



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

AGENDA

Regular Council Meeting 2023-04 Thursday

**February 16, 2023 - 6:00 PM
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

CALL TO ORDER:

INVOCATION:

1. Pastor Paul Fournier - Lifepoint 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 Planning and Zoning Board (represents 'at-large' position).+

AGENDA REVISIONS:

1. Item 1, under Proclamations and Recognitions, has been withdrawn.
2. Item 2, under Presentations, has been withdrawn.
3. The applicant for Item 4, under Public Hearings (Resolution 2022-60), has requested that the case be continued to the March 2, 2023, regular Council meeting.
4. At the request of Councilman Johnson, discussion of directing the City Attorney to draft a letter to the Office of the Governor requesting the Governor suspend Councilman Peter Filiberto pursuant to Section 112.51, Florida Statutes, has been added as Item 3, under New Business.
5. At the request of Mayor Medina, discussion of immediate drug testing for councilmembers has been added as Item 4, under New Business.
6. Consideration of councilmembers attending the 2023 Legislative Action Days has been added as Item 5, under New Business.

PROCLAMATIONS AND RECOGNITIONS:

1. Proclamation: Black History Month - February 2023. (Deputy Mayor Felix)
2. Proclamation: Bleeding Disorder Awareness Month - March 2023.
3. Recognitions: One (1) year of service as a City board member on the Disaster Relief Committee - Stephen Hayes; Keith Miller; Eunhea Park.

PRESENTATIONS:

1. Kittelson & Associates, traffic engineering subconsultant to Consor Engineers – northwest and southeast traffic studies update.
2. Black History Month. (Councilman Foster)

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 2023-07, vacating a portion of the rear public utility and drainage easement located within Lot 4, Block 1186, Port Malabar Unit 24 (Case VE-8-2022, Emily Flagge), first reading.
2. Ordinance 2023-08, vacating a portion of the rear public utility and drainage easement located within Lot 6, Block 470, Port Malabar Unit 11 (Case VE-11-2022, Tami and David Lee), first reading.
3. Ordinance 2022-116, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to St. Johns Heritage Parkway, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R, from Residential Open Space Use, Single-Family Residential Use, Multiple-Family Residential Use, and Commercial Use to Multiple-Family Residential Use (1198.1 acres) (Case CP-30-2022, Palm Vista Preserve, LLC), final reading.
4. Resolution 2022-60, granting approval of a Preliminary Development Plan for a proposed mixed residential development to be known as 'Palm Vista Everlands West PUD' in AU (Agricultural Residential) (Brevard County) zoning, which property is located west of and adjacent to St. Johns Heritage Parkway, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R (1198.1 acres) (Case PD-36-2022, Palm Vista Preserve, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 02/02/23 RCM)
5. Ordinance 2023-06, amending the Code of Ordinances, Chapter 169, Land Development Code, by modifying provisions related to Citizen Participation Plans (Case T-7-2023, City of Palm Bay), final reading.
6. Consideration of the Fiscal Year 2023-2024 Annual Action Plan, Community Development Block Grant, and recommendations of programs and activities, first hearing.
7. Consideration of a Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan and recommendations for CDBG-CV (CARES Act) funding, only one hearing required.

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 2023-02; January 19, 2023.
2. Award of Bid: Valve Insertion Equipment, Team Brand Only – IFB 16-0-2023 – Utilities Department (Consolidated Pipe & Supply - \$120,925); and request to standardize the Team brand valve equipment.
3. Award of Bid: Lift Station 27 rehabilitation – IFB 17-0-2023 – Utilities Department (Danus Utilities, Inc. - \$127,600); and approve appropriation of funds on the next scheduled Budget Amendment (\$40,360).
4. Miscellaneous: 'Cooperative Purchase', two (2) carrier chiller replacements, City Hall Annex Building and Police Department Headquarters (Sourcewell Cooperative Contract) – Parks and Facilities Department (Carrier - \$295,890).
5. Consideration of submitting a grant application to the Florida Inland Navigation District (FIND) Waterway Assistance Program (WAP) for continued improvements to Castaway Point Park.
6. Consideration of travel and training for specified City employees (Building Department).
7. Acknowledgement of the City's travel expenses for the first quarter of Fiscal Year 2023 (October 2022 – December 2022).
8. Acknowledgement of the City's monthly financial report for December 2022 (Unaudited).
9. Acknowledgement of the City's quarterly Budget Monitoring Report for the first quarter of Fiscal Year 2023 (Unaudited).
10. Acknowledgement of the February 2023 GO Road Bond Paving report update.

NEW BUSINESS:

1. Consideration of councilmembers attending the Florida Black Caucus of Local Elected Officials in Kissimmee, March 2-3, 2023.
2. Consideration of councilmembers attending the National League of Cities 2023 Congressional City Conference in Washington, DC, March 24-28, 2023.
3. Discussion of directing the City Attorney to draft a letter to the Office of the Governor requesting the Governor suspend Councilman Peter Filiberto pursuant to Section 112.51, Florida Statutes. (Councilman Johnson) (AGENDA REVISION)
4. Discussion of immediate drug testing for councilmembers. (Mayor Medina) (AGENDA REVISION)
5. Consideration of councilmembers attending the 2023 Legislative Action Days in Tallahassee, April 3-5, 2023. (AGENDA REVISION)

COMMITTEE AND COUNCIL REPORTS:

1. Committee/Council Reports

ADMINISTRATIVE AND LEGAL REPORTS:

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

ADJOURNMENT:

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

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

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

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

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

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

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 2/16/2023

RE: One (1) vacancy on the Planning and Zoning Board (represents 'at-large' position).+

My office has been advised that one (1) vacancy exists on the above subject board as Kay Maragh has resigned from the board.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

None

RECOMMENDATION:

Request for the vacancy to be announced and applications solicited at tonight's meeting. The appointment will be made at the Regular Council Meeting to be held on March 16, 2023.



LEGISLATIVE MEMORANDUM

DATE: 2/16/2023

RE: Kittelson & Associates, traffic engineering subconsultant to Consor Engineers – northwest and southeast traffic studies update.

ATTACHMENTS:

Description

NW and SE Quadrant Traffic Study

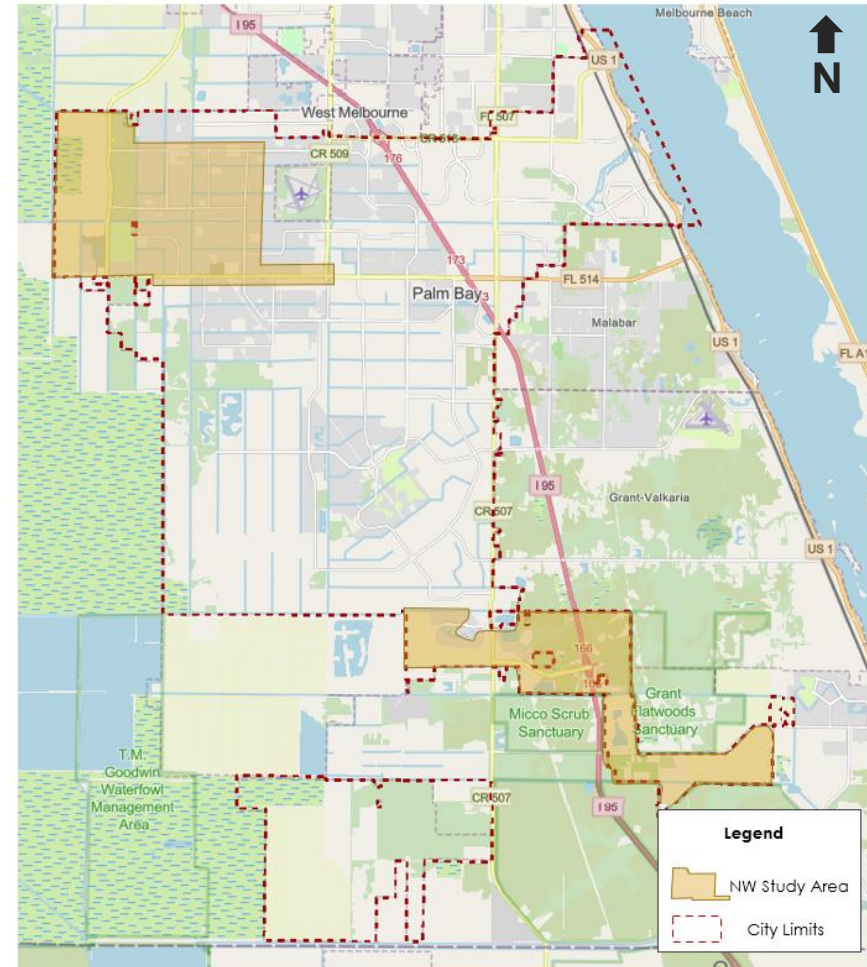


NORTHWEST AND SOUTHEAST QUADRANT TRAFFIC STUDIES

CITY OF PALM BAY
CITY COUNCIL MEETING
FEBRUARY 16, 2023

Project Background

- City is anticipating large amounts of growth in the next 5 to 20 years
 - Multiple commercial and residential developments planned
 - Trips on roadway network expected to increase
- Prior transportation impact studies did not consider the cumulative impact the developments would have
- Kittelson was retained to provide an independent analysis of traffic conditions



(Source: City of Palm Bay GIS)

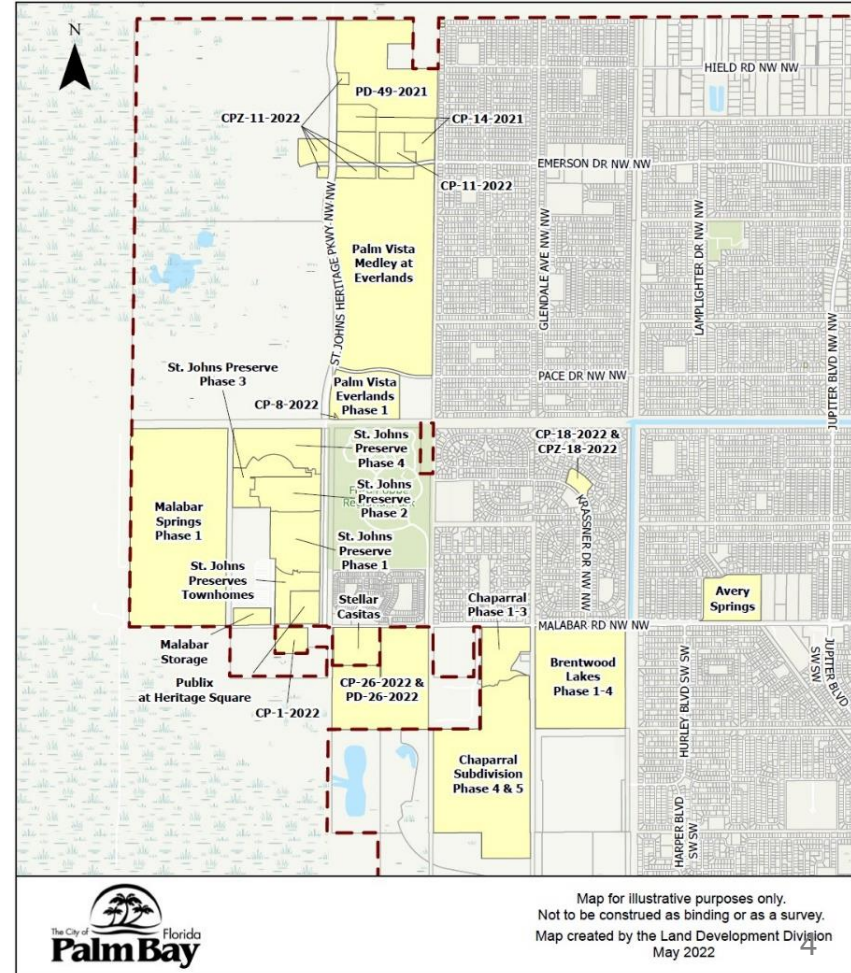
Analysis Approach

- Prepare a comprehensive travel demand model with all planned development in the quadrant
- Evaluate operating conditions
- Scenarios Evaluated:
 - Short-Term Horizon (2027)
 - Long-Term Horizon (2042)



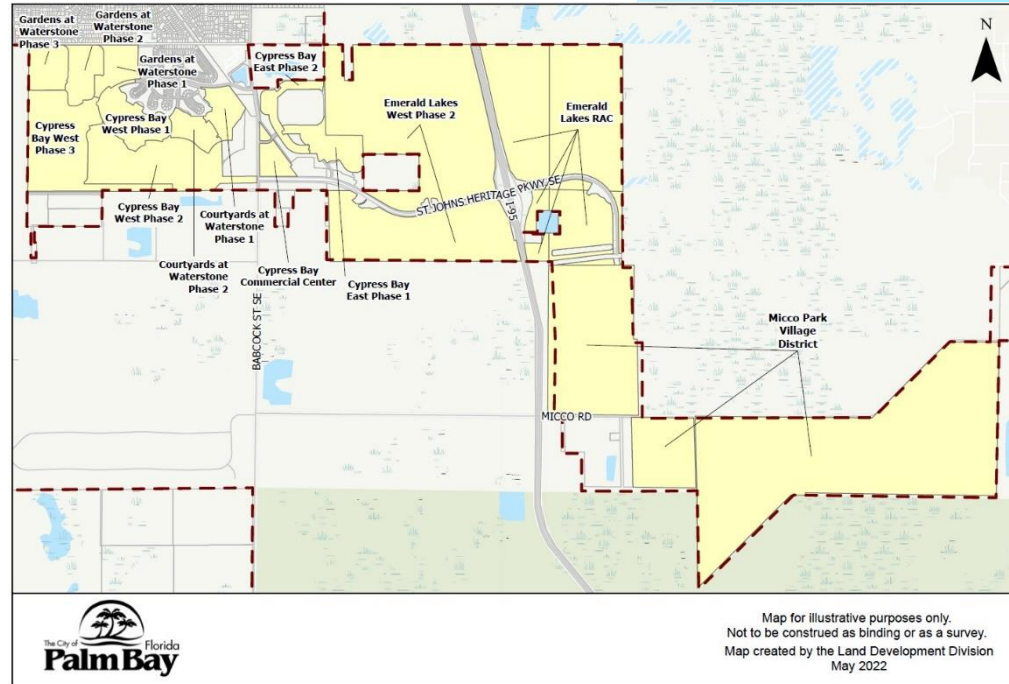
Northwest Quadrant Upcoming Developments

- Developments with Approved Traffic Impact Study (TIS)
 - St. Johns Preserve (Phases 1 & 2)
 - Palm Vista Everlands (Phase 1)
 - Chaparral (Phases 1-3)
 - Brentwood Lakes (Phases 3 & 4)
 - Avery Springs
 - Heritage Square Commercial
 - Stellar Casitas
- Developments with Ongoing TIS
 - Malabar Springs (Phase 1)
 - Three Forks Development
 - Palm Vista Everlands (Phase 2)
 - Everlands West

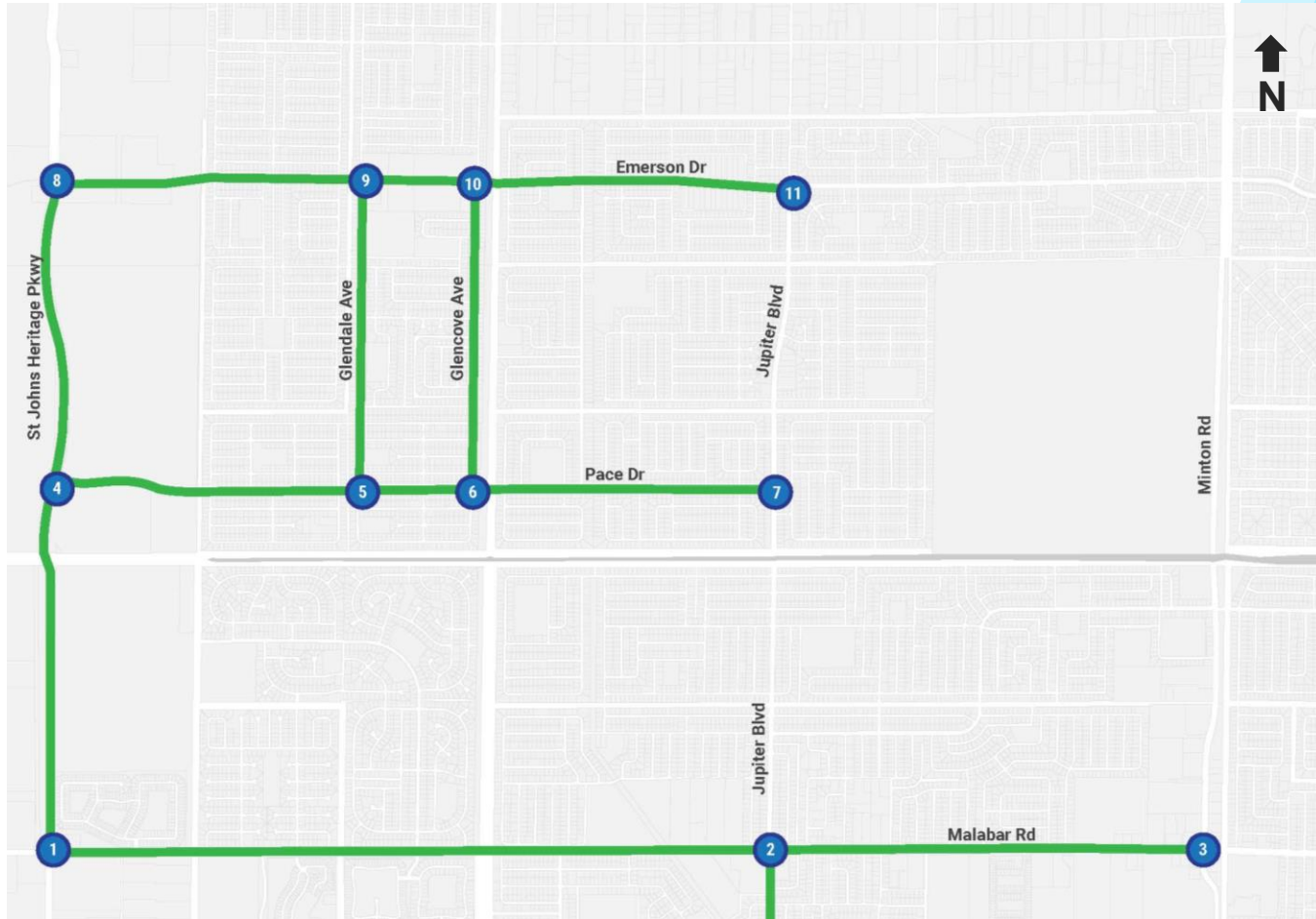


Southeast Quadrant Upcoming Developments

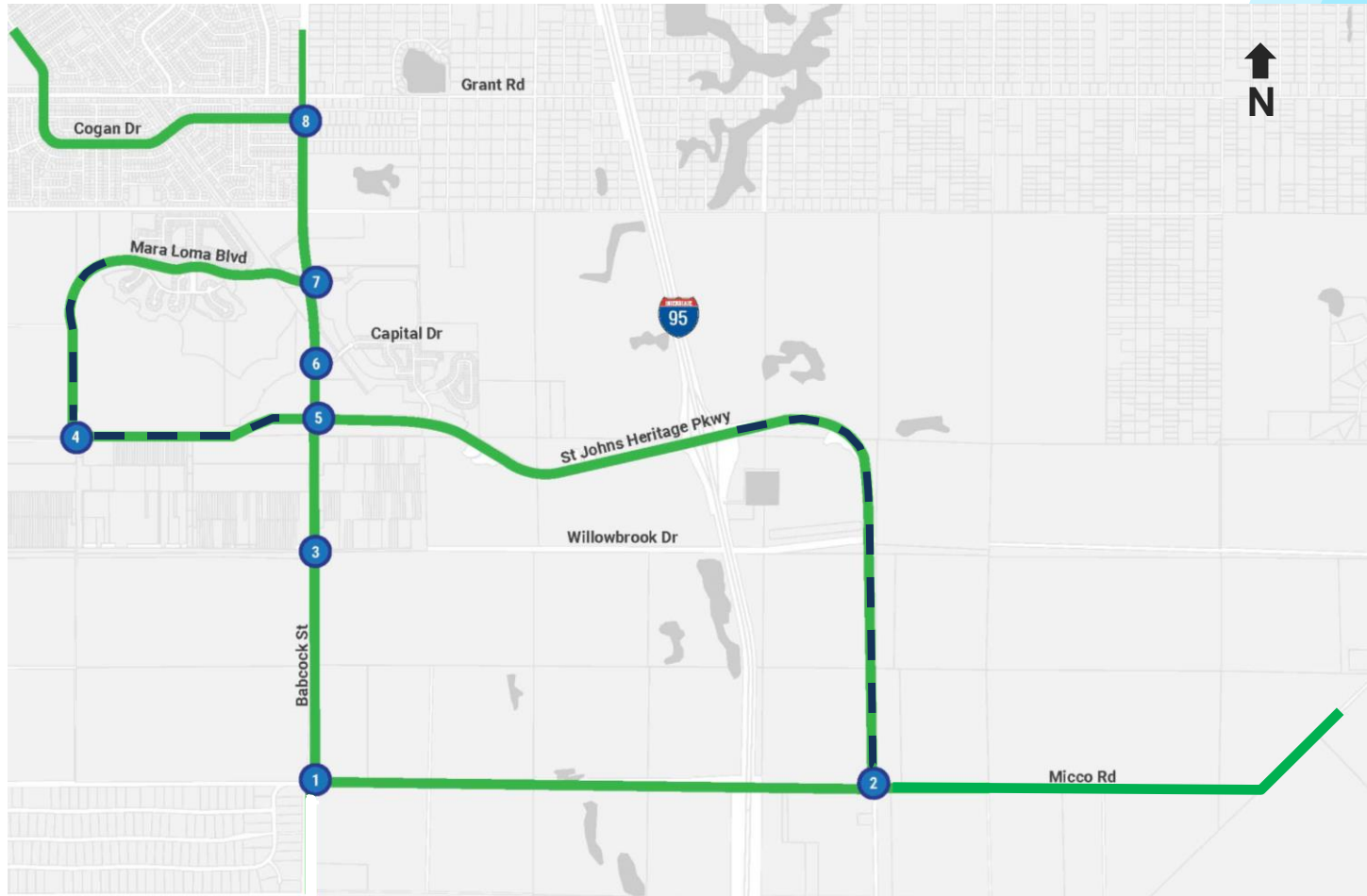
- Developments with Approved TIS
 - Cypress Bay West (Phases 1 – 3)
 - The Gardens (Phases 1 – 3)
 - Cypress Pay Commercial
 - Waterstone Commercial (West of Babcock)
 - Emerald Lakes West
- Developments with Ongoing TIS
 - Cypress Bay East (Phases 1 - 2)
 - Courtyards (Phases 1 - 2)
 - Emerald Lakes East
 - Ashton Park



Northwest Quadrant Study Segments and Intersections



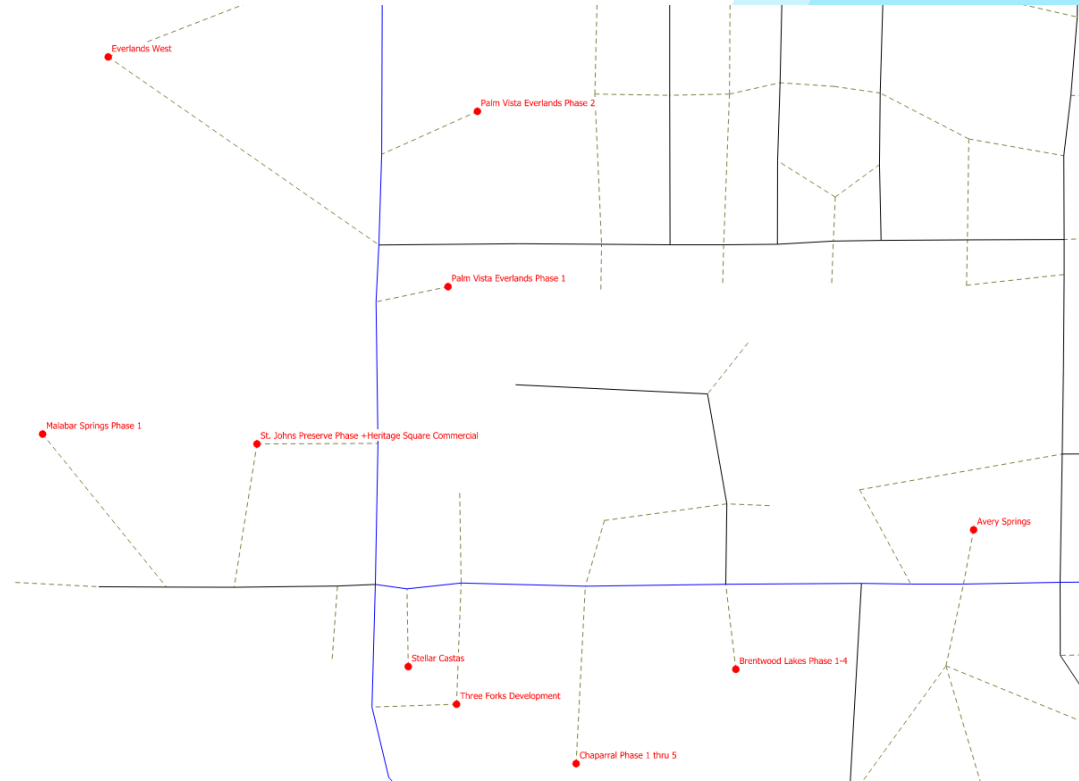
Southeast Quadrant Study Segments and Intersections



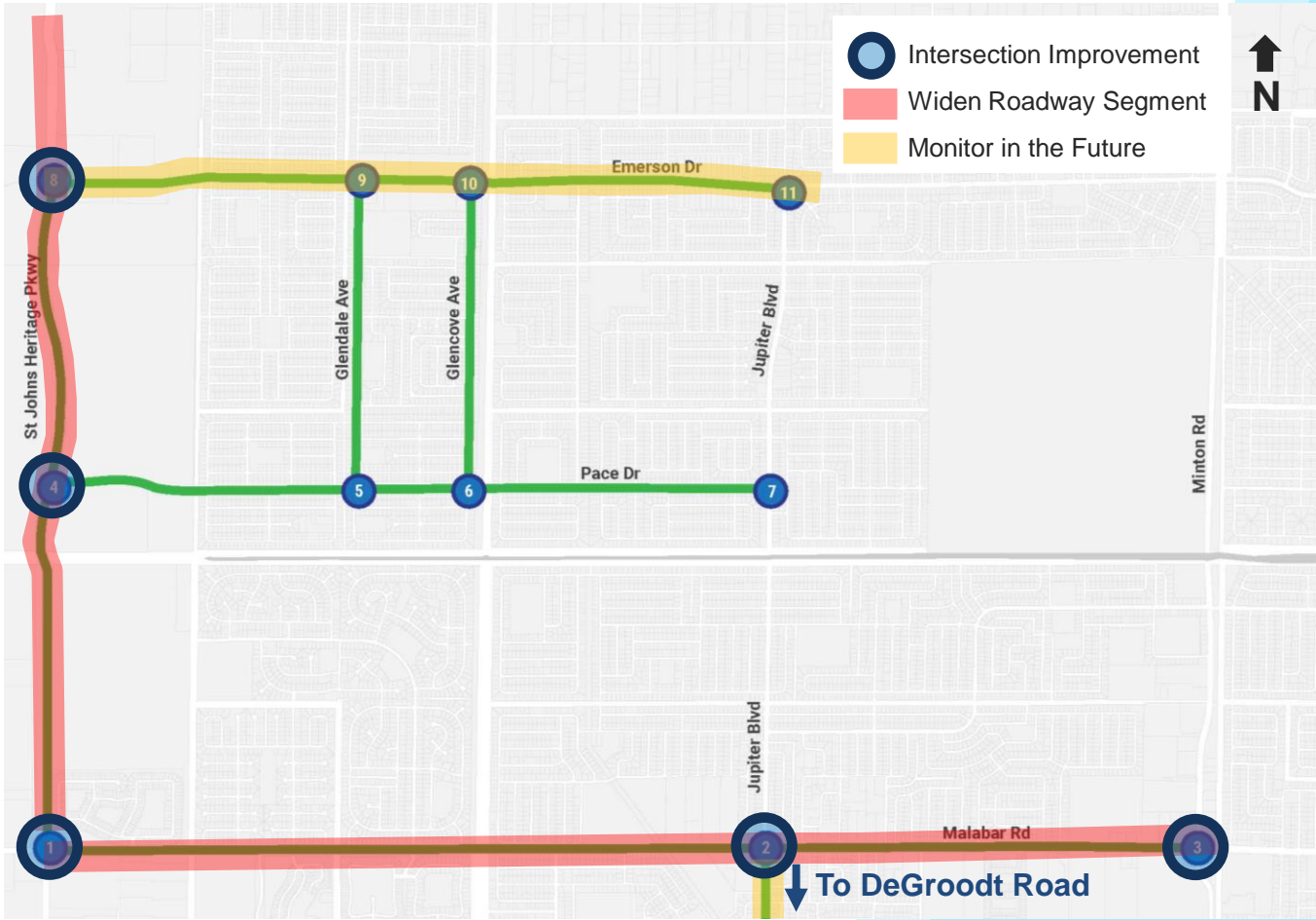
Transportation Network Analysis

- Latest development land uses were input to the model to evaluate distribution of future trips
- Intersections and roadway segments were evaluated for Level of Service and capacity standards using standard industry practices
- Improvements recommended in prior studies were verified and additional improvements were identified if needed

Travel Demand Model



Northwest Quadrant Analysis Results



Northwest Quadrant Improvements

Location	Prior Identified Improvements	Additional Improvements Needed
St Johns Heritage Parkway from Malabar Road to City Limits (north of Emerson Drive)	Widen from two to four lanes	None
Malabar Road from St Johns Heritage Parkway to Minton Road	Widen from two to four lanes	None
St Johns Heritage Parkway & Malabar Road	Signalize with intersection modifications	New additional southbound left-turn lane New additional westbound right-turn lane
Jupiter Boulevard & Malabar Road	Intersection modifications and optimize timings	New northbound left-turn lane (2042)
Minton Road & Malabar Road	Optimize timings	Convert northbound right-turn lane to shared through/right turn lane New southbound through lane New eastbound right-turn lane (2042) New northbound right-turn lane (2042)
St Johns Heritage Parkway & Pace Drive	Intersection modifications	Signalize intersection
St Johns Heritage Parkway & Emerson Drive	Signalize	New dedicated westbound through lane New additional southbound left-turn lane (2042) New additional westbound right-turn lane (2042)



Southeast Quadrant Analysis Results



Southeast Quadrant Improvements

Location	Prior Identified Improvements	Additional Improvements Needed
Babcock Street from Mara Loma Boulevard to Cogan Drive	None	Widen from two to four lanes
Babcock Street & Micco Road	None	Signalize intersection
Babcock Street & St Johns Heritage Parkway	New eastbound approach with exclusive turn lanes New westbound through lane New dual westbound right-turn lanes New dual southbound left turn-lanes	New northbound through lane
Babcock Street & Capital Drive	Signalize intersection	New eastbound right-turn lane New westbound right-turn lane New southbound right-turn lane
Babcock Street & Mara Loma Boulevard	Signalize intersection	Convert eastbound right turn lane into a shared right/left turn-lane
Babcock Street & Cogan Drive	New additional southbound right-turn lane New additional northbound left-turn lane	New eastbound right-turn lane



Additional Improvements Preliminary Cost Estimates

- Northwest Quadrant:
 - Short-Term Horizon (2027): \$1.05 million
 - Long-Term Horizon (2042): \$920,000
- Southeast Quadrant:
 - Short-Term Horizon (2027): \$5.3 million
 - Improvements recommended for 2027 are anticipated to operate acceptable in 2042



Next Steps

- Final reports for Northwest and Southeast Quadrant Studies are submitted
- Pre-development and post-development analysis underway
 - Intended to identify individual development impacts and associated contributions to improvements
 - Findings to be shared in April 2023





LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 2/16/2023

RE: Ordinance 2023-07, vacating a portion of the rear public utility and drainage easement located within Lot 4, Block 1186, Port Malabar Unit 24 (Case VE-8-2022, Emily Flagge), first reading.

Emily Flagge has submitted an application to vacate a portion of a public utility and drainage easement for a family pool in the back yard, specifically:

Easterly 8 feet of the Westerly 20-foot Public Utility & Drainage Easement, less the Northerly and the Southerly 6-foot Public Utility & Drainage Easement, thereof containing 544 square feet or 0.01 acres, more or less, of Lot 4, Block 1186, Port Malabar Unit 24, according to the Plat thereof, as Recorded in Plat Book 16, Pages 29 - 41, of the Public Records of Brevard County, Florida.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to consider and approve per the recommendation section of the staff report.

ATTACHMENTS:

Description

Staff Report- VE-8-2022

Ordinance 2023-07



DATE: January 23, 2023

CASE #: VE-8-2022

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate the Easterly 8 feet of the Westerly 20-foot Public Utility & Drainage Easement, less the Northerly and the Southerly 6 foot Public Utility & Drainage Easement, thereof containing 544 square feet or 0.01 acres , more or less, of Lot 4, Block 1186, Port Malabar Unit 24, according to the Plat thereof, as Recorded in Plat Book 16, Pages 29 - 41, of the Public Records of Brevard County, Florida. For a family pool in the back yard.

LOCATION: 2920 Tishman Rd SE
(Lot 4, Block 1186, Port Malabar Unit 24)

APPLICANT: Emily Flagge

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: 544 square feet, more or less

ADJACENT ZONING	N	RS-2 – Single-Family Residential.
& LAND USE:	E	RS-2 – Single-Family Residential
	S	RS-2 – Single-Family Residential
	W	50ft City Drainage right of way

STAFF ANALYSIS:

Vacation of Easement is requested to vacate the Easterly 8 feet of the Westerly 20-foot Public Utility & Drainage Easement, less the Northerly and the Southerly 6 foot Public Utility & Drainage Easement, thereof containing 544 square feet or 0.01 acres , more or less, of Lot 4, Block 1186, Port Malabar Unit 24, according to the Plat thereof, as Recorded in Plat Book 16, Pages 29 - 41, of the Public Records of Brevard County, Florida, for a family pool in the back yard.

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

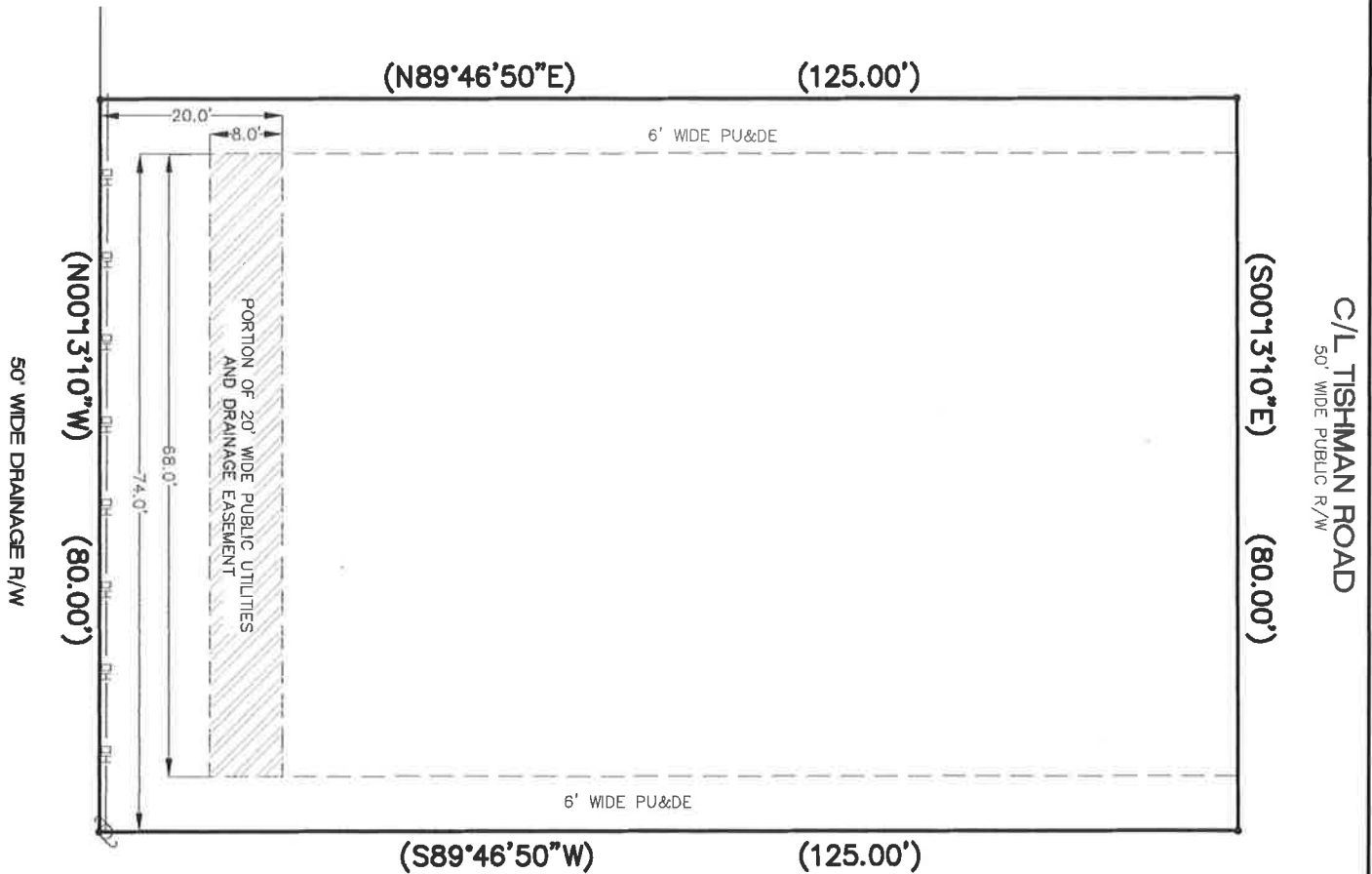
The City of Palm Bay's Departments have the enclosed comments relating to the vacating request. It should be noted that city policy allows for the approval of a vacation request for the first 10 feet, along MTWCD owned canal, if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the Easterly 8 feet of the Westerly 20-foot Public Utility & Drainage Easement, less the Northerly and Southerly 6 foot Public Utility & Drainage Easement, thereof containing 544 square feet or 0.01 acres , more or less, of Lot 4, Block 1186, Port Malabar Unit 24, according to the Plat thereof, as Recorded in Plat Book 16, Pages 29 - 41, of the Public Records of Brevard County, Florida. For a family pool in the back yard.

