) spoke against the request. She stated that the renderings of the development looked like low-income housing. She asked the board to require a different way to access the property.

In response to the comments from the audience, Mr. Spira commented that the subject request was for the rezoning, and he understood that there were issues and improvements that would need to be resolved moving forward.

The floor was closed for public comments.

Motion to submit Case CPZ-25-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good.

Nay: Olszewski.

4. **CP-27-2022 – Adelon Bayfront - Carlos Rajlin, Bayfront Blossom, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Alberto Krygier, Adelon Corporation, Reps.) and the City Page 2 of 4 Regular Meeting 2022-08 of Palm Bay (Growth Management Department) - A small-scale Comprehensive Plan Future Land Use Map amendment from Bayfront Mixed Use Village to Bayfront Mixed Use - All of Block 5 along with Lots 1 through 12, Lots 18 through 21, and Out Lot H, Block 6, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 8.941 acres. Located North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE**

Mr. White presented the staff report for Case CP-27-2022. Staff recommended Case CP-27-2022 for approval.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) stated that the applicant was under contract for land on the east and west sides of Orange Blossom Trail NE and planned to combine the sites for a mixed use of residential and commercial development. The subject request was the first step in the process.

The floor was opened for public comments.

Mr. Dale Steele (owner of property at Water Drive NE) wanted to know the difference between the BMU and BMUV zoning districts. He wanted assurance that his artesian well property rights would not be impacted by the proposed development.

In response to the comments from the audience, Mr. Moia clarified that Mr. Steele's property was located on the east side of Orange Blossom Trail, south of the property

CASES

CP-25-2022 & CPZ-25-2022

CORRESPONDENCE

CITY OF PALM BAY
RECEIVED

JUL 06 2022

LAND DEVELOPMENT

June 26,2022

TO: Planning and Zoning Board City Council c/o Land Development Division

Reference to case CP-25-2022 and CPZ-25-2022

I am writing this letter in protest of changing Tax Parcel 762, Section 34, Township 28, Range, 37, Brevard County Florida from Single-Family Residential use to Multiple-Family use.

My residence 2126 Ladner Rd NE,, Palm Bay, Florida 32907. I built this home in 1978 with the hopes of living in a quiet residential environment. Now 44 years later I am retired and enjoying all the hard work and money I have put into my home. This action that is being considered will destroy this dream.

The entrance and exit of this neighborhood has one way in and one way out from Babcock via Fallon Blvd. and Ladner Rd. The amount of traffic that this will create in front of my home traveling to the end of Ladner Rd. where it dead ends (location of land proposing to build up) will be a nightmare. The traffic at the light of Fallon Blvd. and Babcock will line up for miles trying to exit the neighborhood.

This proposed construction will ruin the peaceful and quiet environment of our neighborhood, not to mention the destruction of the wild life that is now living in the area that is being considered to build up.

I plead with you not to approve this deplorable proposal and take into consideration the desires and well being of all the families and peacefulness of our neighborhood.

Regards,

Harle and Patricia Ross

Harle B. Ross

Patricia Ross

2126 Ladner Rd NE

Palm Bay, FL 32907

City of Palm Bay
Planning and Zoning
6 July 2022
6pm

CP-25-2022 – Crown Villas at Palm Bay

0.1. Staff report

1. FUTURE LAND USE ELEMENT

- a) The intended use for the 17.41-acre property will include 126 Multiple-Family [MF] dwellings. The Multiple-Family Future Land Use will create a transition in intensity and density, moving from a more intense use to lower density. As such, the proposed land use amendment would be considered compatible.
- **Please explain the intended use from more intense density to lower density?**
 - **The intended use to add 126 MF, may average a minimum of 200, avg 2 vehicles to home.**
 - **Eliminating the trees, increasing the potential carbon footprint with the additional traffic, fire pits, etc.**

2. CONSERVATION ELEMENT

- a) The environmental character of the city is maintained through conservation, appropriate use, and protection of natural resources.
- **Please explain how destroy 17.41 +/- acres is protecting our natural resources?**
 - **Adjacent to Canal located south of said property and north of lake adjacent to the PB Hospital**
 - **Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.**
 - **Wildlife has been seen on the property, ie gopher turtles.**
 - **The increased square miles, approx 30% in 10 years yielded little to no additional parks/green spaces**
 - <https://www.census.gov/quickfacts/fact/table/palmbaycityflorida#>
 - Population per square mile, 2010 1,570.6
 - Land area in square miles, 2020 86.42
 - Land area in square miles, 2010 65.70

3. HOUSING ELEMENT

- a) The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the city.
- **Please explain how adding 126 MF units not adversely impact the favorably of housing?**
 - <https://www.redfin.com/city/13979/FL/Palm-Bay/housing-market>
 - **Avg home is sold over 300\$k**
 - <https://www.census.gov/quickfacts/fact/table/palmbaycityflorida#>
 - **1 april 2021, population +119k, increased 2.6%**
 - **Household income (in 2020 dollars), 2016-2020 \$52,435**
 - **Median household income (in 2020 dollars), 2016-2020 \$52,435**
 - **Per capita income in past 12 months (in 2020 dollars), 2016-2020 \$24,075**
 - **Persons in poverty, percent 13.4%**
 - **Economy In civilian labor force, total, percent of population age 16 years+, 2016-2020 57.6%**

4. INFRASTRUCTURE ELEMENTS

- a) Utilities

- According to PB city code
 - Wastewater collection systems to assure compatibility with the City's wastewater system and upon connection to prevent damage thereto.
 - Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface
 - the diversion of stormwater, etc from effecting adversely to surrounding neighborhood and canals.
 - The owner/developer will be responsible for extending service to the site in accordance with current City regulations.
 - **Will the extended water service main lines from Babcock to Fallon to the proposed property be upgraded to accommodate the 126 MF units with an unknown # of residents per unit?**
 - **Will the wastewater needs to be privately owned wastewater collection systems to assure compatibility with the City's wastewater system and upon connection to prevent damage thereto. Where as our neighborhood is entirely on septic systems**
- The staff report did not include impact of the electrical grid currently under a 30 yr contract with FPL.
 - **Will the proposed 127 units:**
 - **have underground wiring**
 - **above ground transfer boxes**
 - **upgrade the power grid from Babcock to Ladner**

b) Drainage

- According to PB city code
 - The owner of real property is responsible for providing and maintaining stormwater drainage facilities to collect and dispose of stormwater on-site.
- The city of PB has enacted Ord. 95-33, passed 8-24-95
 - SLOPE. A degree of deviation of a surface from the horizontal; measured as a numerical ratio, percentage, or in degrees. Expressed as a ratio, the first number is the horizontal distance and the second is the vertical distance, such as two to one (2:1). A two to one (2:1) slope is a fifty percent (50%) slope.
 - **If the city officials truly cares about our city environment, why do we have so many different elevations?**
 - **This proposed property of 127 units will only compound the currently overloaded stormwater runoff maintained on a case by case for basis.**

5. INTERGOVERNMENTAL COORDINATION ELEMENT

a) Public Schools

- Some impacts to the public-school system area are anticipated
 - **I am only citing the closest public-school**
 - **The closest elementary Port Malabar Elementary**
 - **Was the school board contacted in regard availability to accommodate**
 - **buses and student spaces for potential new students**

6. RECREATION AND OPEN SPACE ELEMENT

- a) would increase the demand for recreation services as compared to the existing public needs, due to potential increase in density. However, the requested use would not exceed the existing parkland or recreational level of service standards for the planning area.
- **How neighborhood has zero recreation, the 2 +- acres on Dunbar was supposed to be a park.**
 - **The city sold the property to a private relator which inturned sold said property 2 different home owners.**

- **Total disregard to the recreation and open space lacking in our neighborhood**
7. TRANSPORTATION ELEMENT
- a) Provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community.
 - **Currently, the major outlet for our community is Fallon Blvd.**
 - **Fallon and Babcock is a dangerous intersection**
 - **speeding**
 - **currently the hold time at fallon blvd is appox 2 min and 50 sec, regardless of time and day.**
 - **The closest fire dept is located at PT Malabar road**
 - Currently, Ladner is the only road into and out of the 17+- acres
 - **Is the proposed property going to include:**
 - **additional road from said property to Metroplex rd to alleviate the additional traffic vehicles and ensure surrounding properties have timely access to the fire dept and hospital on malabar road**
 - **Improve roads from babcock to ladner due to the excessive amount of heavy construction vehicles and future vehicle traffic**

Summary

1. As a 40 = yr resident, have seen many improvements from no point on a map of florida to a map and one of the fastest growing cities in our county.
2. Drainage issues with stormwater runoff from private homes onto adjacent properties.
3. Lack of infrastructure improvements and maintenance, ie sidewalks, roads, stormwater, culverts, recreation parks
4. Lack of hiring of police, fire, recreation, code enforcement officers, and other city staff positions.
5. With the increase of population should cause an increase of revenue from our property taxes, is the City ensuring adequate staffing and safe infrastructure?
6. I hear too many city employees mentioning we don't have staffing
7. Adding MF units into the middle of a single family residential community will not provide economically and environmentally safe guards for our future generations. Will increase the crime and traffic carbon footprint.

City of Palm Bay

Planning and Zoning

6 July 2022

6pm

CP-25-2022 – Crown Villas at Palm Bay

Presenter:

Leslie Wohlfeld

SSG, USAR Retired

450 Georges AVE NE

FUTURE LAND USE ELEMENT

The intended use for the 17.41-acre property will include 126 Multiple-Family [MF] dwellings. The Multiple-Family Future Land Use will create a transition in intensity and density, moving from a more intense use to lower density. As such, the proposed land use amendment would be considered

CONSERVATION ELEMENT

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

1. Please explain how destroy 17.41 +/- acres is protecting our natural resources?

HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the city.

1. Please explain how adding 126 MF units not adversely impact the favorably of housing?

INFRASTRUCTURE ELEMENTS

-Utilites

According to PB city code

Wastewater collection systems to assure compatibility with the City's wastewater system and upon connection to prevent damage thereto.

Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface

INTERGOVERNMENTAL COORDINATION ELEMENT

- Public Schools

Some impacts to the public-school system area are anticipated

1. I am only citing the closest public-school

2. The closest elementary Port Malabar

TRANSPORTATION ELEMENT

Provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community.

1. Currently, the major outlet for our community is Fallon Blvd.

2. Fallon and Babcock is a dangerous

Summary

A. As a 40 = yr resident, have seen many improvements from no point on a map of flordia to a map and one of the fasting growing cities in our county.

B. Drainage issues with stormwater runoff from private homes onto adjacent

From: [Terese Jones](#)
To: [Chandra Powell](#); [Alexandra Bernard](#); [Jesse Anderson](#)
Subject: FW: "Amended" Request
Date: Thursday, July 28, 2022 8:51:27 AM

From: Terri Keck <tk32106@gmail.com>
Sent: Wednesday, July 27, 2022 4:55 PM
To: Terese Jones <Terese.Jones@palmbayflorida.org>
Subject: "Amended" Request

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.

Date: July 27, 2022

TO: CITY CLERK, PALM BAY, Florida.

This email will serve as my "Amended" written Notice as an aggrieved person Opposed to the proposed changes to the Future Land Use Plan, to be considered at the Quasi-Judicial hearing to be held on August 4, 2022, at Palm Bay City Hall.

Case:CP-25-2022 and CPZ-25-2022

This proposed action will negatively effect my real property value, my quality of life, and my pursuit of happiness in my home.

This filing of Notice will serve as proper notice to all parties of my intent to testify, present evidence, (including photographs), bring forth witnesses, and cross-examine witnesses during the afore mentioned Quasi-Judicial Hearing.

Respectfully Submitted,

Teresa Keck
372 Butler Ave NE
Palm Bay Florida 32907

Phones:
Home: 321-729-9308
Cell: 321-693-9014

My name is: Paul J. Rosman
Address: 2373 Fallon Blvd. NE, Palm Bay, FL 32907
Phone: 772-359-0804,
paulrosman@yahoo.com
Date: July 28, 2022

Office of The
JUL 28 2022
City Clerk

Palm Bay City Council
120 Malabar Rd.
Palm Bay, FL

I desire to become a party in the quasi-judicial proceedings for the following 2 Cases: CP-25-2022 & CPX-25-2022. The Subject Property consists of approximately 17.41 acres at the west end of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

The reasons behind this request are as follows:

A: I purchased my property for it's quiet, residential charm. Adding a high density, multi family rental complex in my neighborhood would drastically alter the original zoning designation, thus creating excessive traffic and congestion.

B: Having a rental apartment complex close by would drastically reduce my (and my neighbor's) property values.

C: Environmental impact: Source of light pollution, litter, wildlife disruption.

D: Infrastructure impact: Excessive strain on water supply, internet connectivity, school capacity, and stormwater disbursement.

All of these reasons will have an aggrieved and effected impact on my rights, as guaranteed by the US Constitution.

Sincerely,

A handwritten signature in black ink that reads "Paul J. Rosman". The signature is stylized with a large, looping "P" and "R".

Paul J. Rosman

Terese Jones

From: s llewellyn <soulsteve@hotmail.com>
Sent: Friday, July 29, 2022 3:33 PM
To: Terese Jones
Subject: Request / Notice

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.

Date: July 29, 2022

TO: CITY CLERK, PALM BAY, Florida.

I am writing after being informed by other concerned parties that it is necessary to provide this notice in order to speak before the City Council on August 4, 2022 regarding the matter referenced below. If I am in error, please advise as to how to proceed.

This email will serve as my "Amended" written Notice as an aggrieved person Opposed to the proposed changes to the Future Land Use Plan, to be considered at the Quasi-Judicial hearing to be held on August 4, 2022, at Palm Bay City Hall.

Case:CP-25-2022 and CPZ-25-2022

This proposed action will negatively affect my real property value, my quality of life, and my pursuit of happiness in my home.

This filing of Notice will serve as proper notice to all parties of my intent to testify, present evidence, (including photographs), bring forth witnesses, and cross-examine witnesses during the afore mentioned Quasi-Judicial Hearing.

Respectfully Submitted,

Stephen Llewellyn
2012 Kent St. NE
Palm Bay Florida 32907

Phone: 321-704-6141

Terese Jones

From: Kenny Johnson
Sent: Friday, July 29, 2022 1:02 PM
To: Suzanne Sherman; Terese Jones; Patricia D. Smith
Subject: Fwd: Rezoning of Ladner Rd. off Fallon Blvd.

Sincerely,
Kenny Johnson
Palm Bay City Councilman Seat 4
321-474-0183

From: nancy heinz <n57heinz@yahoo.com>
Sent: Wednesday, July 27, 2022 1:20:47 PM
To: Kenny Johnson <Kenny.Johnson@palmbayflorida.org>
Subject: Rezoning of Ladner Rd. off Fallon Blvd.

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.

Kenny Johnson

I am a taxpayer who lives on Minor Ave, NE off Fallon Blvd.

I am opposed to the current rezoning proposal of Ladner Rd off Fallon Blvd. for a 175-unit rental complex.

Fallon Blvd. and Ladner Rd. are both dead end roads. The people who live here would have a difficult time evacuating in the case of an emergency.

Fallon Blvd. already has speeders and people who run the stop signs from the side streets.

I am opposed to the destruction of the habitats in the woods that would be destroyed. There is far too much of that, and these animals have nowhere to go.

The zoning board has already proven they don't care about anything the people are concerned about. You must care and vote no this proposal!

Our police, fire, and schools will be overwhelmed with the added services.

Do you really think Port Malabar Elementary School can handle a possible 175 plus more students?

The city council must have the courage to say NO to this proposal!

VOTE NO TO THE PROPOSED REAZONING OF LADNER OFF FALLON FOR THE 175 UNIT RENTAL COMPLEX!

Nancy Heinz

Terese Jones

From: paul rosman <paulrosman@yahoo.com>
Sent: Friday, July 29, 2022 11:26 AM
To: Terese Jones
Subject: August 4th Council Meeting, Case #'s CP-25-2022 & CPZ-25-2022

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.

Paul J. Rosman
2373 Fallon Blvd. NE
Palm Bay, FL 32907

Phone:
Cell: 772-359-0804
Email: paulrosman@yahoo.com

Date: July 29, 2022

TO: CITY CLERK, PALM BAY, FLORIDA.

This email will serve as my "Amended" written Notice as an aggrieved person Opposed to the proposed changes to the Future Land Use Plan, to be considered at the Quasi-Judicial hearing to be held on August 4, 2022, at Palm Bay City Hall.

Case CP-25-2022 and CPZ-25-2022

This proposed action will negatively affect my real property value, my quality of life, and my pursuit of happiness in my home.

This filing of Notice will serve as proper notice to all parties of my intent to testify, present evidence, (including photographs), bring forth witnesses, and cross-examine witnesses during the afore mentioned Quasi-Judicial Hearing.

Respectfully Submitted,

Paul J. Rosman

Terese Jones

From: Pat Dalpra <pdalprabealive@gmail.com>
Sent: Friday, July 29, 2022 10:05 AM
To: Terese Jones
Subject: Amended Request

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.

Date: July 29, 2022

TO: CITY CLERK, PALM BAY, Florida.

This email will serve as my "Amended" written Notice as an aggrieved person Opposed to the proposed changes to the Future Land Use Plan, to be considered at the Quasi-Judicial hearing to be held on August 4, 2022, at Palm Bay City Hall.

Case:CP-25-2022 and CPZ-25-2022

This proposed action will negatively affect my real property value, my quality of life, and my pursuit of happiness in my home. This filing of Notice will serve as proper notice to all parties of my intent to testify, present evidence, (including photographs), bring forth witnesses, and cross-examine witnesses during the aforementioned Quasi-Judicial Hearing.

Respectfully Submitted,

Patricia Dalpra
410 Georges Ave NE
Palm Bay, Florida 32907

Phones
Home 321-725-1293
Cell 321-604-9495

Terese Jones

From: Nathaniel Levy <levynathaniel@gmail.com>
Sent: Friday, July 29, 2022 9:56 AM
To: Terese Jones
Subject: Filing as Aggrieved party for August 4 city council meeting

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.

TO: CITY CLERK, PALM BAY, Florida.

This email will serve as my "Amended" written Notice as an aggrieved person Opposed to the proposed changes to the Future Land Use Plan, to be considered at the Quasi-Judicial hearing to be held on August 4, 2022, at Palm Bay City Hall.

Case:CP-25-2022 and CPZ-25-2022

This proposed action will negatively effect my real property value, my quality of life, and my pursuit of happiness in my home. This filing of Notice will serve as proper notice to all parties of my intent to testify, present evidence, (including photographs), bring forth witnesses, and cross-examine witnesses during the afore mentioned Quasi-Judicial Hearing.

Respectfully Submitted,

Nathaniel Levy
242 Butler Ave NE
Palm Bay Florida 32907

Cell: 4074091909

ORDINANCE 2022-79

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 RS-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO RM-10 (SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED IN THE VICINITY WEST OF LADNER ROAD AND SOUTH OF MELBOURNE TILLMAN WATER CONTROL DISTRICT CANAL 82, 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 RS-2, (Single-Family Residential District) to RM-10 (Single-, Two-, Multiple-Family Residential District), being legally described as follows:

Tax Parcel 762, of the Public Records of Brevard County, Florida; Section 34, Township 28S, Range 37E; containing 17.41 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 2022-78.

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

City of Palm Bay, Florida
Ordinance 2022-79

Reviewed by CAO: _____

Applicant: Francis and Anna Bourne
Case: CPZ-25-2022

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: 8/4/2022

RE: Ordinance 2022-80, vacating a portion of the road right-of-way known as Kinney Avenue NE, lying between Orange Blossom Trail and the Florida East Coast Railway (0.50 acres) (Case VRW-2-2022, Palm Bay Marina, LLC), first reading.

Palm Bay Marina, LLC – Johnathan Cohen, Manager, has submitted an application to vacate Kinney Avenue NE 50' Right-of-Way lying between Orange Blossom Trail and FEC Railway. Plat of Tillman, as recorded in Plat Book 2, Page 4, of the Public Records of Brevard County, Florida. To incorporate land within the development.

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:

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

1. Pre post conditions; historical drainage to this right-of-way shall not be blocked
2. Vacating and easements contingent on-Site plan approval and permitting.
3. Vacating of Street/Right-of-Way contingent upon proof of ownership of Parcel Id's: 28-37-24-25-5; 28-37-24-25-6-1; 28-37-24-25-6-2.

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 - VRW-2-2022

Ordinance 2022-80



DATE: July 19, 2022
CASE #: VRW-2-2022

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 FEC Railway. Plat of Tillman, as recorded in Plat Book 2, Page 4, of the Public Records of Brevard County, Florida.

LOCATION: Parcel ID's: 28-37-24-25-5, 28-37-24-25-6-1, and 28-37-24-25-6-2

APPLICANT: Palm Bay Marina, LLC – Johnathan Cohen, Manager.

SITE DATA

PRESENT ZONING: BMUV-Bayfront Mixed Use/Village

AREA OF VACATING: 22,015 sq ft+/- = 0.50 Acres +/-

**ADJACENT ZONING
& LAND USE:**
N BMUV-Bayfront Mixed Use/Village
E Orange Blossom Trail NE
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.

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

1. Pre post conditions; historical drainage to this right-of-way shall not be blocked
2. Vacating and easements contingent on-Site plan approval and permitting.
3. ***Vacating of Street/Right-of-Way contingent upon proof of ownership of Parcel Id's: 28-37-24-25-5; 28-37-24-25-6-1; 28-37-24-25-6-2.***

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.

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

1. Pre post conditions; historical drainage to this right-of-way shall not be blocked
2. Vacating and easements contingent on-Site plan approval and permitting.
3. ***Vacating of Street/Right-of-Way contingent upon proof of ownership of Parcel Id's: 28-37-24-25-5; 28-37-24-25-6-1; 28-37-24-25-6-2.***

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-Z-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): Palm Bay Marina, LLC - Johnathan Cohen, Manager

Address: 1955 Harrison Street, Suite 200

City: Hollywood, FL Zip Code: 33020

Phone Number: 954-434-5001 Fax Number: _____

Email: jcohen@adeloncapital.com

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

Attached

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: _____

Printed Name of Applicant: Johnathan Cohen, Manager - Palm Bay Marina LLC

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

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



SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com

CERTIFICATE OF AUTHORIZATION LB#3870

**LEGAL DESCRIPTION:**

A PORTION OF RIGHT-OF-WAY OF KENNY AVENUE, "PLAT OF TILLMAN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 5 OF SAID PLAT; THENCE SOUTH 54°57'52" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 5 FOR 800.63 FEET TO A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID BLOCK 5, HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 13°25'34", FOR AN ARC DISTANCE OF 162.86 FEET TO THE POINT OF BEGINNING ALSO BEING A POINT OF NON-TANGENCY; THENCE NORTH 73°41'26" WEST FOR 440.00 FEET; THENCE SOUTH 16°40'11" WEST FOR 50.00 FEET; THENCE SOUTH 73°41'26" EAST FOR 441.21 FEET TO THE NORTHEAST CORNER OF BLOCK 6 OF SAID PLAT, ALSO BEING A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE NORTHEASTERLY ALONG CURVE HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 04°07'25", FOR AN ARC DISTANCE OF 50.02 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN BREVARD COUNTY, FLORIDA AND CONTAINING 22,015 SQUARE FEET, MORE OR LESS.

NOTES:

1. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. BEARINGS ARE BASED ON STATE PLANE COORDINATES AND ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT, FL-E ZONE, WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF MORRIS AVENUE NE BEING S54°57'52"E.
3. THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
4. ALL RECORDED DOCUMENTS ARE PER BREVARD PUBLIC COUNTY RECORDS.

CLIENT: ADELON CAPITAL

SCALE: N/A

DRAWN: J.M.P.

ORDER NO.: 70174

DATE: 6/30/22

PORTION OF RIGHT-OF-WAY TO BE VACATED

BREVARD COUNTY, FLORIDA

FOR: PALM BAY

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR
COMPLETE WITHOUT SHEETS 1 AND 2**John F Pulice**

Digitally signed by John F Pulice

Date: 2022.07.20 11:22:59

-04'00'

- ☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
☐ DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
STATE OF FLORIDA



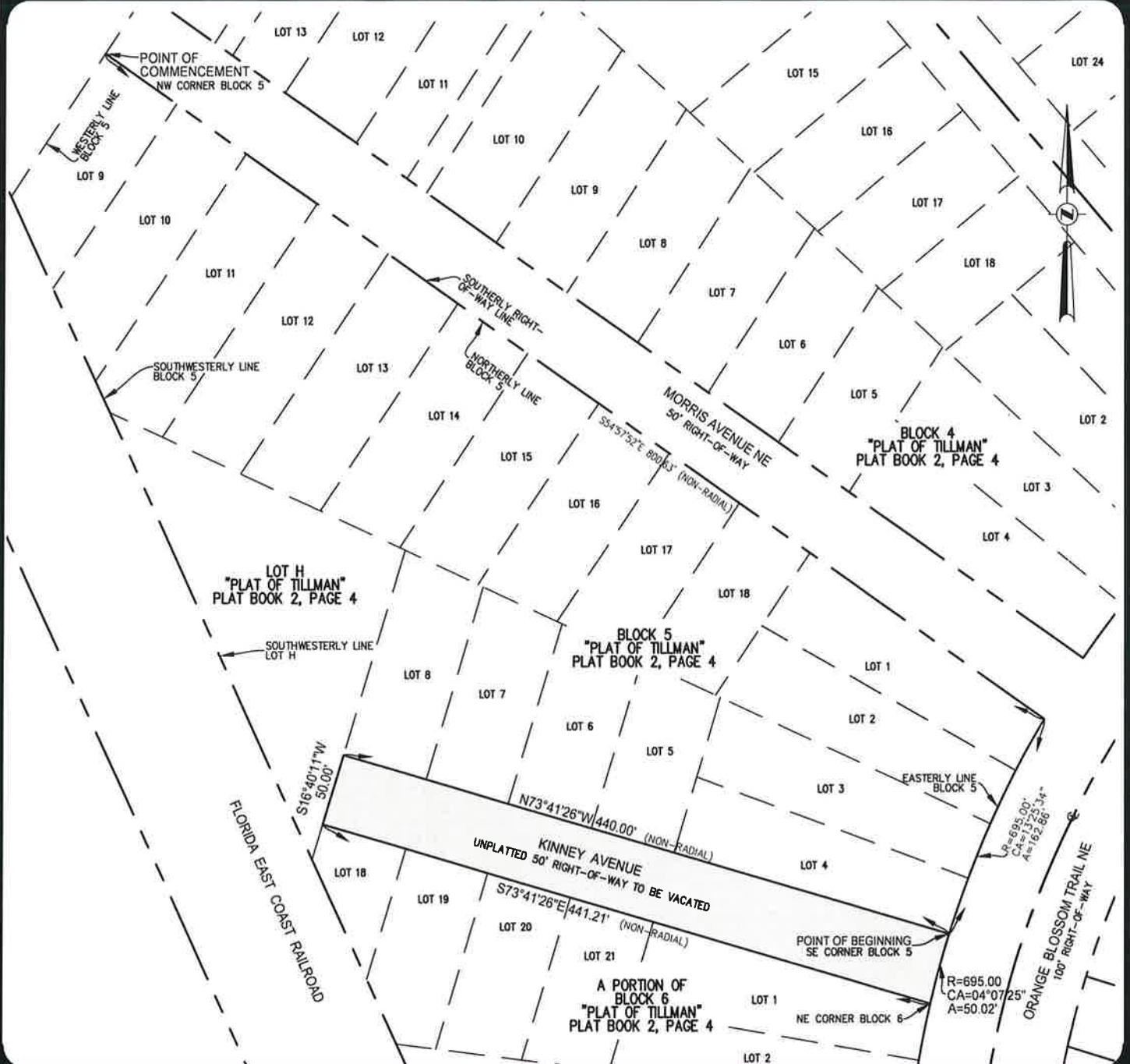
SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com

CERTIFICATE OF AUTHORIZATION LB#3870



CLIENT: ADELON CAPITAL

SCALE: 1"=100'

DRAWN: J.M.P.

ORDER NO.: 70174

DATE: 6/30/22

PORTION OF RIGHT-OF-WAY TO BE VACATED

BREVARD COUNTY, FLORIDA

FOR: PALM BAY

SHEET 2 OF 2

THIS DOCUMENT IS NEITHER FULL NOR
COMPLETE WITHOUT SHEETS 1 AND 2

LEGEND:



CENTERLINE

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 July 20, 2022.

VRW-2-2022

0 25 50 100
 Feet
 1 inch = 100 feet



June 16, 20 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

Tillman, Plat of All Blk 5, Plat Book 0002, pg 0004. Parcel ID 28-37-24-25-5

I, Owner Name: Johnathan Cohen, Manager for Palm ay Marina LLC

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

Telephone: 954-434-5001

Email: jcohen@adeloncapital.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:

ROW 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 16th day of June, 20 22 by

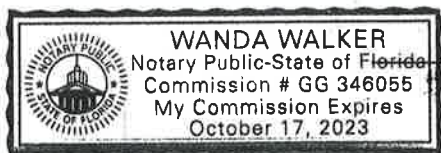
Jonathan Cohen

, property owner.

Wanda Walker
Wanda Walker

, Notary Public

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



JUL 18 2022

CITY OF PALM BAY
PUBLIC WORKS

July 11

, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID 28-37-24-25-6-2 / Tax ID 2866311

I, Owner Name: Suzanne Sherman for City of Palm Bay

Address: 120 Malabar Road, Palm Bay, FL 32907

Telephone:

Email: suzanne.sherman@cityofpalmbay.org

hereby authorize:

Representative: Johnathan Cohen of Palm Bay Marina LLC

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

Telephone: 954-434-5001

Email: jcohen@adeloncapital.com

to represent the request(s) for:

Road Vacate - Portion of Kinney Ave. + / - 22,015 SF

(Property Owner Signature)

STATE OF FloridaCOUNTY OF BrevardThe foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of July, 20 22 bySuzanne Sherman, property owner.Kristin SuosKristin Suos, Notary Public☒ Personally Known or ☐ Produced the Following Type of Identification:

July 11, 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID 28-37-24-25-6-1 / Tax ID 2832602

I, Owner Name: Suzanne Sherman for Bayfront Community Redevelopment Agency

Address: 120 Malabar Road, Palm Bay, FL 32907

Telephone:

Email: suzanne.sherman@cityofpalmbay.org

hereby authorize:

Representative: Johnathan Cohen of Palm Bay Marina LLC

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

Telephone: 954-434-5001

Email: jcohen@adeloncapital.com

to represent the request(s) for:

Road Vacate Portion of Kinney Ave. + / - 22,015 SF

(Property Owner Signature)

STATE OF Florida

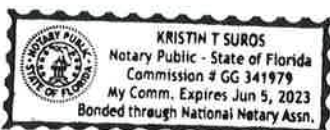
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of July, 2022 by

Suzanne Sherman, property owner.

Kristin Suras, Notary Public

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



ORDINANCE 2022-80

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 THE FLORIDA EAST COAST RAILWAY, 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, Palm Bay Marina, 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 Florida East Coast Railway, 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 the Florida East Coast Railway, being more particularly described as follows:

A PORTION OF RIGHT-OF-WAY OF KINNY AVENUE, "PLAT OF TILLMAN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 5 OF SAID PLAT; THENCE SOUTH 54°57'52" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 5 FOR 800.63 FEET TO A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID BLOCK 5, HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 13°25' 34", FOR AN ARC DISTANCE OF 162.86 FEET TO THE POINT OF BEGINNING ALSO BEING A POINT OF NON-TANGENCY;

THENCE NORTH 73°41'26" WEST FOR 440.00 FEET; THENCE SOUTH 16°40'11" WEST FOR 50.00 FEET; THENCE SOUTH 73°41'26" EAST FOR 441.21 FEET TO THE NORTHEAST CORNER OF BLOCK 6 OF SAID PLAT, ALSO BEING A POINT ON THE ARC OF A CIRCULAR NON- TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE NORTHEASTERLY ALONG CURVE HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 04°07'25", FOR AN ARC DISTANCE OF 50.02 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN BREVARD COUNTY, FLORIDA AND CONTAINING 22,015 SQUARE FEET, MORE OR LESS.

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

- A. Pre post conditions; historical drainage to this right-of-way shall not be blocked.
- B. Vacating and easements contingent upon site plan approval and permitting.
- C. Vacating of street/right-of-way contingent upon proof of ownership of Parcel ID's: 28-37-24-25-5; 28-37-24-25-6-1; 28-37-24-25-6-2.
- D. 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.
- E. 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: Palm Bay Marina, LLC
Case: VRW-2-2022

cc: (date) Brevard County Recording
Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 8/4/2022

RE: Ordinance 2022-81, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north and south of Orange Blossom Trail, in the vicinity west of Dixie Highway, from Bayfront Mixed Use Village to Bayfront Mixed Use (8.941 acres) (CP-27-2022, Adelon), only one reading required.

Mr. Carlos Rajlin, Bayfront Blossom, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Alberto Krygier, Adelon Corporation, Reps.) and the City of Palm Bay (represented by the Growth Management Department) have submitted for a small-scale future land use map amendment from Bayfront Mixed Use Village to Bayfront Mixed Use. The undeveloped 8.94 acres of land is located north of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE.

The proposed land use amendment will allow for development of a higher-density, intensity, and diversified living environment within an area that has been underdeveloped. The BMU land use amendment is compatible with the surrounding area and aligns with the City's vision of providing a mixture of uses in the BMU district. The subject property is not within a scrub jay polygon, and any protected species found on the site would need to be mitigated as required by State and Federal regulations. The owner/developer will be responsible for extending water and sewer service to the site in accordance with current City regulations. A drainage plan and any stormwater management system will be reviewed and approved by the City and the appropriate agencies during the site plan review process. A traffic impact analysis will also be required during the site plan review to determine negative impacts on the existing transportation system and any suggested improvements.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CP-27-2022.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:

Description

Case CP-27-2022 - Survey

Case CP-27-2022 - Staff Report - Revised

Case CP-27-2022 - Narrative

Case CP-27-2022 - School Impact Analysis Letter

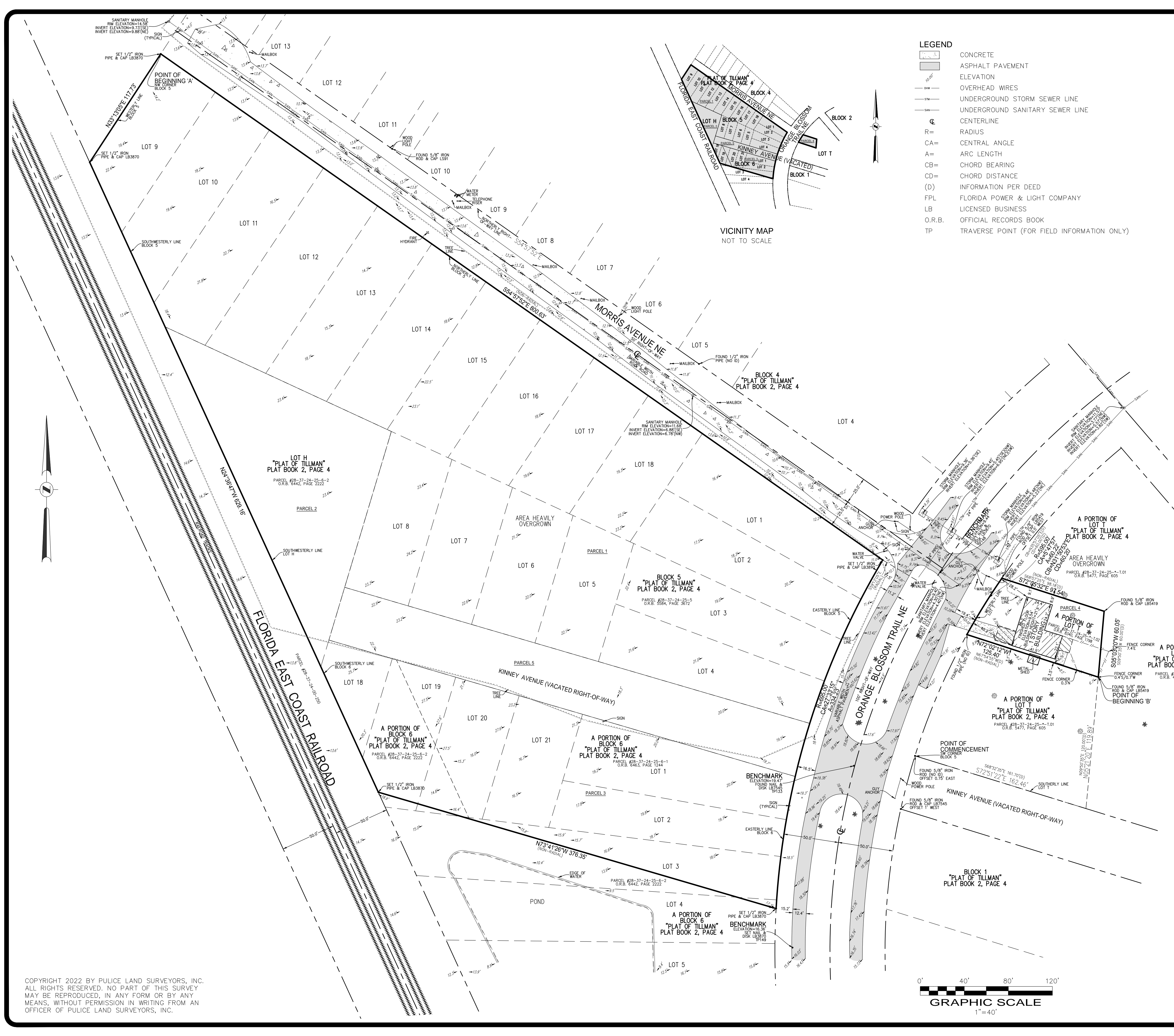
Case CP-27-2022 - Board Minutes

Case CP-27-2022 - Application

Case CP-27-2022 - City & CRA Letters of Authorization

Ordinance 2022-81

Ordinance 2022-81, Exhibit A



LEGAL DESCRIPTION: (BY SURVEYOR)
LOT H, ALL OF BLOCK 5, LOTS 1, 2, 18, AND 21, A PORTION OF LOTS 3, 4, 19, AND 20, BLOCK 6, AND A PORTION OF THE VACATED RIGHT-OF-WAY OF KINNEY AVENUE, "PLAT OF TILLMAN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 5; THENCE SOUTH 54°57'52" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 5 FOR 800.63 FEET TO A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID BLOCK 5 AND ITS SOUTHERLY EXTENSION AND CONTINUING ALONG THE EASTERLY LINE OF SAID BLOCK 6, BEING THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 27°33'15", FOR AN ARC DISTANCE OF 334.23 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 73°41'26" WEST 376.35 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID BLOCK 6; THENCE NORTH 24°36'47" WEST ALONG THE SOUTHWESTERLY LINE OF BLOCK 6, LOT H, AND BLOCK 5 FOR 629.16 FEET; THENCE NORTH 33°13'05" EAST ALONG THE WESTERLY LINE OF BLOCK 5 FOR 117.73 FEET TO POINT OF BEGINNING 'A'

TOGETHER WITH:
A PORTION OF LOT T OF SAID "PLAT OF TILLMAN", MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT T; THENCE SOUTH 72°51'22" EAST ALONG THE SOUTHERLY LINE OF SAID LOT T 162.46 FEET; THENCE NORTH 05°21'20" EAST 119.89 FEET TO POINT OF BEGINNING 'B'; THENCE NORTH 72°02'12" WEST 125.40 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT T, BEING A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 05°47'57", FOR AN ARC DISTANCE OF 60.22 FEET WITH A CHORD BEARING OF NORTH 31°50'53" EAST AND A CHORD DISTANCE OF 60.20 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 72°05'32" EAST 97.54 FEET; THENCE SOUTH 05°03'20" WEST 60.05 FEET TO POINT OF BEGINNING 'B'.

SAID LANDS LYING AND BEING IN THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA AND CONTAINING A TOTAL OF 270,132 SQUARE FEET (6.2014 ACRES), MORE OR LESS.

- NOTES:**
- THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988. BREVARD COUNTY BENCHMARK #700126; ELEVATION: 18.147 FEET.
 - FLOOD ZONE: X; BASE FLOOD ELEVATION: NONE; PANEL #12009C0612H; COMMUNITY #120404; MAP DATE: 1/29/21.
 - THIS SITE LIES IN SECTION 24, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.
 - BEARINGS ARE BASED ON STATE PLANE COORDINATES AND ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT, FL-E ZONE, WITH THE NORTHERLY RIGHT-OF-WAY LINE OF MORRIS AVENUE NE BEING S54°57'52"E.
 - REASONABLE EFFORTS WERE MADE REGARDING THE EXISTENCE AND THE LOCATION OF UNDERGROUND UTILITIES. THIS FIRM, HOWEVER, DOES NOT ACCEPT RESPONSIBILITY FOR THIS INFORMATION. BEFORE EXCAVATION OR CONSTRUCTION CONTACT THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION.
 - THE HORIZONTAL POSITIONAL ACCURACY OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.07'. THE VERTICAL ACCURACY OF ELEVATIONS OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.07'.
 - THIS SITE CONTAINS XX TOTAL CLEARLY IDENTIFIABLE PARKING SPACES (XX REGULAR & XX DISABLED).
 - THIS SURVEY WAS PREPARED WITH BENEFIT OF OWNER'S POLICY, FILE NUMBER 05100120, ISSUED BY ALLIANCE TITLE OF BREVARD, LLC, DATED DECEMBER 28, 2005 AT 10:28 A. THE FOLLOWING ITEMS ARE EXCEPTIONS IN SCHEDULE B-II OF SAID COMMITMENT: (AS TO BLOCK 5) ITEMS 1, 2, 3, 4, 5 & 6; INTENTIONALLY DELETED.
ITEM 7: STANDARD EXCEPTIONS, NOT ADDRESSED.
ITEM 8: EASEMENTS AND ALL MATTERS IN PLAT BOOK 2, PAGE 4 APPLY TO THIS SITE: THERE ARE NO PLATTED EASEMENTS.
ITEMS 9-13: NOT ADDRESSED.
 - ALL RECORDED DOCUMENTS ARE PER BREVARD COUNTY PUBLIC RECORDS.
 - THE LEGAL DESCRIPTION IN THE ABOVE TITLE COMMITMENT IS WHOLLY CONTAINED IN THE SURVEYOR'S LEGAL DESCRIPTION.

CERTIFICATION:
I HEREBY CERTIFY: THAT THIS MAP OF SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

- ☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
☐ DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
STATE OF FLORIDA

5		REVISIONS		BY	
4					
3					
2					
1					
NO.					

PALM BAY SITE
ORANGE BLOSSOM TRAIL NE & MORRIS AVENUE NE
PALM BAY, FLORIDA 32905
(CITY OF PALM BAY, BREVARD COUNTY)

**BOUNDARY AND TOPOGRAPHIC SURVEY
ALTA/NSPS LAND TITLE SURVEY**

PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777
FAX: (954) 572-1778
E-MAIL: surveys@puliceandsurveyors.com
WEBSITE: www.puliceandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB#3870

DRAWN BY: L.S.
CHECKED BY: J.F.P.

SCALE: 1" = 40'
SURVEY DATE: 4/19/22

CLIENT: ADELON CAPITAL
ORDER NO.: 69834



REVISED

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Stephen White, Principal Planner

CASE NUMBER

CP-27-2022

PLANNING & ZONING BOARD HEARING DATE

July 6, 2022

PROPERTY OWNER & APPLICANT

Carlos Rajlin, Bayfront Blossom, LLC
(Bruce, Moia, P.E., MBV Engineering, Inc./
Alberto Krygier, Adelon Corporation,
Reps.)

PROPERTY LOCATION/ADDRESS

All of Block 5 along with Lots 1-12, Lots 18-21 and Out
Lot 8, Section 24, Township 28, Range 37, Brevard
County, Florida. Located north and south of Orange
Blossom Trail NE and in the vicinity west of Dixie
Highway NE

SUMMARY OF REQUEST

The applicant is requesting a rezoning >>Future Land Use
classification<< from BMUV, Bayfront Mixed Use Village District, to
BMU, Bayfront Mixed Use.

Existing Zoning

BMUV, Bayfront Mixed Use Village District

Existing Land Use

Undeveloped Property

Site Improvements

Undeveloped Property

Site Acreage

Approximately 8.94 acres

SURROUNDING ZONING & USE OF LAND

North

BMUV, Bayfront Mixed Use Village District, vacant

East

BMUV, Bayfront Mixed Use Village District, single-family residences

South

BMUV, Bayfront Mixed Use Village District, single-family residences

West

RS-3, Single-Family Residential, single-family residences

BACKGROUND:

The subject properties are located north of and south of Orange Blossom TRL NE and in the vicinity west of Dixie Highway NE. Palm Bay, Florida 32905. The combined parcels are approximately 8.94 acres in size.

ANALYSIS:

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

1. FUTURE LAND USE ELEMENT

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

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

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

The intended use for the 8.94-acre property has a current FLU of BMUV. The proposed land use amendment to BMU would be considered compatible. The change will allow for a higher-density, intensity and diversified living environment. The development will further these goals by providing allowable uses on a property that has been underdeveloped. This amendment would also align with the City's vision of providing a mixture of Uses in the BMU.

2. CONSERVATION ELEMENT

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

The subject property is not located within any of the Florida scrub-jay polygons identified in the City's Habitat Conservation Plan (HCP). Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.

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

3. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the city.

4. INFRASTRUCTURE ELEMENTS

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

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

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

5. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed Future Land Use Map amendment to mainly alters the distribution of already entitled residential land. However, portions of the parcels under review are increasing the maximum density through the proposed land use change, which will add housing units. Some impacts to the public-school system area are anticipated; however, considering the adjacent concurrency service areas, there is sufficient capacity.

6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment would increase the demand for recreation services as compared to the existing public needs due to potential increase in density.

However, the requested use would not exceed the existing parkland or recreational level of service standards for the planning area.

7. TRANSPORTATION ELEMENT

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

8. PROPERTY RIGHTS ELEMENT

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

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

STAFF RECOMMENDATION:

Case CP-27-2022 is recommended for approval.



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



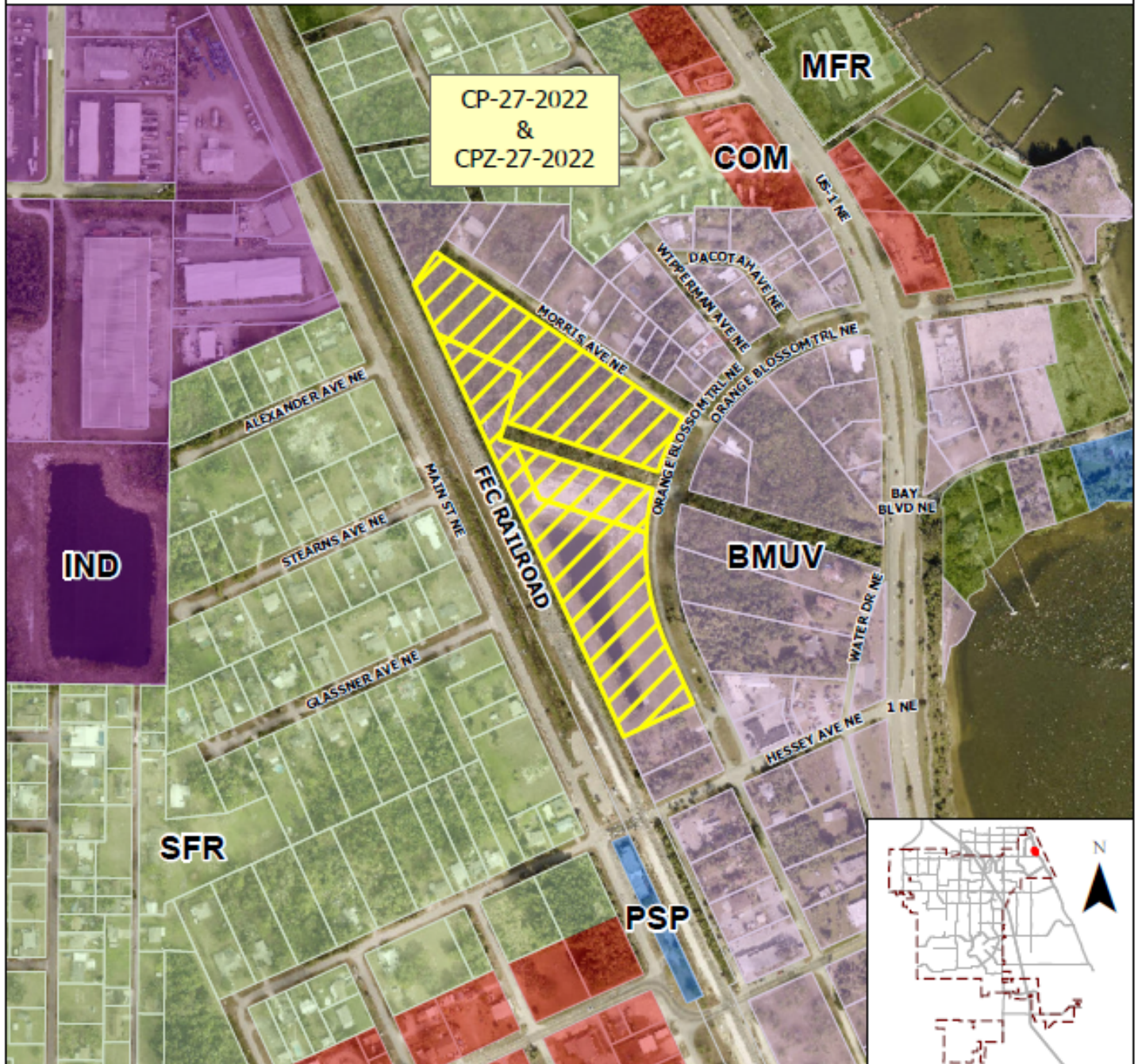
AERIAL LOCATION MAP CASE: CP-27-2022 & CPZ-27-2022

Subject Property

North of and south of 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-27-2022 & CPZ-27-2022

Subject Property

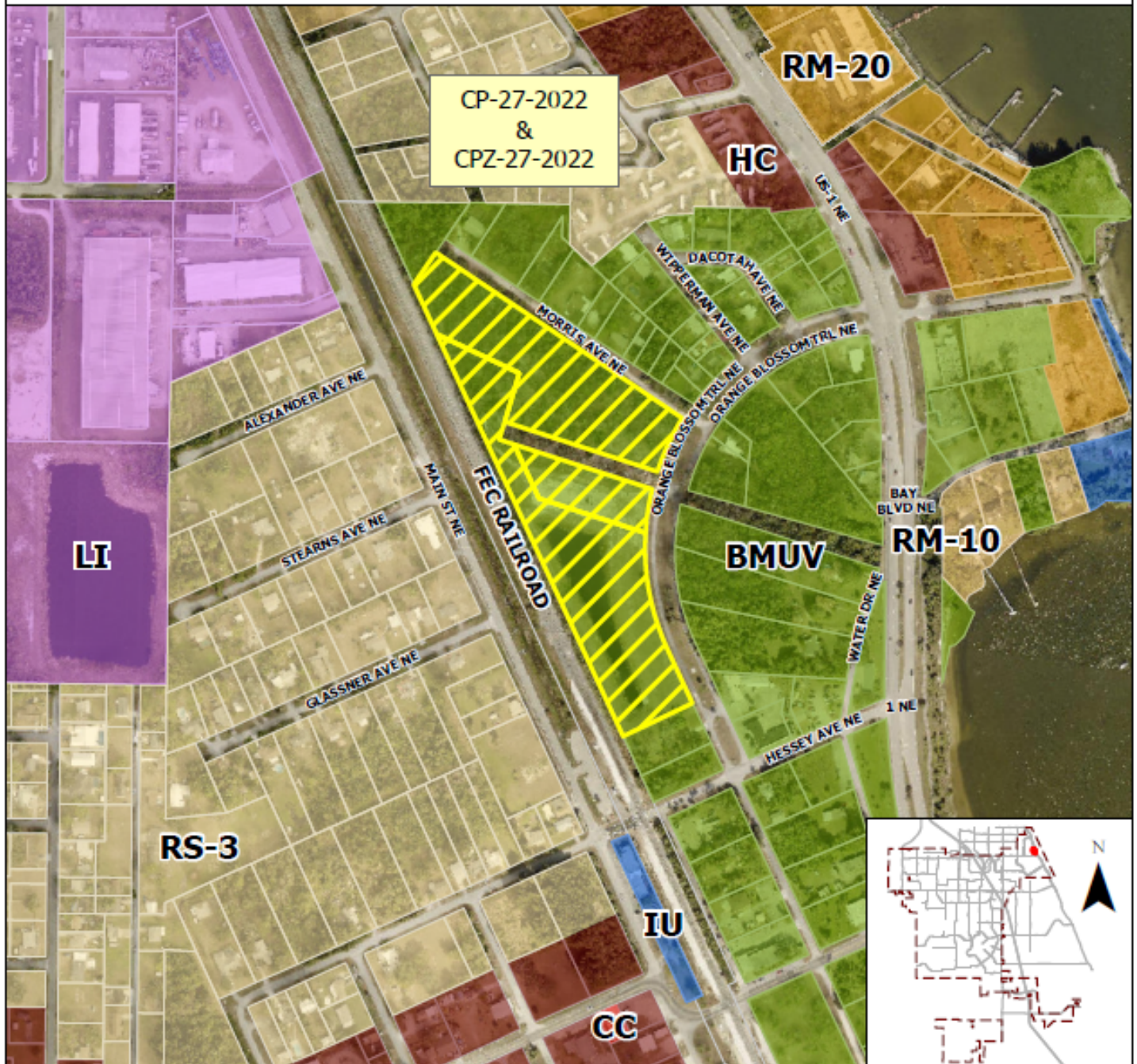
North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

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-27-2022 & CPZ-27-20222

Subject Property

North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Current Zoning Classification

BMUV – Bayfront Mixed Use Village



May 3, 2022

Ms. Chandra Powell
City of Palm Bay, Land Development Division
120 Malabar Road, S.E.
Palm Bay FL, 32909

Via Hand Delivery

RE: Adelon Bayfront
Parcel ID: 28-37-24-25-5 28-37-24-25-6-2 28-37-24-25-6-1
MBV Project #: 21-1068

Dear Ms. Powell:

Please allow this letter to serve as a narrative for the requested rezoning and FLU applications MBV Engineering is initiating at this time. The development is an additional 8.94 acres to be combined with the existing 8.73 acres that has already been submitted to the city under a separate cover. The total development with all parcels combined is +/- 17.67 acres. It will consist of a mixture of Commercial and Multi-Family, although the numbers for each have not yet been determined.

One of the properties that are included in these applications is owned by The City of Palm Bay and another is owned by the Bayfront Community Redevelopment Agency.

For your information, an additional ROW Vacate for the West side of Kinney Avenue is also being submitted to Joanne Agular.

The Current Zoning and FLU are both BMUV and we are requesting BMU. These applications for change will make the proposed development comply with the permitted use requirements for BMU. In addition, the proposed development will meet the LDR, and Comprehensive Plan requirements as follows:



Ms. Chandra Powell
The Landing at Bayside
MBV # 21-1048

	Required	Provided
Minimum (SFR) Lot Area	4,050 SF	5,050 SF
Density	5.86 U.P.A.	5.6 U.P.A.
Front Bldg. Setback	0	25" (20" for Townhomes)
Rear Bldg. Setback	10'	10'
Side Bldg. Setback	5'	5'
Side Interior Bldg. Setback	10'	10'

Applications brought forward to the City of Palm at this time consist of:

- Rezoning
- FLU Amendment
- Updated School Concurrency Application

Because this is a Rezoning and Comprehensive Plan Amendment Application, there will not be any Citizens Meetings, per COPB Code.

Contacts for the project are as follows:

Developer: Adelon Capital
MR Elias Cherem
1955 Harrison Street, Suite 200
Hollywood, FL 33020
echerem@adeloncapital.com

Owners: City of Palm Bay (28-37-24-25-6-2)

Bayfront Community Redevelopment Agency (28-37-24-25-6-1)

Bayfront Blossom, LLC (28-37-24-25-5)
Mr. Carlos Rajlin
1541 Brickell Avenue # 608
Miami, FL 33129



Ms. Chandra Powell
The Landing at Bayside
MBV # 21-1048

EOR: MBV Engineering Inc.
Bruce Moia, P.E., President
1250 W. Eau Gallie Blvd, Suite H
Melbourne FL 32935
321-253-1510
davidb@mbveng.com

Sincerely,

Wanda Walker, Permitting Coordinator

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Dr. Mark W. Mullins, Ed.D., Superintendent



June 27, 2022

Mr. Steven White
Principal Planner
City of Palm Bay
Growth Management Department
120 Malabar Road SE
Palm Bay, Florida 32907

**RE: Proposed Adelon Bayfront Development
School Impact Analysis – Capacity Determination CD-2022-31**

Dear Mr. Steven White,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2832602 (Parcel ID number: 28-37-24-25-6-1), Tax Account number 2832601 (Parcel ID number: 28-37-24-25-5) and Tax Account number 2866311 (Parcel ID number: 28-37-24-25-6-2) containing a total of approximately 8.94 acres in the City of Palm Bay, Florida. The proposed development includes 180 multi-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2022-23 to 2026-27 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27* which is attached for reference.

Multi-Family Homes	180		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.11	19.8	20
Middle	0.02	3.6	4
High	0.05	9	9
Total	0.18		33

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to
2026-27**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Palm Bay Elem		983	983	983	983	983
Stone		1,024	1,024	1,024	1,024	1,024
Palm Bay		2,631	2,631	2,631	2,631	2,631

Projected Student Membership

School		2022-23	2023-24	2024-25	2025-26	2026-27
Palm Bay Elem		567	571	570	602	622
Stone		747	706	745	772	846
Palm Bay		1,325	1,467	1,573	1,645	1,643

Students Generated by Newly Issued SCADL Reservations Since FFP

School		2022-23	2023-24	2024-25	2025-26	2026-27
Palm Bay Elem		-	-	-	-	-
Stone		-	-	-	-	-
Palm Bay		-	-	-	-	-

**Cumulative Students Generated by
Proposed Development**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Palm Bay Elem		-	20	20	20	20
Stone		-	4	4	4	4
Palm Bay		-	9	9	9	9

**Total Projected Student Membership (includes
Cumulative Impact of Proposed Development)**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Palm Bay Elem		567	591	590	622	642
Stone		747	710	749	776	850
Palm Bay		1,325	1,476	1,582	1,654	1,652

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Palm Bay Elem		416	392	393	361	341
Stone		277	314	275	248	174
Palm Bay		1,306	1,155	1,049	977	979

At this time, Palm Bay Elementary School, Stone Middle School and Palm Bay Magnet High School are projected to have enough capacity for the total of projected and potential students from the Adelon Bayfront development.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,



Karen M. Black, AICP
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2022-31

David G. Lindemann, AICP, Director of Planning & Project
Management, Facilities Services
File CD-2022-31



Adelon Bayfront Location Map

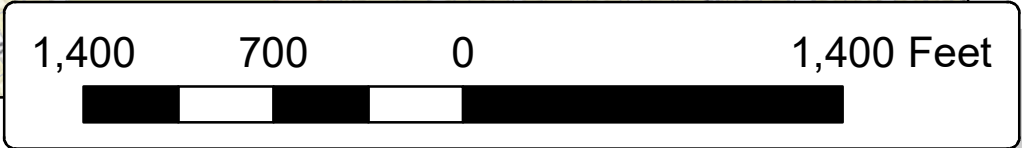


**Adelon Bayfront
180 Multi-Family Units**

PALM BAY ELEMENTARY

Schools Affected by Development:
Palm Bay Elementary School
Stone Middle School
Palm Bay Magnet High School

Drawn By:
Planning & Project Management
Blake Stinson
06/24/2022



Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the **100%** Level of Service

Data and Analysis for School Years 2021-22 to 2026-27



Summary	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
Highest Utilization Elementary Schools:	88%	89%	95%	98%	97%	99%
Highest Utilization Middle Schools:	88%	89%	90%	89%	92%	96%
Highest Utilization Jr / Sr High Schools:	84%	84%	82%	82%	79%	78%
Highest Utilization High Schools:	101%	100%	99%	95%	94%	97%

				School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27		
School	Type	Grades	Utilization Factor	FISH Capacity	10/15/21 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	630	84%	751	632	84%	751	694	92%	751	739	98%	773	752	97%	773	738	95%
Andersen	Elementary	K-6	100%	884	592	67%	884	591	67%	884	597	68%	884	589	67%	884	565	64%	884	554	63%
Apollo	Elementary	K-6	100%	902	782	87%	902	783	87%	902	755	84%	902	761	84%	902	739	82%	902	729	81%
Atlantis	Elementary	PK-6	100%	739	629	85%	739	630	85%	739	616	83%	739	600	81%	739	592	80%	739	576	78%
Audubon	Elementary	PK-6	100%	761	464	61%	761	464	61%	761	458	60%	761	438	58%	761	427	56%	761	440	58%
Cambridge	Elementary	PK-6	100%	765	506	66%	765	506	66%	765	513	67%	765	510	67%	765	485	63%	765	480	63%
Cape View	Elementary	PK-6	100%	570	278	49%	570	285	50%	570	287	50%	570	281	49%	570	286	50%	570	284	50%
Carroll	Elementary	K-6	100%	751	614	82%	751	619	82%	751	605	81%	751	613	82%	751	600	80%	751	593	79%
Challenger 7	Elementary	PK-6	100%	573	506	88%	573	508	89%	573	476	83%	573	449	78%	573	437	76%	573	414	72%
Columbia	Elementary	PK-6	100%	751	462	62%	751	484	64%	751	546	73%	751	568	76%	751	569	76%	751	572	76%
Coquina	Elementary	K-6	100%	711	534	75%	711	531	75%	711	557	78%	711	572	80%	711	596	84%	711	602	85%
Creel	Elementary	PK-6	100%	1,114	717	64%	1,114	762	68%	1,114	812	73%	1,114	847	76%	1,114	877	79%	1,114	922	83%
Croton	Elementary	PK-6	100%	795	487	61%	795	488	61%	795	530	67%	795	559	70%	795	586	74%	795	604	76%
Discovery	Elementary	PK-6	100%	980	615	63%	980	644	66%	980	639	65%	980	633	65%	980	608	62%	980	611	62%
Endeavour	Elementary	PK-6	100%	968	657	68%	968	670	69%	968	668	69%	968	641	66%	968	627	65%	968	640	66%
Enterprise	Elementary	K-6	100%	729	605	83%	729	608	83%	729	587	81%	729	561	77%	729	529	73%	729	513	70%
Fairglen	Elementary	PK-6	100%	789	581	74%	789	580	74%	789	597	76%	789	620	79%	789	626	79%	789	639	81%
Gemini	Elementary	K-6	100%	711	427	60%	711	442	62%	711	440	62%	711	424	60%	711	420	59%	711	409	58%
Golfview	Elementary	PK-6	100%	777	454	58%	777	454	58%	777	467	60%	777	503	65%	777	513	66%	777	521	67%
Harbor City	Elementary	PK-6	100%	629	359	57%	629	357	57%	629	386	61%	629	399	63%	629	400	64%	629	411	65%
Holland	Elementary	PK-6	100%	605	444	73%	605	465	77%	605	471	78%	605	473	78%	605	472	78%	605	477	79%
Imperial Estates	Elementary	K-6	100%	729	624	86%	729	622	85%	729	626	86%	729	619	85%	729	620	85%	729	645	88%
Indialantic	Elementary	K-6	100%	798	671	84%	798	672	84%	798	658	82%	798	646	81%	798	620	78%	798	622	78%
Jupiter	Elementary	PK-6	100%	930	724	78%	930	721	78%	930	817	88%	930	857	92%	930	854	92%	930	920	97%
Lockmar	Elementary	PK-6	100%	892	632	71%	892	631	71%	892	594	67%	892	578	65%	892	559	63%	892	553	62%
Longleaf	Elementary	PK-6	100%	790	594	75%	790	594	75%	790	587	74%	790	583	74%	790	565	72%	790	551	70%
Manatee	Elementary	K-6	100%	998	843	84%	998	855	86%	998	815	82%	998	793	79%	998	765	77%	998	750	75%
McAuliffe	Elementary	PK-6	100%	918	634	69%	918	633	69%	918	624	68%	918	583	64%	918	576	63%	918	565	62%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	832	75%	1,114	832	75%	1,114	902	81%	1,114	920	83%	1,114	950	85%	1,114	950	85%
Meadowlane Primary	Elementary	K-6	100%	824	678	82%	824	678	82%	824	731	89%	824	725	88%	824	734	89%	824	731	89%
Mila	Elementary	PK-6	100%	707	438	62%	707	432	61%	707	430	61%	707	444	63%	707	417	59%	707	416	59%
Mims	Elementary	PK-6	100%	725	431	59%	725	442	61%	725	433	60%	725	441	61%	725	452	62%	725	446	62%
Oak Park	Elementary	PK-6	100%	968	561	58%	968	563	58%	968	554	57%	968	510	53%	968	508	52%	968	523	54%
Ocean Breeze	Elementary	PK-6	100%	654	538	82%	654	543	83%	654	524	80%	654	506	77%	654	484	74%	654	472	72%
Palm Bay Elem	Elementary	PK-6	100%	983	547	56%	983	567	58%	983	571	58%	983	570	58%	983	602	61%	983	622	63%
Pinewood	Elementary	PK-6	100%	569	496	87%	569	500	88%	569	517	91%	569	524	92%	569	526	92%	569	532	93%
Port Malabar	Elementary	PK-6	100%	852	636	75%	852	636	75%	852	630	74%	852	636	75%	852	645	76%	852	632	74%
Quest	Elementary	PK-6	100%	1,152	673	58%	1,152	673	58%	1,152	694	60%	1,152	722	63%	1,152	734	64%	1,152	728	63%
Riviera	Elementary	PK-6	100%	777	624	80%	777	631	81%	777	681	88%	777	709	91%	777	722	93%	777	750	97%
Roosevelt	Elementary	K-6	100%	599	263	44%	599	261	44%	599	241	40%	599	221	37%	599	202	34%	599	190	32%
Sabal	Elementary	PK-6	100%	785	516	66%	785	507	65%	785	516	66%	785	523	67%	785	516	66%	785	530	68%
Saturn	Elementary	PK-6	100%	976	678	69%	976	679	70%	976	731	75%	976	772	79%	976	822	84%	976	810	83%
Sea Park	Elementary	PK-6	100%	461	299	65%	461	317	69%	461	324	70%	461	324	70%	461	330	72%	461	331	72%
Sherwood	Elementary	PK-6	100%	609	428	70%	609	429	70%	609	429	70%	609	434	71%	609	442	73%	609	441	72%
Sunrise	Elementary	PK-6	100%	913	691	76%	913	690	76%	913	738	81%	935	824	88%	1,001	929	93%	1,067	1,061	99%
Suntree	Elementary	K-6	100%	755	595	79%	755	595	79%	755	584	77%	755	555	74%	755	546	72%	755	523	69%
Surfside	Elementary	K-6	100%	541	408	75%	541	407	75%	541	372	69%	541	345	64%	541	336	62%	541	329	61%
Tropical	Elementary	K-6	100%	910	641	70%	910	642	71%	910	635	70%	910	614	67%	910	597	66%	910	609	67%
Turner	Elementary	PK-6	100%	874	579	66%	874	576	66%	874	621	71%	874	642	73%	874	659	75%	874	694	79%
University Park	Elementary	PK-6	100%	811	466	57%	811	464	57%	811	496	61%	811	554	68%	811	622	77%	811	657	81%
Viera Elem	Elementary	K-6	100%	1,030	585	57%	1,030	635	62%	1,030	671	65%	1,030	742	72%	1,030	826	80%	1,030	902	88%
Westside	Elementary	K-6	100%	857	728	85%	857	761	89%	857	815	95%	879	855	97%	901	872	97%	923	895	97%
Williams	Elementary	PK-6	100%	715	494	69%	715	493	69%	715	483	68%	715	473	66%	715	452	63%	715	438	61%
Elementary Totals				42,471	29,890		42,471	30,184		42,471	30,745		42,515	31,024		42,625	31,190		42,735	31,547	

Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,171	77%	1,514	1,171	77%	1,514	1,217	80%	1,514	1,238	82%	1,514	1,319	87%	1,514	1,360	90%
DeLaura	Middle	7-8	90%	960	843	88%	960	851	89%	960	829	86%	960	854	89%	960	816	85%	960	787	82%
Hoover	Middle	7-8	90%	680	510	75%	680	510	75%	680	485	71%	680	506	74%	680	550	81%	680	539	79%
Jackson	Middle	7-8	90%	660	574	87%	660	574	87%	660	594	90%	660	556	84%	660	540	82%	660	531	80%
Jefferson	Middle	7-8	90%	873	622	71%	873	622	71%	873	583	67%	873	580	66%	873	583	67%	873	535	61%
Johnson	Middle	7-8	90%	1,064	690	65%	1,064	690	65%	1,064	707	66%	1,064	752	71%	1,064	795	75%	1,064	813	76%
Kennedy	Middle	7-8	90%	869	682	78%	869	682	78%	869	641	74%	869	617	71%	869	628	72%	869	656	75%
Madison	Middle	7-8	90%	781	480	61%	781	480	61%	781	471	60%	781	480	61%	781	457	59%	781	446	57%
McNair	Middle	7-8	90%	611	336	55%	611	350	57%	611	359	59%	611	353	58%	611	362	59%	611	349	57%
Southwest	Middle	7-8	90%	1,211	940	78%	1,211	940	78%	1,211	922	76%	1,211	1,000	83%	1,211	1,119	92%	1,211	1,157	96%
Stone	Middle	7-8	90%	1,024	747	73%	1,024	747	73%	1,024	706	69%	1,024	745	73%	1,024	772	75%	1,024	846	83%
Middle Totals				10,247	7,595		10,247	7,617		10,247	7,514		10,247	7,681		10,247	7,941		10,247	8,019	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,084	1,516	73%	2,084	1,517	73%	2,084	1,578	76%	2,084	1,627	78%	2,084	1,637	79%	2,084	1,626	78%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	943	65%	1,445	955	66%	1,445	917	63%	1,445	890	62%	1,445	821	57%	1,445	782	54%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,556	84%	1,852	1,557	84%	1,852	1,526	82%	1,852	1,511	82%	1,852	1,465	79%	1,852	1,448	78%
Jr / Sr High Totals				5,381	4,015		5,381	4,029		5,381	4,021		5,381	4,028		5,381	3,923		5,381	3,856	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,077	74%	1,451	1,076	74%	1,451	1,094	75%	1,451	1,086	75%	1,451	1,078	74%	1,451	1,086	75%
Bayside	High	9-12	95%	2,263	1,653	73%	2,263	1,728	76%	2,263	1,850	82%	2,263	1,942	86%	2,263	2,002	88%	2,263	2,069	91%
Eau Gallie	High	PK, 9-12	95%	2,221	1,610	72%	2,221	1,605	72%	2,221	1,634	74%	2,221	1,655	75%	2,221	1,680	76%	2,221	1,700	77%
Heritage	High	9-12	95%	2,314	1,991	86%	2,314	2,038	88%	2,314	2,149	93%	2,314	2,193	95%	2,314	2,179	94%	2,314	2,248	97%
Melbourne	High	9-12	95%	2,370	2,210	93%	2,370	2,208	93%	2,370	2,201	93%	2,370	2,200	93%	2,370	2,151	91%	2,370	2,185	92%
Merritt Island	High	PK, 9-12	95%	1,962	1,523	78%	1,962	1,523	78%	1,962	1,494	76%	1,962	1,454	74%	1,962	1,401	71%	1,962	1,389	71%
Palm Bay	High	PK, 9-12	95%	2,631	1,286	49%	2,631	1,325	50%	2,631	1,467	56%	2,631	1,573	60%	2,631	1,645	63%	2,631	1,643	62%
Rockledge	High	9-12	95%	1,836	1,568	85%	1,836	1,568	85%	1,836	1,641	89%	1,836	1,658	90%	1,836	1,638	89%	1,836	1,620	88%
Satellite	High	PK, 9-12	95%	1,527	1,513	99%	1,551	1,550	100%	1,551	1,533	99%	1,551	1,470	95%	1,551	1,438	93%	1,551	1,387	89%
Titusville	High	9-12	95%	1,849	1,231	67%	1,849	1,272	69%	1,849	1,295	70%	1,849	1,313	71%	1,849	1,330	72%	1,849	1,270	69%
Viera	High	PK, 9-12	95%	2,203	2,216	101%	2,251	2,233	99%	2,583	2,272	88%	2,583	2,386	92%	2,583	2,411	93%	2,583	2,469	96%
High Totals				22,627	17,878		22,699	18,126		23,031	18,630		23,031	18,930		23,031	18,953		23,031	19,066	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	406	85%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
South Lake	Elementary	K-6	100%	481	396	82%	481	417	87%	481	417	87%	481	417	87%	481	417	87%	481	417	87%
Stevenson	Elementary	K-6	100%	569	498	88%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
West Melbourne	Elementary	K-6	100%	618	544	88%	618	552	89%	618	552	89%	618	552	89%	618	552	89%	618	552	89%
Edgewood	Jr / Sr High	7-12	90%	1,077	921	86%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%
Schools of Choice				4,484	3,711		4,484	3,787		4,484	3,787		4,484	3,787		4,484	3,787		4,484	3,787	
Brevard Totals				85,210	63,089		85,282	63,743		85,614	64,697		85,658	65,450		85,768	65,794		85,878	66,275	

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2021-22 are reported from the FISH database as of October 12, 2021.
- Student Membership is reported from the Fall Final Membership Count (10/15/2021).
- Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nongeocoded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- A total of 15 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Roy Allen Elementary, Jupiter Elementary, Sunrise Elementary, and Westside Elementary Schools (Total 12 Classrooms)
 - High school relocatable classrooms are proposed to be added at Satellite High and Viera High (Total of 3 Classrooms)
- A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-08

Held on Wednesday, July 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

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

ROLL CALL:

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

The absences were excused for Ms. Maragh and Mr. Rainer.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Erich Messenger, Deputy City Attorney; Natalie Shaber, Engineer II.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-07; June 1, 2022.

The floor was closed for public comments.

Motion to submit Case CPZ-25-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good.

Nay: Olszewski.

4. **CP-27-2022 – Adelon Bayfront - Carlos Rajlin, Bayfront Blossom, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Alberto Krygier, Adelon Corporation, Reps.) and the City Page 2 of 4 Regular Meeting 2022-08 of Palm Bay (Growth Management Department) - A small-scale Comprehensive Plan Future Land Use Map amendment from Bayfront Mixed Use Village to Bayfront Mixed Use - All of Block 5 along with Lots 1 through 12, Lots 18 through 21, and Out Lot H, Block 6, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 8.941 acres. Located North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE**

Mr. White presented the staff report for Case CP-27-2022. Staff recommended Case CP-27-2022 for approval.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) stated that the applicant was under contract for land on the east and west sides of Orange Blossom Trail NE and planned to combine the sites for a mixed use of residential and commercial development. The subject request was the first step in the process.

The floor was opened for public comments.

Mr. Dale Steele (owner of property at Water Drive NE) wanted to know the difference between the BMU and BMUV zoning districts. He wanted assurance that his artesian well property rights would not be impacted by the proposed development.

In response to the comments from the audience, Mr. Moia clarified that Mr. Steele's property was located on the east side of Orange Blossom Trail, south of the property

previously rezoned to BMU. The proposed upscale, mixed-use development would comply with the updated BMU regulations and exceed the minimum commercial component of the BMU district.

Mr. Olszewski asked for further details regarding the plans for the property and if those plans involved abandoning a portion of Water Drive or Orange Blossom Trail. Mr. Moia stated that the development would be heavy in commercial use with a possible hotel, some multiple-family residential, and some retail. He explained that an unimproved portion of Kinney Avenue NE, west of Orange Blossom Trail, would be abandoned, and a portion of Kinney Avenue, east of Orange Blossom Trail, had already been vacated.

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

Motion to submit Case CP-27-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

5. ****CPZ-27-2022 - Adelon Bayfront - Carlos Rajlin, Bayfront Blossom, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Alberto Krygier, Adelon Corporation, Reps.) and the City of Palm Bay (Growth Management Department) - A Zoning amendment from a BMUV, Bayfront Mixed Use Village District to a BMU, Bayfront Mixed Use District - All of Block 5 along with Lots 1 through 12, Lots 18 through 21, and Out Lot H, Block 6, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 8.941 acres. Located North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE**

Mr. White presented the staff report for Case CPZ-27-2022. Staff recommended Case CPZ-27-2022 for approval.



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT
APPLICATION**

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

APPLICATION AMENDMENT TYPE:

☒

Small Scale (50 acres or Less)

☐

Text Amendment (Comp. Plan)

☐

Large Scale (More than 50 acres)

PARCEL ID(S):

28-37-24-25-5, 28-37-24-25-6-2, 28-37-24-25-6-1

TAX ACCOUNT NUMBER(S):

2832601, 2866311, 2832602

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

See attached

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

+ / - 8.94 acres with parcels combined

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

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

BMUV

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

BMU

PRESENT USE OF PROPERTY:

vacant

STRUCTURES LOCATED ON THE PROPERTY: 0

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: yes - BMUV to BMU

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

Current land use does not enable developer to construct the proposed multi-family and commercial development desired.

SPECIFIC USE INTENDED FOR PROPERTY:

Multi-Family Residential and Commercial

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

- ☐ *Application Fee. Make Check payable to "City of Palm Bay."
 - ☒ \$1,200.00 - Small Scale (50 acres or Less)
 - ☐ \$2,000.00 - Large Scale (More than 50 acres)
 - ☐ \$2,000.00 - Text Amendment (Comp. Plan)


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

- ☐ Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**
- ☐ 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 Alberto Krygier of Adelon and Bruce Moia of MBV Engineering

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

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

Owner Signature  **Date** 4 28 2022

Printed Name Carolos Rajlin, Manager for Bayfront Blossom LLC

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

Telephone 786 252 9001 **Email** carlos@carlosrajlin.com

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


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

- ☐ Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**
- ☐ 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 Alberto Krygier of Adelon and Bruce Moia of MBV Engineering

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

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

Owner Signature  **Date** 5/4/22
Printed Name Alexandra Bernard - City of Palm Bay Growth Management Director
Full Address 120 Malabar Road, S.E., Palm Bay, FL 32907
Telephone 321-733-3042 **Email** alexandra.bernard@palmbayflorida.org

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

April 19, 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

Tillman, Plat of All Blk 5, Plat Book 0002, pg 0004. Parcel ID 28-37-24-25-5

I, Owner Name: Carlos Rajlin, Manager for Bayfront Blossom LLC

Address: 1541 Brickell Avenue, # 608, Miami, FL 33129

Telephone:

Email:

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:

Rezoning and Land Use Amendment

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

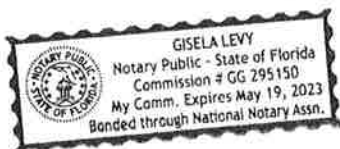
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 29 day of April, 2022 by

Carlos Rajlin, property owner.

Gisela Levy, Notary Public

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

Drivers License



April 19, 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

Tillman, Plat of All Blk 5, Plat Book 0002, pg 0004. Parcel ID 28-37-24-25-5

I, Owner Name: Carlos Rajlin, Manager for Bayfront Blossom LLC

Address: 1541 Brickell Avenue, # 608, Miami, FL 33129

Telephone:

Email:

hereby authorize:

Representative: Alberto Krygier of Adelon Capital

Address: 1955 Harrison Street, Hollywood, FL 33020

Telephone: 954-434-5001

Email: akrygier@adeloncapital.com

to represent the request(s) for:

Rezoning and Land Use Ammendment

(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 29 day of April, 2022 by

Carlos Rajlin

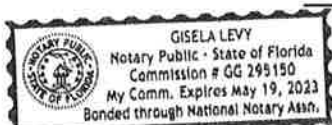
, property owner.

Gisela Levy

, Notary Public

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

Drivers License



LEGAL DESCRIPTION:

LOT H, ALL OF BLOCK 5, LOTS 1, 2, 18, AND 21, A PORTION OF LOTS 3, 4, 19, AND 20, BLOCK 6, AND A PORTION OF THE VACATED RIGHT-OF-WAY OF KINNEY AVENUE, "PLAT OF TILLMAN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 5; THENCE SOUTH 54°57'52" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 5 FOR 800.63 FEET TO A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID BLOCK 5 AND ITS SOUTHERLY EXTENSION AND CONTINUING ALONG THE EASTERLY LINE OF SAID BLOCK 6, BEING THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 27°33'15", FOR AN ARC DISTANCE OF 334.23 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 73°41'26" WEST 376.35 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID BLOCK 6; THENCE NORTH 24°36'47" WEST ALONG THE SOUTHWESTERLY LINE OF BLOCK 6, LOT H, AND BLOCK 5 FOR 629.16 FEET; THENCE NORTH 33°13'05" EAST ALONG THE WESTERLY LINE OF BLOCK 5 FOR 117.73 FEET TO POINT OF BEGINNING 'A'

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID 28-37-24-25-6-2 / Tax ID 2866311

I, Owner Name: Suzanne Sherman for City of Palm Bay

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

Telephone: (321) 952-3400

Email: suzanne.sherman@pbfl.org

hereby authorize:

Representative: Johnathan Cohen of Palm Bay Marina LLC

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

Telephone: (954) 434-5001

Email: jcohen@adeloncapital.com

to represent the request(s) for:

FLU and rezoning requests



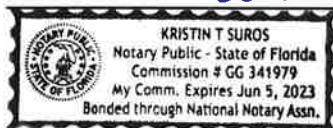
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 29 day of July, 2022 by

Suzanne Sherman, property owner.



Kristin Suors, Notary Public

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

Re: Letter of Authorization**As the property owner of the site legally described as:**

Brevard County Parcel ID 28-37-24-25-6-1 / Tax ID 2832602

I, Owner Name: Suzanne Sherman for City of Palm Bay

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

Telephone: (321) 952-3400

Email: suzanne.sherman@pbfl.org

hereby authorize:

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

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

Telephone: (321) 253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

FLU and rezoning requests


 (Property Owner Signature)
STATE OF FloridaCOUNTY OF Brevard
 The foregoing instrument was acknowledged before me by means of ☒ physical
 presence or ☐ online notarization, this 29 day of July, 20 22 by
Suzanne Sherman, property owner.Kristin Suors, Notary Public
☒ Personally Known or ☐ Produced the Following Type of Identification:

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID 28-37-24-25-6-2 / Tax ID 2866311

I, Owner Name: Suzanne Sherman for City of Palm Bay

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

Telephone: (321) 952-3400

Email: suzanne.sherman@pbfl.org

hereby authorize:

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

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

Telephone: (321) 253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

FLU and rezoning requests

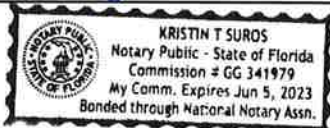

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 29 day of July, 2022 by

Suzanne Sherman, property owner.



Kristin Suors, Notary Public

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

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID 28-37-24-25-6-1 / Tax ID 2832602

I, Owner Name: Suzanne Sherman for City of Palm Bay

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

Telephone: (321) 952-3400

Email: suzanne.sherman@pbfl.org

hereby authorize:

Representative: Johnathan Cohen of Palm Bay Marina LLC

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

Telephone: (954) 434-5001

Email: jcohen@adeloncapital.com

to represent the request(s) for:

FLU and rezoning requests


(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 29 day of July, 20 22 by

Suzanne Sherman, property owner.



Kristin Suors, Notary Public

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

ORDINANCE 2022-81

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

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held a public hearing on an amendment to the Comprehensive Plan on July 6, 2022, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on August 4, 2022, after public notice, and

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

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

SECTION 1. The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Bayfront Mixed Use Village to Bayfront Mixed Use, which property is legally described herein as Exhibit 'A'.

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

SECTION 3. All 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. The provisions within this ordinance shall take effect thirty-one (31) days from the enactment date.

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

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

*Only one reading required pursuant to Chapter 163, Florida Statutes.

Reviewed by CAO: _____

Applicant: Adelon
Case: CP-27-2022

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

LEGAL DESCRIPTION:

LOT H, ALL OF BLOCK 5, LOTS 1, 2, 18, AND 21, A PORTION OF LOTS 3, 4, 19, AND 20, BLOCK 6, AND A PORTION OF THE VACATED RIGHT-OF-WAY OF KINNEY AVENUE, "PLAT OF TILLMAN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 5; THENCE SOUTH 54°57'52" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 5 FOR 800.63 FEET TO A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID BLOCK 5 AND ITS SOUTHERLY EXTENSION AND CONTINUING ALONG THE EASTERLY LINE OF SAID BLOCK 6, BEING THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 27°33'15", FOR AN ARC DISTANCE OF 334.23 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 73°41'26" WEST 376.35 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID BLOCK 6; THENCE NORTH 24°36'47" WEST ALONG THE SOUTHWESTERLY LINE OF BLOCK 6, LOT H, AND BLOCK 5 FOR 629.16 FEET; THENCE NORTH 33°13'05" EAST ALONG THE WESTERLY LINE OF BLOCK 5 FOR 117.73 FEET TO POINT OF BEGINNING 'A'



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 8/4/2022

RE: Ordinance 2022-82, rezoning property located north and south of Orange Blossom Trail, in the vicinity west of Dixie Highway, from BMUV (Bayfront Mixed Use Village District) to BMU (Bayfront Mixed Use District) (8.941 acres) (CPZ-27-2022, Adelon), first reading. (Quasi-Judicial Proceeding)

Mr. Carlos Rajlin, Bayfront Blossom, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Alberto Krygier, Adelon Corporation, Reps.) and the City of Palm Bay (represented by the Growth Management Department) have submitted for a rezoning from a BMUV, Bayfront Mixed Use Village District to a BMU, Bayfront Mixed Use District. The undeveloped 8.94 acres of land is located north of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE.

The developer intends to construct a multiple-family and commercial development. The proposed BMU land use designation will provide a higher-density, intensity, and diversified living environment for the area. The land use amendment is compatible with the surrounding area and consistent with the City's vision of providing a mixture of uses within the BMU district.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CPZ-27-2022.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:**Description**

Case CPZ-27-2022 - Staff Report

Case CPZ-27-2022 - Survey

Case CPZ-27-2022 - Narrative

Case CPZ-27-2022 - Board Minutes

Case CPZ-27-2022 - Application

Case CPZ-27-2022 - City and CRA Letters of Authorization

Ordinance 2022-82

Ordinance 2022-82, Exhibit A



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Stephen White, Principal Planner

CASE NUMBER

CPZ-27-2022

PLANNING & ZONING BOARD HEARING DATE

July 6, 2022

PROPERTY OWNER & APPLICANT

Carlos Rajlin, Bayfront Blossom, LLC
(Bruce, Moia, P.E., MBV Engineering,
Inc./Alberto Krygier, Adelon Corporation,
Reps.)

PROPERTY LOCATION/ADDRESS

All of Block 5 along with Lots 1-12, Lots 18-21 and Out
Lot 8, Section 24, Township 28, Range 37, Brevard
County, Florida. Generally located north and south of
Orange Blossom Trail NE and in the vicinity west of
Dixie Highway NE

SUMMARY OF REQUEST

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

Existing Zoning

BMUV, Bayfront Mixed Use Village District

Existing Land Use

Undeveloped Property

Site Improvements

Undeveloped Property

Site Acreage

Approximately 8.94 acres

SURROUNDING ZONING & USE OF LAND

North

BMUV, Bayfront Mixed Use Village District, vacant

East

BMUV, Bayfront Mixed Use Village District, single-family residences

South

BMUV, Bayfront Mixed Use Village District, single-family residences

West

RS-3, Single-Family Residential, single-family residences

BACKGROUND:

The subject properties are located north of and south of Orange Blossom TRL NE and in the vicinity west of Dixie Highway NE. Palm Bay, Florida 32905. The combined parcels are approximately 8.94 acres in size.

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, "current zoning does not enable the developer to construct the proposed Multiple-Family Residential and Commercial development desired."

The proposed use will increase the intensity and density to align with the City's vision of a diverse mixed use living environment.

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 BMU district for the subject property 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.*

The property is currently undeveloped, and the proposed change would enhance the City's vision of providing a mixture of uses and allow for a more intensive development.

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 by providing for a more diverse zoning district and providing for a mixture of uses.

STAFF RECOMMENDATION:

Case CPZ-27-2022 is recommended for approval.



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



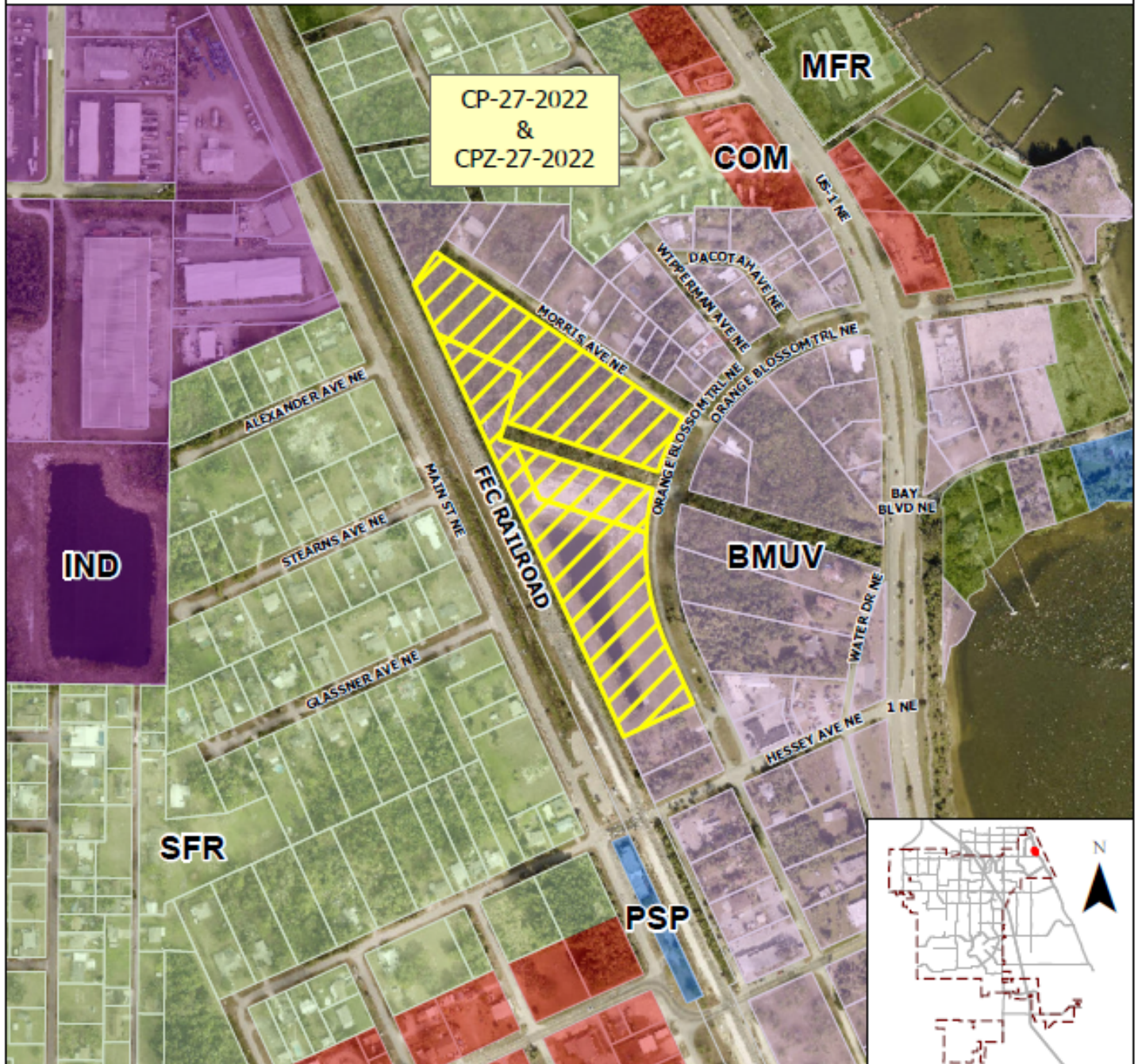
AERIAL LOCATION MAP CASE: CP-27-2022 & CPZ-27-2022

Subject Property

North of and south of 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-27-2022 & CPZ-27-2022

Subject Property

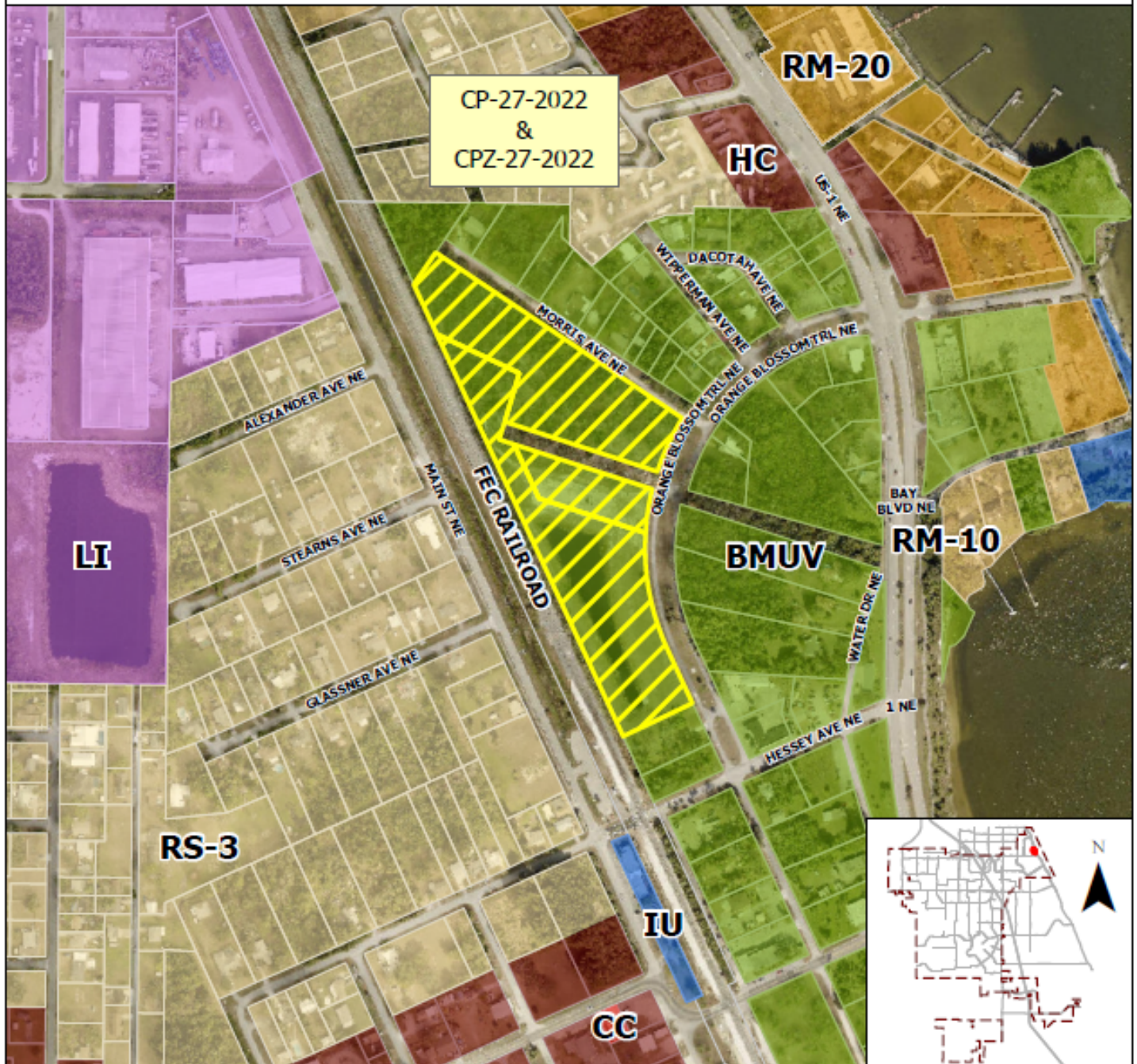
North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

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.



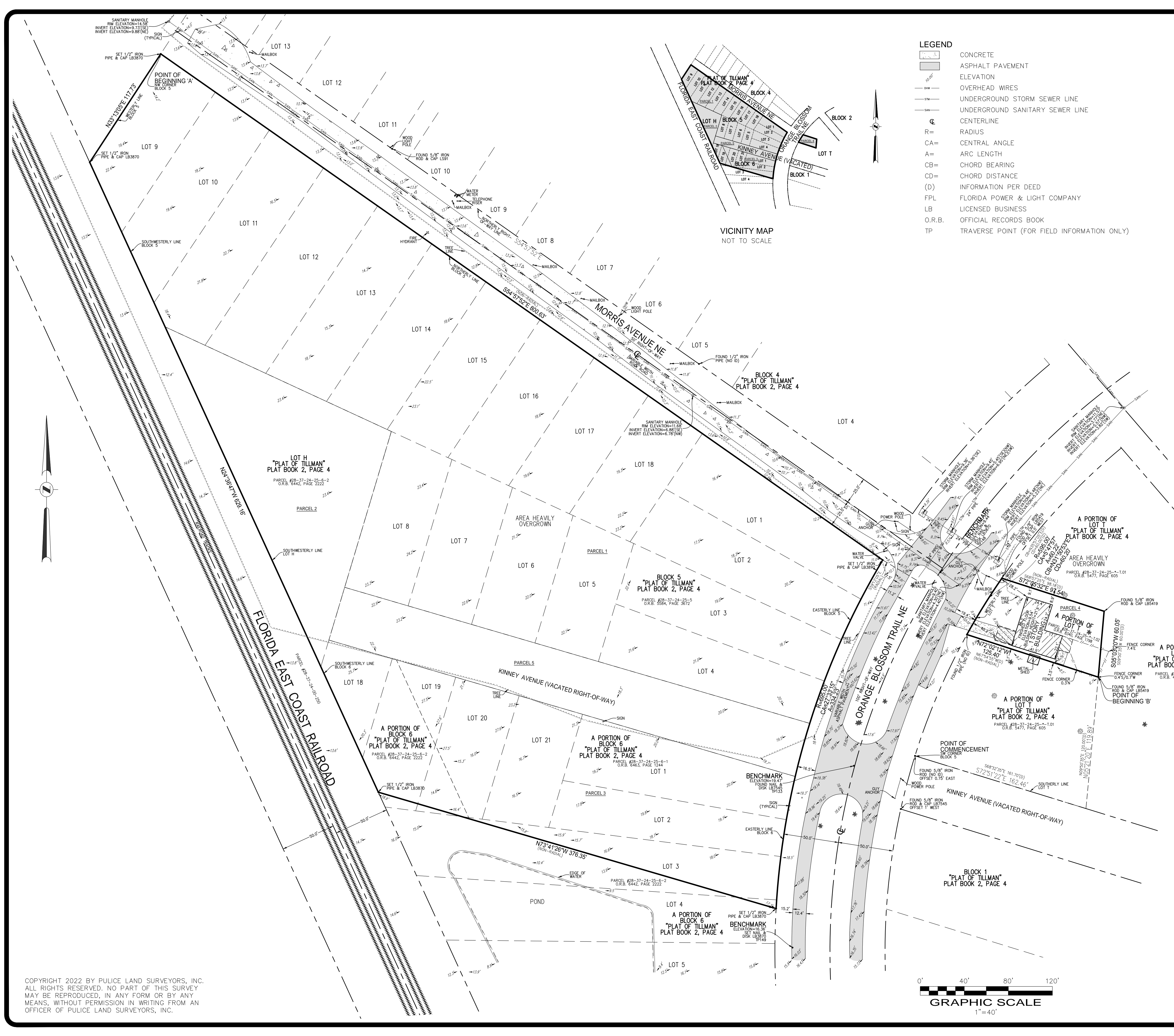
ZONING MAP CASE: CP-27-2022 & CPZ-27-20222

Subject Property

North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Current Zoning Classification

BMUV – Bayfront Mixed Use Village



LEGAL DESCRIPTION: (BY SURVEYOR)
LOT H, ALL OF BLOCK 5, LOTS 1, 2, 18, AND 21, A PORTION OF LOTS 3, 4, 19, AND 20, BLOCK 6, AND A PORTION OF THE VACATED RIGHT-OF-WAY OF KINNEY AVENUE, "PLAT OF TILLMAN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 5; THENCE SOUTH 54°57'52" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 5 FOR 800.63 FEET TO A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID BLOCK 5 AND ITS SOUTHERLY EXTENSION AND CONTINUING ALONG THE EASTERLY LINE OF SAID BLOCK 6, BEING THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 27°33'15", FOR AN ARC DISTANCE OF 334.23 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 73°41'26" WEST 376.35 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID BLOCK 6; THENCE NORTH 24°36'47" WEST ALONG THE SOUTHWESTERLY LINE OF BLOCK 6, LOT H, AND BLOCK 5 FOR 629.16 FEET; THENCE NORTH 33°13'05" EAST ALONG THE WESTERLY LINE OF BLOCK 5 FOR 117.73 FEET TO POINT OF BEGINNING 'A'

TOGETHER WITH:
A PORTION OF LOT T OF SAID "PLAT OF TILLMAN", MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT T; THENCE SOUTH 72°51'22" EAST ALONG THE SOUTHERLY LINE OF SAID LOT T 162.46 FEET; THENCE NORTH 05°21'20" EAST 119.89 FEET TO POINT OF BEGINNING 'B'; THENCE NORTH 72°02'12" WEST 125.40 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT T, BEING A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 05°47'57", FOR AN ARC DISTANCE OF 60.22 FEET WITH A CHORD BEARING OF NORTH 31°50'53" EAST AND A CHORD DISTANCE OF 60.20 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 72°05'32" EAST 97.54 FEET; THENCE SOUTH 05°03'20" WEST 60.05 FEET TO POINT OF BEGINNING 'B'.

SAID LANDS LYING AND BEING IN THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA AND CONTAINING A TOTAL OF 270,132 SQUARE FEET (6.2014 ACRES), MORE OR LESS.

- NOTES:**
- THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988. BREVARD COUNTY BENCHMARK #700126; ELEVATION: 18.147 FEET.
 - FLOOD ZONE: X; BASE FLOOD ELEVATION: NONE; PANEL #12009C0612H; COMMUNITY #120404; MAP DATE: 1/29/21.
 - THIS SITE LIES IN SECTION 24, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.
 - BEARINGS ARE BASED ON STATE PLANE COORDINATES AND ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT, FL-E ZONE, WITH THE NORTHERLY RIGHT-OF-WAY LINE OF MORRIS AVENUE NE BEING S54°57'52"E.
 - REASONABLE EFFORTS WERE MADE REGARDING THE EXISTENCE AND THE LOCATION OF UNDERGROUND UTILITIES. THIS FIRM, HOWEVER, DOES NOT ACCEPT RESPONSIBILITY FOR THIS INFORMATION. BEFORE EXCAVATION OR CONSTRUCTION CONTACT THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION.
 - THE HORIZONTAL POSITIONAL ACCURACY OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.07'. THE VERTICAL ACCURACY OF ELEVATIONS OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.07'.
 - THIS SITE CONTAINS XX TOTAL CLEARLY IDENTIFIABLE PARKING SPACES (XX REGULAR & XX DISABLED).
 - THIS SURVEY WAS PREPARED WITH BENEFIT OF OWNER'S POLICY, FILE NUMBER 05100120, ISSUED BY ALLIANCE TITLE OF BREVARD, LLC, DATED DECEMBER 28, 2005 AT 10:28 A. THE FOLLOWING ITEMS ARE EXCEPTIONS IN SCHEDULE B-II OF SAID COMMITMENT: (AS TO BLOCK 5) ITEMS 1, 2, 3, 4, 5 & 6; INTENTIONALLY DELETED.
ITEM 7: STANDARD EXCEPTIONS, NOT ADDRESSED.
ITEM 8: EASEMENTS AND ALL MATTERS IN PLAT BOOK 2, PAGE 4 APPLY TO THIS SITE: THERE ARE NO PLATTED EASEMENTS.
ITEMS 9-13: NOT ADDRESSED.
 - ALL RECORDED DOCUMENTS ARE PER BREVARD COUNTY PUBLIC RECORDS.
 - THE LEGAL DESCRIPTION IN THE ABOVE TITLE COMMITMENT IS WHOLLY CONTAINED IN THE SURVEYOR'S LEGAL DESCRIPTION.

CERTIFICATION:
I HEREBY CERTIFY: THAT THIS MAP OF SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

- ☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
☐ DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
STATE OF FLORIDA

PALM BAY SITE ORANGE BLOSSOM TRAIL NE & MORRIS AVENUE NE PALM BAY, FLORIDA 32905 (CITY OF PALM BAY, BREVARD COUNTY)	
BOUNDARY AND TOPOGRAPHIC SURVEY ALTA/NSPS LAND TITLE SURVEY	
PULICE LAND SURVEYORS, INC. 5381 NOB HILL ROAD SUNRISE, FLORIDA 33351 TELEPHONE: (954) 572-1777 FAX: (954) 572-1778 E-MAIL: surveys@puliceandsurveyors.com WEBSITE: www.puliceandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870	
DRAWN BY: L.S.	SCALE: 1" = 40'
CHECKED BY: J.F.P.	SURVEY DATE: 4/19/22
CLIENT: ADELON CAPITAL ORDER NO.: 69834	



May 3, 2022

Ms. Chandra Powell
City of Palm Bay, Land Development Division
120 Malabar Road, S.E.
Palm Bay FL, 32909

Via Hand Delivery

RE: Adelon Bayfront
Parcel ID: 28-37-24-25-5 28-37-24-25-6-2 28-37-24-25-6-1
MBV Project #: 21-1068

Dear Ms. Powell:

Please allow this letter to serve as a narrative for the requested rezoning and FLU applications MBV Engineering is initiating at this time. The development is an additional 8.94 acres to be combined with the existing 8.73 acres that has already been submitted to the city under a separate cover. The total development with all parcels combined is +/- 17.67 acres. It will consist of a mixture of Commercial and Multi-Family, although the numbers for each have not yet been determined.

One of the properties that are included in these applications is owned by The City of Palm Bay and another is owned by the Bayfront Community Redevelopment Agency.

For your information, an additional ROW Vacate for the West side of Kinney Avenue is also being submitted to Joanne Agular.

The Current Zoning and FLU are both BMUV and we are requesting BMU. These applications for change will make the proposed development comply with the permitted use requirements for BMU. In addition, the proposed development will meet the LDR, and Comprehensive Plan requirements as follows:



Ms. Chandra Powell
The Landing at Bayside
MBV # 21-1048

	Required	Provided
Minimum (SFR) Lot Area	4,050 SF	5,050 SF
Density	5.86 U.P.A.	5.6 U.P.A.
Front Bldg. Setback	0	25" (20" for Townhomes)
Rear Bldg. Setback	10'	10'
Side Bldg. Setback	5'	5'
Side Interior Bldg. Setback	10'	10'

Applications brought forward to the City of Palm at this time consist of:

- Rezoning
- FLU Amendment
- Updated School Concurrency Application

Because this is a Rezoning and Comprehensive Plan Amendment Application, there will not be any Citizens Meetings, per COPB Code.

Contacts for the project are as follows:

Developer: Adelon Capital
MR Elias Cherem
1955 Harrison Street, Suite 200
Hollywood, FL 33020
echerem@adeloncapital.com

Owners: City of Palm Bay (28-37-24-25-6-2)

Bayfront Community Redevelopment Agency (28-37-24-25-6-1)

Bayfront Blossom, LLC (28-37-24-25-5)
Mr. Carlos Rajlin
1541 Brickell Avenue # 608
Miami, FL 33129



Ms. Chandra Powell
The Landing at Bayside
MBV # 21-1048

EOR: MBV Engineering Inc.
Bruce Moia, P.E., President
1250 W. Eau Gallie Blvd, Suite H
Melbourne FL 32935
321-253-1510
davidb@mbveng.com

Sincerely,

Wanda Walker, Permitting Coordinator

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-08

Held on Wednesday, July 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

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

ROLL CALL:

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

The absences were excused for Ms. Maragh and Mr. Rainer.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Erich Messenger, Deputy City Attorney; Natalie Shaber, Engineer II.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-07; June 1, 2022.

previously rezoned to BMU. The proposed upscale, mixed-use development would comply with the updated BMU regulations and exceed the minimum commercial component of the BMU district.

Mr. Olszewski asked for further details regarding the plans for the property and if those plans involved abandoning a portion of Water Drive or Orange Blossom Trail. Mr. Moia stated that the development would be heavy in commercial use with a possible hotel, some multiple-family residential, and some retail. He explained that an unimproved portion of Kinney Avenue NE, west of Orange Blossom Trail, would be abandoned, and a portion of Kinney Avenue, east of Orange Blossom Trail, had already been vacated.

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

Motion to submit Case CP-27-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

5. ****CPZ-27-2022** - Adelon Bayfront - Carlos Rajlin, Bayfront Blossom, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Alberto Krygier, Adelon Corporation, Reps.) and the City of Palm Bay (Growth Management Department) - A Zoning amendment from a BMUV, Bayfront Mixed Use Village District to a BMU, Bayfront Mixed Use District - All of Block 5 along with Lots 1 through 12, Lots 18 through 21, and Out Lot H, Block 6, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 8.941 acres. Located North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Mr. White presented the staff report for Case CPZ-27-2022. Staff recommended Case CPZ-27-2022 for approval.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) stated that the subject request was the companion zoning case to the land use request the board had approved. He clarified that the pond shown on the site exhibit did not belong to the applicant and was not part of the proposal.

Mr. Weinberg asked for assurance that the subject request would not affect Mr. Dale Steele's artesian well property rights. Mr. Moia confirmed that any legal rights Mr. Steele had would be accepted and would not be impacted by the development.

Mr. Olszewski wanted to make certain that the request was correct as the description was missing from the agenda. Mr. Anderson reiterated the proposal and stated that he would verify that the request had been properly advertised before submitting to City Council.

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

Mr. Dale Steele (owner of property at Water Drive NE) remarked on the plans to possibly fill in the retention pond on the subject site. There was an existing brook that flowed through the retention pond, onto his property, and then into the Indian River that was under the jurisdiction of the St. Johns River Water Management District.

In response to the comments from the audience, Mr. Moia explained how the retention pond was created to treat untreated water and would remain completely intact. Any work being done south of the pond would be dealt with through the Public Works Department to ensure that any runoff was not impeded.

Mr. Olszewski asked for clarification that the development did not own and would not touch the pond. Mr. Moia confirmed that the pond was City owned, and that the stormwater from the development would not interact with the pond.

Ms. Bernard requested a five-minute recess to verify that the case was properly advertised.

The meeting resumed following a five-minute recess.

Mr. Weinberg stated that he was pleased with the revitalization that was occurring in the Bayfront District.

Motion to submit Case CPZ-27-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

6. **T-29-2022 – BMU Conditional Use - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.058(D)(4), to eliminate the requirement for a Conditional Use to allow permitted uses on a parcel of ten (10) or more acres of area in the BMU, Bayfront Mixed Use District**

Mr. Anderson presented the staff report for Case T-29-2022. Staff recommended Case T-29-2022 for approval.

Mr. Olszewski questioned why the proposed amendment was needed and how the existing conditional use requirement was a hinderance. Mr. Anderson explained that ten acres or less was a physical constraint for horizontal mixtures of uses. The proposed change would allow for fluidity in terms of developers having the option of horizontal or vertical projects, and it would create a more transitional phase in density and intensity throughout the BMU district. He stated that the conditional use requirement could be seen as an obstacle by many developers, and it elongated the development process in certain circumstances. Conditions could be addressed at the administrative site plan level with prevailing circumstances brought before the board and City Council. Ms. Bernard added that according to the City Attorney, having a BMU zoning district and then a condition of ten acres or more was moot as it could not be allowed and a condition. The amendment would clear up the conflict.

Mr. Olszewski asked for clarification on how the textual amendment would change the process for a permitted business. He wanted to comprehend the direct benefit of the amendment. Mr. Anderson explained that a permitted use would no longer require board or City Council review. Its purpose was to make sure that entitlements



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):

28-37-24-25-5, 28-37-24-25-6-2, 28-37-24-25-6-1

TAX ACCOUNT NUMBER(S):

2832601, 2866311, 2832602

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

See attached

PROPERTY ADDRESS:

1626 Orange Blossom Trail for Acct # 2832602

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

+ / - 8.94 for all parcels combined

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

BMUV

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

BMU

STRUCTURES LOCATED ON THE PROPERTY:

vacant

PRESENT USE OF THE PROPERTY:

Vacant

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

MFR and Commercial. Current zoning does not enable developer to construct the proposed mulit-family and commercial development desired.

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 Alberto Krygier-Adelon, Bruce Moia-MBV

**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 4 28 2022

Printed Name

Carlos Rajlin, Manager - Bayfront Blossom LLC

Full Address

1541 Brickell Avenue, # 608, Miami, FL 33129

Telephone

786 252 9001

Email


carlos@carlosrajlin.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	<u></u>	Date	<u>5/16/22</u>
Printed Name	<u>Alexandra Bernard - Growth Management Director, City of Palm Bay</u>		
Full Address	<u>120 Malabar Road S.E., Palm Bay FL, 32907</u>		
Telephone	<u>321-722-3042</u>	Email	<u>alexandra.bernard@palmbayflorida.org</u>

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

April 19, 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

Tillman, Plat of All Blk 5, Plat Book 0002, pg 0004. Parcel ID 28-37-24-25-5

I, Owner Name: Carlos Rajlin, Manager for Bayfront Blossom LLC

Address: 1541 Brickell Avenue, # 608, Miami, FL 33129

Telephone:

Email:

hereby authorize:

Representative: Alberto Krygier of Adelon Capital

Address: 1955 Harrison Street, Hollywood, FL 33020

Telephone: 954-434-5001

Email: akrygier@adeloncapital.com

to represent the request(s) for:

Rezoning and Land Use Ammendment

(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 29 day of April, 2022 by

CARLOS RAJLIN

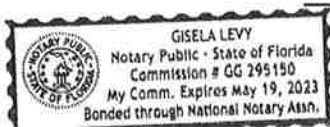
, property owner.

GISELA LEVY

, Notary Public

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

Drivers License



April 19, 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

Tillman, Plat of All Blk 5, Plat Book 0002, pg 0004. Parcel ID 28-37-24-25-5

I, Owner Name: Carlos Rajlin, Manager for Bayfront Blossom LLC

Address: 1541 Brickell Avenue, # 608, Miami, FL 33129

Telephone:

Email:

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:

Rezoning and Land Use 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 29 day of April, 2022 by

Carlos Rajlin

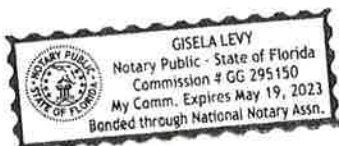
, property owner.

GISELA LEVY

, Notary Public

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

Drivers License



LEGAL DESCRIPTION:

LOT H, ALL OF BLOCK 5, LOTS 1, 2, 18, AND 21, A PORTION OF LOTS 3, 4, 19, AND 20, BLOCK 6, AND A PORTION OF THE VACATED RIGHT-OF-WAY OF KINNEY AVENUE, "PLAT OF TILLMAN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 5; THENCE SOUTH 54°57'52" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 5 FOR 800.63 FEET TO A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID BLOCK 5 AND ITS SOUTHERLY EXTENSION AND CONTINUING ALONG THE EASTERLY LINE OF SAID BLOCK 6, BEING THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 27°33'15", FOR AN ARC DISTANCE OF 334.23 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 73°41'26" WEST 376.35 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID BLOCK 6; THENCE NORTH 24°36'47" WEST ALONG THE SOUTHWESTERLY LINE OF BLOCK 6, LOT H, AND BLOCK 5 FOR 629.16 FEET; THENCE NORTH 33°13'05" EAST ALONG THE WESTERLY LINE OF BLOCK 5 FOR 117.73 FEET TO POINT OF BEGINNING 'A'

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID 28-37-24-25-6-2 / Tax ID 2866311

I, Owner Name: Suzanne Sherman for City of Palm Bay

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

Telephone: (321) 952-3400

Email: suzanne.sherman@pbfl.org

hereby authorize:

Representative: Johnathan Cohen of Palm Bay Marina LLC

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

Telephone: (954) 434-5001

Email: jcohen@adeloncapital.com

to represent the request(s) for:

FLU and rezoning requests



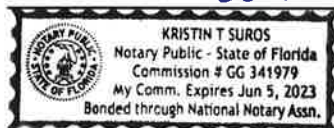
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 29 day of July, 2022 by

Suzanne Sherman, property owner.



Kristin Suors, Notary Public

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

Re: Letter of Authorization**As the property owner of the site legally described as:**

Brevard County Parcel ID 28-37-24-25-6-1 / Tax ID 2832602

I, Owner Name: Suzanne Sherman for City of Palm Bay

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

Telephone: (321) 952-3400

Email: suzanne.sherman@pbfl.org

hereby authorize:

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

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

Telephone: (321) 253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

FLU and rezoning requests


 (Property Owner Signature)
STATE OF FloridaCOUNTY OF Brevard
 The foregoing instrument was acknowledged before me by means of ☒ physical
 presence or ☐ online notarization, this 29 day of July, 20 22 by
Suzanne Sherman, property owner.Kristin Suors, Notary Public
☒ Personally Known or ☐ Produced the Following Type of Identification:

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID 28-37-24-25-6-2 / Tax ID 2866311

I, Owner Name: Suzanne Sherman for City of Palm Bay

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

Telephone: (321) 952-3400

Email: suzanne.sherman@pbfl.org

hereby authorize:

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

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

Telephone: (321) 253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

FLU and rezoning requests



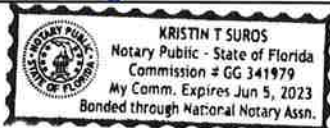
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 29 day of July, 2022 by

Suzanne Sherman, property owner.



Kristin Suors, Notary Public

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

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID 28-37-24-25-6-1 / Tax ID 2832602

I, Owner Name: Suzanne Sherman for City of Palm Bay

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

Telephone: (321) 952-3400

Email: suzanne.sherman@pbfl.org

hereby authorize:

Representative: Johnathan Cohen of Palm Bay Marina LLC

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

Telephone: (954) 434-5001

Email: jcohen@adeloncapital.com

to represent the request(s) for:

FLU and rezoning requests



(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 29 day of July, 20 22 by

Suzanne Sherman, property owner.



Kristin Suors, Notary Public

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

ORDINANCE 2022-82

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 NORTH AND SOUTH OF 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), being legally described herein as Exhibit 'A'.

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 2022-81.

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

City of Palm Bay, Florida
Ordinance 2022-82

Reviewed by CAO: _____

Applicant: Adelon
Case: CPZ-27-2022

cc: (date) Applicant
Case File

LEGAL DESCRIPTION:

LOT H, ALL OF BLOCK 5, LOTS 1, 2, 18, AND 21, A PORTION OF LOTS 3, 4, 19, AND 20, BLOCK 6, AND A PORTION OF THE VACATED RIGHT-OF-WAY OF KINNEY AVENUE, "PLAT OF TILLMAN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 5; THENCE SOUTH 54°57'52" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 5 FOR 800.63 FEET TO A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID BLOCK 5 AND ITS SOUTHERLY EXTENSION AND CONTINUING ALONG THE EASTERLY LINE OF SAID BLOCK 6, BEING THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 27°33'15", FOR AN ARC DISTANCE OF 334.23 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 73°41'26" WEST 376.35 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID BLOCK 6; THENCE NORTH 24°36'47" WEST ALONG THE SOUTHWESTERLY LINE OF BLOCK 6, LOT H, AND BLOCK 5 FOR 629.16 FEET; THENCE NORTH 33°13'05" EAST ALONG THE WESTERLY LINE OF BLOCK 5 FOR 117.73 FEET TO POINT OF BEGINNING 'A'



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 8/4/2022

RE: Ordinance 2022-83, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by removing the conditional use requirement for permitted uses on parcels of ten (10) or more acres within BMU (Bayfront Mixed Use District) zoning (T-29-2022, City of Palm Bay), first reading.

The City of Palm Bay (Growth Management Department) has submitted for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.058(D)(4), to eliminate the requirement for a Conditional Use to allow permitted uses on a parcel of ten (10) or more acres of area in the BMU, Bayfront Mixed Use District.

The subject amendment removes the provision for permitted uses in the BMU district to require conditional use approvals on parcels of ten or more acres. Removing the conditional use requirement associated with parcel size allows for and is aligned with the intent of the Bayfront Mixed Use District by enabling larger-scale, mixed-use developments.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case T-29-2022.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:

Description

Case T-29-2022 - Staff Report

Case T-29-2022 - Application

Case T-29-2022 - Board Minutes

Ordinance 2022-83



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Tania Ramos, Senior Planner

CASE NUMBER

T-29-2022

PLANNING & ZONING BOARD HEARING DATE

July 6, 2022

APPLICANT

City of Palm Bay, Florida

PROPERTY LOCATION/ADDRESS

BMU, Bayfront Mixed Use District

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.058(D)(4) Conditional Uses, to eliminate the requirement for a Conditional Use to allow permitted uses on a parcel of ten (10) or more acres of area in the BMU, Bayfront Mixed Use District.

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

SURROUNDING ZONING & USE OF LAND**North**

Not Applicable

East

Not Applicable

South

Not Applicable

West

Not Applicable

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.058(D)(4) Conditional Uses, to eliminate the requirement for a Conditional Use to allow permitted uses on a parcel of ten (10) or more acres of area in the BMU, Bayfront Mixed Use District. See proposed changes below:

The applicant for this amendment is the City of Palm Bay Florida. The applicant is looking to remove the provision that permitted uses on parcels of ten (10) or more acres of area require a conditional use approval.

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

INTENT AND APPLICABILITY:

Intent. The purpose of the Bayfront Mixed Use (BMU) district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of high density residential with a low intensity of commercial land uses that are linked by a network of walkways. The ratio of residential to commercial shall have a minimum of 20% commercial uses, based upon Floor Area Ratio (FAR) or the gross floor area of the first floor (footprint) of all principal use buildings.

ANALYSIS:

Staff has drafted this amendment to allow for permitted uses on parcels of ten (10) or more acres of area without a conditional use approval. Removing the conditional use requirement associated with parcel size allows for and is aligned with the intent of the Bayfront Mixed Use District by enabling larger scale mixed use developments.

STAFF RECOMMENDATION:

Case T-29-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.058 BMU—BAYFRONT MIXED USE DISTRICT.

(A) *Intent.* The purpose of the Bayfront Mixed Use (BMU) district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of high density residential with a low intensity of commercial land uses that are linked by a network of walkways. The ratio of residential to commercial shall have a minimum of 20% commercial uses, based upon Floor Area Ratio (FAR) or the gross floor area of the first floor (footprint) of all principal use buildings.

(B) *Principal uses and structures.*

(1) Multiple family dwellings provided that in no case shall there be more than forty (40) dwelling units per gross residential acre.

(2) Professional offices such as accounting, architecture, engineering, dentistry, medical, insurance, real estate, financial services, title companies and similar uses.

(3) General offices such as administrative, corporate, business, and similar uses.

(4) Personal service such as beauty, barbers, dry cleaning pick-up, tailoring and similar uses.

(5) Business service such as graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools, and similar uses.

(6) Financial institutions (banks, credit unions, and savings and loan).

(7) Retail sales and service (clothing, jewelry, luggage, shoes, electronics, sporting goods, gift shops, florists, photographic supplies, art dealers, antique shops/dealers, tobacco products, grocery stores, convenience stores, drug stores, cosmetic and beauty supply optical specialty food, and similar uses).

(8) Public uses (any federal, state, county, municipal, special district, or similar use).

(9) Eating establishments, including dancing in eating establishments. (restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops, and similar uses).

(10) Retail bakeries.

(11) Clubs, lodges, and fraternal organizations.

(12) Nursing homes and adult congregate living facilities.

(13) Hotel, motel, and bed and breakfast inns.

(14) Public and private parking lots.

(15) Brew pubs and/or other drinking establishments.

(C) Accessory uses and structures. Customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the objectives of a mixed use environment. All storage shall be in an enclosed structure unless clearly provided for herein.

(D) Conditional uses.

(1) Public utility facilities.

(2) Marinas with boat sales and rentals.

(3) Public and private schools.

~~(4) Permitted uses located on a parcel of ten (10) or more acres of area.~~

(E) Prohibited uses and structures.

(1) All uses not specifically permitted herein.

(2) Retail automotive fuel sales.

(3) Pawn shops.

(4) Tattoo parlors and body piercing establishments.

(5) Contractors' offices with outside storage (plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters, heating and air conditioning installers, glass repair and replacement, and similar uses).

(6) Adult entertainment.

(7) Fire works sales.

(8) Commercial towers.

(9) Automotive/vehicle repair and auto body repair, painting, and storage of junk vehicles.

(10) Vehicle/automotive sales/lease.

- (11) Palm readers/fortunetellers and similar uses.
- (12) Flea markets and auction houses and similar uses.
- (13) Soup kitchens/homeless shelters.
- (14) Pain-management clinic.
- (15) Secondhand Dealer.
- (16) Warehousing and/or self-storage facilities.

(F) Lot and structure requirements.

- (1) Minimum lot area - 1 acre.
- (2) Minimum lot width - forty (40) feet.
- (3) Minimum lot depth - one hundred twenty (120) feet.
- (4) Maximum building coverage - sixty percent (60%).
- (5) Maximum height - sixty (60) feet. Additional building height may be permitted, subject to the following provisions:
 - (a) Providing public a space or public amenity totaling ten percent (10%) of the site, entitles an additional 10 feet in height.
 - (b) Providing understory parking to reduce required surface parking, entitles an additional 10 feet in height.
 - (c) Providing public access to the waterway through public boat slips, or public boat launch, or public transitional slips, entitles an additional 10 feet in height.
 - (d) Provide a mixture of uses, such as restaurant with residential uses above, entitles an additional 10 feet in height.
 - (e) Providing shared storm water or shared parking with neighboring properties, entitles an additional 10 feet in height. Upon approval by the city, the shared amenity shall be recorded as an easement or agreement, in the public records of Brevard County.
- (6) Minimum floor area (commercial) - three hundred (300) square feet.
- (7) Minimum living area for multifamily units: None.
- (8) Yard requirements:

(a) Front: zero (0) foot minimum.

(b) Side interior: five (5) feet minimum, twenty-five (25) foot minimum when the property is adjacent to single-family development not separated by waterway, railroad, or street.

(c) Side corner: zero (0) foot minimum.

(d) Rear: twenty (20) feet minimum; ten (10) minimum feet when abutting a right-of-way or alley.

(e) Accessory structures: minimum twenty (20) foot front and side corner, same side and rear as listed in divisions (b) and (d) above.

(f) For buildings sixty (60) feet in height, or greater, the building(s) shall be setback a minimum of half the height of the building from the rear and side interior property lines when the property is adjacent to single-family development not separated by waterway, railroad, or street.

(g) For buildings taller than sixty (60) feet; the building shall be stepped-back a minimum of twenty (20) feet beyond the forty (40) foot height measurement when the property is adjacent to single-family development not separated by waterway, railroad, or street. This is intended to create a terrace effect that helps provide light and air for the adjacent single-family dwellings. The stepped back portion can be used for recreational purposes such as gardening or outdoor dining.

(9) Shared access and parking areas:

(a) Off-street parking for non-residential uses shall be behind or to the side of the nonresidential building with a minimum of five (5) foot setback from a right-of-way line.

(b) On-street parking spaces along any property line shall be counted toward the minimum number of parking spaces required for that use on that lot, except where there are driveway curb cuts.

(c) No side interior building and parking area setbacks are required for nonresidential buildings provided all of the following are met:

1. Buildings on adjacent parcels, under separate ownership, are joint by a common wall.

2. Parking areas and aisles are joined and shared in common with adjacent parcel(s) under separate ownership.

3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common for the parcels involved and a minimum spacing of one hundred fifty (150) feet is maintained, or access is provided by an approved frontage road.

4. Easements and/or written assurances of shared and common facilities from all property owners involved must be approved by the city and recorded in public records of Brevard County prior to the issuance of a building permit.

(d) For adjacent developments meeting the requirements of divisions 2 through 4 above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

(e) For developments adjacent to public parking the total number of off-street parking spaces required for uses on the parcel involved may be reduced by ten percent (10%) where the location of public parking areas provides convenient access to the principal buildings. On street public parking may not be considered for reduction eligibility.

(10) Design requirements:

(a) The Architectural Style for each structure shall adhere to 185.134 ARCHITECTURAL STYLE REQUIREMENTS (B)(1), (2), (3), (4), or (5).

(b) Structures in the following use category are exempt from the design review requirements of this subsection: public utility equipment and churches.

(c) The city sign code (Chapter 178) shall be adhered to with the following additional requirements:

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

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

3. Free standing signs shall have landscaping at the base.

(d) Structures having a federal or state historic site status shall be exempt from this subsection.

(e) Garages for single-, or two-family residential structures and uses shall not be located closer to the front or side corner lot line than the foremost facade of the principal building, i.e., "snout houses" are not permitted.

(f) Other than for entrances and exits, parking structures shall be screened from view on ground level by landscaping or active commercial or residential uses, to the greatest extent possible, on any side that faces a public street or right-of-way.

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

(11) Signs. Maximum height for any detached sign shall be ten (10) feet. All other criteria of the Sign Code shall be met.

(12) Landscaping. Properties within the Bayfront Mixed Use district are exempt from the development standards of § 185.142(B)(1), (2) and (4), Off-Street Parking Area Landscape Requirements, however properties within the district shall meet all the other requirements of § 185.142 in addition to the following landscape development standards:

(a) One (1) tree per every forty (40) feet of the property frontage shall be planted between the right-of-way line and the front or side corner building line for all properties.

(b) Any off-street parking space or parking lot in the Bayfront Mixed Use District that abuts a street right-of-way shall be buffered from the right-of-way by a landscape area of no less than five (5) feet of width in which is located a continuous row of shrubs no less than two (2) feet in height.

(c) In addition, where off-street parking is required for multiple family residential and nonresidential uses, such parking shall meet the interior parking area landscape requirements of § 185.142(3) of the code.

(13) Sidewalks. Sidewalks shall be provided to create a pedestrian access to the proposed project and to adjacent properties. All sidewalks shall:

(a) Be constructed of concrete with a raised curb separating the sidewalk from on-street parking.

(b) Be a minimum of five (5) feet in width.

(c) Comply with city engineering design standards.

(14) Fence/walls. The construction, erection, and maintenance of walls and fences shall be permitted per the city's fence code (§§ 170.110 through 170.122) with the following exceptions and additions:

(a) Chain link fence cannot be placed within twenty (20) feet of the front or side corner property lines.

(b) Fence and wall height shall be limited to four (4) feet within twenty (20) feet of the front and side corner property lines, and limited to six (6) feet in height at all other areas of the property.

(c) The use of barbed wire is prohibited.

(15) Lighting. Buildings shall have no neon on their exterior; however, neon signs may be displayed inside windows provided they occupy no more than fifteen percent (15%) of the window where they are displayed.



LAND DEVELOPMENT DIVISION

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

Landdevelopment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

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

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 185.058(D)(4)

PROPOSED LANGUAGE (attach addendum if necessary):

See Attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

Removing the conditional use requirement associated with parcel size allows for and is aligned with the intent of the Bayfront Mixed Use District by enabling larger scale mixed use developments.

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

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

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

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

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

Signature of Applicant  Date 6/9/22

Printed Name of Applicant Alexandra Bernard

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

Telephone (321) 733-3042 Email alexandra.bernard@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

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

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-08

Held on Wednesday, July 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

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

ROLL CALL:

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

The absences were excused for Ms. Maragh and Mr. Rainer.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Erich Messenger, Deputy City Attorney; Natalie Shaber, Engineer II.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-07; June 1, 2022.

Mr. Weinberg stated that he was pleased with the revitalization that was occurring in the Bayfront District.

Motion to submit Case CPZ-27-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

6. **T-29-2022 – BMU Conditional Use - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.058(D)(4), to eliminate the requirement for a Conditional Use to allow permitted uses on a parcel of ten (10) or more acres of area in the BMU, Bayfront Mixed Use District**

Mr. Anderson presented the staff report for Case T-29-2022. Staff recommended Case T-29-2022 for approval.

Mr. Olszewski questioned why the proposed amendment was needed and how the existing conditional use requirement was a hinderance. Mr. Anderson explained that ten acres or less was a physical constraint for horizontal mixtures of uses. The proposed change would allow for fluidity in terms of developers having the option of horizontal or vertical projects, and it would create a more transitional phase in density and intensity throughout the BMU district. He stated that the conditional use requirement could be seen as an obstacle by many developers, and it elongated the development process in certain circumstances. Conditions could be addressed at the administrative site plan level with prevailing circumstances brought before the board and City Council. Ms. Bernard added that according to the City Attorney, having a BMU zoning district and then a condition of ten acres or more was moot as it could not be allowed and a condition. The amendment would clear up the conflict.