STAFF RECOMMENDATION:

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

SKETCH OF VACATED EASEMENT



DESCRIPTION TO BE VACATED

BEING THE SOUTH 68.00 FEET OF THE NORTH 74.00 FEET OF THE EAST 8.00 FEET OF THE WEST 20.00 FEET OF LOT 4, BLOCK 1186, PORT MALABAR UNIT TWENTY FOUR, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGES 29 THROUGH 41, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



Digitally signed by Jon Brunner
Date: 2022.10.11 12:20:43 -04'00'

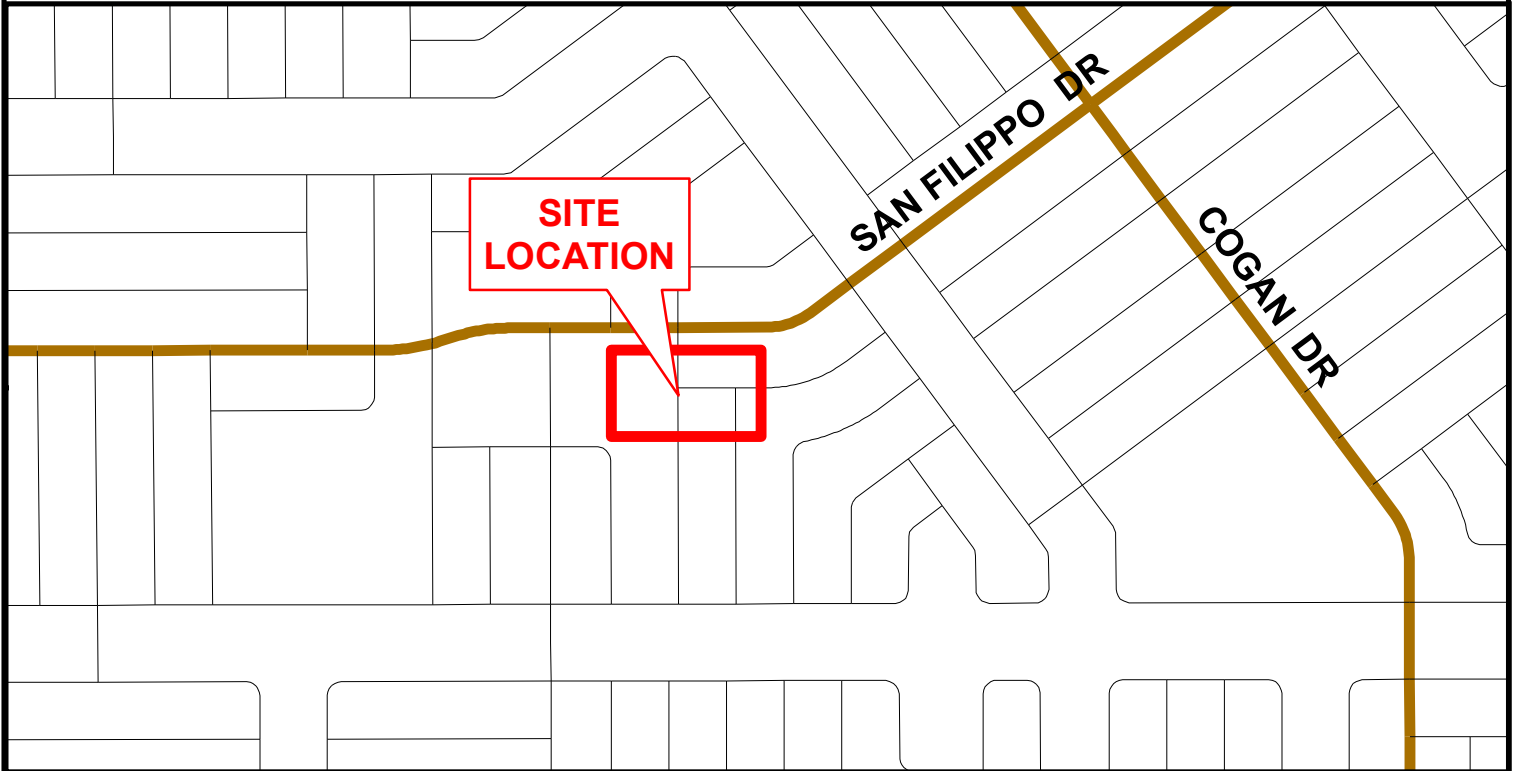
JON E. BRUNNER, FLORIDA PSM 6431
STATE OF FLORIDA

DATE: 6/14/22	SECTION: 32	PAGE:	BRUNNER-HAGEN, INC. ENGINEERS AND LAND SURVEYORS 801 CAROLIN STREET, MELBOURNE, FL., 32901 PH (321) 728-1961 info@brunner-hagen.com
PROJECT: 636-21	TOWNSHIP: 29 S.	REVISION:	
SCALE: 1"=20'	RANGE: 37 E.	REVISION:	

DESCRIPTION
TO BE VACATED

BEING THE SOUTH 68.00 FEET OF THE NORTH 74.00 FEET OF THE EAST 8.00 FEET OF THE WEST 20 FEET OF LOT 4, BLOCK 1186, PORT MALABAR UNIT TWENTY FOUR, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGES 29 THROUGH 41, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

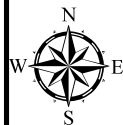
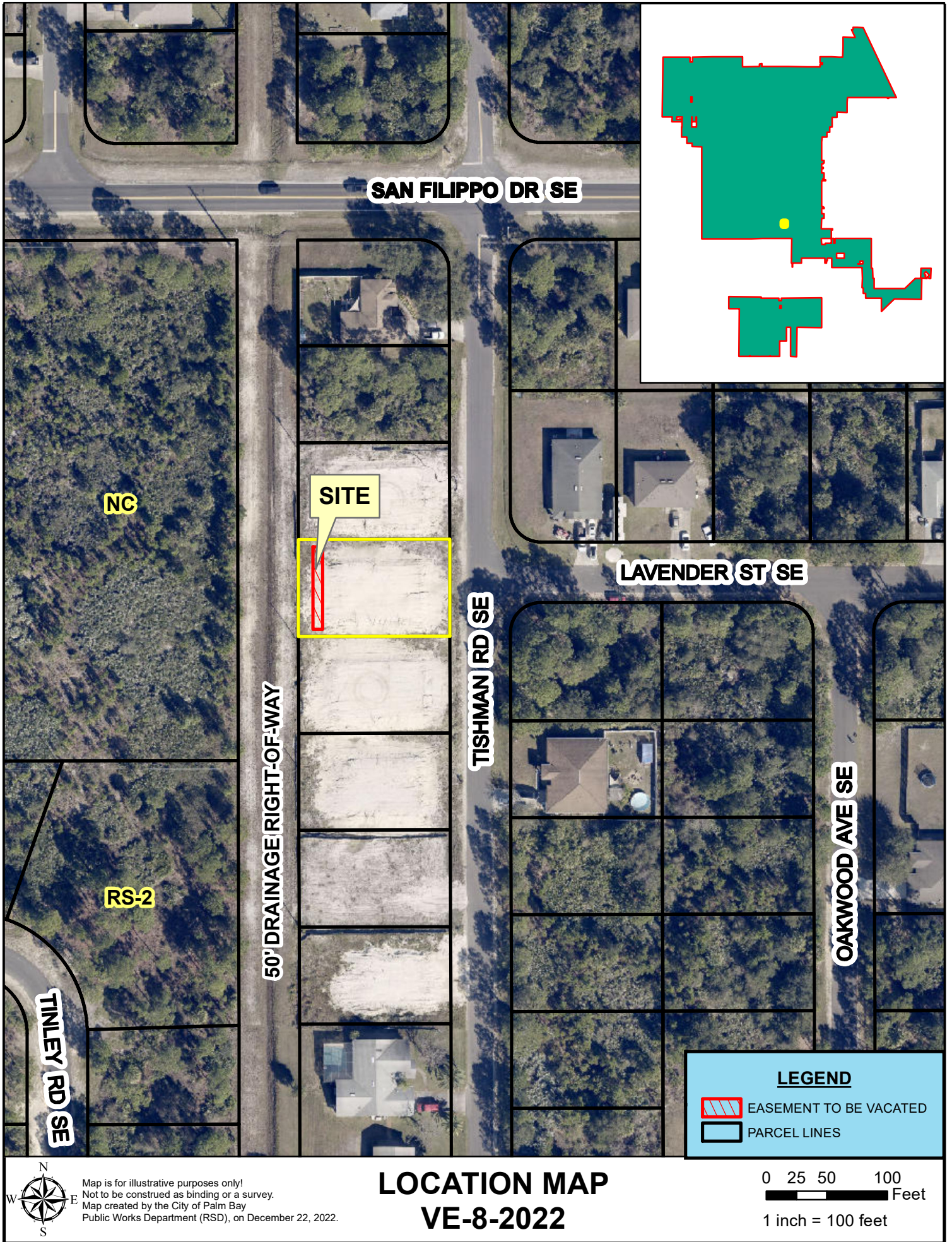
LOCATION MAP



Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on December 22, 2022.

VE-8-2022

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 December 22, 2022.

LOCATION MAP VE-8-2022

0 25 50 100
Feet
1 inch = 100 feet



PUBLIC WORKS DEPARTMENT

1050 MALABAR ROAD SW PALM BAY, FLORIDA 32907

PHONE: (321) 952-3403

EMAIL: pwpermitting@palmbayflorida.org

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): Emily Flagg

Address: 2920 Tishman Rd SE

City: Palm Bay Zip Code: 32909

Phone Number: 262-483-8993 Business Phone Number: _____

Fax Number: _____ Email: emily.flagg.29@gmail.com

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

See supplied survey

Section: 32 Township: 29 S. Range: 37 E.

Size of area covered by this application (calculate acreage): .0124

Zoning classification at present: _____

Which action applying for (easement, drainage): easement

Reason for requesting vacation and intended use: install family pool

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 Sue Chandler Date 10/11/2022

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 Emily Flagg Date 10/18/22

Printed Name of Applicant Emily Flagg

ORDINANCE 2023-07

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 4, BLOCK 1186, PORT MALABAR UNIT 24, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 33, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 4, Block 1186, Port Malabar Unit 24, according to the plat thereof as recorded in Plat Book 16, Page 33, of the Public Records of Brevard County, Florida, Section 32, Township 29S, Range 37E, being more particularly described as follows:

BEING THE SOUTH 68.00 FEET OF THE NORTH 74.00 FEET OF THE EAST 8.00 FEET OF THE WEST 20.00 FEET OF LOT 4, BLOCK 1186, PORT MALABAR UNIT 24, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGES 29 THROUGH 41, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; CONTAINING 544 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

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

Read in title only at Meeting 2023- , held on , 2023; and read in title only and duly enacted at Meeting 2023- , held on , 2023.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Emily Flagge
Case: VE-8-2022

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 2/16/2023

RE: Ordinance 2023-08, vacating a portion of the rear public utility and drainage easement located within Lot 6, Block 470, Port Malabar Unit 11 (Case VE-11-2022, Tami and David Lee), first reading.

Tami Lee has submitted an application to vacate the South 10 feet of the rear 20 foot Public Utility and Drainage Easement, less and except the West and East platted 6 foot Public Utility and Drainage Easements, thereof containing 590 square feet, more or less of lot 6, Block 470, Port Malabar Unit 11, according to the Plat thereof, as Recorded in Plat Book 15, Pages 34-42, of the Public Records of Brevard County, Florida for a swimming pool in the back yard.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None.

RECOMMENDATION:

Motion to approve the request for vacating easement, VE-11-2022.

ATTACHMENTS:

Description

Staff Report- VE-11-2022

Ordinance 2023-08

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate a portion of the 20.00 foot wide public utility and drainage easement lying within lot 6, block 470, Port Malabar Unit eleven as recorded in plat book 15, pages 34-42, public records of Brevard County, Florida, being more particularly described as follows: the south 10.00 feet of the north 20.00 foot wide public utility and drainage easement, less and except the east 6 foot and west 20 foot side easements thereof, lying within said lot 6, block 470. containing 590 square feet (0.01 Acres), more or less. For a swimming pool in the back yard.

LOCATION: 901 Vantage Street SE
(Lot 6, Block 470, Port Malabar Unit 11)

APPLICANT: Tami and David Lee

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: 590 square feet, more or less

ADJACENT ZONING & LAND USE:	N 100ft MTWCD Drainage right of way.
	E RS-2 – Single-Family Residential
	S RS-2 – Single-Family Residential
	W 50ft City Drainage right of way

STAFF ANALYSIS:

Vacation of Easement is requested to vacate a portion of the 20.00 foot wide public utility and drainage easement lying within lot 6, block 470, Port Malabar Unit eleven as recorded in plat book 15, pages 34-42, public records of Brevard County, Florida, being more particularly described as follows: the south 10.00 feet of the north 20.00 foot wide public utility and drainage easement, less and except the east 6 foot and west 20 foot side easements thereof, lying within said lot 6, block 470. containing 590 square feet (0.01 Acres), more or less. For a swimming pool in the back yard.

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

The City of Palm Bay's Departments have the enclosed comments relating to the vacating request. It should be noted that city policy allows for the approval of a vacation request for the first 10 feet, along MTWCD owned canal, if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the Southerly 10 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Easterly 6 foot and Westerly 20 foot Public Utility & Drainage Easement, thereof containing 590 square feet or 0.01 acres , more or less, of Lot 6, Block 470, Port Malabar Unit 11, according to the Plat thereof, as Recorded in Plat Book 15, Pages 34-42, of the Public Records of Brevard County, Florida. For a swimming pool in the back yard.

STAFF RECOMMENDATION:

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

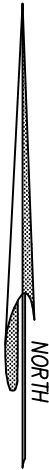
LEGAL DESCRIPTION

PARENT PARCEL ID# 29-37-08-GL-470-6
PURPOSE: PARTIAL VACATION OF EASEMENT

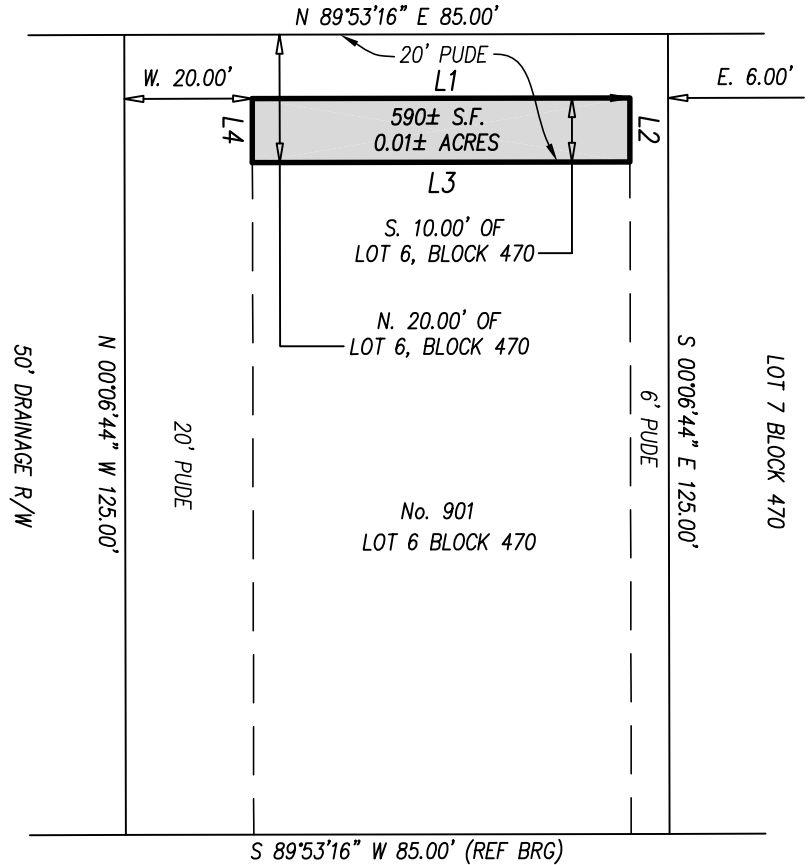
EXHIBIT "A"

NOT A SURVEY

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°53'16"E	59.00'
L2	S00°06'44"E	10.00'
L3	S89°53'16"W	59.00'
L4	N00°06'44"W	10.00'



MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL No. 47



LEGAL DESCRIPTION:

(PREPARED BY SURVEYOR)

A PORTION OF A 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 6, BLOCK 470, PORT MALABAR UNIT ELEVEN, AS RECORDED IN PLAT BOOK 15, PAGES 34-42, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 10.00 FEET OF THE NORTH 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, LESS AND EXCEPT THE EAST 6.00 FOOT AND WEST 20.00 FOOT SIDE EASEMENTS THEREOF, LYING WITHIN SAID LOT 6, BLOCK 470. CONTAINING 590 SQUARE FEET (0.01 ACRES), MORE OR LESS.

VANTAGE STREET S.E. (POSTED)

COLLINGS STREET - (PLATTED)
50' PUBLIC R/W

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE N. R/W LINE BEING S 89°53'16" W AS PER PLAT (SEE SKETCH).

LEGEND:

BRG = BEARING
P.B. = PLAT BOOK
PUDE = PUBLIC UTILITY & DRAINAGE EASEMENT
REF = REFERENCE
R/W = RIGHT-OF-WAY
S.F. = SQUARE FEET



PREPARED FOR AND CERTIFIED TO:
TAMI LEE

12/20/2022 | 6:46 AM PST

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

Joel Seymour

JOEL A. SEYMOUR, LS 6133
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: JED

PROJECT NO. 42455

REVISIONS:

DATE:

SECTION 8

DATE: 12/20/22

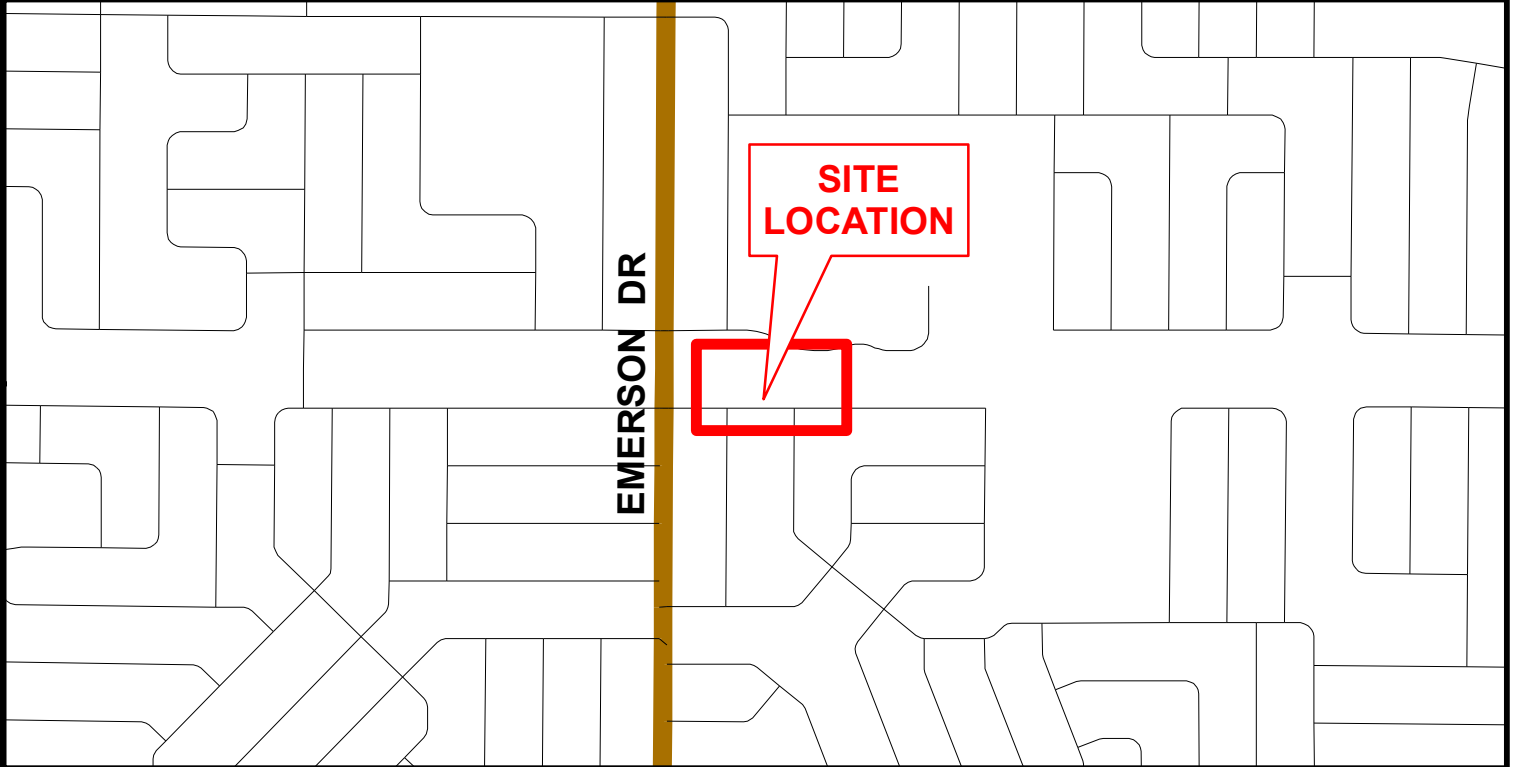
DRAWING: PM11/L6B470

CITY COMMENTS

DATE: 12/20/22

TOWNSHIP 29 SOUTH
RANGE 37 EAST

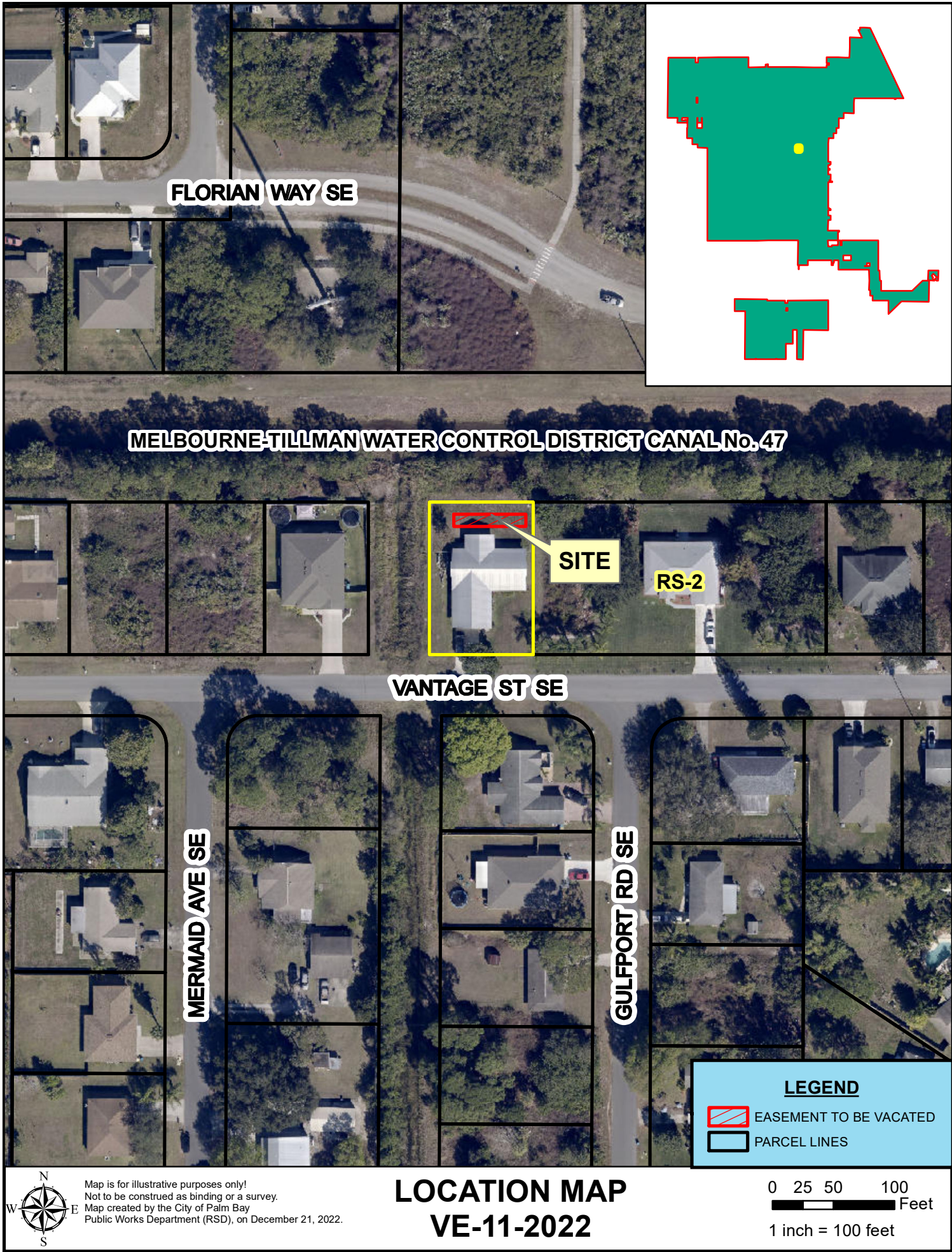
LOCATION MAP



Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on December 21, 2022.

VE-11-2022

0 25 50 100
Feet
1 inch = 100 feet





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

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): Tami and David Lee

Address: 901 Vantage St SE

City: Palm Bay Zip Code: 32909

Phone Number: 321-432-9810 Business Phone Number: _____

Fax Number: _____ Email: ttlee17@yahoo.com

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

A PORTION OF A 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 6, BLOCK 470, PORT MALABAR UNIT ELEVEN,

AS RECORDED IN PLAT BOOK 15, PAGES 34-42, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: : THE SOUTH 10.00 FEET OF THE NORTH 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, LESS AND EXCEPT THE EAST 6.00 FOOT AND WEST 20.00 FOOT SIDE EASEMENTS THEREOF, LYING WITHIN SAID LOT 6, BLOCK 470. CONTAINING 590 SQUARE FEET (0.01 ACRES), MORE OR LESS.

Section: 8 Township: 29S Range: 37E

Size of area covered by this application (calculate acreage): 590+/- S.F., 0.01 acre

Zoning classification at present: Single Family Residential

Which action applying for (easement, drainage): Easement

Reason for requesting vacation and intended use: Swimming pool

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

The following enclosures are needed to complete this application:

- ☒ \$182.00 Application Fee. Make check payable to "City of Palm Bay".
- ☒ List of names and addresses of property owners abutting the lot or parcel within which the easement or drainage right-of-way is located;
- ☒ Copy of plat, map, etc. depicting area location of easement or drainage right-of-way to be vacated.
- ☒ Original notarized letters from the utility and service companies are required stating whether or not they object to or if there is no interest in the vacating of the easement or drainage right-of-way. If equipment lies within the easement or drainage right-of-way requested for vacation, the applicant shall be responsible for any expenses incurred for relocating same, unless other arrangements have been made with the company.
 - a) Florida Power & Light Company;
 - b) AT&T Telecommunications;
 - c) Spectrum Cable;
 - d) Melbourne-Tillman Water Control District (if applicable);
 - e) Florida City Gas (if applicable);
 - f) Holiday Park, Board of Directors (if applicable).

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

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

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

☐ Required ☒ Not Required

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

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

Signature of Applicant  Date 11/12/2022

Printed Name of Applicant Tami Lee

FOR OFFICE USE ONLY

Land Development Division _____ Date _____

ORDINANCE 2023-08

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 6, BLOCK 470, PORT MALABAR UNIT 11, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 39, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Tami and David Lee, have requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

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

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

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 6, Block 470, Port Malabar Unit 11, according to the plat thereof as recorded in Plat Book 15, Page 39, of the Public Records of Brevard County, Florida, Section 08, Township 29S, Range 37E, being more particularly described as follows:

BEING THE SOUTH 10.00 FEET OF THE NORTH 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, LESS AND EXCEPT THE EAST 6.00 FOOT AND WEST 20.00 FOOT SIDE EASEMENTS THEREOF, LYING WITHIN SAID LOT 6, BLOCK 470, PORT MALABAR UNIT 11, RECORDED IN PLAT BOOK 15, PAGES 34 THROUGH 42, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; CONTAINING 590 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

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

Read in title only at Meeting 2023- , held on , 2023; and read in title only and duly enacted at Meeting 2023- , held on , 2023.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Tami and David Lee
Case: VE-11-2022

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 2/16/2023

RE: Ordinance 2022-116, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to St. Johns Heritage Parkway, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R, from Residential Open Space Use, Single-Family Residential Use, Multiple-Family Residential Use, and Commercial Use to Multiple-Family Residential Use (1198.1 acres) (Case CP-30-2022, Palm Vista Preserve, LLC), final reading.

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

Palm Vista Preserve LLC, managing agent Mr. Greg Pettibon, Lennar Homes (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) has submitted for a large-scale future land use map amendment from Residential Open Space, Single-Family Residential, Commercial, and Multiple Family Residential to Multiple Family Residential. The undeveloped land is generally located west of St. Johns Heritage Parkway and in the vicinity west of Pace Drive NW.

The property is intended for a mixed residential development to provide for a more efficient distribution of compatible land uses. The subject property is not within a scrub jay polygon, and any protected species that would be found on the subject property would need to be mitigated. 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. The School Board analysis letter indicates that capacity is available for elementary and middle; however, high school capacity was not available. The letter further indicated that review of adjacent concurrency service areas, capacity was available.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Request for City Council review. Case CP-30-2022 meets the minimum requirements for a large-scale Comprehensive Plan Future Land Use Map Amendment request.

Planning and Zoning Board Recommendation:

Denial of the request by a vote of 4 to 2.

ATTACHMENTS:

Description

Case CP-30-2022 - Staff Report

Case CP-30-2022 - City Engineer Traffic Analysis

Case CP-30-2022 - Preliminary Development Plan

Case CP-30-2022 - Location and Aerial Maps

Case CP-30-2022 - Sketch Legal

Case CP-30-2022 - Traffic Statement

Case CP-30-2022 - School Board Analysis

Case CP-30-2022 - Project Narrative

Case CP-30-2022 - Application

Case CP-30-2022 - Board Minutes

Ordinance 2022-116



REVISED

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

CP-30-2022

PLANNING & ZONING BOARD HEARING DATE

October 5, 2022

PROPERTY OWNER & APPLICANT

Palm Vista Preserve LLC. (Ana Saunders,
P.E. BSE, Reps.)

PROPERTY LOCATION/ADDRESS

Tax Parcel 1, Section 29, Township 28, Range 36,
along with, Tax Parcel 1, Section 20, Township 28,
Range 36, along with Tax Parcel 1, Section 28, Range
36, containing approximately 1,157.37 acres. Located
West of St. Johns Heritage Parkway and in the vicinity
west of Pace Drive NW.

SUMMARY OF REQUEST

The applicant is requesting to change the Future Land Use from
Residential Open Space, Single-Family Residential, and Multiple
Family Residential to Multiple Family Residential.

Existing Land Use

>>Commercial,<< Residential Open Space, Single-Family
Residential, Multiple Family Residential

Site Improvements

Undeveloped Land

Site Acreage

1198.1 acres

SURROUNDING FUTURE LAND USE & EXISTING USE OF LAND

North

Urban Edge - Vacant

East

COM, Commercial – Vacant, ROS, Residential Open Space –
Vacant, Multiple Family Residential - Vacant

South

PMU, Parkway Mixed-Use – Mixed Use Development – Single-
Family Home, Vacant, Multiple Family Residential - Vacant

West

AGRIC (Brevard County), Agricultural - Vacant

BACKGROUND:

The subject property is located south of Jacob The properties are generally located west of St. Johns Heritage Parkway and in the vicinity west of Pace Drive NW., containing approximately 1198.1 acres.

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 intended use for the 1,198.1-acre property is a mixed residential development. >>Of the 1,198.1 acres, currently 1,171.1 acres are residential and 27 acres are commercial.<< The proposed land use amendment would be considered compatible, as the diversity and mixture of residential uses provides for a more efficient distribution of compatible land uses. Moreover, it further addresses the long-term growth of the city by providing residences with diverse housing options.

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, 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 to 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.

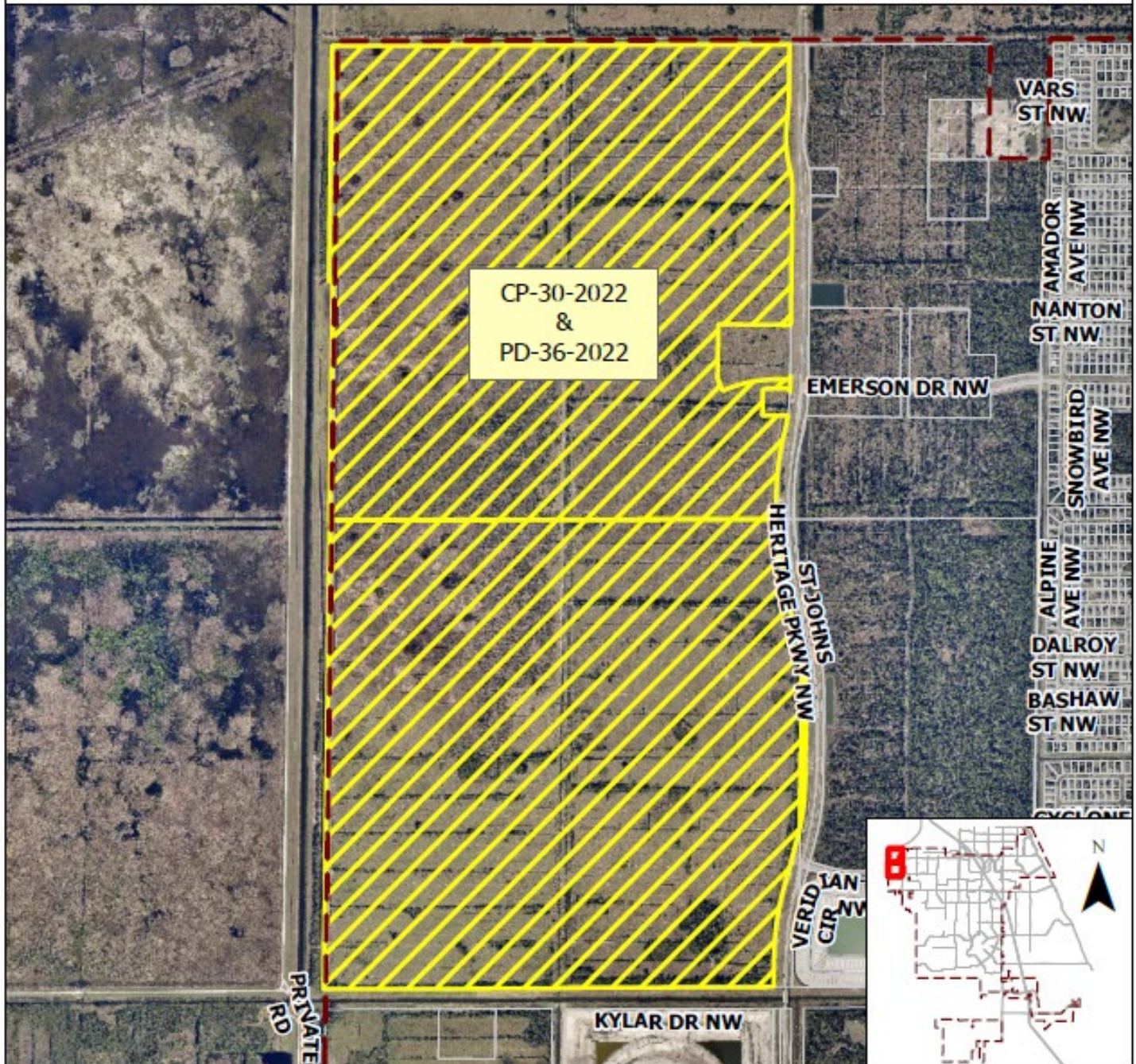
This proposed land-use change does not appear to infringe upon the property rights of the applicant.

STAFF FINDINGS:

Case CP-30-2022 meets the minimum requirements for a Large-Scale Comprehensive Plan Future Land Use Map Amendment request.



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



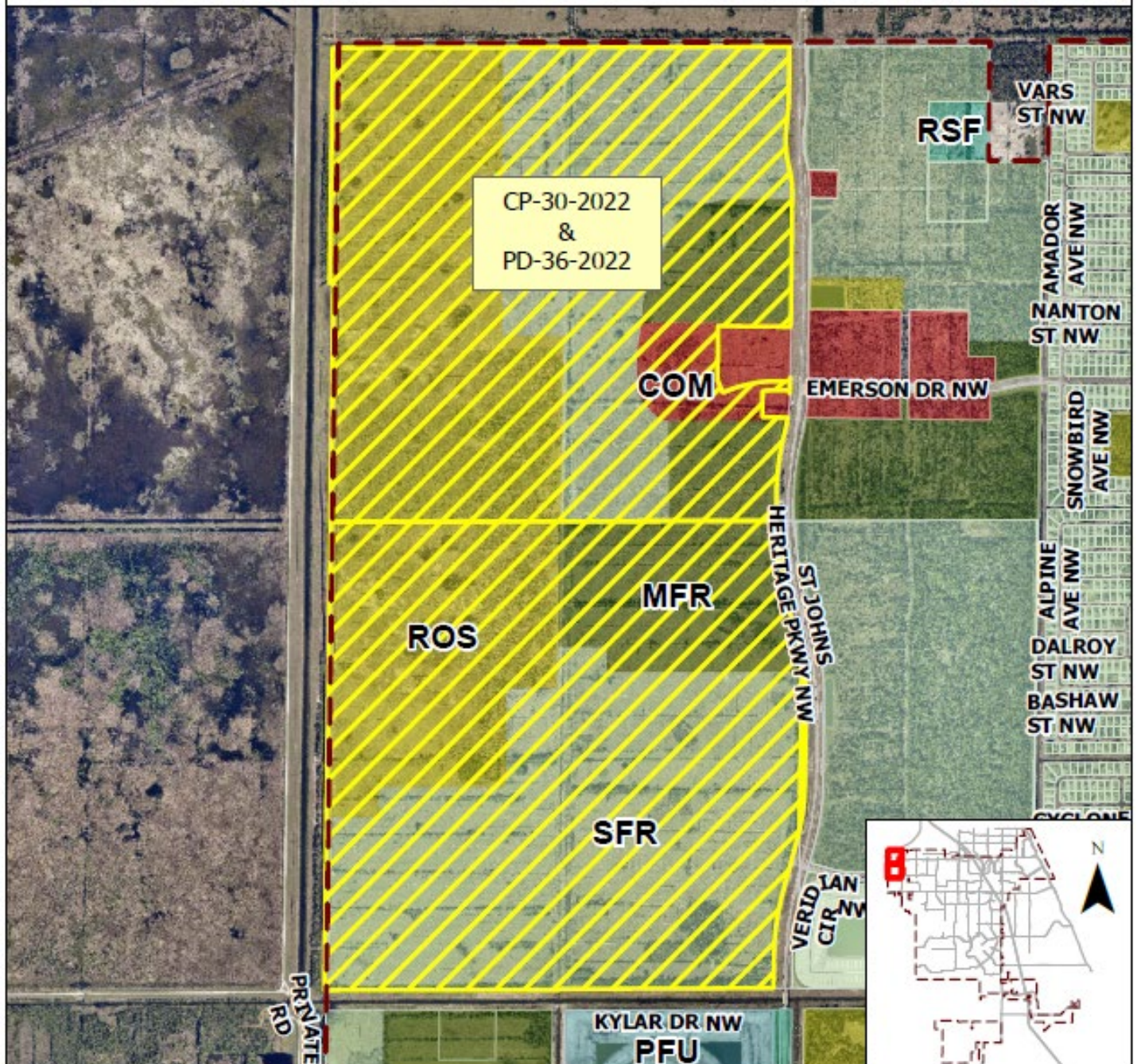
AERIAL LOCATION MAP CASE: CP-30-2022 & PD-36-2022

Subject Property

West of and adjacent to St. Johns Heritage Parkway NW, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R



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-30-2022 & PD-36-2022

Subject Property

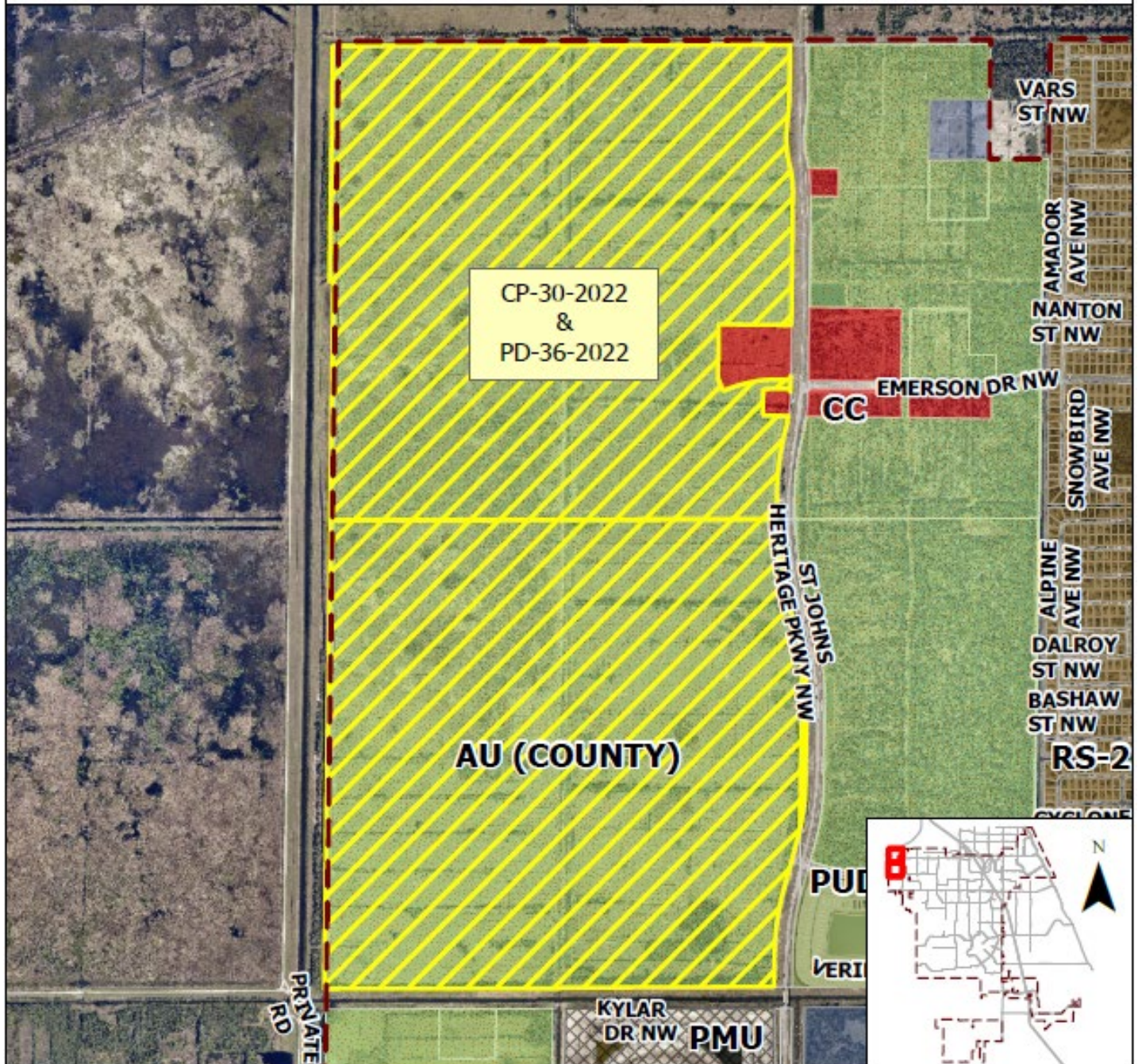
West of and adjacent to St. Johns Heritage Parkway NW, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R

Future Land Use Classification

COM, MFR, ROS, SFR – Commercial, Multi-Family Residential, Residential Open Space, 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-30-2022 & PD-36-2022

Subject Property

West of and adjacent to St. Johns Heritage Parkway NW, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R

Current Zoning Classification

AU (COUNTY) – Agricultural Residential



PUBLIC WORKS DEPARTMENT

Traffic Analysis for SJHP Between Emerson Drive and Pace Drive

By Frank Watanabe, City Engineer

October 20, 2022

The Palm Vista West at Everlands project is located within 1,197 acres of vacant agricultural land along the western segment of the St Johns Heritage Parkway (SJHP) between Pace Drive and Emerson Drive. SJHP and Emerson Drive is classified as a major collector and Pace Drive is classified as a minor collector within the City of Palm Bay Comprehensive Plan. The city approved Palm Vista for 2,390 units as a PUD with 61.5 acres of commercial and 47 acres of institutional land use. The proposed project is only for the residential land use. The traffic data for all three streets are shown below. The Emerson Drive and Pace Drive are both two-lane undivided with a posted speed of 40 mph. SJHP is a two-lane roadway with a posted speed of 45 mph.

Street	Existing ADT	No. of Lanes	LOS	Max Allowable Volume (MAV)	Available Capacity
SJHP	7,817	2	C (City)	15,120	7,303
Emerson Drive	11,620	2	C (City)	15,120	3,500
Pace Drive	3,114	2	C (City)	15,120	12,006

Non-Age Restricted			
Product Type / Land Use Code	Number of Units (x)	Trips Rate / Equation	Number of Trips (T)
Single Family (210)	± 364	$\ln(T) = 0.92\ln(x) + 2.68$	3,312
4-Unit to 6-Unit Townhomes (220)	± 168	$T = 6.41(x) + 75.31$	1,152
Paired Villas (215)	± 102	$T = 7.62(x) - 50.48$	723
Non-Age Restricted Totals	± 634 units		5,187 trips

Age Restricted			
Product Type / Land Use Code	Number of Units (x)	Trips Rate / Equation	Number of Trips (T)
Single Family (210)	± 995	$\ln(T) = 0.85\ln(x) + 2.47$	4,177
4-Unit to 6-Unit Townhomes (252)	± 98	$T = 2.89(x) + 24.80$	308
Paired Villas (252)	± 368	$T = 2.89(x) + 24.81$	1,088
Multi-Family Condo (252)	± 318	$T = 2.89(x) + 24.82$	944
Age Restricted Totals	± 1,779 units		6,517 trips

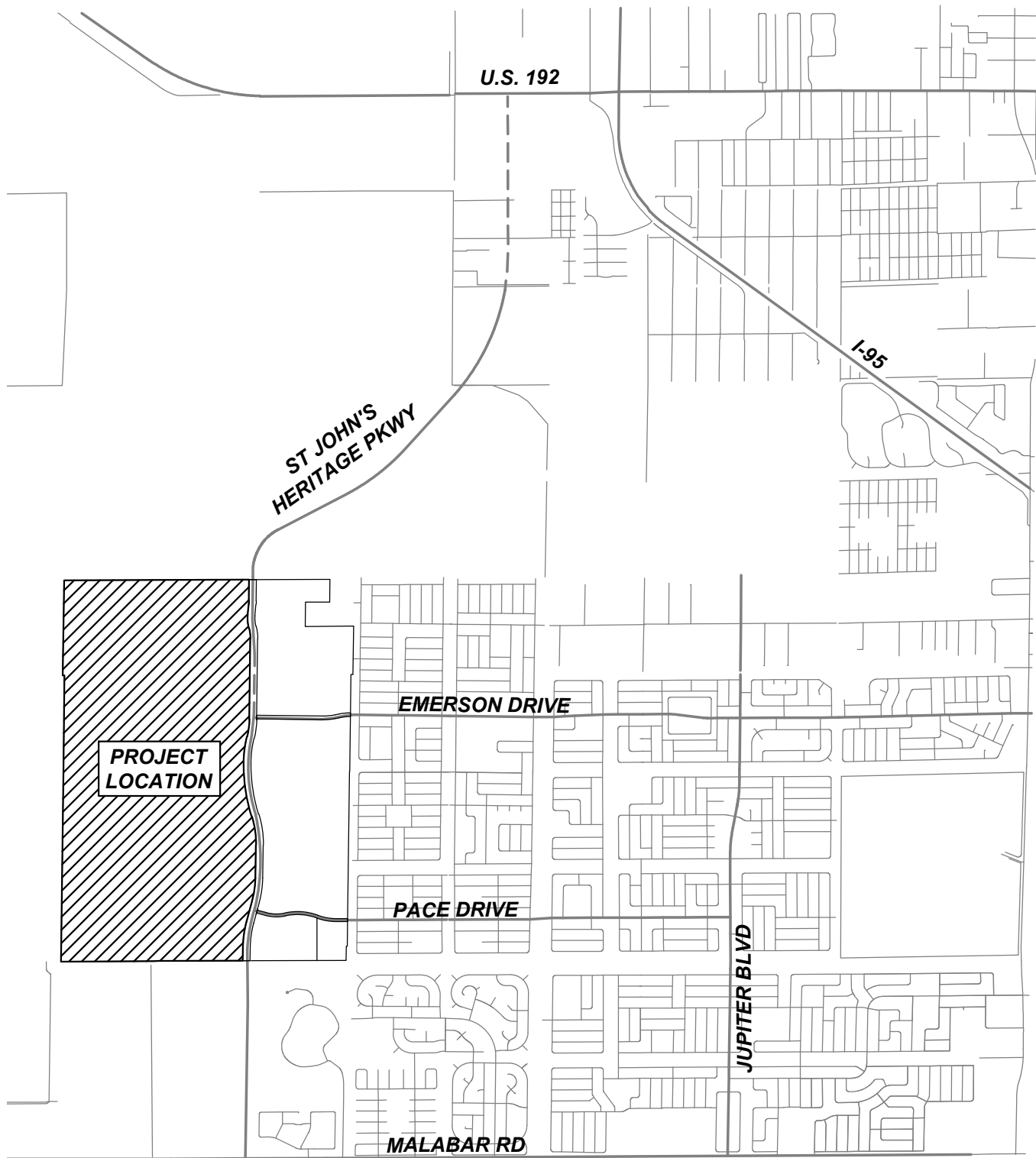
1. Level of Service (LOS)

The trip distribution from the project will generate 50% (5,852 Trips) on SJHP, 30% (3,511 Trips) on Emerson and 20% (2,341) on Pace. All three streets will have the following capacity: SJHP 15,120 > 13,669 Trips, Emerson 15,120 < 15,131 Trips and Pace 15,120 > 5,455 Trips. In addition, trips from already approved developments within the area will trigger both SJHP and Emerson to be over capacity.

Finding:

The proposed Palm Vista West at Everlands with single family and multifamily units will impact the roadway capacity of both SJHP and Emerson Drive to be deficient in level of service (LOS).

PALM VISTA EVERLANDS WEST **LOCATION MAP**



B.S.E. CONSULTANTS, INC.

CONSULTING - ENGINEERING - LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901

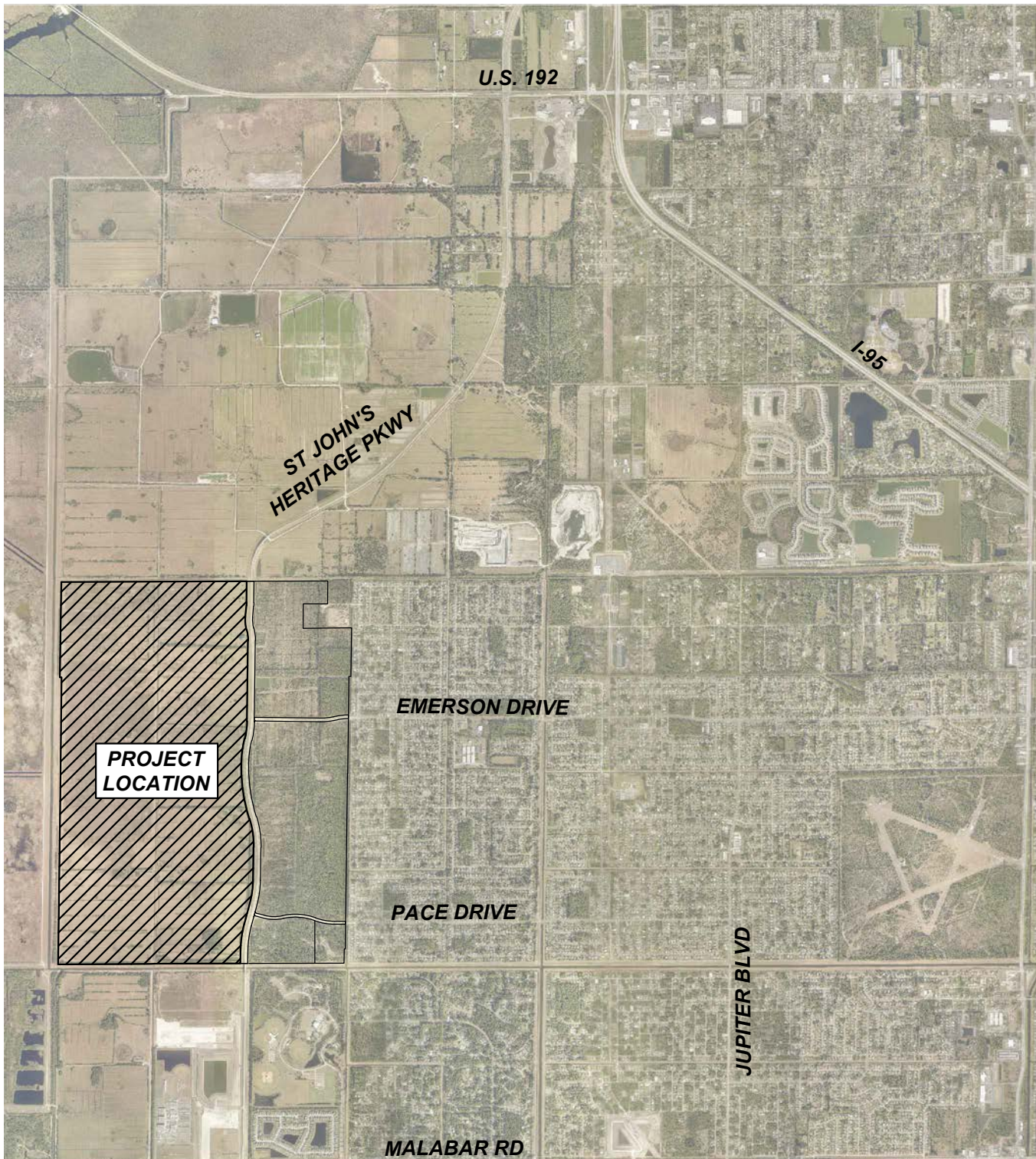
PHONE: (321) 725-3674 FAX: (321) 723-1159

CERTIFICATE OF BUSINESS AUTHORIZATION: 4905

CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 02/25/22
DESIGN/DRAWN: ALS/DRB
DRAWING# 10860800_200_001
PROJECT# 10860.800
SHEET 1 OF 1

PALM VISTA EVERLANDS WEST AERIAL



AERIAL PHOTO PROVIDED BY BREVARD COUNTY PROPERTY APPRAISER 2021



B.S.E. CONSULTANTS, INC.

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

DATE: 02/25/22
DESIGN/DRAWN: ALS/DRB
DRAWING# 10860800_200_001
PROJECT# 10860.800
SHEET 1 OF 1

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

DESCRIPTIONS OF 4
PARCELS OF LAND IN
SECTIONS 20 & 29,
TOWNSHIP 28 SOUTH,
RANGE 36 EAST, BREVARD
COUNTY, FLORIDA.

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

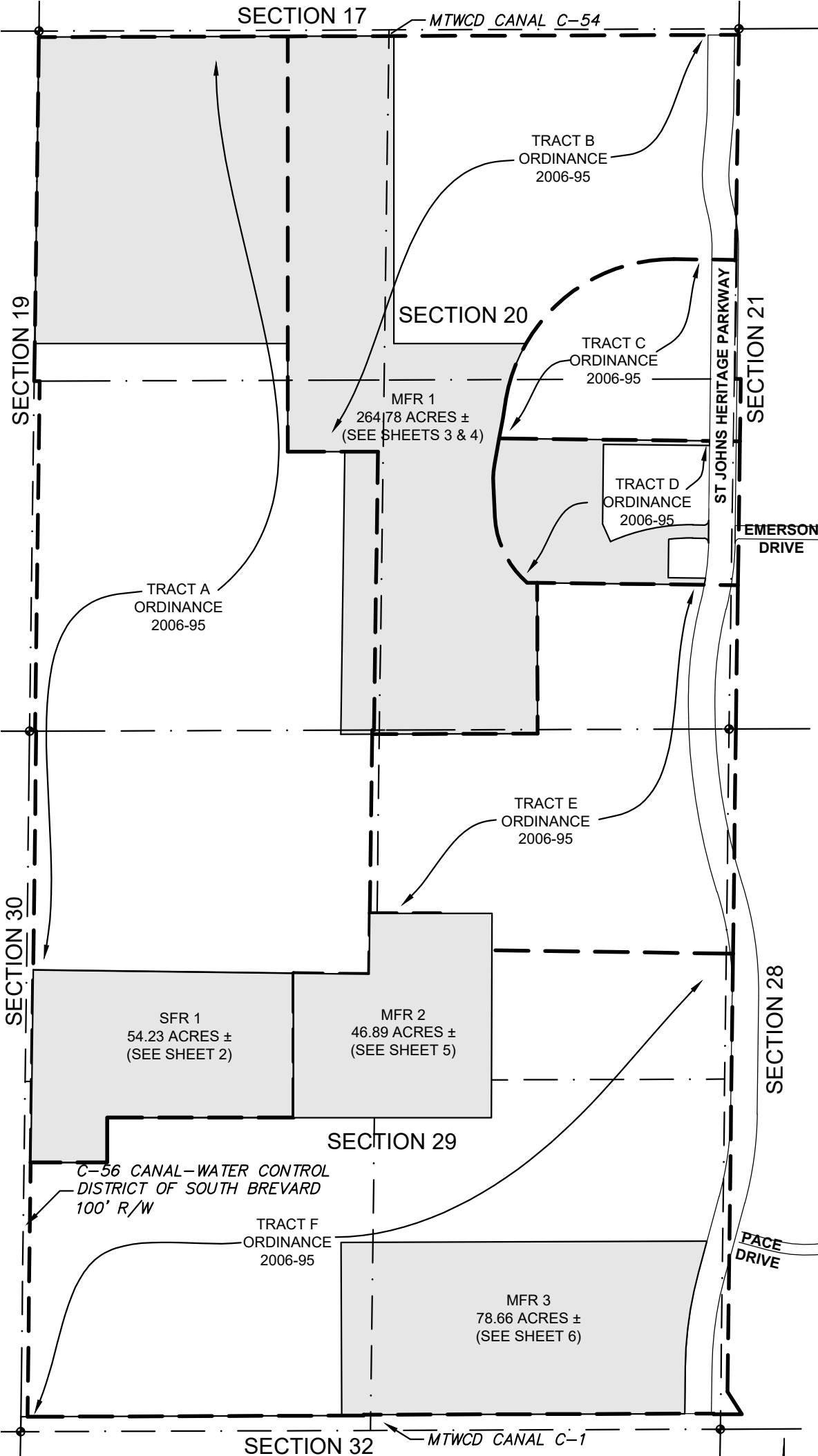
BEARING REFERENCE:
ASSUMED BEARING OF
N00°44'07"E ON THE WEST
LINE OF SECTION 29,
TOWNSHIP 28 SOUTH,
RANGE 36 EAST, BREVARD
COUNTY, FLORIDA

THESE DESCRIPTIONS
ARE SUBJECT TO
EASEMENTS,
RESTRICTIONS,
RESERVATIONS AND
RIGHTS-OF-WAY OF
RECORD.

THESE DESCRIPTIONS
ARE SUBJECT TO ANY
FACTS THAT MAY BE
REVEALED BY A
COMPLETE AND
ACCURATE TITLE SEARCH.

THESE DESCRIPTIONS
ARE NOT VALID WITHOUT
THE SIGNATURE AND
ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED
PROFESSIONAL
SURVEYOR AND MAPPER
UNLESS ELECTRONICALLY
SIGNED AND SEALED IN
ACCORDANCE WITH
FLORIDA STATUTES
CHAPTER 472.025.

THESE DESCRIPTIONS
MEET THE STANDARDS OF
PRACTICE FOR SURVEYS
AS REQUIRED BY FLORIDA
STATUTES CHAPTER 472
AND THE STANDARDS OF
PRACTICE FOR SURVEYS
AS REQUIRED BY
CHAPTER 5J-17, FLORIDA
ADMINISTRATIVE CODE.



(IN FEET)

PALM VISTA EVERLANDS
WEST SIDE FLU & REZONING EXHIBIT

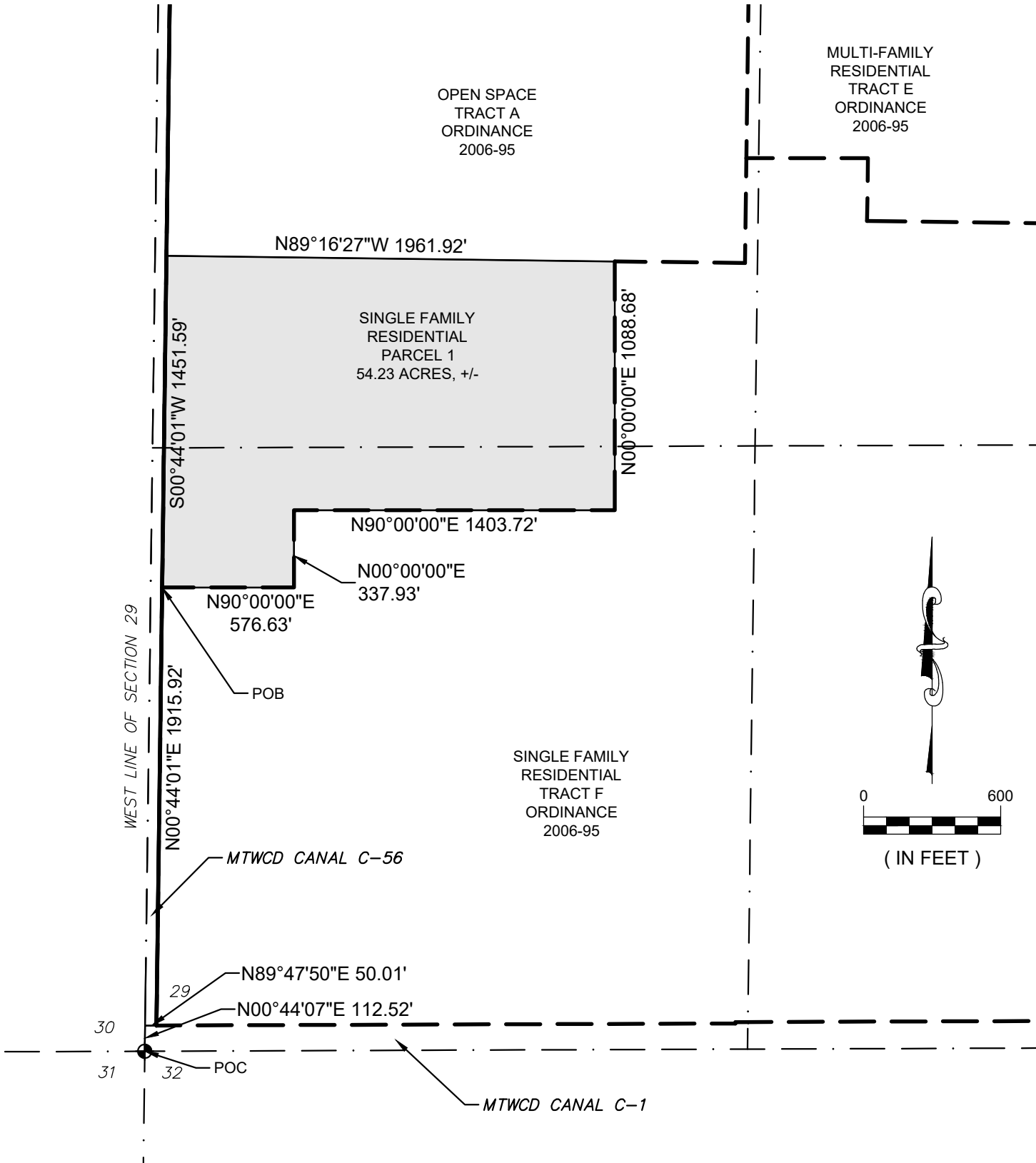


LESLIE E. HOWARD
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER 5611

B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
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CERTIFICATE OF BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 03/30/2022
DESIGN/DRAWN: LEH/DSN
DRAWING# 10860800_100_001
PROJECT# 10860.800
SHEET 1 OF 6

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



DESCRIPTION OF SINGLE FAMILY RESIDENTIAL PARCEL 1

PART OF TRACT A, AS DEFINED IN THAT CERTAIN CITY OF PALM BAY, FLORIDA ORDINANCE NUMBER 2006-95, BEING A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 29 AND RUN N00°44'07"E, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 112.52 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-1; THENCE N89°47'50"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 50.01 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-56; THENCE N00°44'01"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1915.92 FEET TO THE SOUTHWEST CORNER OF SAID TRACT AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE ALONG THE BOUNDARY OF SAID TRACT A THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES: 1) THENCE N90°00'00"E A DISTANCE OF 576.63 FEET; 2) THENCE N00°00'00"E A DISTANCE OF 337.93 FEET; 3) THENCE N90°00'00"E A DISTANCE OF 1403.72 FEET; 4) THENCE N00°00'00"E A DISTANCE OF 1088.68 FEET; THENCE N89°16'27"W A DISTANCE OF 1961.92 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-56; THENCE S00°44'01"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1451.59 FEET TO THE POINT OF BEGINNING. CONTAINING 54.23 ACRES, MORE OR LESS.

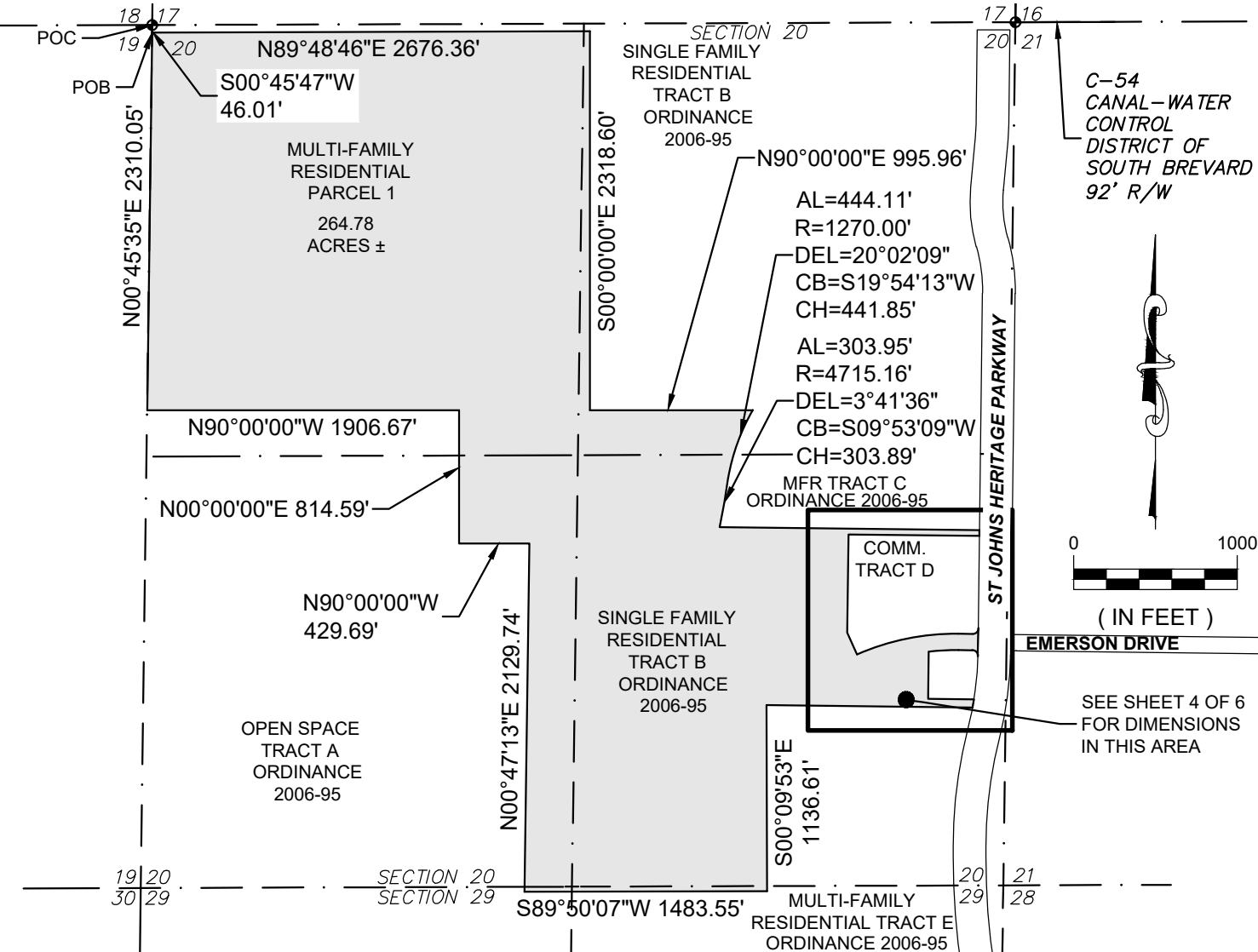
SINGLE FAMILY RESIDENTIAL PARCEL 1



B.S.E. CONSULTANTS, INC.
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CERTIFICATE OF BUSINESS AUTHORIZATION: 4905
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DATE: 03/30/2022
DESIGN/DRAWN: LEH/DSN
DRAWING# 10860800_100_003
PROJECT# 10860.800
SHEET 2 OF 6

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



DESCRIPTION OF MULTI-FAMILY RESIDENTIAL PARCEL 1

PART OF TRACT A, PART OF TRACT B, PART OF TRACT D AND PART OF TRACT E, AS DEFINED IN THAT CERTAIN CITY OF PALM BAY, FLORIDA ORDINANCE NUMBER 2006-95, BEING A PARCEL OF LAND LYING IN SECTIONS 20 AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 20 AND RUN S00°45'47"W, ALONG THE WEST LINE OF SAID SECTION 20 A DISTANCE OF 46.01 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-54 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N89°48'46"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 2676.36 FEET; THENCE S00°00'00"E A DISTANCE OF 2318.60 FEET; THENCE N90°00'00"E A DISTANCE OF 995.96 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1270.00 FEET, A CENTRAL ANGLE OF 20°02'09", A CHORD BEARING OF S19°54'13"W AND A CHORD LENGTH OF 441.85 FEET), A DISTANCE OF 444.11 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 4715.16 FEET, A CENTRAL ANGLE OF 03°41'36", A CHORD BEARING OF S09°53'09"W AND A CHORD LENGTH OF 303.89 FEET), A DISTANCE OF 303.95 FEET TO INTERSECTION WITH A NON-TANGENT LINE TO THE EAST; THENCE S89°19'54"E, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 1587.85 FEET TO THE WEST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY; THENCE S00°42'13"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 34.94 FEET; THENCE N89°19'54"W A DISTANCE OF 800.00 FEET; THENCE S00°42'13"W 600.00 FEET; THENCE S23°43'01"E A DISTANCE OF 146.92 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1500.00 FEET, A CENTRAL ANGLE OF 24°23'07", A CHORD BEARING OF N78°28'32"E AND A CHORD LENGTH OF 633.60 FEET), A DISTANCE OF 638.41 FEET; THENCE S89°19'54"E A DISTANCE OF 85.05 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE LONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 89°57'53", A CHORD BEARING OF N45°41'10"E AND A CHORD LENGTH OF 49.48 FEET), A DISTANCE OF 54.96 FEET TO A CUSP OF CURVE AND THE WEST RIGHT-OF-WAY LINE OF SAID ST JOHNS HERITAGE PARKWAY; THENCE S00°42'13"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 149.96 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2000.00 FEET, A CENTRAL ANGLE OF 00°35'04", A CHORD BEARING OF S00°59'45"W AND A CHORD LENGTH OF 20.40 FEET), A DISTANCE OF 20.40 FEET TO A CUSP OF CURVE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 90°37'01", A CHORD BEARING OF N44°01'24"W AND A CHORD LENGTH OF 49.76 FEET), A DISTANCE OF 55.35 FEET; THENCE N89°19'54"W A DISTANCE OF 84.85 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1400.00 FEET, A CENTRAL ANGLE OF 07°23'19", A CHORD BEARING OF S86°58'26"W AND A CHORD LENGTH OF 180.41 FEET), A DISTANCE OF 180.54 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTH; THENCE S00°42'13"W, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 288.38 FEET; THENCE S89°19'54"E A DISTANCE OF 279.60 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED WEST RIGHT-OF-WAY LINE OF SAID ST JOHNS HERITAGE PARKWAY; THENCE ALONG THE ARC OF SAID CURVED RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 2000.00 FEET, A CENTRAL ANGLE OF 01°27'07", A CHORD BEARING OF S09°37'23"W, AND A CHORD LENGTH OF 50.68 FEET), A DISTANCE OF 50.68 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE NORTHWEST; THENCE N89°19'54"W, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 1259.18 FEET; THENCE S00°09'53"E A DISTANCE OF 1136.61 FEET; THENCE S89°50'07"W A DISTANCE OF 1483.55 FEET; THENCE N00°47'13"E A DISTANCE OF 2129.74 FEET; THENCE N90°00'00"W A DISTANCE OF 429.69 FEET; THENCE N00°00'00"E A DISTANCE OF 814.59 FEET; THENCE N90°00'00"W A DISTANCE OF 1906.67 FEET TO THE WEST LINE OF SAID SECTION 20; THENCE N00°45'35"E, ALONG THE WEST LINE OF SAID SECTION 20, A DISTANCE OF 2310.05 FEET TO THE POINT OF BEGINNING. CONTAINING 264.78 ACRES MORE OR LESS.

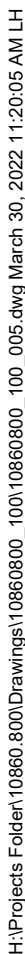
MULTI-FAMILY RESIDENTIAL PARCEL 1



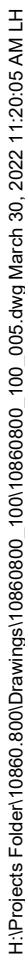
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DRAWING# 10860800_100_005
PROJECT# 10860.800
SHEET 3 OF 6

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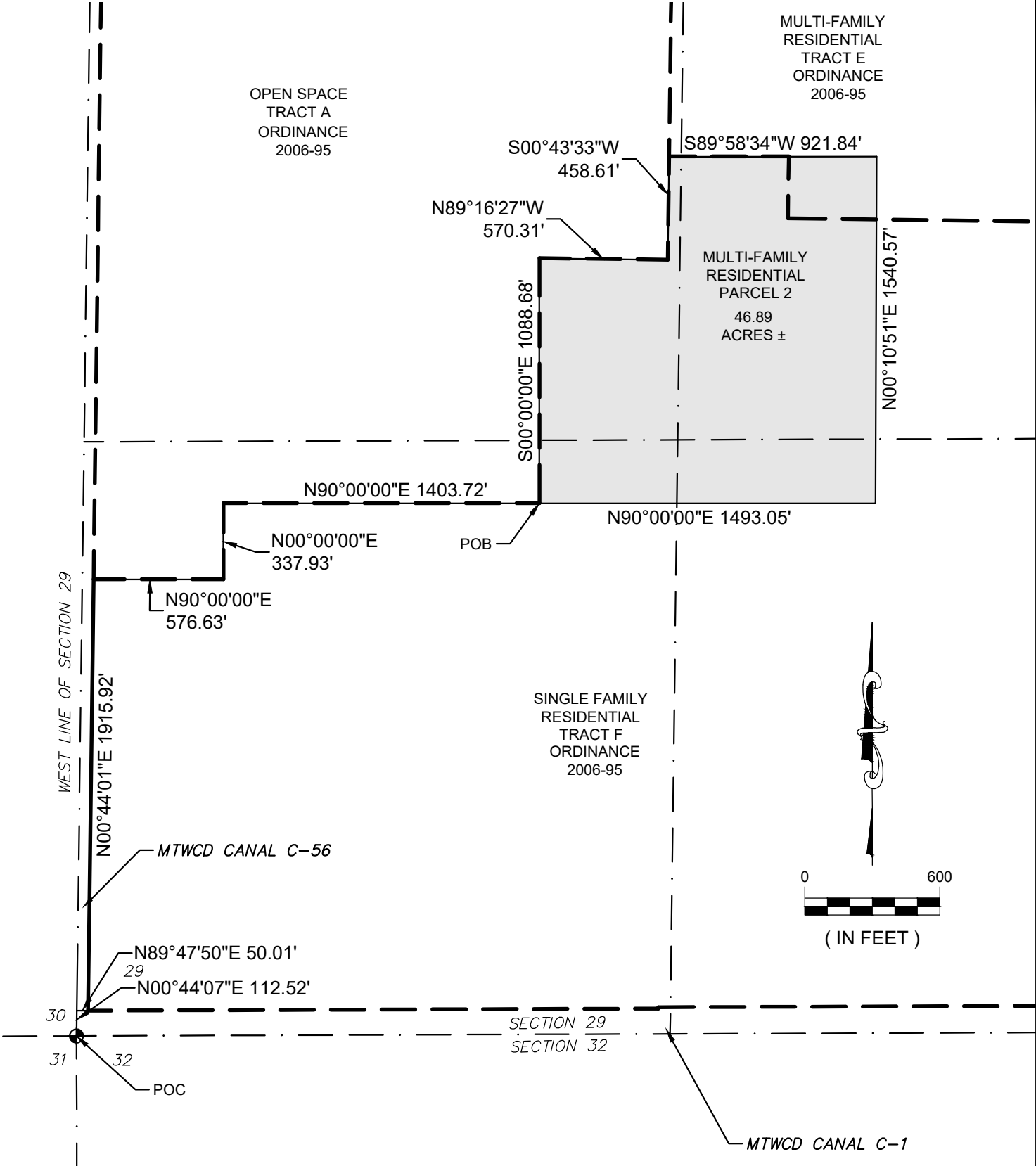


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DESCRIPTION OF MULTI-FAMILY PARCEL 2

PART OF TRACT E AND PART OF TRACT F, AS DEFINED IN THAT CERTAIN CITY OF PALM BAY, FLORIDA ORDINANCE NUMBER 2006-95, BEING A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 29 AND RUN N00°44'07"E, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 112.52 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-1; THENCE N89°47'50"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 50.01 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-56; THENCE N00°44'01"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1915.92 FEET TO THE SOUTHWEST CORNER OF TRACT A, AS DEFINED IN SAID ORDINANCE NUMBER 2006-95; THENCE N90°00'00"E, ALONG THE BOUNDARY OF SAID TRACT A, A DISTANCE OF 576.63 FEET; THENCE CONTINUE ALONG THE BOUNDARY OF SAID TRACT A, THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES; 1) THENCE N00°00'00"E A DISTANCE OF 337.93 FEET; 2) THENCE N90°00'00"E A DISTANCE OF 1403.72 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N90°00'00"E A DISTANCE OF 1493.05 FEET; THENCE N00°10'51"E A DISTANCE OF 1540.57 FEET; THENCE S89°58'34"W A DISTANCE OF 921.84 FEET TO THE BOUNDARY OF SAID TRACT A; THENCE ALONG THE BOUNDARY OF SAID TRACT A, THE FOLLOWING 3 (THREE) COURSES AND DISTANCES; 1) THENCE S00°43'33"W A DISTANCE OF 458.61 FEET; 2) THENCE N89°16'27"W A DISTANCE OF 570.31 FEET; 3) THENCE S00°00'00"E A DISTANCE OF 1088.68 FEET TO THE POINT OF BEGINNING. CONTAINING 46.89 ACRES MORE OR LESS.