Mr. Olszewski asked for clarification on how the textual amendment would change the process for a permitted business. He wanted to comprehend the direct benefit of the amendment. Mr. Anderson explained that a permitted use would no longer require board or City Council review. Its purpose was to make sure that entitlements

were not being restrained. The amendment would allow for a mixture of uses and create walkability over a larger scale of area rather than having to traverse through each small-scale submittal. Ms. Bernard added that the matter had arose three times in the last seven months. The change would allow for some great redevelopment to occur in the Bayfront area.

The floor was opened and closed for public comments.

Ms. Patricia Dalpra (resident at Georges Avenue NE) spoke against the request. She questioned why every vacant space in the area had to be developed, and it appeared as though the builders had the upper hand.

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

Mr. Olszewski asked the board for their view of the request. Mr. Weinberg commented that the amendment would permit an allowed use to occur without the additional step of a conditional use that was not considered necessary. Ms. Jordan concurred.

Motion to submit Case T-29-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

7. T-30-2022 – Citizen Participation Plan - City of Palm Bay (Growth Management Department – Requested by Deputy Mayor Kenny Johnson) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Zoning Code, Section 169.005(B)(1), to modify the applicability requirements for Citizen Participation Plans to include Comprehensive Plan Future Land Use Map and Zoning Map amendments

Mr. Anderson presented the staff report for Case T-30-2022. The proposal was at the request of Deputy Mayor Kenny Johnson. Staff recommended Case T-30-2022 for approval.

ORDINANCE 2022-83

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTER 'DISTRICT REGULATIONS', BY REMOVING THE CONDITIONAL USE REQUIREMENT FOR PERMITTED USES ON PARCELS OF TEN (10) OR MORE ACRES WITHIN BMU (BAYFRONT MIXED USE DISTRICT) ZONING; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', Section 185.058, BMU – Bayfront Mixed Use District, is hereby amended and shall henceforth read as follows:

"Section 185.058 BMU – COMMUNITY COMMERCIAL DISTRICT.

* * *

(D) *Conditional uses.*

* * *

~~(4) Permitted uses located on a parcel of ten (10) or more acres of area.~~

* * *"

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: _____

Applicant: City of Palm Bay
Case: T-29-2022

cc: (date) Case File

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: Alexandra Bernard, Growth Management Director

DATE: 8/4/2022

RE: Ordinance 2022-84, amending the Code of Ordinances, Chapter 169, Land Development Code, by modifying the applicability provisions for citizen participation plans (T-30-2022, City of Palm Bay), first reading. (Deputy Mayor Johnson)

The City of Palm Bay (Growth Management Department), at the request of Deputy Mayor Kenny Johnson, has submitted for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.005(B)(1), to modify the applicability requirements for Citizen Participation Plans to include Comprehensive Plan Future Land Use Map and Zoning Map amendments.

The subject amendment expands the applicability of Citizen Participation Plans to include both Comprehensive Plan Future Land Use Map and Zoning Map amendments. The request also proposes to require the completion of Citizen Participation Plan meetings for applicable projects prior to an application being deemed sufficient for staff review and the scheduling of the public hearings. These changes will broaden citizen involvement and ensure implementation within a timely manner.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case T-30-2022.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:

Description

Case T-30-2022 - Staff Report

Case T-30-2022 - Application

Case T-30-2022 - Board Minutes

Ordinance 2022-84



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Jesse D. Anderson, Assistant Growth Management Director

CASE NUMBER

T-30-2022

PLANNING & ZONING BOARD HEARING DATE

July 6, 2022

APPLICANT

City of Palm Bay (Growth Management
Department – Requested by Deputy
Mayor Kenny Johnson)

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.005(B)(1), to modify the applicability requirements for Citizen Participation Plans to include Comprehensive Plan Future Land Use Map and Zoning Map Amendments (Requested by Deputy Mayor Kenny Johnson).

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

SURROUNDING ZONING & USE OF LAND

North

Not Applicable

East

Not Applicable

South

Not Applicable

West

Not Applicable

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.005(B)(1), applicability requirements for Citizen Participation Plans to include Comprehensive Plan Future Land Use Map and Zoning Map Amendments. See proposed changes below:

The applicant for this amendment is the City of Palm Bay, Florida. The applicant is looking to modify the applicability requirements for Citizen Participation plans, expanding the applicability to Comprehensive Plan Future Land Use Map and Zoning Map Amendments. This request also proposes to require the completion of Citizen Participation Plan meetings for applicable projects to occur prior to an application being deemed sufficient for staff review and scheduling of public hearings.

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

INTENT AND APPLICABILITY:

The purpose of the citizen participation plan is to:

- (1) Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community.
- (2) Ensure that citizens have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the review and decision-making process.
- (3) Facilitate ongoing communication between the applicant, interested citizens, city staff, appointed and elected officials throughout the applicant review process.
- (4) The citizen participation plan is not intended to produce complete consensus on all applicants, but to encourage applicants to be good neighbors and to allow for informed decision-making.

ANALYSIS:

The proposed changes, as textually written below, will broaden citizen participation and entice a more active citizenry. These changes will also ensure that Citizen Participation Plans are implemented in a timely manner, with forethought, as the proper implementation of said plan will be a contingency of deeming an applicable application as sufficient for review and public hearing.

STAFF RECOMMENDATION:

Case T-30-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 169: LAND DEVELOPMENT CODE

§ 169.005 CITIZEN PARTICIPATION PLANS.

(A) *Purpose.* The purpose of the citizen participation plan is to:

(1) Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community.

(2) Ensure that citizens have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the review and decision-making process.

(3) Facilitate ongoing communication between the applicant, interested citizens, city staff, appointed and elected officials throughout the applicant review process.

(4) The citizen participation plan is not intended to produce complete consensus on all

applicants, but to encourage applicants to be good neighbors and to allow for informed decision-making.

(B) *Applicability.*

(1) Every application for development that requires a >>Comprehensive Plan Future Land Use Map or Zoning Map Amendment,<< preliminary subdivision approval, preliminary planned unit development, or a conditional use shall include a citizen participation plan that must be implemented prior to ~~the first public hearing or notice of public review and comment period on an administrative application~~ >>an application being deemed sufficient for staff review and scheduling of public hearings<<.

(2) When in compliance with all other city ordinances and regulations, the following projects are exempted from the other provisions of this section.

(a) Construction of one single-family detached dwelling.

(b) Construction of ten (10) or less multi-family dwelling units, regardless of density.

(c) Amendments to an approved Planned Unit Development (PUD) provided that less than twenty percent (20%) of the total acreage of the PUD is subject to the amendment.

(C) *Plan contents.*

(1) At a minimum, the citizen participation plan shall include the following information:

(a) Which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application;

(b) How those parties identified in division (C)(1) of this section will be notified that an application has been made including a letter introducing the proposed project and describing the impact it may have on the surrounding properties, providing a proposed site plan and a contact name, phone number and address where parties may address questions;

(c) How those parties identified in division (C)(1) of this section will be informed of a substantive of change, amendment, or development to the proposed application;

(d) How those identified in division (C)(1) of this section will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing or public review and comment period; at a minimum there should be at least one (1) informational meeting held on a Monday, Tuesday or Wednesday evening after 6:00 p.m. at least seven (7) days before the first scheduled city public hearing or administrative review;

(e) The applicant's schedule for completion of the citizen participation plan;

(f) How the applicant will keep the Growth Management Department informed as to the status of his or her citizen participation efforts.

(2) The level of citizen interest and area of involvement will vary depending on the nature of the application and the project's location. The applicant will determine the target area for notification after consultation with and approval of the Growth Management Department.

(3) In no case shall the notification area be less than that required in other sections of the Land Development Regulations.

(4) The applicant shall notify neighborhood and homeowners' associations within the public notice area required by other sections of the Land Development Regulations.

(5) The applicant shall notify any other persons, organizations or agencies as deemed appropriate after consultation with the Growth Management Department.

(6) These requirements apply in addition to any notice provisions required elsewhere in the Land Development Regulations.

(7) At the applicant's discretion, applicant may submit a citizen participation plan, along with the required processing fee, and begin implementation prior to the formal application submittal. This shall not occur until after consultation with the Growth Management Department.

(D) Citizen participation report.

(1) When a citizen participation plan is required, the applicant shall provide a written report, satisfactory to the Director of the Growth Management Department, documenting the results of the citizen participation effort prior to the notice of public hearing or notice of public review and comment period on the application. This report shall be made a part of the administrative record and shall be filed with the Growth Management Department at least five (5) days before the city's first public hearing or final administrative review.

(2) The citizen participation report shall describe the methods the applicant employed to involve the public, including:

(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;

(b) The content, dates mailed, and number of mailings, including letters, meeting notices, newsletters and other writings;

(c) A description of where residents, property owners and other interested parties receiving notices, newsletters, or other written materials are located; and

(d) The number of people who participated in the process.

(3) The report shall summarize the substance of concerns, issues and problems expressed during the process.

(4) The report shall describe how the applicant has addressed, or intends to address the concerns, issues and problems expressed during the process.

5) The report shall identify which concerns, issues and problems the applicant is unwilling or unable to address, if any, and shall state why.



LAND DEVELOPMENT DIVISION

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

Landdevelopment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

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

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 169.005(B)(1)

PROPOSED LANGUAGE (attach addendum if necessary):

See Attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

The proposed changes, as textually written below, will broaden citizen participation and entice a more active citizenry. These changes will also ensure that Citizen Participation Plans are implemented in a timely manner, with forethought, as the proper implementation of said plan will be a contingency of deeming an applicable application as sufficient for review and public hearing.

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

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

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

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

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

Signature of Applicant  Date 6/9/22

Printed Name of Applicant Alexandra Bernard

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

Telephone (321) 733-3042 Email alexandra.bernard@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

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

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-08

Held on Wednesday, July 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

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

ROLL CALL:

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

The absences were excused for Ms. Maragh and Mr. Rainer.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Erich Messenger, Deputy City Attorney; Natalie Shaber, Engineer II.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-07; June 1, 2022.

were not being restrained. The amendment would allow for a mixture of uses and create walkability over a larger scale of area rather than having to traverse through each small-scale submittal. Ms. Bernard added that the matter had arose three times in the last seven months. The change would allow for some great redevelopment to occur in the Bayfront area.

The floor was opened and closed for public comments.

Ms. Patricia Dalpra (resident at Georges Avenue NE) spoke against the request. She questioned why every vacant space in the area had to be developed, and it appeared as though the builders had the upper hand.

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

Mr. Olszewski asked the board for their view of the request. Mr. Weinberg commented that the amendment would permit an allowed use to occur without the additional step of a conditional use that was not considered necessary. Ms. Jordan concurred.

Motion to submit Case T-29-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

7. **T-30-2022 – Citizen Participation Plan - City of Palm Bay (Growth Management Department – Requested by Deputy Mayor Kenny Johnson) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Zoning Code, Section 169.005(B)(1), to modify the applicability requirements for Citizen Participation Plans to include Comprehensive Plan Future Land Use Map and Zoning Map amendments**

Mr. Anderson presented the staff report for Case T-30-2022. The proposal was at the request of Deputy Mayor Kenny Johnson. Staff recommended Case T-30-2022 for approval.

Mr. Olszewski surmised that the proposed amendment would now require Citizen Participation Plan (CPP) meetings to occur before applicants could come forth with Comprehensive Plan Amendment applications that would now include the summaries of their CPP meetings, and that all properties touching the 500-foot radius of the sites would need to be invited to the CPP meetings. Mr. Anderson indicated that this was correct, but CPP meetings must occur before Comprehensive Plan and Zoning Amendment applications were found to be sufficient for staff review. He expounded on the proposal and stated that the same integrity would be maintained for processing developments, conditional uses, Comprehensive Plan Amendments, and rezonings. Mr. Olszewski remarked that he was fully in support of the amendment.

Ms. Jordan asked for clarification on the CPP meetings occurring before applications were submitted to staff. Mr. Anderson stated that CPP meetings must occur before applications were found sufficient for review. Applications would not be deemed sufficient for review or proceed to a public hearing until the CPP was completed and reported to staff. The change would keep CPP meetings from being held too close to the public hearings for residents and for staff.

Mr. Karaffa wanted to know what a CPP meeting was. Mr. Anderson explained that a CPP was an outlined method for the citizens in an area that were most likely affected by a development to attend a meeting held by the developer to explain the project. Citizens could voice their opinions and fears so that the developer could attempt to mitigate any unwanted risks. Mr. Karaffa remarked on the timing of projects and the sufficiency in information that would be provided for CPP meetings. Mr. Anderson stated that the level of details provided for requests were based on what levels of analysis and reviews were under consideration as some details were required at later stages and some projects might not be developed for years. He said that this ensured that current information was being captured, and that the plans presented at the CPP meetings would be at the earliest stage so that citizen opinions could be heard.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) inquired whether the 500-foot radius mailing was measured from the center or from the border of the properties to determine who received the meeting notices.

Ms. Susan Connolly (resident at Dixie Highway NE) wanted clarification that the CPP meeting would now occur earlier in the process and would include all applications that come before the board.

In response to the comments from the audience, Ms. Bernard restated the CPP process and that all applications would require a CPP meeting. She explained that standard 500-foot radius packages were prepared by Brevard County for a fee.

The floor was closed for public comments.

Motion to submit Case T-30-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

8. **T-33-2022 - Voluntary Low Impact Development - City of Palm Bay (Growth Management Department – Requested by Deputy Mayor Kenny Johnson) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety, to modify guidelines for voluntary low impact development**

Mr. Anderson presented the staff report for Case T-33-2022. Staff recommended Case T-33-2022 for approval.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned why the subject proposal was written as a voluntary system that developers could opt out of. The

ORDINANCE 2022-84

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 169, LAND DEVELOPMENT CODE, BY MODIFYING THE APPLICABILITY PROVISIONS FOR CITIZEN PARTICIPATION PLANS; 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 XVII, Land Development Code, Chapter 169, Land Development Code, Section 169.005, Citizen Participation Plans, is hereby amended and shall henceforth read as follows:

“Section 169.005 CITIZEN PARTICIPATION PLANS.

* * *

(B) *Applicability.*

(1) Every application for development that requires a >>Comprehensive Plan Future Land Use Map or Zoning Map Amendment,<< preliminary subdivision approval, preliminary planned unit development, or a conditional use shall include a citizen participation plan that must be implemented prior to the first public hearing or notice of public review and comment period on an administrative application >>an application being deemed sufficient for staff review and scheduling of public hearings<<.

* * *”

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: _____

Applicant: City of Palm Bay
Case: T-30-2022

cc: (date) Case File

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: Alexandra Bernard, Growth Management Director

DATE: 8/4/2022

RE: Ordinance 2022-85, amending the Code of Ordinances, Chapter 169, Land Development Code, Subchapter 'Green Development Incentive Program', by repealing the subchapter in its entirety (T-33-2022, City of Palm Bay), first reading. (Deputy Mayor Johnson)

Staff is requesting to repeal Sections 169.010 through 169.015, related to the Green Development Incentive Program, in its entirety, and add similar language and guidelines for voluntary low impact development (which includes "green development" and incentives for such) to an existing section of the Land Development Code.

The City of Palm Bay (Growth Management Department), at the request of Deputy Mayor Kenny Johnson, has submitted for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards. The subject amendment enables the implementation of Voluntary Low Impact Development (LID) providing flexibilities, waivers, and other incentives to developer that elect to implement design standards for new development or redevelopment.

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to approve an ordinance amending the Palm Bay Code of Ordinances, Title XVII, Land Development Code, repealing Sections 169.010 through 169.015 in its entirety.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:**Description**

Case T-33-2022 - Staff Report

Case T-33-2022 - Application

Case T-33-2022 - Board Minutes

Ordinance 2022-85



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Jesse D. Anderson, Assistant Growth Management Director

CASE NUMBER

T-33-2022

PLANNING & ZONING BOARD HEARING DATE

July 6, 2022

APPLICANT

City of Palm Bay (Public Works
Department – Requested by Deputy
Mayor Kenny Johnson)

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety, to modify guidelines for voluntary low impact development.

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

SURROUNDING ZONING & USE OF LAND

North

Not Applicable

East

Not Applicable

South

Not Applicable

West

Not Applicable

BACKGROUND:

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety, to modify guidelines for voluntary low impact development. See proposed changes below:

The applicant for this amendment is the City of Palm Bay, Florida. The applicant is looking to modify guidelines for voluntary low impact development by amending Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety.

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

INTENT AND APPLICABILITY:

In order to mitigate stormwater pollution by providing for the voluntary use of low impact development best practices that protect, maintain, and enhance both the immediate and the long term health, safety, and general welfare of the citizens of the city, this subchapter has the following objectives:

- (A) To encourage productive and enjoyable harmony between man and nature;
- (B) To provide protection of land, improvements, and natural resources through the use of responsible stormwater management and flood protection;
- (C) To minimize the impact of development on the water resources of the region; and
- (D) To incentivize the voluntary use of low impact development best practices that prevent unnecessary harm to the community by activities which may adversely affect water resources;
- (E) To encourage the construction of stormwater management drainage systems best practices above and beyond the minimum requirements of the State and other local jurisdictions which govern stormwater management;
- (F) To encourage the protection of natural conveyance systems and the use of them in ways which do not impair their beneficial functioning;
- (G) To reduce pollution intrusion in stormwater runoff that cause adverse impact to the quality of receiving waters;

- (H) To protect, restore, and maintain the chemical, physical and biological integrity of groundwater and stormwater;
- (I) To prevent damage from flooding, while recognizing the natural fluctuations in water levels are beneficial;
- (J) To provide for natural stormwater infiltration, settling of suspended solids and removal of pollutants from runoff prior to discharge into surface waters;
- (K) To prevent damage to hydrological and biological functions of wetlands;

ANALYSIS:

The proposed changes, as textually written, will enable the implementation of Voluntary Low Impact Development (LID) that further reduce stormwater pollution by maximizing open, green, and pervious space during development or redevelopment of a site. It will allow and provide a foundation for the adoption of a subsequent manual for Low Impact Development, which will include integrated management practices (best practices) as well as incentives and inducements that encourage the use of LID.

STAFF RECOMMENDATION:

Case T-33-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 174: FLOODPLAIN AND STORMWATER MANAGEMENT

Stormwater Management and Conservation

Part 2: Drainage Plan

§ 174.068 DESIGN STANDARDS.

To ensure attainment of the objectives of this subchapter and that performance standards will be met, the design, construction, and maintenance of drainage systems shall be consistent with the following standards:

(A) Channeling stormwater runoff directly into water bodies shall be prohibited. Instead, runoff should be routed over a longer distance, through swales and other works designed to increase infiltration, allow suspended solids to settle, and remove pollutants;

(B) Natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized or otherwise altered. Water shall be retained or detained before it enters any natural watercourse in order to preserve the natural hydrodynamics of the watercourse and to prevent siltation or other pollution;

(C) The area of land disturbed by development shall be as small as practicable. Those areas which are not to be disturbed shall be protected by an adequate barrier from construction activity. Whenever possible, natural vegetation shall be retained and protected;

(D) No grading, cutting or filling shall be commenced until erosion and sedimentation control structures have been installed between the disturbed area and water bodies, watercourses and wetlands;

(E) Land which has been cleared for development and upon which construction has not commenced shall be protected from erosion by appropriate techniques designed to revegetate the area;

(F) Sediment shall be retained on the site of the development;

(G) Wetlands and other water bodies shall not be used as primary sediment traps during development;

(H) Erosion and sedimentation facilities shall receive regular maintenance to ensure that they continue to function properly;

(I) Artificial watercourses shall be designed, considering soil type, so that the velocity of flow is low enough to prevent erosion;

(J) City and MTWCD maintained facilities are subject to the level of service and standards the city and MTWCD respectively have the ability to provide.

(K) Vegetated buffer strips shall be created or, where practicable, retained in their natural state along the banks of all watercourses, water bodies or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland runoff, provide access to the water body and allow for periodic flooding without damage to structures;

(L) Intermittent watercourses, such as swales, shall be vegetated;

(M) Retention and detention ponds shall be used to retain and detain the increased and accelerated runoff which the development generates. Water shall be released from detention ponds into watercourses or wetlands at a rate and in a manner approximating the natural flow which would have occurred before development;

(N) Although the use of wetlands for storing and purifying water is encouraged, care must be taken not to overload their capacity, thereby harming the wetlands and transitional vegetation;

(O) Dry retention facilities, a volume sufficient to retain the runoff from one-half ($\frac{1}{2}$) inch of rainfall of entire site (or one and one-half ($1\frac{1}{2}$) inches of runoff of impervious surfaces if greater) shall be provided;

(P) Wet detention facilities, no more than one-half ($\frac{1}{2}$) of this volume may be discharged in the first seventy-two (72) hours following a storm event; the total volume recovery occurring in fourteen (14) days;

(Q) Volume in the permanent pool (below maintained water level) in wet detention facilities must be sufficient to provide a residence time of at least fourteen (14) days. This volume may be determined as one and one-half ($1\frac{1}{2}$) inches over the impervious portion of the drainage basin, plus one-half ($\frac{1}{2}$) inch over the pervious portion of the basis;

(R) The inlet structure and outlet structure in wet detention facilities shall be located that contact between stormwater and littoral plantings is maximized. The inlet to the wet detention pond should be baffled to reduce turbulence, and the outlet from the wet detention pond shall be located as far as practicable from the inlet and should be constructed with skimmers to prevent the transmission of oils, grease and floating debris;

(S) Runoff from parking lots shall be treated to remove oil and sediment before it enters receiving waters;

(T) Detention and retention areas shall be designed when possible so that shorelines are sinuous rather than straight and so that the length of shoreline is increased, thus offering more space for the growth of littoral vegetation;

(U) The use of drainage facilities and vegetated buffer zones as open space, recreation and conservation areas shall be encouraged;

(V) Disturbed areas shall be stabilized and protected from erosion as soon as possible.

(W) Retention areas shall be designed as dry- bottom ponds, with the seasonal high groundwater table demonstrated to be at least one (1) foot below the finished pond bottom. Wet bottom ponds may be used provided that the entity responsible for maintenance shall not be the city.

(X) Detention reservoirs may be designed as wet-bottom or dry-bottom ponds. If designed as dry- bottom ponds, the seasonal high groundwater table shall be demonstrated to be at least one (1) foot below the finished pond bottom. If designed as a wet- bottomed pond, the depth shall be sufficient to limit growth of emergent plants to designated peripheral littoral zones, if applicable. Detention ponds shall be designed to remain hydraulically separate from the retention ponds so that backflow and mixing does not occur.

(Y) Dry retention systems shall be designed to recover one-half ($\frac{1}{2}$) of their volume in twenty-four (24) hours and the entire volume in seventy-two (72) hours. Wet detention systems shall recover their volumes in less than fourteen (14) days.

(Z) The City Engineer may, under certain extenuating circumstances, when there is no other alternative, waive the pond system requirement for wet detention systems.

(AA) ~~The >>A developer may elect to implement voluntary low impact development design standards for new development or redevelopment<< City Engineer may approve low impact development designed stormwater systems that vary from the design standards above provided the development is certified under the City of Palm Bay's Green Development Incentive Program >>~~in accordance with this section.

(1) Voluntary Low Impact Development (LID) is the voluntary implementation of designs and standards that further reduce stormwater pollution by maximizing open, green, and pervious space during development or redevelopment of a site. It is the developer's responsibility to comply with the requirements for stormwater management contained within Chapter 174 of the Palm Bay Code of Ordinances.

(2) The City Engineer, or designee, shall review and concur that the low impact development designs and standards are consistent with the City's Low Impact Development Manual.

(3) Voluntary LID designs and standards shall, at a minimum, be planned and designed to manage and capture stormwater runoff, to the maximum extent feasible, in a manner consistent with the integrated management practices (IMPs) as outlined in the City's Low Impact Development Manual.

(4) The developer shall adhere to the LID designs and standards as contained in the City's Low Impact Development Manual to be entitled to a density or intensity bonus, more floor space than allowed under the current or proposed future land use designation or zoning, greater height, a reduction in fees, credits, or granting of other incentives as authorized by City Council.<<



LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

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

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 174.068(AA) and Sections 169.010 through 169.015

PROPOSED LANGUAGE (attach addendum if necessary):

See Attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

To modify language to adopt a subsequent manual for Low Impact Developments in order to better assess future applications.

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

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

☐

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

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

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

Signature of Applicant



Date

6/9/22

Printed Name of Applicant Alexandra Bernard

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

Telephone (321) 733-3042

Email alexandra.bernard@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

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

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-08

Held on Wednesday, July 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

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

ROLL CALL:

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

The absences were excused for Ms. Maragh and Mr. Rainer.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Erich Messenger, Deputy City Attorney; Natalie Shaber, Engineer II.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-07; June 1, 2022.

Mr. Bill Battin (resident at Ocean Spray Street SW) inquired whether the 500-foot radius mailing was measured from the center or from the border of the properties to determine who received the meeting notices.

Ms. Susan Connolly (resident at Dixie Highway NE) wanted clarification that the CPP meeting would now occur earlier in the process and would include all applications that come before the board.

In response to the comments from the audience, Ms. Bernard restated the CPP process and that all applications would require a CPP meeting. She explained that standard 500-foot radius packages were prepared by Brevard County for a fee.

The floor was closed for public comments.

Motion to submit Case T-30-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

8. **T-33-2022 - Voluntary Low Impact Development - City of Palm Bay (Growth Management Department – Requested by Deputy Mayor Kenny Johnson) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety, to modify guidelines for voluntary low impact development**

Mr. Anderson presented the staff report for Case T-33-2022. Staff recommended Case T-33-2022 for approval.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned why the subject proposal was written as a voluntary system that developers could opt out of. The

language should be written as a requirement if the ordinance was considered necessary.

In response to the comments from the audience, Ms. Shaber stated that she was a big proponent of Low Impact Development (LID); however, LID was not a statutory requirement at this time. Implementation of some of the best practices would also be more difficult for some developers and engineers. State regulations were currently in place that addressed stormwater management requirements, but environmental needs were not being met. By introducing, encouraging, workshopping, educating, and providing incentives, a natural change would hopefully occur voluntarily. She commented that if the state made LID mandatory, the City would have an introductory in place.

Ms. Jordan asked if the City had a LID manual as it was referenced in the textual amendment. Ms. Shaber stated that a manual was being drafted. The manual and the proposed amendment would be approved concurrently by City Council.

The floor was closed for public comments.

Motion to submit Case T-33-2022 to City Council for approval.

Mr. Weinberg stated that LID was good for the City, and that the manual would hopefully standardize the proposal.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

OTHER BUSINESS:

1. There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 8:49 p.m.

ORDINANCE 2022-85

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 169, LAND DEVELOPMENT CODE, SUBCHAPTER 'GREEN DEVELOPMENT INCENTIVE PROGRAM', BY REPEALING THE SUBCHAPTER IN ITS ENTIRETY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR DELETION FROM THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 169, Land Development Code, Subchapter 'Green Development Incentive Program, is hereby repealed in its entirety.

~~"GREEN DEVELOPMENT INCENTIVE PROGRAM~~

~~§ 169.010 PURPOSE AND INTENT.~~

~~The Palm Bay Green Development Incentive Program is designed to promote sustainable development and design practices. Participation in the program is voluntary.~~

~~§ 169.011 DEFINITIONS.~~

~~**CITY.** The City of Palm Bay, Florida.~~

~~**LEED.** The Leadership in Energy and Environmental Design Rating System of the U.S. Green Building Council.~~

~~**PROGRAM.** The City of Palm Bay Green Building Incentive Program.~~

~~§ 169.012 STANDARDS.~~

~~(A) Certification under the program shall require that a participant's development obtain certification under one or more of the following standards:~~

~~(1) Certification under the Florida Green Development Certification Standard of the Florida Green Building Coalition;~~

~~(2) — Certification under the LEED Neighborhood Development Rating System administered by the Green Building Certification Institute;~~

~~(B) — The city will recognize certification upon receipt of a copy of the official certificate from the appropriate rating agency.~~

~~§ 169.013 SECONDARY STANDARDS.~~

~~(A) — Projects may also benefit from the incentives below (as specified in the incentives) by obtaining certification or complying with one or more of the following standards:~~

~~(1) — Certification under the Water Star Commercial Rating System by the St. Johns River Water Management District; and/or~~

~~(2) — Compliance with the Model Lighting Ordinance prepared by the International Dark Sky Association and Illuminating Engineering Society of North America.~~

~~(B) — The city will recognize certification upon receipt of a copy of the official certificate from the appropriate rating agency or in the case of the Model Lighting Ordinance, review of submitted documentation from the developer illustrating compliance.~~

~~§ 169.014 INCENTIVES.~~

~~The program shall provide the following incentives for participants:~~

~~(A) — *Submittal, Review, and Construction Phase.*~~

~~(1) — *Expedited Permitting.* Applications for site plan reviews shall be reviewed on an expedited basis by city staff. Expedited shall be prioritizing such review ahead of non-participant projects.~~

~~(2) — *Signage.* Participants shall be permitted to erect signage promoting their participation in the program as well as the certifying agency promotional materials on the site. Said signage shall not count toward the number of construction or future improvement signage normally permitted by the Sign Code.~~

~~(3) — *Web Page Promotion.* The participant's project shall be listed on the city's website under the program's heading for a minimum of one year. City staff will develop the promotion with input from the participant.~~

~~(4) — *Reduction in Development Permit Fees.* The calculation of site plan review fees, stormwater management review fees, tree clearing permit~~

~~fees, rezoning fees, conditional use fees, subdivision fees, and Planned Unit Development fees due shall include a twenty percent (20%) credit toward the fee(s) for compliance with the program primary standards and a ten percent (10%) credit for adherence to a secondary standard. Said fee reductions shall be effective upon submittal of proof of application for certification.~~

~~(B) — Upon completion.~~

~~(1) — Fee Refunds. The participant shall be entitled to a refund of fifty percent (50%) of the administrative site plan fee upon provision of the final certification from the appropriate rating agency.~~

~~(2) — Green Development Program Proclamation. The participant shall receive a proclamation from the city at a City Council meeting recognizing their achievement under the City of Palm Bay Green Development Incentive Program.~~

~~§ 169.015 ADMINISTRATION.~~

~~The program shall be administered by the Growth Management Department. Annually, subject to funding availability, the Growth Management Department shall sponsor or co-sponsor a Green Development Seminar/Workshop within Palm Bay. The purpose of this seminar shall be to promote green development practices within the city and to promote the Palm Bay Green Development Incentive Program."~~

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

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

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions

of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect 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: _____

Applicant: City of Palm Bay
Case: T-33-2022

cc: (date) Case File

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: Alexandra Bernard, Growth Management Director

DATE: 8/4/2022

RE: Ordinance 2022-86, amending the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Stormwater Management and Conservation – Part 2: Drainage Plan', by including provisions for voluntary low impact development design standards for new development or redevelopment (T-33-2022, City of Palm Bay), first reading. (Deputy Mayor Johnson)

The City of Palm Bay (Growth Management Department), at the request of Deputy Mayor Kenny Johnson, has submitted for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, to modify guidelines for voluntary low impact development.

The subject amendment enables the implementation of Voluntary Low Impact Development (LID) providing flexibilities, waivers, and other incentives to developer that elect to implement design standards for new development or redevelopment. A developer may elect to implement certain standards that further reduces stormwater pollution by maximizing open, green, and pervious space. It also allows and provides a foundation for the adoption of a subsequent manual to integrate best practices and incentives that encourages the use of LID. The manual shall be adopted by City Council by Resolution at a subsequent council meeting. Upon Council approval, the Public Works and Growth Management Departments will solicit developer feedback to ensure that the program does not hinder commercial development opportunity, rather encourages the voluntary implementation of low impact design standards in accordance with this ordinance.

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to approve an ordinance amending the Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, to modify guidelines for voluntary low impact

development (Deputy Mayor Johnson).

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:

Description

Case T-33-2022 - Staff Report

Case T-33-2022 - Application

Case T-33-2022 - Board Minutes

Ordinance 2022-86



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Jesse D. Anderson, Assistant Growth Management Director

CASE NUMBER

T-33-2022

PLANNING & ZONING BOARD HEARING DATE

July 6, 2022

APPLICANT

City of Palm Bay (Public Works
Department – Requested by Deputy
Mayor Kenny Johnson)

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety, to modify guidelines for voluntary low impact development.

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

SURROUNDING ZONING & USE OF LAND

North

Not Applicable

East

Not Applicable

South

Not Applicable

West

Not Applicable

BACKGROUND:

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety, to modify guidelines for voluntary low impact development. See proposed changes below:

The applicant for this amendment is the City of Palm Bay, Florida. The applicant is looking to modify guidelines for voluntary low impact development by amending Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety.

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

INTENT AND APPLICABILITY:

In order to mitigate stormwater pollution by providing for the voluntary use of low impact development best practices that protect, maintain, and enhance both the immediate and the long term health, safety, and general welfare of the citizens of the city, this subchapter has the following objectives:

- (A) To encourage productive and enjoyable harmony between man and nature;
- (B) To provide protection of land, improvements, and natural resources through the use of responsible stormwater management and flood protection;
- (C) To minimize the impact of development on the water resources of the region; and
- (D) To incentivize the voluntary use of low impact development best practices that prevent unnecessary harm to the community by activities which may adversely affect water resources;
- (E) To encourage the construction of stormwater management drainage systems best practices above and beyond the minimum requirements of the State and other local jurisdictions which govern stormwater management;
- (F) To encourage the protection of natural conveyance systems and the use of them in ways which do not impair their beneficial functioning;
- (G) To reduce pollution intrusion in stormwater runoff that cause adverse impact to the quality of receiving waters;

- (H) To protect, restore, and maintain the chemical, physical and biological integrity of groundwater and stormwater;
- (I) To prevent damage from flooding, while recognizing the natural fluctuations in water levels are beneficial;
- (J) To provide for natural stormwater infiltration, settling of suspended solids and removal of pollutants from runoff prior to discharge into surface waters;
- (K) To prevent damage to hydrological and biological functions of wetlands;

ANALYSIS:

The proposed changes, as textually written, will enable the implementation of Voluntary Low Impact Development (LID) that further reduce stormwater pollution by maximizing open, green, and pervious space during development or redevelopment of a site. It will allow and provide a foundation for the adoption of a subsequent manual for Low Impact Development, which will include integrated management practices (best practices) as well as incentives and inducements that encourage the use of LID.

STAFF RECOMMENDATION:

Case T-33-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 174: FLOODPLAIN AND STORMWATER MANAGEMENT

Stormwater Management and Conservation

Part 2: Drainage Plan

§ 174.068 DESIGN STANDARDS.

To ensure attainment of the objectives of this subchapter and that performance standards will be met, the design, construction, and maintenance of drainage systems shall be consistent with the following standards:

(A) Channeling stormwater runoff directly into water bodies shall be prohibited. Instead, runoff should be routed over a longer distance, through swales and other works designed to increase infiltration, allow suspended solids to settle, and remove pollutants;

(B) Natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized or otherwise altered. Water shall be retained or detained before it enters any natural watercourse in order to preserve the natural hydrodynamics of the watercourse and to prevent siltation or other pollution;

(C) The area of land disturbed by development shall be as small as practicable. Those areas which are not to be disturbed shall be protected by an adequate barrier from construction activity. Whenever possible, natural vegetation shall be retained and protected;

(D) No grading, cutting or filling shall be commenced until erosion and sedimentation control structures have been installed between the disturbed area and water bodies, watercourses and wetlands;

(E) Land which has been cleared for development and upon which construction has not commenced shall be protected from erosion by appropriate techniques designed to revegetate the area;

(F) Sediment shall be retained on the site of the development;

(G) Wetlands and other water bodies shall not be used as primary sediment traps during development;

(H) Erosion and sedimentation facilities shall receive regular maintenance to ensure that they continue to function properly;

(I) Artificial watercourses shall be designed, considering soil type, so that the velocity of flow is low enough to prevent erosion;

(J) City and MTWCD maintained facilities are subject to the level of service and standards the city and MTWCD respectively have the ability to provide.

(K) Vegetated buffer strips shall be created or, where practicable, retained in their natural state along the banks of all watercourses, water bodies or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland runoff, provide access to the water body and allow for periodic flooding without damage to structures;

(L) Intermittent watercourses, such as swales, shall be vegetated;

(M) Retention and detention ponds shall be used to retain and detain the increased and accelerated runoff which the development generates. Water shall be released from detention ponds into watercourses or wetlands at a rate and in a manner approximating the natural flow which would have occurred before development;

(N) Although the use of wetlands for storing and purifying water is encouraged, care must be taken not to overload their capacity, thereby harming the wetlands and transitional vegetation;

(O) Dry retention facilities, a volume sufficient to retain the runoff from one-half ($\frac{1}{2}$) inch of rainfall of entire site (or one and one-half ($1\frac{1}{2}$) inches of runoff of impervious surfaces if greater) shall be provided;

(P) Wet detention facilities, no more than one-half ($\frac{1}{2}$) of this volume may be discharged in the first seventy-two (72) hours following a storm event; the total volume recovery occurring in fourteen (14) days;

(Q) Volume in the permanent pool (below maintained water level) in wet detention facilities must be sufficient to provide a residence time of at least fourteen (14) days. This volume may be determined as one and one-half ($1\frac{1}{2}$) inches over the impervious portion of the drainage basin, plus one-half ($\frac{1}{2}$) inch over the pervious portion of the basis;

(R) The inlet structure and outlet structure in wet detention facilities shall be located that contact between stormwater and littoral plantings is maximized. The inlet to the wet detention pond should be baffled to reduce turbulence, and the outlet from the wet detention pond shall be located as far as practicable from the inlet and should be constructed with skimmers to prevent the transmission of oils, grease and floating debris;

(S) Runoff from parking lots shall be treated to remove oil and sediment before it enters receiving waters;

(T) Detention and retention areas shall be designed when possible so that shorelines are sinuous rather than straight and so that the length of shoreline is increased, thus offering more space for the growth of littoral vegetation;

(U) The use of drainage facilities and vegetated buffer zones as open space, recreation and conservation areas shall be encouraged;

(V) Disturbed areas shall be stabilized and protected from erosion as soon as possible.

(W) Retention areas shall be designed as dry- bottom ponds, with the seasonal high groundwater table demonstrated to be at least one (1) foot below the finished pond bottom. Wet bottom ponds may be used provided that the entity responsible for maintenance shall not be the city.

(X) Detention reservoirs may be designed as wet-bottom or dry-bottom ponds. If designed as dry- bottom ponds, the seasonal high groundwater table shall be demonstrated to be at least one (1) foot below the finished pond bottom. If designed as a wet- bottomed pond, the depth shall be sufficient to limit growth of emergent plants to designated peripheral littoral zones, if applicable. Detention ponds shall be designed to remain hydraulically separate from the retention ponds so that backflow and mixing does not occur.

(Y) Dry retention systems shall be designed to recover one-half ($\frac{1}{2}$) of their volume in twenty-four (24) hours and the entire volume in seventy-two (72) hours. Wet detention systems shall recover their volumes in less than fourteen (14) days.

(Z) The City Engineer may, under certain extenuating circumstances, when there is no other alternative, waive the pond system requirement for wet detention systems.

(AA) ~~The >>A developer may elect to implement voluntary low impact development design standards for new development or redevelopment<< City Engineer may approve low impact development designed stormwater systems that vary from the design standards above provided the development is certified under the City of Palm Bay's Green Development Incentive Program >>~~in accordance with this section.

(1) Voluntary Low Impact Development (LID) is the voluntary implementation of designs and standards that further reduce stormwater pollution by maximizing open, green, and pervious space during development or redevelopment of a site. It is the developer's responsibility to comply with the requirements for stormwater management contained within Chapter 174 of the Palm Bay Code of Ordinances.

(2) The City Engineer, or designee, shall review and concur that the low impact development designs and standards are consistent with the City's Low Impact Development Manual.

(3) Voluntary LID designs and standards shall, at a minimum, be planned and designed to manage and capture stormwater runoff, to the maximum extent feasible, in a manner consistent with the integrated management practices (IMPs) as outlined in the City's Low Impact Development Manual.

(4) The developer shall adhere to the LID designs and standards as contained in the City's Low Impact Development Manual to be entitled to a density or intensity bonus, more floor space than allowed under the current or proposed future land use designation or zoning, greater height, a reduction in fees, credits, or granting of other incentives as authorized by City Council.<<



LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

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

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 174.068(AA) and Sections 169.010 through 169.015

PROPOSED LANGUAGE (attach addendum if necessary):

See Attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

To modify language to adopt a subsequent manual for Low Impact Developments in order to better assess future applications.

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

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

☐

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

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

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

Signature of Applicant



Date

6/9/22

Printed Name of Applicant Alexandra Bernard

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

Telephone (321) 733-3042

Email alexandra.bernard@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____

Email _____

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

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-08

Held on Wednesday, July 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

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

ROLL CALL:

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

The absences were excused for Ms. Maragh and Mr. Rainer.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Erich Messenger, Deputy City Attorney; Natalie Shaber, Engineer II.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-07; June 1, 2022.

Mr. Bill Battin (resident at Ocean Spray Street SW) inquired whether the 500-foot radius mailing was measured from the center or from the border of the properties to determine who received the meeting notices.

Ms. Susan Connolly (resident at Dixie Highway NE) wanted clarification that the CPP meeting would now occur earlier in the process and would include all applications that come before the board.

In response to the comments from the audience, Ms. Bernard restated the CPP process and that all applications would require a CPP meeting. She explained that standard 500-foot radius packages were prepared by Brevard County for a fee.

The floor was closed for public comments.

Motion to submit Case T-30-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

8. **T-33-2022 - Voluntary Low Impact Development - City of Palm Bay (Growth Management Department – Requested by Deputy Mayor Kenny Johnson) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety, to modify guidelines for voluntary low impact development**

Mr. Anderson presented the staff report for Case T-33-2022. Staff recommended Case T-33-2022 for approval.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned why the subject proposal was written as a voluntary system that developers could opt out of. The

language should be written as a requirement if the ordinance was considered necessary.

In response to the comments from the audience, Ms. Shaber stated that she was a big proponent of Low Impact Development (LID); however, LID was not a statutory requirement at this time. Implementation of some of the best practices would also be more difficult for some developers and engineers. State regulations were currently in place that addressed stormwater management requirements, but environmental needs were not being met. By introducing, encouraging, workshopping, educating, and providing incentives, a natural change would hopefully occur voluntarily. She commented that if the state made LID mandatory, the City would have an introductory in place.

Ms. Jordan asked if the City had a LID manual as it was referenced in the textual amendment. Ms. Shaber stated that a manual was being drafted. The manual and the proposed amendment would be approved concurrently by City Council.

The floor was closed for public comments.

Motion to submit Case T-33-2022 to City Council for approval.

Mr. Weinberg stated that LID was good for the City, and that the manual would hopefully standardize the proposal.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

OTHER BUSINESS:

1. There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 8:49 p.m.

ORDINANCE 2022-86

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 174, FLOODPLAIN AND STORMWATER MANAGEMENT, SUBCHAPTER 'STORMWATER MANAGEMENT AND CONSERVATION – PART 2: DRAINAGE PLAN', BY INCLUDING PROVISIONS FOR VOLUNTARY LOW IMPACT DEVELOPMENT DESIGN STANDARDS FOR NEW DEVELOPMENT OR REDEVELOPMENT; 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 XVII, Land Development Code, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Stormwater Management and Conservation – Part 2: Drainage Plan', Section 174.068, Design Standards, is hereby amended and shall henceforth read as follows:

"Section 174.068 DESIGN STANDARDS.

* * *

(AA) ~~The City Engineer may approve low impact development designed stormwater systems that vary from the design standards above provided the development is certified under the City of Palm Bay's Green Development Incentive Program.~~ >>A developer may elect to implement voluntary low impact development design standards for new development or redevelopment in accordance with this section.

(1) Voluntary Low Impact Development (LID) is the voluntary implementation of designs and standards that further reduce stormwater pollution by maximizing open, green, and pervious space during development or redevelopment of a site. It is the developer's responsibility to comply with the requirements for stormwater management contained within Chapter 174 of the Palm Bay Code of Ordinances.

(2) The City Engineer, or designee, shall review and concur that the low impact development designs and standards are consistent with the City's Low Impact Development Manual.

(3) Voluntary LID designs and standards shall, at a minimum, be planned and designed to manage and capture stormwater runoff, to the maximum extent feasible, in a manner consistent with the integrated management practices (IMPs) as outlined in the City's Low Impact Development Manual.

(4) The developer shall adhere to the LID designs and standards as contained in the City's Low Impact Development Manual to be entitled to a density or intensity bonus, more floor space than allowed under the current or proposed future land use designation or zoning, greater height, a reduction in fees, credits, or granting of other incentives as authorized by City Council.<<"

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: _____

Applicant: City of Palm Bay
Case: T-33-2022

cc: (date) Case File

~~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

DATE: 8/4/2022

RE: Adoption of Minutes: Meeting 2022-19; July 7, 2022.

ATTACHMENTS:

Description

Minutes - Meeting 2022-19

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2022-19

Held on Thursday, the 7th day of July 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 6:01 P.M.

Father Brian Turner, Church of the Blessed Redeemer, 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	Present
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; Alexandra Bernard, Growth Management Director;

Councilman Felix participated in the meeting via teleconference.

ANNOUNCEMENTS:

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

- 1. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++**
- 2. One (1) term expiring on the Police and Firefighters' Retirement Pension Plan, Board of Trustees.++**
- 3. One (1) vacancy on the Sustainability Advisory Board (represents 'at-large' position).++**

AGENDA REVISION(S):

1. Ms. Sherman announced the following revisions:

a. Applicant requested a continuance for Item 5, under Public Hearings (Case PD-26-2022), to the August 18, 2022, regular Council meeting pending consideration of a related textual amendment.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to continue Item 5, under Public Hearings, to the August 18, 2022, regular 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.

b. Applicant requested a continuance for Item 10, under Public Hearings (Case CU-24-2022), to the July 21, 2022, regular Council meeting in order for the item to coincide with the final readings of the accompanying rezoning and textual amendment cases.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to continue Item 10, under Public Hearings, to the July 21, 2022, regular 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.

c. Item 23, under Consent Agenda, had been withdrawn.

Motion by Mr. Deputy Mayor Johnson, seconded by Mr. Foster, to withdraw Item 23, under Consent Agenda. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

d. At the request of Councilman Foster, discussion of additional criteria for the City Flag Program has been added as Item 4, under New Business. Councilman Foster requested that the item be considered prior to Public Hearings.

Motion by Mr. Foster, seconded by Deputy Mayor Johnson, to move Item 4, under New Business, to be considered prior to Public Hearings. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

PROCLAMATIONS AND RECOGNITIONS:

The proclamations were read.

1. **Proclamation: Honoring Sam and Teresa Lopez. (Mayor Medina)**
2. **Proclamation: Recognizing Palm Bay West Little League Seniors - 2022 Florida District 2 Champions. (Mayor Medina)**

PRESENTATIONS:

1. **Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce – semi-annual update.**

Ms. Peltonen provided an update on the Chamber's activities. Mr. Foster asked if the Chamber would consider partnering with the City to get electric vehicle charging stations. Ms. Peltonen agreed.

2. **Departmental Update: Police Department.**

Chief Augello provided an overview of police services and community engagement, wellness program, the state of the department, alternative funding resources and departmental needs. He answered questions posed by councilmembers. Discussions included response times, police impact fees,

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

Individuals made general comments, including statements regarding the rezoning of Majors Golf Course, the need for a moratorium for residential developments, making public safety a priority for the residents, and the presentation of the American Flag at the City's Fourth of July Celebration.

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

Council concurred to consider Item 4, under New Business, at this time.

NEW BUSINESS:

4. **Discussion of additional criteria for the City Flag Program. (Councilman Foster) (AGENDA REVISION)**

Staff Recommendation: Discussion and direction from Council.

Mr. Foster presented the request to Council. He extended an apology to all veterans that were offended by the recent presentation of the American Flag. He said that he was also offended. The flag meant a lot to him, and he disagreed with the person selected by Mayor Medina to receive the flag. Mr. Foster said that Joseph Mayo did not meet the criteria of a veteran as he had been dishonorably discharged.

Mayor Medina said there was much more to Mr. Mayo's story that people did not understand. He had received a Purple Heart, had gone on multiple deployments, was in combat on a continual basis, and he suffered from Post Traumatic Stress Disorder (PTSD) and sleep deprivation. All were components to his actions, which he did not condone, but he presented him with the American Flag in order to allow Mr. Mayo to heal and provide honor for his service to the nation. Mayor Medina said he stood by Mr. Mayo.

Numerous individuals commented on Mr. Mayo's actions during his service in the military and his receipt of the American Flag. Many agreed that the policy needed to be revised and that Mr. Mayo should not have received the flag as there were thousands of other veterans and first responders that could have been selected. Others commented that Mr. Mayo served his time, had mental illness and was deserving of this honor.

Motion by Councilman Foster, seconded by Deputy Mayor Johnson, to adopt the policy and request the City Manager to retrieve the flag back from Joseph Mayo.

Mr. Felix echoed Mr. Foster's comments and apologized on behalf of City Council. He said the selection of Mr. Mayo was not the decision of City Council.

Mr. Filiberto did not want to question veterans about their past. He said the Mayor's integrity could not be disputed and did not support the request. He said he would never take away a councilmember's judgment on an issue or an opinion for whom the flag should be flown. He would do his own vetting and would take full responsibility for his selections.

Deputy Mayor Johnson said that Council needed to act in the best interest of the city. This could have been prevented for the city and for Mr. Mayo. He did not have an issue with including additional criteria and it would hold each councilmember accountable.

Mayor Medina said it was never his intention to offend anyone. It was simply to honor someone with multiple deployments that had received the Purple Heart and Bronze Star Medal. He was concerned about requesting the return of the flag. He made his choice to honor Mr. Mayo for what he did prior to that act and he did not agree with returning the flag as there was no criteria for such action.

Mr. Foster explained that Mr. Mayo did not meet the criteria as he was not a veteran. He said a war criminal should not be honored and if the flag was not retrieved, then the program was not worth it. Other veterans would feel the program was tainted. Council should get the flag back by close of business on Monday.

Mayor Medina asked Council to consider amending the motion to have the Mayor get the flag instead of the City Manager. Mr. Foster clarified that Council could not give direction to another member of Council which was why he directed the City Manager, but he had no issue if the Mayor wanted to retrieve the flag.

Mr. Filiberto said he had a flag recipient scheduled for the July 21st regular Council meeting and advised that the flag had already been flown. He asked if this policy would have any effect on same and said he took full responsibility in his selection and that the individual had been honorably discharged. Council concurred that this policy would have not effect on Councilman Filiberto's selection.

Motion carried with members voting as follows:

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

Council resumed the consideration of items in order as shown on the agenda.

PUBLIC HEARING(S):

1. 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 (Brevard County) to CC (Community Commercial District) (47.83 acres) (Case CPZ-11-2022, Gary Smigiel, Ascot Palm Bay Holdings, LLC), final reading. (Quasi-Judicial Proceeding)

The City Attorney read the ordinance in caption only. The public hearing was opened. Ana Saunders, BSE Consultants and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2022-46. 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 2022-61, rezoning property located south of and adjacent to Palm Bay Road, in the vicinity east of Athens Drive, from RR (Rural Residential District) to RC (Restricted Commercial District) (6.177 acres) (Case CPZ-19-2022, Thomas C. and Ruth Z. Welsh Trust), final reading. (Quasi-Judicial Proceeding)

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. She advised that the applicant met with the Police Department to discuss comments made at the last Council meeting related to security. A resolution to the issue was a Crime Prevention Through Environmental Design (CPTED), which included allowing the Police Department to tap into the surveillance cameras and to scan incoming license plates. Security cameras would also be installed all around the facility and individual tenants would have audible alarms.

A resident spoke in support of the request. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2022-61.

Motion carried with members voting as follows:

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

3. Ordinance 2022-54, providing for the annexation of certain real property generally located south of and adjacent to Malabar Road, in the vicinity east of St. Johns Heritage Parkway and west of Melbourne-Tillman Water Control District Canal 8, into the City (124.33 acres) (Case A-4-2022, Parkside Commons Center, LLC, and West 80 Acres, LLC), final reading. (CONTINUED FROM 06/16/22 RCM)

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2022-54. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

4. Ordinance 2022-69, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Malabar Road, in the vicinity east of St. Johns Heritage Parkway and west of Melbourne-Tillman Water Control District Canal 8, from Residential 1 Unit Per Acre (RES 1) (Brevard County) to Regional Activity Center Use (RAC) (124.33 acres) (Case CP-26-2022, Parkside Commons Center, LLC and West 80 Acres, LLC), first reading.

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2022-69. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

5. Request by Parkside Commons Center, LLC and West 80 Acres, LLC for a Preliminary Development Plan for a proposed Regional Activity Center (RAC) to be known as '3 Forks Mixed Use', which property is located south of and adjacent to Malabar Road, in the vicinity east of St. Johns Heritage Parkway and west of Melbourne-Tillman Water Control District Canal 8 (124.33 acres) (Case PD-26-2022).

The item, addressed under Agenda Revisions, was continued to the August 18, 2022, regular Council meeting.

6. Ordinance 2022-70, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southwest corner of Garvey Road and Melbourne-Tillman Water Control District Drainage Canal 16,

from Industrial Use to Multiple-Family Residential Use (191 acres) (Case CP-14-2022, PF Naples, LLC), first reading. (CONTINUED FROM 06/02/22 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. Bruce Moia, MVB Engineering and representative for the applicant, presented the request to Council.

Dave Lang, BRP (located adjacent to the proposed site), expressed concern about the project as it could jeopardize BRP's confidentiality due to industrial secrets being revealed, and noise disturbance to future neighbors from testing of off-road vehicles. BRP was also expanding their site and he suggested to either extend the buffer zone between BRP and the proposed project site or BRP could pay to build a twelve-foot (12') mound. Mr. Lang also requested a building height limitation along the five-hundred-foot (500') buffer or planting of vegetation.

Nicholas Moore, BRP, felt it was important for Council to understand that BRP wanted to remain in Palm Bay and continue to invest in its facility, but having a quiet neighborhood relationship was essential. He said BRP was ready to collaborate financially with the applicant for a resolution.

Bill Battin, resident, was concerned about schools accommodating children, recreation open space, transportation impact, and construction vehicles traveling down Gaynor Drive. He said that Palm Bay was always changing the zoning based on the wants of the developer.

Randall Olszewski, resident, said the project was a hazard to public safety and the socio-economic outlook of the city. He said many apartment complexes were located close to food stores and many of those residents walked to the stores, but this project would put residents two (2) miles from the closest store. He felt that apartments in the compound were a hazard, but it was a better area for light and heavy industrial uses, which were needed in the city.

Nathan White, resident, said the city needed to grow smart. There were numerous requests for single family and multi-family projects, but then there was an agenda item to discuss a moratorium on said projects. He said that Council needed to pick one or the other.

Mr. Moia responded to the comments. He said that industrial zoning would generate more traffic than the proposed land use and building collector roads would solve the traffic problems. He added that discussions would continue with BRP to address their concerns. Mr. Moia felt this project would be the catalyst to bring commercial development to the area.

Deputy Mayor Johnson asked if the applicant had considered changing the land use to a mixed use. Mr. Moia did not feel it would be appropriate to bring commercial to the area at this point.

The public hearing was closed.

Motion by Mr. Foster, seconded by Mr. Felix, to approve Ordinance 2022-70.

Mr. Foster said that if the land was not developed, it was going to sit there with no tax base for the city. He said BRP made suggestions and Mr. Moia was going to explore them. He supported the request.

Mr. Felix agreed with smart growth and felt Council was moving in that direction. He did not see a lot wrong with the project and supported the request.

Mayor Medina supported the zoning as is. He said letters had been sent out regarding industrial manufacturing and letters to increase the commercial base, increase the infrastructure, and create jobs for residents. He felt that would go away if 800 homes were built in that area.

Mr. Filiberto said he did like the idea of connecting Garvey Road to Malabar Road but was concerned about understaffing for the police and fire departments, as well as the issues stated by BRP. He did not support the request.

Deputy Mayor Johnson said this was one of the few remaining industrial sites left in the city. He felt mixed use would be more suitable if there were no responses to the letters as mentioned by Mayor Medina. He did not support the request.

Mr. Foster said the city should not operate on assumption. Just because police and fire were understaffed did not mean the city should not continue to develop and Council should not shun away developers. He said Council was walking away from a road that needed to be built, homes, diverse housing, commercial, jobs and a tax base.

Motion failed with members voting as follows:

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

7. Resolution 2022-34, granting approval of a Preliminary Development Plan for a proposed mixed residential subdivision to be known as 'Osprey Landing PUD' in GU (General Use Holding District) zoning, located at the southwest corner of Garvey Road and Melbourne-Tillman Water Control District Drainage Canal 16 (191 acres) (Case PD-14-2022, PF Naples, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 06/02/22 RCM)

Due to the denial of Case CP-14-2022, this item was rendered moot.

8. Ordinance 2022-71, rezoning property located north of Malabar Road, in the vicinity east of Greenbrier Avenue, from RC (Restricted Commercial District) to CC (Community Commercial District) (4.21 acres) (Case Z-22-2022, Timothy and Pamela Davis / Thomas and Vera O'Brien), first reading. (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Mike Selig, representative for the applicant, presented the request to Council. He responded to questions posed by councilmembers.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Filiberto, to approve Ordinance 2022-71. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

9. Ordinance 2022-72, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including pest control businesses as a

conditional use within CC (Community Commercial District) zoning (Case T-23-2022, Timothy and Pamela Davis), first reading.

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Mike Selig, representative for the applicant, presented the request to Council.

Mr. Foster asked if the chemicals were flammable. Steve Lum, owner of Slug-A-Bug Pest Control, responded that neither the pest control nor fertilizer chemicals were flammable. Mr. Lum further explained the plans for expanding the company and the layout of the project site. He responded to questions posed by councilmembers.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Filiberto, to approve Ordinance 2022-72. Discussion ensued regarding the project, number of jobs, etc. Phil Weinberg, resident, called Point of Order and said that Council should only be addressing the textual amendment and not the project.

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

10. Resolution 2022-35, granting a conditional use to allow for proposed pest control services in CC (Community Commercial District) zoning on property located north of Malabar Road, in the vicinity east of Greenbrier Avenue (2.05 acres) (Case CU-24-2022, Timothy and Pamela Davis). (Quasi-Judicial Proceeding)

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

11. Ordinance 2022-73, amending the Code of Ordinances, Chapter 169, Land Development Code, by establishing provisions for administrative variances and voluntary inclusionary housing (Case T-27-2022, City of Palm Bay), first reading. (Deputy Mayor Johnson)

The Planning and Zoning Board (P&Z) recommended approval of the request, subject to the removal of any references to Section (H) Voluntary Inclusionary Housing.

The City Attorney read the ordinance in caption only. The public hearing was opened.

Deputy Mayor Johnson presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-73.

Mr. Filiberto asked if these could still come to Council and be placed on consent agenda instead of handling administratively. Ms. Smith responded in the negative and explained that if these items were addressed administratively, it was going through an executive approval process. If Council approval was required, Council would be acting in a legislative or quasi-judicial capacity which would require a public hearing. If an individual wanted to appeal the decision of the City Manager, an appeal would be made to the City Council.

Mr. Filiberto assumed that P&Z did not support the voluntary inclusionary housing as the language was too vague. He said that after speaking with staff, he was advised that the language could not be too specific because of the different zonings in which this would occur. He suggested revisions to the ordinance regarding maximum height, increased density, certain percentage for public space, mixture of uses, and shared stormwater or parking with neighboring properties.

Deputy Mayor Johnson wanted to allow discretion as every project was not the same. He did not want to make the language too strenuous or handcuff the city. Regardless, Council would make the final decision on any of the projects.

Mr. Filiberto asked Phil Weinberg, Vice-Chair of P&Z, about the board's discussion on this item. Mr. Weinberg said the board felt the language was too vague and discretion should be by the City Council, not the City Manager. Ms. Sherman clarified that the administrative variances would be addressed by the City Manager, but the agreements with developers regarding voluntary inclusionary housing would be considered by Council.

Mr. Filiberto did not support the request due to its ambiguity and the recommendation by P&Z.

Mayor Medina agreed that it was slightly vague but also provided the ability for the request to come before Council. He supported the request. There was further discussion regarding the ordinance language.

Motion carried with members voting as follows:

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

12. Request by Chaparral Properties, LLC, for a Final Development Plan to allow a proposed Planned Unit Development (PUD) for a residential development to be known as ‘Chaparral Phase IV and V’, which property is located in the vicinity south of Malabar Road, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R (136.70 acres) (Case FD-16-2022). (CONTINUED TO 08/03/22 P&Z AND 09/01/22 RCM)

13. Request by the City of Palm Bay to amend the Code of Ordinances, Chapter 185, Zoning Code, Subchapter ‘Planned Unit Development (PUD)’, by allowing for Infill Planned Unit Developments (Case T-25-2022). (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. Foster, that the Consent Agenda be approved as presented with the removal of Items 6, 11, 15, and 20, 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: Meeting 2022-13; June 2, 2022.

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

2. Adoption of Minutes: Meeting 2022-17; June 28, 2022.

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

3. Adoption of Minutes: Meeting 2022-18; June 28, 2022.

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

4. Consideration of a budget amendment for the Parks and Facilities Department for the completion of projects in Fiscal Year 2022 (\$191,447).

Staff Recommendation: Approve the appropriation of \$191,447 from General Fund Contingency account to Building Repair in the amount of \$178,254 and to Other Professional Services in the amount of \$13,193 on the next scheduled budget amendment.

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

5. Award of Bid: MCC-1 and Grit area improvements, North Regional Wastewater Treatment Plant - IFB 38-0-2022 - Utilities Department (L7 Construction, Inc. - \$877,000); appropriation of funds (\$415,371).

Staff Recommendation: Approve the award for North Regional Wastewater Treatment Plant MCC-1 and Grit area improvements with L7 Construction, Inc. (Longwood), in the amount of \$877,000; and approve appropriation of funds on the next scheduled budget amendment in the amount of \$415,371.

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

6. Award of Bid: Unimproved lot mowing - IFB 41-0-2022 - Growth Management Department (STS Maintain Services - \$172,000).

Staff Recommendation: Approve the award for unimproved lot mowing with STS Maintain Services (Palm City), in the amount of \$172,000 for a one-year term, renewable by the Procurement Department for four (4) additional one-year terms.

Lisa Cram, All Pro Land Clearing d/b/a Flawless Lawncare & Landscaping, was the current provider for this contract for the past three (3) years and had put in the same bid from three (3) years ago. She was notified that the bid was recommended to another company for two percent (2%) less and the company was not even located within Brevard County. Ms. Cram explained how her business would be affected and asked Council to reconsider continuing the contract with All Pro Land Clearing.

Ms. Sherman explained that this was a bid process that looked at two aspects: ability to perform the job and price. This was a price-based bid process and although All Pro had been doing a great job, they were not the lowest bidder. The ordinance required staff to

go with the low bidder as the local preference ordinance no longer existed. STS was currently active in the City and staff was familiar with them.

Motion by Mr. Filiberto, seconded by Deputy Mayor Johnson, to approve the award of bid for unimproved lot mowing (IFB 41-0-2022) to All Pro Land Clearing.

Ms. Smith advised that local preference would only apply to Requests for Proposals, not for bids. Price was the primary consideration and case law supported that Council shall award the contract to the lowest bidder. There was no flexibility when it pertained to bids. Mr. Filiberto questioned why it even needed to come before Council. Ms. Smith said that Council could deny if the bidder was not responsive or not the lowest bidder. Mr. Foster said he would have supported the motion for All Pro but had to go with the advice of City Attorney. He felt the local preference ordinance needed to be revisited.

Mr. Felix said the rules were clear but he loved our local vendors.

Deputy Mayor Johnson withdrew his second to the motion. The motion died for lack of a second.

Motion by Mr. Felix, seconded by Deputy Mayor Johnson, to approve the award of bid for unimproved lot mowing (IFB 41-0-2022) to STS Maintain Services.

Deputy Mayor Johnson wanted staff to find ways to make sure low-balling did not occur in the future, especially when there were good companies currently performing the duties.

Motion carried with members voting as follows:

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

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

7. Award of Bid: Babcock Street widening at St. Johns Heritage Parkway - IFB 45-0-2022 - Public Works Department (Timothy Rose Contracting, Inc. - \$5,785,257); appropriation of Transportation Impact Fees (\$1,385,257).

Staff Recommendation: Approve the award for Babcock Street widening at St. Johns Heritage Parkway with Timothy Rose Contracting, Inc. (Vero Beach), in the amount of \$5,785,257; and approve appropriation of funds from Transportation Impact Fees on the next scheduled budget amendment in the amount of \$1,385,257.

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

8. Award of Bid: Culvert replacement, Melbourne Tillman Water Control District Canal 18 on Harper Boulevard - IFB 46-0-2022 - Public Works Department (Timothy Rose Contract, Inc. - \$418,259).

Staff Recommendation: Approve the award for culvert replacement at Melbourne Tillman Water Control District Canal 18 on Harper Boulevard with Timothy Rose Contracting, Inc. (Vero Beach), in the amount of \$418,259.

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

9. Award of Proposal: Professional auditing services - RFP 30-0-2022 - Finance Department (Anthony Brunson, P.A. - \$252,000 (four-year cost)).

Staff Recommendation: Approve the proposal for professional auditing services with Anthony Brunson, P.A. (Miramar), in the amount of \$252,000 (four-year cost).

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

10. Award of Proposal: Utility billing services - RFP 33-0-2022 - Various Departments (DataProse, LLC - \$55,622 annually).

Staff Recommendation: Approve the proposal for utility billing services with DataProse, LLC (Coppell, Texas), in the amount of \$55,622 (annually), for a one-year term, renewable by the Procurement Department for four (4) additional one-year terms.

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

11. Contract: Mowing maintenance, rights-of-way and corridors, Amendment 3 - IFB 56-0-2021 - Public Works Department (STS Maintain Services, Inc. - \$104,971).

Staff Recommendation: Approve Amendment 3 to the mowing maintenance, rights-of-way and corridors contract, in the amount of \$104,970.60, for a total contract amount of \$215,880.60.

Bill Battin, resident, thought that Emerald Lakes Community Development District was responsible for mowing along St. Johns Heritage Parkway. Ms. Sherman advised that when the road was first opened, it was the City's responsibility, but she would have to review the development agreement to confirm same.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Amendment 3 to the mowing maintenance, rights-of-way and corridors contract.