MULTI-FAMILY PARCEL 2

B.S.E. CONSULTANTS, INC.

CONSULTING - ENGINEERING - LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901

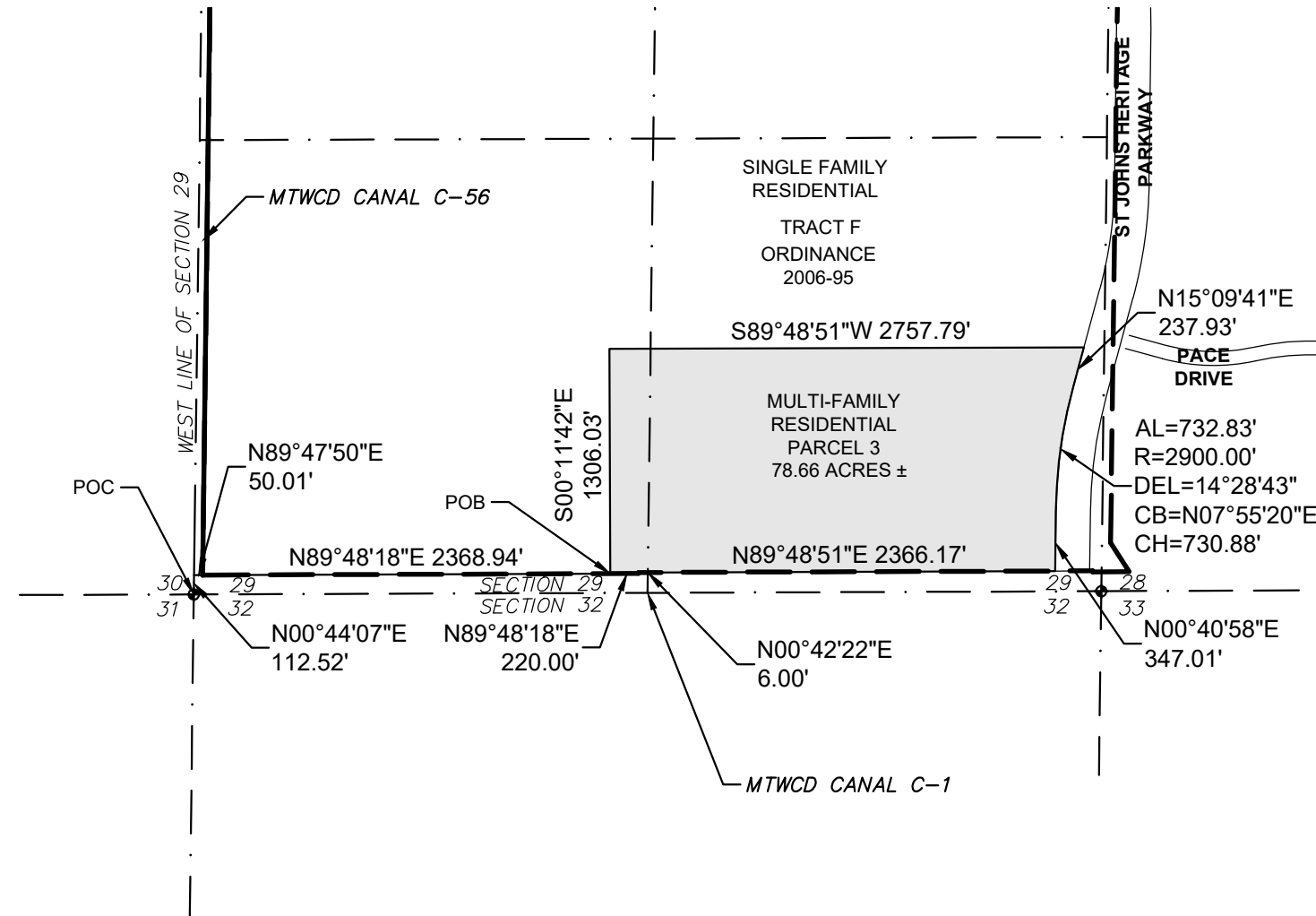
PHONE: (321) 725-3674 FAX: (321) 723-1159

CERTIFICATE OF BUSINESS AUTHORIZATION: 4905

CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 03/30/2022
DESIGN/DRAWN: LEH/DSN
DRAWING# 10860800_100_004
PROJECT# 10860.800
SHEET 5 OF 6

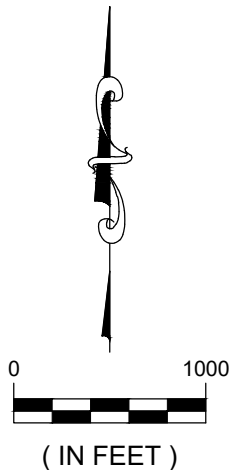
THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE



DESCRIPTION OF MULTI-FAMILY PARCEL 3

PART OF TRACT F, AS DEFINED IN THAT CERTAIN CITY OF PALM BAY, FLORIDA ORDINANCE NUMBER 2006-95, BEING A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 29 AND RUN N00°44'07"E, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 112.52 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-1; THENCE N89°47'50"E A DISTANCE OF 50.01 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-56; THENCE N89°48'18"E ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-1, A DISTANCE OF 2368.94 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING 3 (THREE) COURSES AND DISTANCES; 1) THENCE N89°48'18"E A DISTANCE OF 220.00 FEET; 2) THENCE N00°42'22"E A DISTANCE OF 6.00 FEET; 3) THENCE N89°48'51"E A DISTANCE OF 2366.1 TO THE WEST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY; THENCE N00°40'58"E, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 347.01 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 2900.00 FEET, A CENTRAL ANGLE OF 14°28'43", A CHORD BEARING OF N07°55'20"E AND A CHORD LENGTH OF 730.88 FEET), A DISTANCE OF 732.83 FEET TO THE END OF SAID CURVE; THENCE N15°09'41"E, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 237.93 FEET; THENCE S89°48'51"W A DISTANCE OF 2757.79 FEET; THENCE S00°11'42"E A DISTANCE OF 1306.03 FEET TO THE POINT OF BEGINNING. CONTAINING 78.66 ACRES, MORE OR LESS.



MULTI-FAMILY PARCEL 3



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DESIGN/DRAWN: LEH/DSN
DRAWING# 10860800_100_002
PROJECT# 10860.800
SHEET 6 OF 6

PALM VISTA MEDLEY AT EVERLANDS WEST
B.S.E. FILE # 10860.800

TRAFFIC STATEMENT

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

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

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

Non-Age Restricted	Age Restricted
± 364 Single Family	± 995 Single Family
± 168 (4-Unit to 6-Unit Townhomes)	± 98 (4-Unit to 6-Unit Townhomes)
± 102 Paired Villas	± 368 Paired Villas
	± 318 Multi-Family Condo
± 634 units Total	± 1,779 units Total

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

Non-Age Restricted			
Product Type / Land Use Code	Number of Units (x)	Trips Rate / Equation	Number of Trips (T)
Single Family (210)	± 364	$\text{Ln}(T) = 0.92\text{Ln}(x) + 2.68$	3,312
4-Unit to 6-Unit Townhomes (220)	± 168	$T = 6.41(x) + 75.31$	1,152
Paired Villas (215)	± 102	$T = 7.62(x) - 50.48$	723
Non-Age Restricted Totals	± 634 units		5,187 trips

Age Restricted			
Product Type / Land Use Code	Number of Units (x)	Trips Rate / Equation	Number of Trips (T)
Single Family (210)	± 995	$\text{Ln}(T) = 0.85\text{Ln}(x) + 2.47$	4,177
4-Unit to 6-Unit Townhomes (252)	± 98	$T = 2.89(x) + 24.80$	308
Paired Villas (252)	± 368	$T = 2.89(x) + 24.81$	1,088
Multi-Family Condo (252)	± 318	$T = 2.89(x) + 24.82$	944
Age Restricted Totals	± 1,779 units		6,517 trips

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

School Board of Brevard County

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



July 12, 2022

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

**RE: Proposed Palm Vista Everlands-West Development
School Impact Analysis – Capacity Determination CD-2022-35**

Dear Mr. Steven White,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2802937 (Parcel ID number: 28-36-20-00-1), Tax Account number 2811406 (Parcel ID number: 28-36-28-00-1) and Tax Account number 2811407 (Parcel ID number: 28-36-29-00-1) containing a total of approximately 1157.37 acres in the City of Palm Bay, Florida. The proposed development includes 634 single-family homes (364 single-family, 168 townhome units, 102 paired villas). 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.

Single Family Homes		634	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.24	152.16	152
Middle	0.07	44.38	44
High	0.12	76.08	76
Total	0.43		272

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
Discovery	980	980	980	980	980
Central	1,514	1,514	1,514	1,514	1,514
Heritage	2,314	2,314	2,314	2,314	2,314

Projected Student Membership

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	644	639	633	608	611
Central	1,171	1,217	1,238	1,319	1,360
Heritage	2,038	2,149	2,193	2,179	2,248

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	-	-	-	-	-
Central	-	12	24	36	42
Heritage	-	24	48	72	84

**Cumulative Students Generated by
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	-	-	56	104	152
Central	-	-	16	30	44
Heritage	-	-	28	52	76

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	644	639	689	712	763
Central	1,171	1,229	1,278	1,385	1,446
Heritage	2,038	2,173	2,269	2,303	2,408

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	336	341	291	268	217
Central	343	285	236	129	68
Heritage	276	141	45	11	(94)

At this time, Discovery Elementary School and Central Middle School are projected to have enough capacity for the total of projected and potential students from the Palm Vista Everlands-West development; however, Heritage High is not projected to have enough capacity for the total of projected students from the Palm Vista Everlands-West development. Because there is a shortfall of available capacity in the concurrency service

area, the capacity of adjacent concurrency service areas must be considered. The adjacent high school concurrency service areas are Melbourne High School, Palm Bay Magnet Senior High School, and Bayside Senior High School. A table of capacities of the Adjacent Schools Concurrency Service Areas that could accommodate the impacts of the Palm Vista Everlands-West development is shown below:

**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
Melbourne	2,370	2,370	2,370	2,370	2,370
Palm Bay	2,631	2,631	2,631	2,631	2,631
Bayside	2,263	2,263	2,263	2,263	2,263

Projected Student Membership

School	2022-23	2023-24	2024-25	2025-26	2026-27
Melbourne	2,208	2,201	2,200	2,151	2,185
Palm Bay	1,325	1,467	1,573	1,645	1,643
Bayside	1,728	1,850	1,942	2,002	2,069

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2022-23	2023-24	2024-25	2025-26	2026-27
Melbourne	20	32	43	43	43
Palm Bay	-	-	-	-	-
Bayside	29	29	29	29	29

**Cumulative Students Generated by
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Melbourne	-	-	28	52	76
Palm Bay	-	-	28	52	76
Bayside	-	-	28	52	76

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Melbourne	2,228	2,233	2,271	2,246	2,304
Palm Bay	1,325	1,467	1,601	1,697	1,719
Bayside	1,757	1,879	1,999	2,083	2,174

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Melbourne	142	137	99	124	66
Palm Bay	1,306	1,164	1,030	934	912
Bayside	506	384	264	180	89

Considering the adjacent high school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Palm Vista Everlands-West 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

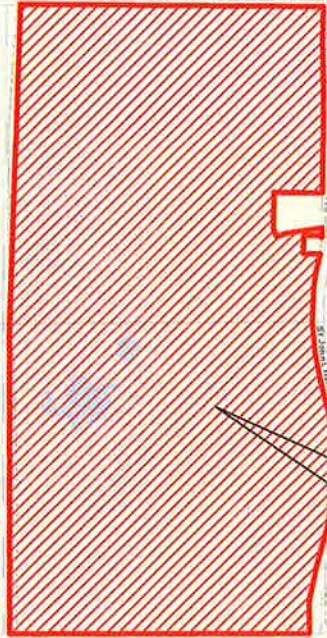
Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2022-35

David G. Lindemann, AICP, Director of Planning & Project
Management, Facilities Services
File CD-2022-35



Palm Vista Everlands-West Location Map



**Palm Vista Everlands-West
CD-2022-35
634 Single-Family Units**

DISCOVERY ELEMENTARY

HERITAGE HIGH

Palm Bay

Schools Affected by Development:
Discovery Elementary School
Central Middle School
Heritage High School

Drawn By:
Planning & Project Management
Karen M. Black
07/12/2022



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%		96%			
Highest Utilization Middle Schools:		88%		89%		90%		89%		92%		92%			
Highest Utilization Jr / Sr High Schools:		84%		84%		82%		82%		79%		78%			
Highest Utilization High Schools:		101%		100%		99%		95%		94%		97%			
School	Type	Grades	Utilization Factor	School Year 2021-22		School Year 2022-23		School Year 2023-24		School Year 2024-25		School Year 2025-26		School Year 2026-27	
				FISH Capacity	10/15/21 Member-ship	Future FISH Capacity	Student Projection	Total Capacity	Future FISH Capacity	Student Projection	Total Capacity	Future FISH Capacity	Student Projection	Total Capacity	Future FISH Capacity
Elementary School Concurrency Service Areas															
Allen	Elementary	PK-6	100%	751	630	751	632	751	684	751	739	773	752	773	738
Anderson	Elementary	K-6	100%	884	592	884	591	884	597	884	589	884	565	884	554
Apollo	Elementary	K-6	100%	902	782	902	783	902	755	902	761	902	739	902	729
Atlantis	Elementary	PK-6	100%	739	629	739	630	739	616	739	600	739	592	739	576
Audubon	Elementary	PK-6	100%	761	464	761	464	761	458	761	438	761	427	761	440
Cambridge	Elementary	PK-6	100%	765	506	765	506	765	513	765	510	765	485	765	480
Cape View	Elementary	PK-6	100%	570	278	570	285	570	287	570	281	570	286	570	284
Carroll	Elementary	K-6	100%	751	614	751	619	751	605	751	613	751	600	751	593
Challenger 7	Elementary	PK-6	100%	573	506	573	508	573	476	573	449	573	437	573	414
Columbia	Elementary	PK-6	100%	751	462	751	484	751	546	751	568	751	569	751	572
Coquina	Elementary	K-6	100%	711	534	711	531	711	557	711	572	711	596	711	602
Creef	Elementary	PK-6	100%	1,114	717	1,114	762	1,114	812	1,114	847	1,114	877	1,114	922
Croton	Elementary	PK-6	100%	795	487	795	488	795	530	795	559	795	586	795	604
Discovery	Elementary	PK-6	100%	980	615	980	644	980	639	980	633	980	608	980	611
Endeavour	Elementary	PK-6	100%	968	657	968	670	968	668	968	641	968	627	968	640
Enterprise	Elementary	K-6	100%	729	605	729	608	729	587	729	561	729	529	729	513
Fairglenn	Elementary	PK-6	100%	789	581	789	580	789	597	789	620	789	626	789	639
Gemini	Elementary	K-6	100%	711	427	711	442	711	440	711	424	711	420	711	409
Golfview	Elementary	PK-6	100%	777	454	777	454	777	467	777	513	777	513	777	521
Harbor City	Elementary	PK-6	100%	629	359	629	357	629	386	629	399	629	400	629	411
Holland	Elementary	PK-6	100%	605	444	605	465	605	471	605	473	605	472	605	477
Imperial Estates	Elementary	K-6	100%	729	624	729	622	729	626	729	619	729	620	729	645
Indiantonic	Elementary	K-6	100%	798	671	798	672	798	658	798	646	798	620	798	622
Jupiter	Elementary	PK-6	100%	930	724	930	721	930	817	930	857	930	854	930	920
Lockmar	Elementary	PK-6	100%	892	632	892	631	892	594	892	578	892	559	892	553
Longleaf	Elementary	PK-6	100%	790	594	790	594	790	587	790	583	790	565	790	551
Manatee	Elementary	K-6	100%	998	843	998	855	998	815	998	793	998	765	998	750
McAuliffe	Elementary	PK-6	100%	918	634	918	633	918	624	918	583	918	576	918	565
Meadowlane Intermediate	Elementary	3-6	100%	1,114	832	1,114	832	1,114	902	1,114	920	1,114	950	1,114	950
Meadowlane Primary	Elementary	K-6	100%	824	678	824	678	824	731	824	725	824	734	824	731
Mila	Elementary	PK-6	100%	707	438	707	432	707	430	707	444	707	417	707	416
Mims	Elementary	PK-6	100%	725	431	725	442	725	433	725	441	725	452	725	446
Oak Park	Elementary	PK-6	100%	968	581	968	563	968	554	968	510	968	508	968	523
Ocean Breeze	Elementary	PK-6	100%	654	538	654	543	654	524	654	506	654	484	654	472
Palm Bay Elem	Elementary	PK-6	100%	983	547	983	567	983	571	983	570	983	602	983	622
Pinewood	Elementary	PK-6	100%	569	496	569	500	569	517	569	524	569	526	569	532
Port Malabar	Elementary	PK-6	100%	852	636	852	636	852	630	852	636	852	645	852	632
Quest	Elementary	PK-6	100%	1,152	673	1,152	673	1,152	694	1,152	722	1,152	734	1,152	728
Riviera	Elementary	PK-6	100%	777	624	777	631	777	681	777	709	777	722	777	750
Roosevelt	Elementary	K-6	100%	599	283	599	261	599	241	599	221	599	202	599	190
Sabal	Elementary	PK-6	100%	785	516	785	507	785	516	785	523	785	516	785	530
Salt	Elementary	PK-6	100%	976	678	976	679	976	731	976	712	976	822	976	810
Saltum	Elementary	PK-6	100%	461	299	461	317	461	324	461	324	461	330	461	331
Sea Park	Elementary	PK-6	100%	609	428	609	429	609	429	609	434	609	442	609	441
Sherwood	Elementary	PK-6	100%	913	691	913	690	913	738	913	824	913	929	913	930
Sunrise	Elementary	PK-6	100%	755	595	755	595	755	584	755	555	755	546	755	523
Sunrise	Elementary	K-6	100%	541	408	541	407	541	372	541	345	541	336	541	329
Surfside	Elementary	K-6	100%	910	641	910	642	910	635	910	614	910	597	910	609
Turner	Elementary	PK-6	100%	874	579	874	576	874	621	874	642	874	659	874	694
Turner	Elementary	PK-6	100%	811	466	811	464	811	496	811	554	811	622	811	657
University Park	Elementary	K-6	100%	1,030	585	1,030	635	1,030	671	1,030	742	1,030	826	1,030	902
Viera Elem	Elementary	PK-6	100%	857	728	857	761	857	815	857	855	857	872	857	895
Westside	Elementary	K-6	100%	715	494	715	493	715	483	715	473	715	452	715	438
Williams	Elementary	PK-6	100%	42,471	29,890	42,471	30,184	42,471	30,745	42,515	31,024	42,625	31,190	42,735	31,547
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

PALM VISTA WEST AT EVERLANDS
B.S.E. FILE # 10860.800

PROJECT NARRATIVE

History

Palm Vista West at Everlands, a planned unit development consisting of \pm 1,198.17 acres was originally approved in 2005 by the City of Palm Bay. It was zoned GU, General Use - Brevard County with a land use designation of agricultural. The City approved Palm Vista for 2,930 units as a PUD with 61.5 acres of commercial and 47 acres of institutional land use.

The project fell victim to the economic downturn of 2006-2008 and did not proceed. In the interim, the St. Johns Heritage Parkway was constructed, the landowner is extending utilities (16" potable water main and 16" sanitary sewer force main to Emerson with a potable water connection to the existing 8" water main just east of Melbourne-Tillman Canal C-59). These utility extensions were completed in early 2022. A single stand-alone phase of Palm Visa named Everlands, located east of the Parkway, received its subdivision certificate of completion in late March 2022. The water management district wetland jurisdictional and ACOE permitting has been completed east of the Parkway and west of the Parkway this process is \pm 95% complete.

Current

Surrounding land use is:

- North: PRCAC- Platt Ranch
- East: Palm Vista Everlands, Medley and Everlands Phase II (zoned PUD)
- South: St. Johns Preserve residential subdivision (zoned PMU)
- West: Vacant land (AU county zoning)

Proposed Development

A portion of Palm Vista lying east of the Parkway between Pace and Emerson are covered by this application. As reference, Palm Vista Overall and including lands west of the Parkway currently consist of 4,000 units. The unit count was increased from 3,000 - 4,000 units under action taken by the City on 6/1/2017. The commercial component, still visible, is not included in this application. The commercial component is under separate ownership.

PALM VISTA WEST AT EVERLANDS
B.S.E. FILE # 10860.800

Unit Types For This Application as Proposed are:

Non-Age Restricted	Age Restricted
± 364 Single Family	± 995 Single Family
± 168 (4-Unit to 6-Unit Townhomes)	± 98 (4-Unit to 6-Unit Townhomes)
± 102 Paired Villas	± 368 Paired Villas
	± 318 Multi-Family Condo
± 634 units Total	± 1,779 units Total
Combined Total = ± 2,413 units	

* Note that the unit mix may vary due to public demand over the life of the project.

Amenities:

Amenities include: park, open space, tennis and pickle ball courts, pool, clubhouse and Community Center.



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):

NORTH: 28-36-20-00-1, 28-36-28-00-1
SOUTH: 28-36-29-00-1

TAX ACCOUNT NUMBER(S):

NORTH: 2802937, 281406
SOUTH: 2811407

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):

SFR = +/- 54.23 acres
MFR = +/- 264.75 acres + +/- 46.89 acres + +/- 78.66 acres = +/- 390.3 acres total

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 - Single Family Residential, COM - Commercial
MFR - Multi-Family Residential, ROS - Residential Open Space

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

SFR - Single Family Residential
MFR - Multi-Family Residential

PRESENT USE OF PROPERTY:

Vacant/ Undeveloped / Agricultural

STRUCTURES LOCATED ON THE PROPERTY: None

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: Yes - PUD

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

Modification of existing FLU to allow for both single and multi-family residential development to be consistent with the proposed PDP.

SPECIFIC USE INTENDED FOR PROPERTY:

Master-planned community containing a mixture of single and multi-family housing options, amenities and open space.

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 Ana Saunders (or authorized BSE Representative)

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

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

Owner Signature  **Date** 3-3-22
Printed Name Greg Pettibon
Full Address 8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410
Telephone 561-345-6704 **Email** greg.pettibon@lennar.com

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

PALM VISTA WEST

A PARCEL OF LAND IN SECTIONS 20, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, THENCE N00°42'46"E ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28 A DISTANCE OF 112.52 FEET; THENCE S89°44'39"W A DISTANCE OF 47.01 FEET TO THE NORTH RIGHT OF WAY OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER ONE (A 225 FOOT RIGHT OF WAY); THENCE S89°44'39"W ALONG SAID NORTH LINE OF CANAL NUMBER ONE A DISTANCE OF 831.51; THENCE CONTINUE S89°44'39"W ALONG SAID NORTH LINE OF CANAL NUMBER ONE A DISTANCE OF 1759.16 FEET TO THE WEST LINE OF SAID SECTION 28; THENCE N00°43'04"E ALONG THE WEST LINE OF SECTION 28 AND THE NORTH RIGHT OF WAY OF CANAL NUMBER ONE A DISTANCE OF 6.00 FEET; THENCE S89°48'32"W ALONG SAID NORTH LINE OF CANAL NUMBER ONE (A 237 FOOT RIGHT OF WAY) A DISTANCE OF 269.05 FEET TO THE WEST RIGHT OF WAY LINE OF PALM BAY PARKWAY (A 200 FOOT WIDE RIGHT OF WAY) AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTHERLY ALONG SAID WEST RIGHT OF WAY THE FOLLOWING SIXTEEN (16) COURSES AND CURVES: 1) THENCE N00°41'01"E A DISTANCE OF 346.29 FEET TO A POINT OF CURVATURE; 2) THENCE NORTHEASTERLY A DISTANCE OF 732.83 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2900.00 FEET, A CENTRAL ANGLE OF 14°28'43", AND A CHORD WHICH BEARS N07°55'23"E A DISTANCE OF 730.88 FEET TO A POINT OF TANGENCY; 3) THENCE N15°09'44"E A DISTANCE OF 588.03 FEET TO A POINT OF CURVATURE; 4) THENCE NORTHEASTERLY A DISTANCE OF 629.73 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2497.00 FEET, A CENTRAL ANGLE OF 14°26'59", AND A CHORD WHICH BEARS N7°56'15"E A DISTANCE OF 628.06 FEET TO A POINT OF TANGENCY; 5) THENCE N00°42'45"E A DISTANCE OF 893.10 FEET TO A POINT OF CURVATURE; 6) THENCE NORTHWESTERLY A DISTANCE 790.47 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2500.00 FEET, A CENTRAL ANGLE OF 18°06'58", AND A CHORD WHICH BEARS N08°20'44"W A DISTANCE OF 787.18 FEET TO A POINT OF RESERVE CURVATURE; 7) THENCE NORTHWESTERLY A DISTANCE OF 1427.67 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 4700.00 FEET, A CENTRAL ANGLE OF 17°24'15", AND A CHORD WHICH BEARS N08°42'05"W A DISTANCE OF 1422.19 FEET TO A POINT OF TANGENCY; 8) THENCE N00°00'00"W A DISTANCE OF 58.06 FEET TO A POINT OF CURVATURE; 9) THENCE NORTHEASTERLY A DISTANCE OF 723.49 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2900.00 FEET, A CENTRAL ANGLE OF 14°17'39", AND A CHORD WHICH BEARS N07°08'51"E A DISTANCE OF 721.61 FEET TO A POINT OF REVERSE CURVATURE; 10) THENCE NORTHEASTERLY A DISTANCE OF 474.42 FEET

ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2000.00 FEET, A CENTRAL ANGLE OF 13°35'28", AND A CHORD WHICH BEARS N07°29'57"E A DISTANCE OF 473.31 FEET TO A POINT OF TANGENCY; 11) THENCE N00°42'13"E A DISTANCE OF 2200.22 FEET TO A POINT OF CURVATURE; 12) THENCE NORTHWESTERLY A DISTANCE OF 286.83 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 16°26'03", AND A CHORD WHICH BEARS N07°30'49"W A DISTANCE OF 285.85 FEET TO A POINT OF REVERSE CURVATURE; 13) THENCE NORTHWESTERLY A DISTANCE OF 367.37 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 21°02'56", AND A CHORD WHICH BEARS N05°12'22"W A DISTANCE OF 365.31 FEET TO A POINT OF TANGENCY; 14) THENCE N05°19'06"E A DISTANCE OF 303.76 FEET TO A POINT OF CURVATURE; 15) THENCE NORTHEASTERLY A DISTANCE OF 80.87 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 4°38'01", AND A CHORD WHICH BEARS N03°00'05"E A DISTANCE OF 80.85 FEET TO A POINT OF TANGENCY; 16) THENCE N00°41'05"E A DISTANCE OF 579.15 FEET TO THE SOUTH RIGHT OF WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER FIFTY FOUR (A 92 FOOT RIGHT OF WAY); THENCE S89°48'59"W ALONG THE SOUTH RIGHT OF WAY LINE OF SAID CANAL FIFTY FOUR, A DISTANCE OF 5044.35 FEET TO THE WEST LINE OF SAID SECTION 20; THENCE S00°45'35"W, ALONG SAID WEST LINE A DISTANCE OF 2592.78 FEET TO THE WEST ONE-QUARTER CORNER OF SAID SECTION 20; THENCE N89°49'10"E, ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 20, A DISTANCE OF 41.01 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER 56; THENCE S00°45'35"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 2638.79 FEET TO THE SOUTH LINE OF SAID SECTION 20 (ALSO BEING THE NORTH LINE OF SAID SECTION 29); THENCE N89°49'20"E, ALONG THE SOUTH LINE OF SAID SECTION 20, A DISTANCE OF 9.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID CANAL NUMBER 56; THENCE S00°44'01"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 5166.54 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER ONE; THENCE N89°48'32"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 2588.94 FEET TO THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 29; THENCE N00°43'32"E, ALONG SAID NORTH-SOUTH LINE, A DISTANCE OF 6.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID CANAL NUMBER ONE; THENCE N89°48'32"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2366.38 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT CANAL RIGHTS-OF-WAY.

ALSO LESS AND EXCEPT:

COMMERCIAL PARCEL C-17 AS RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

ALSO LESS AND EXCEPT:

COMMERCIAL PARCELS C-18 AND C-19 AS RECORDED IN OFFICIAL RECORDS
BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINING 1198.17 TOTAL NET ACRES, MORE OR LESS.

March 3, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

NORTH: 28-36-20-00-1, 28-36-28-00-1

SOUTH: 28-36-29-00-1

I, Owner Name: Greg Pettibon, Lennar Homes, LLC

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

Telephone: 561-345-6704

Email: greg.pettibon@lennar.com

hereby authorize:

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

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

Telephone: 321-725-3674

Email: asaunders@bseconsult.com

to represent the request(s) for:

FUTURE LAND USE MAP AMENDMENT and PRELIMINARY DEVELOPMENT PLAN

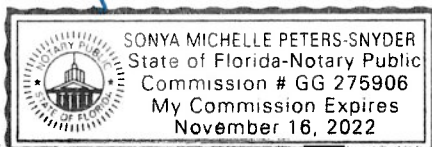
 3-3-22
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

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

Greg Pettibon, property owner.





_____, Notary Public

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

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-11

Held on Wednesday, October 5, 2022, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

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

Vice Chairperson Philip Weinberg called the meeting to order at approximately 6:00 p.m.

Mr. Robert Good led the Pledge of Allegiance to the Flag.

ROLL CALL:

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

The absence was excused for Ms. Jordan.

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. Uma Sarmistha, Senior Planner; Ms. Carol Gerundo, Planning Specialist; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-09; August 3, 2022.

Motion to submit Case CU-45-2022 to City Council for approval.

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

Aye: Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

2. **CP-30-2022** - Palm Vista Preserve LLC, managing agent Greg Pettibon, Lennar Homes (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use, Commercial Use, Multiple-Family Residential Use, and Residential Open Space Use to Multiple-Family Residential Use. Tax Parcel 1 of Section 20, Township 28, Range 36, Tax Parcel 1 of Section 28, Township 28, Range 36, and Tax Parcel 1 of Section 29, Township 28, Range 36, Brevard County, Florida, containing approximately 1198.1 acres. Located west of and adjacent to St. Johns Heritage Parkway NW, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R

Mr. Anderson presented the staff report for Case CP-30-2022. Case CP-30-2022 met the minimum requirements for a large-scale Comprehensive Plan Future Land Use Map Amendment request.

Ms. Maragh remarked on how there was no commercial in the subject proposal. Mr. Anderson indicated that this was correct; however, an abutting development had commercial land off the arterial roadway.

Mr. Warner inquired about the history and phases of the project.

Mr. Olszewski commented on the various developments the representative for the applicant was involved with within the geographical area totaling approximately 4,141 residential units. He emphasized the need for a fire station to service the growing area. Mr. Anderson explained that a fire station was not considered during the entitlement stages of the process, and that the current agricultural land use designation on the subject site would not necessitate that type of infrastructure improvement before the subject change occurred.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant) gave a background overview of how the project had begun in the early 2000s with several other developments in different ownerships that were envisioned around the idea of the St. Johns Heritage Parkway. A downturn in the economy in the 2000s brought the project to a halt, but also allowed for the development to be recrafted as a showstopper gateway into the City and for utility improvements to occur in the area. She explained that commercial land had not been incorporated into the reimagined development because of the commercial parcels that were just outside the development boundaries. She said that the multiple-family designation allowed for the townhomes.

Mr. Olszewski remarked on the commercial land proposed for the Emerson Drive and St. Johns Heritage Parkway intersection. Ms. Saunders confirmed that there would be commercial development at the intersection under a different property owner.

Mr. Olszewski restated his concern regarding the need for an additional fire station to serve new and existing developments in the area. Fire Station 3 could not adequately support the entire area. His suggestion was for one of the area developers to integrate a fire station into their development, which would also make the area more marketable. The impact fees generated from the 4,141 residential units would not be enough to fund fire station apparatus or a station.

Mr. Weinberg commented that fire station locations, staffing, and equipment were outside the bounds of developers and would need to be considered by City staff.

Mr. Good remarked on the mixture of uses planned for the development and questioned why more community connectivity had not been factored to alleviate traffic and allow residents to walk to stores and their doctors and dentists. Ms. Saunders reiterated that the applicant did not own the commercial parcels; however, there was a cooperative benefit to having commercial parcels nearby. The subject development would extend Emerson Drive NW across St. Johns Heritage Parkway and beyond the commercial parcels and provide some walkability trails to access the commercial area.

Ms. Maragh wanted to know the type of multiple-family development being proposed. Ms. Saunders explained that the development would consist of age 55-plus and non-age targeted communities. The multiple-family component would include duplexes; four, six, and eight townhome type complexes; and a condominium style development.

Mr. Warner was concerned about the safety of residents in the west area of the City being trapped during natural disasters, especially with the additional residents when St. Johns Heritage Parkway was not completed as an outlet. Ms. Saunders explained that St. Johns Heritage Parkway was designated as an emergency evacuation route, and that the subject segment connected Malabar Road to Ellis Road in Melbourne. As growth occurred, parkway expansions would be done based on traffic studies.

Ms. Maragh asked whether the public safety service issues were being addressed regarding future police and fire stations. Mr. Anderson stated that the City was presently updating the goals, objectives, and policies of the Comprehensive Plan, which would allow staff to distinguish in general the most suitable locations for emergency services and contributors. He explained that each development coming into the area had individual entitlements and the right to be processed and analyzed based on their own impacts. Traffic improvements and emergency services were matters addressed at the later and more detailed stages of review.

The floor was opened for public comments.

Mr. Robert Stise (resident at Windbrook Drive SE) spoke against the request. He was concerned about 4,000 homes coming into the area with an eight-minute emergency response time for fire services. He questioned the limited access in and out of the area. Safety should be a priority.

Mr. Bill Battin (resident at Ocean Spray Street SW) stated that adequate turn lanes larger than 100-feet should be considered for the developments coming into the area to keep north and south traffic moving. He also suggested that the upgrade to the St. Johns Heritage Parkway level of service classification under the new Comprehensive Plan be utilized at this time. The upgraded level of service would

make a difference in fair share requirements instead of the bare minimum currently required of the development.

In response to comments from the audience, Ms. Saunders indicated three main access points into the area from Emerson Drive NW, Pace Drive NW, and north of Emerson Drive NW. She stated that a traffic methodology letter had been submitted to the Public Works Department early in the process as traffic was a major concern, and it was more than likely that the Comprehensive Plan level of service revisions would be utilized. A proposed five-mile radius traffic study would focus on the development and the intersections within the radius. She explained that speed limits dictated the turn lane volumes, which would be 240-feet long for the development.

Mr. Weinberg noted that right-of-way provisions were made for St. Johns Heritage Parkway to be widened on both sides in the future. Ms. Saunders added that the parkway was designed to be six-laned and 200 feet of right-of-way had been set aside for that purpose.

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

Ms. Maragh stated that she was not comfortable having over 1,000 acres without public safety. Ms. Bernard reminded the board that the subject request was for the land use and not the future development. She noted, however, that there was a certain methodology and process prior to collecting enough impact fees to fund a new fire or police station and that the systems in place were guided by the State.

Ms. Maragh stated that she liked the multiple-family project, but she wanted to make sure the City was contemplating long term.

Motion to submit Case CP-30-2022 to City Council for denial.

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

Aye: Good, Maragh, Olszewski, Warner.

Nay: Weinberg, Boerema.

Mr. Good commented that he was not comfortable changing the whole development to multiple-family.

Mr. Anderson explained that the multiple-family designation also allowed for single-, two-, and multiple-family residential development. The preliminary development plan associated with the project was a combination of residential uses.

3. ****PD-36-2022 - Palm Vista Everlands-West PUD - Palm Vista Preserve LLC, managing agent Greg Pettibon, Lennar Homes (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A Preliminary Development Plan approval to allow a proposed mixed residential PUD for a 2,416-unit development called Palm Vista Everlands West. Tax Parcel 1 of Section 20, Township 28, Range 36, Tax Parcel 1 of Section 28, Township 28, Range 36, and Page 1 of 3 Regular Meeting 2022-11 Tax Parcel 1 of Section 29, Township 28, Range 36, Brevard County, Florida, containing approximately 1198.1 acres. Located west of and adjacent to St. Johns Heritage Parkway NW, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R**

Based on the denial of Case CP-30-2022, Case PD-36-2022 would be moot.

Motion to submit Case PD-36-2022 to City Council for denial.

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

Aye: Good, Maragh, Olszewski, Warner.

Nay: Weinberg, Boerema.

4. ****FD-49-2022 - Malabar Springs - James P. Harvey, CRE-KL Malabar Owner LLC (Ana Saunders, BSE Consultants, Inc.) - A Final Development Plan to allow a proposed PUD for an 885-unit residential development called Malabar Springs. Tax Parcels 250, 251, 252, and 500, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 294.7 acres. Located north of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW**

ORDINANCE 2022-116

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

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held a public hearing on an amendment to the Comprehensive Plan on October 5, 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 November 3, 2022, after public notice, and

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

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

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

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

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

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

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

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

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

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

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

Read in title only at Meeting 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 Vista Preserve, LLC
Case: CP-30-2022

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: 2/16/2023

RE: Resolution 2022-60, granting approval of a Preliminary Development Plan for a proposed mixed residential development to be known as 'Palm Vista Everlands West PUD' in AU (Agricultural Residential) (Brevard County) zoning, which property is located west of and adjacent to St. Johns Heritage Parkway, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R (1198.1 acres) (Case PD-36-2022, Palm Vista Preserve, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 02/02/23 RCM)

As you may recall, the above request was scheduled for the February 2, 2023, regular Council meeting. Council voted to continue the request at the applicant's request, to coincide with the accompanying comprehensive plan amendment.