Motion carried with members voting as follows:

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

12. Miscellaneous: 'Cooperative Purchase', Cisco Security Solution (Sourcewell contract) - Information Technology Department (Software House International, Inc. - \$199,746).

Staff Recommendation: Approve the purchase of an additional Cisco Cybersecurity Solutions to be added to the existing Cisco Security EA in the amount of \$199,746.20.

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

13. Resolution 2022-36, providing for the renaming of Oakwood Park as 'Patrick Woodard Memorial Park'. (Mayor Medina)

The City Attorney read the resolution in caption only.

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

14. Ordinance 2022-74, amending the Fiscal Year 2021-2022 budget by appropriating and allocating certain monies (third 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.

15. Consideration of a Memorandum of Understanding with the School Board of Brevard County for a Career and Technical Education Program. (Deputy Mayor Johnson)

Staff Recommendation: Authorize the City Manager to execute the Memorandum of Understanding with Brevard Public Schools providing for internship opportunities for students of the Career and Technical Education Program.

Bill Battin, resident, questioned how the pay was calculated into the budget and how it would be monitored.

Deputy Mayor Johnson said that these were not your average students and had to earn their spot into the program. The intent would be to make them full time employees. Ms. Sherman added that the students went through a fairly rigorous training program before making it to the interview process with the city and a department would choose whether to hire them. They could be terminated just like any other employee as well. Ms. Sherman said the fiscal impact was not specified because it was dependent on which students, and which programs the city would utilize. She answered questions posed by councilmembers.

Mr. Foster asked about bus transportation for the students from school to work or work to home, and if they would receive those services for free or at a discounted rate. Mayor Medina said that would be through the Space Coast Area Transit (SCAT) of which the city had no jurisdiction. Mr. Foster said if SCAT was unable to accommodate, then perhaps the city could offer some type of stipend for same. Deputy Mayor Johnson said he would confirm but thought that Brevard County Schools assisted students with transportation.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve a Memorandum of Understanding with the School Board of Brevard County for a Career and Technical Education Program. 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 a Proportionate Fair Share Agreement with Cypress Bay CHM Palm Bay, LLC for a development project known as 'Cypress Bay Commercial Center'.

Staff Recommendation: Approve a Proportionate Fair Share Agreement with Cypress Bay CHM Palm Bay, LLC, for a development project known as 'Cypress Bay Commercial Center'.

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

17. Consideration of a Second Amendment to the Interlocal Agreement with Brevard County regarding the St. Johns Heritage Parkway and Babcock Street intersection relating to an extension to right-of-way acquisition.

Staff Recommendation: Approve a second amendment to the Interlocal Agreement with Brevard County regarding the St. Johns Heritage Parkway and Babcock Street intersection relating to an extension to right-of-way acquisition; and authorize the City to bring forth this amendment to Brevard County Board of County Commissioners for consideration at their July 19, 2022, regular meeting.

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

18. Consideration of a Subrecipient Agreement for the High Intensity Drug Trafficking Areas Program with the Seminole County Sheriff's Office.

Staff Recommendation: Authorize the City Manager to execute the High Intensity Drug Trafficking Areas Program 2022 Subrecipient Agreement with the Seminole County Sheriff's Office for January 1, 2022, to December 31, 2023.

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

19. Consideration of utilizing Transportation Impact Fees 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 with Brevard County (\$16,005).

Staff Recommendation: Authorize the allocation of \$16,005.25 in Transportation Impact Fee funds from Nexus/zip code 32909 for the acquisition of necessary right-of-way along Babcock Street.

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

20. Consideration of utilizing Transportation Impact Fees for funding the Northwest and Southeast Transportation Master Plan studies (\$83,684).

Staff Recommendation: Approve utilizing Transportation Impact Fees for funding the Northwest and Southeast Transportation Master Plan studies in the amount of \$83,684.46.

Bill Battin, resident, asked if the southwest could also be included in the study. Ms. Sherman explained that these areas were prioritized due to the increased growth but said the other areas would not be neglected as there were needs throughout the entire city.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the utilization of Transportation Impact Fees for funding the Northwest and Southeast Transportation Master Plan studies in the amount of \$83,684.46. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

21. Consideration of reallocating previously approved funding from trench rescue training to paramedic school tuition for seven (7) employees beginning in August 2022 (\$22,000).

Staff Recommendation: Approve the reallocation of previously approved funding from Trench Rescue training to paramedic school tuition for seven (7) employees beginning in August 2022, in the amount of \$22,000.

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

22. Acknowledgement of the City's monthly financial report for April 2022 (Unaudited).

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

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

The item, announced under Agenda Revisions, was withdrawn.

NEW BUSINESS:

1. Consideration of submitting a request for Local Support Grant funding from The Florida House of Representatives.

Staff Recommendation: Authorize the City to submit requests for funding from The Florida House of Representatives under the Local Support Grant Program.

Ms. Sherman presented the request to Council. Staff was proposing to submit a request for consideration of funding one of the following items: construction of Fire Station 7, acquisition of an Armored Personnel Carrier, or build out of an Emergency Operations Center and Information Technology Department space in Building E. Ms. Sherman asked that Council give direction as to how much money to request and which project should be submitted first, as well as a match from the General Fund undesignated fund balance. She suggested that Fire Station 7 be requested first.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve submittal of a request for Local Support Grant funding from The Florida House of Representatives for Fire Station 7 in the amount of \$1 million, with \$1.6 million match from General Fund undesignated fund balance.

Ms. Sherman advised that the match would be \$2.6 million. Deputy Mayor Johnson said there was another item on the agenda (Item 2, under New Business) that would need \$1.3 million, if approved. Mayor Medina felt this was a good approach as it would put the total amount at \$3.9 million towards the total amount of \$4 million needed for the fire station. However, the City Manager needed the flexibility of the full amount because if Item 2 was approved, it still had to come to Council at the next meeting which was past the deadline for this item.

Mr. Foster withdrew his second to the motion.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to amend the motion to approve submittal of a request for Local Support Grant funding from The Florida House of Representatives for Fire Station 7 in the amount of \$1 million, with \$2.6 million set aside from General Fund undesignated fund balance. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

2. Request to reconsider an item previously acted upon by City Council: Reimbursing Bayfront Community Redevelopment Agency unexpended funds for Fiscal Year 2021 to the Palm Bay Road Maintenance Fund (\$1,340,011) and Brevard County (\$631,462). (Mayor Medina)

Staff Recommendation: Approve the reconsideration of the item as requested.

Mayor Medina presented the request to Council. He proposed using the \$1.3 million for the Fire Station 7.

Phil Weinberg, resident, knew that the fire station was a major need for the City, but road maintenance was necessary. He said there was a \$150 million bond to be paid over the next twenty (20) years that was approved by previous Council due to the lack of road maintenance. He said Council should not put off or take away from road maintenance again and \$3 million per year was needed to maintain the roads.

Bill Battin, resident, suggested utilizing the undesignated fund balance rather than taking money from the road maintenance.

Nathan White, resident, felt Council should not touch the road maintenance money and it should be a recurring line item each year for \$3 million.

Mayor Medina said he brought this forth as an idea but was okay with the desire of Council. There was further discussion on other avenues to fund the road maintenance.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to deny reconsideration of the item. 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 moratorium to temporarily suspend certain development orders and development permits for any land currently designated as or proposing a Future Land Use designation of Single-Family Residential or Multiple Family Residential.

Staff Recommendation: Authorize the City to bring forth a temporary moratorium for consideration at the regular meeting of the Planning and Zoning Board on August 3, 2022, followed by the Regular City Meeting on August 18, 2022.

Mrs. Junkala-Brown presented the item to City Council. She explained that the moratorium would temporarily suspend certain development orders and development permits for any land currently designated as or proposing a Future Land Use designation of Single Family Residential or Multiple Family Residential within the boundary limits of the city. The moratorium would exclude the following types of development orders, and development permits: Community Development Districts, preliminary subdivision plans, final plats, conditional uses, variances, building permits, site clearance and site work

permits, Certificates of Completion, and Certificates of Occupancy. Mrs. Junkala-Brown noted that development agreements and proportionate fair share agreements were not considered development orders and would not be impacted.

Randall Olszewski, resident, supported the request and felt the city was in a state of emergency due to the increased growth and limited staff in the Growth Management Department.

Nathan White, resident, questioned why this was needed since Council had approved almost all the developments that had come before it, and when it would become effective. Ms. Smith advised that the ordinance would still have to be considered by P&Z and Council, but if desired, Council could have the effective date upon approval by P&Z. If Council gave direction to move forward tonight, it would be presented to P&Z on August 3rd and Council on August 18th.

Bruce Moia, Government Affairs Chairman for the Home Builders and Contractors Association was opposed to the request. He felt it was unnecessary and did not see the justification for it. He wanted the ability to work with staff to review the language to ensure that it was fair to those that had already invested money into the city and then their projects have to be placed on hold which could cost them thousands of dollars.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to bring forth a temporary moratorium for consideration at the regular meeting of the P&Z on August 3, 2022, followed by the Regular City Meeting on August 18, 2022, with the intent for the effective date to be after the decision of P&Z, and the moratorium would extend through January 2023.

Deputy Mayor Johnson said this was an opportunity for checks and balances and something had to be done.

Mr. Felix supported the request but felt it was important to engage with Mr. Moia and get the proper information out to the developers, so they understood the intent of this request.

Mr. Filiberto said there were many other areas related to development, such as land clearing, engineering, site plans, plumbing, electric, etc. He did not want to be responsible for someone losing their job. It was Council's fault for the public safety, the police and fire issues, the school overflow and the traffic caused by poor planning with rubber stamp approval. He blamed Council and staff, not the developers. Council made the final decision for these developments, and he did not support a moratorium.

Mr. Foster agreed with Councilman Filiberto and did not want to slow growth. He wanted to continue to increase the tax base and revenues for the city. Mayor Medina also agreed and did not want to stop the momentum.

Deputy Mayor Johnson encouraged Council to trust in staff with this temporary solution to address a major issue until the Comprehensive Plan was finalized. Construction was not going to stop. Development was still going to occur and houses would still be built.

Motion failed with members voting as follows:

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

4. Discussion of additional criteria for the City Flag Program. (Councilman Foster) (AGENDA REVISION)

This item was considered earlier in the meeting, prior to Public Hearings.

COUNCIL REPORTS:

Councilmembers addressed various subjects.

1. Mr. Filiberto made the following reports:
 - a. Appointed Logan Luse to the Sustainability Advisory Board.
 - b. Requested consensus to work with staff for a local preference ordinance. Deputy Mayor Johnson asked that discussions include bids as well. Council concurred.
2. Mr. Foster appointed Henry Morin to Space Coast Transportation Planning Organization Citizen Advisory Committee.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman made the following reports:
 - a. Suggested a workshop for discussion of police, fire and impact fees for later August. Council concurred.

b. Suggested a workshop to discuss local preference in October. Council concurred.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 1:33 A.M. on Friday, July 8, 2022.

Rob Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Christopher A. Little, P.E.; Juliet Misconi, Chief Procurement Officer

DATE: 8/4/2022

RE: Award of Bid: Well Repair, Maintenance and Rehabilitation Services - IFB 40-0-2022/SM - Utilities Department (AMPS Inc., \$123,000 annually).

At the request of the Utilities Department, the Procurement Department solicited bids for Well Repair, Maintenance and Rehabilitation Services. The equipment repaired will primarily be from water wells, however, repair services may be requested for other wells, pumps and motors located in the Utilities Department. Examples of expected services include, but not limited to, well disinfection, flow meter calibrations, pump & motor rebuild, well chlorination services, well abandonment, etc.

Three (3) bids were received in response to the City's solicitation. The Procurement Department staff reviewed the bids for responsiveness. Utilities staff evaluated the bids for responsibility and ability to perform the scope of services. The low bid is acceptable to the Department.

Aquifer Maintenance and Performance Systems (AMPS) Inc., the incumbent, is an experienced and capable vendor and has been performing these services for the Utilities Department since 1997.

Staff recommends Aquifer Maintenance & Performance Systems, Inc., as the vendor to provide Well Repair, Maintenance and Rehabilitation Services.

REQUESTING DEPARTMENT:

Utilities, Procurement

FISCAL IMPACT:

Estimated annual expenditures will be \$123,000. Funds are available in multiple Utilities Operating and Renewal & Replacement accounts, primarily 421-8024-533-4631, 421-8023-533-4631 and 424-8022-533-4631. Purchase orders are issued on an as-needed basis.

RECOMMENDATION:

Motion to approve award of IFB #40-0-2022/SM, Well Repair, Maintenance and Rehabilitation Services to Aquifer Maintenance & Performance Systems, Inc., located in West Palm Beach, Florida. Council approval is requested to establish a one-year term contract, renewable by the Procurement Department for four (4)

additional one-year terms.

ATTACHMENTS:

Description

Tabulation Sheet

IFB #40-0-2022			A.C. Schultes of Florida Inc., DBA Roew Drilling			Aquifer Maintenance & Performance Systems, Inc			Layne Christensen Company		
Well Repair, Maintenance and Rehabilitation Services			7584 W Tennessee St Tallahassee, FL 32304			7146 Haverhill Road N West Palm Beach FL 33407			5741 Zip Drive Fort Myers, FL 233905		
			850-576-1271			561-494-2844 / 561-494-2944			239-275-1029		
ITEM	ITEM DESCRIPTION	UOM	Mon - Fri 7 am - 5 pm	Mon - Fri 5:30 pm - 7 am	Weekends / Holidays	Mon - Fri 7 am - 5 pm	Mon - Fri 5:30 pm - 7 am	Weekends / Holidays	Mon - Fri 7 am - 5 pm	Mon - Fri 5:30 pm - 7 am	Weekends / Holidays
LINE ITEM PRICING											
1	Well Drill	per foot	\$1,100.00	\$1,500.00	\$2,000.00	\$50.00	\$55.00	\$75.00	\$85.00	\$127.50	\$212.50
2	Well Service Rig	per hour	\$350.00	\$350.00	\$400.00	\$190.00	\$200.00	\$225.00	\$80.00	\$120.00	\$200.00
3	Pump Service Rig	per hour	\$350.00	\$350.00	\$400.00	\$150.00	\$165.00	\$180.00	\$80.00	\$120.00	\$200.00
4	Cement work or demolition	per hour	\$250.00	\$250.00	\$300.00	\$85.00	\$95.00	\$125.00	\$550.00	\$825.00	\$1,375.00
5	On Site Welding Unit	per hour	\$250.00	\$250.00	\$300.00	\$160.00	\$170.00	\$195.00	\$185.00	\$277.50	\$462.50
6	Machine Shop Welding	per hour	\$200.00	\$200.00	\$250.00	\$90.00	\$100.00	\$115.00	\$280.00	\$420.00	\$700.00
7	Pump / Well Technician	per hour	\$225.00	\$225.00	\$250.00	\$105.00	\$115.00	\$130.00	\$130.00	\$195.00	\$325.00
8	Chemical Treatment	per hour	\$500.00	\$500.00	\$750.00	\$100.00	\$100.00	\$125.00	\$365.00	\$547.50	\$912.50
9	Well abandonment	per hour	\$350.00	\$350.00	\$400.00	\$150.00	\$160.00	\$175.00	\$540.00	\$810.00	\$1,350.00
10	Specific Capacity Test, before / after rehab	per hour	\$350.00	\$350.00	\$400.00	\$50.00	\$50.00	\$75.00	\$445.00	\$667.50	\$1,112.50
11	Well Development / Redevelopment	per hour	\$350.00	\$350.00	\$400.00	\$225.00	\$225.00	\$265.00	\$350.00	\$525.00	\$875.00
12	Chemical disinfection of well after rehab	per hour	\$375.00	\$425.00	\$475.00	\$452.00	\$425.00	\$525.00	\$300.00	\$450.00	\$750.00
13	Pump Motor Retrieval	per hour	\$350.00	\$350.00	\$400.00	\$165.00	\$165.00	\$195.00	\$1,000.00	\$1,500.00	\$2,500.00
14	Misc work - normal business hours	per hour	\$350.00	\$350.00	\$400.00	\$150.00	\$150.00	\$175.00	\$440.00	\$660.00	\$1,100.00
15	Misc work - non normal business hours	per hour	\$400.00	\$425.00	\$450.00	\$225.00	\$225.00	\$275.00	\$500.00	\$750.00	\$1,250.00
16	Flow Meter Maintenance & Calibration	per hour	\$325.00	\$350.00	\$400.00	\$125.00	\$135.00	\$165.00	\$260.00	\$390.00	\$650.00
17	Deep Well Pump Maintenance	per hour	\$350.00	\$400.00	\$450.00	\$150.00	\$160.00	\$195.00	\$470.00	\$705.00	\$1,175.00
18	Well / Pump / Motor maintenance	per hour	\$350.00	\$400.00	\$450.00	\$105.00	\$115.00	\$130.00	\$445.00	\$667.50	\$1,112.50
19	Raw water disposal	per hour	\$350.00	\$375.00	\$450.00	\$125.00	\$125.00	\$150.00	\$515.00	\$772.50	\$1,287.50
20	Airlift Well	per hour	\$350.00	\$375.00	\$425.00	\$225.00	\$225.00	\$265.00	\$490.00	\$735.00	\$1,225.00
21	Pump Test	per hour	\$350.00	\$375.00	\$425.00	\$260.00	\$280.00	\$295.00	\$400.00	\$600.00	\$1,000.00
22	Swabbing	per hours	\$350.00	\$375.00	\$425.00	\$175.00	\$175.00	\$205.00	\$495.00	\$742.50	\$1,237.50
23	Reports (other than weekly status reports)	per report	\$750.00	\$750.00	\$750.00	\$1,600.00	\$1,600.00	\$1,800.00	\$140.00	\$210.00	\$350.00
24	Water Storage Tank Residual Cleaning	per tank	\$6,500.00	\$6,500.00	\$7,500.00	\$8,500.00	\$8,500.00	\$9,500.00	\$5,300.00	\$7,950.00	\$13,250.00
25	Down hole video surveys	per video	\$2,000.00	\$2,500.00	\$3,500.00	\$400.00	\$450.00	\$575.00	\$1,450.00	\$2,175.00	\$3,625.00
26	360 Degree Video	per video	\$2,000.00	\$2,500.00	\$3,500.00	\$1,500.00	\$1,650.00	\$1,750.00	\$1,650.00	\$2,475.00	\$4,125.00
27	Mobilize, demobilize & cleanup	per well	\$1,600.00	\$1,600.00	\$1,500.00	\$650.00	\$700.00	\$900.00	\$4,750.00	\$7,125.00	\$11,875.00
28	Wellhead / pump removal, cleaning & reinstall	per well	\$4,000.00	\$4,000.00	\$5,000.00	\$2,000.00	\$2,000.00	\$2,300.00	\$3,600.00	\$5,400.00	\$9,000.00
29	Well Acidification / EPA	per well	\$7,500.00	\$7,500.00	\$11,000.00	\$3,000.00	\$3,000.00	\$3,900.00	\$30,200.00	\$45,300.00	\$75,500.00
30	Chlorine Maintenance of Wells	per well	\$1,500.00	\$1,500.00	\$2,500.00	\$395.00	\$395.00	\$450.00	\$4,500.00	\$6,750.00	\$11,250.00
31	percent Markup for Parts supplied / installed		20.00%			15.00%			30.00%		

	IFB #40-0-2022			A.C. Schultes of Florida Inc., DBA Rowe Drilling		Aquifer Maintenance & Performance Systems Inc		Layne Christensen Company	
	Well Repair, Maintenance and Rehabilitation Services			7584 W Tennessee St		7146 Haverhill Road N		5741 Zip Drive	
				Tallahassee, FL 32304		W Palm Beach FL 33407		Fort Myers, FL 233905	
				850-576-1271		561-494-2844/561-494-2944		239-275-1029	
ITEM	ITEM DESCRIPTION	UOM	QTY	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
SCENARIO OF SERVICES									
7	Pump / Well Technician	HR	18	\$225.00	\$4,050.00	\$105.00	\$1,890.00	\$130.00	\$2,340.00
8	Chemical Treatment	HR	10	\$500.00	\$5,000.00	\$100.00	\$1,000.00	\$365.00	\$3,650.00
10	Specific Capacity Test, before / after rehab	HR	7	\$350.00	\$2,450.00	\$50.00	\$350.00	\$445.00	\$3,115.00
11	Well Development / Redevelopment	HR	19	\$350.00	\$6,650.00	\$225.00	\$4,275.00	\$350.00	\$6,650.00
12	Chemical disinfection of well after rehab	HR	6	\$375.00	\$2,250.00	\$425.00	\$2,550.00	\$300.00	\$1,800.00
14	Misc work - normal business hours	HR	55	\$350.00	\$19,250.00	\$150.00	\$8,250.00	\$440.00	\$24,200.00
18	Well / Pump / Motor maintenance	HR	56	\$350.00	\$19,600.00	\$105.00	\$5,880.00	\$445.00	\$24,920.00
20	Airlift Well	HR	23	\$350.00	\$8,050.00	\$225.00	\$5,175.00	\$490.00	\$11,270.00
21	Pump Test	HR	5	\$350.00	\$1,750.00	\$260.00	\$1,300.00	\$400.00	\$2,000.00
25	Down hole video surveys	VIDEO	2	\$2,000.00	\$4,000.00	\$400.00	\$800.00	\$1,450.00	\$2,900.00
27	Mobilize, demobilize & cleanup	WELL	15	\$1,600.00	\$24,000.00	\$650.00	\$9,750.00	\$4,750.00	\$71,250.00
28	Wellhead / pump removal, cleaning & reinstall	WELL	10	\$4,000.00	\$40,000.00	\$2,000.00	\$20,000.00	\$3,600.00	\$36,000.00
29	Well Acidification / EPA	WELL	3	\$7,500.00	\$22,500.00	\$3,000.00	\$9,000.00	\$30,200.00	\$90,600.00
30	Chlorine Maintenance of Wells	WELL	134	\$1,500.00	\$201,000.00	\$395.00	\$52,930.00	\$4,500.00	\$603,000.00
GRAND TOTAL					\$360,550.00		\$123,150.00		\$883,695.00



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Brian Robinson, IT Director; Larry Wojciechowski, Finance Director; Juliet Misconi, CPO

DATE: 8/4/2022

RE: Contract: Enterprise Resource Planning (ERP) Consultant Services - Information Technology Department (Government Finance Officers Association - not to exceed \$205,000).

On September 22, 2021, City Council authorized the allocation of \$2 million in ARPA (revenue loss) funds for the replacement of the City's Enterprise Resource Planning (ERP) module, a software used organization-wide providing controls for the following functions:

- Finance, including budget, accounts payable and accounts receivable
- Procurement
- Cash receipts
- Facility work orders
- Utilities, including accounts, billing, and inventory
- Payroll
- Human Resources
- Inventory – Fixed Assets Management
- Reporting

The City last replaced this software in 1996 as the result of competitive Request for Proposal (RFP) process. The current provider (vendor) is Central Square, which provides two platforms for the City, including HTE (a DOS-based, "green screen") and Naviline (a Windows-based platform).

The Procurement Department polled colleagues from around the country who recently migrated to a new ERP and overwhelming found that most recommended using a consultant to aid with the needs analysis, scope development, RFP issuance, vendor evaluation, contract negotiation, and implementation. Several agencies conducted RFPs for ERP consultants to perform these services, with costs ranging from over \$125,000 to \$300,000. Through this research, Procurement also learned that many agencies contracted directly with the Government Finance Officers Association (GFOA), a non-profit entity which serves as the primary professional association for public sector finance professionals. The City's Finance Director, Information Technology (IT) Director, and Chief Procurement Officer met with a GFOA representative in June and July to discuss the City's needs and requested a proposal.

The GFOA has supplied a proposal which amply meets the City's needs for ERP consultant services during this important transition. The GFOA has been in place since 1906 and has over 21,000 members. The branch that oversees ERP consultant services (the Research and Consulting Center or RCC) has been performing this work for over twenty years, aiding over 600 government agencies. They have performed these services in Florida for agencies such as Deerfield Beach, St. Petersburg, Cape Coral, Lady Lake, Orange City, Plant City, Port Orange, Weston and Myrtle Beach. City staff also checked references for nationwide like-sized agencies, including Dubuque, IA; Eugene, OR; Olympia, WA; Pittsburgh, PA; Sarasota, FL; and Springfield, IL.

Because GFOA is a non-profit entity, the proposal costs are notably lower than similar contracts in which other agencies contracted with private consultants via an RFP process. In addition, they have no formal relationship with any of the potential ERP software providers; and therefore, provide honest and unbiased feedback and have agreed to sign the City's Consultant Conflict of Interest Form. The GFOA endeavors to provide objective, independent expertise to meet the needs of the agencies served. Because of their ample experience, the GFOA is also well-versed in changes in the industry, such as the pivot to cloud-based systems and the separation of the vendor pools for utility billing functionality from "package" ERP functionality, which requires two separate RFP processes (and is included as such in their proposal).

The GFOA proposal has two phases and six tasks. Notably, the first phase and first three tasks focus on business process improvement in partnership with what GFOA calls the City's "PIT" crew (process investigation teams). The first phase includes a full analysis of current functions and uses the Lean method to identify areas of improvement. The goal of this phase is to look for process improvements in current functions and plan for future needs to develop a City operational vision that looks beyond software technology and considers wholistic business process and policy improvements. Tasks within the second phase focus on the actual RFP development, evaluation and contract negotiation. This includes the development of a complex list of functional requirements of the ERP system in conjunction with the City's PIT crew, and the development of the RFP document itself. GFOA provides a unique, four-phased approach to the RFP process, from initial evaluation of all proposers to a "discovery" phase with the highest ranked vendors. The last task proposed is contract negotiation for the applicable software license, maintenance, hosting, software-as-a-service, and implementation agreements. These negotiations would be in partnership with key City staff, to include the City Attorney's Office. There may be a need for a future Task 7 for Implementation, but that option is currently not proposed.

The timeline for GFOA's services is approximately one year. The implementation period thereafter depends on the ERP provider selected but it is anticipated to take another year. The proposal from GFOA is \$180,000, plus a not-to-exceed amount of \$25,000 for travel. GFOA travel is governed by the GFOA travel policy (which, like the City's policy, is designed for prudent travel expenditures, i.e., flying coach, for example) and is fully auditable by the City. Per the Procurement Code of Ordinance, 38.07 (B) (20), services provided by institutions of higher learning, not-for-profit organizations, non-profit organizations, state sponsored institutions, and other governmental and public agencies are exempt from the competitive procurement process.

Staff is requesting Council's approval to enter into an agreement with the GFOA, pending review of the agreement by the City Attorney's Office, for ERP consultant services in the amount not to exceed \$205,000.

REQUESTING DEPARTMENT:

Finance, Procurement, Information Technology

FISCAL IMPACT:

Currently, there is \$2,000,000 (funds allocated by City Council) available in account 128-3414-559-64071, with an assigned Project #22IT01 dedicated to fund the replacement of the City's ERP software.

RECOMMENDATION:

Motion to approve the award of a non-competitive contract to the non-profit member association of the Government Finance Officers Association for ERP consultant services in amount not to exceed \$205,000, and authorize the City Manager to execute the agreement.

ATTACHMENTS:

Description

GFOA Proposal City of Palm Bay



Government Finance Officers Association

Research and Consulting Center

Proposal for:



City of Palm Bay, FL

Enterprise Resource Planning (ERP) Advisory Services

June 24, 2022
Revised July 18, 2022



Government Finance Officers Association

203 North LaSalle Street, Suite 2700

Chicago, IL 60601-1210

312.977.9700 fax: 312.977.4806

July 18, 2022

City of Palm Bay

Attn: Juliet Misconi, Chief Procurement Officer

120 Malabar Road

Palm Bay, FL 32907

EMAIL: Juliet.Misconi@palmbayflorida.org

Dear Juliet,

The Government Finance Officers Association (GFOA) is pleased to present this revised proposal to the City of Palm Bay (The City) to assist the City in migrating to a new ERP system. We understand the importance of an ERP system on the City's ability to provide administrative services aligned with best practices and the role of technology in being able to promote accountability, transparency, and improved efficiency. We also appreciate the great opportunity that an ERP system replacement project provides after being with a legacy system like HTE and the need to focus on using that chance to make lasting improvements to policies, business processes, and outcomes for the City. We feel that our approach, focused on governance, readiness, and process improvement will allow the City to make strategic decisions that will serve the City for years to come and mitigate the risk of a large enterprise software project.

GFOA is a 501(c)3 non-profit association with 22,000 members representing nearly 10,000 local governments. As one of the premier membership associations for public-sector professionals, GFOA can offer independent, objective, and best practice focused consulting services consistent with our mission to improve government management. Over 600 governments, have found value in our experience, expertise, and detailed approach to ERP projects.

Sincerely,

Michael J. Mucha

Director, Research and Consulting Center

Government Finance Officers Association

Phone: 312-977-9700

Fax: 312-977-4806

Email: mmucha@gfoa.org

Washington, DC Office

660 N. Capital Street, NW • Washington, DC 20001 • 202.393.8020 fax: 202.393.0780

www.gfoa.org



TABLE OF CONTENTS

Section I – GFOA Qualifications	3
References	4
Other Products and Services.....	5
Section II – Project Staffing	7
Section III – Project Scope.....	8
Task 1: Project Planning and Management	8
Task 2: Needs Assessment / Process Analysis	10
Task 3: Develop a Plan of Action.....	13
Task 4: Develop Request for Proposal (RFP).....	14
Task 5: Evaluation and Selection of Vendor	16
Task 6: Contract Negotiations.....	18
Task 7: Implementation (Not proposed now)	19
Cost and Timeline	20
Pricing	21
Contract Requirements.....	22



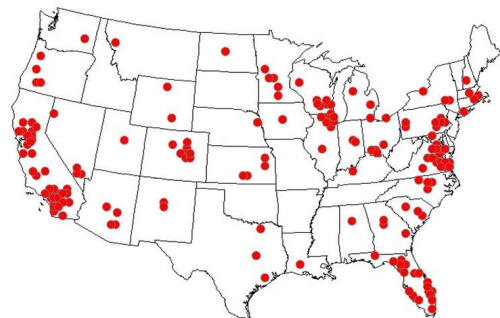
Section I – GFOA Qualifications

The Government Finance Officers Association (GFOA) is the premier association for public sector finance professionals in the United States and Canada. Founded in 1906, GFOA currently has over 21,000 members that look to GFOA as the gold standard for identifying, developing, and communicating leading practices in government management. As a non-profit organization, GFOA's mission is to promote excellence in state and local government financial management. GFOA accomplishes this mission by identifying and developing policies and practices and promoting them through education, training, consulting and leadership.

GFOA's Research and Consulting Center (RCC) is nationally recognized for its comprehensive analytical and advisory services, as well as for research on issues specific to state and local governments' financial, human resource, procurement, payroll and operational management. Since beginning operations in 1977, the RCC has assisted hundreds of cities, counties, public utilities; and other forms of government to create best practice solutions to meet their unique challenges. Approximately 20 years ago, GFOA began consulting for enterprise resource planning (ERP) system assessments, procurement, contract negotiation, and implementation advisory services. GFOA has built a reputation as the unparalleled leader in the field of providing objective, independent advice for ERP procurement and implementation projects. Our approach to ERP projects focuses on business process improvement, effective governance, and building organizational readiness throughout each stage of the procurement process. In addition to our consulting projects, we frequently teach our approach as part of GFOA's training program and in some cases even other consulting firms have used GFOA templates and past consulting deliverables to leverage our lessons learned and market leading formats.

GFOA's strategic mission is to improve state and local government financial management

GFOA does not implement software. We also have no desire or incentive to make recommendations that increase our services and costs on the project. Our focus is exclusively on providing honest and unbiased recommendations to our clients and leveraging our experience to help all public-sector organizations with informed ERP guidance. The ERP market has undergone significant change in recent years and governments are increasingly more reliant on technology to implement financial management best practices. In addition, because of the growth in "cloud" and the importance of these systems on the overall administration of local government, these technologies continues to evolve. With our consulting experience and continued research, GFOA has been able to improve





its approach and generate additional value for our clients through reduced costs, reduced risk, and best practice recommendations to improve not only technology, but also business process.

In addition to bringing best practice examples from across the United States, GFOA is also very familiar with the State of Florida. Over the past 10 years, GFOA has worked with approximately 15 local governments within the State of Florida. Below are some of our clients that included a similar scope to this project.

Cities:

City of Cape Coral
City of Deerfield Beach*
City of Lady Lake*
City of Orange City
City of Plant City
City of Port Orange
City of Sarasota
City of St. Petersburg
City of Weston

Counties:

Hernando County*
Pinellas County

Special Districts / Other:

Emerald Coast Utility Agency
Orange County Public Schools
Osceola County School Board
Pasco County School Board
Volusia County Schools

**** Current Projects***

References

The following references were selected because GFOA completed work recently and due to similar scope and size of entity. Additional references would be available upon request.



City of Bartlesville, OK

Contact Jason Muninger
Phone: 918-338-4212
Email: jsmuninger@cityofbartlesville.org

Services Provided:

GFOA worked with the City of Bartlesville and followed the same scope of services proposed for the City. We initially started with process mapping and a needs assessment that led to the recommendation on scope and direction for an RFP. GFOA then led system selection and contract negotiation activities for the City. GFOA stayed involved throughout implementation and provided project management support and overall advisory services.



City of Olympia

Contact Danelle MacEwen
Phone: 360-753-8211
Email: dmacewen@ci.olympia.wa.us

Services Provided: GFOA provided services similar to the scope proposed here. We started with process analysis to help make recommendations on strategies for procuring a new ERP system. GFOA then assisted with RFP development, system selection, demo facilitation, and contract negotiation. GFOA is currently providing implementation oversight services.



City of Sarasota

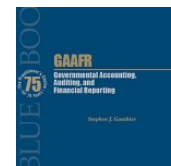
Contact Aaron Olson
Phone: (941) 263-6443
Email: Aaron.Olson@sarasotaFL.gov

Services Provided: GFOA has been assisting the City of Sarasota for the past three years as part of its ERP project. GFOA led tasks to complete a needs assessment, process review, RFP development, and system selection and transition to implementation. GFOA also assisted the City with RFP development and system selection for the City's utility billing system.

Other Products and Services

GFOA also provides many services to members and other government managers in addition to consulting services. Our consulting services complement and utilize much of our research knowledge and membership network to deliver current, relevant, and proven strategies. The same consultants who regularly advise clients also research and write white papers and journal articles, author and edit publications, conduct training, coordinate GFOA's annual conference, and staff best practice committees.

- **Industry Standard Publications:** GFOA staff prepare the industry's leading publication to guide governmental accountants on all standards and financial reporting guidance. *Governmental Accounting, Auditing, and Financial Reporting* (The "Blue Book") is published by GFOA and GFOA consultants and clients have ready access to GFOA's technical experts throughout the project for any complex accounting or financial reporting questions as we work through business process change, chart of account configuration, or system set up challenges.





- **Other Research and Publications:** GFOA conducts ongoing research with its member network and communicates information on leading practices, lessons learned, and trends in financial management such as technology utilization and governance. GFOA currently has over 40 titles available. The following is a sampling of products recently written by GFOA consultants.

- ***Technologies for Government Transformation: ERP Systems and Beyond***
- ***IT Budgeting and Decision Making: Maximizing Your Government's Technology Investments***
- **Financial Foundations for Thriving Communities**



- **Government Finance Review:** GFOA consultants also regularly contribute articles and serve as reviewers for GFOA's bi-monthly publication, *The Government Finance Review*, along with other leading journals, books, and white papers.
- **Best Practice Committees:** GFOA has seven standing committees made up of leading finance professionals from governments throughout the United States and Canada that meet regularly to develop best practices to promote and guide sound financial and overall government management.
- **Annual Conference and Training:** GFOA's Annual Conference attracts approximately 5,000-7,000 government finance professionals and provides a forum to discuss innovative practices, learn best practice examples, network with peers, and interact with exhibitors. GFOA also provides ongoing training seminars throughout the country to assist members with continued professional development. GFOA consultants are regular trainers at these seminars including seminars on ERP procurement, project management, and best practices in ERP implementation.



Section II – Project Staffing

All GFOA consultants assigned to this project will have multiple years of experience with similar projects, continually conduct market research, and have prior public sector work experience.

All GFOA consultants have held positions within local government and have prior experience leading ERP projects similar to this engagement.

All GFOA consultants have managed projects similar to this engagement. As a result, our consultants are able to understand your unique needs and future goals, and help provide recommendations and advice from within the team. We understand the current market and will work to transfer that knowledge to the City so it not only creates a recommended plan for implementation, but also so that implementation of that plan is successful.

All of our consultants approach projects with similar goals.

- 1) Understand your needs and challenges and work with you to meet project goals**
- 2) Provide accurate, timely, and relevant information and gain your trust as a key member of your team.**
- 3) Provide honest recommendations that are solely influenced by the best interests of the City**
- 4) Serve as the City's advocate throughout the project. In both short and long-term, we will be a passionate champion for best practice and ensuring the City gets the best possible project outcomes.**

Bios for GFOA consultants are available under the “staff directory” at www.gfoa.org.



Section III – Project Scope

ERP system implementations offer much promise for improving business processes, empowering employees with tools to become more effective, and ultimately transforming the entire organization. While ERP systems have continued to mature since the City's last implementation of Central Square HTE, implementation of those systems continues to be a complex effort. Not only does implementation involved technology change, it also requires modernization of business process, policies, and organizational roles. GFOA's project approach focuses on using the procurement process as a key strategy to help with organizational readiness.

GFOA's scope and services are organized into three major phases. Within each phase we have identified major tasks and each task includes deliverables and milestone payments. GFOA's proposal is based on fixed fees for completion of deliverables and milestones. We know that events will come up during the project and we want to be able to work with you to solve those challenges without any consideration for additional costs or change orders. GFOA views every project as a partnership with our client and we aim to work together as a team to address project risks, issues, recommendations and build momentum for realizing success.

Phase 1 – Business Process Improvement

- Task 1: Project Planning and Management
- Task 2: Needs Assessment / Process Analysis
- Task 3: Develop a Plan of Action

Phase 2 – RFP Development and Selection Assistance

- Task 4: RFP Development
- Task 5: System and Vendor Selection
- Task 6: Contract Negotiations

Phase 3 – Implementation Project Management Services (NOT PROPOSED)

- Task 7: Implementation Advisory Services

Each phase and task, along with their related deliverables is detailed below.

Task 1: Project Planning and Management

No project can be successful without proper planning and tools to manage the effort. Working together, the GFOA and the City project manager will prepare the following tools that will be essential to project coordination.

- **Governance Support** – GFOA recognizes that the success of any large enterprise project depends on the ability to adapt to the changes that technology brings to both business process and organizational culture. We also understand that any enterprise system is not owned or controlled by one department in the organization. We are proposing to assist the City with the development of a governance structure for the project



This would include identifying the model for a steering committee, project team, and any business process improvement functions. GFOA will utilize recent research as part of our “Financial Foundations for Thriving Communities” Initiative to help inform the governance structure and change management function for this project. Our Financial Foundations Framework identifies five (5) key pillars of effective and sustainable management. Each pillar includes different leadership strategies and/or institutional design principles that we have found translate exceptionally well to ERP governance. Understanding that local governments cannot order people to collaborate, leadership strategies help inspire pride and public support for a strong financial foundation. Institutional design principles, meanwhile, are the “rules of the road.” They provide the context for leadership strategies and ensure continuity of good financial practices through changes in leadership. For more information, please visit <http://gfoa.org/financial-foundations>.



- **Project Team Set Up** - GFOA will help the City prepare for analysis meetings by providing resources to assist in identifying process investigation teams (“PIT Crews”). These PIT Crews will be made up of representative stakeholders from various departments to help bring an “enterprise-wide” focus to existing business processes and system functions. We consider this approach a critical element in the long-term success of the project and will help initiate teams and begin planning for overall involvement throughout the City’s project.
- **Project Plan** – GFOA will prepare a project plan in Microsoft Project and convert key deadlines/milestones to track in a project collaboration tool (like Microsoft Teams). This document identifies all the detailed tasks for the project, the person responsible for executing those tasks, the estimated time required to complete them, and any dependencies that a given task may have relative to other tasks.
- **Project Documentation** - If the City uses a website or other collaboration tool for project and document management (like Microsoft Teams), we will discuss early on in the project how we can use this for sharing documents and information across the larger project team. If desired, GFOA can also host a website with collaboration tools specifically for this project.
- **Project Management** – GFOA will participate in regular project management meetings and provide a regular (monthly) status report for the project. We expect our project manager to serve as a coach, guide, and advisor throughout the project. They will maintain regular communication to address issues, point out risks, provide lessons learned, and ultimately work to help the project be a



success. Ongoing costs and effort for all project management activities are built into GFOA's milestones and deliverables. As part of our ongoing project management services, we will help prepare any communications, attend council meetings, or help delivery key messages to City stakeholders.

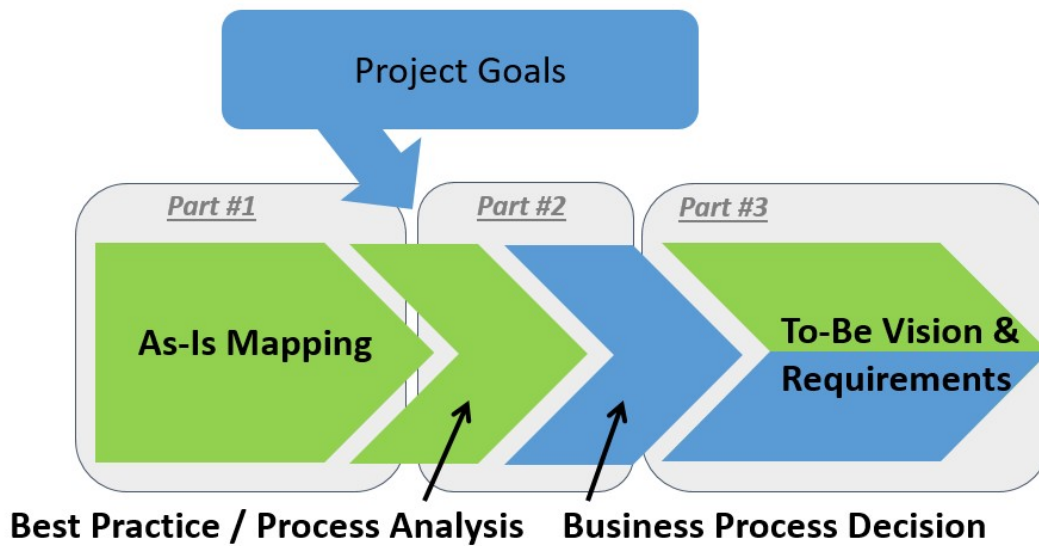
Project Deliverables

1. Project Management Documents
 - a. Project Charter
 - b. Project Goals
 - c. Project Plan
 - d. Staffing Readiness
 - e. Collaboration Website (Basecamp)
 - f. Status Report Template
 - g. Ongoing Readiness and Project Support Recommendations

Task 2: Needs Assessment / Process Analysis

Many governments wait on business process improvement activities until after the software vendor is on board or to focus software decisions solely on utilization of software features. GFOA strongly disagrees with this approach. Evaluating current software use without considering future needs can lead to poor decision making. In addition, relying 100% on software vendors to develop a to-be definition requires the City to buy software prior to truly identifying its needs. Software vendors also will focus on configuring software and are prone to re-creating existing (bad or outdated) processes in the new system. Our experience with software vendors can point to countless examples where this has occurred. Our proposal includes services for GFOA to take a lead role in identifying business process change prior to and along with preparing a needs assessment and the development of an action plan for moving forward. The needs assessment focuses on needs to accomplish City goals and realize a future vision for administrative processes. While we will look at opportunities for system improvements in the decision to upgrade or seek out a new system, we go beyond the technology to also consider business process and policies.

As lead, GFOA will facilitate most meetings, convene focus groups, and interview staff individually. Throughout the project, we will manage project documentation. However, throughout this phase, City participation in providing feedback, making decisions, and starting to identify next steps is important. As described above, GFOA's "needs assessment" goes beyond simply identifying need. It also works to begin setting in place the action plan for the project. In many cases, improvements can be independent of a system and the City will begin taking advantage of efficiencies before going live with a new system.



GFOA uses the three-part approach depicted in the graphic above to guide business process improvement. For the first part, GFOA will facilitate business process mapping sessions to document the City's as-is process. GFOA's mapping process is a highly collaborative one and will involve participation of a wide variety of stakeholders, including the PIT crews established in Task 1. This step is extremely important to the success of the project and allows various stakeholders to better understand existing processes (including limitations and inefficiencies).

While there is significant value in having processes documented, the major benefit from these sessions is that stakeholders from across the City will share a common understanding of the current process and can explore together the current challenges, weaknesses, and areas for improvement. By discussing changes in the open, it is also a critical change management strategy to help the organization begin the transition to a new process.

Process List	
Process	Task / Topics
Accounting	<ul style="list-style-type: none">• Chart of Accounts• General Ledger Transactions• Grant / Project Tracking• Financial Reporting
Budget	<ul style="list-style-type: none">• Operating Budget• Capital Improvement Planning (CIP)• Capital Budget• Budget Adjustments / Amendments
Procure – Pay	<ul style="list-style-type: none">• Vendors• Purchase Requisitions



Process List	
	<ul style="list-style-type: none">○ RFP / RFI / RFQ• Purchase Orders / Contracts• P-cards• Change Order• Accounts Payable• Travel Reimbursement
Customer Billing	<ul style="list-style-type: none">• Customer File• Online Bill Pay• Billing• Accounts Receivable<ul style="list-style-type: none">○ Interface to billing systems (iMS)
Treasury	<ul style="list-style-type: none">• Cash Receipts<ul style="list-style-type: none">○ Online payments○ Interface to other point of sale systems (RecTrac, iMS, other)• Disbursements• Interest Allocation• Bank Reconciliation
Asset Management	<ul style="list-style-type: none">• Asset Acquisition• Asset Tracking• Transfer / Disposal / Retirement• Work Order<ul style="list-style-type: none">○ Service Requests○ Work Orders / Scheduling○ Preventative Maintenance○ Asset History
Human Resources	<ul style="list-style-type: none">• Positions• Employee File• Benefit Enrollment• Personnel Evaluations / Performance Management• Risk Management (Injury / Workers Comp)• Training / Certifications
Personnel Actions	<ul style="list-style-type: none">• Recruitment• New Hire• Personnel Actions (Salary Adjustment / Position Change)
Time Entry – Payroll	<ul style="list-style-type: none">• Time Entry (Executime)• Time Approval• Payroll Calculations• Payroll Processing• Leave Management (FMLA)
Utility Billing	<ul style="list-style-type: none">• Customer File• Property File• Meter Inventory



Process List

- Meter Read (Interface to Neptune/N-Sight)
- Billing (Interface to Invoice Cloud)
- AR
- Payment Receipts (Interface to Sectron IVR)
- Collections (Interface to MSB)
- Service Order

Note: For general system wide features such as reporting, dashboards, workflow, notifications, document management, etc. we will cover each within the appropriate business process areas.

Once maps are developed, GFOA consultants will conduct part 2, consisting of an analysis to benchmark the existing processes against recognized public sector best practices, ERP functionality, other organizations, and the City's project goals. We will facilitate sessions that are similar to "Lean" process improvement workshops to discuss improvement strategies with City staff.

GFOA applies these process improvement strategies to the City's current process and mark up or revise the process maps as part of discussions and meetings to communicate potential business process improvements, changes, and future state options. This documentation will also highlight potential change impacts and identify change management strategies and success factors for moving forward.

Any recommended improvement will be derived from GFOA best practices, our past experiences with similar ERP projects, the City's project goals, and the City's overall vision for the future. As the City grows and/or matures, process improvements may become necessary to maintain efficient operations and ensure that the City will be able to meet service expectations with its streamlined professional staff. GFOA can use these inputs as guide to help define processes that serve the City over the next 10-15 years and beyond.

Project Deliverables

2. Process Analysis
 - a. Process Maps / Base Needs Assessment
 - b. Process Workshop and Recommendations

Task 3: Develop a Plan of Action

After conducting the process and system assessment, GFOA will facilitate a meeting of City stakeholders to begin visioning for a potential new/improved system and overall plan for replacement of other City systems (if desired). The visioning meeting will define



goals for the system, business process, policies, or other organizational improvement. This report will identify a recommended strategy for moving forward.

If necessary, GFOA will then gather information on costs and benefits on a limited number of alternatives that would satisfy both project goals. After carefully reviewing estimated costs, risks, and best practices, the plan of action will make an argument for the recommended option.

GFOA will also work as part of the recommended plan of action, to prepare an overall procurement strategy that is designed to accomplish the organization's requirements and business goals, and mitigate risks during vendor selection process and overall implementation project.

Project Deliverables

3. Plan of Action

Task 4: Develop Request for Proposal (RFP)

In this phase, GFOA will develop a detailed Request for Proposals (RFP) document (or more than one RFP depending on the procurement strategy) for the City. The GFOA RFP format is designed to remove disparity between proposals and to provide as close to an apples-to-apples comparison as possible. In addition, GFOA develops all RFP's with the end goal in mind – a successful contract that mitigates risk and leads to a successful project.

GFOA has a template RFP that was specifically designed for ERP procurements and that we have continually updated as required by changes in the ERP market. We are working now to make significant revisions to our template based on thorough review of process and how to get the most value for our clients. We plan to work collaboratively with the City's procurement team to include any terms and conditions from the City's standard documents, decide on the procurement process, and ensure compliance with any other City requirements.

When complete, the RFP document will incorporate information developed with many of the other deliverables from this project including:

- 1) Procurement terms and conditions
- 2) Detailed vendor response templates
- 3) Templates to build core elements of vendor statement of work
- 4) Functional Requirements
- 5) Interface Definition
- 6) Technical Documentation



- 7) Key Objectives / Goals / Critical Success Factors for the Project
- 8) Service Level Agreements
- 9) Other information necessary for vendors to prepare detailed response that meets the City's needs.

GFOA maintains a list of ERP vendors, implementation partners, and others in the industry. We will help publicize the City's RFP to get the most competitive response.

A key part of the RFP will be the development of detailed functional requirements and overall business process expectations that will be important throughout the selection project and throughout implementation. For the processes that are determined to be in scope, GFOA consultants will work with the City PIT Crew members to review, validate and ultimately make decisions on the high-level to-be process definition and those requirements that will serve as a tool for accountability going forward.

GFOA focuses functional requirements development on business process and will prepare requirements in the form of testable use cases that will have value beyond the procurement phase. At each step in the business process we will determine both the system requirements and implementation requirements and document those using a Microsoft Excel template that is aligned to our process maps that will be included in the eventual RFP. Requirements development focuses on functional requirements that define "what" needs to be completed (such as tasks, outputs, interfaces, calculations, processing, etc.) and not on "how" the system or the organization handles tasks currently. This allows for future improvement and full utilization of the system tools and built in processes to make the City more efficient.

At this stage in the process, it is important for the business process improvement decisions to be made so the RFP can present a clear direction for the City's project. While every ERP system has slightly different ways of completing business process transactions and the full business process can't be defined at a fine level of detail without the assistance of system consultants, the overall direction and high-level understanding of the process is important to communicate.

It is expected then that the requirements serve as the base document that establishes a template for proposal comparisons, the scope of the implementation project, the base level criteria for user acceptance testing, and the standard for post implementation warranty.

Project Deliverables

4. RFP Package
 - a. RFP Document



b. Functional Requirements

Task 5: Evaluation and Selection of Vendor

GFOA's system selection and procurement methodology relies on principles of fairness, attention to detail, and competition, yet remains flexible enough to adapt to local procurement laws or other unique situations. In addition, the approach is continually enhanced by feedback from the hundreds of public sector clients that we work with, our own staff experience, and the vendor community. We strive to get the best deals for our clients and often go against what the vendor's describe as "industry standards."

GFOA's evaluation focuses the City on addressing risks to the implementation and addressing concerns that will impact the City achieving its project goals. As a result, we prioritize both evaluating the consulting approach and the software.

Through defined steps, vendors will be evaluated and scored according to pre-defined criteria with the top vendors moving on to compete at the next step. Each step is an opportunity to negotiate terms, address risks, and provide methods for holding stakeholders accountable. Overall, our approach is focused on identifying and mitigating risks throughout the procurement process. GFOA's RFP template provides the opportunity to focus the evaluation on key risk factors in the implementation and separates actual proposal from marketing buzzwords. GFOA's standard evaluation process includes the steps described below.

Step 1: Initial Proposal Assessment

Upon receiving the written proposals from vendors, the City's project team will begin an assessment and analysis of all proposals. GFOA will assist with this assessment by reviewing proposals and providing high level comments on potential risks, issues, and any significant weaknesses/gaps and/or strengths. The purpose of the initial assessment is to understand what is proposed and prepare for the initial "base presentation."

GFOA has learned over the years that it can be difficult to evaluate a best fit vendor or the proposal that provides the best value for the City by only looking at a written response. Vendors are quite good at marketing in proposals and proposals may not actually reflect what it's like to work with a firm. GFOA's approach tries to mitigate this misleading presentation by providing multiple opportunities to meet the actual consultants who will be working on the project and supporting the relationship.

Step 2: Base Presentation

After conducting an initial review of all proposals, the City will elevate potentially viable solutions for a short presentation (45-60 minutes). GFOA expects that the number of vendors elevate be based on the number of proposals the City receives, but potentially



could include 10-15 vendors. By providing each a short time to present their proposal, the City will be able to evaluate what the differentiating features of each vendor's proposal actually are. It also will give the City a chance to meet representatives for each firm.

GFOA expects that all base presentations be conducted within the same week. After presentations are complete, GFOA and the City's project team will complete the proposal analysis. GFOA can also leverage our extensive experience to compare each proposal to industry standards. All key findings will be documented in a brief proposal assessment report that identifies GFOA's findings. This report will also identify additional information that will be needed from vendors going forward.

GFOA expects that after reviewing proposals, the City elevates a limited number of vendors for onsite demos/interviews. Typically, governments will elevate three vendors.

Step 3: Software Demos

GFOA staff will develop detailed demo scripts for each vendor. Demo scripts are based heavily on the requirements and business process decisions built in early tasks. Also, GFOA's approach to software demos provides a focus on implementation activities. Typically time devoted to implementation and demo is split 50/50. GFOA believes that it is critical for vendors to explain HOW the software will be implemented along with the features of the software. The greatest system in the world will not be useful if it is not configured and implemented correctly to meet the needs of the organization.

Our approach to software demos and interviews differentiates GFOA and demonstrates our dedication to continually evolve our approach to a changing ERP market. As software features become more mature, it is less important for governments to evaluate "if" it will work. However, since most of the risk comes from implementation, we work through a series of business process case studies, sample "workshops," and implementation resource interviews to make sure you can effectively evaluate the knowledge and skills of the proposed implementation team.

GFOA will also facilitate the demos and interviews with each vendor. In this role, GFOA would be on-site to guide the meetings, ensure compliance with the demo scripts, take notes, and point out differentiators. GFOA expects that after this first round of software demos and interviews, the City elevate two vendors.

Step 4: Discovery

Discovery acts as the City's final opportunity to clarify unresolved issues before it makes its final elevation. Prior to Discovery, GFOA will develop a Request for Clarification (RFC) letter for each vendor that was elevated. Then, during Discovery, each remaining vendor is invited back on-site for one more day of presentation. During this presentation, any remaining issues with software functionality, implementation approach, data



conversion, or scope are clarified and vendors are asked to make any necessary revisions to their proposal. The main focus of this session is to plan the implementation so that the City and vendor can later develop a detailed statement of work. GFOA will facilitate the Discovery session for two proposal teams. Additionally, by clarifying outstanding issues at Discovery, development of the statement of work becomes easier. At the conclusion of Discovery, the City will enter contract negotiations with one vendor.

GFOA expects that after Discovery, the City identify a finalist vendor. If it is not possible for the City to identify a finalist vendor, GFOA will facilitate additional clarification rounds.

Project Deliverables

5. System and Vendor Selection
 - a. Evaluation Criteria and Evaluation Team Training
 - b. Initial Assessment
 - c. Base Presentations
 - d. Complete Proposal Assessment
 - e. Demo Scripts and Facilitation
 - f. Request for Clarification Letters

Task 6: Contract Negotiations

GFOA will be involved with the negotiation of any applicable software license contract, software maintenance agreement, hosting / SaaS agreement or implementation services agreement. In addition, GFOA will lead the development of the statement of work. The statement of work is the critical document that outlines responsibility for the implementation. GFOA will ensure that the City's statement of work is defined to a fine level of detail to prevent any unnecessary issues or misunderstandings during implementation.

Also, for cloud contracts, it is essential that the City identify and negotiate appropriate service level agreements and other contractual provisions that establish performance standards and identify role responsibility. GFOA will take the lead in establishing this documentation. GFOA assumes that the City will be negotiating one contract (or a contract for one proposal if that proposal contains multiple contracts for software, implementation, hosting, etc.).

Project Deliverables

6. Contract Negotiations
 - a. Completed Contract Documents



Task 7: Implementation (Not proposed now)

GFOA can provide a project management and oversight role throughout the City's project and work with the City and its selected vendor to achieve the City's project goals. A project oversight role with GFOA will enable the City to leverage the presence that GFOA has in the public sector technology industry, and will allow the City to benefit from ERP implementation experience and research along with access to our nationwide membership network. GFOA will also continue our role as lead in contract negotiations for any contract amendments and project support to review milestones and invoices.

No two GFOA clients are the same and GFOA works with each client to structure implementation services so we can deliver the most value while controlling costs. We believe the best time to discuss our specific scope is after the RFP has been released and the City would have a better idea on scope, staffing needs, or specific risks in the project. This proposal contains a description of services that we typically provide and would be prepared to provide to the City. However, at this time, it is difficult to know specifically where the City will require the most assistance with implementation. GFOA's project team is experienced leading ERP projects and can provide assistance in a variety of areas. Implementation advisory services often include:

- Project Planning
- Deliverable Review
- Subject Matter Expertise / Continued Business Process Design
- Participation in Project Meetings
- Quarterly Project Reviews
- Testing Support
- Training
- Overall Project Oversight
 - Contract Monitoring
 - Change Management
 - Steering Committee Support
 - Issue Log Management



Cost and Timeline

GFOA has proposed the following high-level schedule to complete all work described in this proposal. We start every project by gather documents and becoming more familiar with the City's policies, structure, and overall background information while we are preparing the project plan an initial agendas. Typically we host a kick-off meeting and begin process analysis approximately one month after contract signing.

As a result of the COVID-19 pandemic, GFOA shifted to performing all consulting projects over the past 15+ months remotely. As travel continues and public health measures have been relaxed, we plan on providing services for the City using a mix of on-site and remote meetings. GFOA will discuss the best approach with the City and determine which activities are better for on-site vs. remote execution.

Note: The schedule below presents an example timeline based on GFOA's past experience. We understand that all projects are different and that the City may have unique goals, expectations, and constraints. As part of Task 1, we will discuss and prepare a detailed schedule to match the City's needs.

Proposed Schedule	Month 1 = Project Start																
	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5
Task 1: Project Planning																	
Task 2: Process Analysis																	
Task 3: Plan of Action																	
Task 4: RFP Development																	
Task 5: Vendor Selection																	
Task 6: Contract Negotiations																	
Task 7: Implementation																	



Pricing

Unless noted, all pricing is provided as a fixed fee. GFOA will invoice for project deliverables upon completion of project deliverables. We also understand that projects may face delays, require additional analysis than what was originally planned, or may require additional effort to address risks as they come up during the project. We commit to honoring our fixed price to deliver a successful project.

Task/Deliverable	Milestone	Price	UBS RFP*
1	Project Planning		
1	Project Management Documents	\$10,000	
NA	Ongoing Project Governance Support*	\$15,000	
2	Needs Assessment / Process Analysis		
2-A	Process Maps / Base Needs Assessment	\$50,000	
2-B	Process Analysis and Recommendations	\$30,000	
3	Plan of Action		
3	Plan of Action	\$5,000	
4	Develop RFP		
4-A	RFP	\$15,000	
4-B	Functional Requirements	Included	
5	Evaluation and Selection of Vendor		
5-A	Evaluation Criteria and Evaluation Team Training	Included	
5-B	Initial Assessment	\$5,000	
5-C	Base Presentations	\$5,000	
5-D	Complete Assessment	\$10,000	\$5,000
5-E	Demo Scripts and Facilitation	\$10,000	\$5,000
5-F	Request for Clarification / Discovery	\$10,000	
6	Contract Negotiations		
6-A	Contract Negotiations	\$15,000	\$5,000
	Travel (NTE)*	\$25,000	Included
TOTAL NOT-TO-EXCEED PRICE for Phase I and II		\$205,000	\$15,000

Maximum NTE pricing if the City opts to issue two RFPs at separate times is \$220,000

Note: GFOA will invoice for ongoing project management when the City makes its decision to elevate a final vendor and begin contract negotiations.

Note: GFOA's milestone pricing does not include travel costs. All travel is listed as a not-to-exceed total for the entire project. If GFOA performs services on-site we would require the City reimburse expenses, per GFOA's travel policy (attached) up to the following not-to-exceed limits listed above. Any travel that would exceed the limits below would be at GFOA's expense.

The proposal for Evaluation and Selection of Vendor assumes that if in scope, GFOA will develop a separate RFP for utility billing software (UBS) for the City. If the City elects to issue RFPs at separate times for utility billing the milestone costs listed in the far right column would apply.



Contract Requirements

GFOA would like to add the following to any future agreement.

- GFOA is a nonprofit membership association made up of members representing organizations like the City. Therefore, the GFOA's liability and indemnification under any agreement reached with your organization will be limited to the extent of claims paid by insurance coverage currently in force.
- The City's staff will be reasonably available for interviews and will participate in the project as agreed upon and appropriate. The City agrees not to cancel meetings once established (which would increase our travel costs).
- Unless otherwise stated, the City agrees to confirm acceptance of deliverables within a mutually agreed upon number of business days. If a deliverable is not accepted, the City must state in writing to the GFOA Project Manager the changes needed to the deliverable to gain acceptance.
- The GFOA conducts the majority of the engagement work on a fixed-fee engagement, where payment is due upon completion of deliverables. If any work is to be billed using a time and expense method, the time and expense portion of the engagement will be billed on a monthly basis at the hourly rate of \$250/hour, unless otherwise noted.
- When performing work on-site, GFOA staff will be provided appropriate workspace and access to copiers, projectors, workspace, and miscellaneous office supplies if necessary.
- GFOA is scoped to prepare one RFP document and conduct the evaluation process for that one RFP. If it is determined to be in the City's best interest to release multiple RFPs, GFOA will develop those RFPs at no additional cost. Proposal evaluation and system selection services for multiple RFPs may require additional cost depending on timing.
- As an educational, nonprofit, professional membership association, the GFOA reserves the right to publish non-confidential documents describing the results of, or created during, the services described in this scope of work. The GFOA will not publish any item with the name of the City without obtaining prior written consent of the government.
- The City recognizes that GFOA's role is to provide information, analysis and advisory services. As such, GFOA bears no responsibility for the performance of the software, hardware, or implementation service suppliers.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Christopher A. Little, P.E.; Juliet Misconi, Chief Procurement Officer

DATE: 8/4/2022

RE: Miscellaneous: "Other Agency" Contract for Hydrofluosilicic Acid System Upgrades at SRWTP (Town of Davie contract) – Utilities Department (Odyssey Manufacturing - \$154,840)

The Utilities Department currently piggybacks Town of Davie contract #B-16-138, with Odyssey Manufacturing for Chemical System Maintenance and Repairs. This contract started December 7, 2016, for a five-year term ending on December 6, 2021, with two one-year renewals available. This contract has been renewed to December 6, 2022. The City executed an agreement with Odyssey to piggyback this contract on March 25, 2021, for an amount not to exceed \$90,000. The City's agreement mirrors the piggyback agency agreement with an option to extend and expire December 6, 2023. The Utilities Department has received a quote from Odyssey Manufacturing, utilizing the piggyback, to upgrade the Hydrofluosilicic Acid (HFS) system at the South Regional Water Treatment Plant (SRWTP), in the amount of \$154,840. This item is a separate project from the system for the North Regional Water Treatment Plant as presented to City Council at the July 21, 2022 meeting.

HFS is one of the most commonly used fluoridation methods for treating drinking water. The World Health Organization (WHO), American Medical Association (AMA), Centers for Disease Control (CDC) and the American Dental Association (ADA) recommend the fluoridation of public water supplies as a public health benefit. The addition of fluoride to public water supply, effectively prevents tooth decay; and is a safe and cost-effective way to deliver fluoride to communities so all individuals can benefit. This additive meets the health and environmental regulations set by regulatory agencies for water fluoridation in the United States.

The existing HFS system is non-operational and past useful life. The upgrade of the system will include replacement of the chemical feed equipment, bulk tank, and associated appurtenances.

Staff has reviewed the quote and requests council approval to proceed with the upgrade of the HFS system at the SRWTP, in the amount of \$154,840.

REQUESTING DEPARTMENT:
Utilities, Procurement

FISCAL IMPACT:

Total cost will be \$154,840. Funding is available in the Utilities Department's Renewal & Replacement Fund 424-8022-533-6221, project 22WS18.

RECOMMENDATION:

Motion to approve the piggyback of Town of Davie, contract #B-16-138 with Odyssey Manufacturing for the SRWTP Hydrofluosilicic Acid System upgrade, amount \$154,840.

ATTACHMENTS:

Description

Quote



ODYSSEY
MANUFACTURING CO.

FACSIMILE TRANSMITTAL

From: Patrick H. Allman
To: Tim VanDeventer, City of Palm Bay, South RO Plant Chief Operator
Dan Worl, City of Palm Bay, Asst. Utilities Director
Fax #: E-Mailed
Re: **CITY OF PALM BAY SOUTH REGIONAL RO PLANT HFS SYSTEM UPGRADE
TOWN OF DAVIE CHEMICAL SYSTEM MAINTENANCE RFP NO. B-16-109**
Date: July 11, 2022
Pages: 5, including this cover sheet.

Tim,

As a follow-up to my recent site visit, the existing hydrofluosilicic acid (HFS) system at the South Regional RO Plant is in a state of disrepair and is no longer used. All of the equipment is past end of life. Specifically, there are numerous leaks everywhere including on the bulk storage tank. Additionally, none of the feed pumps are operational. The Day Tank and its scale are no longer operational. The Bulk Tank is from 2006 and well past end of life. The bulk tank ultrasonic level sensor is no longer operational. The following is background information for the City of Palm Bay:

- Name of Municipality – City of Palm Bay
- Water System Name – City of Palm Bay
- Water System Number Identification - PWS #3050442
- Plant Identification (Name/Number) – South Regional RO Plant
- Plant Capacity (MGD) – 6.0 MGD (In process of expanding from 4.0 to 6.0 MGD)
- Average Daily Flow Rate (MGD) – 4.0 MGD
- Number of System Plants – 2 (250 Osmosis Drive, Palm Bay, FL 32909)
- Natural Fluoride Level - 0.10 ppm

The HFS system consists of a containment area with two pedestals containing a 4,600-gallon FRP horizontal storage tank sitting up on the pedestals. The tank gravity feeds a 65-gallon Day Tank sitting on a scale. The scale sits on a housekeeping pad inside a curbed containment area. Adjacent to the Day Tank is a pump skid inside a separate containment outside the main containment. The pump skid sits under a lean-to roof. The HFS is pumped from the pump skid to the clearwell using single-walled piping under the driveway. Given the age of this piping (over 14 years) this piping should also be replaced.

From the desk of...

Patrick H. Allman
General Manager

1484 Massaro Boulevard
Tampa, Florida 33619

Cellular/Voicemail: (813) 335-3444
Business: (800) ODYSSEY
Facsimile: (813) 630-2589

DESIGN BASIS

As you know, most systems try to maintain a 0.7 ppm fluoride residual based on the latest CDC guidance. Based on a 0.1 ppm natural fluoride residual and an ADF of 4.0 MGD and using a 23% solution of HFS which contains about 79.2% fluoride ion and using 10#/gallon, the following is your predicted usage:

$$(8.34) \times (0.7 \text{ ppm} - 0.1 \text{ ppm}) \times (4.0 \text{ MGD}) / (.792 \times .23 \times 10) = 11.0 \text{ gpd}$$

The HFS will be fed proportional to flow on the finished going to the plant clearwell which will not vary too much from the 4 MGD. The feed pumps must be able to handle up to 6 MGD which would be almost 0.75 gph.

PROPOSED SOLUTION

The City of Palm Bay should consider replacing the entire system and using the grant money available to it from the Florida Department of Health. The work could be done under the existing chemical maintenance agreement between Odyssey Manufacturing Co. and the City of Palm Bay.

The proposed construction work would require an FDEP Notification letter but does not need to be permitted since it is replacing "like" equipment. We would propose to replace the existing equipment with similar or identical equipment in the same location.

Engineering

- Engineering, Design, FDEP Permitting – Odyssey will do the required FDEP notification, system drawings and provide four copies of O&M manuals.

Equipment

- Day Tank – Odyssey proposes to furnish and install a 65-gallon Assmann double-walled HDLPE tank that measures 26" in diameter and is 48" tall. The tank would be located on the existing housekeeping pad inside the containment area. The bottom fitting is a 1" Hastalloy C double-flanged fitting. The tank has a 2" U-vent, a 1" gravity fill line and a 7" threaded manway on top of the tank.
- Safety Shower/Eyewash – There is an existing safety shower/eyewash that is in good shape outside the containment in front of the sodium hypochlorite system that can be used by the HFS delivery diver. However, there is no eyewash/safety shower inside the HFS containment so Odyssey proposes to install one inside the containment adjacent to the pump skid. Odyssey will extend the existing 1" Schedule 80 PVC from the nearby eyewash/safety shower to feed the new eyewash/safety shower. The new potable water line shall be Schedule 80 PVC and shall be painted blue.
- Bulk Tank – Odyssey proposes to furnish and install an Edwards 4,600-gallon horizontal FRP storage tank. The tank will be located on the pedestals inside the existing containment area. The tank is approximately 88" outside diameter and is 172" long. The work includes a 4" u-vent, a 2" fill line, a 4" instrument flange, a spare 4" flange and a 24" manway on top of the tank. The top sidewall will have a 2" Schedule 80 PVC overflow line. There will be a 1" flanged connection on the bottom which will be tied to an isolation ball valve and this line will be run to the top of the Day Tank. The tank will have a 1" sight-glass to measure the level.

From the desk of...

Patrick H. Allman
General Manager

1484 Massaro Boulevard
Tampa, Florida 33619

Cellular/Voicemail: (813) 335-3444
Business: (800) ODYSSEY
Facsimile: (813) 630-2589

- Digital Scale – Odyssey proposes to furnish and install a Force Flow 27-DR10DS drum scale rated for 1,000# with a SRG2-1 Solo G2 single channel digital display indicator. The scale measures 27.5" x 27.5" and the front face is 31.5" long for the tie-down tabs.
- Chemical Feed Equipment – Odyssey will furnish a new Blue Planet pump skid containing two Prominent Gamma X diaphragm feed pumps rated for 1.5 gph. The skid will be located inside the containment instead of outside the containment. The skid is constructed of welded PVC sheets. All of the piping on the skid is ½" Schedule 80 PVC with the exception of the inlet header which is 1" Schedule 80 PVC. Each pump will have an inlet and outlet isolation valve, an inlet strainer, a pressure gage on an isolation valve, a backpressure or anti-siphon valve, a pressure relief valve, a pulse dampener and two flushing connections. The skid has a calibration column whose vent is piped back to the bulk storage tank. The skid will have an HOA panel. The panel will serve as a termination box for all of the electrical and control wiring for the skid. The electrical power supply and the analog connections will all have EDCO surge suppression.
- Fluoride Analyzer – Odyssey agrees to furnish and install a Prominent DACA Fluoride analyzer mounted on a polypropylene backboard. The analyzer will be mounted adjacent to the chlorine analyzer and we will utilize the existing supply and drain lines for the chlorine analyzer. The installation also includes electrical hookup, hookup to existing SCADA lines, hookup of a water supply line with a Y-strainer and needle valve and discharge piping. The analyzer will be mounted up on the wall in place of the existing bottle holder. The analyzer has a 4/20 ma output and a digital high and low alarm which will be tied into the SCADA system.
- Ultrasonic Level Sensor – Odyssey proposes to furnish and install a Siemens XPS-10 transducer on top of the bulk tank and a Siemens Hydro-Ranger 200 display unit. The display unit will be mounted adjacent to the digital scale readout and both will be located inside a new aluminum rain hood.
- Safety Equipment – Odyssey will furnish and install a plastic cabinet with the following safety equipment:
 - 6 pairs of gloves
 - 2 Aprons
 - 2 pair boots
 - 2 face shield
 - 2 pair goggles

Installation

- Demolition – Odyssey proposes to setup a temporary tank and pump out the HFS to the temporary bulk tank and remove the entire HFS system including the old bulk tank and associated piping. We would then cut up the old storage tank and put it and the old piping in a construction dumpster we would furnish and have hauled away. We will then do the coating work install all of the new equipment.
- HFS Area Repairs/Coating – Odyssey proposes to make some minor repairs to the containment areas for the Day Tank, Pump Skid and Bulk Tank. We will then coat the containment areas and interior walls with an appropriate Tnemec paint.
- Equipment Installation: Odyssey will install the new day tank scale and the existing day tank on the existing housekeeping pad. The pump skid will go in the same location as it is now. We will install the new bulk tank inside the containment area. We will then do all of the interconnecting piping. We will install the new fluoride analyzer adjacent to the existing chlorine analyzer and modify the sample and drain piping as necessary for the new analyzer.

From the desk of...

Patrick H. Allman
General Manager

1484 Massaro Boulevard
Tampa, Florida 33619

Cellular/Voicemail: (813) 335-3444
Business: (800) ODYSSEY
Facsimile: (813) 630-2589

- Injection Piping – Odyssey will run new ½” OD PFA Teflon tubing inside a 2” Schedule 80 PVC containment pipe from the pump skid to the existing injection point in the clearwell. We will transition from tubing to ½” Schedule 80 PVC at each end inside a Hoffman NEMA 4X panel. The work involves saw-cutting and patching about 35’ of asphalt.
- Electrical/Control Wiring – The feed pumps will plug into outlets on the pump skid. Odyssey will run a new 120 VAC service to the pump skid from existing wiring in the area. We will power the analyzer from an existing circuit in the High Service Pump Room. We will run power from behind the surge suppression unit in the HOA panel on the pump skid for the digital scale and the ultrasonic level sensor. We will also wire all of the control wiring from the pump skid HOA panel (includes the scale output and ultrasonic level sensor output) to the SCADA system. We will also run the finished water flow signal to the feed pump skid from the clearwell.
- SCADA Upgrades – Odyssey will furnish the required cards and software programming to upgrade the existing SCADA system so there is an HFS screen that is monitored.
- System Startup/Training – Odyssey will provide unlimited startup and training services as requested.

Final Cost

Below is a summary of the Odyssey’s final cost of engineering, equipment and installation. The work would be performed as a “Turnkey” project by Odyssey Manufacturing Co. acting as General Contractor and Engineer:

Engineering and Design

- Engineering and Design	\$ 2,500	\$ 4,000
- O&M Manuals	\$ 500	
- Record Drawings	\$ 1,000	

Equipment

- 65-gallon Assmann double-walled Tank	\$ 2,500	\$ 97,000
- Guardian 1904 Safety Shower/Eyewash	\$ 950	
- 4,600-gallon Diamond Fiberglass Bulk Tank	\$ 49,900	
- Siemens Hydro-Ranger 200 Ultrasonic Level Sensor	\$ 3,600	
- Aluminum Rain hood	\$ 750	
- Force Flow Digital Scale	\$ 4,900	
- Prominent Gamma X 1.5 gph Feed Pump (2)	\$ 4,500	
- Blue Planet Duplex Enclosed Pump Skid	\$ 18,500	
- Prominent Fluoride Analyzer (#7744836)	\$ 9,500	
- Safety Equipment	\$ 1,900	

Installation

• Demolition	\$ 1,700	\$ 53,840
- 8 hrs Technician@\$80/hr (\$640)		
- 16 hrs Helper@\$40/hr (\$640)		
- Dumpster Rental (\$420)		
• Containment Area Coating	\$ 20,900 (Subcontractor + 10%)	
• Install Safety Shower/Eyewash & Potable Water Piping	\$ 580	
- 6 hrs Technician@\$80/hr (\$480)		
- Materials (\$100)		
• Install Scale, Bulk & Day Tanks, Pump Skid and Piping	\$ 4,640	

From the desk of...

Patrick H. Allman
General Manager

1484 Massaro Boulevard
Tampa, Florida 33619

Cellular/Voicemail: (813) 335-3444
Business: (800) ODYSSEY
Facsimile: (813) 630-2589

- 16 hrs Technician@\$80/hr (\$1,280)	
- 24 hrs Helper@\$40/hr (\$960)	
- Piping/Pipe Supports and Valves (\$1,900)	
- Core Drill (Subcontractor) (\$500)	
• Install electrical and instrumentation	\$ 3,120
- 20 hrs Technician@\$80/hr (\$1,600)	
- Conduit/Pipe Supports/Wiring (\$920)	
- Piping (\$600)	
• Install Injection Piping	\$ 14,600
- Rent Saw-Cutter (\$350)	
- Rent Compactor (\$450)	
- Rent Dumpster (\$400)	
- Asphalt (\$3,500) (Subcontractor)	
- 40 hrs Technician@\$80/hr (\$3,200)	
- 80 hrs Helper@\$40/hr (\$3,200)	
- Piping/Pipe Supports and Valves (\$3,400)	
• System Startup	\$ 800
- 10 hrs Technician@\$80/hr (\$800)	
• SCADA Programming (Subcontractor)	\$ 7,500

Total Project Cost

\$154,840

Per our discussion, all of the above costs are eligible for reimbursement under a grant with the State of Florida Health Department.

Warranty

Odyssey agrees to provide a two-year parts and labor warranty on the entire system. As we have demonstrated in the past, we stand behind our work! In addition, Odyssey will also pass through a limited three-year limited warranty from the bulk and day tank manufacturers.

Thank you for your consideration. As you know, Odyssey is a licensed plumbing and general contractor who specializes in chemical system design, installation and service work. We have installed over 2,000 chemical systems in the past including over five for the City of Palm Bay. Please do not hesitate to contact me at (800) ODYSSEY or cellular (813) 335-3444 if I can provide any more information.

From the desk of...

Patrick H. Allman
General Manager

1484 Massaro Boulevard
Tampa, Florida 33619

Cellular/Voicemail: (813) 335-3444
Business: (800) ODYSSEY
Facsimile: (813) 630-2589



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Christopher A. Little, P.E.; Juliet Misconi, Chief Procurement Officer, Larry Wojciechowski, Finance

DATE: 8/4/2022

RE: Miscellaneous: Grit drive assembly, emergency purchase - Utilities Department (Electro Mechanic Industries, Inc. dba Vermana - \$85,112).

The Smith and Loveless grit drive assembly at the North Regional Wastewater Treatment Plant (NRWWTP) has failed. The grit removal process is vital to the treatment process to protect pumps and other equipment. An excessive amount of grit in the secondary stage of treatment could render the NRWWTP out of compliance and result in fines being assessed by the Florida Department of Environmental Protection (FDEP). The current equipment was installed in 1987, it is obsolete and beyond useful life. The grit drive assembly must be replaced to restore the treatment process as designed and permitted.

Request for Quote #24-0-2021/SZ for Pump & Motor Repair & Maintenance Services, was awarded to Electro Mechanic Industries, Inc., dba Vermana in January 2021. An agreement was executed on January 22, 2021, for a one-year term; the contract has been renewed for a one-year term ending January 21, 2023. The estimated annual amount awarded was \$75,000. A quote has been provided by Vermana, utilizing this contract, for the replacement and installation of a new grit drive assembly, amount \$85,111.85.

The Utilities Department is requesting approval to utilize this contract for the emergency procurement of the NRWWTP grit drive assembly. With the purchase and installation of the grit drive assembly, the annual amount of the Vermana contract will exceed \$100,000.

In addition, the Department is requesting fund appropriation from Fund Balance for the emergency procurement in the amount of \$85,112.

Per City Code of Ordinance 38.12 EMERGENCY PURCHASES: The Chief Procurement Officer may make or authorize emergency purchases as defined herein. In the event of an emergency, such as a declaration of emergency pursuant to Fla. Stat. 252.38, by the Governor, or Fla. Stat. 252.38, by the County or City, an equipment failure, catastrophic damage to City property, or other similar unexpected event, all formal competitive bidding procedures are waived, and normal procurement procedures and requirements directly related to such emergency shall be suspended; and with the approval of the City Manager or the Chief Procurement Offices, the head of any department may purchase any required emergency supplies, materials, equipment or services. The head of such department shall send to the Chief Procurement Officer a requisition and copy of the delivery

record together with a full justification and circumstances of the emergency. Records of emergency purchases shall be maintained by the Chief Procurement Officer. A record listing of all emergency purchases exceeding the mandatory City Council approval amount shall be submitted to the city Council within ninety (90) days of said purchase.

REQUESTING DEPARTMENT:

Utilities, Finance, Procurement

FISCAL IMPACT:

Pending approval of the budget amendment, amount \$85,112 funds will be available in the Utilities Department's Renewal and Replacement Fund 424-8032-535-6221, project 22WS28.

RECOMMENDATION:

Motion to 1) approve appropriation of funds on the next scheduled budget amendment, amount \$85,112 and 2) approve the emergency procurement of the grit drive assembly from Electro Mechanic Industries, Inc., dba Vermana, amount \$85,111.85.

ATTACHMENTS:

Description

Quote

**Electro Mechanic Industries,
Inc. DBA Vermana**
8248 Parkline Blvd.
Suite 100
Orlando, FL 32809
4076013943
www.vermana.com
admin@vermana.com



Estimate

Name / Address
City of Palm Bay Tim Bailey 1111 Troutman Blvd. NE Palm Bay, FL 32905

Ship To
City of Palm Bay Pat Farrelly 1111 Troutman Blvd. NE Palm Bay, FL 32905

Estimate #	Date	P.O. No.
910002	7/14/2022	

Sales Rep

DES

This estimate is valid for 30 days from the date listed above

Activity	Qty	Rate	Amount
<p>Please see the equipment and installation proposal listed below which shall be per terms and conditions of sale located at the end of this document. This equipment was quoted to match all existing components under serial number 03-0568 with material upgrades to passivated 316SS as listed below for longevity in the Florida corrosive environment</p> <p>New Pista Grit Drive Replacement with Upgraded MOC 316SS (no Optiflow Baffles) Qty (1) Model 20.0 Counterclockwise Pista Grit Chamber Mechanisms Including premium efficiency severe duty motor, gearbox reducer, pinion and bull gears Including Drive Tubes and cover plate with Grit Fluidizer vanes in 316SS construction All Mounting Hardware and Touch up paint Included (Anchor bolts</p>	1	85,111.85	85,111.85

Total

Accepted By:

Accepted Date:

**Electro Mechanic Industries,
Inc. DBA Vermana**
8248 Parkline Blvd.
Suite 100
Orlando, FL 32809
4076013943
www.vermana.com
admin@vermana.com



Estimate

Name / Address
City of Palm Bay Tim Bailey 1111 Troutman Blvd. NE Palm Bay, FL 32905

Ship To
City of Palm Bay Pat Farrelly 1111 Troutman Blvd. NE Palm Bay, FL 32905

Estimate #	Date	P.O. No.
910002	7/14/2022	

Sales Rep

DES

This estimate is valid for 30 days from the date listed above

Activity	Qty	Rate	Amount
by others) One Sets of Axial Flow Propellers in 316 SS construction (New Design) Existing Split hopper floor plates (essential to grit chamber operation) to be re-used Installation Supervision and O&M training included for 1 trip with 1 day onsite All fabricated steel components shall be commercial blasted and prime coated by the manufacturer with one 3-mil DFT coat of red oxide primer prior to shipment. All motors and gearboxes shall be furnished with the original manufacturer's coating. Final touch-up and finish coating shall be the responsibility of the purchasing contractor. 316SS material shall pickled or bead blasted and passivated. \$67,839.00+15%= \$78,014.85 Labor 90 Billable Man Hours @ 55x90=\$4950.00			

Total

Accepted By:

Accepted Date:

**Electro Mechanic Industries,
Inc. DBA Vermana**
8248 Parkline Blvd.
Suite 100
Orlando, FL 32809
4076013943
www.vermana.com
admin@vermana.com



Estimate

Name / Address
City of Palm Bay Tim Bailey 1111 Troutman Blvd. NE Palm Bay, FL 32905

Ship To
City of Palm Bay Pat Farrelly 1111 Troutman Blvd. NE Palm Bay, FL 32905

Estimate #	Date	P.O. No.
910002	7/14/2022	

Sales Rep

DES

This estimate is valid for 30 days from the date listed above

Activity	Qty	Rate	Amount
Crane Service \$1900.00 + 13% = \$2147.00			

Total

Accepted By:

Accepted Date:

**Electro Mechanic Industries,
Inc. DBA Vermana**
8248 Parkline Blvd.
Suite 100
Orlando, FL 32809
4076013943
www.vermana.com
admin@vermana.com



Estimate

Name / Address
City of Palm Bay Tim Bailey 1111 Troutman Blvd. NE Palm Bay, FL 32905

Ship To
City of Palm Bay Pat Farrelly 1111 Troutman Blvd. NE Palm Bay, FL 32905

Estimate #	Date	P.O. No.
910002	7/14/2022	

Sales Rep

DES

This estimate is valid for 30 days from the date listed above

Activity	Qty	Rate	Amount
1. We do not include sales tax, pressure gauges, anchor bolts, conduit, tools, toolboxes, lubricants, installation, spare parts, control panels or any other items which are not specifically called out in this scope of supply. 2. Proposal is based on EMI and Smith and Loveless terms and conditions attached. No liquidated damages shall apply to this proposal. 3. Payment terms are 40% net 30 days from submittal approval, 50% net 30 days from individual equipment deliveries and 10% retainage released after factory startup has been performed with any unpaid balance 30 days past due being subject to interest at 1-1/2% per month being added to the unpaid balance, with approved credit. 4. The following lead times are estimates only based on market conditions at the time of the		0.00	0.00

Total

Accepted By:

Accepted Date:

**Electro Mechanic Industries,
Inc. DBA Vermana**
8248 Parkline Blvd.
Suite 100
Orlando, FL 32809
4076013943
www.vermana.com
admin@vermana.com



Estimate

Name / Address
City of Palm Bay Tim Bailey 1111 Troutman Blvd. NE Palm Bay, FL 32905

Ship To
City of Palm Bay Pat Farrelly 1111 Troutman Blvd. NE Palm Bay, FL 32905

Estimate #	Date	P.O. No.
910002	7/14/2022	

Sales Rep

DES

This estimate is valid for 30 days from the date listed above

Activity	Qty	Rate	Amount
proposal and are conditional on acts of force majeure outside of the company's control. - Estimated Submittal Data: 6-8 weeks from purchase order - Estimated Shipment of Equipment: 18-22 weeks from approved submittal Non-Taxable Sales Tax		0.00%	0.00

Total

\$85,111.85

Accepted By:

Accepted Date:



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Christopher A. Little, P.E.; Larry Wojciechowski, Finance Director

DATE: 8/4/2022

RE: Consideration of allocating Impact Fee Undesignated Fund Balance for water main extension and upsizing completed at 942-948 U.S. Highway 1 (\$7,938).

For review and consideration, staff requests a Budget Amendment to allocate funds from the Impact Fee Undesignated Fund Balance (423-0000-392-3006) to account 423-8021-533-6324, Project #22WS30, in the amount of \$7,938 for the water main extension and upsizing completed by the owner at the Borton Warehouse located at 942-948 Highway 1, Malabar, Florida 32950. As part of the water and wastewater system agreement, the owner was given credit for the water main extension and upsizing in the amount of \$7,938 which must be capitalized.

REQUESTING DEPARTMENT:

Utilities, Finance

FISCAL IMPACT:

A total of \$7,938 originating from Impact Fee Undesignated Fund Balance (423-0000-392-3006) will be allocated to Project #22WS30, Account 423-8023-533-6324 (Transmission and Distribution).

RECOMMENDATION:

Motion to approve a budget amendment allocating \$7,938 from Undesignated Fund Balance (423-0000-392-3006) to account 423-8021-533-6324, Project #22WS30.

ATTACHMENTS:

Description

Agreement

42/20 23/21

Utilities Control Number:

UT-0003-00

**THIS INSTRUMENT PREPARED UNDER
THE DIRECTION OF AND SHOULD BE
RETURNED TO:**

Palm Bay Utilities Director
City of Palm Bay
250 Osmosis Drive SE
Palm Bay, FL 32909
321-952-3410

CITY OF PALM BAY
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907



For Recording Purposes Only

CITY OF PALM BAY WATER AND WASTEWATER SYSTEM AGREEMENT

THIS AGREEMENT made and entered into this 20th day of April, 2022,
by and between **STUART J. BORTON AND NANCY TINIO-BORTON, TRUSTEES,**
SSN# XXX-XX-2261, authorized to do business in the State of Florida (hereafter
"OWNER" and **CITY OF PALM BAY, FLORIDA**, a municipal corporation created under
the laws of the State of Florida (hereafter the "CITY").

Project: Borton Warehouse

Parcel Location ID or Physical Address: 28-38-31-25-*-1

RECITALS

WHEREAS, the OWNER has or is about to develop real property more particularly
described in Exhibit "A" attached to and incorporated herein by reference (hereinafter "the
Property").

WHEREAS, The OWNER is desirous of prompting the modification, replacement,
construction and/or maintenance of central water, wastewater, and reclaimed water
facilities so as to receive adequate service.

Owner Initials: h

City Initials: CE

WHEREAS, The CITY is willing to provide, in accordance with the provisions and stipulations hereinafter set out and in accordance with all applicable laws, water and wastewater service through central water and wastewater facilities, to accept and operate water distribution and wastewater collection systems, and to thereafter operate such facilities so the occupants of the improvements constructed on the Property will receive adequate retail water, wastewater and reclaimed water service from the CITY.

ACCORDINGLY, for and in consideration of the Recitals, the mutual undertakings and agreements herein contained and assumed, and for other good and valuable consideration the receipt and sufficiency of which are acknowledged by the parties, the OWNER and the CITY hereby covenant and agree as follows:

SECTION 1. RECITALS. The above Recitals are true and correct, and form a material part of this Agreement.

SECTION 2. DEFINITIONS. The following definitions and references are given for the purpose of interpreting the terms as used in this Agreement and apply unless the context indicates a different meaning:

2.1 "Service" - the readiness and ability on the part of the CITY to furnish water and wastewater service to the Property.

2.2 "Point of Delivery or Distribution" - the point where the pipes of utility are connected with the pipes of the customer. Unless otherwise indicated, the point of delivery shall be at a point on the customer's lot line.

2.3 "Contribution-in-aid-of-Construction" - The sum of money and/or property represented by the value of the water distribution and wastewater collection systems constructed by OWNER, which OWNER covenants and agrees to pay and/or transfer to the CITY, as a contribution-in-aid-of-construction, to induce the CITY to continuously provide water and wastewater service to the Property.

SECTION 3. EASEMENT AND RIGHT OF ACCESS.

3.1 OWNER hereby grants and gives the CITY the exclusive right or privilege to construct, own, maintain, and operate the water, wastewater and reclaimed water facilities in, under, over and across the present and future streets, roads, easements, reserved utility sites and public places on the Property as provided and dedicated to public use in the record plats, or as provided for in agreements, dedications or grants made otherwise and independent of said record plats.

3.2 OWNER agrees that the foregoing grants include the necessary right of ingress and egress to any part of the Property and that the foregoing grants shall be perpetual.

Owner Initials: 

City Initials: 

3.3 OWNER agrees to dedicate to the CITY an easement, as to be determined by the CITY, so as to allow the CITY to enter the Property and make such alterations, repairs, or other work, as CITY shall deem necessary to achieve efficient service in the water, wastewater and reclaimed water system.

3.4 Any easement shall be dedicated to the CITY and recorded in the Public Records of Brevard County, Florida prior to the Certificate of Occupancy, at OWNER's expense.

3.5 The CITY covenants that it will use due diligence in ascertaining all easement locations; however, should the CITY install any of its facilities outside a dedicated easement area, OWNER, its successors and assigns covenant and agree that the CITY will not be required to move or relocate any facilities lying outside a dedicated easement area so long as the facilities do not interfere with the then or proposed use of the area in which the facilities have been installed. The CITY hereby agrees that all easement grants will be utilized in accordance with the established and generally accepted practices of the Utility industry with respect to the installation of all its water, wastewater and reclaimed water facilities in any of the easement areas.

3.6 OWNER in granting easement herein, or pursuant to the terms of this instrument, shall have the right to grant exclusive or non-exclusive rights, privileges and easement to other entities to provide to the Property any utility services other than water, wastewater and reclaimed water service. The route of the lines from the OWNER's Property to the CITY's Facilities shall be as determined by the CITY, and the OWNER shall obtain, at its own expense, upon direction by the CITY, any and all easements necessary which easements shall be in favor of the City of Palm Bay.

SECTION 4. CONDITIONS TO AND PROVISION OF SERVICE; PAYMENT OF RATES; BILLINGS.

4.1 Upon the continued accomplishment of all the prerequisites contained in this Agreement to be performed by the OWNER, the CITY covenants and agrees that it will allow the connection of the water distribution, wastewater collection and reclaimed water distribution facilities installed by OWNER to the central water, wastewater and reclaimed water facilities of the CITY in accordance with the terms and intent of this Agreement. Such connection shall be in accordance with rules and regulations of the Department of Health and Rehabilitative Services and the Florida Department of Environmental Protection. The CITY agrees that once it provides water, wastewater, and reclaimed water service to the Property and the OWNER, its successors, and assigns have connected customer installations to its system, that thereafter, the CITY will continuously provide, in accordance with the other provisions of this Agreement, and of applicable laws, including rules and regulations and rate schedules, water, wastewater, and reclaimed water service to the Property in a manner to conform with all requirements

Owner Initials: _____



City Initials: _____



of all governmental agencies having jurisdiction over the water and wastewater systems of the CITY. The OWNER, its successors, and assigns agree to timely and fully pay all applicable monthly rates, fees, and charges to the CITY and otherwise fully comply with the CITY's rules, regulations, and ordinances applicable to the provision of water, wastewater and reclaimed water service.

4.2 The OWNER, its successors, and assigns agree to pay to the CITY for monthly service within thirty (30) days after statement is rendered by the CITY all sums due and payable as set forth in such statement. Upon failure or refusal to pay the amounts due on statements as rendered, the CITY may, in its sole discretion, terminate service.

4.3 OWNER warrants and represents that it is either the owner of the Property or has the complete authority to act on behalf of the owner in executing this Agreement and that the capacity purchased pursuant to Section 6 shall run with the land. It is acknowledged that this Agreement is for the purpose of providing a volume and rate of service to the property described and that charges to be paid to the CITY for use of the system shall be charged to the ultimate user. Any increase in volume or rate of flow shall make this Agreement void or voidable in the discretion of the CITY, after providing OWNER notice pursuant to this Agreement. The CITY reserves the right to collect additional fees if the volume or rate of flow increases.

4.4 For the use of the CITY's Facilities, the Customer shall pay a user rate established by the City Council of the City of Palm Bay, the billing to be issued by the CITY and paid by the OWNER on a basis as the CITY customarily bills. The Customer shall, immediately upon demand, pay to the CITY a non-interest bearing deposit as determined by the CITY. Upon failure of the Customer to pay the periodic charges for service, the deposit shall immediately forfeit to the CITY. The CITY shall have a right to adjust its service rates to reflect current or future costs, and the Customer agrees to pay all such lawfully imposed rates. The CITY reserves all rights it may have pursuant to Chapter 193, Florida Statutes. In addition to the user rate, a surcharge may be imposed in accordance with Chapter 180, Florida Statutes, if the Property is located outside the incorporated boundaries of the CITY.

4.5 If sewer service is covered by this Agreement, the OWNER agrees to follow the CITY's Code of Ordinances, Chapter 201 (Sewer Use), and that it shall not discharge or cause to be discharged into the sewer lines any of the following described waters or waste:

(a) General Prohibitions. No User shall introduce or cause to be introduced into the Publicly Owned Treatment Works (POTW) any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical

Owner Initials: 

City Initials: 

Pretreatment Standards or any other national, state, or local pretreatment standards or requirements.

(b) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (sixty degrees Centigrade (60°C)) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 5.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no case solids greater than one-half inch (1/2") or 1.27 centimeters in any dimension;

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;

(5) Wastewater having a temperature greater than one hundred fifty degrees Fahrenheit (150°F) (fifty-five degrees Centigrade (55°C)), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104°F) (forty degrees Centigrade (40°C));


(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the Utilities Director in accordance with Chapter 201 of the City's Code of Ordinances;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are

Owner Initials: 

City Initials: 

sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Utilities Director;

(13) Sludges, Screenings, or other residues from the pretreatment of industrial waste;

(14) Medical Wastes, except as specifically authorized by the Utilities Director in an individual wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l;

(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

(c) Pollutants, substances, or wastewater prohibited by Chapter 201 of the CITY's Code of Ordinances shall not be processed or stored in such a manner that they could be discharged to the POTW.

4.6 Pretreatment Facilities

(a) The OWNER shall provide wastewater treatment as necessary to comply with the CITY's Code of Ordinance, Chapter 201 (Sewer Use) and comply

Owner Initials: bl

City Initials: cl

with all categorical Pretreatment Standards, Local Limits, and the prohibitions within the time limitations specified by EPA, the State, or the Utilities Director, whichever is more stringent.

(b) Any facilities necessary for compliance shall be provided, operated, and maintained at the OWNER's expense.

(c) Detailed plans describing such facilities and operating procedures shall be submitted to the Utilities Director for review and shall be acceptable to the Utilities Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the OWNER from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the CITY under the provisions of Chapter 201 of the Code of Ordinances.

4.7 ADDITIONAL MEASURES


(a) The CITY may require the OWNER to implement additional pretreatment measures whenever deemed necessary in accordance with the CITY's Code of Ordinances.

SECTION 5. DESIGN, REVIEW, CONSTRUCTION, INSPECTION, AND CONVEYANCE OF FACILITIES.

5.1 To induce the CITY to provide water and wastewater service, and to continuously provide customers located on the Property with water and wastewater services, OWNER hereby covenants and agrees to pay for the construction, and to transfer ownership and control to the CITY as a contribution-in-aid-of-construction, the on-site and off-site water distribution, wastewater collection and reclaimed water facilities referred to herein. All design and construction shall be in accordance with CITY rules, regulations, and utility standards.

5.2 OWNER shall pay a reasonable fee to the CITY as outlined in its rate resolutions and ordinances, as amended from time to time, to review engineering plans and specifications of the type and in the form as prescribed by the CITY, showing the on-site and off-site water distribution, wastewater collection and reclaimed water facilities proposed to be installed to provide service to the subject Property. The CITY will advise OWNER's engineer of any sizing requirements as mandated by the CITY's system extension policy and utility standards for the preparation of plans and specifications for facilities within the Property. If applicable, such detailed plans may be limited to a phase of the Property, and subsequent phases may be furnished from time to time. However, each such phase, if applicable, shall conform to a master plan for the development of the Property and such master plan shall be submitted to the CITY concurrent with or prior to submission of plans for the first phase. All such plans and specifications shall be submitted to the CITY and no construction shall commence until CITY has approved such

Owner Initials: 

City Initials: 

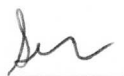
plans and specifications in writing. The complete plans and specifications, as to be approved by the CITY's Utilities Director or designee, for Improvements to Facilities for Utility Service to service the Property and the connection to the CITY's system shall be prepared by the OWNER's Professional Engineer, who shall be registered in the State of Florida. All construction shall be in strict conformity with the final plans and specifications as approved by the CITY. The CITY, its Utilities Director, or other representative, shall have the right to inspect any and all portions of the Improvements to Facilities whether in public rights-of-way or on private property and upon notification of any deviation from the approved plans and specifications, the OWNER shall immediately make modifications as directed by the CITY. No construction shall be commenced without final approval of the plans and specifications by the CITY's Utilities Department Director. After approval, OWNER shall cause to be constructed, at OWNER's expense, the water distribution, wastewater collection and reclaimed water facilities as shown on all plans and specifications.

5.3 During the construction of the water distribution, wastewater collection and reclaimed water facilities by OWNER, the CITY shall have the right to inspect such installation to determine compliance with the plans and specifications, adequacy of the quality of the installation, and further, shall be entitled to perform standard tests for pressure, filtration, line and grade, and all other normal engineering tests required by specifications and/or good engineering practices. Complete as-built plans shall be submitted to the CITY upon completion of construction. CITY inspections of the off-site and on-site facilities will not delay the construction schedule.

5.4 Fees will be levied by the CITY to cover the cost of plan review and inspection as set forth in rate resolutions and ordinances, as amended from time to time.

5.5 By these presents, upon completion and approval by the CITY, the OWNER shall transfer to the CITY, all right, title, and interest, free and clear of any encumbrances whatsoever, to the on-site and off-site water distribution, wastewater collection and reclaimed water facilities installed by OWNER's contractor, pursuant to the provisions of this Agreement. Such conveyance is to take effect without further action upon the acceptance by the CITY of said installation. As further evidence of said transfer to title, and upon the completion of the installation and prior to the rendering of service by the CITY, OWNER shall convey to the CITY, by bill of sale, or other appropriate documents, in form satisfactory to the CITY's counsel, the complete on-site and off-site water distribution, wastewater collection and reclaimed water facilities as constructed by OWNER and approved by the CITY. OWNER shall further cause to be conveyed to the CITY, all easements and/or rights-of-way covering areas in which off-site water distribution, wastewater collection and reclaimed water facilities are installed by recordable document in form satisfactory to the CITY's counsel. All conveyance of easements and/or rights-of-way shall be accompanied by a title policy or other evidence of title (including letter from attorney), satisfactory to the CITY, establishing OWNER's rights to convey such continuous enjoyment of such easements or rights-of-way for those

Owner Initials:



City Initials:



purposes set forth in this Agreement to the exclusion of any other person in interest. The use of easements granted by OWNER shall include the use by other utilities so long as such uses by electric, telephone, or gas utilities, or cable television, etc., that do not interfere with use by the CITY. The CITY agrees that the acceptance of the water distribution wastewater collection and reclaimed water facilities installed by OWNER, for service, or by acceptance of the bill of sale, shall constitute that assumption of responsibility by the CITY for the continuous operation and maintenance of such systems from that date forward.

5.6 All installations by OWNER or its contractors shall be warranted for one (1) year from the date of acceptance by the CITY. Mortgagee(s), if any, holding prior liens on such properties shall be required to release such liens, subordinate their position and join in the grant or dedication of the easements or rights-of-way. The water distribution, wastewater collection and reclaimed water facilities shall be covered by easements if not located within platted or dedicated rights-of-way. CITY will allow OWNER to assign warranty to CITY with written approval from OWNER's contractors that such assignment meets their approval and they will fulfill the terms and conditions of the warranty.

5.7 Payment of the contributions-in-aid-of-construction does not and will not result in the CITY waiving any of its rates, rate schedules or rules and regulations, and their enforcement shall not be affected in any manner whatsoever by OWNER making the contribution. The CITY shall not be obligated for any reason whatsoever nor shall the CITY pay any interest or rate of interest upon the contribution. Neither OWNER nor any person or other entity holding any of the Property by, through or under OWNER, or otherwise, shall have any present or future right, title, claim or interest in and to the contributions or to any of the water, wastewater and reclaimed water facilities and properties of the CITY, and all prohibitions applicable to OWNER with respect to refund of contributions, interest payment on said contributions and otherwise, are applicable to all persons or entities. No user or customer of water, wastewater and reclaimed water service shall be entitled to offset any bill or bills rendered by the CITY for such service or services against the contributions. OWNER shall not be entitled to offset the contributions against any claim(s) of the CITY.

5.8 OWNER specifically assumes all liability in any way arising from this Agreement and will defend, indemnify and hold the CITY harmless from any judgment, decree, order, demand, or claim (including costs or attorney's fees), which in any way arise from this Agreement including the design and construction of the system or from the act or omission of any OWNER or its agents. Should the OWNER fail for any reason to indemnify, defend and hold harmless the CITY, the CITY shall have the right to enforce the terms of this Agreement by placing a lien against the Property upon which this Agreement runs. The CITY shall be entitled to: (1) foreclose upon said lien and recover any and all costs incurred, attorney's fees expended and both pre-judgment and post-judgment interest on this lien pursuant to Chapter 55, Florida Statutes at the highest lawful rate as then established by the Chief Financial Officer of the Florida Department of Financial Services or (2) enforce

Owner Initials: 8

City Initials: ce

this Agreement in any other manner allowed by law, including termination of service, said election being wholly within the discretion of the CITY. The parties hereto acknowledge receipt of other and additional good and valuable consideration for this provision.

5.9 All costs relating to the Improvements to Facilities including but not limited to labor, overhead, taxes, licenses, application fees, easement acquisitions, lift stations, pumps, pipes, materials, and any other direct or indirect costs related to installation of the Improvements to Facilities shall be borne by the OWNER and shall be fully paid by the OWNER. All of the CITY's costs in connection with the Improvements to Facilities including but not limited to charges by the CITY's Utilities Director, inspections, maintenance, administrative expenses, and any other costs incurred by the CITY in connection with this matter shall be paid by the OWNER. In addition to such costs, the OWNER shall pay to the CITY fees described in Section 6. The CITY's fees and costs shall be paid by the OWNER within three (3) days of the effective date of this Agreement unless other payment arrangements have been established in Section 6 of this Agreement. Any such billing by the CITY to the OWNER shall be for items specified in Section 6 and may not necessarily cover all of the CITY's expenses, which shall be billed to the OWNER separately. It is agreed that no reservation of capacity will be made by the CITY until all fees, set forth in Section 6, have been paid. Payment of these fees shall in no way be construed as to relieve the OWNER of its obligation to pay any further sums due in accordance with this Agreement that are charged subsequent to the completion of such connection. The OWNER shall install, at the OWNER's own expense, a backflow control device in accordance with the CITY's specifications.


SECTION 6. PROJECT SPECIFIC CONDITIONS. Notwithstanding any other section in this Agreement, the following conditions are mutually agreed between OWNER and the CITY. In the event of a conflict between Section 6 and the rest of the Agreement, Section 6 shall prevail.

6.1 The OWNER is requesting the following:

(a) Water plant capacity of **2.7** Equivalent Residential Connections (ERC) at 225 Gallons Per Day (GPD) per ERC with a stipulated flow rate of **607.5** gallons per day for potable water.

(b) Water plant capacity of **NA** Equivalent Residential Connections (ERC) at 225 Gallons Per Day (GPD) per ERC with a stipulated flow rate of **NA** gallons per day for potable water used for irrigation purposes.

(c) Wastewater plant capacity of **2.7** Equivalent Residential Connection (ERC) at 210 Gallons Per Day (GPD) per ERC with a stipulated flow rate of **567** gallons per day.

Owner Initials: 

City Initials: 

(d) Reclaimed water capacity of NA Equivalent Irrigation Connections (EIC) at 500 Gallons Per Day (GPD) per EIC with a stipulated flow rate of NA gallons per day.

6.2 The Owner agrees to pay the CITY water and sewer connection charges in the amount of \$19,123.96, less a credit of \$7,938.00 for the extension and upsizing of the water main (Exhibit B), for a total of \$11,185.96 which are itemized as follows:

(a) A water capital (plant capacity) charge of \$5,532.30, based on the agreed-upon 2.7 ERCs for potable water, at a rate of \$2,049.00 per ERC.

(b) A water capital (plant capacity) charge of NA, based on the agreed-upon NA ERCs for potable water for irrigation uses, at a rate of \$2,049.00 per ERC.

(c) A water main extension charge of NA based upon NA feet at a rate of \$18.80 per front foot.

(d) A wastewater capital (plant capacity) charge of \$8,910.00, based on the agreed-upon 2.7 ERCs, at a rate of \$3,300.00 per ERC.

(e) A sewer main extension charge of NA based upon NA feet at a rate of \$29.63 per front foot.

(f) Recording Fee of \$153.00.

(g) Utilities Plan Review and Inspection Fee of \$3,222.41


(h) Water Meter Charges:


QUANTITY	METER SIZE	UNIT COST	TOTAL COST
1*	3/4"	\$ 296.69	\$ 296.69
1	1"	\$ 359.56	\$ 359.56
0	1 1/2"	\$ 585.65	\$ 000.00
0	2"	\$ 732.34	\$ 000.00

*Lift Station

(i) Deposits:

SERVICE	DEPOSIT AMOUNT
Water	\$ 190.00
Sewer	\$ 260.00
Lift Station	\$ 200.00

Owner Initials: 

City Initials: 

6.3 Payment for the items in Section 6.2 will be made within three (3) days of the Effective Date of this Agreement.

6.4 The OWNER will pay an Annual Guaranteed Revenue / Reserve Capacity charge equal to twelve (12) times the monthly residential base facility charge per equivalent residential connection. The OWNER will be billed, in arrears, on an annual basis twelve (12) months after the effective date of this Agreement in the amount of **\$1,230.55** for the previous twelve (12) months and continuing until the reserved facilities are utilized. If connection is made prior to twelve (12) months after the effective date of this Agreement, the charge will be prorated and billed at the time of connection. This charge is subject to change from time to time as approved by the City Council.

6.5 There are **no** Fire Protection Service charges applicable to this utility agreement.


6.6 The above charges are based upon the actual current approved connection charges. OWNER agrees that if charges change or if new charges are approved and in effect at the time of connection, OWNER will pay the difference between the current charges and those in effect at the time of connection as well as any new charges required at the time of connection.

6.7 The charges contained in this Agreement are based upon the estimated gallons of usage to be supplied to OWNER. The CITY reserves the right to revise such figures to conform to the actual usage, which figures may be computed at any time by averaging any consecutive three (3) month period during any calendar year, during the life of this Agreement. OWNER agrees to pay additional capital charges for all gallons in excess of the allotted gallons per day.

6.8 Any line extensions or other facilities required to be installed by the CITY to supply the services set forth above may be constructed by the CITY prior to the dates when payments may be due from OWNER, and OWNER shall still be obligated for such payments as are required in this Agreement.

6.9 The CITY is not obligated to provide plant capacity or service in excess of the amounts estimated to be supplied in this Agreement, and only as permitted by the appropriate federal, state and local regulatory agencies. All charges have been based upon estimated usage supplied by the OWNER, but OWNER acknowledges, understands and agrees that the CITY may require OWNER to curtail use that exceeds such estimated requirements.

6.10 All rates and charges made by the CITY to OWNER, and to the future customers who will be serviced by the CITY, shall be made in accordance with rules and regulations as may from time to time be amended, adopted and approved by the City of

Owner Initials: 

City Initials: 

Palm Bay in accordance with its regulatory authority contained in applicable statutes, ordinances, rules and regulations.

6.11 The OWNER will notify the CITY in writing not less than sixty (60) days prior to estimated date of completion of construction of facilities requiring water and sewer service, and the date on which OWNER will require initial connection to water and sewer mains.

6.12 The provisions of this Agreement shall not be construed as establishing a precedent as to the amount or basis of contributions to be made by OWNER or other customers, or the acceptance thereof on the part of the CITY, for other CITY system extensions that may be required hereafter by OWNER and which are not presently covered by this Agreement.

6.13 The OWNER agrees to pay all sums due and payable to the CITY for the Guaranteed Revenue / Reserve Capacity within fifteen (15) days after the billing statement has been mailed or presented by the CITY to the OWNER as set forth in such statement. Upon failure or refusal to pay the amounts due on statements as rendered, the CITY may, after ten (10) days advance written notice, in its sole discretion, discontinue service. A discontinuance of service will mean that all previous fees paid by the OWNER as stated in this Agreement will be forfeited. Service may be continued again upon payment of all unpaid Guaranteed Revenue / Reserve Capacity Charges and payment of current or new and additional connection charges. A credit of previous fees paid for connection charges will be applied.

6.14 The OWNER shall be responsible to operate and maintain any onsite infrastructure and related appurtenances in accordance with all regulatory requirements and local ordinances.

SECTION 7. EVIDENCE OF TITLE. At least thirty (30) days prior to the CITY's acceptance of the water distribution and wastewater collection facilities, at the expense of the OWNER, OWNER agrees to either deliver to the CITY an Abstract of Title, brought up to date, which abstract shall be retained by the CITY, and remain the property of the CITY, or to furnish the CITY with respect to the Property, an opinion of title from a qualified attorney at law or a title commitment from a qualified title insurance company, which opinion or commitment shall include a current report on the status of the title, setting out the name of the legal title holders, the outstanding mortgages, taxes, liens, and covenants. The provisions of this Section are for the exclusive rights of service contained in this Agreement. Any mortgage or lien holder having an interest in the Property shall be required to join in the grant of exclusive service rights set forth in this Agreement. Title standards shall be the same as those applicable to real estate generally adopted by the Florida Bar and in accordance with Florida law.

Owner Initials: 

City Initials: 

SECTION 8. OWNERSHIP OF FACILITIES. OWNER agrees with the CITY that the water distribution , wastewater collection and reclaimed water facilities conveyed to the CITY for use in connection with providing water , wastewater and reclaimed water services to the Property, shall at all times remain in the complete and exclusive ownership of the CITY, and any entity owning any part of the Property or any residence or building constructed or located thereon, shall not have the right, title, claim or interest in and to such facilities, or any part of them, for any purpose, including the furnishing of water, wastewater and reclaimed water services to other persons or entities located within or beyond the limits of the Property. Such parts of the Facilities that are on the Customer's property shall at all times be maintained and repaired by the Customer; however, the CITY shall have the right, at any time and without notice to the Customer, to inspect such Facilities and the Customer, upon the CITY's direction, shall make such repairs and maintenance as the CITY directs.

SECTION 9. APPLICATION OF RULES, REGULATIONS, AND RATES. The CITY may establish, revise, modify and enforce rules, regulations and rates covering the provision of water, wastewater and reclaimed water service to the property owners on the Property. Such rules, regulations and rates are subject to the approval of the City Council of the City of Palm Bay, Florida. Such rules and regulations shall at all times be reasonable and subject to regulation as may be provided by law or under contract. Rates charged to OWNER or customers located upon the Property shall be identical to rates charged for the same classification of service. All rules, regulations, and rates in effect, or placed into effect in accordance with the preceding, shall be binding upon OWNER, upon any other entity holding by, through or under OWNER and upon any customer of the water, wastewater, and reclaimed water service provided to the Property by the CITY.

SECTION 10. PERMISSION TO CONNECT REQUIRED. OWNER, or any owner of any parcel of the Property, or any occupant of any residences or buildings located thereon, shall not have the right to, and shall not connect to, any customer installation to the water, wastewater and reclaimed water facilities of the CITY until payment is received for such connection and approval for such connection has been granted by the CITY, such approval not to be unreasonably withheld.

SECTION 11. BINDING AGREEMENT; ASSIGNMENTS BY OWNER. This Agreement shall be binding upon and shall inure to the benefit of OWNER, the CITY and their respective assigns and successors by merger, consolidation or conveyance. This Agreement shall not be sold, conveyed, assigned or otherwise disposed of by OWNER without the written consent of the CITY first having been obtained. The CITY agrees not to unreasonably withhold such consent.

SECTION 12. NOTICES; PROPER FORM. Until further written notice by either party to the other, all notices provided for herein shall be in writing and transmitted by messenger or by mail to:

Owner Initials:

City Initials:

CITY: City of Palm Bay
120 Malabar Road SE
Palm Bay, FL 32907
Attention: CITY MANAGER

OWNER: Stuart J. Borton
905 S. US Highway 1
Malabar, FL 32950

SECTION 13. SURVIVAL OF COVENANTS. The rights, privileges, obligations and covenants of OWNER and the CITY shall survive the completion of the work of OWNER with respect to completing the water, wastewater and reclaimed water facilities and services to any phase area and to the Property as a whole.


SECTION 14. ENTIRE AGREEMENT; AMENDMENTS; APPLICABLE LAW; ATTORNEY'S FEES. This Agreement supersedes all previous agreements or representations, either verbal or written, heretofore in effect between OWNER and the CITY, made with respect to the matters herein contained. Upon execution, this Agreement shall constitute the entire agreement between OWNER and the CITY. Any additions, alterations or variations of the terms of this Agreement shall be void *ab-initio*, and no provisions of this Agreement may be waived by either party, unless such additions, alterations, variations or waivers are set forth expressly in writing and duly signed by both OWNER and the CITY. This Agreement shall be governed by the laws of the State of Florida, as well as all ordinances of the CITY and it shall be and become effective immediately upon execution by both parties hereto.

SECTION 15. DISCLAIMERS; LIMITATIONS ON LIABILITY.

15.1 STATUS. The parties deem each other to be independent contractors, and not agents of the other.

15.2 INDEMNIFICATION. Up until the date of conveyance to the CITY of all on-site water, wastewater and reclaimed water facilities, OWNER will indemnify, save and hold harmless the CITY against all liability, losses, damage or other expenses, including reasonable attorney's fees which may be imposed upon, incurred by or asserted against the CITY by reason of any negligence on the part of the OWNER or its employees, agents, contractors, licensees or invitees; any personal injury or property damage occurring on or about the property or any part thereof; or any failure on the part of the OWNER to perform or comply with any covenant required to be performed or complied with against the CITY by reason of any such occurrences, OWNER will, at OWNER's expense, resist or defend any such action or proceeding. Provided further, however, OWNER shall have no obligation with respect to claims arising out of the intentional or negligent conduct of the CITY or its employees, agents, contractors, licensees or invitees or of third parties not included in the definitions above. The liability and immunity of the

Owner Initials: 

City Initials: 

CITY is governed by the provisions of §768.28, Florida Statutes, and nothing in this agreement is intended to extend the liability of CITY or to waive any immunity enjoyed by CITY under that statute. Any provisions of this Agreement determined to be contrary to §768.28, or to create any liability or waive any immunity except as specifically provided in §768.28, shall be considered void *ab initio*.

15.3 **FORCE MAJEURE.** If the performance by a party obligated under this Agreement is limited, delayed or prevented in whole or in part by applicable law or action adopted or taken by any federal, state or local governmental authority and not attributable to an act or omission of said Party, or by any Acts of God, fire or other casualty, floods, storms, explosions, accidents, epidemics, war, civil disorders, terrorism, strikes or other labor difficulties, shortages or failure of supply of materials, labor, fuel, power, equipment, supplies or transportation, or by any other cause not reasonably within said Party's control, whether or not specifically mentioned here, said Party shall be excused, discharged and released of performance to the extent such performance or obligation is so limited, delayed or prevented by such occurrence without liability of any kind.

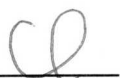
15.4 **DISCLAIMER OF THIRD-PARTY BENEFICIARIES.** This agreement is solely for the benefit of and shall be binding upon the formal parties hereto and their respective authorized successors and assigns, and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third-party not a party to this agreement or an authorized successor or assignee thereof.

15.5 **DISCLAIMER OF SECURITY.** Notwithstanding any other provision of this agreement, the OWNER expressly acknowledges (1) that it has no pledge of or lien upon any real property (including, specifically, the CITY's system), any personal property, or any existing or future revenue source of the CITY (including, specifically, any revenues or rates, fees, or charges collected by the CITY in connection with the CITY's system) as security for any amounts of money payable by the CITY under this agreement; and (2) that its rights to any payments or credits under this agreement are subordinate to the rights of all holders of any stocks, bonds, or notes of the CITY, whether currently outstanding or hereafter issued.

15.6 **LIMITATION OF CITY LIABILITY.** Nothing contained in this paragraph or elsewhere in this agreement is in any way intended either to be a waiver of the limitation placed upon the CITY's liability as set forth in section 768.28, Florida Statutes, or to extend the CITY's liability beyond the limits established in said section 768.28; and no claim or award against the CITY shall include attorney's fees, investigative costs, expert fees, suit costs, or pre-judgment interest.

SECTION 16. COVENANT NOT TO ENGAGE IN UTILITY BUSINESS. The OWNER, as a further consideration for this Agreement, agrees that it shall not engage in the business of providing water, wastewater and reclaimed water service to the Property during the period of time the CITY, its successors and assigns, provide water, wastewater

Owner Initials: 

City Initials: 

and reclaimed water service to the Property, it being the intention of the parties hereto that the foregoing provision shall be a covenant running with the land and under said provision and also under other provisions of this Agreement the CITY shall have the sole and exclusive right and privilege to provide water service , wastewater and reclaimed water service to the Property and to the occupants of each residence, building or unit constructed thereon.

SECTION 17. RECORDATION. The parties hereto agree that an executed copy of this Agreement and Exhibits attached hereto shall be recorded in the Public Records of Brevard County, Florida at the expense of the OWNER.

SECTION 18. SEVERABILITY. If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of this Agreement if the rights and obligations of the parties contained therein are not materially prejudiced, and if the intentions of the parties can continue to be effected. To that end, this Agreement is declared severable.

SECTION 19. AUTHORITY TO EXECUTE AGREEMENT. The signature by any person to this Agreement shall be deemed a personal warranty by that person that he has the full power and authority to bind the entity for which that person is signing.

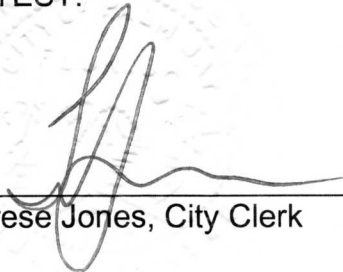
SECTION 20. ARMS LENGTH TRANSACTION. Both parties have contributed to the preparation, drafting and negotiation of this document and neither has had undue influence or control thereof. Both parties agree that in construing this Agreement, it shall not be construed in favor of either party by virtue of the preparation, drafting, or negotiation of this Agreement.

Owner Initials: 

City Initials: 

IN WITNESS WHEREOF, OWNER and the CITY have executed or have caused this Agreement, with the named Exhibits attached, if any, to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this Agreement.

ATTEST:



Terese Jones, City Clerk

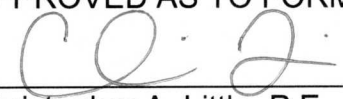
**CITY OF PALM BAY, FLORIDA, a
municipal corporation created under
the laws of the State of Florida**

By: 

Suzanne Sherman
City Manager

Date: 4-20-2022

FOR THE USE AND RELIANCE
OF PALM BAY ONLY.
APPROVED AS TO FORM.



Christopher A. Little, P.E.
Utilities Director

4/19/2022

Date:

OWNER:

STUART J. BORTON

Signature: [Signature]

Print Name: Stuart J Borton

Title: Owner

Date: 4-15-22

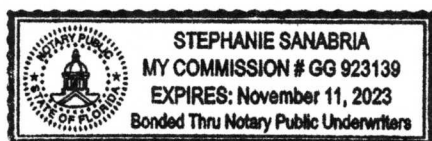
[CORPORATE SEAL]

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 15 day of April, 2022, by Stuart Borton of _____, which is authorized to do business in the State of Florida on behalf of the Stuart J. Borton & Nancy Tina Borton, Trustees

He/she is personally known to me or has produced FL Drivers License as identification and did (did not) take an oath.

NOTARY PUBLIC SEAL OR STAMP:



[Signature]
SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC, STATE OF Florida
MY COMMISSION EXPIRES ON: 11/11/23

OWNER:

NANCY TINIO-BORTON

Signature: Nancy Borton

Print Name: NANCY TINIO BORTON

Title: Co owner

Date: May 10, 2022

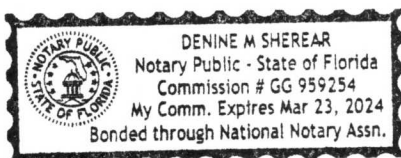
[CORPORATE SEAL]

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 10 day of MAY, 2022, by NANCY BORTON of BORTON WAREHOUSE UA, which is authorized to do business in the State of Florida on behalf of the BORTON WAREHOUSE UA.

He/she is personally known to me or has produced _____ as identification and did (did not) take an oath.

NOTARY PUBLIC SEAL OR STAMP:



Denine M Sherear
SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC, STATE OF Florida

MY COMMISSION EXPIRES ON: MAR 23, 2024

EXHIBIT "A"

Parcel 1:

Lots 1, 2, 3, 4 and 5, RIVERVIEW HOMES, according to the plat thereof, as recorded in Plat Book 13, Page 3, Public Records of Brevard County, Florida, and

Parcel 2:

All that property lying East of Lots 1, 2, 3, 4, and 5, RIVERVIEW HOMES, according to the plat thereof as recorded in Plat Book 13, Page 3, Public Records of Brevard County, Florida, lying south of the Easterly extension of the North line of said Lot 1, to the West right of way line of US Highway 1 (State Road #5) and Northerly of the Easterly extension of the South line of said Lot 5, to the West right of way line of US Highway 1 (State Road #5).

EXHIBIT "B"

BORTON WAREHOUSE WATER MAIN EXTENSION UPGRADE (ATTACHED)

m s e

morrissmith

engineering

April 11th, 2022

Mr. Tim Roberts
City of Palm Bay Utility Department
250 Osmosis Dr SE
Palm Bay, FL 32909

RE: Borton Warehouse – Water and Sewer Line Extensions

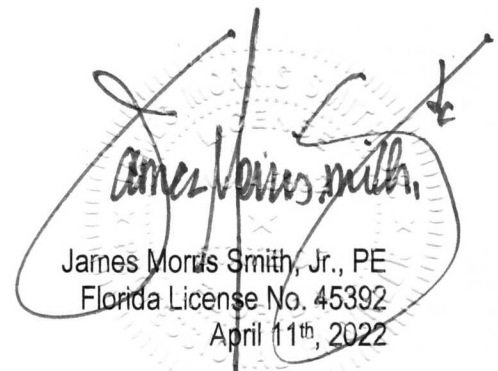
Engineer's Certification – Difference in Cost the Approved 6"Ø vs 8"Ø Water Line

To Whom It May Concern:

I, the undersigned licensed professional engineer in the State of Florida, certify that I have reviewed the Labor cost of construction and the Materials cost of construction for the extension of the Approved 6"Ø water main and the Installed 8"Ø water main and that cost differential is \$7,938.00. (See Table Below)

Borton Warehouse - Difference in the Cost of Construction				
Definition	Quantity	Unit	Cost	Extended
Labor				
Directional Bore 6" HDPE SDR11 DIPS GS	-470	Ft.	\$27.00	(\$12,690.00)
Directional Bore 8" HDPE SDR11 DIPS BS	470	Ft.	\$36.00	\$16,920.00
Material				
6" High Density Polyethylene Pipe SDR11 DIPS GS	-480	Ft.	\$14.00	(\$6,720.00)
6" Mechanical Joint Adapter with Kits	-2	Ea.	\$210.00	(\$420.00)
8" High Density Polyethylene Pipe SDR11 DIPS GS	480	Ft.	\$21.50	\$10,320.00
8" Mechanical Joint Adapter with Kits	2	Ea.	\$264.00	\$528.00

Total: \$7,938.00


 James Morris Smith, Jr., PE
 Florida License No. 45392
 April 11th, 2022

CASH POST LISTING
DEPOSIT CONTROL - SMITHMA 4/18/22 29

PREPARED 4/18/22, 11:21:29
PROGRAM CR400L
CITY OF PALM BAY

BATCH ID - SMITHMA 4/18/22 29 OVER-THE-COUNTER MONIES DRAWER #: 1

RECEIPT	TOTAL RECEIPT	CUSTOMER	LOCATION	NAME/ADDRESS	CUST TP	DETAIL AMOUNT	PYMT TYPE	SUB TYPE	SV TM	CHECK#	TENDERED
0305922 CR=421000002201014 DR=421000001041001	11185.96			UTILITY AGREEMENTS SPECIAL PURPOSE DEPOSITS / UTILITY BANK ACCOUNT / MAIN ACCOUNT UA BORTON WAREHOUSE. MAS		11185.96	UA		CK	15125 UA BORTON WAREHOUSE	11185.96
0305929 CR=421000003439001	187.50			MISC-G/L PAYMENT (# REQ.) OTHER REVENUES / OTHER REVENUES HYDRANT FLOW TEST KIMLEY-HORN & ASSOC., INC. 2-PERSON CREW WITH TRUCK AT 6740 BABCOCK ST SE. MAS		187.50	GM		CK	216818698 HFT 6740 BABCOCK ST SE	187.50
0305944 CR=421000003439001	187.50			MISC-G/L PAYMENT (# REQ.) OTHER REVENUES / OTHER REVENUES HYDRANT FLOW TEST BSE CONSULTA NTS, INC. 2-PERSON CREW WITH TRUCK AT 2351 MALABAR RD NW. MAS		187.50	GM		CK	19911 HFT BSE CONSULTANTS, INC	187.50



CITY OF PALM BAY
*** CUSTOMER RECEIPT ***
Oper: SMITHMA Type: OC Drawer: 1
Date: 4/18/22 29 Receipt no: 305922
Description Quantity Amount
UA UTILITY AGREEMENTS 1.00 \$11185.96
8607295
Trans number:
G/L account number:
42100002201014
42100001041001
UA BORTON WAREHOUSE
Tender detail
CK CHECK PAYMEN 15125 \$11185.96
Total tendered \$11185.96
Total payment \$11185.96
Trans date: 4/18/22 Time: 10:56:01
** THANK YOU FOR YOUR PAYMENT **

Amount is good!
As 4/19/22

mts 0029 4/18/2022

PREPARED 4/18/22, 11:21:29 CASH POST LISTING DEPOSIT CONTROL - SMITHMA 4/18/22 29

BATCH ID - SMITHMA 4/18/22 29 OVER-THE-COUNTER MONIES DRAWER #: 1

DETAIL TOTALS

PYMT TYPE	DESCRIPTION	COUNT	AMOUNT	ZERO/VOID COUNT	NON-CASH AMOUNT
GM	MISC-G/L PAYMENT (# REQ.)	2	375.00	0	
UA	UTILITY AGREEMENTS	1	11,185.96	0	
TENDER METHOD	DESCRIPTION	COUNT	TENDERED AMOUNT		
CK	CHECK PAYMENTS	3	11,560.96		11,560.96
			TENDERED TOTAL		NON-CASH TOTAL
			CHANGE		CASH IN DRAWER
			GRAND TOTAL		GRAND TOTAL

ENDORSEMENT CODES	DESCRIPTION	COUNT	AMOUNT
CF	CONCENTRATION CASH FLOW	3	11,560.96
BANK CODE TOTALS			
00	DEFAULT BANK CODE		AMOUNT
			11,560.96

VOIDED OR ZERO RECEIPTS	0	
ENTERED TOTAL	3	11,560.96
COMPUTED NON-ZERO RCPTS	3	11,560.96

** BATCH POSTED **

BATCH ID - SMITHMA

4/18/22 29 OVER-THE-COUNTER MONIES

DRAWER #: 1

DETAIL TOTALS

PYMT TYPE	DESCRIPTION	COUNT	AMOUNT	ZERO/VOID COUNT
GM	MISC-G/L PAYMENT (# REQ.)	2	375.00	0
UA	UTILITY AGREEMENTS	1	11,185.96	0

TENDER METHOD	DESCRIPTION	COUNT	TENDERED AMOUNT	NON-CASH AMOUNT
CK	CHECK PAYMENTS	3	11,560.96	11,560.96
			11,560.96	11,560.96
			NON-CASH TOTAL	11,560.96
			CASH IN DRAWER	.00
			GRAND TOTAL	11,560.96

ENDORSEMENT CODES	DESCRIPTION	COUNT	AMOUNT
CF	CONCENTRATION CASH FLOW	3	11,560.96

BANK CODE TOTALS	AMOUNT
00	11,560.96


VOIDED OR ZERO RECEIPTS	0
ENTERED TOTAL	3
COMPUTED NON-ZERO RCPTS	3

** BATCH POSTED **



UTILITIES DEPARTMENT
INTERDEPARTMENTAL MEMORANDUM

TO: Suzanne Sherman
City Manager

FROM: Christopher A. Little, P.E. 
Utilities Director

DATE: April 18, 2022

SUBJECT: Utilities Agreement
Borton Warehouse

The attached Utilities Agreement is for the subject project located on Parcel ID 28-38-31-25-*-1. Connection charges of \$11,185.96 have been paid and are as follows:

<u>CONNECTION CHARGES</u>	
Water Capital Charge (2.7 ERCs @ \$2,049.00 per ERC)	\$ 5,532.30
Water Main Line Extension Fee (NA feet @ \$18.80 per foot)	\$ 0.00
Water Meter Installation Fee	\$ 656.25
Water & Sewer Deposit	\$ 650.00
Sewer Capital Charge (2.7 ERCs @ \$3,300.00 per ERC)	\$ 8,910.00
Sewer Main Line Extension Fee (NA feet @ \$29.63 per foot)	\$ 0.00
Recording Fee	\$ 153.00
Utilities Plan Review and Inspection Fee	\$ 3,222.41
Extension and upsizing of the water main	\$ (7,938.00)
TOTAL CONNECTION CHARGES:	\$ 11,185.96

<u>ANNUAL RESERVED CAPACITY CHARGE</u>	
2.7 ERCs @ \$15.34/month (water) x 12 months	\$ 497.01
2.7 ERCs @ \$22.64/month (sewer) x 12 months	\$ 733.54
TOTAL RESERVED CAPACITY CHARGES:	\$ 1,230.55

Do not hesitate to contact us should you have any questions or need additional information.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Christopher A. Little, P.E.; Larry Wojciechowski, Finance Director

DATE: 8/4/2022

RE: Consideration of allocating funds for the purchase and installation of reclaimed water meters in Sandy Pines Preserves (\$355,004).