Palm Vista Preserve LLC, managing agent Mr. Greg Pettibon, Lennar Homes (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) has submitted for Preliminary Development Plan (PDP) approval for 2,413-unit mixed residential development to be called Palm Vista Everlands West PUD. The undeveloped land is generally located west of St. Johns Heritage Parkway and in the vicinity west of Pace Drive NW.

The subject project will be a mixed-use development with no commercial uses. Internal road network, drainage, recreational and open space areas throughout the community, sidewalks on both sides of internal roadways, and external sidewalk connections shall be identified on the Final Development Plan. A tree survey shall be provided, and all other standards of the subdivision shall be met. A utility agreement shall be executed prior to construction plan approval. Upon review, the proposed request appears to conform with the applicable requirements for Preliminary Development Plan approval subject to providing all items requested by staff.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Request for

City Council review. Case PD-36-2022 meets the minimum requirements of a Planned Unit Development (PUD) rezoning request, subject to the staff comments and the following items being submitted with a Final PUD application:

- A preliminary subdivision plat and Opinion of Title.

- Declaration of Covenants & Restrictions establishing development standards.
- Construction drawings.
- A Concurrency Determination letter from the School Board of Brevard County.
- Submission of an Endangered Species Assessment.
- Identification of lighting within the neighborhood.
- The technical staff review comments shall be incorporated.
- Any required development agreement or proportionate fair share agreement as may be required prior to Final Development Plan approval.

Planning and Zoning Board Recommendation:

Denial of the request by a vote of 4 to 2.

ATTACHMENTS:

Description

Case PD-36-2022 - Staff Report revised

Case PD-36-2022 - Preliminary Development Plan

Case PD-36-2022 - Location and Aerial Maps

Case PD-36-2022 - Sketch Legal

Case PD-36-2022 - Traffic Statement

PD-36-2022 - School Board Analysis

Case PD-36-2022 - Project Narrative

Case PD-36-2022 - Application

Case PD-36-2022 - Proto Typical Home Examples

PD-36-2022 - Board Minutes

Resolution 2022-60

**REVISED**

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Jesse D. Anderson, Assistant Growth Management Director

CASE NUMBER

PD-36-2022

PLANNING & ZONING BOARD HEARING DATE

October 5, 2022

PROPERTY OWNER & APPLICANT

Palm Vista Preserve LLC. (Ana Saunders, P.E. BSE, Reps.)

PROPERTY LOCATION/ADDRESS

Tax Parcel 1, Section 29, Township 28, Range 36, with
Tax Parcel 1, Section 20, Township 28, Range 36, with
Tax Parcel 1, Section 28, Range 36,. Located West of
St. Johns Heritage Parkway, in the vicinity west of Pace
Drive NW

SUMMARY OF REQUEST

Preliminary Development Plan (PDP) approval for a 2,413-unit mixed residential development to be called **Palm Vista Everlands West PUD**.

Existing Zoning

AU (County), Agricultural Residential

Existing Land Use

>>Commercial,<< Residential Open Space, Single-Family Residential, Multiple Family Residential

Site Improvements

Undeveloped property

Site Acreage

1198.1 acres

SURROUNDING ZONING & USE OF LAND**North**

AEU (Melbourne), Agricultural Estate Use - Vacant

East

COM, Commercial; AU (County) - Vacant, Agricultural Residential - Vacant

South

PMU, Parkway Mixed-Use – Mixed-Use development; AU (County), Agricultural Residential - Vacant

West

GU (Brevard County), General Use - Vacant

**COMPREHENSIVE PLAN
COMPATIBILITY**

Yes, the proposed project location currently has a Future Land Use designation of Multiple Family Residential >>if the associated Future Land Use Map amendment to Multiple Family Residential is approved by Council.<<

BACKGROUND:

The properties are generally located west of St. Johns Heritage Parkway and in the vicinity west of Pace Drive NW., containing approximately 1198.1 acres.

The applicant is currently seeking Preliminary Development Plan (PDP) approval for 2,413-unit mixed residential development. This project includes an overall density of 2.01 units per acre.

ANALYSIS:

The planned unit development (PUD) is a concept which encourages variation in residential developments by allowing deviation in lot size, type of dwellings, density, lot coverage, setbacks, and open space, from those elements required in any singular zoning classification. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as commercial uses designed to serve the inhabitants of the proposed community.

Specifically, the development plan proposes 2,413 townhouse units to be named “Palm Vista Everlands West”. There are no commercial uses included in this project. According to the exhibit, the project will have designated Open Space/recreation areas through the community.

Engineered stormwater designs will be required for the Final Development Plan submittal and a legal positive outfall shall be established. Prior to commencement of construction, the design shall be approved by both the City’s Public Works Department and the St. Johns River Water Management District.

The internal road network must be designed to meet city standards, which includes a minimum 50’ wide right-of-way (ROW), with closed drainage, for all roadways. Unless formally requested for city acceptance, the roads shall be maintained by the Homeowner’s Association. The developer shall provide an access management plan that examines the driveway configurations and identifies any necessary roadway improvements.

Identification of the sewer mains and water distribution lines, and their extensions into the project’s internal roadway, shall be provided at the time of FDP submittal. A Utility Agreement shall be executed prior to construction plan approval.

Section 185.065 of the City’s Code of Ordinances requires a Planned Unit Development to permanently set aside and designate on the site plan recreational and/or open space for use by residents of the PUD, equaling 25% of the project site acreage. At 1,198.1 acres, this minimum set aside shall be 299.25 acres. Such useable space shall in the form of active or

passive recreation areas. Common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complimentary structures for the benefit and enjoyment of the residents of the PUD.

The Preliminary Development Plan provides a breakdown stating that the minimum set aside has been met via recreation the tracts and the upland areas within the stormwater tracts. As part of the FDP submittal the specific use of any recreational area shall be identified, and all open space tracts will need to be delineated. Additionally, all internal roadways shall be provided with a sidewalk, on both sides of the road, with connections to off-site sidewalks. Entrance lighting shall also be provided.

The City's Subdivision Code (Section 184.24) requires the Applicant to make a concerted effort to preserve as many of these trees as possible. During the subdivision plan review process a tree survey identifying all specimen trees shall be provided to determine the exact location and type, for possible preservation. All other standards of the subdivision code, including road materials, sidewalks, utility construction, and similar items, shall be met.

CONDITIONS:

To receive Preliminary Planned Unit Development approval, the proposal must meet the requirements of Section 185.066 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the following items being *submitted with* a Final PUD application:

- A preliminary subdivision plat and Opinion of Title,
- Declaration of Covenants & Restrictions establishing development standards,
- Construction drawings,
- A Concurrence Determination letter from the School Board of Brevard County,
- Submission of an Endangered Species Assessment,
- Identification of lighting within the neighborhood, and

Lastly, technical staff review comments are attached to this report and shall be incorporated.

STAFF FINDINGS:

Case PD-36-2022 meets the minimum requirements of a Planned Unit Development Rezoning amendment request, subject to the staff comments.

TECHNICAL COMMENTS

CASE PD-36-2022 – Palm Vista Everalnds PUD

GROWTH MANAGEMENT (Stephen White, Principal Planner)

1. Open space and wetlands needs to be delineated by tract
2. Size of lots needs to be provided (only provides width not depth)
3. Acreage to each use type needs to be provided
4. Parking needs to be provided
5. Architect needs to be provided Developer not provided
6. Plan needs to include dedication and who will be responsible for maintenance and upkeep of roadways and Open Space.
7. Plan will need to include landscape and photometric plan in accordance with the Land Development Code.
8. Site Data table needs to contain the total length of each building and numbers of stories for each building within the PUD.
9. Concept Plan does not show driveways. Please ensure driveway coverage is in the calculation of Pervious coverage calculations.
10. Open space needs to be delineated by tract. Stormwater ponds can count for up to 75% of required stormwater if properly amentized.
11. Please check on lot dimensions on the map, the width and length don't add up to the total area.
12. As per 185.066 (B)(7), delineation of phased development if applicable is required on the map. Please provide the specific phase development if applicable by providing boundaries of each phase.
13. As per 185.066 (B)(8)(b), a schematic drawing of elevation and architectural construction is required at the primary submission. Please provide a schematic (scaled) elevation drawing.

>>PUBLIC WORKS (Natalie Shaber, PE, Engineer II):

Engineering Comments (Natalie Shaber PE, City Engineer):

1. The expansion of the St. John's Heritage Parkway from 2- to 4-lane shall be included in the design of this project.

2. A Developer's Agreement shall be entered into and executed regarding the stormwater management from the 4 lane expansion of SJHP
3. Provide cross-sections of the existing agricultural ditches and the normal groundwater table elevation.
4. The design and performance specifications of Ch 62-330 F.A.C.
5. All external agency permits shall be provided prior to scheduling a pre-sitework meeting
6. The applicant's engineer of record shall meet with city staff to discuss low impact development opportunities and incentives if applicable.

R/W Utilities and D/W Comments (Hector Franco):

1. Sidewalk on-site and off-site with appropriate connections to existing system all road frontages.
2. MTWCD permit or exemption.
3. Pre- vs post- discharge.
4. Per Land Development code 182 road private till approved dedication.
5. Phasing shall stand alone; include all cul-de-sac turn around and utility extension accordingly per phasing plan and additional easements.
6. Drainage calculations and traffic study to match phasing plans and identify improvements applicable per phasing.
7. Traffic improvements entrance and off site impacts.
8. Line up driveways with public streets right of way.

Traffic Comments (Frank Watanabe, PE, City Engineer):

1. A traffic statement was provide showing total ADT trips of $5,187 + 6,517 = 11,794$ Trip
2. Submit a traffic methodology prior to commencing the traffic study
3. Submit traffic study for the proposed eastern phase project
4. Signal warrant analysis for SJHP at Pace

Survey Comments (Joe Hale, City Surveyor).<<

UTILITIES (Christopher Little, PE, Utilities Director):

The Utilities Department has no objection to the proposed mixed residential PUD. The LOS for this project was previously completed as part of the 2017 Master Plan and sufficient

capacity is available to service this development. Upon development of the site, the following shall apply for connection to the City's Water and Sewer Utilities System:

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect, and test water systems of adequate size to accommodate the development and to connect to the City's water and sewer system. [§ 200.11(D)(1) - On-Site Facilities].
2. The applicant/owner will be required to extend and/or loop service from the On-Site Facilities to the existing water and wastewater connection points. [§ 200.11(D)(2) - Off-site Facilities].
3. The applicant/owner will be responsible for the property's hydraulic share for the new utilities required to serve the development. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance. [§ 200.11(D) & (E)]. The City of Palm Bay's 2017 Water and Wastewater Master Plans identify proposed mainline extensions with the City's current pipe sizing requirements. Contact the Utilities Engineering Department (321-952-3410) to obtain these Master Plans.
4. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
5. All utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utility Department Policies, Procedures and Standards Handbook and the Standard Detail Drawings. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copied of the Permits filled with the Utilities Department.

BUILDING-FIRE (Michael Bloom, CFPS, Fire Plans Examiner):

Please provide plans complying with Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC), Florida State Statute (FSS) and City of Palm Bay Ordinances Chapters 33 and 177.

1. (FSS 481.203) All townhomes shall meet the definition of per FSS 481.203 or they shall be classified as apartment per FFPC.
2. (NFPA 14.5.1.2) (FFPC 1:13.2) All buildings four or more stories are required to be equipped with automatic standpipes supplied by a fire pump.

BUILDING-FLOODZONE (James Williams, CFM, Floodplain Coordinator):

The project is in FEMA Floodzone AE and will need an approved Conditional Letter of Map Amendment (CLOMA) before any buildings are constructed. For the final CO an approved

Letter of Map Revision (LOMR) removing the entire project from the Special Flood Hazard Area is required.

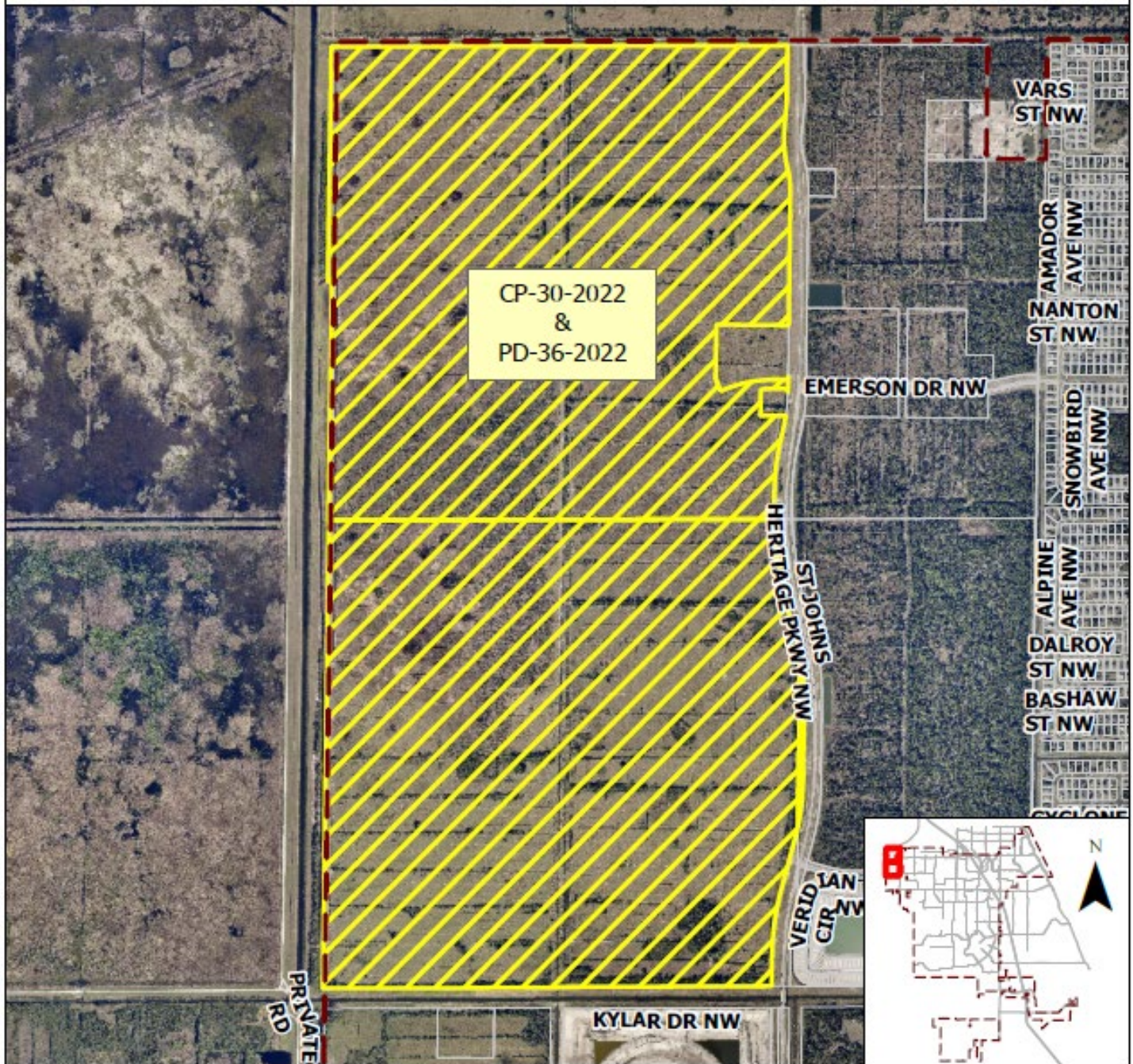
These policies are outlined specifically in Ord. 174.005 (C) (2) “require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source” and also 174.005 (C)(4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Per the City’s Floodplain Ordinance, any structure built within a Special Flood Hazard Area (SFHA) will require a Floodplain Permit at time of construction. An approved CLOMR does not exempt the requirement for a Floodplain Permit in the SFHA. The Building Official will not issue any building permits without a Floodplain Permit.

If you get the approved Subdivision LOMR before any building’s permits are applied for, you don’t need to apply for individual Floodplain permits for each structure.



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



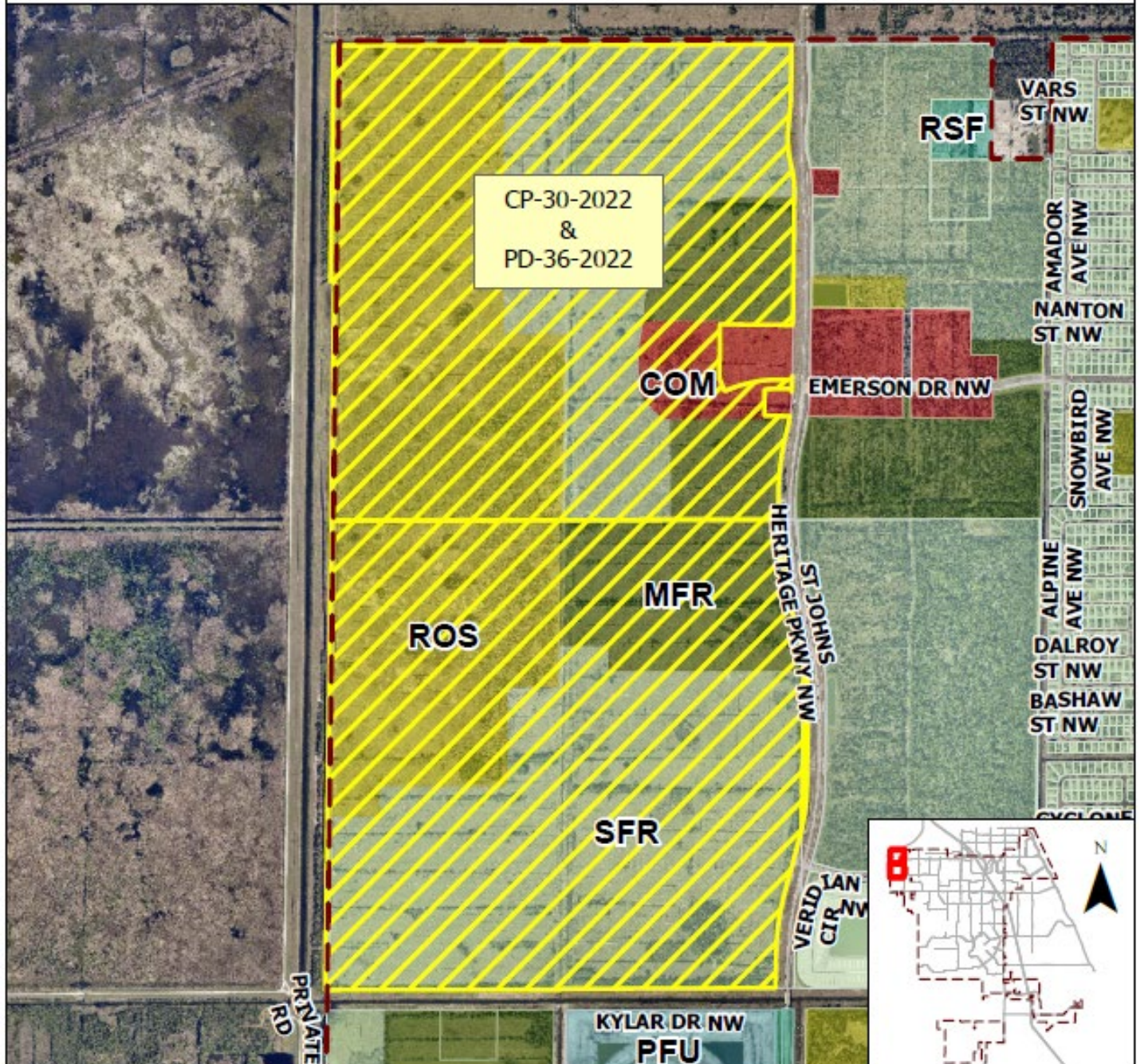
AERIAL LOCATION MAP CASE: CP-30-2022 & PD-36-2022

Subject Property

West of and adjacent to St. Johns Heritage Parkway NW, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R



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-30-2022 & PD-36-2022

Subject Property

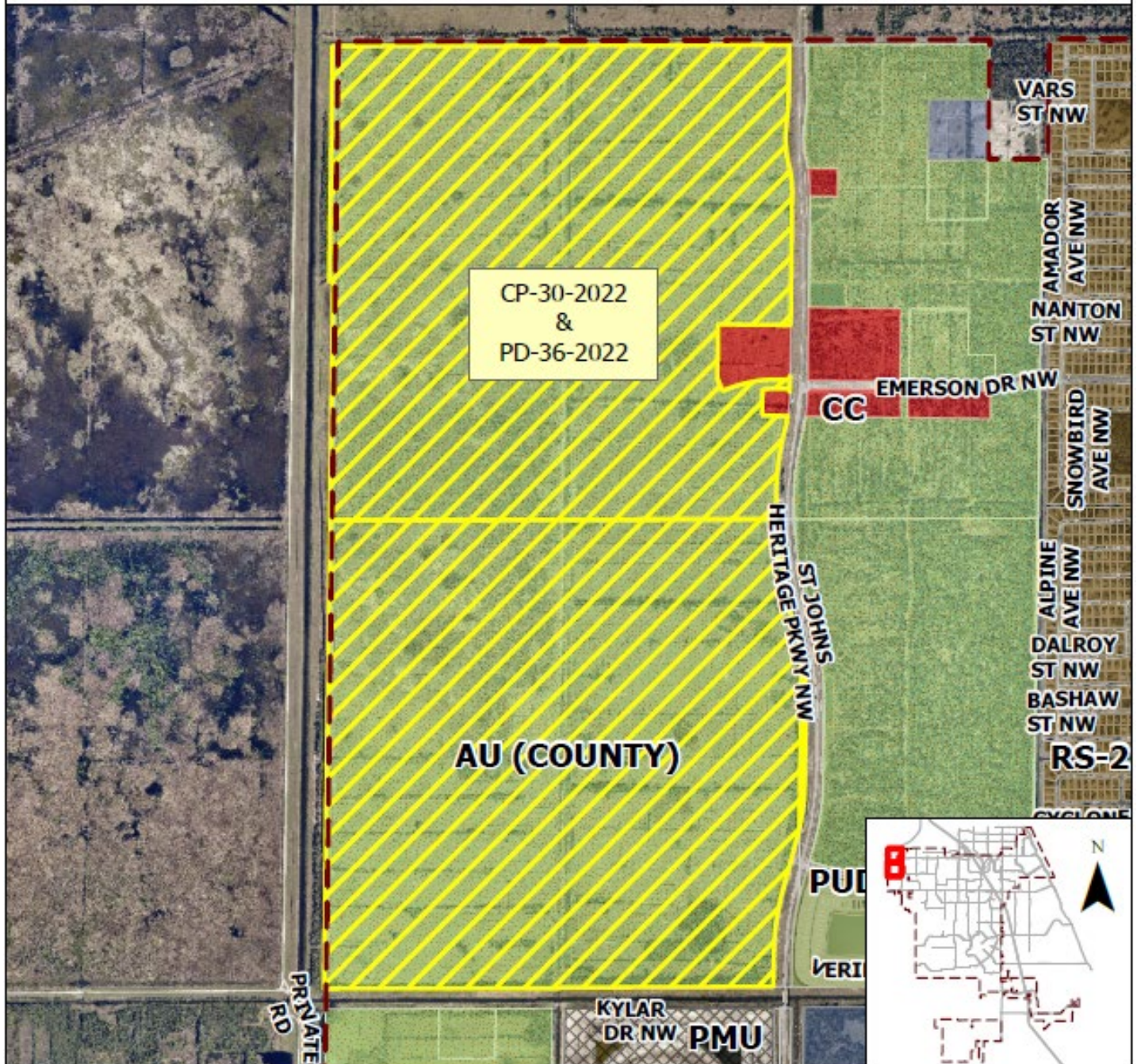
West of and adjacent to St. Johns Heritage Parkway NW, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R

Future Land Use Classification

COM, MFR, ROS, SFR – Commercial, Multi-Family Residential, Residential Open Space, 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-30-2022 & PD-36-2022

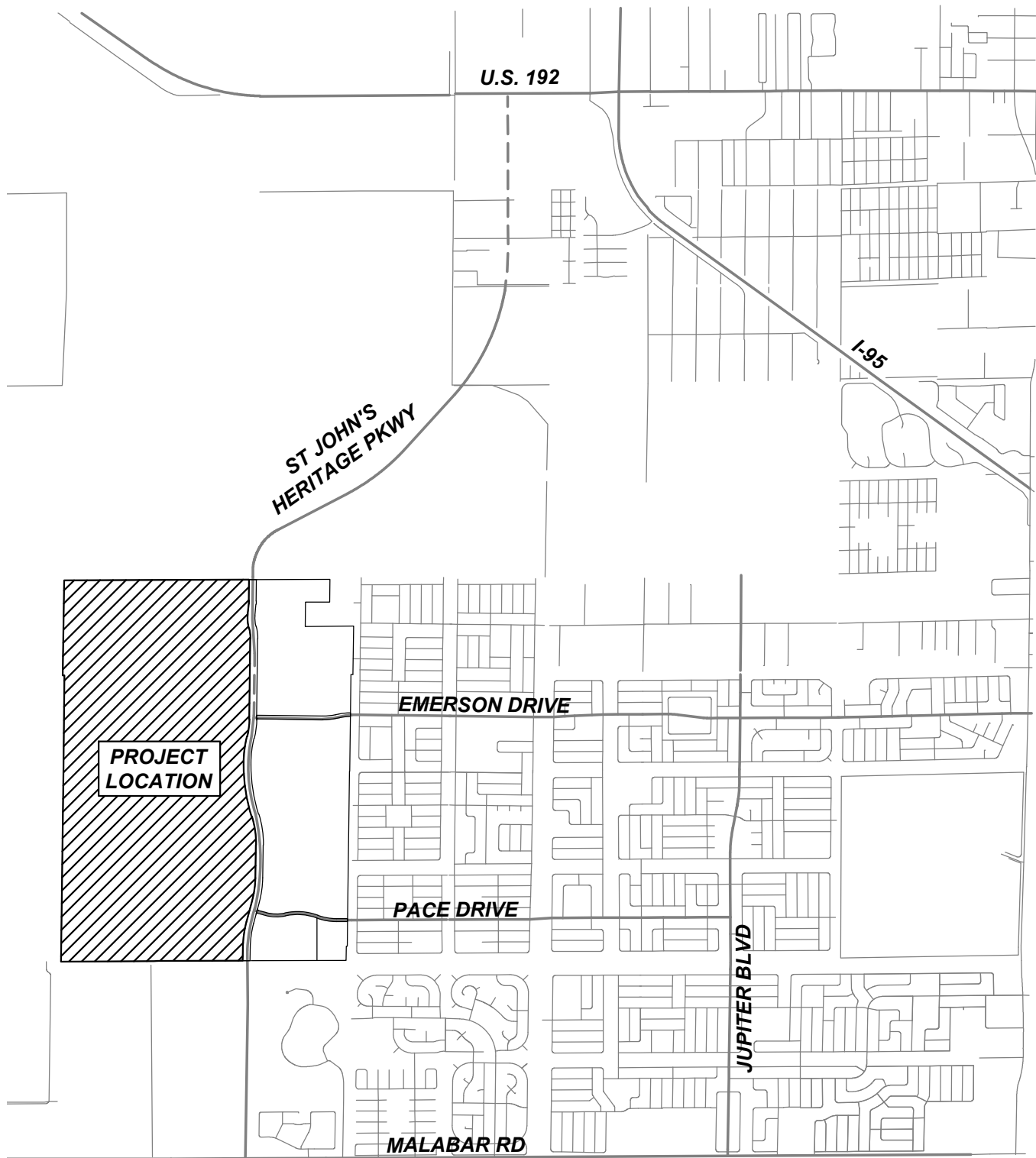
Subject Property

West of and adjacent to St. Johns Heritage Parkway NW, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R

Current Zoning Classification

AU (COUNTY) – Agricultural Residential

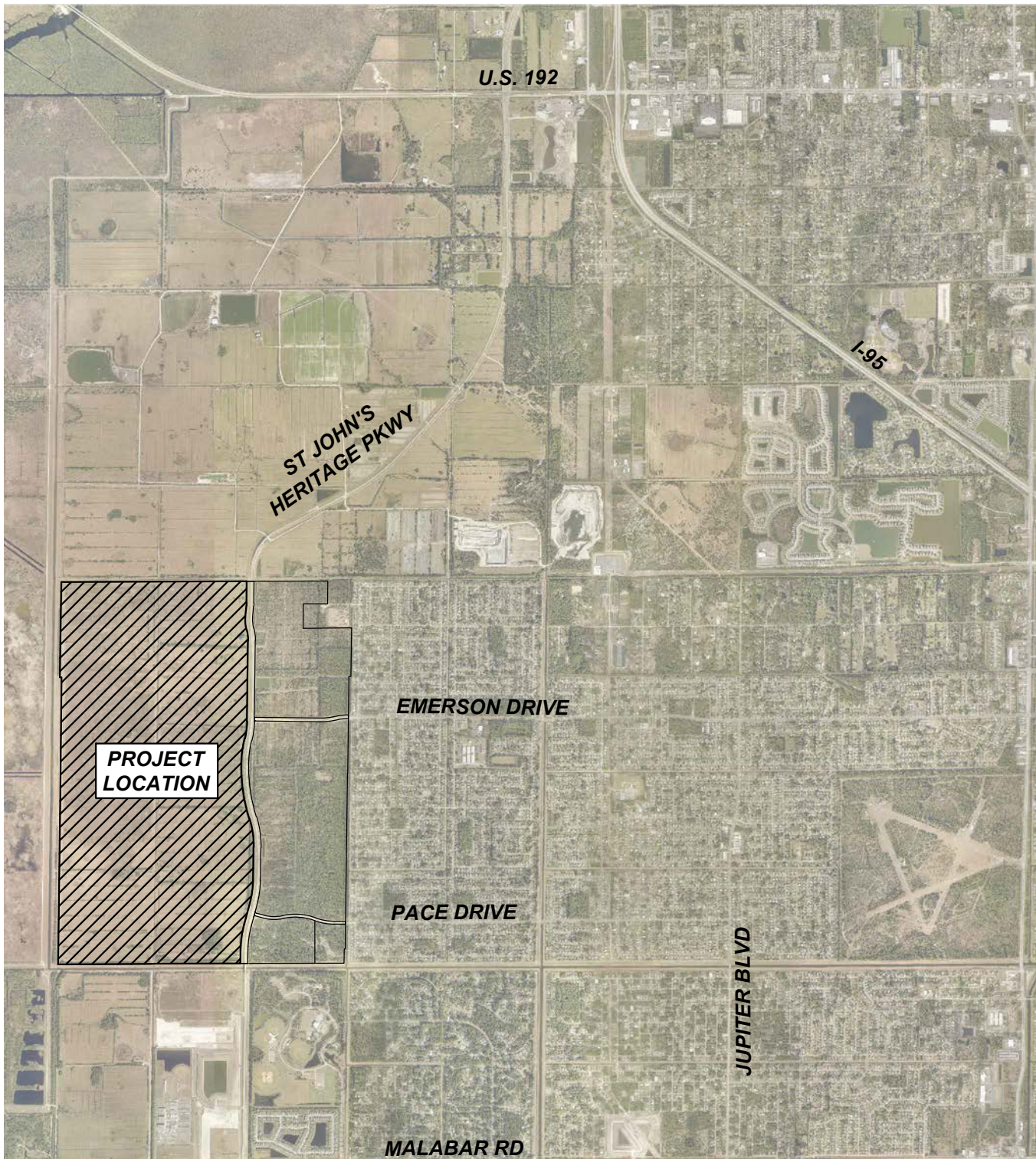
PALM VISTA EVERLANDS WEST **LOCATION MAP**



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

DATE: 02/25/22
DESIGN/DRAWN: ALS/DRB
DRAWING# 10860800_200_001
PROJECT# 10860.800
SHEET 1 OF 1

PALM VISTA EVERLANDS WEST AERIAL



AERIAL PHOTO PROVIDED BY BREVARD COUNTY PROPERTY APPRAISER 2021



B.S.E. CONSULTANTS, INC.

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DRAWING# 10860800_200_001
PROJECT# 10860.800
SHEET 1 OF 1

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

DESCRIPTIONS OF 4
PARCELS OF LAND IN
SECTIONS 20 & 29,
TOWNSHIP 28 SOUTH,
RANGE 36 EAST, BREVARD
COUNTY, FLORIDA.

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

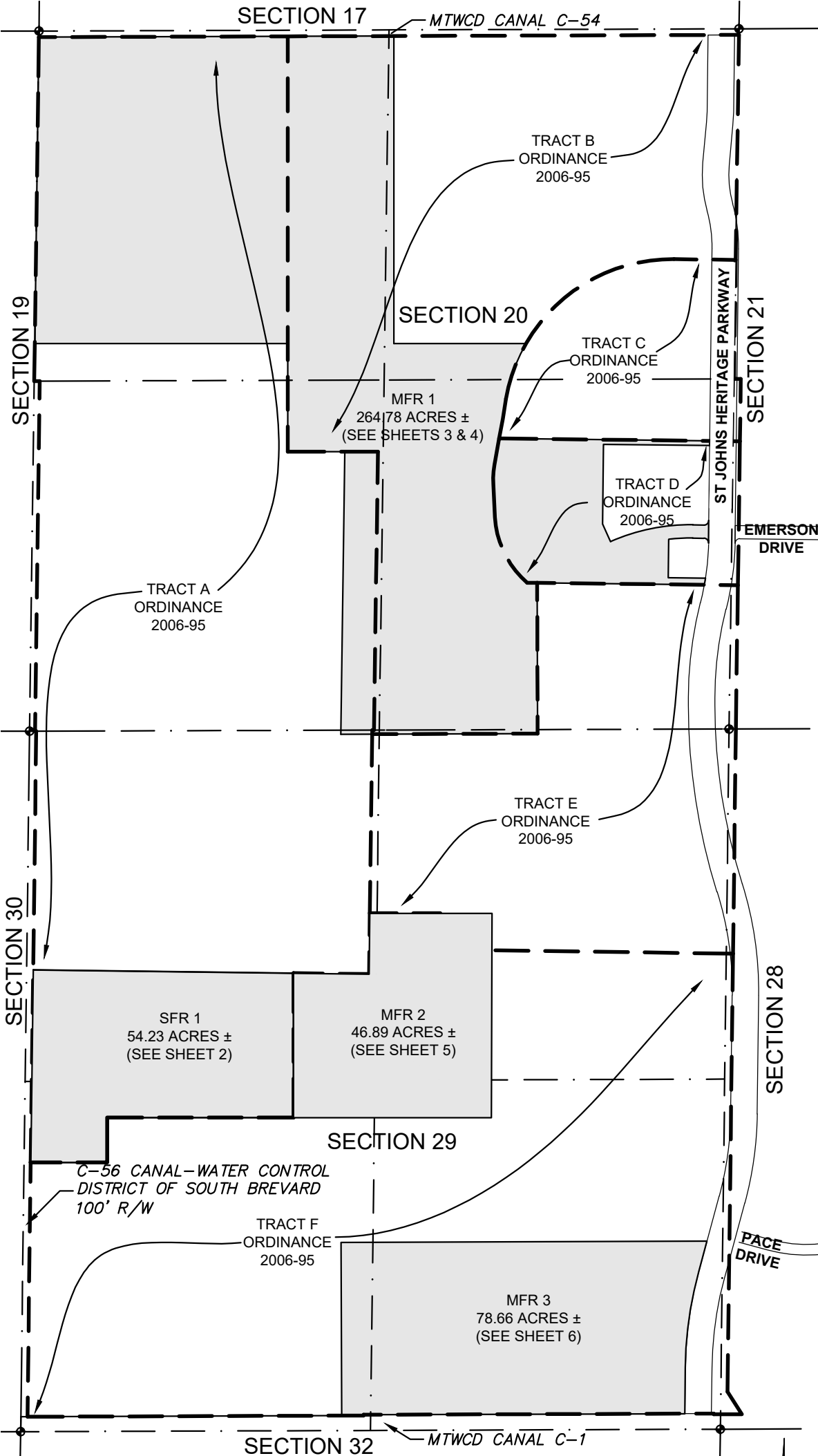
BEARING REFERENCE:
ASSUMED BEARING OF
N00°44'07"E ON THE WEST
LINE OF SECTION 29,
TOWNSHIP 28 SOUTH,
RANGE 36 EAST, BREVARD
COUNTY, FLORIDA

THESE DESCRIPTIONS
ARE SUBJECT TO
EASEMENTS,
RESTRICTIONS,
RESERVATIONS AND
RIGHTS-OF-WAY OF
RECORD.

THESE DESCRIPTIONS
ARE SUBJECT TO ANY
FACTS THAT MAY BE
REVEALED BY A
COMPLETE AND
ACCURATE TITLE SEARCH.

THESE DESCRIPTIONS
ARE NOT VALID WITHOUT
THE SIGNATURE AND
ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED
PROFESSIONAL
SURVEYOR AND MAPPER
UNLESS ELECTRONICALLY
SIGNED AND SEALED IN
ACCORDANCE WITH
FLORIDA STATUTES
CHAPTER 472.025.

THESE DESCRIPTIONS
MEET THE STANDARDS OF
PRACTICE FOR SURVEYS
AS REQUIRED BY FLORIDA
STATUTES CHAPTER 472
AND THE STANDARDS OF
PRACTICE FOR SURVEYS
AS REQUIRED BY
CHAPTER 5J-17, FLORIDA
ADMINISTRATIVE CODE.