All phases of the Sandy Pines Preserves subdivision have access to reclaimed water that is provided by the Utilities Department's North Regional Water Reclamation Facility. When the reclaimed water distribution system was constructed and brought online over 20 years ago, the City did not require lots to have meters at each connection point of the individual, private sprinkler systems. As a result, the Utilities Department has had virtually no control of reclaimed water usage in the subdivision. While this was not a concern of the Department in the past, the expansion of the system, the addition of new customers and the need to use more reclaimed water for internal plant processes has caused the need to restrict individual usage of the service to an appropriate amount of water.

Prior to this request, we attempted to allow the Homeowners Association of each phase to work with their residents to create and adhere to an irrigation schedule based on times reclaimed water was made available for their use. The hope was that "self-administering" the usage would eliminate the need to install meters. This effort has been proven to be unsuccessful. Customers inundate staff with complaints regarding water availability, ongoing pressure issues on the private side of the connection, and reports of their neighbors that are grossly overusing the service.

Based on growing concerns of reclaimed water supply and availability, the Utilities Department desires to purchase 400 reclaimed water meters to install in the Sandy Pines Preserves subdivision. This will allow us to monitor individual usage, notice individual customers that are overusing the service, and perform service shutoffs for non-compliance.

The purchase of the meters, meter couplings, angle meter valves, and meter boxes required for installation will be accomplished through existing contracts. The cost for these components will be \$125,837.

Due to the large amount of meters to be installed and ongoing staffing issues, we intend to utilize the procurement process to solicit for a contractor to provide meter installation services and to provide miscellaneous fittings to complete the work. The estimated cost for this effort is \$170,000.

The Department is also requesting a 20% contingency in the amount of \$59,167 to account for any unforeseen

conditions.

The Utilities Department is requesting fund appropriation from fund balance in the amount of \$355,004 for the purchase and installation of the reclaimed water meters in Sandy Pines Preserves.

REQUESTING DEPARTMENT:

Utilities, Finance

FISCAL IMPACT:

Pending approval of the budget amendment, amount \$355,004 funds will be available in the Utilities Department's Operating Fund 421-8020-533-6322, project 22WS29.

RECOMMENDATION:

Motion to to approve appropriation of funds on the next scheduled budget amendment, amount \$355,004, for the purchase and installation of reclaimed water meters in Sandy Pines Preserves.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Greg Minor, Parks and Facilities

DATE: 8/4/2022

RE: Consideration of reallocating funds for well repairs at Fred Poppe Regional Park (\$28,189).

In April 2021, Council authorized \$55,000 to Project #22PK13 from undesignated fund balance to replace collapsed wells located at Fred Lee Park (1), Fred Poppe Regional Park (2), and the Palm Bay Senior Center (1). Since then, it was determined that a third well will need to be added to supply sufficient irrigation to the Cricket Field at Fred Poppe Regional Park. Funding for this additional well is estimated at \$28,000, including permitting and a \$3,000 contingency.

Thus far, the well at Fred Lee Park has been replaced and the two wells at Fred Poppe Regional Park are currently at 50% completion. The project was originally delayed due to challenges with the original vendor not being able to complete the original contract, leading to a change in contractor.

This request does not fully cover the additional well, which is considerably larger than the previous wells. However, the Department has leftover savings from a sewer project (Project # 19PR06), which will cover the expense of the additional well required to irrigate the newly renovated cricket field.

REQUESTING DEPARTMENT:

Parks and Facilities

FISCAL IMPACT:

The estimated cost for the additional well is projected at \$28,189.00. Staff is requesting a budget amendment to reallocate funds via savings from project #19PR06 to project #22PK13 on the next scheduled budget amendment. Both projects are funded within the same account, #001-4526-519-6301.

RECOMMENDATION:

Motion to authorize a budget amendment of \$28,189 from Project #19PR06 to Project #22PK13 for unanticipated additional well at Fred Poppe Regional Park.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Patricia Smith, City Attorney

THRU: Alexandra Bernard, Growth Management Director

DATE: 8/4/2022

RE: Consideration of pursuing legal action for code violations at 2557 Amberly Road NE.

The Code Compliance Division has cited the property at 2557 Amberly Road NE multiple times for large and unsightly amounts of rubbish and garbage that has accumulated on the property. The Code Enforcement Board (CEB) has found the property to be in violation, fined and assessed a lien against the property in the following cases:

CEB# 22449-21 November 10, 2021

CEB# 22066-21 May 12, 2021

Despite the fines and the liens on the property, the property owners have failed to bring the property into compliance. The Code Compliance Division would like the City Attorney's Office to pursue litigation to allow the City to remove the trash and debris from the property. It is my opinion as City Attorney that Council, as the governing body, needs to provide its approval before litigation is initiated on behalf of the City. Consequently, I am seeking approval to pursue litigation to abate the nuisance at 2557 Amberly Road NE.

REQUESTING DEPARTMENT:

Growth Management, City Attorney's Office

FISCAL IMPACT:

The ability to estimate the fiscal impact is difficult since the City currently does not have full access to the property to determine the extent of the clean up that would be required. However, based upon past experience on similar cases the cost of similar clean ups has typically been less than \$10,000; however, more extreme cases could cost closer to \$15,000. Nuisance abatement is budgeted in the Code Nuisance Fund, account # 105-3330-529-3403 (Other Contractual Service / Nuisance Violations). Other costs will include legal process, legal advertisement cost, cost of filing suit estimated to be approximately \$1,000.00 in litigation costs from accounts 001-1418-514-4007 and 001-1418-514-3141.

RECOMMENDATION:

Motion to authorize the City Attorney's Office to pursue litigation to abate the nuisance at 2557 Amberly Road

NE.

ATTACHMENTS:

Description

Lien Documents

2

CODE ENFORCEMENT BOARD OF THE
CITY OF PALM BAY, FLORIDA
321-952-3430

CEB # 22449-21
OFFICER: VALERIE CARTER

CITY OF PALM BAY
Petitioner
vs
Respondent

CFN 2022031115, OR BK 9407 PAGE 2742,
Recorded 02/07/2022 at 05:03 PM, Rachel M. Sadoff,
Clerk of Courts, Brevard County
Pgs:2

EDWARD CARL SASNETT
2557 AMBERLY RD NE
PALM BAY, FL 32905

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This CAUSE came on for public hearing before the Board on **NOVEMBER 10, 2021** after due notice to the Respondent who did not appear at the hearing and the Board having heard testimony under oath, received evidence, and heard argument of counsel (if any), thereupon issues its Findings of Fact, Conclusions of Law and Order as follows:

I. FINDINGS OF FACT

There are violations of the following section(s) of the Palm Bay Code of Ordinances:

Section 185.123(B) - Parking a commercial vehicle in a residential area.

TO WIT: TRAILER PARKED IN RIGHT OF WAY WITH TRASH AND DEBRIS

2015 IPMC 308.1 - Rubbish or garbage accumulation is not allowed on the premises.

Section 74.06(A)(4) - No person shall park a vehicle upon any street or public area for storage or as junkage or dead storage for more than twenty-four (24) hours.

Located on: THE SHIRE FIRST ADDITION, LOT 18
PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA;
BREVARD COUNTY PROPERTY APPRAISER ID# 28371403 * 18;
STREET ADDRESS: 2557 AMBERLY RD NE, PALM BAY, FLORIDA

II. CONCLUSIONS OF LAW

Based upon the testimony heard and the evidence presented, the Code Enforcement Board concludes that there are violations of the above-listed section(s) of the Code of Ordinances of the City of Palm Bay on the above-described property.

LIEN

Please contact the officer listed on the top right

Return To:
City of Palm Bay
Attn: Liens Office
120 Malabar Rd. SE
Palm Bay, FL 32907

CERTIFIED COPY

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER (Continued)

III. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED THAT:

Respondent bring the above described property into compliance with City Code by **NOVEMBER 25, 2021**, or that a fine of **\$50.00** be imposed for each and every day the violation continues or is repeated. Such fines shall be charged interest calculated at the highest rate of interest allowable by law, compounded annually, together with collection fees and costs.

DONE AND ORDERED on **NOVEMBER 10, 2021**, at Palm Bay, Brevard County, Florida.

CODE ENFORCEMENT BOARD OF THE
CITY OF PALM BAY, FLORIDA


BY 
JAMES BOOTHROYD, CHAIRPERSON

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Findings of Fact, Conclusions of Law and Order has been furnished by mail to Respondent and/or Respondent's authorized counsel and filed this November 10, 2021.


JEANNE PINSI, CEB SECRETARY

HTE# 21-00002860

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the original on file in the Office of Code Compliance of Palm Bay, Brevard County, Florida. WITNESS my hand and the official seal of the City of Palm Bay, this 31st day of January, 2022.


City Clerk, City of Palm Bay, Florida

2

CODE ENFORCEMENT BOARD OF THE
CITY OF PALM BAY, FLORIDA
321-952-3430

CEB # 22066-21
OFFICER: VALERIE CARTER

CITY OF PALM BAY
Petitioner
vs
Respondent

CFN 2021217794, OR BK 9231 PAGE 723,
Recorded 08/20/2021 at 01:17 PM, Rachel M. Sadoff,
Clerk of Courts, Brevard County
Pgs:2

EDWARD CARL SASNETT
2557 AMBERLY RD NE
PALM BAY, FL 32905

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This CAUSE came on for public hearing before the Board on **MAY 12, 2021** after due notice to the Respondent who did not appear at the hearing and the Board having heard testimony under oath, received evidence, and heard argument of counsel (if any), thereupon issues its Findings of Fact, Conclusions of Law and Order as follows:

I. FINDINGS OF FACT

There are violations of the following section(s) of the Palm Bay Code of Ordinances:

2015 IPMC 308.1 - Rubbish or garbage accumulation is
not allowed on the premises.

Located on : THE SHIRE FIRST ADDITION, LOT 18
PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA;
BREVARD COUNTY PROPERTY APPRAISER ID# 28371403 * 18;
STREET ADDRESS: 2557 AMBERLY RD NE, PALM BAY, FLORIDA

II. CONCLUSIONS OF LAW

Based upon the testimony heard and the evidence presented, the Code Enforcement Board concludes that there are violations of the above-listed section(s) of the Code of Ordinances of the City of Palm Bay on the above-described property.

LIEN

Please contact the officer listed
on the top right



Return To:
City of Palm Bay
Attn: Liens Office
120 Malabar Rd. SE
Palm Bay, FL 32907

CERTIFIED COPY

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER (Continued)


III. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED THAT:

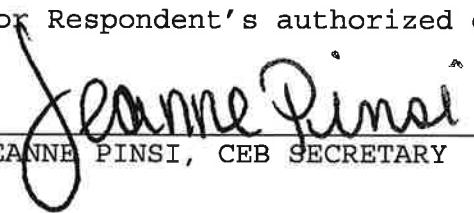
Respondent bring the above described property into compliance with City Code by **MAY 27, 2021**, or that a fine of **\$50.00** be imposed for each and every day the violation continues or is repeated. Such fines shall be charged interest calculated at the highest rate of interest allowable by law, compounded annually, together with collection fees and costs.

DONE AND ORDERED on **MAY 12, 2021**, at Palm Bay, Brevard County, Florida.

CODE ENFORCEMENT BOARD OF THE
CITY OF PALM BAY FLORIDA

BY 
JAMES BOOTHROYD, CHAIRPERSON


I HEREBY CERTIFY that a true and correct copy of the above and foregoing Findings of Fact, Conclusions of Law and Order has been furnished by mail to Respondent and/or Respondent's authorized counsel and filed this May 12, 2021.


JEANNE PINSI, CEB SECRETARY

HTE# 21-00000899

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the original on file in the Office of Code Compliance of Palm Bay, Brevard County, Florida.

WITNESS my hand and the official seal of the City of Palm Bay, this 20th day of July, 2021.


City Clerk, City of Palm Bay, Florida





ment Board
CASE No. 2006-21

Exhibit 4

Date 5-12-21



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

PROPERTY DETAILS

Account 2826168
 Owners SASNETT, EDWARD CARL
 Mailing Address 2557 AMBERLY NE RD NE PALM BAY FL 32905
 Site Address 2557 AMBERLY RD NE PALM BAY FL 32905
 Parcel ID 28-37-14-03-*18
 Property Use 0212 - MANUFACTURED HOUSING - SINGLE WIDE
 Exemptions NONE
 Taxing District 34U0 - PALM BAY
 Total Acres 0.10
 Subdivision SHIRE, THE FIRST ADDITION
 Site Code 0001 - NO OTHER CODE APPL.
 Plat Book/Page 0024/0116
 Land Description SHIRE, THE FIRST ADDITION LOT 18



VALUE SUMMARY

Category	2021	2020	2019
Market Value	\$28,380	\$22,220	\$15,820
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$14,830	\$13,490	\$12,270
Assessed Value School	\$28,380	\$22,220	\$15,820
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$14,830	\$13,490	\$12,270
Taxable Value School	\$28,380	\$22,220	\$15,820

SALES/TRANSFERS

Date	Price	Type	Instrument
11/11/2014	--	QC	7548/1794
08/22/2014	\$10,000	WD	7196/2524
11/01/1979	\$6,300	--	2205/1661
11/01/1978	\$60,000	--	1973/0548
11/22/1976	\$1,000,000	PT	1682/0745

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 0212 - MANUFACTURED HOUSING - SINGLE WIDE

Materials	Details	
Exterior Wall: VINYL/ALUMINUM	Year Built	1972
Frame: WOOD FRAME	Story Height	8
Roof: SHEET METAL	Floors	1
Roof Structure: FLAT/SHED	Residential Units	1
	Commercial Units	0
Sub-Areas	Extra Features	
Base Area (1st) 616	Skirting - Metal/Vinyl	134
Total Base Area 616		
Total Sub Area 616		



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Patricia Smith, City Attorney

THRU: Alexandra Bernard, Growth Management Director

DATE: 8/4/2022

RE: Consideration of pursuing legal action for code violations at 539 Ocean Spray Street SW.

The property at 539 Ocean Spray Street SW was cited by the Code Compliance Division for excessive trash and debris, junk vehicles and the failure to maintain a fence. In case CEB # 22657-22, the Code Enforcement Board found the property to be in violation of:

2015 IPMC 308.1 - Rubbish or garbage accumulation is not allowed on the premises.

Section 74.06(A) (4) - No person shall park a vehicle upon any street or public area for storage or as junkage or dead storage for more than twenty-four (24) hours.

Section 170.119(A) - Failure to maintain fence in original upright condition.

The order assessing fines and a lien against the property was issued January 12, 2022. The owners of the property have failed to abate the nuisance and bring the property into compliance. The Code Compliance Division would like the City Attorney's Office to pursue litigation to allow the City to remove the trash and debris from the property. It is my opinion as City Attorney that Council, as the governing body, needs to provide its approval before litigation is initiated on behalf of the City. Consequently, I am seeking approval to pursue litigation to abate the nuisance at 539 Ocean Spray Street SW.

REQUESTING DEPARTMENT:

Growth Management, City Attorney's Office

FISCAL IMPACT:

The ability to estimate the fiscal impact is difficult since the City currently does not have full access to the property to determine the extent of the clean up that would be required. However, based upon past experience on similar cases the cost of similar clean ups has typically been less than \$10,000; however, more extreme

cases could cost closer to \$15,000. Nuisance abatement is budgeted in the Code Nuisance Fund, account # 105-3330-529-3403 (Other Contractual Service / Nuisance Violations). Other costs will include legal process, legal advertisement cost, cost of filing suit estimated to be approximately \$1,000.00 in litigation costs from accounts 001-1418-514-4007 and 001-1418-514-3141.

RECOMMENDATION:

Motion to authorize the City Attorney's Office to pursue litigation to abate the nuisance at 539 Ocean Spray Street SW.

ATTACHMENTS:

Description

Lien Document

CODE ENFORCEMENT BOARD OF THE
CITY OF PALM BAY, FLORIDA
321-952-3430

CEB # 22657-22
OFFICER: LISA WEGGELAND

CITY OF PALM BAY
Petitioner
vs
Respondent

CFN 2022076546, OR BK 9457 PAGE 1917,
Recorded 03/28/2022 at 02:04 PM, Rachel M. Sadoff,
Clerk of Courts, Brevard County
Pgs:2

ARIEL KATZ
1153 MALABAR RD NE
#8-156
PALM BAY, FL 32907

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This CAUSE came on for public hearing before the Board on **JANUARY 12, 2022** after due notice to the Respondent who did not appear at the hearing and the Board having heard testimony under oath, received evidence, and heard argument of counsel (if any), thereupon issues its Findings of Fact, Conclusions of Law and Order as follows:

I. FINDINGS OF FACT

There are violations of the following section(s) of the Palm Bay Code of Ordinances:

2015 IPMC 308.1 - Rubbish or garbage accumulation is not allowed on the premises.

TO WIT: EXCESSIVE TRASH & DEBRIS ALL OVER PROPERTY
Section 74.06(A)(4) - No person shall park a vehicle upon any street or public area for storage or as junkage or dead storage for more than twenty-four (24) hours.

Section 170.119(A) - Failure to maintain fence in original upright condition.

TO WIT: FENCE IN DISREPAIR

Located on : PORT MALABAR UNIT 32 LOT 5 BLK 1575
PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA;
BREVARD COUNTY PROPERTY APPRAISER ID# 293613KK 1575 5;
STREET ADDRESS: 539 OCEAN SPRAY ST SW, PALM BAY, FLORIDA

II. CONCLUSIONS OF LAW

Based upon the testimony heard and the evidence presented, the Code Enforcement Board concludes that there are violations of the above-listed section(s) of the Code of Ordinances of the City of Palm Bay on the above-described property.

LIEN

Please contact the officer listed on the top right

Return To:
City of Palm Bay
Attn: Liens Office
120 Malabar Rd. St
Palm Bay, FL 32909

CERTIFIED COPY

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER (Continued)

III. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED THAT:

Respondent bring the above described property into compliance with City Code by **JANUARY 27, 2022**, or that a fine of **\$50.00** be imposed for each and every day the violation continues or is repeated. Such fines shall be charged interest calculated at the highest rate of interest allowable by law, compounded annually, together with collection fees and costs.

DONE AND ORDERED on **JANUARY 12, 2022**, at Palm Bay, Brevard County, Florida.

CODE ENFORCEMENT BOARD OF THE
CITY OF PALM BAY, FLORIDA

BY 
JAMES BOOTHROYD, CHAIRPERSON


I HEREBY CERTIFY that a true and correct copy of the above and foregoing Findings of Fact, Conclusions of Law and Order has been furnished by mail to Respondent and/or Respondent's authorized counsel and filed this January 12, 2022.

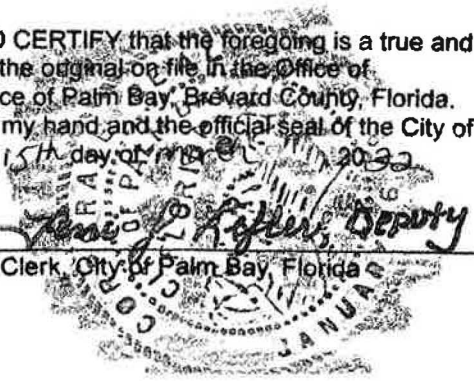

JEANNE PINSI, CEB SECRETARY

HTE# 21-00003200

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the original on file in the Office of Code Compliance of Palm Bay, Brevard County, Florida.

WITNESS my hand and the official seal of the City of Palm Bay, this 15th day of March, 2022.


City Clerk, City of Palm Bay, Florida





Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

PROPERTY DETAILS

Account 2907176
 Owners KATZ, ARIEL
 Mailing Address 1153 MALABAR RD NE, # 8-156 PALM BAY FL 32907
 Site Address 539 OCEAN SPRAY ST SW PALM BAY FL 32908
 Parcel ID 29-36-13-KK-1575-5
 Property Use 0110 - SINGLE FAMILY RESIDENCE
 Exemptions HEX1 - HOMESTEAD FIRST
 HEX2 - HOMESTEAD ADDITIONAL
 Taxing District 54U0 - PALM BAY
 Total Acres 0.27
 Subdivision PORT MALABAR UNIT 32
 Site Code 0001 - NO OTHER CODE APPL.
 Plat Book/Page 0017/0034
 Land Description PORT MALABAR UNIT 32 LOT 5 BLK 1575



VALUE SUMMARY

Category	2021	2020	2019
Market Value	\$190,650	\$185,120	\$182,850
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$171,060	\$168,700	\$164,910
Assessed Value School	\$171,060	\$168,700	\$164,910
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$121,060	\$118,700	\$114,910
Taxable Value School	\$146,060	\$143,700	\$139,910

SALES/TRANSFERS

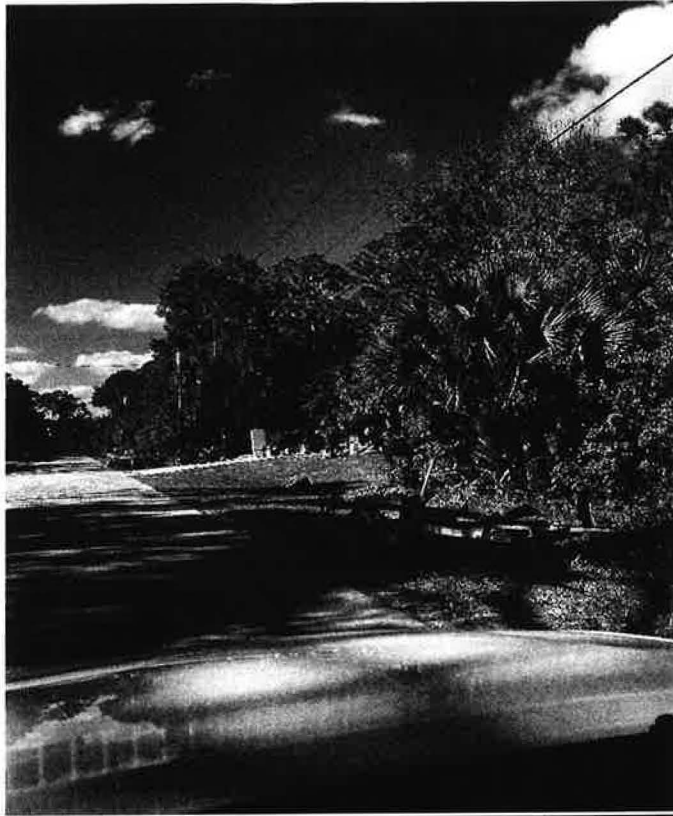
Date	Price	Type	Instrument
08/29/2011	\$70,400	WD	6447/0651
04/14/2011	--	QC	6380/0116
04/06/2011	--	QC	6367/1138
09/22/2010	--	CT	6246/1757
04/15/2005	\$38,000	WD	5455/3576
09/01/1996	--	QC	3612/3041
10/01/1979	\$2,400	WD	2207/2302

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 0110 - SINGLE FAMILY RESIDENCE

Materials	Details	
Exterior Wall:	STUCCO	Year Built 2006
Frame:	MASNRYCONC	Story Height 9
Roof:	ASPH/ASB SHNGL	Floors 1
Roof Structure:	HIP/GABLE	Residential Units 1
		Commercial Units 0
Sub-Areas	Extra Features	
Base Area (1st)	1,940	No Data Found
Garage	460	
Open Porch	60	

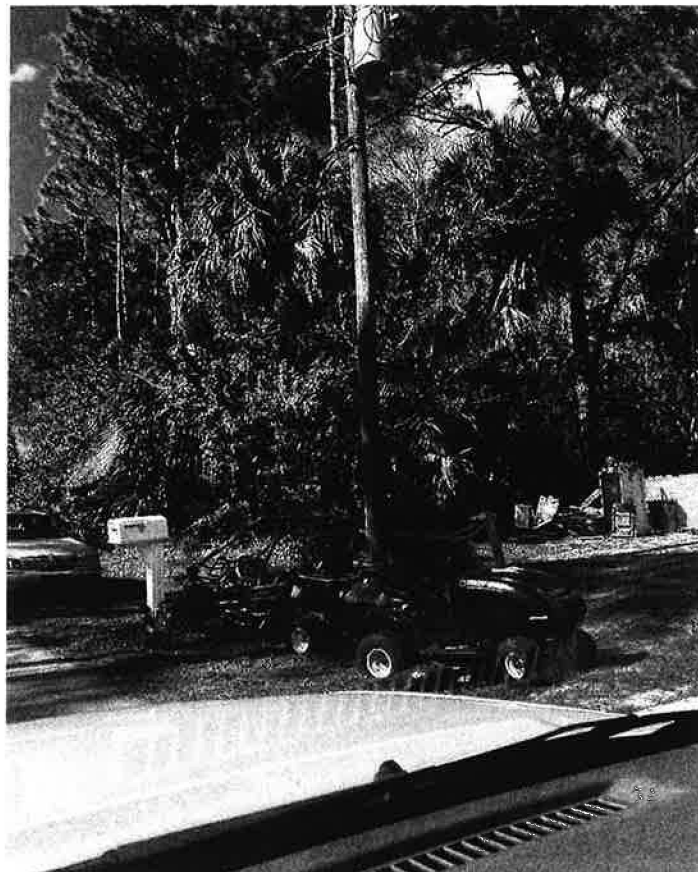


Code Enforcement Board
Case No. 22057-22
Exhibit 4a
Regular
Date taken 12/28/21





Code Enforcement Board
Case No. 22057-22
Exhibit 410
Regular
Date taken 12/18/21



Code Enforcement Board
Case No. 22057-22
Exhibit 4C
regular
Date 12/18/2021
taken





LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 8/4/2022

RE: Consideration of an Easement Agreement with Charter Communications for fiber optic cable installation.

Charter Communications, DBA Spectrum Sunshine State LLC, is requesting a 3 foot wide non-exclusive easement located near the South boundary of Riviera Park. The easement is needed to provide a fiber optic cable link between the existing network along Riviera Drive and the new Verizon cell tower along the I95 right of way, South of Palm Bay Road. Providing this easement will allow activation of the tower. This advanced tower will be able to carry more signals and assist in relieving the maxed out south towers, thereby providing improvements to our public safety communications.

The City will be installing an access gate to provide entry to the easement. As the gate was donated to the City there is no cost. There is an existing gate adjacent to the City property, but its use is restricted by the Melbourne Tillman Water Control District. Installation of the gate will allow access for repair and maintenance of the fiber optic cable.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None.

RECOMMENDATION:

Motion to approve the Non-Exclusive Easement as noted above.

ATTACHMENTS:

Description

Easement Agreement

Sketch and legal description

**RECORDING REQUESTED BY AND
AND AFTER RECORDING RETURN TO:**

Terese Jones, City Clerk
City of Palm Bay
120 Malabar Road S.E.
Palm Bay, Florida 32907

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is entered into as of 16th, July, 2022, by and among the City of Palm Bay ("Grantor"), and Spectrum Sunshine State, LLC ("Operator"), for the purpose of authorizing Operator's ingress and egress to the Property.

THE PARTIES AGREE AS FOLLOWS:

1. **GRANT OF EASEMENT.** Grantor hereby grants to Operator, its successors and assigns, a perpetual non-exclusive easement to the Property (as defined in Section 2) (the "Easement"), for the installation, maintenance, operation, improvement, removal and repair of Operator's cable television system and/or other communications facilities, including, without limitation, lines, cables, amplifiers, and nodes (collectively, the "Facilities"). Grantor hereby agrees that the Facilities shall remain the property of Operator and are removable at Operator's option. The Easement shall include the right of ingress and egress to the Property for the purpose of installation, maintenance, operation, improvement, removal and repair of the Facilities during normal working hours or any other time, day or night, in the event of an emergency situation which, in Operator's reasonable determination, affects the normal operation of the Facilities; however, such ingress and egress to the Property requires authorization.
2. **PROPERTY.** Grantor's property is situated in the City of Palm Bay, County of Brevard, State of Florida (the "Community"), with a street address of 550 Riviera Dr. NE, Palm Bay, FL 32905 (the "Property"). A legal description of the Property in which the Easement has been granted is set forth on **Exhibit A**, which is attached and by reference made a part of this Easement Agreement.
3. **REPAIR.** Operator shall repair to the reasonable satisfaction of Grantor any structure, fence, paving, landscaping, subsurface facility or other part of the Property which is materially altered or damaged during the installation, maintenance, repair or removal of the Facilities in the Easement.
4. **ASSIGNMENT.** Operator shall not assign or transfer any interest in this Easement, or any part of the easement, without the prior written consent of the Grantor, which consent may be granted or withheld at the Grantor's sole and absolute discretion for any reason or no reason at all, except the Operator may, without consent of Grantor, assign this Easement Agreement to (a) any parent, affiliate, or subsidiary of Operator, (b) any partnership in which Operator has a controlling interest, or (c) any entity which succeeds to all or substantially all of Operator's assets or ownership interests, or the cable system operated by Operator (or its affiliate or subsidiary) which serves the municipality in which the Property is located, whether by merger, sale or otherwise, provided that such successor also succeeds to the cable television franchise agreement held by Operator (or its affiliate or subsidiary) for the municipality in which the Property is located. Any attempted assignment or transfer without the Grantor's approval and in contravention of this section shall be null and void.

5. **TERM.** Operator hereby expressly agrees that in the event Operator abandons use of the Property for the purpose provided in this Easement Agreement or ceases to provide communication services to facilities located in Palm Bay, the easement granted shall become null and void, and all the rights in and to the Property shall revert to Grantor. This Easement Agreement may be terminated by Operator upon the giving of sixty (60) days prior written notice to Grantor and after a reasonable opportunity is provided to remove the Facilities from the Property. Upon termination of this Easement Agreement, Operator shall record such documents as are necessary to terminate the Easement.

6. **NON-INTERFERENCE.** The grant of this Easement shall in no way restrict the right and interest of Grantor in the use, maintenance and quiet enjoyment of the Property to the extent that such use does not interfere with the maintenance, operation, or removal of the Facilities.

7. **BINDING.** The provisions and covenants contained in this Easement Agreement shall run with the land and shall bind and inure to the benefit of the respective successors-in-interest of the parties.

8. **RECORDATION.** Prior to installation of the Facilities on the Property, Operator shall record this Easement Agreement in the real property records of the county or other local government where the Property is located.

9. **NOTICE.** All notices to be given by one party to this Easement Agreement to another party hereto shall be in writing, by certified mail to the following addresses:

(i) If to Grantor:
120 Malabar Road
Palm Bay, Florida 32907

With a copy to:
City Attorney
120 Malabar Road, Suite 201
Palm Bay, Florida 32907

(ii) If to Operator:
Charter Communications
3316 Breslay Dr.
Melbourne, FL 32940
Attn: Area Vice President, Field Operations

With a copy to: Charter Communications
12405 Powerscourt Drive
St. Louis, Missouri 63131
Attn: Legal Operations

10. **FURTHER DOCUMENTS.** Each party shall execute any further documents which another party reasonably requests to assure that Operator has the rights granted in this Easement Agreement.

11. **ENTIRE AGREEMENT; AMENDMENTS.** This Easement Agreement constitutes the entire agreement between the parties with respect to, and supersedes all prior agreements, promises and understandings, whether oral or written, with respect to, the subject matter of the Easement Agreement. This Easement Agreement shall not be modified, amended, supplemented, or revised, except by a written document signed by both parties.

12. **SEVERABILITY.** If any provision of this Agreement is held illegal or unenforceable in a judicial proceeding, then such provision shall be severed and shall be inoperative, and the remainder of this Agreement shall remain operative and binding on the parties.

13. **NO WAIVER.** Neither the failure of a party to exercise any power given such party hereunder or to insist upon strict compliance by another party with its obligations hereunder, nor any custom or practice of the parties at variance with the terms hereof shall constitute a waiver of a party's right to demand exact compliance with the terms hereof. To be effective, any waiver under this Easement Agreement must be in writing signed by the party granting such waiver.

14. **INDEMNIFICATION.** Operator shall indemnify and hold harmless Grantor, its councilmembers, officers, agents and employees from and against any and all claims, suits, actions, regulatory or administrative proceedings (including reasonable attorney's fees, including appeals), liabilities and expenses arising during the term of this Easement Agreement and resulting in personal injury, loss of life or damage to property sustained by any person or entity (collectively "Claims") caused by or arising out of Operator's negligence, intentional torts, strict liability, or breach of applicable law in connection with the construction, operation or maintenance of its cable television system and/or other communications facilities within the Property.

15. **LIMITATION OF LIABILITY.** IN NO EVENT SHALL GRANTOR OR OPERATOR BE LIABLE FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, SPECIAL, RELIANCE OR PUNITIVE DAMAGES, EVEN IF ADVISED OF THE POSSIBILITY THEREOF.

16. **GOVERNING LAW AND JURY TRIAL WAIVER.** This Easement Agreement shall be construed in accordance with the laws of the State of Florida. Venue for any proceeding related to the enforcement or interpretation of this contract shall be Brevard County. Further, the parties will bear their own costs, including attorney's fees.

GRANTOR AND OPERATOR HEREBY IRREVOCABLY WAIVE ANY AND ALL RIGHT TO TRIAL BY JURY IN ANY LEGAL PROCEEDING ARISING OUT OF OR RELATED TO THIS AGREEMENT. EACH PARTY ACKNOWLEDGES AND AGREES THAT THIS PROVISION IS A MATERIAL INDUCEMENT TO EACH OTHER PARTY TO ENTER INTO THIS AGREEMENT. NEITHER PARTY IS RELYING ON ANY REPRESENTATION BY THE OTHER PARTY THAT THIS PROVISION WOULD NOT BE ENFORCED TO THE FULLEST EXTENT PROVIDED BY LAW.

17. **COUNTERPARTS.** This Easement Agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. It is not necessary that all parties execute any single counterpart if each party executes at least one counterpart.

IN WITNESS WHEREOF, the parties have executed this Easement Agreement as of the date first written above.

GRANTOR:

City of Palm Bay

By: _____

Print Name: _____

Print Title: _____

Date: _____

COUNTY OF BREVARD

SWORN AND SUBSCRIBED before me this ____ day of _____, 2022 ☐ electronically or ☐ personally by _____ as the _____ of and who is personally known to me or produced _____ as identification; and who did ____ or did not ____ take an oath.

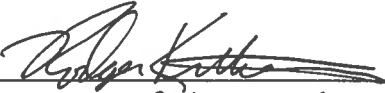
NOTARY SEAL/STAMP:

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES ON:

OPERATOR:

Spectrum Sunshine State, LLC

By: Charter Communications, Inc., Its Manager

By: 

Print Name: Rodger Kutemeier

Print Title: Area Vice President

Date: 7/26/2022

COUNTY OF BREVARD

SWORN AND SUBSCRIBED before me this 26th day of July, 2022 ☐ electronically or ☒ personally by RODGER KUTEMEIER as the AREA VICE PRESIDENT of and who is personally known to me or produced _____ as identification; and who did ☒ or did not ☐ take an oath.

NOTARY SEAL/STAMP:



Diane Niehaus
Notary Public
State of Florida
Comm# HH144551
Expires 9/10/2025


NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES ON:

EXHIBIT A

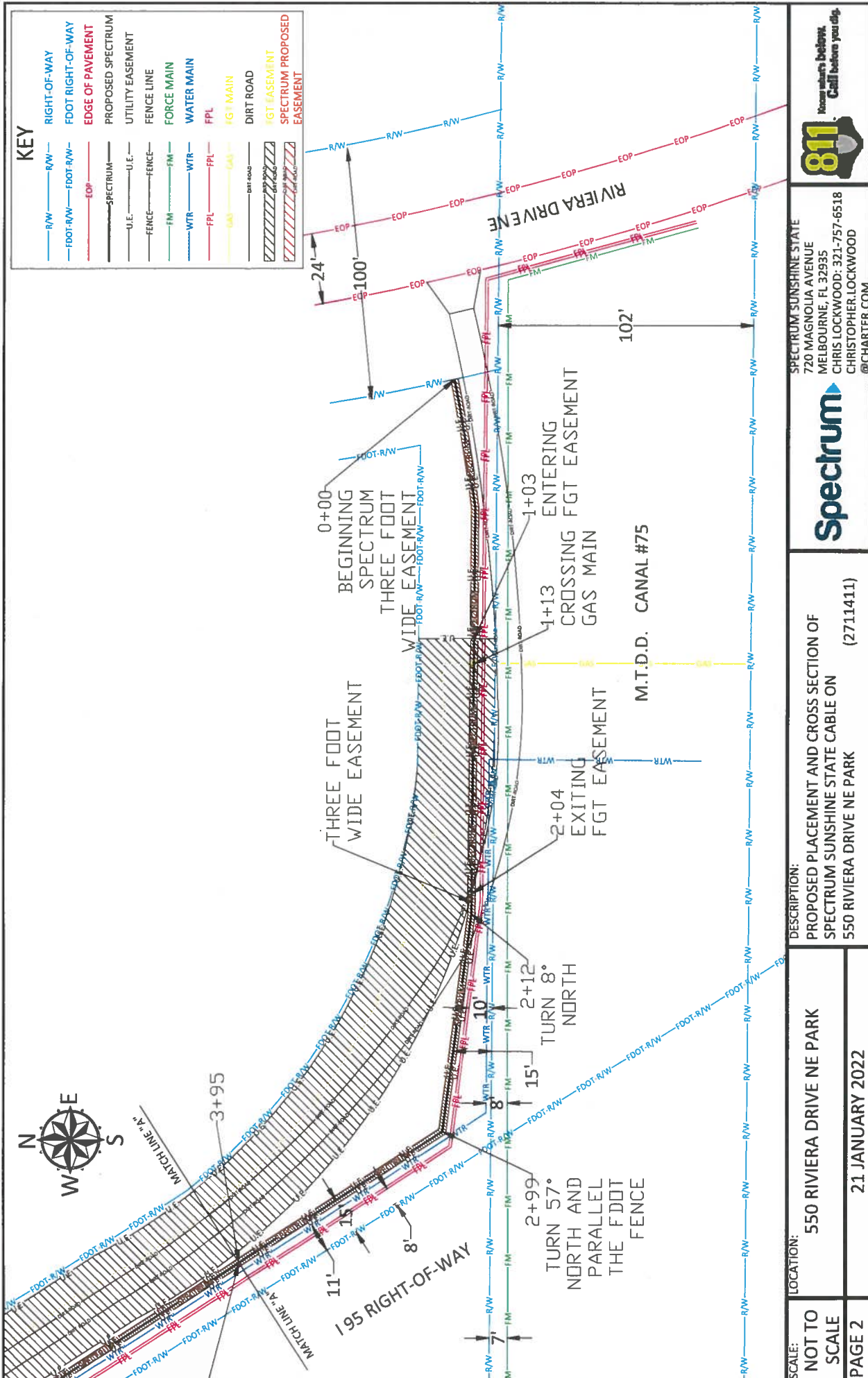
Attached to and Forming a Part of
Easement Agreement
between

City of Palm Bay, as Grantor
And
Spectrum Sunshine State, as Operator

Legal Description

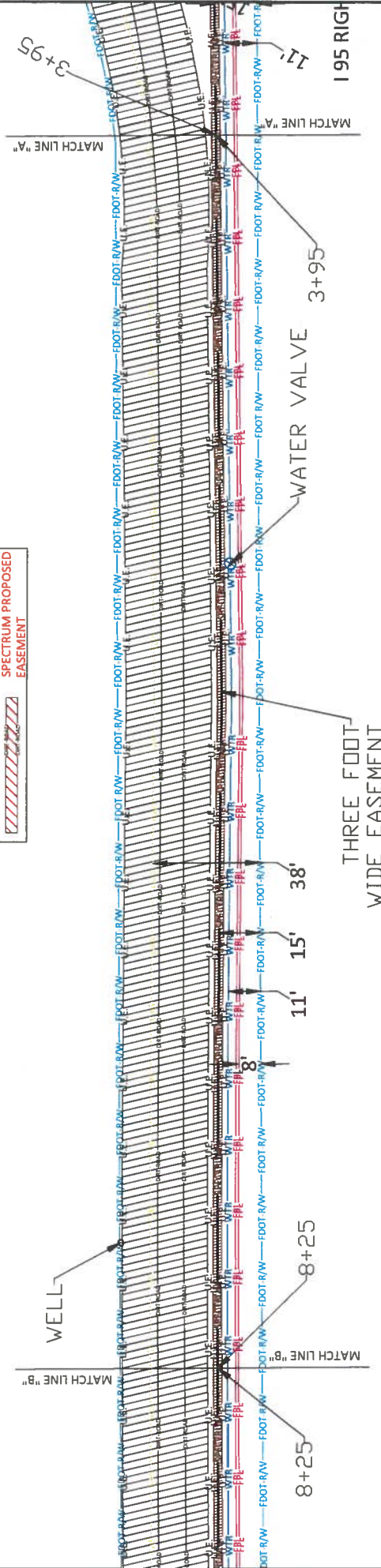
A 3.00' wide easement dedicated to Spectrum Sunshine State, LLC across a portion of the property recorded in Plat Book 2460, page 1287, Public Records of Brevard County, Florida; more particularly described as follows:

Begin at the North right of way line of M.T.T.D Canal No. 75 and the West right of way line of Riviera Drive; thence along the West right of way line Riviera Drive and along a curve to the right, with an arc length of 18.17', a radius of 1050.00', a chord bearing of N 13°51'01" W, with a chord length of 18.16' to the point of beginning; thence S 87°36'06" W, a distance of 93.12'; thence N 89°33'46" W, a distance of 143.83'; thence N 77°08'35" W, a distance of 67.91'; thence N 32°22'07" W a, distance of 854.79'; thence S 57°37'53" W, a distance of 17.00'; thence N 32°22'07" W along the Easterly right of way line of Interstate 95, a distance of 3.00'; thence S 57°37'53" E, a distance of 20.00'; thence S 32°22'07" E, a distance of 856.56'; thence S 77°08'35" E, a distance of 66.35'; thence S 89°33'46" E, a distance of 143.50'; thence N 87°36'06" E, a distance of 92.39'; thence along the West right of way line Riviera Drive and along a curve to the left with an arc length of 3.05', a radius of 1050.00', with a chord bearing of S 13°16'16"E to the point of beginning.





KEY	
R/W	RIGHT-OF-WAY
FDOT R/W	FDOT RIGHT-OF-WAY
EDP	EDGE OF PAVEMENT
SPECTRUM	PROPOSED SPECTRUM
U.E.	UTILITY EASEMENT
FENCE	FENCE LINE
FM	FORCE MAIN
WTR	WATER MAIN
FPL	FPL
CA	FGT MAIN
DIRT ROAD	DIRT ROAD
FGT EASEMENT	FGT EASEMENT
SPECTRUM PROPOSED EASEMENT	SPECTRUM PROPOSED EASEMENT



195 RIGHT-OF-WAY

THREE FOOT
WIDE EASEMENT

WATER VALVE

3+95

195 RIG

DESCRIPTION:
PROPOSED PLACEMENT AND CROSS SECTION OF
SPECTRUM SUNSHINE STATE CABLE ON
550 RIVIERA DRIVE NE PARK (2711411)

LOCATION:
550 RIVIERA DRIVE NE PARK

SCALE:
NOT TO
SCALE

PAGE 3

21 JANUARY 2022

Spectrum
SPECTRUM SUNSHINE STATE
720 MAGNOLIA AVENUE
MELBOURNE, FL 32935
CHRIS LOCKWOOD: 321-757-6518
CHRISTOPHER LOCKWOOD
@CHARTER.COM





550
RIVIERA DRIVE NE
PARK

PUMP
STATION

11+67
TURN WEST
TO FDOT
FENCE

WATER VALVE

11+80
END OF
EASEMENT

CELL
TOWER

195 RIGHT-OF-WAY

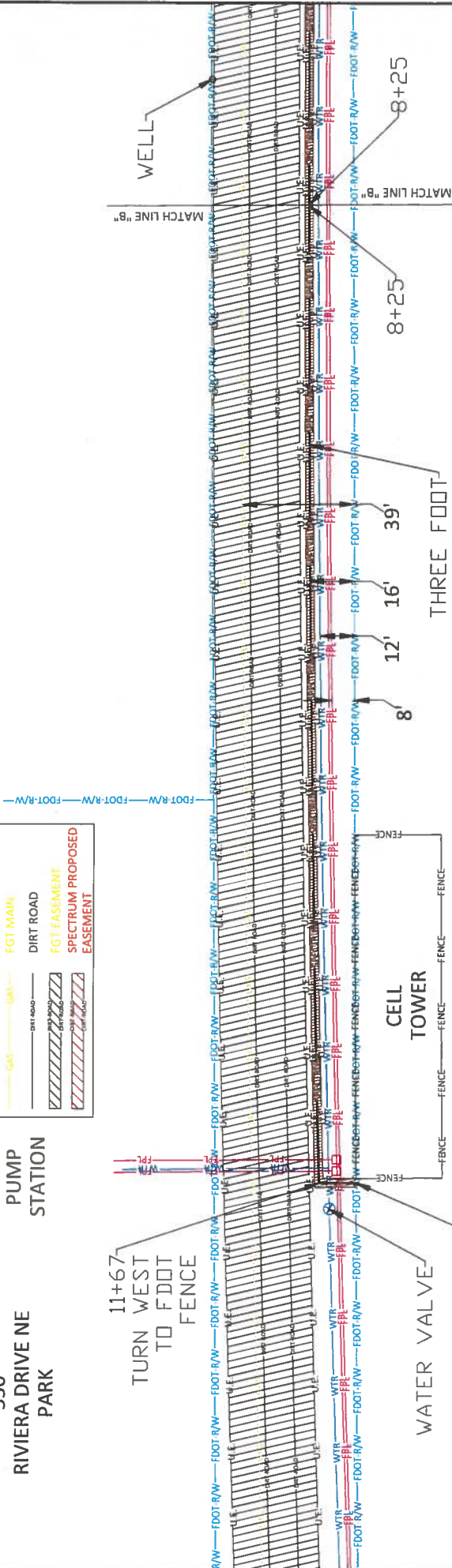
THREE FOOT
WIDE EASEMENT

8+25

8+25

WELL

KEY	
R/W	RIGHT-OF-WAY
FDOT R/W	FDOT RIGHT-OF-WAY
EDGE	EDGE OF PAVEMENT
SPECTRUM	PROPOSED SPECTRUM
U.E.	UTILITY EASEMENT
FENCE	FENCE LINE
FM	FORCE MAIN
WTR	WATER MAIN
FPL	FPL
DIRT ROAD	DIRT ROAD
FGT EASEMENT	FGT EASEMENT
SPECTRUM PROPOSED EASEMENT	SPECTRUM PROPOSED EASEMENT



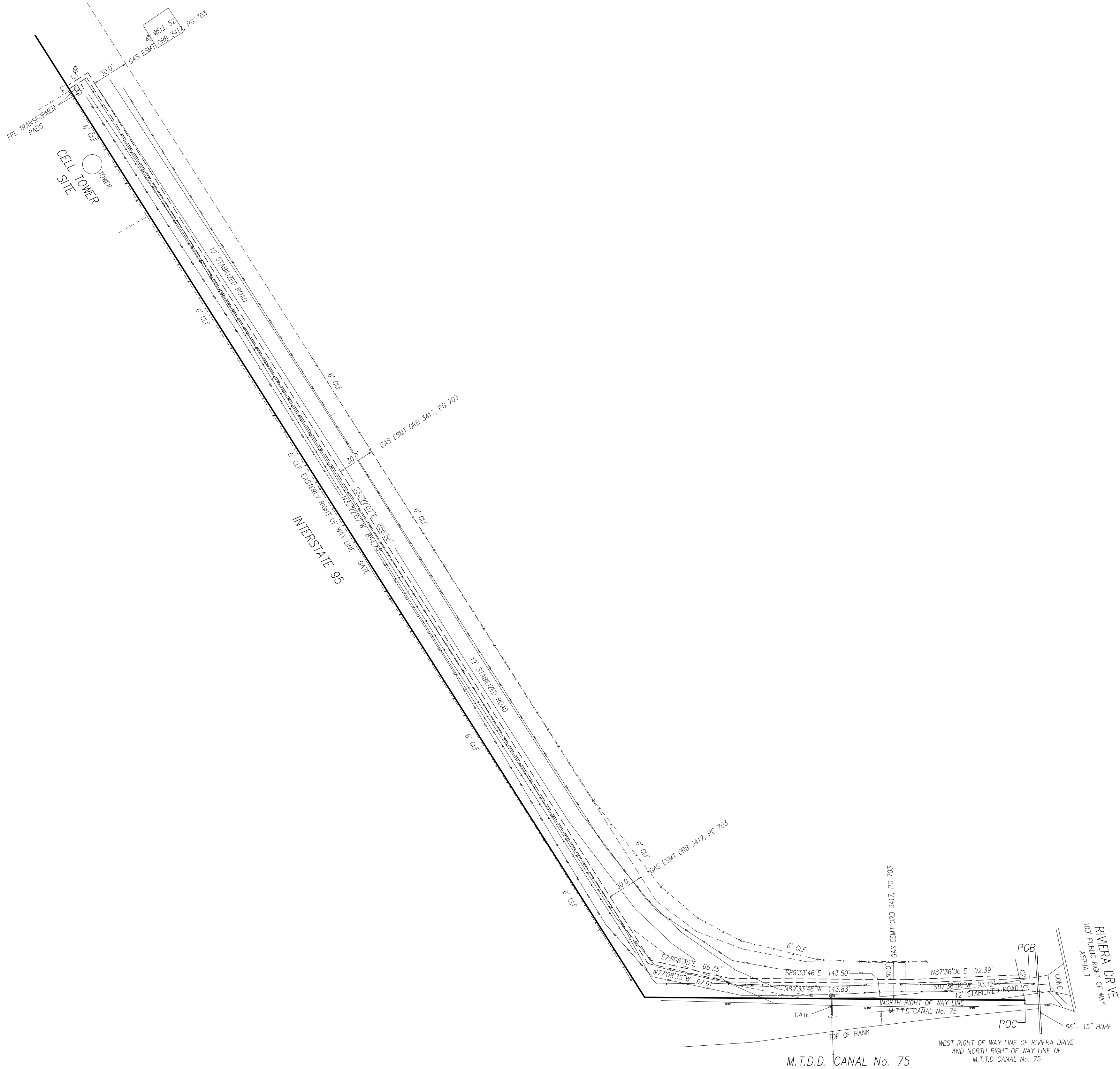
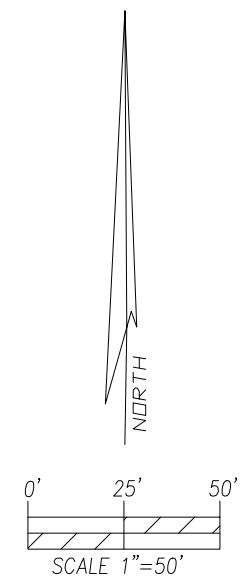
SCALE:	LOCATION:	DESCRIPTION:
NOT TO SCALE	550 RIVIERA DRIVE NE PARK	PROPOSED PLACEMENT AND CROSS SECTION OF SPECTRUM SUNSHINE STATE CABLE ON 550 RIVIERA DRIVE NE PARK (2711411)
PAGE 3	21 JANUARY 2022	

811
Know what's below.
Call before you dig.

SPECTRUM SUNSHINE STATE
720 MAGNOLIA AVENUE
MELBOURNE, FL 32935
CHRIS LOCKWOOD: 321-757-6518
CHRISTOPHER.LOCKWOOD@CHARTER.COM

Spectrum

MAP OF LEGAL DESCRIPTION
NOT A BOUNDARY SURVEY



LEGEND

BM = BENCH MARK
BLK = BLOCK
BLDG = BUILDING
(C) = CALCULATED
CATV = CABLE TELEVISION
CHD = CHORD
CBS = CONCRETE BLOCK STRUCTURE
C/L = CENTER LINE
CLF = CHAIN LINK FENCE
CONC = CONCRETE
CMF = CONCRETE MONUMENT FOUND
COR = CORNER
(D) = DEED
DB = DEED BOOK
DA = DELTA ANGLE
DIST = DISTANCE
ESMT = EASEMENT
ELEC = ELECTRIC
ENC = ENCROACHMENT
ELEV = ELEVATION
FB = FIELD BOOK
FFE = FINISHED FLOOR ELEVATION
FNC = FENCE
FND = FOUND
FP&L = FLORIDA POWER & LIGHT COMPANY
ID = IDENTIFICATION
IPF = IRON PIPE FOUND
IRC = IRON ROD & CAP FOUND
IRF = IRON ROD FOUND
IRS = IRON ROD SET 5/8" GAI LB 7928
LB = LICENSED BUSINESS NUMBER
(M) = MEASURED
NDF = NAIL & DISK FOUND
NDS = NAIL & DISK SET GAI LB 7928
NAD 83 = NORTH AMERICAN DATUM OF 1983
NAVD = NORTH AMERICAN VERTICAL DATUM 1988
O/H = OVERHEAD
OHWM = ORDINARY HIGH WATER MARK
ORB = OFFICIAL RECORDS BOOK
O/S = OFFSET
(P) = PLAT
PB = PLAT BOOK
PCP = PERMANENT CONTROL POINT
PC = POINT OF CURVATURE
PCC = POINT OF COMPOUND CURVATURE
PT = POINT OF TANGENCY
PRC = POINT OF REVERSE CURVATURE
PRM = PERMANENT REFERENCE MONUMENT
PLS = PROFESSIONAL LAND SURVEYOR
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
POL = POINT ON LINE
PUE = PUBLIC UTILITY EASEMENT
PDE = PUBLIC DRAINAGE EASEMENT
PUDE = PUBLIC UTILITY&DRAINAGE EASEMENT
PVMT = PAVEMENT
R = RADIUS
RLS = REGISTERED LAND SURVEYOR
REF = REFERENCE
RGE = RANGE
R/W = RIGHT OF WAY
SEC = SECTION
(SB) = SURVEY BOOK
TWP = TOWNSHIP
TYP = TYPICAL
USC&GS = U.S. COAST & GEODETIC SURVEY
WD = WOOD
WIT-COR = WITNESS CORNER IRS 5/8" GAI LB7928
XCF = CUT MARK FOUND

NOTES:

1. BEARINGS BASED ON SAID PLAT (SEE MAP)
2. ELEVATIONS BASED ON -----
3. FLOOD ZONE "X", MAP NO. 12009C0594G COMMUNITY NO. 120404, MARCH 17, 2014
4. HORIZONTAL CLOSURE MEETS OR EXCEEDS THE ACCURACY FOR SUBURBAN LAND AS PER FLORIDA ADMINISTRATIVE CODE 54-17
5. VERTICAL CLOSURE: NOT APPLICABLE
6. BEARINGS, DISTANCES OR ANGLES SHOWN ARE THE SAME AS PLAT, DEED OR RECORD UNLESS SHOWN OTHERWISE
7. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO:

Spectrum Sunshine State LLC

LEGAL DESCRIPTION:

A 3.00' WIDE EASEMENT DEDICATED TO SPECTRUM SUNSHINE STATE LLC ACROSS A PORTION OF THE PROPERTY RECORDED IN PLAT BOOK 2460, PAGE 1287, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGN AT THE NORTH RIGHT OF WAY LINE OF M.T.D.D. CANAL No. 75 AND THE WEST RIGHT OF WAY LINE OF RIVERA DRIVE; THENCE ALONG THE WEST RIGHT OF WAY LINE RIVERA DRIVE AND ALONG A CURVE TO THE RIGHT, WITH AN ARC LENGTH OF 18.17', A RADIUS OF 1050.00'; A CHORD BEARING OF N 13°51'01" W, WITH A CHORD LENGTH OF 18.16' TO THE POINT OF BEGINNING; THENCE S 87°36'06" W, A DISTANCE OF 93.12'; THENCE N 89°33'46" W, A DISTANCE OF 143.50'; THENCE N 77°08'35" W, A DISTANCE OF 67.91'; THENCE N 32°22'07" W, A DISTANCE OF 854.79'; THENCE S 57°37'53" W, A DISTANCE OF 17.00'; THENCE N 32°22'07" W ALONG THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 95, A DISTANCE OF 3.00'; THENCE N 57°37'53" E, A DISTANCE OF 20.00'; THENCE S 32°22'07" E, A DISTANCE OF 856.56'; THENCE S 77°08'35" E, A DISTANCE OF 66.35'; THENCE S 89°33'46" E, A DISTANCE OF 143.50'; THENCE N 87°36'06" E, A DISTANCE OF 92.39'; THENCE ALONG THE WEST RIGHT OF WAY LINE RIVERA DRIVE AND ALONG A CURVE TO THE LEFT WITH AN ARC LENGTH OF 3.05', A RADIUS OF 1050.00', WITH A CHORD BEARING OF S 13°16'16" E, THE POINT OF BEGINNING.

CALCULATIONS/DRAWN/CHECKED BY: AEG/EGJ/EGK

DESCRIPTION DATE: 28 MAR 22

REVISED DESCRIPTION DATE: 02 MAY 22

GAI Surveyors

L.B. No. 7928

A. EARL CORDON, JR, PSM No. LS 2866
EARL K. GORDON, PSM No. LS 5363

1 OLEANDER ST. COCOA, FL 32922
(321) 806-3908 GAI@CFLRR.COM

CERTIFICATION:

I HEREBY CERTIFY, THAT THE ATTACHED SURVEY WAS DONE UNDER MY DIRECTION AND CONTROL, IN ACCORDANCE WITH THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 54-17, F.A.C. AND THE FLORIDA STATUTES PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

L.S. 5363
STATE OF FLORIDA

EARL K. GORDON, JR., PROFESSIONAL LAND SURVEYOR AND MAPPER
FLORIDA No. LS 5363

BEARINGS BASED ON
NORTH AMERICAN DATUM OF 1983

LINE	BEARING	DISTANCE
L1	S67°37'53"W	17.00'
L2	N32°22'07"W	3.00'
L3	N57°37'53"E	20.00'

CURVE DATA					
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1050.00'	0°59'28"	18.17'	18.16'	N13°51'01"W
C2	1050.00'	0°10'00"	3.05'	3.05'	S13°16'16"E



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Mariano Augello, Chief of Police

DATE: 8/4/2022

RE: Consideration of a letter of support for the Brevard County Sheriff's Office for the Fiscal Year 2022 Edward Byrne Memorial Justice Assistance Grant Program, Countywide Prisoner Transport Program.

In continuation of the Palm Bay Police Department's efforts to support countywide law enforcement initiatives, the Department is seeking Council approval to provide a letter in support of the Brevard County Sheriff's Office's (BCSO) for the FY 2022 Edward Byrne Memorial JAG Program for a Countywide Prisoner Transport Program. Historically, the countywide Prisoner Transport Program has been funded by BCSO's annual JAG allocations as well as supplemental funding budgeted by Brevard County. The Prisoner Transport Program transports arrestees from locations throughout the Brevard County to the County Jail and minimizes local law enforcement agencies sending personnel out of the local jurisdiction thus remaining available to respond to calls for service in their respective areas.

This year's grant allocation for BCSO is \$144,504, and the projected total fiscal impact to the Sheriff's Office for prisoner transport operations is \$470,000. The Sheriff's Office has committed to absorbing the overage for the fiscal impact related to prisoner transport operational costs to continue the important partnership mission between law enforcement agencies in and with Brevard County.

REQUESTING DEPARTMENT:

Police Department

FISCAL IMPACT:

No fiscal impact at this time as all funding, such as anticipated federal grant revenues and operating expenditures, will be maintained by the Brevard County Sheriff's Office.

RECOMMENDATION:

Motion to authorize the Mayor to sign a letter in support of the Brevard County Sheriff's Office for the FY 2022 Edward Byrne Memorial JAG Program for a Countywide Prisoner Transport Program.

ATTACHMENTS:

Description

City of Palm Bay Letter of Support for BCSO Prisoner Transport FY22 JAG Grant 08042022

August 4, 2022

Mr. Cody Menacof
Bureau Chief
Office of Criminal Justice Grants
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

Dear Mr. Menacof,

In compliance with State of Florida Rule 11D-9, F.A.C Brevard County Board of County Commissioners approves the distribution of \$144,504.00 of Federal Fiscal Year 2021/2022 Edward Byrne Memorial JAG program funds for the following projects in Brevard County:

<u>Subgrantee / Implementing Agency</u>	<u>Project Purpose</u>	<u>Amount</u>
Brevard County Sheriff's Office	Prisoner Transportation	\$144,504.00

Sincerely,

Mayor J. Robert Medina
City of Palm Bay
120 Malabar Rd SE
Palm Bay, FL 32907



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Mariano Augello, Chief of Police

DATE: 8/4/2022

RE: Consideration of submitting a grant application for the Edward Byrne Justice Assistance Grant Program for Fiscal Year 2022 Local Solicitation.

On June 22, 2022, the Bureau of Justice Assistance (BJA), within the Office of Justice Programs, opened the application process for the BJA FY 2022 Edward Byrne Memorial Justice Assistance Grant Program – Local Solicitation providing funding from the U.S. Department of Justice. The purpose of the BJA's JAG program is to assist state, local, and tribal law enforcement efforts to prevent or reduce crime and violence. The FY 2022 JAG Program is designed to provide local governments, such as the City of Palm Bay, with additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice. The City of Palm Bay Police Department is a FY 2022 Local Allocation recipient up to the amount of \$31,451.

For the FY 2022 JAG application, the Police Department has requested funding (\$31,451) to purchase a replacement phone system for the Crisis Negotiation Team (current estimated cost is \$32,600). The Palm Bay Police Department Crisis Negotiation Team (CNT) is an eleven (11) member specialty team assigned to respond to and address critical incidents where officer safety and civilian lives are at risk. The current phone system utilized by CNT is over a decade old with limited functionality, it has operated beyond its anticipated service life, and is limited in its deployment capabilities in the event of inclement weather or lack of connectivity. The Police Department's FY2022 JAG request is to purchase a CINT Commander II Negotiations Recording and Control System with accessories and network packaging. This system will provide the latest communications technology to hostage negotiators to enhance the unit's ability to facilitate positive outcomes during in-progress critical incidents.

The funding cycle for the FY 2022 JAG program is October 1, 2022, through September 30, 2025.

REQUESTING DEPARTMENT:

Police Department

FISCAL IMPACT:

The fiscal impact is a revenue of \$31,451 in General Fund Account #001-0000-331-2005 during City of Palm Bay FY2023 for partial reimbursement of the purchases not previously budgeted within G/L Account# 001-5013-

521-6401 (\$32,600). The estimated overage for the purchase (\$1,149) will be funded from within the Police Department's FY2023 operating budget.

RECOMMENDATION:

Motion to approve the application for the BJA FY22 Byrne Memorial Justice Assistance Grant (JAG) – Local Solicitation and authorize the Mayor to sign the FY22 Local JAG CE Certification form which is required to be included in the application submission.

ATTACHMENTS:

Description

City of Palm Bay JAG 2022 Program Narrative 07262022

City of Palm Bay JAG 2022 Budget & Narrative 07262022

City of Palm Bay fy-22-local-jag-ce-certification

CITY OF PALM BAY POLICE DEPARTMENT

2022 Edward Byrne Memorial Justice Grant (JAG) Program

Opportunity ID# O-BJA-2022-171368

Crisis Negotiation Team (CNT) Phone System Project Narratives

The Palm Bay Police Department Crisis Negotiation Team is an eleven (11) member specialty team assigned to respond to and address critical incidents where officer safety and civilian lives are at risk. The ability to successfully handle these high liability incidents is intrinsically linked to the availability and reliability of the equipment and tools these specialty trained personnel have to dissipate the crisis with minimal impact to everyone involved. The phone system currently utilized by the CNT team for negotiation scenarios is outdated and exceeded its typical service life which may result in the system becoming inoperable in the near future. Due to on-going financial challenges associated with the impact of COVID-19 and the economy, local funding to replace the current phone system is unavailable.

Newer CNT phones systems, such as the CINT Commander II which is being requested from 2022 JAG funding, will provide advanced capabilities in the areas of connectivity to all forms of communication (landlines/cell phones/tactical phones), automatic recording, and maintenance of records/logs/personnel assignments during critical incidents. The system includes satellite computer packages with Wi-Fi connection, Tactical Video Phone functionality, and Incident Management software over the course of the five-year warranty.

The collection of data for the 2022 JAG program will include the inventory of all equipment and accessories, log of assignment to the Crisis Negotiation Team Commander during the lifespan of the equipment, and annual reporting on the number of deployments for the phone system.

CITY OF PALM BAY POLICE DEPARTMENT

2022 Edward Byrne Memorial Justice Grant (JAG) Program Local Solicitation

Opportunity ID# O-BJA-2022-171368

Crisis Negotiation Team (CNT) Phone System Replacement Program

Funding requested for this project is to purchase a CINT Commander II Negotiations Recording and Control System with accessories and network packaging for the Palm Bay Police Department Crisis Negotiation Team. Budget Computation is defined as the cost for the individual equipment multiplied by the quantity requested (one unit of each to build a fully functioning CNT phone system).

Equipment	Budget Computation	Cost
CINT Commander II	\$14,600 x 1 Unit	\$14,600.00
Satellite/Network Packaging for CINT Commander II	\$4,000 x 1 Unit	\$4,000.00
Tactical Video Phone for CINT Commander II	\$14,000 x 1 Unit	\$14,000.00

Crisis Negotiation Team Phone System Replacement Program Total: \$32,600.00

FUNDING ALLOCATIONS

Federal Funding (JAG Award): \$31,451

Local Funding: \$ 1,149

TOTAL PROGRAM ALLOCATION: \$32,600

BUDGET NARRATIVE

The Palm Bay Police Department will utilize the 2022 JAG Grant Funding to purchase a CINT Commander II phone system. This Negotiations Recording and Control System will be issued to the Crisis Negotiations Team (CNT) for the Palm Bay Police Department to provide enhanced communications between negotiators and citizens during critical incidents where the potential for loss of life is at its greatest. The newly purchased CNT phone system will replace outdated equipment currently utilized by the CNT team that has limited functionality and reliability due to its technology being over a decade old.

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

Edward Byrne Justice Assistance Grant Program FY 2022 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2022 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

Signature of Chief Executive of the Applicant Unit of
Local Government

J. Robert Medina

Printed Name of Chief Executive

City of Palm Bay

Name of Applicant Unit of Local Government

Date of Certification

Mayor

Title of Chief Executive



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Mariano Augello, Chief of Police

DATE: 8/4/2022

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

The Police Department would like for Council to acknowledge and approve travel as noted below:

Lieutenant Cliff Graves and Sergeant Shane Mertens will be traveling to Nashville, TN August 23, 2022 – August 26, 2022, to attend the Law Enforcement Tactical Training Conference and Expo. This training focuses specifically on demonstrations, hands-on training, practical experience - practices and procedures in the SWAT – Special Operations. This training will be held approximately 758 miles away. The Registration Cost is estimated at \$798.00, the Lodging Cost is estimated at \$676.00, The Parking Cost is estimated at \$64.00, The Airline/Baggage Cost is estimated at \$840.00, the Car Rental is estimated at \$152.00, and the per diem is estimated at \$780.00 with an approximate total of \$3,310.00. This will be paid out of the Specialty Services Division Account (5016).

The following training and travels are a budgeted allocation within the Police Department's FY23 operating maximum. All expenditures for these trips will be charged to the respective line items in the FY23 budget after October 1, 2022.

Agent Thomas Baker and Agent Tony Williams will be traveling to Jacksonville, FL October 2, 2022 – October 7, 2022, to attend the Undercover Drug Enforcement Techniques course. This training focuses specifically on training the undercover officer specifically on legal, operational and officer safety issues, both role playing and actual field exercises will be conducted in the class. This training will be held approximately 173 miles away. The Registration Cost is estimated at \$1,590.00, the Lodging Cost is estimated at \$595.00, and the Per Diem is estimated at 460.00 with an approximate total of \$2,645.00. This will be paid out of the Investigation Division Account (5013).

Detective Ken Shedrick will be traveling to Jacksonville, FL October 10, 2022 – October 12 2022, to attend the Suicide Investigations course. This training focuses on training the investigator to overcome issues specific to self-inflicted deaths, classroom lecture and "case analysis" exercises will be used to teach the proper steps to take during the investigation process. This training will be held approximately 173 miles away. The Registration Cost is estimated at \$495.00, the Lodging Cost is estimated at \$238.00, and the Per Diem is estimated at

\$92.00 with an approximate total of \$825.00. This will be paid out of the Investigation Division Account (5013).

Crime Analyst Dawn Strickland and Crime Analyst Jessica Welzenbach will be traveling to Orlando, FL November 6, 2022 – November 11, 2022, to attend the Coalition of Law Enforcement and Retail's (CLEAR) Conference. This conference focuses specifically on any updates or new training that is available for agencies specifically on property crimes, trends, investigative tactics, and legislative topics. This training will be held approximately 76 miles away. The Registration Cost is estimated at \$498.00, the Lodging Cost is estimated at \$588.00, the Parking Cost is estimated at \$80.00, and the Per Diem is estimated at \$614.00 with an approximate total of \$1,780.00. This will be paid out of the Investigation Division Account (5013).

Sergeant Christopher Snedeker and Detective Ken Shedrick will be traveling to Lake Mary, FL November 14, 2022 – November 18, 2022, to attend the National Homicide Investigators Association (NHIA) Conference. This conference focuses specifically on any updates or new training that is available for agencies specifically on responding to and investigating cases of homicides and unexplained deaths. This training will be held approximately 91 miles away. The Registration Cost is estimated at \$700.00, the Lodging Cost is estimated at \$590.00, and the Per Diem is estimated at \$690.00 with an approximate total of \$1,880.00. This will be paid out of the Investigation Division Account (5013).

Crime Scene Technician Ashlie Fisch will be traveling to Pensacola, FL December 4, 2022 – December 10, 2022, to attend the Crime Scene Investigator (CSI) Certification Test Prep Course and Test. This training focuses specifically on preparing the student to pass the crime scene certification level examination with extensive review of the material, the CSI Certification Test will be administered at the end of the course. This training will be held approximately 521 miles away. The Registration Cost is estimated at \$435.00, The IAIA Certification Cost is estimated at \$300.00, the Lodging Cost is estimated at \$714.00, and the Per Diem is estimated at \$316.00 with an approximate total of \$1,765.00. This will be paid out of the Investigation Division Account (5013).

Corporal Matthew Boggess, Detective Chad Kirk, and Detective Carlos Sanchez will be traveling to Miami-Dade, FL December 11, 2022 – December 16, 2022, to attend the Police Medicolegal Investigation of Death Course. This training focuses specifically on teaching new and experienced homicide investigators criteria about different types of sudden, unexpected, and violent deaths, to include legal aspects of preparing for and testifying in cases involving death. This training will be held approximately 168 miles away. The Registration Cost is estimated at \$2,700.00, the Lodging Cost is estimated at \$1,150.00, the Parking Cost is estimated at \$122.00, and the Per Diem is estimated at \$888.00 with an approximate total of \$4,860.00. This will be paid out of the Investigation Division Account (5013).

REQUESTING DEPARTMENT:

Human Resources

FISCAL IMPACT:

The total cost of travel is estimated at \$17,065.00 and is available in the Police Department's FY22 budget within G/L account 001-5016-521-4001 (\$2,512), and 001-5016-521-5501 (\$798); and is available in the Police Department's FY23 budget within G/L account 001-5013-521-4001 (\$7,337); and 001-5013-521-5501 (\$6,418).

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

THRU: Greg Minor, Director of Parks and Facilities Department

DATE: 8/4/2022

RE: Consideration of travel and training for specified City employees (Parks and Facilities Department).

Each year the Parks and Facilities Department sends several members of staff to the Florida Recreation & Park Association (FRPA) Annual Conference and Expo. Conference attendance is required for staff to maintain professional certifications. It also provides the opportunity to learn about new innovations available and network with fellow Parks and Recreation Professionals. This year the conference is held on August 29 – September 1, 2022 in Orlando, Florida. The Department would like to send two (2) staff members (Peter Burghardt and Josh Hudak) to the Conference, which consists of two (2) full registrations, including multiple classes for continuing education hours to maintain current certification. The registration for both individuals will total \$750. Lodging is estimated to be \$427 per person, totaling \$854. The estimated per diem is \$245 per person, totaling \$490. The approximate total cost for travel is \$2,094 for both staff members.

REQUESTING DEPARTMENT:

Parks and Facilities

FISCAL IMPACT:

The approximate cost for two staff members to attend the FRPA 2022 Annual Conference is \$2,094.00. Funds for this conference are included in the FY 2022 adopted budget, specifically in Department's training account, #001-4526-519-5501.

RECOMMENDATION:

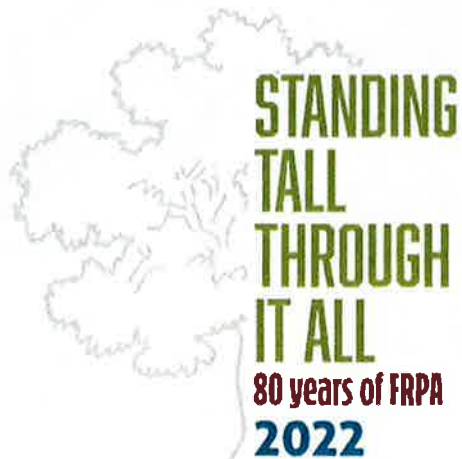
Motion to approve travel and training for specified Parks and Facilities staff members for the FRPA 2022 Annual Conference.

ATTACHMENTS:

Description

Travel Request backup

TA- Travel Backup



FRPA

FLORIDA RECREATION
& PARK ASSOCIATION

ANNUAL CONFERENCE

AND EXHIBIT HALL

AUGUST 29 - SEPTEMBER 1, 2022

**THIS BROCHURE IS FULLY INTERACTIVE!
CLICK ON LINKS WHERE INDICATED TO GET YOU WHERE YOU WANT TO GO.**

Caribe Royale Orlando
8101 World Center Dr, Orlando, FL 32821



QUICK LINKS

Click the title to be taken to that section.

- 2 CONFERENCE LOCATION/HOUSING
- 3 SCHEDULE
- 4 GOOD TO KNOW
- 6 VOLUNTEER
- 6 AWARDS AND INSTALLATION BANQUET
- 7 TR INSTITUTE
- 7 EVENT APP
- 8 SERVICE PROJECT
- 8 SOCIALS
- 9 EXHIBIT HALL
- 10 GENERAL SESSIONS
- 11 HIGHLIGHTS
- 12 SPONSORS
- 13 FITNESS
- 13 CONNECT
- 13 THANK YOU VIPS
- 14 EDUCATION SESSIONS
- 33 REGISTRATION INFORMATION AND FORMS

DATES TO REMEMBER

JULY 27*

Last day for FRPA room block rates at host hotel
*or until room block is full

JULY 31

Early Registration Deadline
Last day to request refund
(minus \$50 admin fee)

AUG 10

Last day to mail in registration paperwork
Final day to request refund
(minus \$75 admin fee)

CONFERENCE HOUSING



CARIBE ROYALE ORLANDO

**8101 World Center Dr.
Orlando, Florida 32821**
Nestled on 53 lush, tropical acres, the Caribe Royale offers its guests spacious, well-appointed one-bedroom suites, luxurious two-bedroom lakeside villas and a wealth of desirable hotel amenities all conveniently located near Orlando's most popular attractions.



In addition:
NEW Meeting Space!
Connected Suites | Onsite
Dining | Three Outdoor
Swimming Pools | Two Hot
Tubs | Private Pool for Villa
Guests | Luxurious Cabanas
Gift Shop | Tennis and
Basketball Courts
Fishing | Fitness Room



Room Rates

(+ taxes) per night.

\$149 - single/double room

The Resort fee is waived. Rates
are available until **July 27, 2022**.

Self Parking is \$14 per exit
(payable by card only) for those
not staying onsite. Valet parking
is \$20/night.

RESERVATIONS

RESERVATIONS LINK

All attendees are responsible for making their own reservations by calling Caribe Royale Reservations (1-800-823-8300 or 407-238-8000 - mention FRPA) or online at: <https://book.passkey.com/e/50301960>

Please beware of housing scams. Only book your hotel through the number or website that have been provided. Third party providers do not have access to discounted or waived fees. The rates we've negotiated include all fees.

SCHEDULE

Sunday, August 28

4:00 p.m. - 7:00 p.m.
3:00 p.m. - 6:00 p.m.

Registration Open
FRPA Board Meeting

Monday, August 29

7:00 a.m. - 10:15 a.m.
8:00 a.m. - 10:15 a.m.
10:30 a.m. - 12:00 p.m.
12:30 p.m. - 6:00 p.m.
1:00 p.m. - 5:00 p.m.
5:30 p.m. - 9:00 p.m.

Registration Open
Breakout Sessions
Opening General Session
Registration Open
Breakout Sessions
Exhibit Hall Grand Opening
& Spooky Social

Tuesday, August 30

7:00 a.m. - 12:00 p.m.
8:00 a.m. - 9:00 a.m.
9:00 a.m. - 12:00 p.m.
11:15 a.m. - 1:15 p.m.
12:30 p.m. - 4:00 p.m.
1:15 p.m. - 5:00 p.m.

Registration Open
Breakout Sessions
Exhibit Hall Open
Director's Luncheon*
Registration Open
Breakout Sessions

Wednesday, August 31

7:00 a.m. - 11:00 a.m.
8:00 a.m. - 11:30 a.m.
11:45 a.m. - 2:30 p.m.
2:45 p.m. - 5:45 p.m.
2:30 p.m. - 6:00 p.m.
5:30 p.m. - 7:30 p.m.
8:00 p.m. - 11:00 p.m.

Registration Open
Breakout Sessions
Awards and Installation Banquet
Breakout Sessions
Registration Open
FRPA Board Meeting
CLUB 80 Social

THURSDAY, SEPTEMBER 1

7:00 a.m. - 9:00 a.m.
8:00 a.m. - 10:15 a.m.
10:30 a.m. - 12:30 p.m.

Registration Open
Breakout Sessions
Closing General Session

*extra registration required

GOOD TO KNOW

The Annual FRPA Conference is a gathering of recreation and park professionals for a time of learning, connecting, and creating memories. Conference serves as a concentrated period of time to get away from the office or field and immerse yourself in all things relating to parks and recreation. This year the theme is "Standing Tall Through It All". To celebrate FRPA's 80th anniversary, the theme incorporates the majestic oak as a traditional symbol of 80 years. As we recognize this anniversary, we also recognize the park and recreation profession that has stood the test of time, much like the oak tree; always steady and unwavering and providing comfort and stability in times of unrest.

The Conference Committee reserves the right to re-schedule, cancel and add courses to the Conference Program. Every effort is made to minimize changes. In the event of a change, those who have pre-registered for sessions affected will be notified. You are strongly encouraged to pre-register in order to assure you are contacted with program changes. Once on-site you will receive an up-to-date conference program, which you should utilize to confirm your selected activities. You can also download the FRPA Event app to always have the most updated schedule at your fingertips.

Who Should Attend

Delegate registration is for personnel employed by public or private agencies providing recreation, park, or leisure services; persons employed as educators at universities and colleges; fully retired park and recreation professionals; citizens serving on Recreation, Parks, or Leisure Services Advisory Boards; or citizens interested in or involved in the promotion of the parks, recreation, and leisure services profession. Individuals employed by a company offering support services, equipment, consulting, etc. to park and recreation departments are considered commercial vendors. Commercial vendors must have an exhibit booth or be a major conference sponsor to attend any conference event, education session or social activity. For more information about sponsorships, contact us at 850-878-3221.

Refunds/Cancellations

All requests for refunds must be submitted in writing to the FRPA Executive Office and must be received no later than July 31, 2022 in order to receive a refund less a \$50 administrative fee. All refund requests received between August 1 and August 10 will be assessed a \$75 administrative fee. No refunds will be made after August 11, 2022. No exceptions including but not limited to: no shows, traffic delays, weather, other natural disasters, last minute changes in agency travel policies, and budget restrictions resulting in limitations on travel. Please be aware that where there is buffet food service, such as the opening of the exhibit hall, you are encouraged to attend early. While we attempt to project the amount of food needed, we cannot project the amount of food consumed by delegates.

GOOD TO KNOW

Meals

Full Registration package includes:

Monday Grand Opening of the Exhibit Hall: light evening hors d'oeuvres

Tuesday Exhibit Hall: light breakfast items

Wednesday Awards and Installation Ceremony: full lunch

All events that include food require a ticket. Tickets to all events are included in full registration. Lost tickets will not be replaced. If you desire to purchase a ticket to the Exhibit Hall or Awards Banquet, you may do so in Section 4 of the Registration Form. Return it by the stated deadline. Please be aware that Awards and Installation Ceremony tickets will only be available for purchase through August 10. For more information see page 6.

Service Modifications

If you request modification to any policies, practices, or procedures outlined in this packet, please let us know as soon as possible to allow for planning by sending an email with requests to eleanor@frpa.org by August 1, 2022.

Attire

Conference activities take place indoors. As some rooms tend to be chilly, you may want to be prepared with a sweater or jacket. Attendees are expected to dress in business casual clothing with the exception of the Awards Banquet on Wednesday. This particular event is business attire. (No jeans, please!)

Children

Conference events are not intended for children. No one under 18 will be permitted entry to socials or exhibit hall functions.

Nursing Mothers

The FRPA Conference is breastfeeding friendly! Please let us know if you are a nursing mother in need of a private room.

First Timers

If this is your first conference, we are so glad to have you join us! Be sure to check out the class [Conference GPS](#) on Monday morning to help you get oriented to all that conference has to offer, as well as meet some key leadership with FRPA.

Below are some helpful tips:

- Watch for pre-conference emails coming to your Inbox leading up to conference
- Sign up for a Conference Buddy on the registration forms! They will help you navigate Conference.
- Download the [FRPA Events App](#)
- Make use of the [Conference Planner](#) to plan out what you will be attending
- Respond to the email we send you confirming your Banquet attendance
- Connect with us on social media ([see page 13](#))
- Go to frpa.org/conference/confgeneral/first-time for more tips!

HELLO
I am

New!

VOLUNTEERS

Volunteers make conference happen. Without you we wouldn't have Verification Officers, Socials, Registration, Check-In and more. Volunteering is also a great way to engage with your professional association. You meet new people, network and learn first-hand what goes on behind the scenes. You will be in charge of your volunteer schedule through the FRPA SignUp.com website. You can preview and sign up for volunteer spots by clicking the "volunteer" button below. The Conference could not come to fruition without hundreds of hours of volunteer time. We truly appreciate your giving back to FRPA.

VOLUNTEER

<https://signup.com/go/XAaOfxy>

AWARDS AND INSTALLATION BANQUET

Wednesday, August 31st @ 11:45 a.m.

The Annual Awards and Installation Banquet is a time to come together as a professional group and recognize those who are excelling in the field. It is also an opportunity to acknowledge and meet the incoming Board of Directors. This luncheon is included in full registration and Wednesday daily registration. Additional tickets are available for purchase through August 10. See Section 4 on the Registration Form. You will receive an email confirming your attendance before conference. **You MUST respond to the email to obtain a banquet ticket upon check in at the conference.** Dress for the luncheon is business dress-no jeans or shorts.

The FRPA Award Nomination cycle takes place during the months of March and April each year.

FRPA AWARDS WEBPAGE



THERAPEUTIC RECREATION INSTITUTE

The Florida Recreation and Park Association is pleased to host the Annual Therapeutic Recreation Institute. The 2022 Institute will bring together professionals from across TR/RT service delivery areas for two and a half days of education and networking. Share best practices, generate new programming and treatment ideas, and explore ways we can work together to strengthen our profession. Presenters with a wide variety of expertise in mental health, physical rehab and community-based programming will provide a solid offering of CEUs that will inspire all attendees to return to their jobs with new ideas and tools for success. Sessions on Monday, August 30 will overlap with the annual FRPA State Conference and therefore TR Institute attendees are invited to take advantage of additional CEU opportunities being offered Monday afternoon. You are also invited to attend the Opening General Session. Registration fees include all educational sessions and CEU transcripts. Register before August 1st for the \$200 early bird registration rate.

MORE INFORMATION

<http://www.frpa.org/conference/tr>

SESSIONS INCLUDE

Be a Trail Blazer Using Evidence Based Practice

The Use of Horticulture Therapy in TR Practice
Aromatherapy 101: Get the "Essentials" on Using Essential Oils

Assess for Success: Utilizing Standardized Assessments

Come Sail Away

Therapeutic Benefits of Botanical Gardens

NCTRC Internship Standards

Yoga for Chronic Pain

FRPA EVENT APP



Available on iOS and Android devices for free For in-depth instruction visit <https://bit.ly/2PX0f2y>

1. Search 'EVENTSENTIAL' in your app or play store
2. Download to your phone or tablet
3. Search for "FRPA" and add the event to your phone
4. Enter the email address you used to register for conference
5. Begin enjoying all the features!

App Features

- Build your own schedule from the classes that have been pre-loaded for you to choose from
- Receive up-to-date news and information right on your device
- Access maps to help you get around
- Explore the exhibit hall map and make a plan of who to visit
- Access information about speakers and presenters
- Never miss an event with notifications on your device
- Connect with other delegates
- Become familiar with the sponsors that help make conference a success



We are THANKFUL TO GREENFIELDS FOR THEIR SUPPORT OF THE FRPA App!

SOCIALS

MONDAY



Exhibit Hall Spooky Social

The Exhibit Hall has been taken over by some spooky spirits! Join us for a round of trick or treating, costume contests, and more! Prizes for costumes will be given in the following categories:

Scariest
Most Creative
Best Couple
and
Funniest

Attendees will also get to vote on the best "BOO-th" that decorates with the theme in mind.

WEDNESDAY



CLUB 80

We want you to want this. Come celebrate FRPA's 80th birthday with a rad party. Enjoy

The Bay Kings Band as we dance the night away!

Start planning now to dress as your favorite crew from the 80s. Some ideas to get you thinking:

The Golden Girls
ET and friends
Simpsons
M*A*S*H

Prizes will be given away to the winning group and any group that dresses up will get to walk the red carpet!

SERVICE PROJECT

The Young Professionals Workgroup will be putting the Service Project details together and we will send that out to you soon.

ANNUAL TRADESHOW & EXHIBIT HALL (&SPOOKY SOCIAL!)

FRPA is able to offer this high quality conference at such an affordable price because of the support of the commercial companies who exhibit in the Trade Show. For more information about Exhibiting at the FRPA Annual Conference please visit frpa.org/conference/confexhibitor.

GRAND OPENING - MONDAY - 5:30 - 9:00 PM

CLOSING HOURS - TUESDAY - 9:00 AM - 12:00 PM



Connect with vendors representing products and services in these areas:

Landscape Architects Recreation Equipment Recreation Software Weather Monitors Ticketing Shade and Awnings Event Supplies Hardscapes Prefabricated Structures Conservation Playgrounds Consultants Non-Profits Aquatics Supplies Construction Sports Equipment Entertainment Fireworks Sports Lighting and more!

DIRECTOR'S LUNCHEON

Tuesday, August 30 | 11:15 am - 1:15 pm

The Director's Luncheon is a time set aside just for Directors of Park and Recreation Departments to come together and discuss trends, share new ideas, and network. An extra fee is required to participate in this luncheon ([see section 4 on the registration forms](#)).



GENERAL SESSION SPEAKERS

Opening General Session



WHOLLY SHIFT: COMPLETELY CHANGING THE CONVERSATION ON BIAS, DIVERSITY, PRIVILEGE AND INCLUSION USING BRAIN SCIENCE

Eric M. Bailey

Bailey Strategic Innovation Group

This is going to feel different. After the murder of George Floyd in the summer of 2020, millions of people around the world began entering into a dialogue about race and racism in America. FRPA understands the importance of this dialogue, but also understands that many folks may not know where and how to enter into the conversation. Leveraging Harvard Business School research entitled, "Why Diversity Training Doesn't Work," we will explore the practical brain science and psychology to navigate this critical conversation. We will create a space where we can safely share our questions, opinions, and experiences authentically, listen and learn from one another, and continue the process of productive dialogue in our organizations.

LEARNING OBJECTIVES:

- Understand why diversity training does not work.
- Explore the practical brain science and psychology to navigate the critical conversation about race and racism.
- Learn from others on how to have productive dialogue within and outside of our agencies.



Closing General Session

STAY ALIVE ALL YOUR LIFE!

Michael Ivanov

Motivational Speaker, SpeakLife365.com

Through Michael's story-telling, stage props, and personal anecdotes, attendees will learn 11 core principles for extraordinary leadership and living by understanding the power of purpose. Attendees will be empowered to lead from the heart, re-ignite their passions, and will be equipped to handle circumstances along the journey to an EXTRAORDINARY LIFE!

LEARNING OBJECTIVES:

- Learn the core principles for creating a powerful VISION for life and business that will underline critical personal capabilities.
- Gain deep insights into the habits, competencies and mindsets that shape the IDENTITY of extraordinary people of impact.
- Understand how your established VISION and redefined IDENTITY will set your life and business on an inevitable path for impact based on the choices you make and the ACTIONS you take.



2022 HIGHLIGHTS

looking forward to a great week!

CELEBRATING THE PROFESSIONAL

The FRPA Membership Committee is planning some great, interactive experiences for you, whether you're a member or not! The main attraction will be the *Meet me in the Park* area where you can plan to meet up with friends, new and old; make arrangements to play basketball or take a walk; connect with other professionals with similar interests; or leave a note for a new member, encouraging them in the field. Look for more information about this in upcoming newsletters and at Conference.

SPOOKY SOCIAL AT THE OPENING OF THE EXHIBIT HALL

The ghouls have taken over the Exhibit Hall this year! Exhibitors have been encouraged to decorate their booths and pass out candy to everyone who participates in the Exhibit Hall. Since the Monday evening Social will coincide with the Exhibit Hall, attendees are encouraged to dress up! There will be a costume contest for delegates and a Best "Boo"-th contest for Exhibiting companies. See page nine for more information.

CEUs FOR YOUR AFO CERTIFICATION

The aquatics courses offered throughout the week outlined below have been approved for AFO CEUs per NRPA as follows:

Group A

Aquatic Center Design Glitches & Building Blunders

Practical Landscape Planning for Aquatic Facilities

What is the MAHC and Why Should It Matter

Keeping an Old Outdated Pool Operating

Group B

Foundations of a Strong Aquatics Program

Adaptive Learn to Swim Challenges, Trends and Evidence

Adapted Aquatics Bridging the Gap

Motivating Your Team to Provide Exceptional Customer Service

Fifteen Fantastic First Aid Activities

Incidents, Accidents & Forms

Fundamentals of Managing Risks in Parks and Recreation

Building a Bridge Between Aquatics and Administration

Choosing an Aquatics Certification Organization

Young Professionals

The Young Professionals group will be hosting the Monday evening social and the "Hey Young Professional" session on Monday at 8:15am. Don't miss out on these opportunities to connect with others!

FRPA
young professionals

2022 CONFERENCE SPONSORS



AWARDS VIDEO



NAME BADGES



OPENING SESSION



SOCIALS



SOCIALS



NEWSLETTER



MOBILE EVENT APP



OPENING SESSION



DIRECTOR'S LUNCHEON



DELEGATE BAGS



AWARDS PROGRAM



TRICK OR TREAT BAGS



CONFERENCE SPONSOR



SOCIAL DECOR



CLOSING SESSION



SOCIALS

THANK YOU TO OUR 2022 CONFERENCE SPONSORS!

WELLNESS OPPORTUNITIES

FUN RUN/WALK

Join us for a fun run or walk on Tuesday morning at 6:30am! Other opportunities will be posted in the Meet Me in the Park area at Conference.

CONNECT WITH FRPA



[@ItStartsInParks](#)
[@FloridaRecreation](#)
[andParkAssociation](#)



[@ISIParks](#)
[@FRPA](#)



[@ISIParks](#)
[@frpagram](#)

VERY IMPORTANT PARTNERS

FRPA extends our sincere appreciation to our Very Important Partners. Because of the continued generosity of these companies, we are able to bring you enhanced member services throughout the year. Thank you to Dominica Recreation Products, Greenfields Outdoor Fitness, Musco Lighting, and Rep Services, Inc.

PLATINUM VIP LEVEL



Promoting Wellness & Fighting Obesity One Community at a Time.

VIP LEVEL



We Make It Happen.



REP SERVICES, INC.
Experts at Play & Outdoor Spaces

EDUCATION SESSIONS

Due to frequent changes in the availability of speakers and space available in the Conference Center in relation to measures being taken to ensure the safety of attendees, education sessions may be withdrawn from the agenda.

CEU POLICY: To earn Continuing Education Units (CEUs), delegates must attend the entire session. There is no exception for late arrivals. Plan your travel to arrive at the session at least 10 minutes prior to its beginning. FRPA maintains records for members who participate in FRPA CEU courses. **YOU MUST SIGN IN AND COMPLETE THE EVALUATION TO RECEIVE CREDIT.** Non-Members desiring proof of attendance will need to pay the transcript fee noted on the Registration Form in Section 3.

Monday



8:00 AM - 9:00 AM | 0.1 CEUs **A HIGHER LEVEL OF INCLUSIVE PLAY**

Jill Moore
Inclusive Play Specialist,

Landscape Structures

The playground should be a place for everyone to experience laughter, friends, and fun - however traditional design focuses on minimal physical access, not necessarily quality engagement for children with physical or cognitive disorders. Sensory rich play environments develop functional skills, imagination, and social opportunity providing a higher level of inclusive play for all.

LEARNING OBJECTIVES:

- Identify the facts about play - for people with and without disabilities - why play is important to all people.
- Discuss the differences between a play environment that simply meets minimum federal accessibility requirements and one that is fully inclusive.
- Articulate the best practice design elements for inclusive play environments.



8:00 AM - 9:00 AM | 0.1 CEUs **ALL ABILITY PROGRAMMING**

Vanessa Spero
Regional Specialized 4-H

Extension Agent, UF/IFAS Extension 4-H
Persons with disabilities benefit from the experiences, opportunities, and engagement that tailored programmatic efforts offer. By learning more about the culture of the disability community, this session will assist sites in developing programming to meet the needs in their communities.

LEARNING OBJECTIVES:

- Gain a greater awareness and understanding of the culture of the disability community.
- Identify how to recognize the needs of the disability community and find available resources to assist your organization.
- Learn how to plan programs that

can assist persons with disabilities.



8:00 AM - 9:00 AM | 0.1 CEUs **CONFERENCE GPS**

Danielle Pearson
Recreation Supervisor III, Delray

Beach Parks and Recreation

Welcome to FRPA Conference 2022! During this session you will receive tips on planning your educational sessions, navigating around the conference area, networking at the socials & other classified information to get you through your first conference successfully.

LEARNING OBJECTIVES:

- Discuss acceptable conference etiquette and practices.
- Identify ways you can maximize the conference week with education, networking and resource sharing.
- Learn your way around the conference and answer some frequently asked questions.



8:00 AM - 9:00 AM | 0.1 CEUs **FOUNDATIONS OF A STRONG AQUATICS PROGRAM**

Shawn DeRosa J.D.

Owner, DeRosa Aquatic Consulting
Many aquatic programs have been around for decades and may even be well attended. But what differentiates a strong aquatics program from one that merely has high attendance numbers? Come discuss what elements you believe contribute to a strong aquatics program and see if your program measures up to that of your peers!

LEARNING OBJECTIVES:

- Identify core elements of aquatic programming.
- Review standards of care that apply to lifeguards.
- List three critical goals of in-service training.

8:00 AM - 9:00 AM | 0.1 CEUs **PLAN, ENGAGE, UPDATE: GETTING YOUR COMMUNITY TO BUY-IN**

Vianca Peron-Sellan MPA

Administrative Services Manager, Miami Beach Parks and Recreation

Erin Sullivan

Director, Doral Parks and Recreation

Each community has a different approach when it comes to involving their stakeholders in the decision-making process. Whether this is something your community has been doing for years or you want to find new ways to strengthen your department's community engagement, this session is for you. The session will review different ideas surrounding planning your approach, actively engaging your stakeholders and best ways to showing them you listened and implemented. Also learn the benefits of gathering public input and how far it can take your project or program in the long run.

LEARNING OBJECTIVES:

- Discuss the importance of engaging your community in your projects and programs.
- Identify the steps to successfully planning your community buy-in.
- List examples on how to have your stakeholders communicate their input to you.



8:00 AM - 9:00 AM | 0.1 CEUs **THE IMPACT OF RETROFITTING SPORTS LIGHTING**

Greg Brown

Parks, Planning and Athletics Manager, Hillsborough County Parks and Recreation



Bob DeCouto

Central Florida Representative, Musco Lighting



Tim Imhoff

South Florida Representative, Musco Lighting



Rick Valdez

Director, Hillsborough County Parks and Recreation

Replacing outdated metal halide technology with LED provides municipalities the ability to reduce the impact of sports lighting in the community. Musco will present case studies that will look at how energy and maintenance

EDUCATION SESSIONS

savings free up dollars for other uses and how technology can reduce the impact on neighbors, spectators while improving player experience.

LEARNING OBJECTIVES:

- Learn questions to ask when evaluating the impact of replacing lights.
- Learn how to provide justification for replacement of sports lighting.
- Recognize critical areas of concern when considering replacing sports lighting.



8:00 AM - 10:00 AM | 0.2 CEUs
BECOMING A PERSON OF INFLUENCE
Marie Knight
Owner, Knight Leadership Solutions

Leadership is all about influence. Wherever you are in your career, you can increase your impact on others by learning the principles of influence. Creating positive influence will not only be a catalyst to your own success, it will become the legacy you will leave behind. In this course, we will go through John C. Maxwell's principles of influence.

LEARNING OBJECTIVES:

- Understand why influence is the single most important aspect of leadership, and how to use your influence to grow a great team.
- Learn about the importance of listening, understanding, connecting, and nurturing your team and how it will make you a better leader.
- Understand that serving, empowering, and navigating for your team will help you grow great future leaders.

8:00 AM - 10:00 AM | 0.2 CEUs

OPPORTUNITIES FOR ADAPTIVE SPORTS IN YOUR COMMUNITY

Mary Cales CTRS, MA

Supervisor of Adaptive Sports, Hillsborough County Parks and Recreation

Saige Garber CTRS

Recreation Program Assistant Supervisor, Hillsborough County Parks and Recreation

Sheila Hill

Adaptive Recreation Specialist, Hillsborough County Parks and Recreation

The world of Adaptive Sports is growing, and the need is becoming more recognized, but where do athletes get started in adaptive sports? It is more relevant now than ever to provide adaptive sports programming to athletes of all ability levels. This session will identify the need of adaptive sports in your community and how to start a program. Be prepared for a hands-on experience with the Hillsborough County Adaptive Sports team, as we highlight some of our favorite sports!

LEARNING OBJECTIVES:

- Recognize the need of an adaptive sports program in your community.
- Identify grant and funding opportunities available to start an adaptive sports program. List a variety of adaptive sports opportunities that meet your community's needs and highlight some key steps in programming.



8:15 AM - 10:15 AM | 0.2 CEUs

HEY YOUNG PROFESSIONAL...THIS ONE'S FOR YOU!

Sarah Good

Recreation Supervisor, Sarasota County Parks, Recreation and Natural Resources

Sara Pinamonti

Recreation Program Supervisor, Largo Recreation, Parks & Arts

This round table discussion is for young professionals and will provide you the opportunity to talk to leaders in the field. Hear advice that will help advance your career or overcome challenges. The floor is yours to ask whatever questions you may have while leaders share their tips and tricks. FRPA's Young Professional workgroup members will also be sharing upcoming information for the year.

LEARNING OBJECTIVES:

- Recognize career development advice to excel in the field of parks and recreation while participating in open discussion in a safe environment.
- Participate in a discussion about the challenges/opportunities facing young professionals in the field of recreation and parks.
- Learn about the upcoming activities and goals of the FRPA Young Professional workgroup and how to become involved with FRPA Young Professionals.



8:15 AM - 10:15 AM | 0.2 CEUs

WILD CHILD: THE RELATIONSHIP BETWEEN ANIMALS, CHILDREN, AND EXPERIENCE

Aaron Carson

Program Coordinator, Sarasota County Parks, Recreation and Natural Resources

Nathalie Smith

Parks Naturalist, Sarasota County Parks, Recreation and Natural Resources
Why do animals evoke certain emotions and feelings? This session examines the relationship we have with different species and stacks it up against the actions and reactions of kids when interacting with wildlife. Learn how to connect others with nature and create a sense of belonging to something outside of ourselves.

LEARNING OBJECTIVES:

- Recognize the importance of the human-animal connection.
- Participate in exercises that will challenge preconceived beliefs about wildlife and nature.
- Develop three strategies for incorporating the role of wildlife into educational programming.



9:15 AM - 10:15 AM | 0.1 CEUs

ADAPTIVE LEARN TO SWIM: CHALLENGES, TRENDS, AND EVIDENCE

Tana Carson

Assistant Professor of Occupational Therapy, Florida International University

Tania Santiago-Perez

Associate Teaching Professor & Program Director, Florida International University

Aquatic professionals are responsible for maximizing access to learn to swim programs among all members of their community, including children with disabilities. Teaching children with disabilities to swim is a health, safety, and social justice issue. This session will review challenges, trends, and evidence on adapted learn to swim programs.

LEARNING OBJECTIVES:

- Identify evidence on at least three best practices and outcomes of adapted learn to swim programs.
- Identify at least three current trends in adapted learn to swim programs including training and credentials of aquatic professionals.
- Discuss three challenges that aquatic professionals face in the provision of adapted learn to swim programs.



9:15 AM - 10:15 AM | 0.2 CEUs

EMOTIONAL INTELLIGENCE AS AN INDICATOR OF LEADERSHIP CAPABILITY

Jody Cox CTRS, ADAC

ADA Project Administrator, Miami Dade County

Thera Johnson

Recreation Therapist II, Miami Dade County

Higher levels of emotional intelligence are positively correlated with effective leadership. This session will help you understand how emotions drive your own as well as other's behavior. Learning how to develop others' emotional intelligence will also yield improved social cohesiveness and satisfaction among employees or clients served.

LEARNING OBJECTIVES:

- Discuss how emotional intelligence affects an individual's ability to

EDUCATION SESSIONS

- effectively lead others.
- Identify ways to improve emotional intelligence in yourself and others.

9:15 AM - 10:15 AM | 0.1 CEUs

EVALUATING AND RESTRUCTURING YOUR FEES: ACHIEVING YOUR COST RECOVERY GOALS

Vianca Peron-Sellan MPA

Administrative Services Manager, Miami Beach Parks and Recreation

Erin Sullivan

Director, Doral Parks and Recreation

One of the greatest challenges as a Parks and Recreation Professional is recovering costs for programming and events. This session will guide you through different methods in establishing fees for new programs. It will also help you implement strategies you can use to restructure and strengthen your current fees, all while keeping community appeal. Finally, you will also learn about different strategies to achieve and track cost recovery for your programs.

LEARNING OBJECTIVES:

- Identify new methods to determine fees.
- Discuss challenges/obstacles faced when tasked with achieving cost recovery.
- Describe methods to track cost recovery for your programs.

9:15 AM - 10:15 AM | 0.1 CEUs

INNOVATION IS INVITATION - DEFINING WHAT'S NEXT IN INCLUSIVE PLAY

Jill Moore

Inclusive Play Specialist, Landscape Structures

We know our fundamentals for designing an inclusive playspace - how do we design into what's next? This session looks at designing play intentionally for mobility device users, designing for motor coordination disabilities, as well as blind/low, deaf/hard of hearing, and complex disabilities. This highlights how intentional choices create a space for all.

LEARNING OBJECTIVES:

- Discuss current thought surrounding disability, how to talk about disability, and how to frame disability as something positive within our communities.
- Innovate our designs for different diagnoses- from motor coordination disorders, visual and hearing disabilities, and complex medical diagnoses.
- Talk about how to provide maximum support for 99% of the population with a disability.



9:15 AM - 10:15 AM | 0.1 CEUs
NCTRC RECERTIFICATION & SPECIALIZATION AREA DESIGNATION: CONTINUING PROFESSIONAL COMPETENCE

Robin McNeal, CTRS, FDRT, ICE-CCP

Director of Credentialing, NCTRC

This session provides an in-depth coverage of recertification standards and requirements for the specialization area designation. Continuing education, professional experience, and re-examination will be described in detail.

LEARNING OBJECTIVES:

- Describe the NCTRC recertification standards including the two components and interpretive guidelines.
- Describe the NCTRC specialization area designation standards and application process.
- State the two methods of the NCTRC recertification review process.

9:15 AM - 10:15 AM | 0.1 CEUs

POSITIVE YOUTH DEVELOPMENT (PYD) FOR ALL ABILITIES

Vanessa Spero

Regional Specialized 4-H Extension Agent, UF/IFAS Extension 4-H

This session uses PYD as the pathway to promote inclusion. PYD programs encourage belonging, mastery, knowledge, and independence to support autonomy and life skill development for youth. PYD programs inspire the culture and climate of social interaction to teach about inclusion and the value that people of all abilities have.

LEARNING OBJECTIVES:

- Learn what Positive Youth Development is and how it applies to the disability community.
- Learn how to incorporate opportunities for PYD to assist site programming.
- Learn how to plan programs that support inclusive practices.



9:15 AM - 10:15 AM | 0.1 CEUs
STRATEGIES TO INCREASE FEMALE PARTICIPATION IN YOUTH SPORTS

Dr. Samose Mays

Founder, Minority Recreational Leadership Academy

Part of the physical activity gender gap can be traced to lower sports participation among girls. Data from the Youth Risk Behavior Surveillance Survey revealed that 53.0% of high school girls participated in one or more sports, compared to 62.2% of high school boys. This disparity is due in part, to the high rate at which teen girls dropout of sports. By age 14, girls are 1.5x more likely to quit

playing sports than boys, by age 17, more than half of girls quit sports entirely.

LEARNING OBJECTIVES:

- Identify the reasons that females quit sports over time.
- List different sports programs that increase female participation.
- Implement strategies that can be used to increase female participation.



10:30 AM - 12:00 PM | 0.1 CEUs
WHOLLY SHIFT: COMPLETELY CHANGING THE CONVERSATION ON BIAS, DIVERSITY, PRIVILEGE AND INCLUSION USING BRAIN SCIENCE

Eric M. Bailey

Bailey Strategic Innovation Group

This is going to feel different. After the murder of George Floyd in the summer of 2020, millions of people around the world began entering into a dialogue about race and racism in America. FRPA understands the importance of this dialogue, but also understands that many folks may not know where and how to enter into the conversation. Leveraging Harvard Business School research entitled, "Why Diversity Training Doesn't Work," we will explore the practical brain science and psychology to navigate this critical conversation. We will create a space where we can safely share our questions, opinions, and experiences authentically, listen and learn from one another, and continue the process of productive dialogue in our organizations.

LEARNING OBJECTIVES:

- Understand why diversity training does not work.
- Explore the practical brain science and psychology to navigate the critical conversation about race and racism.
- Learn from others on how to have productive dialogue within and outside of our agencies.



1:30 PM - 2:30 PM | 0.1 CEUs
COMMUNITY SERVICE AND BUSINESS MANAGEMENT

Robert Mattes, CPRE

Director, Pinecrest Parks and Recreation

Times continue to change and today's challenges require many departments to adapt to being more self-sufficient than ever before. How does a community service fund itself without alienating the people who need it? This session explores the balance between providing great community services and generating necessary revenue for the department.

LEARNING OBJECTIVES:

- Identify high yield revenue sources to enhance agency offerings.

EDUCATION SESSIONS

- Discuss finding an acceptable balance between free and paid programs within your community.
- Recognize opportunities for partnerships and sponsorships.

1:30 PM - 2:30 PM | 0.1 CEUs

DROPOUT TO DOCTOR - STEPS TO BECOMING A LEADER IN PARKS AND RECREATION

Dr. Samose Mays

Founder, Minority Recreational Leadership Academy

This session highlights the inspirational story of Dr. Samose Mays and how he went from two-time college dropout to Recreation Director and college professor at the same University he dropped out of. He explains how he used interpersonal skills to rise from an entry level professional to a Leader in Parks and Recreation in one year.

LEARNING OBJECTIVES:

- Identify a recreational leaders' duties and responsibilities.
- Recognize interpersonal skills to becoming a leader in parks and recreation.
- Summarize 8 steps to getting promoted to upper management.



1:30 PM - 2:30 PM | 0.1 CEUs

EMERGING RACQUET GAME - PICKLEBALL

Maged Elsheikh

Senior Principal, OLC

Architecture, Interiors & Aquatics

Pickleball has gained a lot of traction lately with all ages. Racquet clubs are looking at transforming existing tennis courts or creating additional pickleball courts to supply the demands of members. Hear a case study for a recent project in Palm Coast; learn about space requirements; and find out how to attract new members with Pickleball facilities.

LEARNING OBJECTIVES:

- Recognize how pickleball attracts new members to your facility.
- Define space requirements, and discover how existing spaces can be transformed.
- Discuss the case study for transformation of existing and planning of new facilities.



1:30 PM - 2:30 PM | 0.1 CEUs

SERVICE ANIMALS: IT'S MORE THAN THE LAW

Laura Lee Putzback

ADAC, Service Dog Alliance of Florida

Suffering from service animal fatigue? Learn where a service animal can go; the difference between a service and emotional

support animal; how to interact with the team; and how to manage conflicting needs of customers and employees. Better understand federal and state laws and the rights and responsibilities of both handlers and organizations.

LEARNING OBJECTIVES:

Recognize types of places of public accommodation and the applicable section(s) of the Americans with Disabilities Act.

- Distinguish the difference between a service, therapy, and emotional support animal.
- Know when to ask about a service animal; what may be asked about a person with a disability or a service animal.



1:30 PM - 2:30 PM | 0.1 CEUs

THE IMPORTANCE OF GROWING UP IN PARKS

Alejandro Carrandi

Assistant Director, Homestead

Parks and Recreation

This session will explain the importance of parks to kids growing up. The session will touch on the benefits of attending park programs and how that benefits park patrons' long term. We will also discuss how you can build this long term culture into your parks system.

LEARNING OBJECTIVES:

- Learn about the importance of offering youth programs at your parks.
- Understand why it is beneficial to have a volunteer program.
- Understand the benefits of building up employees and watching them grow.



1:30 PM - 2:30 PM | 0.1 CEUs

THE LIFESTYLE POOL OF THE FUTURE

Craig Bouck

Principal, Partner, Barker Rinker

Seacat Architecture

Douglass Whiteaker

President, Water Technology, Inc.



Come 'meet' the lifestyle pool of the future! Using interactive 3D visualizations, we will introduce and walk-through new trends making waves in indoor aquatic design. New pool elements and equipment; new approaches to water, air and lighting systems; advanced enclosure details even fresh programming ideas all play key roles in designing the Lifestyle pool of the future. Come explore the evolution of aquatics and discover what innovations lie on the horizon.

LEARNING OBJECTIVES:

- Learn the pros and cons of next-level aquatic trends.
- Explore practical applications of new ideas with interactive 3D visualizations.

- Discover innovative aquatic center design details which increase flexibility, playability and aquatic facility performance.



1:30 PM - 2:30 PM | 0.1 CEUs

TREE PLANTING CAMPAIGNS AND PUBLIC PARKS

Mark Cassini

Co-Director, Community Greening

Matt Shipley

Co-Director, Community Greening

Kacy Young

Director, Boynton Beach Parks and Recreation

Community Greening, an urban forestry nonprofit, engage residents to create sustainable green spaces and a vibrant tree canopy to equitably strengthen our environment, economy, society and health. Hear how they partnered with the Boynton Beach Recreation and Parks Department on the City's 45,000 tree campaign to collaboratively plant trees in public parks with volunteers.

LEARNING OBJECTIVES:

- Learn about how partnerships are key to having a successful tree planting program in public parks.
- Learn how Community Greening engages volunteers to host family friendly and fun tree planting events that introduce residents to the park system of Boynton Beach.
- Learn about the inter-departmental collaboration within government to ensure successful park plantings including maintenance, utilities, sustainability, and park programming.



1:45 PM - 3:45 PM | 0.2 CEUs

ADAPTED AQUATICS BRIDGING THE GAP

Dawn Lewellyn CTRS

Recreation Therapist

Drowning is the leading cause of death among persons with autism. Learn how we can prepare ourselves, our instructors, and have a positive impact on individuals with autism in the aquatic environment. That one swim lesson could save a life or create the next Olympic swimmer.

LEARNING OBJECTIVES:

- Identify the characteristics of autism and the learning environment for success.
- Identify and reproduce teaching strategies to incorporate persons with autism into swim lessons.
- Identify teaching resources for children with autism in aquatics.

EDUCATION SESSIONS

1:45 PM - 3:45 PM | 0.2 CEUs

EVERYONE COMMUNICATES, FEW CONNECT

Marie Knight

Owner, Knight Leadership Solutions

Only One Thing Stands Between You and Success. It Isn't Experience. It Isn't Talent." World-renowned leadership expert John C. Maxwell says if you want to succeed, you must learn how to connect with people. And while it may seem like some folks are just born with it, the fact is anyone can learn how to make every communication an opportunity for a powerful connection. Speaker Marie Knight, a Certified Maxwell Team Member shares the Five Principles and Five Practices to develop the crucial skill of connecting, including: Finding Common Ground; Keeping Your Communication Simple; Capturing People's Interest; Inspiring People; and Staying Authentic in all Your Relationships.

LEARNING OBJECTIVES:

- Understand what keeps people from communicating effectively.
- Learn the Five Principles to develop the crucial skill of connecting, including finding common ground and keeping communication simple.
- Learn the ABC's of Mutual Purpose

1:45 PM - 3:45 PM | 0.2 CEUs

WHOLLY SHIFT PART 2 - NOW WHAT?

Eric M. Bailey

Bailey Strategic Innovation Group

Eric M. Bailey's philosophy for culture change is Awareness, Alignment and Action. The keynote session, Wholly Shift, sparked profound awareness and started us down the path of how to create alignment within our sphere of influence. This session is designed to provide the tools and building blocks to create meaningful action.

LEARNING OBJECTIVES:

- Continue the discussion on brain science and how it impacts dialogue.
- Understand the plan for awareness, alignment, and action.
- Identify how to create alignment within your sphere of influence toward creating meaningful action.

2:45 PM - 3:45 PM | 0.1 CEUs

AQUATIC CENTER DESIGN GLITCHES & BUILDING BLUNDERS

Craig Bouck

Principal, Partner, Barker Rinker Seacat Architecture

Douglass Whiteaker

President, Water Technology, Inc.

Hindsight is 20/20. "What would you do differently?" is the question owners should be asking prior to planning and building a new aquatic center. Drawing from the experience of over 220 projects built over

the last 30 years, this session uncovers the top lessons learned shared by community leaders, operators, contractors and designers.

LEARNING OBJECTIVES:

- Avoid many common and not so common aquatic facility planning and design mistakes.
- Understand many critical design issues from a variety of perspectives.
- Successfully jumpstart a project with dozens of useful lessons learned.

2:45 PM - 3:45 PM | 0.1 CEUs

CHALLENGES AND OPPORTUNITIES OF MANAGING PUBLIC TENNIS FACILITIES



Laura Bowen

Executive Director, USTA Florida



Chuck Gill

Director of Tennis Management, Village of Wellington



Andi Mohl

Operations Management - Tennis, Palm Beach Gardens Recreation



Frank Swope

Director of Tennis Management, USTA Florida



Wendy Tatum

Director of Tennis and Pickleball, Palm Beach Gardens Recreation

A moderated panel of directors and facility managers will answer questions regarding the challenges and opportunities of managing a public tennis facility. Topics will include adaptive programming and partnerships, marketing, racquet sports, the importance of customer service and facility maintenance.

LEARNING OBJECTIVES:

- Discuss the challenges and opportunities facing Public Tennis Facilities.
- Provide examples of partnership opportunities.
- Learn how to develop underutilized public facilities.



2:45 PM - 3:45 PM | 0.1 CEUs

INTEGRATING STORMWATER MANAGEMENT INTO RECREATION FACILITY DEVELOPMENT

Mike Sosadeeter PLA

Park Planner, Sarasota County Parks, Recreation and Natural Resources

Typical stormwater management systems consist of curbs, gutters, stormwater inlet structures and pipes, and a stormwater pond. Integrating stormwater management into a park development project can enhance the overall quality of the project. Benefits could include multi-use stormwater management areas, ecological

enhancements, and aesthetically pleasing components of a park site.

LEARNING OBJECTIVES:

- Describe the basic components of stormwater management plans.
- Recognize the benefits of planning for stormwater management at the beginning of a park development project.
- Identify at least 3 alternative stormwater management techniques or products that can be integrated into a park development project.

2:45 PM - 3:45 PM | 0.1 CEUs

LEADERSHIP IS AN ACTION, NOT A POSITION

Dr. Samose Mays

Founder, Minority Recreational Leadership Academy

Leadership is not about the role we hold in an organization, rather it is about the action we choose to take. This presentation suggest that leaders are not defined by their position. They may have official authority, or they may not. Their leadership is marked by purpose — to improve things, to be better. Leaders willing to act have a strong commitment to mission and a disdain for complacency. They see the value in producing outcomes.

LEARNING OBJECTIVES:

- Identify your personal leadership style.
- Recognize the differences between a boss and a leader.
- Demonstrate traits of an effective leader in your chosen position.



2:45 PM - 3:45 PM | 0.1 CEUs

RUNNING TRACK AND TENNIS COURT DESIGN & MAINTENANCE FUNDAMENTALS

Peter Spanos P.E., CFM, LEED® AP

Project Manager, Gale Associates, Inc.

When planning for running track and tennis court construction and renovations, it is important to understand various alternatives with regard to new construction, repair, renovation, and/or replacement strategies; as well as material options. Topics include the fundamentals, including tennis court and running track layout, orientation, fencing, drainage and surfacing materials options.

LEARNING OBJECTIVES:

- Understand the various running track and tennis court alternatives with regard to new construction, repair, renovation, and/or replacement strategies.
- Understand the various layout, orientation, fencing, drainage and surfacing materials options.
- Consider other influencing factors such as site constraints, environmental/geotechnical restrictions, budgetary

EDUCATION SESSIONS

issues and tennis & track surface maintenance strategies.

2:45 PM - 3:45 PM | 0.1 CEUs

STEP UP YOUR OUTDOOR RECREATION PROGRAMMING

Kelly Ussia

Parks Naturalist, St. Johns County Parks and Recreation

The beauty of living in Florida is that we get to enjoy the outdoors all season long, but are you capitalizing on that? The possibilities for outdoor recreation are endless, come find new ways to expand, grow, and diversify your outdoor recreational programming.

LEARNING OBJECTIVES:

- Identify new user groups that may be excited to know about your programming.
- Identify programs that can be easily added to your current outdoor recreation programming.
- Be challenged to think about how you can grow your outdoor recreation programming in an organic manner.



2:45 PM - 3:45 PM | 0.1 CEUs

THE CULTURE EVERYONE CRAVES

Patrick Cullina

Recreation Manager - South, Hillsborough County Parks and Recreation



Adrienne Rouse CPRP

Manager of Recreation Services, Hillsborough County Parks and Recreation



Dona Smith CPRP

Recreation Manager - North, Hillsborough County Parks and Recreation

Have you ever wondered why certain teams seem to constantly excel while others consistently struggle? Is it also puzzling that the same overachieving group seems to all enjoy being around each other despite their diverse characteristics? Join Hillsborough County leaders as they identify strengths and weaknesses in team development and share culture practices that have positively impacted their team and the people they serve.

LEARNING OBJECTIVES:

- Outline the traits of a positive vs. negative culture and discuss how it directly effects overall health and community building.
- Identify strengths and weaknesses within their own organization or team.
- Identify strategies and concepts that can help secure a plan for improvement.

2:45 PM - 4:45 PM | 0.2 CEUs

BINGO! YOUTH SPORTS IS MORE THAN A GAME

Lisa Licata

Senior Director, Youth Sports Administrators, National Alliance for Youth Sports

Kate Nematollahi

Director, Education, National Alliance for Youth Sports

Administrators are challenged by a variety of topics that affect the implementation of youth sports in their communities. This interactive session using a fun game of BINGO will explore an array of topics to arm administrators with practical information to ensure that youth sports is a positive experience for all!

LEARNING OBJECTIVES:

- Identify current issues and solutions that will help make your programs better, safer, and stronger.
- Discuss policies that can be implemented to ensure consistency and predictability for all youth sports programs.
- List the important steps that leaders in youth sports take to improve their programs.



4:00 PM - 5:00 PM | 0.1 CEUs

BATTLE FOR OUR BEACHES

Jonathan Poyner

Siesta Beach Coordinator, Sarasota County Parks, Recreation and Natural Resources

Florida is blessed with amazing ocean and coastal environments and wildlife, yet also faces huge challenges. Florida is at a crossroads and we get to decide what the future holds.

LEARNING OBJECTIVES:

- Identify at least two benefits of the Florida coastal ecosystem.
- Identify at least two challenges facing the Florida coastal ecosystem.
- Identify at least two solutions to alleviate some of the pressure put upon the Florida coastal ecosystem.

4:00 PM - 5:00 PM | 0.1 CEUs

COACHING A CHAMPIONSHIP CULTURE: STAFF = TEAM

Mike Massoglia

Recreation Supervisor, Charlotte County Community Services

Lonne Moore

Recreation Supervisor, Charlotte County Community Services

Every organization has a culture. The best coaches know that great culture beats scheme every time. These coaches work to develop a winning culture. To create a championship culture; develop a compelling vision, establish a positive environment and

invest in your team. In a championship level culture, Staff = TEAM!

LEARNING OBJECTIVES:

- Learn to recognize the importance and benefits of developing a team culture and atmosphere at work.
- Discuss the ways that coaching principles from the sports arena can be used to improve staff motivation.
- Identify ways and means to cultivate a friendly but competitive championship mindset within a team/staff that results in great attitude, effort and skill development.

4:00 PM - 5:00 PM | 0.1 CEUs

EVERY SECOND COUNTS: ANALYZING AQUATICS EAPs FOR BEST OUTCOMES

Kelly Martinez

Recreation Coordinator, City of Phoenix

This session will evaluate Aquatic Facilities' EAPs. Do they quickly interrupt the drowning process and provide the best chance for the victim? Come analyze videos of different EAPs and identify delays. With "4-6 minutes until brain damage" as the timeline, we will find that most EAPs are operating in the danger zone.

LEARNING OBJECTIVES:

- Breakdown a typical Emergency Action Plan and associate a time to complete each step.
- Analyze several EAP videos and evaluate their sense of urgency and effectiveness.
- Collaborate in small groups to discuss methods to eliminate delays that naturally occur in EAPs.



4:00 PM - 5:00 PM | 0.1 CEUs

IMPACTING YOUR COMMUNITY THROUGH YOUTH SPORTS

Matt Osborn

League Success Team, RCX Sports

Beyond community engagement and building a healthy lifestyle, youth sports are so much more. A place where kids feel included. A place they feel safe. A place they can dream. RCX Sports hosts a discussion with tips, tricks, and best practices to grow your youth sports. We owe it to them.

LEARNING OBJECTIVES:

- Discuss, identify and outline some best practices while creating, managing and facilitating youth sports programming of all sizes.
- Recognize and discuss the challenges surrounding volunteers, officials, and parents; ending with applicable solutions to put in place immediately.
- Learn how to use technology to grow, stay organized, and provide additional

EDUCATION SESSIONS

youth sports programming, even while short staffed.



4:00 PM - 5:00 PM | 0.1 CEUs
LGBTQ CULTURAL COMPETENCY: UNDERSTANDING GENDER IDENTITY & EXPRESSION



Rudolph Galindo
Assistant Director, West Palm Beach Parks and Recreation
Michael Riordan

Director of Marketing & Cultural Competency Trainer, Compass Community Center
LGBTQ Cultural competency aims to increase knowledge and skills to improve one's ability to effectively interact with the LGBTQ+ community. We cover the role of Gender Expression in our lives and the influences it has on us daily. We'll explore Gender Identity and what this means for individuals and society.

LEARNING OBJECTIVES:

- Learn positive, affirming changes in your knowledge, attitude and behavior toward the LGBTQ community.
- Learn key concepts and terminology pertaining to lesbian, gay, bisexual, transgender and queer community.
- Gain an understanding and awareness of the LGBTQ community and positive communication strategies.



4:00 PM - 5:00 PM | 0.1 CEUs
WTF! WHY THE FEAR - CALLING ALL INTROVERTS

Steven Reinhard

Site Supervisor, Orange County Parks and Recreation

Why the Fear? This is something I must ask myself every day. You have the talent, the knowledge, and the skills, but why do we not have the confidence to tell everyone else? Break out of your shell with interactive exercises that will guide you through being comfortable in large and small group settings.

LEARNING OBJECTIVES:

- Define the four basic subtypes of introverts.
- Discuss the myths about introverts.
- Participate in exercises to assist you in taking the initiative to recognize your accomplishments and help you celebrate them with your peers and supervisors.

5:30 PM - 9:00 PM

EXHIBIT HALL GRAND OPENING

Tuesday



8:00 AM - 9:00 AM | 0.1 CEUs
A CHANGE IN CULTURE: FULLY INTEGRATING CAPRA ACCREDITATION

Kelly Boatwright

Senior Project Manager, Port St. Lucie Parks and Recreation



CJ Keester CPRP, CPSI

Recreation Manager - Athletics, Port St. Lucie Parks and Recreation



Patricia Roberts

Deputy Director, Port St. Lucie Parks and Recreation

What happens when an agency achieves CAPRA Accreditation? What now? Learn how one agency integrated CAPRA Accreditation throughout their Re-accreditation journey. Developing section-by-section Action Plans, monthly reviews by Section, Section final reports presented to the CAPRA Team annually, PSLPRD created their CAPRA Co-Lab to further integrate accreditation.

LEARNING OBJECTIVES:

- Learn how one agency developed CAPRA section-by-section action plans to assist section owners and their teams with maintaining pace in updating EOC for their respective CAPRA Section.
- Identify fully developed plans to review all 10 sections monthly, throughout years 1-5 of re-accreditation.
- Define how one agency developed their CAPRA Co-Lab, which is a two year professional staff development plan.

8:00 AM - 9:00 AM | 0.1 CEUs

ANNUAL TRAINING PROGRAM FOR RECREATION

Mike Norton, CPRP

Recreation Supervisor, Charlotte County Community Services

Ryan Normoyle

Recreation Supervisor, Charlotte County Community Services

A key to ongoing success of staff is regular and consistent operational trainings that cover all aspects of each position. Join us as we review our award-winning training program used for all Recreation Division FT, PT, Seasonal and mid-management staff.

LEARNING OBJECTIVES:

- Identify a variety of training opportunities in recreation.
- Discuss the use of a Training Matrix to manage your training program.
- Discuss opportunities to provide facilitated trainings using both internal and external speakers.

8:00 AM - 9:00 AM | 0.1 CEUs

BRIDGING THE GAP

Sean DePalma

Director, Panama City Quality of Life

David Howard

Director of Sports & Recreation, Lynn Haven

The purpose of this session is to increase the awareness of the existing generational gap in leadership styles and maximize productivity in the workplace. Our goal is to explore and discuss ways to bridge the gap between generations to ensure a successful passing of the torch within the field of Parks and Recreation. This professional development seminar will include succession planning and developing a united leadership platform to cultivate a team approach.

LEARNING OBJECTIVES:

- Understand the generational gap from a professional lens and how it might impact workplace dynamics.
- Identify techniques that target team building, sharing of effective strategies and collaboration.
- Apply techniques to enhance productivity in the workplace.

8:00 AM - 9:00 AM | 0.1 CEUs

IMPACT CALCULATOR 101

Bob Hamilton

Director of Park Development, Palm Beach County Parks and Recreation

Lara Khoury

Recreation Business Manager, Largo Recreation, Parks & Arts

The Economic Impact Calculator provides FRPA members a valuable tool to quantify and present evidence-based information to decision makers, advocates and critics on a variety of economic and social topics. This session will provide real world examples of the calculator's use and take a step-by-step approach towards completing the inputs needed to generate the report.

LEARNING OBJECTIVES:

- Understand the purpose of the Economic Impact Calculator and how it can benefit a Parks and Recreation agency.
- Be provided examples of how the reports have been utilized by various agencies across the state.
- Be guided step-by-step through the report creation process. Discussion will focus on understanding and obtaining the data inputs needed to generate the reports.



8:00 AM - 9:00 AM | 0.1 CEUs
INVENTORIES OF TREE RESOURCES IN PARK AND URBAN SETTINGS

Mike Kroll RLA, FASLA

President/Principal, Miller Legg



William Mohler CA, TRAQ,

PWS, CLL

Biologist, Miller Legg

This session will present different methods utilized by arborists

EDUCATION SESSIONS

to analyze tree canopy coverage and to assess trees relating to the benefits to municipalities, government agencies, and Parks departments. Discussion will concentrate on comprehensive project planning, assessment, and analysis to both provide accurate data for tree management and determine the best options or courses of action.

LEARNING OBJECTIVES:

- Understand the importance and uses of trees and data derived from the assessment of tree resources in parks and open spaces settings to benefit local communities.
- Identify and discuss uses for tree resource assessments as they relate to the specific needs of public agencies and Parks departments.
- Recognize the importance of active tree resource management and the benefits of trees to parks and open spaces in the realm of neighborhood sustainability and safety.

8:00 AM - 9:00 AM | 0.1 CEUs

MOTIVATING YOUR TEAM TO PROVIDE EXCEPTIONAL CUSTOMER SERVICE

Kelly Martinez

Recreation Coordinator, City of Phoenix
Guest services have been priority at recreational facilities; however, does your team walk the talk? This presentation will focus on providing participants with an understanding and implementation of the WOW Factor. It will examine exceptional guest services, motivating teams through incentive programs and how to achieve buy-in at all levels.

LEARNING OBJECTIVES:

- Evaluate your team's priority of providing exceptional guest services to every person who comes through your door.
- Discuss methods of motivation using incentives and positive recognition whenever an employee goes over and beyond.
- Explore concepts of balancing authority and rule enforcement without negatively impacting the guest experience.



8:00 AM - 9:00 AM | 0.1 CEUs

PARKS SAVE THE WORLD

Joseph Webb

Director of Park Planning, AECOM Technical Services



Alejandro Zizold

Chief, Planning and Research, Miami Dade Co Parks, Recreation and Open Spaces

This session will describe how Parks and Recreation Departments can take the lead in addressing the critical issues of



climate change and sea level rise. Specific examples from multiple Florida communities will be provided, including the recently completed Miami-Dade County Parks Resilience Design Guidelines.

LEARNING OBJECTIVES:

- Describe and define the various sustainability and resiliency principles.
- Identify how parks can specifically be planned and designed to address the issues of sustainability and resiliency while promoting community health and economic development.
- Define the environmental, social and economic benefits of incorporating sustainability and resiliency practices in parks, open space and conservation areas.

8:00 AM - 9:00 AM | 0.1 CEUs

SAFETY AND SECURITY FOR PARKS AND RECREATION

David Stofflet

Security Operations Manager, Hillsborough County Parks and Recreation

Safety and security are critical to the success of any Parks and Recreation department. The purpose of this class is to provide park administration with the tools and solutions to ultimately protect citizens and staff.

LEARNING OBJECTIVES:

- Learn how to develop a security program, identify new challenges and problems which are trending in parks.
- Review the latest security technology available and learn to use it in multiple situations that can be done in a safe manner.
- Discover low cost options to protect parks and property.



8:00 AM - 9:00 AM | 0.1 CEUs

SIMPLE SOLUTIONS FOR PROCESS IMPROVEMENTS AND TRANSPARENCY

Scott Jalwan

Contract Management Coordinator, Sarasota County Parks, Recreation and Natural Resources



Shelia Roberson

Business Operations Manager, Sarasota County Parks, Recreation and Natural Resources



Teri Stabler

Procurement and Contracts Liaison, Sarasota County Parks, Recreation and Natural Resources

Looking for ways to simplify and improve your work throughout your organization? Learn how Sarasota County utilized one tool to improve processes, increase transparency

and maximize efficiency.

LEARNING OBJECTIVES:

- Understand what Smartsheet is and how it functions.
- Identify new ways to increase efficiency.
- Provide future examples that can benefit your organization.



8:00 AM - 9:00 AM | 0.1 CEUs

SPEED ROUND - TEENS

Scott Aldrich

Director, Tavares Community Services



Erin Paige

Campus Manager, Youth Empowerment Center, West Palm Beach Department of Parks and Recreation



Chip Potts

Director, Oldsmar Leisure Services

This session will focus on all things Teen! We will provide participants an opportunity to share ideas and strategies with others who provide teen programming. Your questions and challenges will drive this discussion! So come prepared to share and learn.