(IN FEET)

PALM VISTA EVERLANDS
WEST SIDE FLU & REZONING EXHIBIT

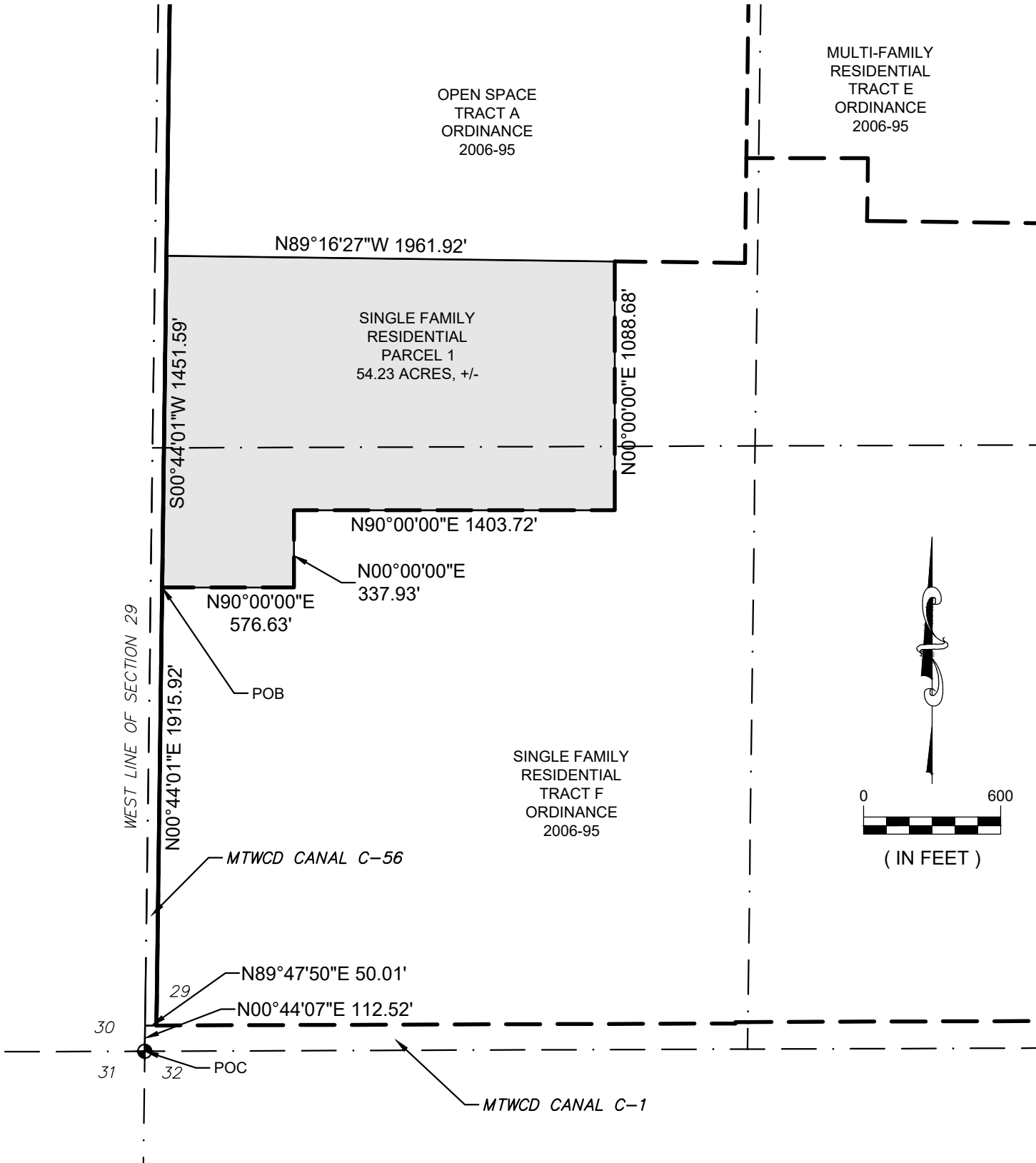
LESLIE E. HOWARD
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER 5611



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

DATE: 03/30/2022
DESIGN/DRAWN: LEH/DSN
DRAWING# 10860800_100_001
PROJECT# 10860.800
SHEET 1 OF 6

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



DESCRIPTION OF SINGLE FAMILY RESIDENTIAL PARCEL 1

PART OF TRACT A, AS DEFINED IN THAT CERTAIN CITY OF PALM BAY, FLORIDA ORDINANCE NUMBER 2006-95, BEING A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 29 AND RUN N00°44'07"E, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 112.52 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-1; THENCE N89°47'50"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 50.01 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-56; THENCE N00°44'01"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1915.92 FEET TO THE SOUTHWEST CORNER OF SAID TRACT AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE ALONG THE BOUNDARY OF SAID TRACT A THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES: 1) THENCE N90°00'00"E A DISTANCE OF 576.63 FEET; 2) THENCE N00°00'00"E A DISTANCE OF 337.93 FEET; 3) THENCE N90°00'00"E A DISTANCE OF 1403.72 FEET; 4) THENCE N00°00'00"E A DISTANCE OF 1088.68 FEET; THENCE N89°16'27"W A DISTANCE OF 1961.92 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-56; THENCE S00°44'01"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1451.59 FEET TO THE POINT OF BEGINNING. CONTAINING 54.23 ACRES, MORE OR LESS.

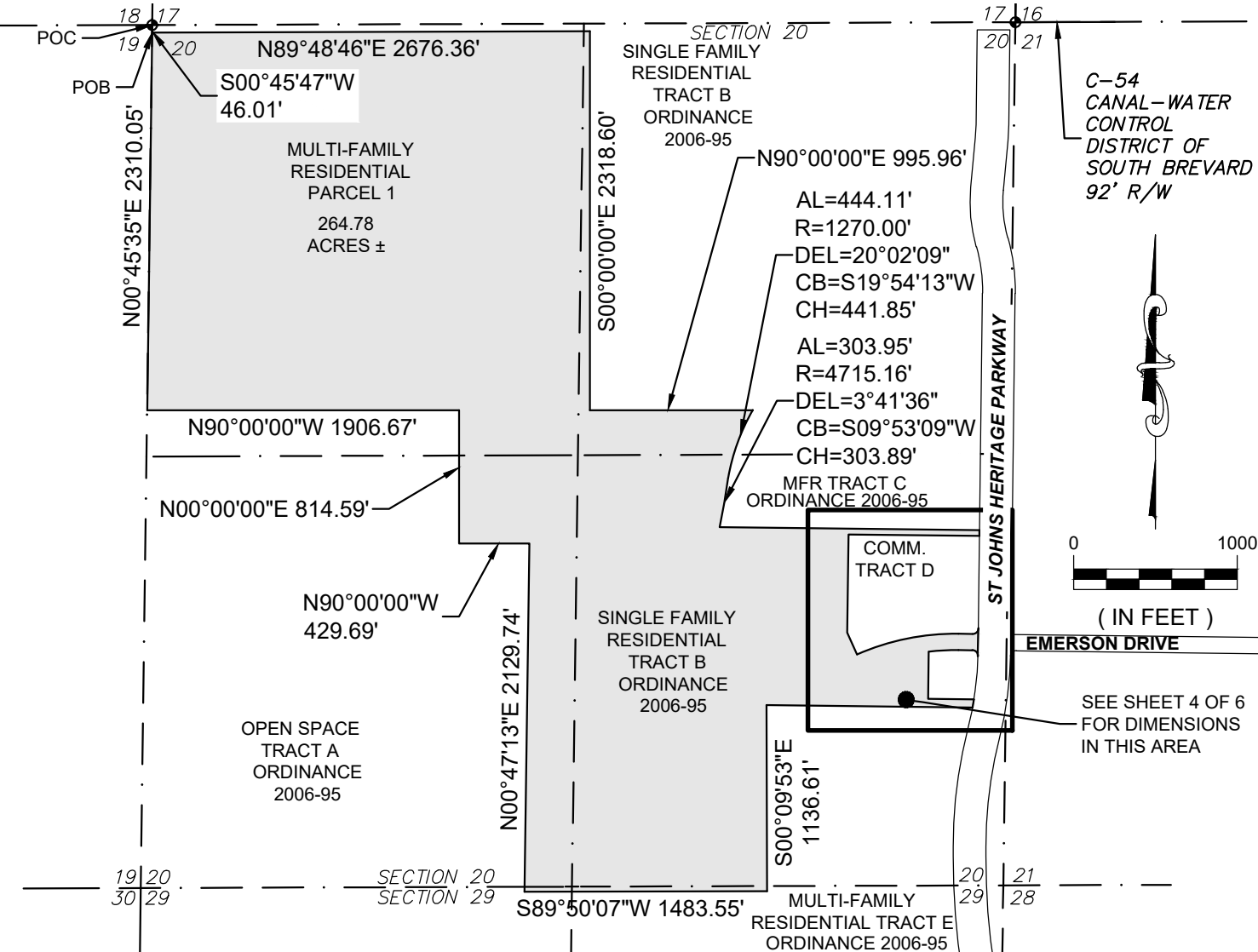
SINGLE FAMILY RESIDENTIAL PARCEL 1



B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159
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DATE: 03/30/2022
DESIGN/DRAWN: LEH/DSN
DRAWING# 10860800_100_003
PROJECT# 10860.800
SHEET 2 OF 6

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



DESCRIPTION OF MULTI-FAMILY RESIDENTIAL PARCEL 1

PART OF TRACT A, PART OF TRACT B, PART OF TRACT D AND PART OF TRACT E, AS DEFINED IN THAT CERTAIN CITY OF PALM BAY, FLORIDA ORDINANCE NUMBER 2006-95, BEING A PARCEL OF LAND LYING IN SECTIONS 20 AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 20 AND RUN S00°45'47"W, ALONG THE WEST LINE OF SAID SECTION 20 A DISTANCE OF 46.01 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-54 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N89°48'46"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 2676.36 FEET; THENCE S00°00'00"E A DISTANCE OF 2318.60 FEET; THENCE N90°00'00"E A DISTANCE OF 995.96 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1270.00 FEET, A CENTRAL ANGLE OF 20°02'09", A CHORD BEARING OF S19°54'13"W AND A CHORD LENGTH OF 441.85 FEET), A DISTANCE OF 444.11 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 4715.16 FEET, A CENTRAL ANGLE OF 03°41'36", A CHORD BEARING OF S09°53'09"W AND A CHORD LENGTH OF 303.89 FEET), A DISTANCE OF 303.95 FEET TO INTERSECTION WITH A NON-TANGENT LINE TO THE EAST; THENCE S89°19'54"E, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 1587.85 FEET TO THE WEST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY; THENCE S00°42'13"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 34.94 FEET; THENCE N89°19'54"W A DISTANCE OF 800.00 FEET; THENCE S00°42'13"W 600.00 FEET; THENCE S23°43'01"E A DISTANCE OF 146.92 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1500.00 FEET, A CENTRAL ANGLE OF 24°23'07", A CHORD BEARING OF N78°28'32"E AND A CHORD LENGTH OF 633.60 FEET), A DISTANCE OF 638.41 FEET; THENCE S89°19'54"E A DISTANCE OF 85.05 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE LONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 89°57'53", A CHORD BEARING OF N45°41'10"E AND A CHORD LENGTH OF 49.48 FEET), A DISTANCE OF 54.96 FEET TO A CUSP OF CURVE AND THE WEST RIGHT-OF-WAY LINE OF SAID ST JOHNS HERITAGE PARKWAY; THENCE S00°42'13"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 149.96 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2000.00 FEET, A CENTRAL ANGLE OF 00°35'04", A CHORD BEARING OF S00°59'45"W AND A CHORD LENGTH OF 20.40 FEET), A DISTANCE OF 20.40 FEET TO A CUSP OF CURVE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 90°37'01", A CHORD BEARING OF N44°01'24"W AND A CHORD LENGTH OF 49.76 FEET), A DISTANCE OF 55.35 FEET; THENCE N89°19'54"W A DISTANCE OF 84.85 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1400.00 FEET, A CENTRAL ANGLE OF 07°23'19", A CHORD BEARING OF S86°58'26"W AND A CHORD LENGTH OF 180.41 FEET), A DISTANCE OF 180.54 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTH; THENCE S00°42'13"W, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 288.38 FEET; THENCE S89°19'54"E A DISTANCE OF 279.60 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED WEST RIGHT-OF-WAY LINE OF SAID ST JOHNS HERITAGE PARKWAY; THENCE ALONG THE ARC OF SAID CURVED RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 2000.00 FEET, A CENTRAL ANGLE OF 01°27'07", A CHORD BEARING OF S09°37'23"W, AND A CHORD LENGTH OF 50.68 FEET), A DISTANCE OF 50.68 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE NORTHWEST; THENCE N89°19'54"W, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 1259.18 FEET; THENCE S00°09'53"E A DISTANCE OF 1136.61 FEET; THENCE S89°50'07"W A DISTANCE OF 1483.55 FEET; THENCE N00°47'13"E A DISTANCE OF 2129.74 FEET; THENCE N90°00'00"W A DISTANCE OF 429.69 FEET; THENCE N00°00'00"E A DISTANCE OF 814.59 FEET; THENCE N90°00'00"W A DISTANCE OF 1906.67 FEET TO THE WEST LINE OF SAID SECTION 20; THENCE N00°45'35"E, ALONG THE WEST LINE OF SAID SECTION 20, A DISTANCE OF 2310.05 FEET TO THE POINT OF BEGINNING. CONTAINING 264.78 ACRES MORE OR LESS.

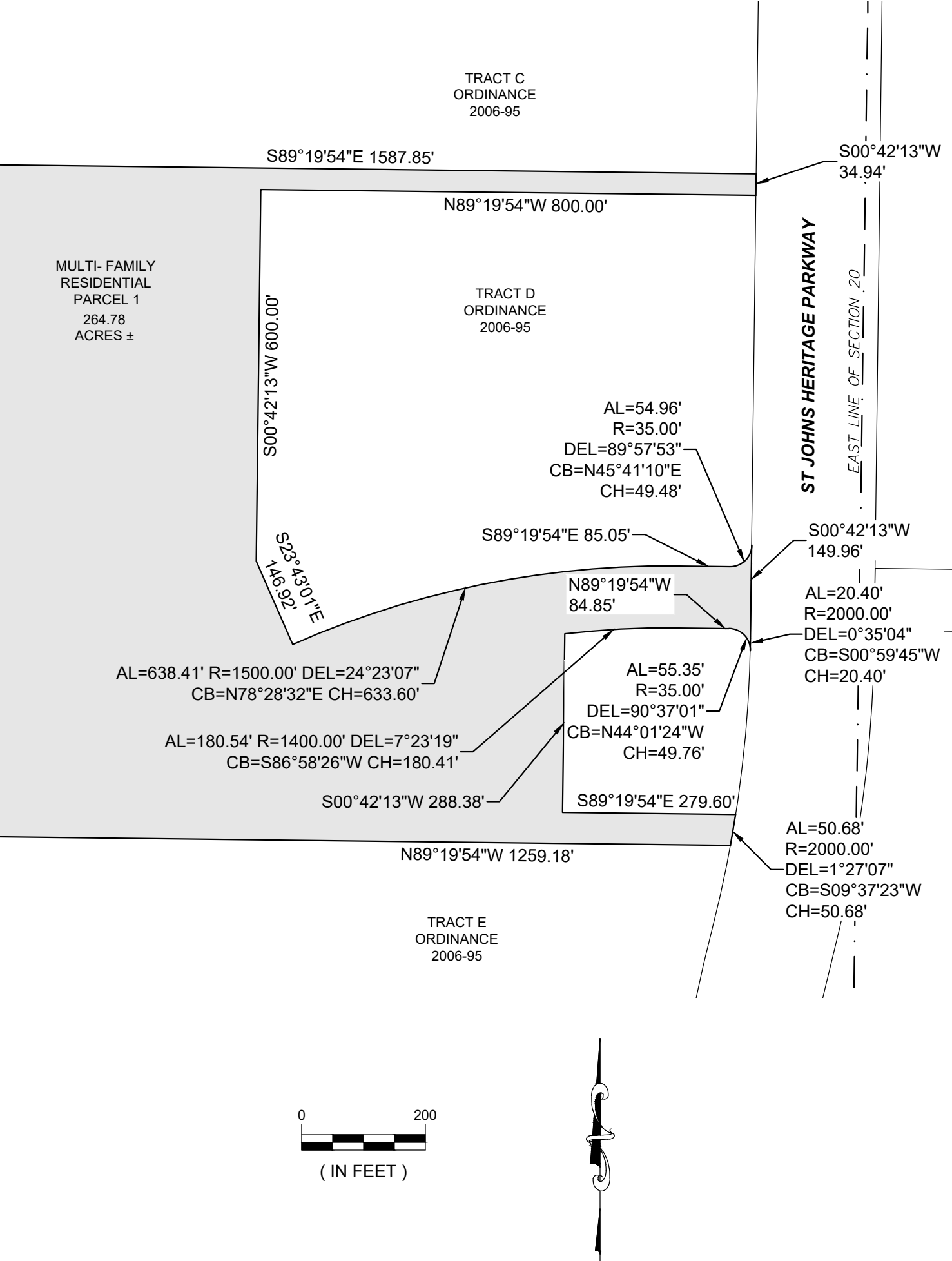
MULTI-FAMILY RESIDENTIAL PARCEL 1



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

DATE: 03/30/2022
DESIGN/DRAWN: LEH/DSN
DRAWING# 10860800_100_005
PROJECT# 10860.800
SHEET 3 OF 6

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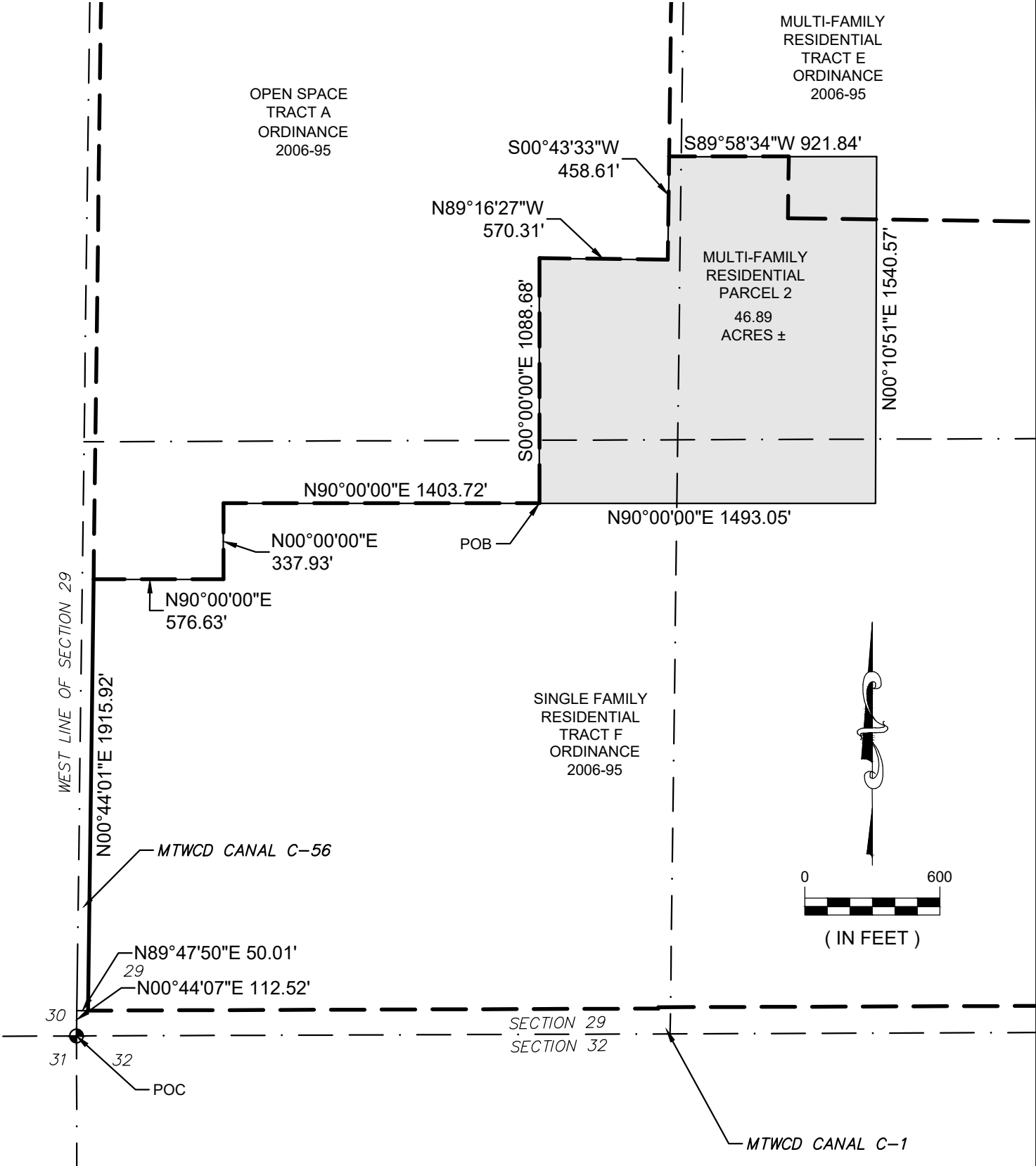
MULTI-FAMILY RESIDENTIAL PARCEL 1



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PROJECT# 10860.800
SHEET 4 OF 6

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DESCRIPTION OF MULTI-FAMILY PARCEL 2

PART OF TRACT E AND PART OF TRACT F, AS DEFINED IN THAT CERTAIN CITY OF PALM BAY, FLORIDA ORDINANCE NUMBER 2006-95, BEING A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 29 AND RUN N00°44'07"E, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 112.52 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-1; THENCE N89°47'50"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 50.01 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-56; THENCE N00°44'01"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1915.92 FEET TO THE SOUTHWEST CORNER OF TRACT A, AS DEFINED IN SAID ORDINANCE NUMBER 2006-95; THENCE N90°00'00"E, ALONG THE BOUNDARY OF SAID TRACT A, A DISTANCE OF 576.63 FEET; THENCE CONTINUE ALONG THE BOUNDARY OF SAID TRACT A, THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES; 1) THENCE N00°00'00"E A DISTANCE OF 337.93 FEET; 2) THENCE N90°00'00"E A DISTANCE OF 1403.72 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N90°00'00"E A DISTANCE OF 1493.05 FEET; THENCE N00°10'51"E A DISTANCE OF 1540.57 FEET; THENCE S89°58'34"W A DISTANCE OF 921.84 FEET TO THE BOUNDARY OF SAID TRACT A; THENCE ALONG THE BOUNDARY OF SAID TRACT A, THE FOLLOWING 3 (THREE) COURSES AND DISTANCES; 1) THENCE S00°43'33"W A DISTANCE OF 458.61 FEET; 2) THENCE N89°16'27"W A DISTANCE OF 570.31 FEET; 3) THENCE S00°00'00"E A DISTANCE OF 1088.68 FEET TO THE POINT OF BEGINNING. CONTAINING 46.89 ACRES MORE OR LESS.

MULTI-FAMILY PARCEL 2



B.S.E. CONSULTANTS, INC.

CONSULTING - ENGINEERING - LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901

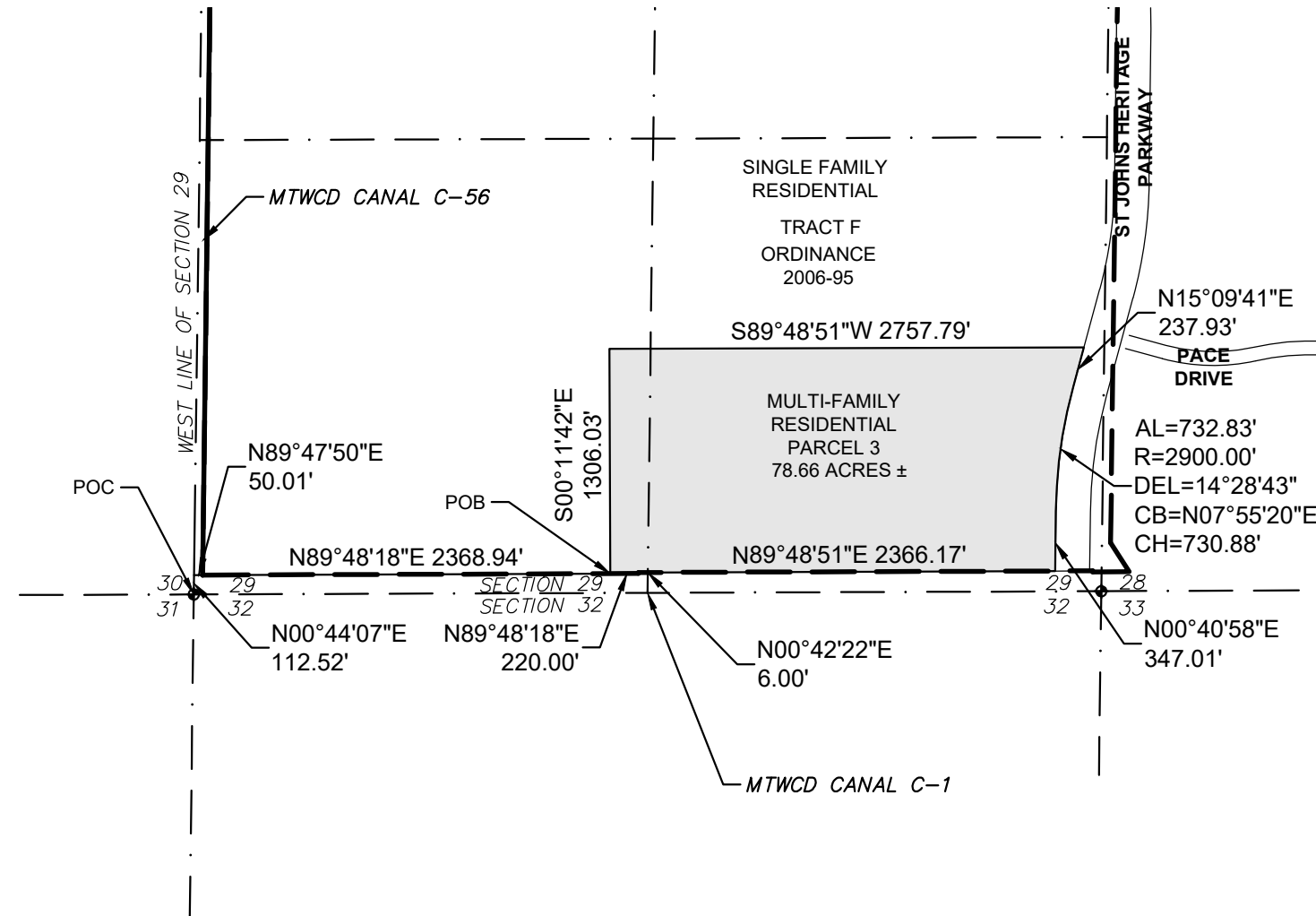
PHONE: (321) 725-3674 FAX: (321) 723-1159

CERTIFICATE OF BUSINESS AUTHORIZATION: 4905

CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

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DRAWING# 10860800_100_004
PROJECT# 10860.800
SHEET 5 OF 6

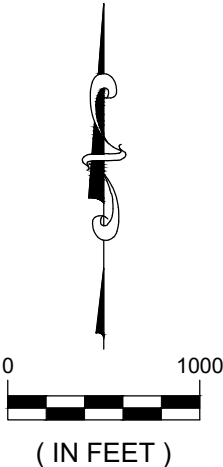
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DESCRIPTION OF MULTI-FAMILY PARCEL 3

PART OF TRACT F, AS DEFINED IN THAT CERTAIN CITY OF PALM BAY, FLORIDA ORDINANCE NUMBER 2006-95, BEING A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 29 AND RUN N00°44'07"E, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 112.52 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-1; THENCE N89°47'50"E A DISTANCE OF 50.01 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-56; THENCE N89°48'18"E ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. C-1, A DISTANCE OF 2368.94 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING 3 (THREE) COURSES AND DISTANCES; 1) THENCE N89°48'18"E A DISTANCE OF 220.00 FEET; 2) THENCE N00°42'22"E A DISTANCE OF 6.00 FEET; 3) THENCE N89°48'51"E A DISTANCE OF 2366.1 TO THE WEST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY; THENCE N00°40'58"E, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 347.01 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 2900.00 FEET, A CENTRAL ANGLE OF 14°28'43", A CHORD BEARING OF N07°55'20"E AND A CHORD LENGTH OF 730.88 FEET), A DISTANCE OF 732.83 FEET TO THE END OF SAID CURVE; THENCE N15°09'41"E, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 237.93 FEET; THENCE S89°48'51"W A DISTANCE OF 2757.79 FEET; THENCE S00°11'42"E A DISTANCE OF 1306.03 FEET TO THE POINT OF BEGINNING. CONTAINING 78.66 ACRES, MORE OR LESS.



MULTI-FAMILY PARCEL 3



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DRAWING# 10860800_100_002
PROJECT# 10860.800
SHEET 6 OF 6

PALM VISTA MEDLEY AT EVERLANDS WEST
B.S.E. FILE # 10860.800

TRAFFIC STATEMENT

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

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

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

Non-Age Restricted	Age Restricted
± 364 Single Family	± 995 Single Family
± 168 (4-Unit to 6-Unit Townhomes)	± 98 (4-Unit to 6-Unit Townhomes)
± 102 Paired Villas	± 368 Paired Villas
	± 318 Multi-Family Condo
± 634 units Total	± 1,779 units Total

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

Non-Age Restricted			
Product Type / Land Use Code	Number of Units (x)	Trips Rate / Equation	Number of Trips (T)
Single Family (210)	± 364	$\text{Ln}(T) = 0.92\text{Ln}(x) + 2.68$	3,312
4-Unit to 6-Unit Townhomes (220)	± 168	$T = 6.41(x) + 75.31$	1,152
Paired Villas (215)	± 102	$T = 7.62(x) - 50.48$	723
Non-Age Restricted Totals	± 634 units		5,187 trips

Age Restricted			
Product Type / Land Use Code	Number of Units (x)	Trips Rate / Equation	Number of Trips (T)
Single Family (210)	± 995	$\text{Ln}(T) = 0.85\text{Ln}(x) + 2.47$	4,177
4-Unit to 6-Unit Townhomes (252)	± 98	$T = 2.89(x) + 24.80$	308
Paired Villas (252)	± 368	$T = 2.89(x) + 24.81$	1,088
Multi-Family Condo (252)	± 318	$T = 2.89(x) + 24.82$	944
Age Restricted Totals	± 1,779 units		6,517 trips

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

School Board of Brevard County

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



July 12, 2022

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

**RE: Proposed Palm Vista Everlands-West Development
School Impact Analysis – Capacity Determination CD-2022-35**

Dear Mr. Steven White,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2802937 (Parcel ID number: 28-36-20-00-1), Tax Account number 2811406 (Parcel ID number: 28-36-28-00-1) and Tax Account number 2811407 (Parcel ID number: 28-36-29-00-1) containing a total of approximately 1157.37 acres in the City of Palm Bay, Florida. The proposed development includes 634 single-family homes (364 single-family, 168 townhome units, 102 paired villas). 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.

Single Family Homes		634	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.24	152.16	152
Middle	0.07	44.38	44
High	0.12	76.08	76
Total	0.43		272

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
Discovery	980	980	980	980	980
Central	1,514	1,514	1,514	1,514	1,514
Heritage	2,314	2,314	2,314	2,314	2,314

Projected Student Membership

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	644	639	633	608	611
Central	1,171	1,217	1,238	1,319	1,360
Heritage	2,038	2,149	2,193	2,179	2,248

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	-	-	-	-	-
Central	-	12	24	36	42
Heritage	-	24	48	72	84

**Cumulative Students Generated by
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	-	-	56	104	152
Central	-	-	16	30	44
Heritage	-	-	28	52	76

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	644	639	689	712	763
Central	1,171	1,229	1,278	1,385	1,446
Heritage	2,038	2,173	2,269	2,303	2,408

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	336	341	291	268	217
Central	343	285	236	129	68
Heritage	276	141	45	11	(94)

At this time, Discovery Elementary School and Central Middle School are projected to have enough capacity for the total of projected and potential students from the Palm Vista Everlands-West development; however, Heritage High is not projected to have enough capacity for the total of projected students from the Palm Vista Everlands-West development. Because there is a shortfall of available capacity in the concurrency service

area, the capacity of adjacent concurrency service areas must be considered. The adjacent high school concurrency service areas are Melbourne High School, Palm Bay Magnet Senior High School, and Bayside Senior High School. A table of capacities of the Adjacent Schools Concurrency Service Areas that could accommodate the impacts of the Palm Vista Everlands-West development is shown below:

**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
Melbourne	2,370	2,370	2,370	2,370	2,370
Palm Bay	2,631	2,631	2,631	2,631	2,631
Bayside	2,263	2,263	2,263	2,263	2,263

Projected Student Membership

School	2022-23	2023-24	2024-25	2025-26	2026-27
Melbourne	2,208	2,201	2,200	2,151	2,185
Palm Bay	1,325	1,467	1,573	1,645	1,643
Bayside	1,728	1,850	1,942	2,002	2,069

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2022-23	2023-24	2024-25	2025-26	2026-27
Melbourne	20	32	43	43	43
Palm Bay	-	-	-	-	-
Bayside	29	29	29	29	29

**Cumulative Students Generated by
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Melbourne	-	-	28	52	76
Palm Bay	-	-	28	52	76
Bayside	-	-	28	52	76

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Melbourne	2,228	2,233	2,271	2,246	2,304
Palm Bay	1,325	1,467	1,601	1,697	1,719
Bayside	1,757	1,879	1,999	2,083	2,174

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Melbourne	142	137	99	124	66
Palm Bay	1,306	1,164	1,030	934	912
Bayside	506	384	264	180	89

Considering the adjacent high school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Palm Vista Everlands-West 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

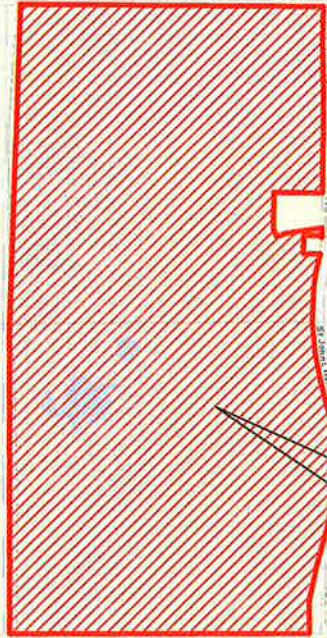
Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2022-35

David G. Lindemann, AICP, Director of Planning & Project
Management, Facilities Services
File CD-2022-35



Palm Vista Everlands-West Location Map



**Palm Vista Everlands-West
CD-2022-35
634 Single-Family Units**

DISCOVERY ELEMENTARY

HERITAGE HIGH

Palm Bay

Schools Affected by Development:
Discovery Elementary School
Central Middle School
Heritage High School

Drawn By:
Planning & Project Management
Karen M. Black
07/12/2022



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%		96%			
Highest Utilization Middle Schools:		88%		89%		90%		89%		90%		92%			
Highest Utilization Jr / Sr High Schools:		84%		84%		82%		82%		79%		78%			
Highest Utilization High Schools:		101%		100%		99%		95%		94%		97%			
School	Type	Grades	Utilization Factor	School Year 2021-22		School Year 2022-23		School Year 2023-24		School Year 2024-25		School Year 2025-26		School Year 2026-27	
				FISH Capacity	10/15/21 Member-ship	Future FISH Capacity	Student Projection	Total Capacity	Future FISH Capacity	Student Projection	Total Capacity	Future FISH Capacity	Student Projection	Total Capacity	Future FISH Capacity
Elementary School Concurrency Service Areas															
Allen	Elementary	PK-6	100%	751	630	751	632	684	92%	751	739	752	97%	773	738
Anderson	Elementary	K-6	100%	884	592	884	591	597	64%	884	589	884	565	884	554
Apollo	Elementary	K-6	100%	902	782	902	783	87%	84%	902	761	902	739	902	729
Atlantis	Elementary	PK-6	100%	739	629	739	630	85%	83%	739	600	739	592	739	576
Audubon	Elementary	PK-6	100%	761	464	761	464	61%	60%	761	438	761	427	761	440
Cambridge	Elementary	PK-6	100%	765	506	765	506	66%	61%	765	513	765	485	765	480
Cape View	Elementary	PK-6	100%	570	278	570	285	50%	50%	570	281	570	286	570	284
Carroll	Elementary	K-6	100%	751	614	751	619	82%	81%	751	613	751	600	751	593
Challenger 7	Elementary	PK-6	100%	573	506	573	508	89%	78%	573	449	573	437	573	414
Columbia	Elementary	PK-6	100%	751	462	751	484	62%	73%	751	568	751	569	751	572
Coquina	Elementary	K-6	100%	711	534	711	531	75%	78%	711	572	711	596	711	602
Creef	Elementary	PK-6	100%	1,114	717	1,114	762	68%	73%	1,114	847	1,114	877	1,114	922
Croton	Elementary	PK-6	100%	795	487	795	488	61%	65%	795	559	795	586	795	604
Discovery	Elementary	PK-6	100%	980	615	980	644	66%	63%	980	633	980	608	980	611
Endeavour	Elementary	PK-6	100%	968	657	968	670	89%	88%	968	641	968	627	968	640
Enterprise	Elementary	K-6	100%	729	605	729	608	83%	77%	729	561	729	529	729	513
Fairglen	Elementary	PK-6	100%	789	581	789	580	74%	76%	789	620	789	626	789	639
Gemini	Elementary	K-6	100%	711	427	711	442	60%	62%	711	424	711	420	711	409
Golfview	Elementary	PK-6	100%	777	454	777	454	58%	60%	777	513	777	513	777	521
Harbor City	Elementary	PK-6	100%	629	359	629	357	57%	61%	629	399	629	400	629	411
Holland	Elementary	PK-6	100%	605	444	605	465	71%	73%	605	473	605	472	605	477
Imperial Estates	Elementary	K-6	100%	729	624	729	622	85%	82%	729	626	729	620	729	645
Indialantic	Elementary	PK-6	100%	798	671	798	668	84%	82%	798	646	798	620	798	622
Jupiter	Elementary	K-6	100%	930	724	930	721	78%	88%	930	857	930	854	930	920
Lockmar	Elementary	PK-6	100%	892	632	892	631	71%	67%	892	578	892	559	892	553
Longleaf	Elementary	PK-6	100%	790	594	790	584	75%	74%	790	583	790	565	790	551
Manatee	Elementary	K-6	100%	998	843	998	855	85%	79%	998	793	998	765	998	750
McAuliffe	Elementary	PK-6	100%	918	634	918	633	69%	68%	918	583	918	576	918	585
Meadowlane Intermediate	Elementary	3-6	100%	1,114	832	1,114	832	75%	81%	1,114	920	1,114	950	1,114	950
Meadowlane Primary	Elementary	K-6	100%	824	678	824	678	82%	89%	824	725	824	734	824	731
Mila	Elementary	PK-6	100%	707	438	707	432	61%	61%	707	444	707	417	707	416
Mims	Elementary	PK-6	100%	725	431	725	442	61%	60%	725	441	725	452	725	446
Oak Park	Elementary	PK-6	100%	968	581	968	563	58%	57%	968	510	968	508	968	523
Ocean Breeze	Elementary	PK-6	100%	654	538	654	543	83%	80%	654	506	654	484	654	472
Palm Bay Elem	Elementary	PK-6	100%	983	547	983	567	58%	58%	983	570	983	602	983	622
Pinewood	Elementary	PK-6	100%	569	496	569	500	88%	92%	569	524	569	526	569	532
Port Malabar	Elementary	PK-6	100%	852	636	852	636	75%	74%	852	636	852	645	852	632
Quest	Elementary	PK-6	100%	1,152	673	1,152	673	58%	63%	1,152	722	1,152	734	1,152	728
Riviera	Elementary	PK-6	100%	777	624	777	631	81%	88%	777	709	777	722	777	750
Roosevelt	Elementary	K-6	100%	599	263	599	241	44%	34%	599	221	599	202	599	190
Sabal	Elementary	PK-6	100%	785	516	785	507	66%	67%	785	523	785	516	785	530
Salt	Elementary	PK-6	100%	976	678	976	679	70%	84%	976	772	976	822	976	810
Satum	Elementary	PK-6	100%	461	299	461	317	69%	70%	461	324	461	330	461	331
Sea Park	Elementary	PK-6	100%	609	428	609	429	70%	70%	609	434	609	442	609	441
Sherwood	Elementary	PK-6	100%	913	691	913	690	76%	88%	913	824	913	929	1,067	1,061
Sunrise	Elementary	PK-6	100%	755	595	755	595	79%	84%	755	555	755	545	755	523
Sunrise	Elementary	K-6	100%	541	408	541	407	75%	74%	541	345	541	336	541	329
Surfside	Elementary	K-6	100%	910	641	910	642	71%	67%	910	614	910	597	910	609
Turner	Elementary	PK-6	100%	874	579	874	576	68%	70%	874	642	874	659	874	694
Turner	Elementary	PK-6	100%	811	466	811	464	57%	68%	811	554	811	622	811	657
University Park	Elementary	K-6	100%	1,030	585	1,030	585	57%	72%	1,030	742	1,030	825	1,030	902
Viera Elem	Elementary	PK-6	100%	857	728	857	761	88%	97%	857	855	857	872	923	985
Westside	Elementary	K-6	100%	715	494	715	493	69%	68%	715	475	715	452	715	438
Williams	Elementary	PK-6	100%	42,471	29,890	42,471	30,184	30,745		42,515	31,024	42,625	31,190	42,735	31,547
Elementary Totals				42,471	29,890	42,471	30,184	30,745		42,515	31,024	42,625	31,190	42,735	31,547

PALM VISTA WEST AT EVERLANDS
B.S.E. FILE # 10860.800

PROJECT NARRATIVE

History

Palm Vista West at Everlands, a planned unit development consisting of \pm 1,198.17 acres was originally approved in 2005 by the City of Palm Bay. It was zoned GU, General Use - Brevard County with a land use designation of agricultural. The City approved Palm Vista for 2,930 units as a PUD with 61.5 acres of commercial and 47 acres of institutional land use.

The project fell victim to the economic downturn of 2006-2008 and did not proceed. In the interim, the St. Johns Heritage Parkway was constructed, the landowner is extending utilities (16" potable water main and 16" sanitary sewer force main to Emerson with a potable water connection to the existing 8" water main just east of Melbourne-Tillman Canal C-59). These utility extensions were completed in early 2022. A single stand-alone phase of Palm Visa named Everlands, located east of the Parkway, received its subdivision certificate of completion in late March 2022. The water management district wetland jurisdictional and ACOE permitting has been completed east of the Parkway and west of the Parkway this process is \pm 95% complete.

Current

Surrounding land use is:

- North: PRCAC- Platt Ranch
- East: Palm Vista Everlands, Medley and Everlands Phase II (zoned PUD)
- South: St. Johns Preserve residential subdivision (zoned PMU)
- West: Vacant land (AU county zoning)

Proposed Development

A portion of Palm Vista lying east of the Parkway between Pace and Emerson are covered by this application. As reference, Palm Vista Overall and including lands west of the Parkway currently consist of 4,000 units. The unit count was increased from 3,000 - 4,000 units under action taken by the City on 6/1/2017. The commercial component, still visible, is not included in this application. The commercial component is under separate ownership.

PALM VISTA WEST AT EVERLANDS
B.S.E. FILE # 10860.800

Unit Types For This Application as Proposed are:

Non-Age Restricted	Age Restricted
± 364 Single Family	± 995 Single Family
± 168 (4-Unit to 6-Unit Townhomes)	± 98 (4-Unit to 6-Unit Townhomes)
± 102 Paired Villas	± 368 Paired Villas
	± 318 Multi-Family Condo
± 634 units Total	± 1,779 units Total
Combined Total = ± 2,413 units	

* Note that the unit mix may vary due to public demand over the life of the project.

Amenities:

Amenities include: park, open space, tennis and pickle ball courts, pool, clubhouse and Community Center.



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

PRELIMINARY DEVELOPMENT PLAN 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.

APPLICATION AMENDMENT TYPE:

- ☒ **PUD** - Planned Unit Development ([Section 185.066](#))
- ☐ **PMU** - Parkway Mixed Use District (Preliminary Design Plan) ([Section 185.057](#))
- ☐ **PCRD** - Planned Community Redevelopment District ([Section 185.055](#))
- ☐ **RAC** - Regional Activity Center District (Preliminary Concept Plan) ([Section 185.056](#))

PROPOSED DEVELOPMENT NAME:

Palm Vista Everlands - West

PARCEL ID(S):

28-36-20-00-1, 28-36-28-00-1
28-36-29-00-1

TAX ACCOUNT NUMBER(S):

2802937, 281406
2811407

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

See attached.

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 2 OF 5

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

+/- 1,198.17 acres

TOTAL LOTS PROPOSED (list by use):

SF (40's) = 643 lots, SF (50's) = 445 lots, SF (60's) = 271 lots, Twin Villas = 470 units, Townhouse (4 & 6 units) = 266 units, MF Condos = 318 units TOTAL = 2,416 lots/units

DEVELOPER Greg Pettibon, Lennar Homes, LLC

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

Telephone 561-345-6704 **Email** greg.pettibon@lennar.com

ENGINEER Ana Saunders, P.E. (or assigned BSE representative) - B.S.E. Consultants, Inc.

Full Address 312 S. Harbor City Blvd. Suite 4, Melbourne, FL 32901

Telephone 321-725-3674 **Email** asaunders@bseconsult.com

SURVEYOR Leslie E. Howard - B.S.E. Consultants, Inc.

Full Address 312 S. Harbor City Blvd. Suite 4, Melbourne, FL 32901

Telephone 321-725-3674 **Email** lhoward@bseconsult.com

PRELIMINARY DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:

Two (2) copies of the following exhibits shall be attached to the Preliminary Development Plan application. The preliminary plan and supporting documentation **must also be provided on memory drive.**

- A) Vicinity map clearly outlining subject property and showing the relationship between the site and its surrounding area including adjacent streets and thoroughfares.
- B) Preliminary Development Plan that shall contain maps, drawings and narrative, as appropriate, providing the following information:
 - 1) A general plan for the use of all lands within the proposed development. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 3 OF 5

- 2) Proposed name or title of project, the name of the engineer, architect, and developer.
 - 3) North arrow, scale (1 inch = 200 feet or larger), date and legal description of the proposed site.
 - 4) Boundaries of tract shown with bearings, distances, closures, and bulkhead liner. All existing easements, section lines, and all existing streets and physical features in and adjoining the project, and the existing zoning.
 - 5) Proposed parks, school sites, or other public or private open space.
 - 6) Off-street parking, loading areas, driveways and access points.
 - 7) Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary non-residential uses, and the total number of dwelling units, the maximum height of all structures, the minimum setbacks of all structures (and parking areas) and the total area of pervious and impervious surfaces.
 - 8) Delineation of phased development, if applicable.
 - 9) Proposed means of drainage for the site.
- C) A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and major access points to the external and internal thoroughfare network.
- D) Schematic drawing of the elevation and architectural construction of the proposed primary and secondary nonresidential structures.
- E) A Traffic Study meeting generally accepted engineering practices examining the impact of the proposed development on the surrounding roadway network. (If applicable)
- F) Narrative describing in detail how the proposed Preliminary Development Plan meets the requirements of the Land Development Code and the Palm Bay Comprehensive Plan.

Additional conditions must be met and incorporated into the site plan for the specific type of development requested (PUD, PMU, PCRD, RAC). The additional criteria are listed in the Code of Ordinances and available from staff.

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 4 OF 5

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


- ☐ *A \$1,000.00 application fee shall accompany the Preliminary Development Plan application for the purposes of administration. Make Check payable to "City of Palm Bay."
- ☐ Vicinity Map (see Item A).
- ☐ Preliminary Development Plan (see Item B).
- ☐ Vehicular and Pedestrian Circulation Plan (see Item C).
- ☐ Schematic Drawing (see Item D).
- ☐ Traffic Study (see Item E).
- ☐ Narrative (see Item F).
- ☐ 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.)
- ☐ Citizen Participation Plan. Required when a Preliminary Development Plan application was not submitted. Refer to [Section 169.005](#) of the Land Development Code for guidelines.
- ☐ 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 guidelines. Staff will provide a sign template.
- ☐ **Where the property owner is not the representative for the request, a [LETTER](#) must be attached giving the notarized consent of the property owner(s) to a representative.**

Name of Representative Ana Saunders, P.E. (or authorized BSE Representative)

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 5 OF 5

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 PRELIMINARY DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature  Date 3-3-2022
Printed Name Greg Pettibon
Full Address 8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410
Telephone 561-345-6704 Email greg.pettibon@lennar.com

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

March 3, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

NORTH: 28-36-20-00-1, 28-36-28-00-1

SOUTH: 28-36-29-00-1

I, Owner Name: Greg Pettibon, Lennar Homes, LLC

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

Telephone: 561-345-6704

Email: greg.pettibon@lennar.com

hereby authorize:

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

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

Telephone: 321-725-3674

Email: asaunders@bseconsult.com

to represent the request(s) for:

FUTURE LAND USE MAP AMENDMENT and PRELIMINARY DEVELOPMENT PLAN

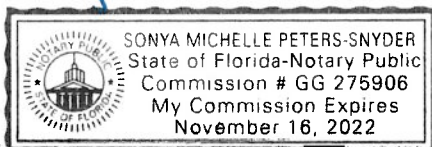
 3-3-22
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

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

Greg Pettibon, property owner.





_____, Notary Public

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

PALM VISTA WEST

A PARCEL OF LAND IN SECTIONS 20, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, THENCE N00°42'46"E ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28 A DISTANCE OF 112.52 FEET; THENCE S89°44'39"W A DISTANCE OF 47.01 FEET TO THE NORTH RIGHT OF WAY OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER ONE (A 225 FOOT RIGHT OF WAY); THENCE S89°44'39"W ALONG SAID NORTH LINE OF CANAL NUMBER ONE A DISTANCE OF 831.51; THENCE CONTINUE S89°44'39"W ALONG SAID NORTH LINE OF CANAL NUMBER ONE A DISTANCE OF 1759.16 FEET TO THE WEST LINE OF SAID SECTION 28; THENCE N00°43'04"E ALONG THE WEST LINE OF SECTION 28 AND THE NORTH RIGHT OF WAY OF CANAL NUMBER ONE A DISTANCE OF 6.00 FEET; THENCE S89°48'32"W ALONG SAID NORTH LINE OF CANAL NUMBER ONE (A 237 FOOT RIGHT OF WAY) A DISTANCE OF 269.05 FEET TO THE WEST RIGHT OF WAY LINE OF PALM BAY PARKWAY (A 200 FOOT WIDE RIGHT OF WAY) AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTHERLY ALONG SAID WEST RIGHT OF WAY THE FOLLOWING SIXTEEN (16) COURSES AND CURVES: 1) THENCE N00°41'01"E A DISTANCE OF 346.29 FEET TO A POINT OF CURVATURE; 2) THENCE NORTHEASTERLY A DISTANCE OF 732.83 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2900.00 FEET, A CENTRAL ANGLE OF 14°28'43", AND A CHORD WHICH BEARS N07°55'23"E A DISTANCE OF 730.88 FEET TO A POINT OF TANGENCY; 3) THENCE N15°09'44"E A DISTANCE OF 588.03 FEET TO A POINT OF CURVATURE; 4) THENCE NORTHEASTERLY A DISTANCE OF 629.73 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2497.00 FEET, A CENTRAL ANGLE OF 14°26'59", AND A CHORD WHICH BEARS N7°56'15"E A DISTANCE OF 628.06 FEET TO A POINT OF TANGENCY; 5) THENCE N00°42'45"E A DISTANCE OF 893.10 FEET TO A POINT OF CURVATURE; 6) THENCE NORTHWESTERLY A DISTANCE 790.47 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2500.00 FEET, A CENTRAL ANGLE OF 18°06'58", AND A CHORD WHICH BEARS N08°20'44"W A DISTANCE OF 787.18 FEET TO A POINT OF RESERVE CURVATURE; 7) THENCE NORTHWESTERLY A DISTANCE OF 1427.67 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 4700.00 FEET, A CENTRAL ANGLE OF 17°24'15", AND A CHORD WHICH BEARS N08°42'05"W A DISTANCE OF 1422.19 FEET TO A POINT OF TANGENCY; 8) THENCE N00°00'00"W A DISTANCE OF 58.06 FEET TO A POINT OF CURVATURE; 9) THENCE NORTHEASTERLY A DISTANCE OF 723.49 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2900.00 FEET, A CENTRAL ANGLE OF 14°17'39", AND A CHORD WHICH BEARS N07°08'51"E A DISTANCE OF 721.61 FEET TO A POINT OF REVERSE CURVATURE; 10) THENCE NORTHEASTERLY A DISTANCE OF 474.42 FEET

ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2000.00 FEET, A CENTRAL ANGLE OF 13°35'28", AND A CHORD WHICH BEARS N07°29'57"E A DISTANCE OF 473.31 FEET TO A POINT OF TANGENCY; 11) THENCE N00°42'13"E A DISTANCE OF 2200.22 FEET TO A POINT OF CURVATURE; 12) THENCE NORTHWESTERLY A DISTANCE OF 286.83 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 16°26'03", AND A CHORD WHICH BEARS N07°30'49"W A DISTANCE OF 285.85 FEET TO A POINT OF REVERSE CURVATURE; 13) THENCE NORTHWESTERLY A DISTANCE OF 367.37 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 21°02'56", AND A CHORD WHICH BEARS N05°12'22"W A DISTANCE OF 365.31 FEET TO A POINT OF TANGENCY; 14) THENCE N05°19'06"E A DISTANCE OF 303.76 FEET TO A POINT OF CURVATURE; 15) THENCE NORTHEASTERLY A DISTANCE OF 80.87 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 4°38'01", AND A CHORD WHICH BEARS N03°00'05"E A DISTANCE OF 80.85 FEET TO A POINT OF TANGENCY; 16) THENCE N00°41'05"E A DISTANCE OF 579.15 FEET TO THE SOUTH RIGHT OF WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER FIFTY FOUR (A 92 FOOT RIGHT OF WAY); THENCE S89°48'59"W ALONG THE SOUTH RIGHT OF WAY LINE OF SAID CANAL FIFTY FOUR, A DISTANCE OF 5044.35 FEET TO THE WEST LINE OF SAID SECTION 20; THENCE S00°45'35"W, ALONG SAID WEST LINE A DISTANCE OF 2592.78 FEET TO THE WEST ONE-QUARTER CORNER OF SAID SECTION 20; THENCE N89°49'10"E, ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 20, A DISTANCE OF 41.01 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER 56; THENCE S00°45'35"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 2638.79 FEET TO THE SOUTH LINE OF SAID SECTION 20 (ALSO BEING THE NORTH LINE OF SAID SECTION 29); THENCE N89°49'20"E, ALONG THE SOUTH LINE OF SAID SECTION 20, A DISTANCE OF 9.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID CANAL NUMBER 56; THENCE S00°44'01"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 5166.54 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER ONE; THENCE N89°48'32"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 2588.94 FEET TO THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 29; THENCE N00°43'32"E, ALONG SAID NORTH-SOUTH LINE, A DISTANCE OF 6.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID CANAL NUMBER ONE; THENCE N89°48'32"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2366.38 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT CANAL RIGHTS-OF-WAY.

ALSO LESS AND EXCEPT:

COMMERCIAL PARCEL C-17 AS RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

ALSO LESS AND EXCEPT:

COMMERCIAL PARCELS C-18 AND C-19 AS RECORDED IN OFFICIAL RECORDS
BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINING 1198.17 TOTAL NET ACRES, MORE OR LESS.















































































CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-11

Held on Wednesday, October 5, 2022, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

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

Vice Chairperson Philip Weinberg called the meeting to order at approximately 6:00 p.m.

Mr. Robert Good led the Pledge of Allegiance to the Flag.

ROLL CALL:

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

The absence was excused for Ms. Jordan.

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. Uma Sarmistha, Senior Planner; Ms. Carol Gerundo, Planning Specialist; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-09; August 3, 2022.

Mr. Good commented that he was not comfortable changing the whole development to multiple-family.

Mr. Anderson explained that the multiple-family designation also allowed for single-, two-, and multiple-family residential development. The preliminary development plan associated with the project was a combination of residential uses.

3. ****PD-36-2022 - Palm Vista Everlands-West PUD - Palm Vista Preserve LLC, managing agent Greg Pettibon, Lennar Homes (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A Preliminary Development Plan approval to allow a proposed mixed residential PUD for a 2,416-unit development called Palm Vista Everlands West. Tax Parcel 1 of Section 20, Township 28, Range 36, Tax Parcel 1 of Section 28, Township 28, Range 36, and Page 1 of 3 Regular Meeting 2022-11 Tax Parcel 1 of Section 29, Township 28, Range 36, Brevard County, Florida, containing approximately 1198.1 acres. Located west of and adjacent to St. Johns Heritage Parkway NW, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R**

Based on the denial of Case CP-30-2022, Case PD-36-2022 would be moot.

Motion to submit Case PD-36-2022 to City Council for denial.

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

Aye: Good, Maragh, Olszewski, Warner.

Nay: Weinberg, Boerema.

4. ****FD-49-2022 - Malabar Springs - James P. Harvey, CRE-KL Malabar Owner LLC (Ana Saunders, BSE Consultants, Inc.) - A Final Development Plan to allow a proposed PUD for an 885-unit residential development called Malabar Springs. Tax Parcels 250, 251, 252, and 500, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 294.7 acres. Located north of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW**

RESOLUTION 2022-60

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR A PROPOSED MIXED RESIDENTIAL DEVELOPMENT TO BE KNOWN AS 'PALM VISTA EVERLANDS WEST PUD' IN AU (AGRICULTURAL RESIDENTIAL) (BREVARD COUNTY) ZONING, WITH A TENTATIVE ZONING OF PUD (PLANNED UNIT DEVELOPMENT); WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO ST. JOHNS HERITAGE PARKWAY, IN THE VICINITY EAST OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL 2R, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR FILING OF THE FINAL DEVELOPMENT PLAN APPLICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, application for a Preliminary Development Plan in AU (Agricultural Residential) (Brevard County) zoning to permit a proposed 2,413-unit mixed residential development to be known as 'Palm Vista Everlands West PUD' has been made by Palm Vista Preserve, LLC, and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on October 5, 2022, which voted to recommend to the City Council denial of the application, and

WHEREAS, all provisions applicable to the Preliminary PUD under Chapter 185, Zoning, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

WHEREAS, the City Council of the City of Palm Bay has determined that such Preliminary PUD will neither be injurious to adjacent lands nor otherwise detrimental to the public welfare.

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

SECTION 1. The City Council of the City of Palm Bay hereby grants Preliminary Development Plan approval for 'Palm Vista Everlands West PUD' on property zoned AU (Agricultural Residential), with a tentative zoning of PUD (Planned Unit Development), which property is legally described herein as Exhibit 'A'.

SECTION 2. The Preliminary Development Plan, incorporated herein as Exhibit 'B', is granted subject to the staff comments contained in the Staff Report, complying with and submitting the following items with a Final PUD application:

- A. The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'C';
- B. A preliminary subdivision plat and Opinion of Title;
- C. Declaration of Covenants and Restrictions establishing development standards;
- D. Construction drawings;
- E. A Concurrency Determination letter from the School Board of Brevard County;
- F. Submission of an Endangered Species Assessment;
- G. Identification of lighting within the neighborhood;
- H. The technical comments generated by the Development Review Staff, incorporated herein as Exhibit 'D', shall be observed and incorporated into the FDP and construction drawings; and
- I. All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

SECTION 3. The developer shall have one (1) year from the date of this resolution in which to file a Final Development Plan application. Failure to file said application within one (1) year shall void the Preliminary Development Plan approval unless an extension for filing the Final Development Plan application has been granted by the City Council.

SECTION 4. This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2022- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2022.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Applicant: Palm Vista Preserve, LLC

Case: PD-36-2022

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: 2/16/2023

RE: Ordinance 2023-06, amending the Code of Ordinances, Chapter 169, Land Development Code, by modifying provisions related to Citizen Participation Plans (Case T-7-2023, City of Palm Bay), final reading.

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

City of Palm Bay (Growth Management Department) has submitted a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.005, Citizen Participation Plans.

The proposed changes will 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. The proposed language also provides for the standardization of Citizen Participation Plan reports that are submitted to the City. Moreover, it broadens the ability of citizen participation in Citizen Participation Plan meetings by enabling virtual meeting links be provided for all meetings in addition to the physical meeting location.

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to approve an ordinance amending City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.005, Citizen Participation Plans.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:**Description**

Case T-7-2023 - Staff Report - Revised

Case T-7-2023 - Application

Case T-7-2023 - Board Minutes

Ordinance 2023-06



REVISED

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-7-2023

PLANNING & ZONING BOARD HEARING DATE

January 4, 2022>>3<<

APPLICANT

City of Palm Bay, Florida

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 amend Citizen Participation Plans.

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), to modify the requirements for Citizen Participation Plan submittals and their associated timelines. See proposed changes below:

The applicant for this amendment is the City of Palm Bay, Florida. The applicant is looking to remove inconsistencies, standardized applicant reports, and broaden participation through hybrid meeting places (both physical and virtual).

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

SECTION 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 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. The proposed language also provides for the standardization of Citizen Participation Plan reports that are submitted to the city. Moreover, it broadens the ability of citizen participation in Citizen Participation Plan meetings by enabling virtual meeting links to be provided for all meetings in addition to the physical meeting location.

STAFF RECOMMENDATION:

Case ~~T-30-2022~~ >>T-7-2023<< 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~~>>applications<<, 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, >>non-exempt development plan amendment<< or a conditional use shall include a citizen participation plan>>and a citizen participation report<< that must be implemented prior to 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)>>that are exempt per section 185.066(C)(2)<< ~~provided that less than twenty percent (20%) of the total acreage of the PUD is subject to the amendment.~~

(C) >>Meeting Notice and<< *Plan contents.*

- (1) At a minimum, the applicant shall host at least one citizen participation plan that shall be held within city limits and may be accompanied by a virtual meeting link.
- (2) The citizen participation plan shall include the following information:

(a) A copy of the notice containing the date, time and location of the meeting that was mailed to all residents, property owners, interested parties, political jurisdictions and public agencies that may be affected by the application within 500 feet of the subject property and a copy of the mailing list. These requirements apply in addition to any notice provisions required elsewhere in the Land Development Regulations. Citizen Participation Plan meeting dates may not overlap with any City of Palm Bay Council meetings or Planning and Zoning Board meetings.

(b) A brief statement introducing the request, identifying the location of the subject parcel(s), the total acreage, its current use, its current Future Land Use designation, its current zoning designation and identifying whether it is improved or unimproved. ~~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) During the Citizen Participation Plan meeting, the applicant shall provide an overview of the request describing the potential impact the proposed request may have on the surrounding properties. ~~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) >> Citizen Participation Plan meetings must be held within ninety (90) days of official submittal of a complete application to the City of Palm Bay.<< ~~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, >> on a city prescribed form<< ~~satisfactory to the Director of the Growth Management Department, documenting the results of the citizen participation >>plan meeting.<< effort prior to the notice of public hearing or notice of public review and comment period on the application. This report shall be >>required as part of the complete application submittal package and<< made a part of the administrative record and shall be filed with the Growth Management Department at for least five (5) days before the city's first public hearing or final administrative review.~~

(2) The citizen participation report shall >> include a copy of any meeting notice(s) and any attachments or accompanying materials included with the notice. <<~~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 >> identify the number of attendees, include a copy of the sign-in sheet, any materials distributed or presented at the meeting and<< summarize the substance of concerns, issues and problems expressed during the >>meeting<<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 >> the applicant's justification.<< why.

(Ord. 2006-45, passed 5-16-06; Am. Ord. 2014-48, passed 10-14-14; Am. Ord. 2016-12, passed 3-17-16; Am. Ord. 2022-84, passed 8-18-22)



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:

169.005

PROPOSED LANGUAGE (attach addendum if necessary):

See attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

To streamline and broaden citizen participation.

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:

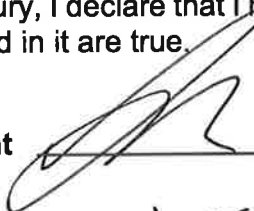
☐

***\$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

12/23/22

Printed Name of Applicant

Jesse Anderson

Full Address

120 McAdams RD Palm Bay Florida

Telephone

321-733-3042

Email

jesse.anderson@palmabayflorida.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 2023-01

Held on Wednesday, January 4, 2023, 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. Philip Weinberg led the Pledge of Allegiance to the Flag.

ROLL CALL:

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

The absences of Mr. Boerema and Mr. Karaffa were excused.

CITY STAFF: Present were Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Ms. Tania Ramos, Senior Planner; Ms. Uma Sarmistha, Senior Planner; Ms. Carol Gerundo, Planning Specialist; Ms. Chandra Powell, Recording Secretary.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-13; December 7, 2022.

Motion to approve the minutes as presented.

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

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

ANNOUNCEMENTS:

1. Ms. Jordan addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to the City Council.

OLD/UNFINISHED BUSINESS:

1. **CP-37-2022 - WITHDRAWN - Mixed Use - City of Palm Bay (Growth Management Department) - A Comprehensive Plan Textual Amendment to the FLU-1.1I language in the Future Land Use Element of the City of Palm Bay Comprehensive Plan, to ensure consistency with the City Council's intent to promote mixed use development**

Case CP-37-2022 had been withdrawn by the applicant (City of Palm Bay - Growth Management Department).

Board action was not required to withdraw the case.

NEW BUSINESS:

The board proceeded at this time to hear Case T-7-2023, Item 2 under New Business.

2. **T-7-2023 - Citizen Participation Plan – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.005, to amend Citizen Participation Plans**

Mr. Anderson presented the staff report for Case T-7-2023. Staff recommended Case T-7-2023 for approval.

Ms. Jordan wanted to know the difference between a non-exempt and an exempt development plan pertaining to applicability. Mr. Anderson explained that an exempt development plan was a development amendment small scale enough that the plan would not need to go before the board or City Council. A non-exempt development plan, however, would need to go before the board and City Council and would need to meet the Citizen Participation Plan (CPP) requirement. Examples of a non-exempt development would be an established Planned Unit Development like Bayside Lakes that still had undeveloped parcels; a development that never had a CPP; or a development where the CPP was held years ago but the project had changed.

Mr. Good asked whether the 500-foot radius requirement for notifications to be sent to affected property owners would remain in effect. Mr. Anderson indicated that this was correct.

Ms. Maragh remarked on how the board would have the opportunity to review the comments of those who attended the CPP meetings, and she wanted to know about the format for live-streamed CPP meetings. Mr. Anderson noted that the CPP reports would be provided with the staff reports, and he explained that live-streamed CPP meetings were only an option at this time since certain areas of the City were not live-stream capable or equipped with microphones.

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

Motion to submit Case T-7-2023 to City Council for approval.

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

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

The board resumed consideration of items in the order shown on the agenda.

1. ****CU-1-2023 - REQUEST TO CONTINUE TO 02/01 P&Z - Automotive Gas/Fuel Sales - Gary Smigiel, Ascot Palm Bay Holdings, LLC (Pursuit Development, LLC, Rep.) – A Conditional Use to allow retail automotive gas/fuel sales in a**

CC, Community Commercial District, in accordance with Section 185.043(D)(3) of the Palm Bay Code of Ordinances. A Portion of Tax Parcel 501, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 2.00 acres. Located at the northeast corner of Emerson Drive NW and St. Johns Heritage Parkway NW

Ms. Jordan announced the request to continue Case CU-1-2023 to the February 1, 2023 Planning and Zoning Board meeting. Board action was required to continue the case.

Motion to continue Case CU-1-2023 to the February 1, 2023 Planning and Zoning Board meeting.

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

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

City Council will hear Case CU-1-2023 on March 2, 2023.

2. **T-7-2023 - Citizen Participation Plan – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.005, to amend Citizen Participation Plans**

Case T-7-2023 was discussed under New Business, prior to Item 1.

OTHER BUSINESS:

1. Ms. Jordan suggested that board members absent from the December Planning and Zoning Board meeting take time to access the recorded presentations by the City Attorney and City Manager.

ADJOURNMENT:

The meeting was adjourned at approximately 6:10 p.m.

ORDINANCE 2023-06

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 PROVISIONS RELATED TO CITIZEN PARTICIPTION PLANS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFICIT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCE; 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.

(A) *Purpose.* The purpose of the citizen participation plan is to:

* * *

(4) The citizen participation plan is not intended to produce complete consensus on all applicants >>applications<<, 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, >>non-exempt development plan amendment<<, or a conditional use shall include a citizen participation plan >>and a citizen participation report<< that must be implemented prior to 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~~ >>that are exempt per section 185.066(C)(2)<<.

(C) >>Meeting notice and<< plan contents.

(1) At a minimum, the >>applicant shall host at least one<< citizen participation plan >>that<< shall include the following information: >>be held within city limits and may be accompanied by a virtual meeting link.<<

>>(2) The citizen participation plan shall include the following information:<<

(a) >>A copy of the notice containing the date, time and location of the meeting that was mailed to all<< Which residents, property owners, interested parties, political jurisdictions and public agencies >>that<< may be affected by the application; >>within five hundred (500) feet of the subject property and a copy of the mailing list. These requirements apply in addition to any notice provisions required elsewhere in the Land Development Regulations. Citizen Participation Plan meeting dates may not overlap with any City of Palm Bay Council meetings or Planning and Zoning Board meetings.<<

(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;~~ >>A brief statement introducing the request, identifying the location of the subject parcel(s), the total acreage, its current use, its current Future Land Use designation, its current zoning designation and identifying whether it is improved or unimproved.<<

(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>>3<<) 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. >>During the Citizen Participation Plan meeting, the applicant shall provide an overview of the request describing the potential impact the proposed request may have on the surrounding properties.<<~~

~~(3>>4<<) In no case shall the notification area be less than that required in other sections of the Land Development Regulations. >> Citizen Participation Plan meetings must be held within ninety (90) days of official submittal of a complete application to the City of Palm Bay.<<~~

~~(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 >>on a city prescribed form<<, 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 >>plan meeting<<. This report shall be made a part of the administrative record and shall be >>required as~~

part of the complete application submittal package and<< 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: >>include a copy of any meeting notice(s) and any attachments or accompanying materials included with the notice.<<

(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 >>identify the number of attendees, include a copy of the sign-in sheet, any materials distributed or presented at the meeting and<< summarize the substance of concerns, issues and problems expressed during the process >>meeting<<.

(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 >>the applicant's justification<<."

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 2023-XX, held on _____, 2023; and read in title only and duly enacted at Meeting 2023-XX, held on _____, 2023

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case: T-7-2023

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Nancy A Bunt, Community & Economic Development Director

DATE: 2/16/2023

RE: Consideration of the Fiscal Year 2023-2024 Annual Action Plan, Community Development Block Grant, and recommendations of programs and activities, first hearing.

As a direct entitlement community, the City anticipates receiving approximately \$725,266.00 in Community Development Block Grant (CDBG) funds from the U.S. Department of Housing & Urban Development (HUD) in Fiscal Year 2023-2024. The use of CDBG funds must meet one (1) of the three (3) National Objectives: benefit low/moderate income persons; eliminate or prevent slums or blight; or meet urgent needs. CDBG allows a maximum of 15 percent of the grant to be allocated for public services, and 20 percent for administrative expenses, with all remaining funds towards eligible projects.

All activities carried out with CDBG funds must be consistent with the priorities and needs of the Five-Year Consolidated Plan. A one (1) year Annual Action Plan must be completed and submitted to HUD through Brevard County, Consortium's lead entity, which addressing the needs outlined in the Consolidated Plan. Prior to submitting the City's Annual Action Plan, a public comment period of no less than 30 days and two public hearings must be conducted. The FY 2023-2024 Annual Action Plan must be submitted to Brevard County by August 1, 2023 for submission to HUD.

On November 22, 2022, the City published a Request for Applications/Proposals to solicit CDBG funding requests from public entities or non-profit 501(c)3 for HUD-eligible public services and activities. The City received nine (9) applications requesting CDBG funding for public services and five (5) applications/requests for funding for other eligible activities (non-public services).

Proposals were reviewed and evaluated according to the criteria below:

- A. Introduction/Demonstration of Need (maximum of 20 points)
- B. Description of target clientele (maximum of 10 points)
- C. Agency has set forth concise and measurable goals (maximum of 10 points)
- D. Agency's service(s) meet a strategy contained within the City's 5-Year Consolidated Plan (maximum of 10 points)
- E. Agency's ability to carry out services (maximum of 15 points)
- F. Leverage of other non-CDBG funding sources (maximum of 10 points)
- G. Agency's financial capacity (maximum of 15 points)
- H. Past performance as a CDBG subrecipient or grant subrecipient (maximum of 10 points)

The Community Development Advisory Board evaluated the proposals/requests for funding at the January 18, 2023 regular meeting and recommended approval of CDBG funding for the following five (5) entities: Aging Matters in Brevard (\$27,900), Grand Parents Raising Grandchildren (\$14,572.40), Greater Melbourne PAL (\$21,250), South Brevard Women's Center (\$38,500), the City's Community & Economic Development (CED) Department's SCAT Bus Voucher Program (\$6,567), and Palm Bay Parks & Facilities (\$461,086 for improvements at Goode Park). This distribution will provide \$108,789.90 for public services, \$471,422.90 for public facility improvements, with the remaining \$145,053.20 (20 percent of grant allocation) allocated to Planning & Administration activities related to administering the grant program.

Requests that were not recommended for public service funding are: Brevard Alzheimers - \$50,000; Catholic Charities - \$30,000; Helping Seniors of Brevard - \$37,000, and Palm Bay Police Department - \$10,000.

The Parks & Facilities Department requested funding for repairs/replacement of approximately 3,000 square feet of pressure treated wooden decking platform, to include new hardware, wooden stringers and joists along with new handrail at Goode Park. The project will also include design engineering and permitting.

Requests that were not recommended for capital improvements funding are: Aquatic Center - \$52,251; Victoria Park - \$79,000; and the Palm Bay Police Department - \$23,772.

(see attached spreadsheet)

Final allocation amounts have not been published for FY 2023-2024, recommended amounts may be adjusted based on final allocation. A mandatory technical assistance workshop was required for any agency applying that had never received CDBG funds or had not received CDBG funds for more than two (2) years from the City of Palm Bay, all other agencies were "strongly encouraged" to request technical assistance. This assists the applicant to ensure the application meets all of the federal requirements of the grant prior to submitting the application. As referenced in the City's Citizen Participation Plan pertaining to federal housing and community development grants, the City is required to hold two public hearings. The first public hearing is intended to obtain citizen input and comments on housing and community development needs and approve recommendations on FY 2023-2024 CDBG program funding. Upon City Council's approval at the first public hearing, a public comment period of no less than 30 days, providing a list of proposed projects to be awarded funding, along with the corresponding Annual Action Plan, shall be advertised in Florida Today. The notice will also inform the public of the date of the second and final public hearing, which will be held on May 18, 2023.

REQUESTING DEPARTMENT:

Community & Economic Development

FISCAL IMPACT:

There is no fiscal impact in the current Fiscal Year 2022-2023. All awarded CDBG grant funds will be programmed and budgeted during the City's Fiscal Year 2023-2024 budget process.

RECOMMENDATION:

Motion to conduct a public hearing to review past performance, obtain citizen input and comments on housing and community development needs; approve recommendations of the Community Development Advisory Board for Fiscal Year 2023-2024 CDBG program funding; and provide notice to solicit public comment and notice of final public hearing scheduled for May 18, 2023.

ATTACHMENTS:

Description

CDBG Public Services allocation spreadsheet

Florida Today Ad for Public Hearing

PY 23-24 CDBG Public Services Staff Summary of Applications

PY 23-24 CDBG Non-Public Services Staff Summary Report

CDBG Public Services Tabulation

Non-Public Service Tabulation Sheet

Past Performance Summary

CDBG Public Services	Description of services to be provided	Amount Requested \$	Amount Recommended \$
Aging Matters in Brevard	Provide meals and supplies to homebound seniors in Palm Bay	27,900.00	27,900.00
Grand Parents Raising Grandchildren	Provide financial support for youth services assistance and senior legal services.	14,572.40	14,572.00
Greater Melbourne PAL	Provide Youth Enrichment Mentoring program – after school tutoring and mentoring, weekly meeting; including a trip to a summit in Washington DC for three mentees.	21,250.00	21,250.00
South Brevard Women's Center	Provide temporary housing for its eight-apartment facility in Palm Bay for eight homeless and at-risk families	38,500.00	38,500.00
CED Department – SCAT Bus Voucher Program	Provide bus passes for low-income residents in Palm Bay	2,500.00	6,567.90

Public Facilities Improvements	Description of services to be provided	Amount Requested \$	Amount Recommended \$
Parks & Facilities			
Goode Park	Replace approximately 3,000 square feet of pressure treated wooden decking platform. Project will also include design engineering and permitting	461,086.00	461,086.00

Public Facilities Improvements	471,422.90
Public Services - 15% maximum	108,789.90
CDBG Administration – 20% maximum · <i>City Staff</i> - 141,053.20 · <i>Fair Housing</i> - 4,000.00	145,053.20
Total CDBG Allocation	\$725,266.00



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION	TOLL-FREE	Local #	Email
Florida Today	888-516-9220	321-242-3632	BRELegals@gannett.com
Eagle	888-516-9220	321-242-3632	BREEagle@gannett.com
Reporter	888-516-9220	321-242-3632	BREReporter@gannett.com

Customer: CITY OF PALM BAY

Ad No.: 0005575194

Address: SUITE 201
PALM BAY FL 32907
USA

Pymt Method Invoice
Net Amount 134.83

Run Times: 1

No. of Affidavits: 1

Run Dates: 01/30/23

Text of Ad:

Ad#5575194 1/30/2023
NOTICE OF PUBLIC HEARING
CITY OF PALM BAY

The City of Palm Bay anticipates a CDBG funding allocation of \$725,266.00 in Community Development Block Grant (CDBG) funds for Program Year 2023-2024. Funds may be used for eligible activities, such as housing rehabilitation, land acquisition, public services, or public facilities and improvements.

The City of Palm Bay Council will hold a public hearing on Thursday, February 16, 2023, at 6:00pm in the Council Chambers, located at 120 Malabar Rd. SE to obtain citizen input and comments on housing and community development needs and to approve recommendations on FY 2023-2024 CDBG program funding.

Persons with disabilities or non-English speaking persons requiring special accommodations to participate in the hearing should contact Siphikelelo Chinyanganya, Housing Administrator at the City of Palm Bay at (321) 952-3400 ext 3408 at least 48 hours prior to the Public Hearing. Interested persons are encouraged to provide written comments to: Siphikelelo Chinyanganya, Housing Administrator, City of Palm Bay 120 Malabar Rd. SE Palm Bay, FL 32907 siphikelelo.chinyanganya@palmabayflorida.org

All comments received by February 15, 2023 will be considered.