LEARNING OBJECTIVES:

- Discuss different ways to engage the teen population.
- Discuss successful trends in teen programming.
- Discuss the framework of a potential state-wide teen summit.

8:00 AM - 9:00 AM | 0.1 CEUs

THE STATE OF EDUCATION FOR PARKS AND RECREATION

Teresa L. Penbrooke, PhD, CPRE

Researcher, Educator, & Consultant GP RED, CU Denver, & BerryDunn

Agencies are having a hard time hiring qualified staff and universities are having a hard time getting students in P&R. This session will cover recent national research from both practice and education to help us understand and address the challenges and opportunities of having a trained workforce in our field.

LEARNING OBJECTIVES:

- Summarize the findings from the 2021 National GP RED State of Education Committee Research.
- Describe the competencies needed now for mid and upper-level P&R professionals.
- Identify new learning/training opportunities for working professionals who need the basis in our field to move forward.

9:00 AM - 12:00 PM

EXHIBIT HALL CLOSING

EDUCATION SESSIONS

staff and keeping a consistent message.



1:15 PM - 3:15 PM | 0.2 CEUs

ENVIRONMENTAL SUSTAINABILITY AND EDUCATION IN PARKS

Honey Phillips

Senior Recreation Specialist, Cape Coral Parks and Recreation

Incorporate environmental education, wildlife habitats, and sustainable features into any park. This program will give examples that Cape Coral Parks and Recreation has featured in a variety of parks, discuss working as a team to diversify parks, will include a break-out session so you can brainstorm and design your park.

LEARNING OBJECTIVES:

- Identify sustainability needs within your parks and recreation division.
- Discuss how to incorporate environmental education, natural habitats, or sustainable practices into your park or facility.
- Describe projects you would like to incorporate in your park.

1:15 PM - 3:15 PM | 0.2 CEUs

FIFTEEN FANTASTIC FIRST AID ACTIVITIES

Kelly Martinez

Recreation Coordinator, City of Phoenix

No more boring first aid lectures or tired game show activities. This session is jam-packed with 15 ideas for experiential activities to take back to implement into first aid courses, lifeguarding classes and in-services.

LEARNING OBJECTIVES:

- Play several board games that have been turned into fun first aid games.
- Participant in 3 land-based relays geared around first aid scenarios.
- Learn how to implement engaging first aid activities into your lifeguard training classes and in-services.

1:15 PM - 3:15 PM | 0.2 CEUs

PROACTIVE PLANNING FOR SUCCESS

Teresa Penbrooke PhD, CPRE

Educator and Researcher, GP RED & CU Denver

You need to have valid plans in place and know how to get them done well. Taught for all levels of staff and decision makers, you'll learn how master planning affects revenue streams, strategic plans, other studies, needs assessments, relationship to CAPRA standards, and get sample reference materials.

LEARNING OBJECTIVES:

- Learn about the different types of plans that can be done and what they typically contain.

- Identify how to determine which portion of plans can be done in-house, by an outside consultant, or in combination.
- Discern how the various innovative tools work, which plans to use when, and create a strategic action list to take back.



1:15 PM - 3:15 PM | 0.2 CEUs

THE 15 INVALUABLE LAWS OF GROWTH

Marie Knight

Owner, Knight Leadership Solutions

Potential - one of the most powerful words in any language. A person's potential implies possibilities, it heralds hope, and it unveils greatness. In The 15 Invaluable Laws of Growth, the speaker will share John Maxwell laws of what is needed to develop and grow so that have the best chance of becoming the person you were created to be.

LEARNING OBJECTIVES:

- Understand why growth needs to be intentional and consistent in order to be meaningful.
- Learn the ways in which reflection, pain, and self-awareness all play a role in personal and professional growth.
- Recognize how growing yourself enables you to grow others.

2:30 PM - 3:30 PM | 0.1 CEUs

ACCOUNTABILITY: IT'S EVERYBODY'S RESPONSIBILITY

Lori Hoffner

Professional Speaker, Trainer & Consultant, Supporting CommUnity, Inc.

We will discuss how we move beyond understanding the need for accountability, to engaging your team in ways that wins their hearts, minds and commitment. You'll learn how to create a philosophy of accountability that everyone can embrace and practice.

A philosophy that removes fear; increases skills, confidence, and reliability.

LEARNING OBJECTIVES:

- Define a philosophy of accountability as a leader, as a team member, and an organization.
- Recognize the impact of lag-time when accountability is needed and how to remove fear from speaking up.
- Outline how positive intent conversations can reduce blame and reinforce mutual purpose between individuals.



2:30 PM - 3:30 PM | 0.1 CEUs

CONSTRUCTION DELIVERY METHODS FOR PARKS AND RECREATION

Jeff Blount

COO, Meyer Najem Southeast

Dan Lawson

EVP Business Development, Meyer Najem



Session will teach Parks and Recreation leaders the various ways they can deliver their capital projects and which ones are typically the best with the least amount of risk.

LEARNING OBJECTIVES:

- Learn how to determine which delivery method is best for your project.
- Learn how private public partnerships work for parks and recreation projects.
- Learn cost control for your projects and how to work with design teams and contractors.



2:30 PM - 3:30 PM | 0.1 CEUs

FUNDING OPPORTUNITIES FOR INTEGRATING RESILIENCE INTO FLORIDA PARKS

Joseph Loretta

Operations Manager / Landscape Architect, Halff Associates, Inc.

Sean Lahav

Resiliency Planner, Halff Associates, Inc.



The objective of this session is to provide an overview of funding opportunities — available at the state and federal levels — that can assist Florida planners in efforts to increase the resilience of park systems. This session will address funding sources made available by FEMA, NOAA, EDA, FDEP, and other agencies.

LEARNING OBJECTIVES:

- Identify grant funding opportunities that can assist Florida planners in efforts to increase the resilience of local park systems.
- Describe specific examples of how these grant funding opportunities have been utilized to advance resilience priorities in parks across Florida.

EDUCATION SESSIONS

11:15 AM - 1:15 PM

DIRECTOR'S LUNCHEON



1:15 PM - 2:15 PM | 0.1 CEUs **ADAPTING IN THE NEW WORLD**

Joe Abel

President & CEO, Joe Abel &

Associates

The pandemic created a whole new work environment both in the office and remotely. How we adapt will mean the difference between moving ahead and ceasing to exist. This session explores what can separate the best from the rest.

LEARNING OBJECTIVES:

- Discuss topics such as adaptability, collaboration and being agile in the workplace.
- Discover the new importance of teamwork and shared responsibilities to create successes.
- Discuss the role of new technology, work models, and getting work done in new ways.



1:15 PM - 2:15 PM | 0.1 CEUs **EMPLOYEE BURNOUT - THE CAUSE AND THE CURE**

Gabriel Castillo

President/CEO/Speaker, RecStar Consulting
In the past year 70% of full-time employees reported feelings of burnout with varying frequency. It's a serious mental health problem that can affect many employees' lives. The good news is that this, and every one of the causes of job burnout, is within your leaders' power to change.

LEARNING OBJECTIVES:

- Identify the real challenge of employee burnout prevention.
- Identify 5 ways to cure your employee burnout.
- Discuss what is employee burnout and what causes it.



1:15 PM - 2:15 PM | 0.1 CEUs **MOVING INTO THE FUTURE: POWER OF TRANSFORMATIONAL LEADERSHIP**

Lori Hoffner

Professional Speaker, Trainer & Consultant, Supporting CommUnity, Inc.

"The only constant is change," and if your organization wants to move forward with positive growth and a thriving staff, you'll want to understand how to support this change. This includes appreciating leaders who can inspire followers to change expectations, perceptions, and motivations to work towards common goals.

LEARNING OBJECTIVES:

- Define the traits of leadership that

inspired staff at all levels to reach for success.

- Compare the difference in transitional leadership and transformative leadership and when it's best to use the tenants of each.
- Outline a plan of leadership that supports an entrepreneurial mindset for growth, retention and sustainability of quality staff.



1:15 PM - 2:15 PM | 0.1 CEUs **SO YOU WANT TO BE A DIRECTOR?**

Julie Adams

Director, Winter Haven Parks, Recreation and Culture



Fred Couceyro

Community Recreation Director, City of Coral Gables



Charlotte Presensky CPRE

Leisure Services Administrator, City of Palm Beach Gardens

Is the Director position your career aspiration? Or maybe, you just want to understand your Directors job more. Either way, this panel session will provide insight into the "office" and the issues that Directors face everyday that have nothing to do with things you think they do.

LEARNING OBJECTIVES:

- Gain insight into the daily work of Directors and the external pressures that complicate their responsibilities.
- Learn about the expectations of City/County Managers and how that impacts the Director's position.
- Gain an understanding of the knowledge, skills and abilities you should develop to prepare for the office.



1:15 PM - 2:15 PM | 0.1 CEUs **THE NEW GOLD STANDARD FOR PARKS SYSTEM PLANNING**

Sherisha Hills

Director, Tampa Parks and Recreation

Joseph Webb

Director of Park Planning, AECOM Technical Services

This session will describe how the City of Tampa has taken a new, community driven approach to parks system planning that promotes health and wellness, sustainability, economic development while garnering strong political support and recognition as a Gold Medal Award winner.

LEARNING OBJECTIVES:

- Describe how the City of Tampa used the dual processes of park system planning and Gold Medal application to define a new direction for the department.
- Identify how new, innovative public

engagement can be used to promote broad based support and community building.

- Describe the social, environmental and economic benefits of a truly community-based approach to park system planning that leads to Gold Medal recognition.



1:15 PM - 3:15 PM | 0.2 CEUs **BUILDING YOUR TEAM TO PASS PARKS BALLOT MEASURES**

Jay Byars

County Councilman, Chair, Parks Commission, Dorchester County,

South Carolina County Council

Pegeen Hanrahan P.E.

Southeast Conservation Finance

Director, The Trust for Public Land

Clay Henderson

Attorney

Passing ballot measures to fund your vision for parks, trails, recreation and conservation takes a skilled and diverse team. This session will include elected and staff panelists, all experienced in getting voters to say "YES!" to new recreation funding. The session will be a fun, interactive look at each step.

LEARNING OBJECTIVES:

- List common dedicated mechanisms for funding parks, conservation and recreation projects.
- Identify actions that staff CAN and CANNOT undertake related to ballot measure campaigns.
- Name key steps in passing a ballot measure and whether you they are best accomplished inside or outside local government.



1:15 PM - 3:15 PM | 0.2 CEUs **EMPLOYEES ARE SOCIAL MEDIA MARKETERS TOO, EVEN IF THEY DON'T KNOW IT**

Erin Murphy

Recreation Superintendent, Charlotte County Community Services

Ashley Turner

Social Media Manager, Charlotte County

Public Information Office

In the age of influencers, it's clear that anyone can be a brand. Everything posted online is representative of what we do and why we do it. Many agencies are leveraging one of their most valuable assets – their own employees – to help market their brands. After all, who knows the company better than them?

LEARNING OBJECTIVES:

- Define and discuss building a social media presence and maintaining it.
- Learn how to create your social media vision and goals.
- Identify best practices for empowering

EDUCATION SESSIONS

- Discuss opportunities to leverage these grant funding opportunities in support of existing and proposed programs, processes, and projects.

2:30 PM - 3:30 PM | 0.1 CEUs

PEOPLE PRAISE, POSITIVITY

Gabriel Castillo

President/CEO/Speaker, RecStar Consulting
The power of positive thinking can't be understated. The best news about positivity is that it is a learnable quality. Are you ready to be more positive and make sure you have time to invest in your team? When you're prepared to be more positive and give more praise to your team, there are quite a few ways you can do so. These tactics give you a variety of right places to start, whether you're just beginning to learn how to be more positive at work or want to tune up your approaches. To carry a positive action, we must develop a positive vision. "Dalai Lama".

LEARNING OBJECTIVES:

- Define the science behind positive psychology.
- Discuss what you and your team can do to stay out of the negative zone.
- Identify the 3 powers of positivity and the tools to harness it.



2:30 PM - 3:30 PM | 0.1 CEUs

THE FACES OF LEADERSHIP

Jennifer Cirillo CPRE

Assistant Director, Palm Beach County Parks and Recreation
Terrell Griffin CPRP

Director, Haines City Parks and Recreation

Charlotte Presensky CPRE

Leisure Services Administrator, City of Palm Beach Gardens

You have ambition and great credentials, now the question is how to gain access to leadership roles in FRPA and in the Profession. This session aims to lift the mysterious, and sometimes intimidating, curtain that might stop you from being "in the room". Hear career path stories from leading Parks & Recreation Professionals and how they gained that next job or took the step into a leadership role for FRPA.

LEARNING OBJECTIVES:

- Learn how leaders in our profession built their resume and courage to seek the next step job in your career and in service to FRPA.
- Identify techniques to develop your individual preparation to become an active committee or board member of FRPA.
- Engage in conversation as to why stereotypes or perceptions stop qualified professionals from volunteering or seeking your next career job.



3:45 PM - 4:45 PM | 0.1 CEUs COMMUNITY BUILDING THROUGH PARK PLANNING & DESIGN

Mike Brown

Landscape Architect, AECOM Technical Services



Steve Lackey

Director, Kissimmee Parks and Recreation

A reimagined Lakefront Park and local heritage celebrated in the planning of Lancaster Ranch Park. These parks create added value to the City of Kissimmee and surrounding communities by offering outdoor passive recreation spaces while creating opportunity for local economic growth.

LEARNING OBJECTIVES:

- Recognize the importance of connected green spaces.
- Identify the economic benefit of public spaces.
- Understand how programming events and park design are associated.

3:45 PM - 4:45 PM | 0.1 CEUs

CREATING, LEADING & SUSTAINING A WELL CULTURE

Regina Novak

Health Educator & Financial Coach, RCM Financial Coaching

Our work culture can attract and retain top talent, creating sustainable and enjoyable work environments that allow growth, thriving and overall well being of all employees. In this session, we will explore how leaders can cultivate and embrace a well environment, achieve a positive employee experience and improve business performance.

LEARNING OBJECTIVES:

- Explore the critical elements of a well culture at work, and how a culture that does not embrace these elements hurts the organization and the community you serve.
- Discuss how to prevent, recognize, mitigate and remedy workplace concerns of excessive stress, burnout, fatigue, along with resources to consider.
- Define and describe ways you can effectively support and advocate for a well culture within your own teams and departments, as well as your larger organization.



3:45 PM - 4:45 PM | 0.1 CEUs EMERGING LEADERS REBOOT

Becky Gunter

Director, Seminole Recreation

Kevin Pickard

Director, Sunrise Leisure Services

This course is geared for alumni of the Emerging Leaders Program as we will be



reviewing content from past Emerging Leaders presentations. Enjoy reconnecting with classmates and meeting new ones as we reboot and refocus

on leadership!

LEARNING OBJECTIVES:

- Review what characteristics make a good leader.
- Revisit the concepts of embracing risk and believing in people, while hearing real world success stories.
- Participate in an open discussion to share stories about how Emerging Leaders Institute alumni have become better leaders.



3:45 PM - 4:45 PM | 0.1 CEUs

GRANTS: LEARN HOW TO SCORE

Andy Palmer CPRE

Parks Planning & Strategic

Initiatives Manager, Winter Haven Parks, Recreation & Culture

Grant opportunities are available at many levels, we often just need help getting started. In this session, participants will identify various grant funding sources and strategically align projects, partners & initiatives for successful applications. Participants will review basics of completing grant applications and management strategies through differing case studies.

LEARNING OBJECTIVES:

- Learn techniques to identify opportunities for local, state and federal funding.
- Learn tools to complete and manage successful grant applications.
- Identify the importance of strategically aligning projects and initiatives with specific grant and funding sources to be successful.

3:45 PM - 4:45 PM | 0.1 CEUs

MARKETING IN THE NEW NORMAL: 5 WAYS TO RE-ADJUST YOUR MARKETING PLANS FOR 2023

Gabriel Castillo

President/CEO/Speaker, RecStar Consulting

If you're a marketer dealing with shifting strategies, and uncertainty then you're not alone. The pandemic has changed consumer behavior, access, desires, the economy, and as a result marketing. There are new challenges marketers have never dealt with before. So, what are we to do?

LEARNING OBJECTIVES:

- Discuss how your adjusted marketing budget should look in 2023.
- Discuss how uncertainty affects your customer's buying behavior.
- Identify how to reframe your thinking to engage better with consumers.

EDUCATION SESSIONS



3:45 PM - 4:45 PM | 0.1 CEUs **MUNICIPAL POOLS & LARGE SWIM MEETS - A HOW TO**

Ryan Fleming

Aquatics Coordinator, Charlotte County Community Services

Are you an aquatics supervisor who must balance the public's pool needs while providing a site for competitions? This session will provide some tips, tricks, and partnerships that allow for single to multi-day meets to successfully take place.

LEARNING OBJECTIVES:

- Recognize the logistics that go into a properly managed swim meet.
- Learn how to successfully partner with in-house/local club/high school teams to maximize outcomes.
- Participate in discussions of and come away with best practices involved in facilitating a large swim meet.



3:45 PM - 4:45 PM | 0.1 CEUs **PARK REVITALIZATION... BREATHING NEW LIFE INTO EXISTING PARKS**

Laura Duplain

Landscape Architect, Halff Associates, Inc



Sherri French

Regional Practice Leader, Halff Associates, Inc.



Martin Steffen

Landscape Architect, Halff Associates, Inc.

Parks need to be evaluated and re-imagined over time. In this session we will discuss how to evaluate existing parks to ensure we preserve critical history, continue to offer desired services, reflect the values of our community, and create and dynamic spaces for our communities into the future.

LEARNING OBJECTIVES:

- Discuss ways to evaluate your existing parks.
- Review case studies of park evaluations.
- Discuss how to use these evaluations to revitalize parks to respond to community needs.

3:45 PM - 4:45 PM | 0.1 CEUs **STAFF IS STAFF...UNTIL IT ISN'T!**

Joe Abel

President & CEO, Joe Abel & Associates
In our newest "new normal" it's harder than ever to hire and retain staff. When hiring isn't the answer, contracting may be. This session explores when to hire and when to contract. Let's explore the options.

LEARNING OBJECTIVES:

- Explore the differences between contracting services and hiring staff.

- Discuss the strengths and weaknesses of contracting and hiring.
- Discuss the 3 most important "MUST" knows for contracting services successfully.



3:45 PM - 4:45 PM | 0.1 CEUs **VOTERS SAID YES FOR PARKS! NOW WHAT?**

Eric Davis

Director, Charleston County Greenbelt Programs



Pegeen Hanrahan P.E.

Southeast Conservation Finance Director, The Trust for Public Land

Nancy Maddox
Recreation and Economic Development Director Daytona Beach Shores
Many Florida cities and counties have funded their parks, trails, conservation programs through voter approved funding methods. Whether bonds, sales taxes or property taxes, careful administration to deliver on the promises made is important. Learn what to do after election day from seasoned parks professionals who've been there.

LEARNING OBJECTIVES:

- List limitations of different funding mechanisms for funding parks, conservation and recreation projects.
- Understand the value of citizen advisory boards, annual independent audits and planning for operational costs.
- Recognize professional and personal challenges of working with elected and community champions to deliver on promises made.

Wednesday



8:00 AM - 9:00 AM | 0.1 CEUs **ACHIEVING 30%: HOGAN'S CREEK RESTORATION AND TRAIL PLAN**

Dustin Felix

Landscape Architect, Halff Associates, Inc.

Joseph Loretta

Operations Manager / Landscape Architect, Halff Associates, Inc.

Introduction to the 30% design of the Hogans Creek restoration and trail segment associated with Jacksonville's Emerald trail. Discussion will include the collaboration of various design professionals to include water resources, creek design, contamination, environmental, planning and landscaping architecture.

LEARNING OBJECTIVES:

- Recognize friction points between tasks assigned to various design professionals.
- Discuss approaches to resolving competing federal, state, city/county,

neighborhood, and Non-Governmental Organization (NGO) stakeholder requirements for an urban waterway restoration project.

- Understand how design professionals can support NGO clients for success in pursuing funding.

8:00 AM - 9:00 AM | 0.1 CEUs

IT'S ABOUT TIME

Joe Abel

President & CEO, Joe Abel & Associates

Where does the time go? Time is our most precious commodity, and we know we can't waste it. But how we spend it determines our outcomes. This session is all about tips and skills to improve your time management.

LEARNING OBJECTIVES:

- Discuss what makes time slip through our hands and limit our productivity.
- Explore skills and techniques to best manage your time and commitments through stories and anecdotes.
- Discuss a list of tips for mastering time management.



8:00 AM - 9:00 AM | 0.1 CEUs

PLAY OF YESTERDAY, TODAY AND OUR FUTURE

Autumn Reich

Recreation Supervisor / Florida Master Naturalist, Safety Harbor Leisure Services

Embark on a journey through the past and look at how as a society we PLAYED; understand the value and need of PLAY. Stopping along our journey to assess how and why PLAY has changed; peer in to the future of PLAY and view how we can and will effect it.

LEARNING OBJECTIVES:

- Identify how we played in the past; recall the benefits of play and why it is important to our social, mental and physical health.
- Recognize how play has changed and why; describe the impact on health due to these changes.
- Predict and discuss were PLAY is going and how we will impact and affect that change.



8:00 AM - 9:00 AM | 0.1CEUs

PRACTICAL LANDSCAPE PLANNING FOR AQUATIC FACILITIES

Joe Parr

Parks Superintendent, Largo Recreation, Parks & Arts

This session will include essential information for Aquatic Facility landscape planning to facilitate practical, attractive, and easy to maintain designs.

LEARNING OBJECTIVES:

- Identify plant materials that enhance

EDUCATION SESSIONS

the aesthetics and visual appeal of an aquatic facility landscaping as well as plant types to avoid around aquatic facilities.

- List the best landscape mulches for aesthetics, to insulate plant roots, to prevent erosion and weeds and to minimize landscape issues associated with aquatic facilities.
- Explore landscape theming to enhance aquatic facilities.



8:00 AM - 9:00 AM | 0.1 CEUs
RECREATION IN MOTION

Garrett Pearson

Program Supervisor, Village of Palm Springs Parks and Recreation

Recreation

Recreation can be everywhere. Though financial constraints could present an obstacle, participation should not be limited by location. We can utilize the layout of our parks, develop partnership with local businesses and engage in other relationships within our communities, to establish a path towards healthy activities for all.

LEARNING OBJECTIVES:

- Identify alternatives for recreation outside of their primary facilities.
- Recognize the economical impact that come from giving all communities the opportunity to partake in recreational activities.
- Outline a plan with how and with whom, to bring back to your municipality in order to develop a taking it to them mentality.



8:00 AM - 9:00 AM | 0.1 CEUs
SOCIAL MEDIA: MORE THAN JUST FACEBOOK & TWITTER

Ashley Turner

Social Media Manager, Charlotte County Public Information Office



Amy Zengotita

Parks and Recreation Director, South Daytona Parks and Recreation

Recreation

Social media in government is a game changer. It's important for governments not only to adapt to a rapidly advancing world but also take advantage of new forms of communication. Explore and discover innovative ways to reach your audience through content creation, algorithms, and firsthand experiences with Instagram & TikTok.

LEARNING OBJECTIVES:

- Learn the algorithms for Instagram and TikTok.
- Identify tools that will assist you in the creations of social media content.
- Learn how Charlotte County uses

TikTok and Instagram.

8:00 AM - 9:00 AM | 0.1 CEUs
THINK LIKE A DISRUPTER

Gabriel Castillo

President/CEO/Speaker, RecStar Consulting
In a post COVID world, parks and recreation departments now more than ever must think and act like a disruptor. The recent loss of so many iconic companies offers a timely reminder that if you don't change and adapt the status quo you might just become it.

LEARNING OBJECTIVES:

- Define what a disruptor is and what are the key traits to becoming one.
- Discuss what you and your organization can do to think like a disruptor.
- Identify three ways to reshape your thinking.



8:00 AM - 10:00 AM | 0.2 CEUs
REPURPOSING DEFUNCT GOLF COURSES INTO COMMUNITY PARKS

Richard Durr, Jr. CPRP, PLA,

AICP

Director, Seminole County Leisure Services
Seminole County has purchased two separate defunct golf courses to repurpose into new community parks. The process for these purchases included exhaustive due diligence, detailed planning and creative park design. This session illustrates the lessons learned in the repurposing of open space through the redevelopment of shuttered golf courses.

LEARNING OBJECTIVES:

- Learn the process and steps needed to sufficiently evaluate all of the critical factors necessary in the due diligence process for this kind of park development opportunity, including environmental issues, infrastructure assessment and land planning criteria.
- Understand the financial realities of converting a former golf course into use by the public as a community park, including the role of FRPA's Impact Calculator in the planning process.
- Discuss the redevelopment scenarios possible through thoughtful, context sensitive park design, environmental restoration and the positive impacts promoted through these opportunities.



8:00 AM - 11:15 AM | 0.3 CEUs
DELEGATION WITH IMPACT

Ronnie Glotzbach

President, Bach Training and Development Corp.

Let go... and yes, the job can be done right the FIRST time! This program will provide a clear process to delegate successfully to increase productivity and decrease rework.

Learn how to assess employee skill level with the appropriate job, while monitoring without micro managing.

LEARNING OBJECTIVES:

- Identify effective and ineffective ways to delegate.
- Learn how to avoid common delegation pitfalls.
- Conduct an effective delegation discussion.

8:00 AM - 11:15 AM | 0.3 CEUs
HOW TO DEAL WITH DIFFICULT PEOPLE - SECRETS REVEALED!

Jennifer Pustizzi

Master Trainer, Bach Training and Development Corp.

Difficult people are everywhere BUT at work our response to them makes a difference. They know how to bring "IT" and learning how to interact with them effectively is critical to overall job success, image, and personal wellbeing. This session provides strategies for working productively with challenging people.

LEARNING OBJECTIVES:

- Identify characteristics of difficult people in the workplace.
- Focus on practice techniques for addressing negative behaviors.
- Discover how to prevent the negativity from influencing personal mindset.

9:15 AM - 10:15 AM | 0.1 CEUs
COURAGEOUS CONVERSATIONS

Gabriel Castillo

President/CEO/Speaker, RecStar Consulting
During times of uncertainty and anxiety, such as right now, fear has an undue influence on people's behavior and organizational performance. When fear directs workers' behaviors, they become distracted, afraid, and unproductive ... just when their companies need them to be the opposite. Fear is bad for business. Courage has always been the antidote for fear, and during fearful times leaders need to communicate with courage and clarity. This session will help you communicate more flexibly, transparently, and courageously during these challenging times.

LEARNING OBJECTIVES:

- Define what is High Conflict vs Conflict and how to recognize the difference.
- Identify how to communicate honestly, transparently, and courageously without amping up peoples' fears.
- Identify how to practice "tactical empathy".

9:15 AM - 10:15 AM | 0.1 CEUs
INCIDENTS, ACCIDENTS AND FORMS, OH MY!

Shawn DeRosa J.D.

Owner, DeRosa Aquatic Consulting

EDUCATION SESSIONS

Completing accident and incident reports has become standard operating procedures at park and recreation facilities. Yet many times they are completed in haste and without much thought as to how these reports will be used in the future. Learn how reports can be used to justify necessary budget expenditures, substantiate the need for increased staffing and minimize legal exposure while gaining tips on training staff to use the forms to your advantage.

LEARNING OBJECTIVES:

- Explain the use of records and reports as budgetary tools for managers.
- Identify common mistakes in completing reports which could expose your department to increased liability.
- Identify methods to improve report-writing accuracy among staff.



9:15 AM - 10:15 AM | 0.1 CEUs NATURAL CONNECTIONS - OUTDOOR RECREATIONAL PROGRAMMING AS A TOOL FOR COMMUNITY AND PROGRAM DEVELOPMENT



Chris Kiddy

Business Analyst, Hillsborough County Parks and Recreation

Brad Lympamy

Park Naturalist, Hillsborough County Parks and Recreation

Learn how to plan, manage, promote, and evaluate a core series of outdoor nature programs strategically coordinated to maximize participation and bring awareness to your traditional recreational programming and services.

LEARNING OBJECTIVES:

- Learn to plan and manage synergistic nature programs that work together to strengthen all your programs and services.
- Learn how to maximize reach and community engagement with effective marketing strategies for outdoor nature programming.
- Learn to evaluate the effectiveness of your programs, both individually and as a whole.

9:15 AM - 10:15 AM | 0.1 CEUs

PROFESSIONALISM AND WHY IT MATTERS

Lori Hoffner

Professional Speaker, Trainer & Consultant, Supporting CommUnity, Inc.

Achieving and maintaining professionalism takes intentional effort and dedication. We'll discuss steps you can take using successful staff communication, strong organizational skills, and mindful leadership. You will also learn the power professionals have

in creating an environment of inclusion, cooperation, and a sense of purpose.

LEARNING OBJECTIVES:

- Define professionalism and the importance it has in the workplace.
- Outline steps necessary for successful communication with staff and clients that sets you apart as a true leader.
- Explore how to encourage others to find their purpose and meaning in this important work.



9:15 AM - 10:15 AM | 0.1 CEUs

SPEED ROUND - ALL ABOUT ATHLETICS

Jeff Pon

Recreation & Leisure Services

Supervisor, Kissimmee Parks and Recreation
This speed round will provide participants the opportunity to share ideas with others involved with sports leagues, sports field rentals and athletics. Your topics, questions and challenges will drive this discussion! So come prepared to share and learn some of the best practices in youth, senior and adult athletics.

LEARNING OBJECTIVES:

- Recognize trends in youth, senior and adult athletics and how these trends impact your programming.
- Identify different tactics that can enhance your athletic programming.
- Discuss best practices in youth, adult and senior athletics.

9:15 AM - 10:15 AM | 0.1 CEUs

SPEED ROUND - SOCIAL MEDIA

Amy Zengotita

Parks and Recreation Director, South Daytona Parks and Recreation

This session will focus on Social Media. Understanding the need for engaging, shareable content that is mobile first, is key. Hear about three different agencies and how they personalize experience and reach target audiences. Find out what they are doing that is new and different to reach more people.

LEARNING OBJECTIVES:

- Discuss best practices and challenges of social media.
- Learn different social media platforms and how different agencies use them.
- Learn what tools different agencies use to create posts and videos

9:15 AM - 10:15 AM | 0.1 CEUs

THE CHILD NATURE CONNECTION

Autumn Reich

Recreation Supervisor / Florida Master

Naturalist, Safety Harbor Leisure Services
Ever wonder why children do not seem to want to play outside? Cannot find a way to get them to disconnect from Technology?

In this session we will identify the negative

effects that are associated with a disconnect to nature, learn the benefits of outdoor play, and experience the wonder of the great outdoors.

LEARNING OBJECTIVES:

- Define what "nature deficit disorder" is.
- Identify barriers children face in connecting with nature.
- Outline and discuss ways to overcome the barriers and begin to reverse the effects of nature deficit disorder.



9:15 AM - 11:15 AM | 0.2 CEUs

PROTECTING FLORIDA'S UNIQUE AND ECOLOGICALLY DIVERSE RESOURCES

Alice Bard

Environmental Specialist II, Florida

Department of Environmental Protection

This session will cover the environmental factors that make Florida unique and ecologically diverse as well as the challenges faced by natural resource managers. Specific management techniques such as prescribed fire, exotic species removal, mechanical treatment, and restoration will be discussed. The session will highlight management philosophies and practices with the Florida Park Service.

LEARNING OBJECTIVES:

- Define the environmental factors that make Florida unique.
- Recognize and discuss the threats to Florida's biological diversity.
- Identify and discuss options for managing Florida's natural communities



10:30 AM - 11:30 AM | 0.1 CEUs

A DIVE INTO ESPORTS AND RECREATION

Robert Cruz

Esports Coordinator, Hillsborough County Parks and Recreation

Chris Harrison

Recreation Program Supervisor, Hillsborough County Parks and Recreation



Organized competitive video gaming, also known as Esports, has grown to be one of the most popular avenues of leisure activity amongst today's youth. So where does this unique activity fit in recreation? The speakers dive into the world of esports and how your park could benefit from this growing industry.

LEARNING OBJECTIVES:

- Define what Esports is.
- Understand the major Esports genres and event types.
- Outline opportunities of Esports integration in their local community.

EDUCATION SESSIONS

10:30 AM - 11:30 AM | 0.1 CEUs

APP-A-LICIOUS - SHOULD WE DEVELOP A PHONE APP?

Gabriel Castillo

President/CEO/Speaker, RecStar Consulting

Is your organization looking to develop a smartphone App for your community? Join us for some juicy details on how you can produce an App that will score gold with your core audience!

LEARNING OBJECTIVES:

- Define the need for developing a smartphone application for your community.
- Discuss what the pros and cons of investing in a smartphone app.
- Identify the costs, time commitment and the "why" behind your decision making.

10:30 AM - 11:30 AM | 0.1 CEUs

FUNDAMENTALS OF MANAGING RISKS IN PARKS AND RECREATION

Shawn DeRosa J.D.

Owner, DeRosa Aquatic Consulting

It is often said that anything fun involves an element of risk. That is certainly true with recreational sports and activities. We will use a baseball analogy to explore ways to minimize risks within your program. Participating in this session will allow you not only to get on base, but hopefully to get a grand slam in the game of risk management!

LEARNING OBJECTIVES:

- Define the basic elements of risk management.
- Identify how "walkabouts" play a critical role in managing risks.
- List the four P's of upper level risk management.



10:30 AM - 11:30 AM | 0.1 CEUs LEVERAGING YOUR REAL ESTATE COMMUNITY

Mark Abdo

Community Outreach Liaison, Largo Recreation, Parks & Arts



Pang Thao

REALTOR® Broker Owner, PATH Real Estate Group, LLC

Are you collaborating with the industry that is already "selling" your community and its amenities? How about working with thousands of professionals who have the platform to share your message and who are always building relationships that are potential connections for your projects, events, etc.

LEARNING OBJECTIVES:

- Identify national, state and local sources for collaborations
- Describe the duties and responsibilities of real estate agents to best create programs and opportunities for engagement.

- Brainstorm potential collaborative ideas, projects, programs, etc. that are actionable within 12 months of leaving this conference.



10:30 AM - 11:30 AM | 0.1 CEUs PARKS PROVIDING SOLUTIONS FOR CLIMATE CHANGE

Heather Tedlow

Interpretive Nature Coordinator, Miami Dade Co Parks, Recreation and Open Spaces

According to NOAA scientists, the Earth's temperatures the last 5 years have been the hottest on record. In this session, we will discuss and define climate change, the direct effects climate change has on daily life, and how parks play a primary role in providing solutions to the climate crisis.

LEARNING OBJECTIVES:

- Define climate change and describe the causes of climate change.
- Summarize the effects of climate change on the environment, food and water supply, human health, infrastructure, and the economy.
- Describe how parks play a role in combatting the negative effects of climate change and how conserving green and blue spaces help to keep communities safe and resilient.

10:30 AM - 11:30 AM | 0.1 CEUs

PSYCHOLOGY OF HEALTH BEHAVIOR CHANGE

Regina Novak

Health Educator & Financial Coach, RCM Financial Coaching

Changing behavior is complicated and impacted by many layers of influence. Aside from interpersonal factors, we have organizational, community and environmental factors at play. In this session, we will explore the barriers we face when embarking on health behavior change and discover ways we can shift those barriers into opportunities for growth and change.

LEARNING OBJECTIVES:

- Discover and discuss the internal factors/barriers that impact our ability to change, including mindset, emotions, relationships and behaviors.
- Identify the difference between educating and empowering, and how knowledge alone is not enough to motivate most people to change.
- Understand the different theories of behavior change and recognize how these can assist with community program planning and staff development training.

10:30 AM - 11:30 AM | 0.1 CEUs

TEACHING ENVIRONMENTAL EDUCATION - A GOOD PLANET IS

HARD TO FIND

Autumn Reich

Recreation Supervisor / Florida Master Naturalist, Safety Harbor Leisure Services
Environmental Education programs do not need a degree in biology-just a desire to share! We fear what we do not know or understand. To overcome this, you must gain knowledge and experience by getting OUTSIDE. This session will equip you with the tools you need to hit the trail running towards a great EE program.

LEARNING OBJECTIVES:

- Define Environmental Education (EE).
- Identify the most effective ways to teach EE; blending formal education with unstructured family exploration.
- Discuss how we can create our own outdoor or EE program at our nature park, centers or through other partnerships.



10:30 AM - 11:30 AM | 0.1 CEUs

WHOLLY HOLISTIC HEALTH: PHYSICAL, MENTAL & SOCIAL WELL-BEING

Patricia Roberts

Deputy Director, Port St. Lucie Parks and Recreation

Anne Stadius

Recreation Manager - Fitness, Port St. Lucie Parks and Recreation

The traditional definition of fitness has evolved through the pandemic. While fitness centers previously focused on providing physical health, we must now pivot to provide mental and social well-being components. By exploring neuroscience and other social/mental health programming into our fitness programs, we can provide truly holistic health.

LEARNING OBJECTIVES:

- Learn the newly defined role of well-being in fitness centers today.
- Identify physical, social and mental health programming that is needed to provide holistic fitness to community members.
- Name techniques which you can use to develop a healing atmosphere from which we can all benefit.

11:45 AM - 2:30 PM

AWARDS AND INSTALLATION CEREMONY



2:45 PM - 3:45 PM | 0.1 CEUs

BUILDING A BRIDGE BETWEEN AQUATICS AND ADMINISTRATION

Leslie Adams

Supervisor - Aquatics, Tallahassee Parks, Recreation & Neighborhood Affairs

EDUCATION SESSIONS

Cindy Mead

Manager of Operations, Tallahassee Parks, Recreation & Neighborhood Affairs
Aquatics pros are so uniquely good at "getting it done" and "making it work" on our own, that administration often doesn't know and/or fully understand our needs. This session will focus on the keys to building that relationship for the best possible support from administration.

LEARNING OBJECTIVES:

- Learn to identify barriers preventing full support from administration.

Recognize opportunities to overcoming support barriers.

- Learning various techniques for building your value.



2:45 PM - 3:45 PM | 0.1 CEUs **CRISIS RESPONSE PLANNING**

Marc Solomon

Recreation Superintendent, Charlotte County Community Services
Does your department have an established plan to respond to crisis situations such as bomb threats, riots, or active shooters where split second decisions are critical? Prepare your staff to minimize the risk of personal injury to patrons and staff while mitigating damage to agency assets.

LEARNING OBJECTIVES:

- Define a crisis situation and what a proper response looks like.
- Explore crisis situations and the difference between general guidelines and site-specific procedures.
- Discuss ways to train staff to ensure "response readiness".

2:45 PM - 3:45 PM | 0.1 CEUs

SPORTS COMPLEX DEVELOPMENT: LESSONS LEARNED

Richard Durr, Jr. CPRP, PLA, AICP

Director, Seminole County Leisure Services

Michael Wirsing

Parks & Recreation Division Manager, Seminole County Leisure Services
Seminole County opened a new 15 field, \$30 Million Sports Complex in 2016 with the intent to drive positive economic impact through promoting youth sports tourism. Six years later, discover the lessons learned through the design, construction, operation, programming and overall economic impact of the facility.

LEARNING OBJECTIVES:

- Identify the lessons learned from the planning, design and construction of the facility six years after the fact.
- Discover the operations and maintenance realities of a 15 field mix of synthetic and natural surfaces tournament complex, including impacts

on staffing needs.

- Investigate the economic impact performance of the complex, including the important role the complex had during the economic challenges of the pandemic.

2:45 PM - 3:45 PM | 0.1 CEUs

STEP INTO YOUR THRIVING LIFE

Regina Novak

Health Educator & Financial Coach, RCM Financial Coaching

A thriving life might sound great, but too often we get busy, sidetracked or assume that "one day" or "when things are different" we will think about it then. Why not right now? Why spend one more day going through the motions and accepting life as it is when the opportunity to step into the best life we want to live is within reach. Conference attendees will be equipped to cast a vision for their life, looking at where they want to be and the path to arrive there.

LEARNING OBJECTIVES:

- Define what a thriving life looks like for you specifically based on all areas of well-being.
- Recognize and challenge limiting beliefs about yourself, your fears and describe what you really need to make these changes.
- Understand the importance of setting boundaries, finding balance, planning for obstacles and other daily habits that will help you step into AND sustain a better, more fulfilling work and home life.



2:45 PM - 3:45 PM | 0.1 CEUs **THE POWER TO CHANGE THE WORLD**

Daniel Schewlakow

Beach and Water Access Manager II, Sarasota County Parks, Recreation and Natural Resources

This session will show how a simple tool like awareness, and understanding can empower individuals to take the necessary steps to change the world. We will take a deep dive into some of the daily actions we take for granted and show how those actions affect the overall environment and other parts of the world.

LEARNING OBJECTIVES:

- Recognize everyday habits you participate in and beliefs that you hold, and the effects of these on the greater world.
- Understand the four phases of awareness and how to cultivate an appreciation for living in the moment.
- Identify an action that you can start and one you can stop to make a larger impact in the world.



2:45 PM - 3:45 PM | 0.1 CEUs

THINK DIFFERENT, BE INNOVATIVE

Kyle Pryce

Park Program Supervisor, Collier County Parks and Recreation

From Covid-19 to budget cuts we are asked to do more with less resources. The greatest resource we have is our innovative minds. In this session we will explore how to exercise innovation and process creative thoughts through discussion and learning activities. You will learn to see opportunities in ordinary programming.

LEARNING OBJECTIVES:

- Discuss the importance of innovation in the life cycle of recurring programs and events.
- Identify techniques that will create an environment for innovative thinking to occur during program and event development.
- Explore current recreation programs across different industries that exemplify innovation.

2:45 PM - 4:45 PM | 0.2 CEUs

25 HOURS IN A DAY

Ronnie Glotzbach

President, Bach Training and Development Corp.

What would you do with one extra hour in YOUR day? Time management skills are critical to the success of any position in this industry. In this session you will, identify your time traps so you can improve work performance. Discover the three principles of effective time management systems. And lastly, describe creative organizational tips and clutter-busters that contribute to efficient work flows.

LEARNING OBJECTIVES:

- Identify 'time wasters' and determine key contributors.
- Apply three time management techniques to daily activities.
- Explain organizational tips and ways to minimize clutter.

2:45 PM - 4:45 PM | 0.2 CEUs

BOUNCING BACK - MOTIVATION BOOTCAMP FOR ACHIEVING SUCCESS!

Jennifer Pustizzi

Master Trainer, Bach Training and Development Corp.

The reality is this – ALL OF US got hit hard in 2020 and are still healing and recovering. Some have found it hard to get and stay motivated. This session will provide motivational strategies that will inspire you to achieve your best, both professionally and personally!

LEARNING OBJECTIVES:

- Define key work motivators.

EDUCATION SESSIONS

- Explain strategies to stay motivated during de-motivating work situations.
- Assess personal values to focus on a successful work/life balance.

2:45 PM - 4:45 PM | 0.2 CEUs

BUILD YOUR POSITIVE BEHAVIOR TOOLBOX!

Katelin Colón

Assistant Program Coordinator, Miami Parks and Recreation

Jocelyn Lata CTRS

Therapeutic Recreation Specialist, Miami Parks and Recreation

What does inclusion mean to you? Join us for an informative yet practical session on the importance of inclusion in a Park setting and gain better insight on how to service individuals with disabilities. Followed by a discussion of a 3-tiered behavior approach to identify tools/techniques that benefit all participants.

LEARNING OBJECTIVES:

- Discuss various disabilities and define inclusion in the parks and recreation setting.
- Outline an inclusionary process followed by a local municipality.
- Identify tools to remove barriers to inclusion by reviewing the components of a 3-tiered behavior approach.



2:45 PM - 4:45 PM | 0.2 CEUs

EQUITABLE COMMUNITY ENGAGEMENT AND NEEDS ASSESSMENT

Teresa Penbrooke PhD, CPRE

Educator and Researcher, GP RED & CU Denver

There is a big difference between equitably assessing community needs vs. engaging and creating advocates. There are also a wide variety online and in-person tools to do both. This session will identify the different types of public and board engagement, outreach options, and benefits of diverse community engagement.

LEARNING OBJECTIVES:

- Discuss current online and in-person methods for information gathering and needs assessment.
- Identify community engagement strategies that best work to develop advocates and citizen involvement.
- Create action strategies that will better help integrate parks and recreation as a known essential service.



4:00 PM - 5:00 PM | 0.1 CEUs

AFTERSCHOOL ANALYTICS: WHY THE DATA MATTERS?

Vince Bowers

Recreation Program Supervisor, Hillsborough County Parks and Recreation



Ty Mansueto

Assistant Recreation Program Supervisor, Hillsborough County Parks and Recreation



Joe Monroe

Recreation Program Supervisor, Hillsborough County Parks and Recreation

Learn how data can be used to inspire, change, create a story of impactful moments, motivate staff, and help grow your parks and recreation department. In this session we discuss the impact keeping track of data can have, and how to use this information to best serve your community.

LEARNING OBJECTIVES:

- Identify how proper data collection can help tell your parks and recreation story.
- Identify how to properly sell your services and improve programming through data collection.
- Be able to tangibly show the impact staff has, helping motivate and create healthy competition amongst your team.

4:00 PM - 5:00 PM | 0.1 CEUs

CREATING SUCCESS THROUGH BUILDING BRIDGES

Joe Abel

President & CEO, Joe Abel & Associates

This session illustrates opportunities for creating success through building BRIDGES. Join Joe as he discusses the aspects of building BRIDGES and what BRIDGES really means.

LEARNING OBJECTIVES:

- Learn and identify the components of the term BRIDGES.
- Discuss each component through experiential stories.
- Be challenged to identify how you can build BRIDGES to create your own success



4:00 PM - 5:00 PM | 0.1 CEUs

INTEGRATED VEGETATION MANAGEMENT -GLYPHOSATE AND THE PUBLIC

JP Gellermann

UF/IFAS Extension Director Pinellas County, UF/IFAS Pinellas County

Stephen Robinson

Commercial Horticulture Agent, UF/IFAS Pinellas County

Management of vegetation is a complex and dynamic activity that spans both private and public lands. The use of the Integrated Vegetation Management program will help to reduce herbicide use on public lands, support a consistent approach to vegetation management through the amalgamation of a single decision-making matrix.

LEARNING OBJECTIVES:

- Gain knowledge of the issues surrounding glyphosate/Round Up.
- Outline and recall components of a comprehensive approach to vegetation management.
- Be able to summarize vegetation management approaches that utilize alternatives to glyphosate and other herbicides.



4:00 PM - 5:00 PM | 0.1 CEUs

LAND ACQUISITION SERVICES, PROCESSES AND SUCCESSES

Kim Heuberger

Senior Manager, Sarasota County Parks, Recreation and Natural Resources

Brie Ondercin

Land Acquisition Coordinator, Sarasota County Parks, Recreation and Natural Resources

Sarasota County has managed two successful voter-approved land acquisition programs since 1999 and 2005. The programs have acquired and/or protected more than 40,000 acres of native habitat, water and beach access, open space, trails and more. Learn about Sarasota County's programs and how you can consider implementing a land acquisition program in your community.

LEARNING OBJECTIVES:

- Identify expected outcomes within a scope of services for land acquisition services.
- Learn about the various funding options, resources, partners and tools to use to best acquire land for both future parks, and preservation.
- Review and learn about successful land acquisition case studies in Sarasota County.

4:00 PM - 5:00 PM | 0.1 CEUs

SOCIAL MEDIA 101

Amy Zengotita

Parks and Recreation Director, South Daytona Parks and Recreation

New to managing social media platforms? Do you think your agency is following best practices? This class will cover the basics of social media and share tools that will help with the creation of posts.

LEARNING OBJECTIVES:

- Learn what should be included in your social media policy.
- Learn social media best practices to avoid lawsuits.
- Learn tools to use to help in the creation of posts.

EDUCATION SESSIONS



4:00 PM - 5:00 PM | 0.1 CEUs
**SPORTS TOURISM
- CAPITALIZING ON
THE IMPACT OF NICHE
SPORTS**

Shelby Connett

Director of Sports, Visit Sarasota County



Nicole Rissler

Director, Sarasota County Parks, Recreation and Natural Resources

Shelia Roberson

Business Operations Manager, Sarasota County Parks, Recreation and Natural Resources

An in-depth look into how niche sports can be a vital pillar in driving tourism and economic impact within your community.

LEARNING OBJECTIVES:

- Understand how Sarasota County has developed a successful sports tourism market.
- Learn how to calculate and showcase the relationship between sports tourism activities and economic impact.
- Identify how Sarasota has successfully promoted the community's profile and reputation as a sports destination market.

4:00 PM - 5:00 PM | 0.1 CEUs

WHAT IS THE MAHC AND WHY SHOULD IT MATTER TO YOU?

Shawn DeRosa J.D.

Owner, DeRosa Aquatic Consulting

The Model Aquatic Health Code has been in existence for years, yet many operators are unfamiliar with its requirements. This session explores the Model Aquatic Health Code and its utility as evidence of the standard of care for operating aquatic facilities. Come learn about the MAHC, why it exists and how both the MAHC and the Annex can supplement the state health code.

LEARNING OBJECTIVES:

- Explain what the Model Aquatic Health Code is and how it can be used at their facilities.
- Discuss "starting points" for compliance.
- Summarize supervision requirements for aquatic venues.

8:00 PM - 11:00 PM

WEDNESDAY EVENING SOCIAL

Thursday

8:00 AM - 9:00 AM | 0.1 CEUs

10 ESSENTIALS FOR PERSONAL & PROFESSIONAL SUCCESS

Regina Novak

Health Educator & Financial Coach, RCM Financial Coaching

Degrees, certifications, technical trainings and hard skills are necessary, but if we forget

the critical importance of "soft skills", we will fail to thrive, personally and professionally, and our organizations and teams will never reach excellence. Designed for new professionals or anyone looking to grow, this session will explore how to make you a better teammate and leader.

LEARNING OBJECTIVES:

- Explore ten essential ingredients to being a great teammate and leader in your personal and professional lives.
- Challenge limiting beliefs about yourself and identify areas where you can grow.
- Discuss ways to enhance and train yourself (and your team) to grow in these ten areas.

8:00 AM - 9:00 AM | 0.1 CEUs

CHOOSING AN AQUATICS CERTIFICATION ORGANIZATION

Marc Solomon

Recreation Superintendent, Charlotte County Community Services

Have you wondered whether the certification agency your organization uses offers the best training, or is the most affordable option? Do other organizations offer more responsive customer service? This session will explore the features, benefits and costs of programs approved by The Florida Department of Health.

LEARNING OBJECTIVES:

- Explore the features of the Florida Department of Health approved lifeguard and swimming instructor programs.
- Compare costs of the Florida Department of Health approved lifeguard and swimming instructor programs.
- Share personal experiences through group discussion regarding successes and challenges when utilizing various Florida Department of Health approved lifeguard and swimming instructor programs.



8:00 AM - 9:00 AM | 0.1 CEUs
**CREATIVE APPROACHES
TO OUTDOOR
ACCESSIBILITY FOR THE
BLIND**

Eve Payor

Director of Community Programs, Atlantic Center for the Arts

Young Sound Seekers is an environmental arts program for blind and partially sighted youth produced jointly by Atlantic Center for the Arts, Stetson University, the Conklin Davis Center for Visually Impaired and the National Park Service. Learn how to engage youth in the outdoors through listening activities and tactile education.

LEARNING OBJECTIVES:

- List benefits of accessible programming

in outdoor settings.

- Identify the needs of populations who require divergent learning techniques.
- List partnering organizations that can help support accessible outdoor programs.

8:15 AM - 10:15 AM | 0.2 CEUs

SPEED ROUND - SUMMER CAMP

Jeff Pon

Recreation & Leisure Services Supervisor, Kissimmee Parks and Recreation

This session will focus on everything SUMMER CAMP! We will provide participants an opportunity to share ideas and strategies with others involved with Summer Camps. Your questions and challenges will drive this discussion! So come prepared to share and learn.

LEARNING OBJECTIVES:

- Identify different tactics that can enhance your summer camp programming.
- Discuss best practices and challenges of summer camp.
- Participate in the production of creative ideas and strategies.



8:15 AM - 10:15 AM | 0.2 CEUs

YODA AND HARRY POTTER'S LESSONS IN STEM PROGRAMMING

Noreen Legault Mendoza

Founder, Geeki Girl

Save the planet. Attract people to learn science, technology, or engineering by using the creativity of Star Wars and Harry Potter. It's in the same manner Jules Verne inspired people to submarines in his book *Twenty Thousand Leagues Under the Sea*. "Magic is science without a definition". Unknown

LEARNING OBJECTIVES:

- Leave with 4 science experiments to use for After-school, Therapeutic Recreation, or Active Adult Programming.
- Do hands-on experiments, to save our planet, solar energy, clean water, and hurricane emergency survival.
- Be given questions to ask participants in order to build their self-esteem, confidence, team-building skills, and peer relations while students are doing experiments.



8:15 AM - 10:15 AM | 0.2 CEUs

YOUR JOURNEY CONTINUES: TRANSITIONING INTO A NEW LEADERSHIP ROLE

Kevin Pickard

Director, Sunrise Leisure Services

Gayle Vasile

Communications Manager, City of Parkland
It is often difficult to transition into

EDUCATION SESSIONS

management, whether it is within the same organization or as an external hire. This session will focus on the key components of transitioning into management, including the changing of roles, responsibilities, and interpersonal dynamics.

LEARNING OBJECTIVES:

- Identify some of the challenges you may face when transitioning into a leadership role through either an internal promotion or as an external recruit.
- Focus on the key factors in managing friends, and other interpersonal dynamics.
- Develop tools to help you succeed in your new role.



9:15 AM - 10:15 AM | 0.1 CEUs AMATEUR SPORTS EVENTS AS AN ECONOMIC DRIVER

Jacqueline Hightower

Vice President, Operations, Florida Sports Foundation

Driving Awareness and Participation in Florida Senior Games and Sunshine State Games. These annual Olympic-Style Sports Festivals provide for healthy and active lifestyles, but also bring economic benefits to host communities. While competing at local venues statewide, athletes boost host community economies with hotel nights and visits to local amenities.

LEARNING OBJECTIVES:

- Identify sports facilities in your community to host Florida Senior Games (athletes age 50 and above) and Sunshine State Games (all ages) Events.
- Recognize the economic impact of multiple-day competitions, with numerous athletes, by hosting events of the Florida Senior Games and the Sunshine State Games.
- Discuss ways to include members of your community in the activities of the Florida Senior Games and Sunshine State Games and define budgets and grants available to assist in hosting events.

9:15 AM - 10:15 AM | 0.1 CEUs

APPRECIATION: CULTIVATING RESPECT & VALUE FOR EACH PERSON

Regina Novak

Health Educator & Financial Coach, RCM Financial Coaching

An organization can achieve the best results in the workplace by placing value on their human capital. In this seminar, we will explore how the 5 Languages of Appreciation at Work can help achieve an environment where all employees come to work and feel valued and respected.

LEARNING OBJECTIVES:

- Define and describe the importance of appreciation at work and how this is a good sustainability plan for an organization and how it will benefit the community you serve.
- Explore the 5 languages and discuss different scenarios at how to apply it in your own work environment.
- Discuss how to incorporate this information to an overall plan to build better and more sustainable teams by investing in each employee as a valued member of your parks and recreation department.



9:15 AM - 10:15 AM | 0.1 CEUs CREATIVE ACTIVATION OF PUBLIC SPACES

Laura Walker

Cultural Arts and Sciences

Division Head, City of Ocala

This session will dive into creative activation of public art, both as an economic driver and from an infrastructure perspective; building community through accessibility and community input for public art; coordinated, sustainable arts programming and galleries for all community members.

LEARNING OBJECTIVES:

- Learn about types of infrastructure projects where public art could be incorporated and why it is beneficial to incorporate the public art.
- Learn what makes public art accessible and how to coordinate the inclusion of a public art project community-wide.
- Learn about types of spaces that can be utilized for gallery space and some basics about scheduling, contracting, and ongoing cost recovery for the program.



9:15 AM - 10:15 AM | 0.1 CEUs KEEPING AN OLD, OUTDATED POOL OPERATING

Alicia Castricone

Program Coordinator, Dunedin Parks and Recreation

Understanding the high maintenance needs of operating and old outdated pool. Don't Freak out, it's going to break.

LEARNING OBJECTIVES:

- Identify monthly and yearly maintenance must-dos to keep your facility running all season, hopefully.
- Learn how to stay calm in the moment when something breaks or becomes inoperable.
- Plan ahead with your budget for repairs and replacements before they break, because they will.



9:15 AM - 10:15 AM | 0.1 CEUs RECREATION LEAGUES VS TRAVEL BALL - THE BATTLE CONTINUES

Aileen Henderson

*Business Operations,
Hillsborough County Parks and Recreation*



Dave Ramirez CPRP

Athletics Manager, Hillsborough County Parks and Recreation

Hillsborough County Athletics (the A-TEAM) developed new and innovative programs providing viable options and opportunities between the constant struggle between competitive and recreation sports. Hillsborough County Competitive League (HCCL) and Travel Elite & Advanced Members (TEAM HC) are creatively leading the way in this battle for field time and space.

LEARNING OBJECTIVES:

- Evaluate your challenges using various tools.
- Discover new ways to approach the challenges.
- Develop and execute programming specific to your needs.



10:30 AM - 12:30 PM | 0.1 CEUs STAY ALIVE ALL YOUR LIFE!

Michael Ivanov

Motivational Speaker,

SpeakLife365.com

Through Michael's story-telling, stage props, and personal anecdotes, attendees will learn 11 core principles for extraordinary leadership and living by understanding the power of purpose. Attendees will be empowered to lead from the heart, re-ignite their passions, and will be equipped to handle circumstances along the journey to an EXTRAORDINARY LIFE!

LEARNING OBJECTIVES:

- Learn the core principles for creating a powerful VISION for life and business that will underline critical personal capabilities.
- Gain deep insights into the habits, competencies and mindsets that shape the IDENTITY of extraordinary people of impact.
- Understand how your established VISION and redefined IDENTITY will set your life and business on an inevitable path for impact based on the choices you make and the ACTIONS you take.

REGISTRATION FORMS

Please be sure to read through the entire registration packet to be sure you have completed everything. Limited on-site registration is available. We encourage you to take advantage of the opportunity to register early. Three ways to register:

Register at the FRPA website with your credit card. Be sure to select which sessions to attend!

REGISTER NOW

ONLINE

Mail complete payment and forms:
**411 Office Plaza Drive
Tallahassee, FL 32301**
Registrations will not be processed without full payment. Purchase orders are not accepted.
DO NOT SEND CASH!

MAIL

**Fax complete forms:
(850)942-0712**

Credit Card information must accompany the faxed form.

FAX

REFUNDS / CANCELLATIONS

All requests for refunds must be submitted in writing to the FRPA Executive Office and must be received no later than July 31, 2022 in order to receive a refund less a \$50 administrative fee. All refund requests received between August 1 and August 10 will be assessed a \$75 administrative fee. No refunds will be made after August 11, 2022. No exceptions including but not limited to: no shows, traffic delays, weather, other natural disasters, last minute changes in agency travel policies, and budget restrictions resulting in limitations on travel. Please be aware that where there is buffet food service, such as the opening of the exhibit hall, you are encouraged to attend early. While we attempt to project the amount of food needed, we cannot project the amount of food consumed by delegates.

If you have recently traveled (within two weeks) outside the United States in an area that is a "hot spot" for any communicable disease, please do not register for the FRPA Conference.

REGISTRATION FEES

You are strongly encouraged to pre-register for all events. Payment must be made with your pre-registration form. Please review the refund policy above. Do not pay for a meal ticket for yourself or check them off in Section 4 if you have selected a registration package that includes those tickets. Refer to the Registration Package Section 3 for more information on what is included in each registration package.

BALANCES

Balances are due at the time registration packets are picked up on-site. Balances not paid at this time will be assessed a 10% processing fee. Receipts are emailed when registrations are processed. If you have not received a receipt, we suggest you phone the FRPA Executive Office to verify that your payment has been received.

COMMERCIAL PROFESSIONALS

Delegate registration is for personnel employed by public or private agencies providing Recreation, Park, or Leisure Services and persons employed as educators at universities and colleges, retired park and recreation professionals, citizens serving on Recreation, Parks or Leisure Services Advisory Boards or citizens interested in or involved in the promotion of the parks, recreation and leisure services profession. Individuals employed as commercial vendors, consultants, or suppliers must have an exhibit booth to attend any conference event, education session or social activity.

REGISTER ONLINE



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control #

Request Date: 7/26/2022

Contact/Ext

Name: Peter Burghardt		Destination:			
Department/Division: Parks & Facilities		Departure Date of: 8/29/2022		Return 9/1/2022	
Account To Be Charged: 001-4526-519-5501		Time of: 6:00am		3:00pm	
Account To Be Charged:		Estimated Cost: before mileage reimbursement \$1,117.00			
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	FRPA 411 Office Plaza Tallahassee, FL 32301	Conference registration		Vendor #	Check #
Due Date Pcard				Date	
Hand Carry Y N			\$425.00		
Lodging	Caribe Royale 8101 World Center Dr. Orlando, FL 32821	Rate \$149.00		Vendor #	Check #
Due Date Pcard		# Nights 3		Date	
Hand Carry Y N			\$447.00		
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 - attach proof of rate					
(Lodging prepaid - receipt required)					
Breakfast 4	@	\$16.00	=	\$64.00	Date
Lunch 4	@	\$17.00	=	\$68.00	
Dinner 3	@	\$31.00	=	\$93.00	
Incidentals 4	@	\$5.00	=	\$20.00	
				\$245.00	

TRAVEL APPROVALS

Department Head _____ Date _____

Finance _____ Date _____

(if applicable)

City Manager _____ Date _____



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Contact/Ext

Control #

Request Date: 7/26/2022

Name: Josh Hudak		Destination:			
Department/Division: Parks & Facilities		Departure Date of: 8/29/2022		Return 9/1/2022	
Account To Be Charged: 001-4526-519-5501		Time of: 6:00am		3:00pm	
Account To Be Charged:		Estimated Cost: before mileage reimbursement \$1,017.00			
Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY					
Date Approved By Council: _____					
Transportation: boldface or circle choice(s) <div> POV - Estimated Mileage _____ City Vehicle Common Carrier (complete below) </div>					
PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration	FRPA 411 Office Plaza Tallahassee, FL 32301	Conference registration		Vendor #	Check #
Due Date Pcard					Date
Hand Carry Y N			\$325.00		
Lodging	Caribe Royale 8101 World Center Dr. Orlando, FL 32821	Rate \$149.00		Vendor #	Check #
Due Date Pcard		# Nights 3			Date
Hand Carry Y N			\$447.00		
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 4	@	\$16.00 =	\$64.00		Date
Lunch 4	@	\$17.00 =	\$68.00		
Dinner 3	@	\$31.00 =	\$93.00		
Incidentals 4	@	\$5.00 =	\$20.00		
			\$245.00		

TRAVEL APPROVALS

Department Head _____ Date _____

Finance _____ Date _____

(if applicable)

City Manager _____ Date _____



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 8/4/2022

RE: Appointment of one (1) member to the Sustainability Advisory Board.

As you may recall, Lisa Jackson resigned from the above subject board. The vacancy has been announced at several regular Council meetings and applications solicited for same.

The following application has been received:

Kevin D. Smith
791 Montrose Street, SE 32909

REQUESTING DEPARTMENT:
Legislative

FISCAL IMPACT:
None

RECOMMENDATION:
Motion to approve the appointment of one (1) member to serve on the Sustainability Advisory Board representing the 'at-large' position.

ATTACHMENTS:

Description
K.Smith



Office of The
JUL 27 2022
City Clerk

APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907
Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee: Sustainability Advisory Board
Full Name: Kevin Daniel Smith
Home Address: 791 Montrose St SE
City: Palm Bay Zip Code: 32909
Telephone Number: (321)626-8995 Fax Number:
Email Address: kevin.smith@brevardfl.gov

EMPLOYMENT

Employer: Brevard County Board of Commissioners Occupation: Recycling Coordinator
Address: 2725 Judge Fran Jamieson Way A-118
City: Viera State: FL Zip Code: 32940
Telephone Number: (321)633-2042 Fax Number:
Email Address: kevin.smith@brevardfl.gov
Job Responsibilities: Outreach and education/ Landfill science and recycling

EDUCATION

High School Name: Shiloh High School
Location: Lithonia, GA Years Completed: 4 Major/Degree: Gen ED
College Business or Trade School: University of Arizona Global Campus
Location: AZ/Online Years Completed: 4 Major/Degree: BA/Enviro Studies
Professional School:
Location: Years Completed: Major/Degree:
Other:
Location: Years Completed: Major/Degree:

APPLICANT INFORMATION

Have you ever held a business tax receipt? ☐ Yes ☒ No *If yes, please provide the following:*

Title:

Issue Date: Issuing Authority:

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action: Disciplinary Date:

Are you a resident of the City? ☒ Yes ☐ No *If yes, how long?* 4 Years Months

How long have you been a resident of Brevard County? 5 Years Months

Are you a United States citizen? ☒ Yes ☐ No

Are you a registered voter of the City? ☒ Yes ☐ No

Are you employed by the City? ☐ Yes ☒ No *If yes, what department?*

Do you presently serve on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Have you previously served on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Are you currently serving on a board, authority, or commission for another governmental agency?

☐ Yes ☒ No *If yes, what board(s):*

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest)

to a criminal charge? ☐ Yes ☒ No *If yes, what charge:*

Where: When:

Disposition was: ☐ Convicted ☐ Pled Guilty ☐ Pled No Contest

Have your civil rights been restored? ☐ Yes ☐ No

Are you a member or participant of any community organizations? ☒ Yes ☐ No

If yes, please list:

What are your hobbies / interests?

Why do you want to serve on this board / committee?

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race: Gender: Physically Disabled: ☐

APPLICATION CERTIFICATION

By filing this application with the City of Palm Bay and placing my signature below, I do hereby acknowledge the following:

1. This Application, when completed and filed with the Office of the City Clerk, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and is open to public inspection.
2. I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the City Clerk.
3. I consent to filing the Statement of Financial Interests if required for this board.
<http://www.ethics.state.fl.us>
4. If appointed to a board/committee, I acknowledge that it is my obligation and duty to comply with the following:

Code of Ethics for Public Officials (Florida Statutes, Chapter 112, Part III)
Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature: Digitally signed by Kevin D. Smith
Date: 2022.07.27 09:26:14 -04'00' Date:

Mail the application to:
City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:
321-953-8971

SUBMIT FORM