CDBG FUNDING REQUESTS:

Brevard Alzheimer's Foundation Inc

Request: \$50,000.00

Introduction/Demonstration of Need: Agency seeks funding to provide non-emergency medical transportation and mobile food pantry to 1,500 duplicated Palm Bay senior residents.

Units of Service: \$10.00 per trip for a total of 5,000 units of service.

Description of Target Clientele: 5,000 life-sustaining trips to 1,500 duplicated transportation-disadvantaged seniors in Palm Bay. The cost per trip is \$10.00

Measurable Outcomes: 1) 125 clients will receive transportation service throughout the year; 2) 5,000 transportation trips will be provided for disadvantaged seniors for doctor's appointment, prescription drug pickups, grocery shopping, and other non-emergency type destinations; and 3) 125 potentially unsafe elderly drivers will not be on Brevard County roads.

Consolidated Plan Consistency/Priorities: Medium – 05E Transportation Services

CDAB High Priority?: Yes (Transportation Services)

Organizational Capacity and Capability: Agency states it has been providing its paratransit program since 2009.

Leverage/Match (how much additional funding is being dedicated to this project): Agency states that they will match/leverage \$357,000.00 or 88% of the program budget.

Financial Capacity: Agency submitted most recent audit report for financial statements and 990 files. No issues were identified per the schedule of findings summary of Auditors results for the year ended June 30, 2022.

Past Performance: Agency received a total of \$49,975.00 in CDBG CV 1 and CV 3 funding. To date they have expended \$40,479.25 (81%). They are still under contract to expend the balance remaining from CDBG CV3 of \$9,495.75(19%) by March 2023.

Catholic Charities

Request: \$30,000

Introduction/Demonstration of Need: Agency seeks funding for rental/mortgage and utility assistance to Palm Bay residents for homeless prevention.

Units of Service: Agency intends to serve 15 participants at a cost of \$2,000 per participant.

Description of Target Clientele: Income eligible households that are in need of rental/mortgage and/or utility assistance.

Measurable Outcomes: Financial Assistance 1) Household remains in stable housing with financial rent/mortgage assistance; 2) Household maintains monthly budget.

Consolidated Plan Consistency/Priorities: High – 05 Public Services (Rent and/or Utility Assistance)

CDAB Top Priority?: Yes (Rental Housing Subsidies)

Organizational Capacity and Capability: Agency states it has over 60 years of experience in executing all their programs.

Leverage/Match (how much additional funding is being dedicated to this project): Agency states that they will match/leverage \$7,500.

Financial Capacity: Agency submitted audited financial statements from the Davis Group, PA. No issues identified.

Past Performance: Agency received \$104,841 in FY 19-20 CDBG CV3 funding. To date, 100 percent of the funds were expended. The Agency was to serve 30 households and served 50. The Agency was monitored January 2022 and one (1) concern was identified; the concern was addressed by the Agency.

Staff Comments: None.

Community Services Council dba Aging Matters of Brevard

Request: \$27,900

Introduction/Demonstration of Need: Agency seeks funding to provide meals and supplies to homebound seniors enrolled in the Meals on Wheels and Seniors at Lunch programs for Palm Bay senior residents.

Units of Service: \$3.00 per meal for 9,300 meals for a total of \$27,900.

Description of Target Clientele: Agency intends to serve 62 seniors in Palm Bay. The cost per senior is \$450.

Measurable Outcomes: 1) deliver 9,300 meals to seniors in the City of Palm Bay; 2) Increase social activity and contact to prevent isolation; 3) Increase nutritional awareness by having well balanced meals; 4) Help seniors live independently.

Consolidated Plan Consistency/Priorities: Medium – 05A Senior Services

CDAB High Priority?: No

Organizational Capacity and Capability: Aging Matters in Brevard was founded in 1965. In the early 1970's the agency focused on serving people age 60 and over and the disabled.

Leverage/Match (how much additional funding is being dedicated to this project): Agency states that they will match/leverage \$1,686,928 or 83% of the program budget.

Financial Capacity: Agency submitted most recent audit report for financial statements from an independent company, Berman Hopkins CPAs & Associates, LLP. No issues were identified per the schedule of findings summary of Auditors results for the year ended July 27, 2022.

Past Performance: Agency received a total of \$40,000 in CDBG CV 1 and CV 3 funding. To date they have expended \$40,000 (100%). Agency received \$20,000 in FY 21-22 CDBG funding. The goal was to serve 45, and the agency served 70. Agency expended 100% of awarded funds.

Grandparents Raising Grandchildren of Brevard County, FL Inc

Request: \$14,572.40

Introduction/Demonstration of Need: Agency seeks funding to provide financial support for Youth Services assistance with funds for field trips, sports and camps, providing grandchildren with school supplies, holiday assistance with food or supplies; Senior/ Legal Services for legal consults/ new clients intakes, client follow ups, and consults.

Units of Service: Youth Services-7 clients at \$282.72 for \$1,979.04 and 66 clients at \$101.62 for a \$6,706.92 total of \$,8,685.96. Senior/Legal Services 27 clients at \$103.60 for \$2,797.20 and 14 clients at \$220.66 for \$3,089.24 for a total of \$5,886.44.

Description of Target Clientele: Agency intends to serve 73 youths in Plam Bay. The cost per Youth \$8,685.96. the Agency intends to serve 41 seniors in Palm Bay. The cost per senior is \$5,886.44.

Measurable Outcomes: 1) Provide a stable home for the at-risk children; 2) Provide as stable a home as possible for these at-risk youths; 3) Ensure the safety of at-risk children by educating clients legally; 4) Educate relative care seniors on the benefits of services available to them so the at-risk children can remain in a safe and loving household.

Consolidated Plan Consistency/Priorities: High – 05D Youth Services / Medium – 05A Senior Services

CDAB High Priority?: Yes, Youth Services

Organizational Capacity and Capability: The Child First Program has been in existence since 1994 and over 1,600 Brevard County relative care families have been served in that time frame.

Leverage/Match (how much additional funding is being dedicated to this project): Agency states that they will match/leverage \$147,300 or 90% of the program budget.

Financial Capacity: Agency submitted most recent audit report for financial statements from an independent company, Davies, Houser & Secrest, CPA, P.A. No issues were identified per the schedule of findings summary of Auditors results for the year ended July 22, 2022.

Past Performance: Agency has not received funding from Palm Bay.

Greater Melbourne PAL

Request: \$21,250

Introduction/Demonstration of Need: Agency seeks funding for Melbourne PAL Youth Enrichment Mentoring Program for lower to moderate income families in Palm Bay.

Units of Service: Agency intends to serve 25 youth.

Description of Target Clientele: Community Based After School Tutoring/Mentoring Program. This includes: one meeting per week, 3 mentees attending the summit in D.C., 300 hours of mentoring and 200 hours of staff support. The cost per participant is \$850.00 per Palm Bay youth.

Measurable Outcomes: 1) More confidence (not quantified); 2) 90% graduation rates at all levels; 3) 0% dropout rate; 4) >80% improve attitudes and reduce repeated school discipline problems; and 5) 80% of seniors enroll in college or voc. school.

CDAB Top Priority?: Yes, 05D Youth Services

Organizational Capacity and Capability: Agency states it has over eight years of experience in executing all their programs.

Leverage/Match (how much additional funding is being dedicated to this project): Agency states that they will match/leverage \$4,000 or 15% of the total program budget.

Financial Capacity: Agency did not trigger an audit report for financial statements. Agency submitted most recent financial statements and 990 files from Flavin, Nooney & Person. No issues identified.

Past Performance: Agency received \$20,000 in FY 19-20 CDBG CV3 funding. To date, \$13,000 has been expended with a remaining balance of \$7,000. The Agency was to serve 40 youths, as of 12/23/22 has served 30 youth. The Agreement expires March 30, 2023.

Agency also had a comprehensive on-site monitoring visit. A monitoring letter was sent December 15, 2022, identifying six (6) findings and two (2) concerns were identified. The Agency has 30 days from receipt of the letter to respond.

Staff Comments: None.

Helping Seniors of Brevard

Request: \$37,000.00

Introduction/Demonstration of Need: Agency seeks funding to provide Fair Housing counseling for lower to moderate income families in Palm Bay.

Units of Service: Agency intends to serve 100 participants.

Description of Target Clientele: Fair Housing counseling will be provided to 50 income qualified families, and the Agency will also conduct 12 (one a month) fair housing workshops for 50 income qualified families. The average cost per participant is \$370.00.

Measurable Outcomes: Participants will be measured by the number who complete an “Action Plan” and the number of resolved issues.

Consolidated Plan Consistency/Priorities: High – 05J Fair Housing Activities

CDAB High Priority?: Yes (Fair Housing Activities)

Organizational Capacity and Capability: Agency states that their partner, Christian Housing Ministry Inc., has over two years of experience providing HUD Approved Housing Counseling in Brevard County. HUD has assigned Housing Foundation of America to oversee and guide Christian Housing Ministry Inc., as they work towards becoming a HUD Certified Counseling Agency.

Leverage/Match (how much additional funding is being dedicated to this project): Agency states that they will match/leverage \$13,000.00 or 26% of the total program budget.

Financial Capacity: Agency did not trigger an audit report for financial statements. Agency submitted most recent financial statements and 990 files. The Agency noted that Housing Counseling is a new program, as such there are no available financials. No issues identified.

Past Performance: Agency received CDBG funding from Brevard County: for 2021 - \$25,665.68 to serve 150 seniors with senior care navigation, they served 326 seniors; and 2022 - \$20,000.00 to serve 150 seniors with senior care navigation, they served 350 seniors.

Palm Bay Police Department Summer Youth Program

Request: \$10,000

Introduction/Demonstration of Need: The Palm Bay Police Department's Community Resource Unit is requesting funding to assist in holding a summer youth camp. Members of the Community Resource Unit wish to hold a week long camp to provide the youth basic knowledge of law enforcement practices to include providing leadership training, life skills, personal development, and team building. Participants engage in classroom instruction and discussions, athletic and academic team challenges, public service opportunities, and interaction with community leaders and motivational speakers. An approximate cost for a week long camp would be \$10,000.00 to cover shirts, meals and other activities that would have an associated cost.

Units of Service: An approximate cost for a week long camp would be \$10,000.00 to cover shirts, meals and other activities that would have an associated cost.

Description of Target Clientele: Agency intends to serve 10 youth @ \$1,000. The cost will cover the activities, shirts and meals for the participants.

Measurable Outcomes: Number of youth that attend the week long camp with members of the Police Department that enhance self-esteem and build a positive relationship with our law enforcement officers.

Consolidated Plan Consistency/Priorities: 05D Youth Services

CDAB Top Priority?: Yes, Youth Services

Organizational Capacity and Capability: Police Department staff would manage this program and encourage youth within the low-income neighborhood to participate in the camp.

Leverage/Match (how much additional funding is being dedicated to this project): Staff costs would be utilized as leverage match.

Financial Capacity: N/A

Past Performance: N/A

Space Coast Area Transit (SCAT) Bus Voucher Program

Request: \$2,500

Introduction/Demonstration of Need: The City seeks funding to provide 10 day or 30 day bus passes to low-income Palm Bay residents. For those low-income residents utilizing the bus service this would assist them with those costs and also encourage other low-income residents who walk or ride a bike to take the bus, which in inclement weather would be helpful to our residents.

Units of Service: the 10 day ride pass is \$12 and the 30 day ride pass is \$42. Staff anticipates assisting 25 persons. By purchasing the vouchers in bulk, the city would receive a discounted price based on the various voucher options (10 day ride, or 30 day ride).

Description of Target Clientele: Agency intends to serve 25 persons. The cost per participant is approximately \$42 per person/per month.

Measurable Outcomes: Bus ridership for the 10 day ride pass or 30 day ride pass.

Consolidated Plan Consistency/Priorities: 05 Public Services

CDAB Top Priority?: No

Organizational Capacity and Capability: City staff would manage this program or partnership with a local agency located within a low-income neighborhood.

Leverage/Match (how much additional funding is being dedicated to this project): Staff costs would be utilized as leverage match.

Financial Capacity: N/A

Past Performance: N/A

South Brevard Women's Center, Inc.

Request: \$38,500

Introduction/Demonstration of Need: Agency seeks funding to provide temporary housing for its eight-apartment facility in Palm Bay for eight homeless and at-risk families, as well as essential supportive services to assist women and their families who are in crisis.

Units of Service: \$105.48 per night of stay for a total of 365 days.

Description of Target Clientele: Agency intends to serve 9 households. The cost per participant is approximately \$4,277.77 per person.

Measurable Outcomes: 1) Stable housing and increased assistance to becoming self-sufficient; 2) secure affordable place to sleep; 3) opportunity to transition into permanent housing; 4) improved economic situations; and 5) on-going availability.

Consolidated Plan Consistency/Priorities: Medium – 05G Battered and Abused Spouses

CDAB Top Priority?: Yes (Battered and Abused Spouses Services)

Organizational Capacity and Capability: Agency states it has 19 years of experience managing transitional housing programs.

Leverage/Match (how much additional funding is being dedicated to this project): Agency states that they will match/leverage \$98,320 which is 72% of program budget.

Financial Capacity: Agency submitted a most recent audit report by an independent company, Carr Riggs & Ingram (CRI) CPAs and Advisors for financial statements.

Past Performance: Agency received \$35,253 in FY 12-22 in CDBG funding. The agency expended \$35,252.89. The goal of households served was 9, actual served was 12. Agency also had a comprehensive on-site monitoring visit. No findings or issues were identified. Agency expended 100% of awarded funds.

City of Palm Bay – Parks and Facilities

Request: \$461,086

Introduction/Demonstration of Need: Department seeks funding for Goode Park improvements as follows:

- Replace approximately 3,000 square feet of pressure treated wooden decking platform, to include new hardware, wooden stringers and joists along with new handrail. Project will also include design engineering and permitting.

Description of Target Area: Census Tract 065201 Block 1. Low Mod percentage is 51.52%.

Consolidated Plan Consistency/Priorities: High – 03F Parks, Recreational Facilities

CDAB Top Priority?: No.

Staff Comments: None.

Staff Recommendation: Staff recommends that this request be considered for funding.

City of Palm Bay – Parks and Facilities

Request: \$52,251

Introduction/Demonstration of Need: Department seeks funding for Palm Bay Aquatic Center improvements as follows:

- Remove existing pool heater and install a new 1.8 million BTU Heater. Estimated costs for improvements are \$ 52,251

Description of Target Area: Census Tract 071322 Block Group 5. Low Mod percentage is 77.39%.

Consolidated Plan Consistency/Priorities: High – 03F Parks, Recreational Facilities

CDAB Top Priority?: No.

Staff Comments: None.

Staff Recommendation: Staff recommends that this request be considered for funding.

City of Palm Bay – Parks and Facilities

Request: \$79,000.00

Introduction/Demonstration of Need: Department seeks funding for Victoria Park improvements as follows:

- Remove existing playground and shade structure and replace new playground and shade structure. Estimate also includes new site preparation. Estimated costs for improvements are \$79,000

Description of Target Area: Census Tract 065123 Block Group 1. Low Mod percentage is 85.81%.

Consolidated Plan Consistency/Priorities: High – 03F Parks, Recreational Facilities

CDAB Top Priority?: No.

Staff Comments: None.

Staff Recommendation: Staff recommends that this request be considered for funding.

City of Palm Bay – Police Department

Request: \$36,000

Introduction/Demonstration of Need: Department seeks funding for location to be utilized as a police sub-station/ office space to hold special events in the community of which it's located:

- Approximate monthly cost for rent is \$3,000.00. We are requesting \$36,000.00 to cover this yearly total through a lease agreement.

Description of Target Area: The Department will work in all low mod areas, specifically Census Tract 065123 and 065122. Low Mod percentages are 83.74%.

Consolidated Plan Consistency/Priorities: High – 01 Acquisition of Property (which includes long-term leases of 15 years or more)

CDAB Top Priority?: No.

Staff Comments: None.

Staff Recommendation: Staff recommends that this request be considered for funding.

City of Palm Bay – Police Department

Request: \$23,722

Introduction/Demonstration of Need: Department seeks funding for special purpose vehicles to be utilized for special events and to assist in patrolling low- income areas

- A quote received from a local golf cart dealership quoted two golf carts for a total of \$23,722.00

Description of Target Area: Census Tract 065121 Block Group 1. Low Mod percentages are 71.31%. However, the vehicles could patrol in all low income areas.

Consolidated Plan Consistency/Priorities: High – 03 Public Facilities and Improvements

CDAB Top Priority?: Yes.

Staff Comments: None.

Staff Recommendation: Staff recommends that this request be considered for funding.

Community Development Advisory Board Recommendations
CDBG Public Services

The project with the highest group total represents the highest priority for funding and should be ranked 1.
The project with the lowest group total represents the lowest priority for funding and should be ranked 9.

Organization Name	Agency Request \$	Kenny Johnson	Kera Beard	Dawn Bittar	Kay Maragh	Henry Morin	Rebecca Thibert	Shenelle Walker	Jeremy Williams	Cristina Wright	Group Total	Group RANKING	CDAB Recommendations \$
South Brevard Women's Center	\$38,500.00	86	79	100	100	78	100	85	85	100	813	1	\$38,500.00
Aging Matters In Brevard	\$27,900.00	70	88	100	96	69	100	85	82	100	790	2	\$27,900.00
Greater Melbourne PAL	\$21,250.00	79	79	100	98	62	65	85	98	95	761	3	\$21,250.00
Grandparents Raising Grandchildren	\$14,572.00	64	80	67	98	76	90	85	100	100	760	4	\$14,572.00
Catholic Charities	\$30,000.00	80	75	100	90	71	88	69	88	95	756	5	
Brevard Alzheimer's Foundation Inc	\$50,000.00	35	78	100	96	70	100	85	79	95	738	6	
CED Department - SCAT Bus Voucher Program	\$2,500.00	93	78	74	90	59	50	85	89	80	698	7	\$6,567.90
Helping Seniors of Brevard	\$37,000.00	73	81	45	82	53	86	85	77	95	677	8	
Police Department - Youth Summer Camp	\$10,000.00	78	72	0	60	31	40	22	0	60	363	9	
TOTAL FUNDING REQUESTED:	\$231,722.00												
TOTAL ANTICIPATED FUNDING AVAILABLE:	\$108,789.90												\$108,789.90
FUNDING REMAINING:													\$0.00

* Board Member Jamie Herzel was absent.

**Community Development Advisory Board Recommendations
Public Facilities and Improvements**

The project with the highest group total represents the highest priority for funding and should be ranked 1.
The project with the lowest group total represents the lowest priority for funding and should be ranked 4.

Organization Name	Agency Request \$	Kenny Johnson	Kera Beard	Dawn Bittar	Kay Maugh	Henry Morin	Rebecca Thibert	Shenele Walker	Jeremy Williams	Cristina Wright	Group Total	Group RANKING	CDAB Recommendations \$
Parks and Facilities Department - \$592,337													
Goode Park	\$461,086.00	81	90	0	90	85	55	90	83	85	659	1	\$461,086.00
Aquatic Center	\$52,251.00	68	65	100	65	90	55	15	90	85	633	2	\$0.00
Victoria Park	\$79,000.00	77	65	0	70	85	55	15	72	85	524	3	\$0.00
Palm Bay Police Department - \$59,772													
Rent for Community Resource Unit (Withdrawn)	\$0.00										0		\$0.00
Golf Carts Purchase	\$23,722.00	61	60	0	60	75	49	15	15	55	390	4	\$0.00
TOTAL FUNDING REQUESTED:	\$616,059.00												
TOTAL ANTICIPATED FUNDING AVAILABLE:	\$471,442.90												
FUNDING REMAINING:													\$10,356.90

* Board Member Jamie Hirzel was absent.

Past Performance & Accomplishments Summary 2021-2022

Name of Agency	Awarded	Expended	Remaining Balance	Number to be served	Actual Number served	Agency Accomplishments	Agreement Completed
CDBG Public Services							
Aging Matters	\$ 20,000.00	\$ 20,000.00	\$ -	45	63	More people were served and the entire allocation was expended.	X
Conklin Davis Center for Visually Impaired	\$ 20,000.00	\$ 17,425.00	\$ 2,575.00	40	10	The Agency did not meet the number to be served but exceeded the number of hours of service.	X
Family Promise of Brevard	\$ 20,000.00	\$ 10,920.00	\$ 9,080.00	286	156	The Agency did not meet the number to be served.	X
South Brevard Women's Center	\$ 35,253.00	\$ 35,252.89	\$ 0.11	9	12	More people were served and most of the allocation was expended.	X
South Brevard Sharing Center	\$ 20,000.00	\$ 16,010.12	\$ 3,989.88	10	16	More people were served and most of the allocation was expended.	X
CDBG CV and CV3							
Brevard Alzheimer's Foundation	\$ 29,975.00	\$ 27,409.00	\$ 2,566.00	1600	1,777	The agency expended 91% of their allocation. This includes grocery delivery trips and non-emergency medical trips.	X
Greater Palm Bay Senior Center	\$ 15,000.00	\$ 14,994.00	\$ 6.00	1500	1,500	The agency served the targeted number of participants but they only expended 43% of their allocation. Their request for an extension was denied by the board.	X
Central Florida Child Health Program	\$ 40,000.00	\$ 17,517.00	\$ 22,483.00	15	15	The agency fell short of their targeted number of participants to be served as well as only expended 72% of their allocation.	X
Family Promise of Brevard	\$ 54,000.00	\$ 39,000.00	\$ 15,000.00	100	84	Agency provided utility assistance. With some clients being few months behind on their utilities payments, agency had to provide higher assistance amounts than initially anticipated.	X
Society of St. Vincent de Paul, Our Lady of Grace Conference	\$ 30,000.00	\$ 30,000.00	\$ -	86	50	The agency expended 96% of their allocation, and served more people than previously planned.	X
Community Housing Initiative	\$ 61,368.00	\$ 58,895.67	\$ 2,472.33	8	13	The agency spent 91% of their allocation, and fell short of their targeted number to be served. Agency's response: "During the year we reported 78 unduplicated children of the 100 projected in this program. Many of the students who participated in our events were duplicated. We had to cancel events during the last week of September due to Hurricane Ian, which left a balance of \$3,520."	X
Helps Community Initiatives	\$ 40,000.00	\$ 36,480.00	\$ 3,520.00	100	78		X

St. Joseph Church - Society of St. Vincent de Paul	\$ 20,000.00	\$ 20,000.00	\$ -	100	99	The agency expended their entire allocation, and only missed their target number of people to be served by one.	X
Aging Matters in Brevard	\$ 20,000.00	\$ 19,999.00	\$ 1.00	35	43	More people were served and almost entire allocation was expended with the exception of \$1.00. More people were served and the entire allocation was expended.	X
Catholic Charities of Central Florida	\$ 104,841.00	\$104,841.00	\$ -	30	50		X
Evans Center	\$ 20,000.00	\$ 20,000.00	\$ -	1,245	1,245	The agency expended their entire allocation. They served a community that is in a food desert with no other grocery store with in a one-mile radius.	X
Helps Community Initiatives	\$ 35,000.00	\$ 34,899.00	\$ 101.00	20	43	The agency spent almost 98% of its allocation and served more people than they had planned to serve.	X
South Brevard Sharing Center	\$ 22,629.20	\$ 15,859.90	\$ 6,769.30	3	7	The agency spent 70% of their allocation and served more people than previously targeted.	X
Greater Melbourne Police Athletic League	\$ 20,000.00	\$ 13,000.00	\$ 7,000.00	40	30	30 as of 12/23/22. agreement expires 3/30/23	
Space Coast Cultural Arts & Business Organization Charities Inc	\$ 53,000.00	\$ 26,499.60	\$ 26,500.40	10	8	8 as of 12/23/22, agreement expires 3/30/23	
Brevard Alzheimer's Foundation	\$ 22,566.00	\$ 13,070.25	\$ 9,495.75	100	98	98 unduplicated, agreement expires 3/30/23	
South Brevard Sharing Center	\$ 56,136.00	\$ 33,411.81	\$ 22,724.19	350	61	61 as of 12/23/22, agreement expires 6/30/23	
NON-PUBLIC SERVICE CDBG							
Demolition of Fire Station 1	\$ 88,623.30	\$ 88,623.30				Completed	X
Station 7 (formerly Station 1) Quint	\$ 1,079,735.00	\$ -	\$ 1,079,735.00			Anticipated completion February 2023.	
Senior Center AC chillers	\$ 601,339.25	\$ -	\$ 601,339.25			Bids came in higher, staff is reevaluating the scope of work	
Liberia Park Benches	\$ 3,000.00	\$ 2,740.00	\$ 260.00			3 benches were installed, an amendment is in process to add additional funds to install 25 more benches	
Driskell Heights Drainage Project	\$ 499,431.00	\$ -	\$ 499,431.00			Task Order is in process for design/engineering due March 2023	



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Nancy A Bunt, Community & Economic Development Director

DATE: 2/16/2023

RE: Consideration of a Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan and recommendations for CDBG-CV (CARES Act) funding, only one hearing required.

The City of Palm Bay, is a member of the Brevard County HOME Consortium, and as such, City Council previously adopted the Fiscal Year (FY) 2016-2020 Five-Year Consolidated Plan, which is carried out through Annual Actions Plans. The Plans provide concise summaries of the actions and activities that will be undertaken during the respective fiscal year to address the priority needs and specific goals identified in the overall Five-Year Consolidated Plan.

The City of Palm Bay is hereby notifying the public of the reallocation of unexpended Community Development Block Grant – Coronavirus 1 & 3 (CDBG-CV 1 & 3) funds in the amount of \$127,556.75 directed to new activities that prevent, prepare for and respond to the coronavirus. This amendment applies only to the City of Palm Bay's CDBG-CV 1 & 3 Programs and does not affect other elements of the Brevard County HOME Consortium's Consolidated Plan.

The use of CDBG-CV 1 & 3 funds requires that, at a minimum, 70 percent be expended for activities that benefit low-and moderate-income persons by providing housing, a permanent job, a public service, or access to new or significantly improved infrastructure. The remaining 30 percent may be used to eliminate slum or blighted conditions, or to address an urgent need for which the grantee certifies it has no other funding source. Activities must benefit residents within the jurisdiction of the grantee or as permitted by the CARES Act. Eligible activities include (1) Public Services, (2) Housing Related Activities, (3) Public Improvements and Facilities, (4) Activities to Acquire Real Property (5) Economic Development Activities, and (6) General Administrative and Planning Activities.

CARES ACT waivers permit a public comment period of no less than five (5) days when citizen participation is required. The CARES Act also eliminates the 15 percent cap on funding for public services when the service is for coronavirus-related activities.

For an Annual Action Plan or Consolidated Plan, public hearing requirements are contained in 24 CFR 91.105(e). As referenced in the City's Citizen Participation Plan pertaining to federal housing and community development grants, the city is required to hold one public hearing.

On November 22, 2022, the City published a Request for Applications/Proposals to solicit applications for

CDBG-CV 1 & 3 funding from public entities or non-profit 501(c)3 for U.S. Department of Housing & Urban Development (HUD) eligible public services and activities. The City received five (5) applications requesting funding eligible under the CARES Act. Staff reviewed all applications for completeness and eligibility and determined that all applications, except one (1) were complete and eligible.

Proposals were reviewed and evaluated by the Community Development Advisory Board according to the criteria below:

- A. Introduction/Demonstration of Need (maximum of 20 points)
- B. Description of target clientele (maximum of 10 points)
- C. Measurable Outcomes (maximum of 10 points)
- D. Prepare, Prevent, Respond (PPR) Tieback to Coronavirus (maximum of 10 points)
- E. Organizational Capacity and Capability (maximum of 15 points)
- F. Leveraging (maximum of 10 points)
- G. Financial capacity (maximum of 15 points)
- H. Past performance (maximum of 10 points)

The Community Development Advisory Board evaluated the proposals/requests for funding at the January 18, 2023 regular meeting and recommended approval of CDBG-CV 1 & 3 funding for the following four (4) entities: Brevard Alzheimer's Foundation Inc (\$38,556.75), Catholic Charities of Central Florida (\$30,000), Greater Melbourne PAL (\$22,000), Helping Seniors of Brevard (\$37,000). This distribution will provide \$127,556.75 in CDBG-CV 1 & 3 funding to Palm Bay residents for eligible programs and services.

CDBG-CV 1 & 3	Description of services to be provided.	Amount Requested	Amount Recommended
Catholic Charities of Central Florida	Provide rental/mortgage and utility assistance to 15 residents for homeless prevention.	30,000.00	30,000.00
Greater Melbourne PAL	Youth Enrichment Mentoring Program – after school mentoring and tutoring for 44 youths.	22,000.00	22,000.00
Helping Seniors of Brevard	Provide tenant/landlord counseling to 100 residents.	37,000.00	37,000.00
Brevard Alzheimer's Foundation Inc.,	Provide transportation for delivery of food boxes to 75 unduplicated senior residents.	51,550.00	38,556.75

Upon City Council's approval, contracts will be executed with the agencies.

REQUESTING DEPARTMENT:

Community & Economic Development

FISCAL IMPACT:

The CDBG-CV 1 and 3 grant funds were originally received in the City's Fiscal Year (FY) 2019-2020. The grant awards will be appropriated on the next regularly scheduled Budget Amendment.

RECOMMENDATION:

Motion to approve the recommendations of the Community Development Advisory Board, awarding \$127,556.75 in FY 2019-2020 CDBG-CV 1 and 3 funding to eligible entities.

ATTACHMENTS:**Description**

Florida Today Ad for Public Hearing

CDBG CV Tabulation Sheet

CDBG CV Staff Summary



Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF PALM BAY

Ad No.: 0005566049

Address: SUITE 201
PALM BAY FL 32907
USA

Pymt Method Invoice

Net Amount 145.28

Run Times: 1

No. of Affidavits: 1

Run Dates: 01/26/23

Text of Ad:

AD#5566049 1/26/2023
PY 2019-2020 CITY OF PALM BAY
CARES Act AMENDMENT
COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) ANNUAL ACTION PLAN
PUBLIC NOTICE

The City of Palm Bay, as a member of the Brevard County HOME Consortium, has adopted a Five-Year Consolidated Plan that is carried out through Annual Actions Plans that provide concise summary of the actions and activities that will be undertaken to address the priority needs and specific goals identified in the Consolidated Plan. The City of Palm Bay is hereby notifying the public of the reallocation of unexpended Community Development Block Grant - Coronavirus 1 & 3 (CDBG-CV 1 & 3) funds in the amount of \$127,556.75 which will be directed to new activities to prevent, prepare for and respond to the coronavirus. This amendment applies only to the City of Palm Bay's Community Development Block Grant (CDBG) Program and does not affect other elements of the Brevard County HOME Consortium's Consolidated Plan.

AMENDMENT NO. 1 - Reallocation of funds

Activity Name: CV 1 & 3- Public Services

Original Budget: \$759,753.60

\$127,556.75 to be allocated as follows:
Catholic Charities - \$30,000; Greater Melbourne PAL - \$22,000; Helping Seniors of Brevard - \$37,000; and Brevard Alzheimers - \$38,556.75

The City of Palm Bay will hold a Public Hearing to review this change and to receive public comments at the regularly scheduled City Council Meeting to be held on Thursday, February 16, 2023 at 6:00 PM in Council Chambers, Palm Bay City Hall, 120 Malabar Road SE, Palm Bay, Florida 32907. Persons with disabilities requiring special accommodations to participate in the Public Hearing or persons requiring information in a language other than English should call Siphikelelo Chinyanganya, Housing Administrator, at 321-952-3400 ext 3408 or 7-1-1 (Florida Relay Services) at least forty-eight (48) hours prior to the Public Hearing.

Interested persons are encouraged to provide written comment to:
Siphikelelo Chinyanganya, Housing Administrator
City of Palm Bay
120 Malabar Road SE, Palm Bay, FL 32907
siphikelelo.chinyanganya@palmbayflorida.org

All comments received by February 15, 2023 will be considered. City Council will take action on the proposed CDBG Substantial Amendment at its meeting scheduled for Thursday, February 16, 2023 at 6:00 PM in City Council Chambers, Palm Bay City Hall, 120 Malabar Road SE, Palm Bay, FL 32907.

Community Development Advisory Board Recommendations
CDBG CV & CV3 Public Services

The project with the highest group total represents the highest priority for funding and should be ranked 1.
 The project with the lowest group total represents the lowest priority for funding and should be ranked 4.

Organization Name	Agency Request \$	Kenny Johnson	Kera Beard	Dawn Blair	Kay Maragh	Henry Morin	Rebecca Thibert	Sherrille Walker	Jenny Williams	Cristina Wright	Group Total	Group RANKING	CDAB Recommendations \$
Catholic Charities	\$30,000.00	81	69	100	83	73	93	85	89	95	768	1	\$30,000.00
Greater Melbourne PAL	\$22,000.00	77	78	82	84	56	74	80	100	100	731	2	\$22,000.00
Helping Seniors of Brevard	\$37,000.00	76	71	45	82	54	95	83	88	100	694	3	\$37,000.00
Brevard Alzheimer's Foundation Inc	\$51,550.00	35	47	76	83	64	90	56	47	95	593	4	\$38,556.75
TOTAL FUNDING REQUESTED:	\$140,550.00												
TOTAL ANTICIPATED FUNDING AVAILABLE:	\$127,556.75												\$127,556.75
FUNDING REMAINING:													\$0.00

* Board Member Jamie Herzel was absent.

CDBG CV 1 & 3 FUNDING REQUESTS:

Brevard Alzheimer's Foundation Inc.,

Request: \$51,550

Introduction/Demonstration of Need: Agency seeks funding to provide transportation for delivery of food boxes to 2,500 duplicated Palm Bay senior residents. They are partnering with Second Harvest on a pilot program to add fresh protein boxes to their deliveries. The effects of the COVID-19 pandemic continue to ravage senior residents and families in the low-moderate income group.

Units of Service: 75 unduplicated/2500 duplicated Palm Bay residents. Units per service are \$687.33 per unduplicated resident (deliveries weekly), \$20.62 per duplicated resident.

Description of Target Clientele: 75 unduplicated and 2500 duplicated residents shall receive approximately 2,500 deliveries of food boxes in Palm Bay. The cost per trip is \$20.62.

Measurable Outcomes: 1) 75 unduplicated and 900 duplicated residents

Consolidated Plan Consistency/Priorities: Medium – 05A Senior Services

CDAB High Priority?: No

Organizational Capacity and Capability: Agency has been providing transportation for delivery of food boxes and has partnered with Second Harvest Food Banks of Central Florida to add the delivery of fresh protein boxes.

Leverage/Match (how much additional funding is being dedicated to this project): Agency states that there will be a match of \$13,129 for the in mobile food pantry.

Financial Capacity: Agency submitted most recent audit report for financial statements and 990 files. No issues were identified per the schedule of findings summary of Auditors results for the year ended June 30, 2022.

Past Performance: Agency received a total of \$49,975.00 in CDBG CV 1 and CV 3 funding. To date they have expended \$40,479.25 (81%). They are still under contract to expend the balance remaining from CDBG CV3 of \$9,495.75(19%) by March 2023.

Catholic Charities

Request: \$30,000

Introduction/Demonstration of Need: Agency seeks funding for rental/mortgage and utility assistance to Palm Bay residents for homeless prevention that are affected by COVID 19.

Units of Service: Agency intends to serve 15 participants at a cost of \$2,000 per participant.

Description of Target Clientele: Income eligible households that are in need of rental/mortgage and/or utility assistance.

Measurable Outcomes: Financial Assistance 1) Household remains in stable housing with financial rent/mortgage assistance; 2) Household maintains monthly budget.

Consolidated Plan Consistency/Priorities: High – 05 Public Services (Rent and/or Utility Assistance)

CDAB Top Priority?: Yes (Rental Housing Subsidies)

Organizational Capacity and Capability: Agency states it has over 60 years of experience in executing all their programs.

Leverage/Match (how much additional funding is being dedicated to this project): Agency states that they will match/leverage \$7,500.

Financial Capacity: Agency submitted audited financial statements from the Davis Group, PA. No issues identified.

Past Performance: Agency received \$104,841 in FY 19-20 CDBG CV3 funding. To date, 100 percent of the funds were expended. The Agency was to serve 30 households and served 50. The Agency was monitored January 2022 and one (1) concern was identified; the concern was addressed by the Agency.

Staff Comments: None.

Greater Melbourne PAL

Request: \$22,000

Introduction/Demonstration of Need: Agency seeks funding for Melbourne PAL Youth Enrichment Mentoring Program for lower to moderate income youth in Palm Bay.

Units of Service: Agency intends to serve 44 youth.

Description of Target Clientele: Community Based After School Tutoring/Mentoring Program. The cost per participant is \$500.00 per Palm Bay youth.

Measurable Outcomes: 1) More confidence (not quantified); 2) 90% graduation rates at all levels; 3) 0% dropout rate; 4) >80% improve attitudes and reduce repeated school discipline problems; and 5) 80% of seniors enroll in college or voc. school.

Consolidated Plan Consistency/Priorities: High – OSD Youth Services

CDAB Top Priority?: Yes (Youth Services)

Organizational Capacity and Capability: Agency states it has over eight years of experience in executing all their programs.

Leverage/Match (how much additional funding is being dedicated to this project): Agency states that they will match/leverage \$4,000 or 15% of the total program budget.

Financial Capacity: Agency did not trigger an audit report for financial statements. Agency submitted most recent financial statements and 990 files from Flavin, Nooney & Person. No issues identified.

Past Performance: Agency received \$20,000 in FY 19-20 CDBG CV3 funding. To date, \$13,000 has been expended with a remaining balance of \$7,000. The Agency was to serve 40 youths, as of 12/23/22 has served 30 youth. The Agreement expires March 30, 2023.

Agency also had a comprehensive on-site monitoring visit. A monitoring letter was sent December 15, 2022, identifying six (6) findings and two (2) concerns were identified. The Agency has 30 days from receipt of the letter to respond.

Staff Comments: None.

Helping Seniors of Brevard

Request: \$37,000

Introduction/Demonstration of Need: Agency seeks funding to educate and guide tenants and landlords on how to work together to avoid evictions as well as how tenants can legally navigate the process. The COVID-19 pandemic resulted in an unprecedented increase in the price of rentals, thereby increasing the number of low to moderate income families at risk of evictions. The program is targeted for lower to moderate income families in Palm Bay.

Units of Service: Agency intends to serve 100 participants.

Description of Target Clientele: Tenant counseling will be provided to 50 income qualified families, and the Agency will also conduct 12 (one a month) workshops for 50 income qualified families to educate and guide them on how to work with their landlords to avoid eviction. The average cost per participant is \$370.00.

Measurable Outcomes: Participants will be measured by the number who complete an “Action Plan” to help avoid future rental problems, as well as number of clients who remain in their rental units.

Consolidated Plan Consistency/Priorities: Medium – 05K Tenant/Landlord Counseling

CDAB Top Priority?: Yes (Tenant Landlord Counseling)

Organizational Capacity and Capability: Agency states that their partner, Christian Housing Ministry Inc., has over two years of experience providing HUD Approved Housing Counseling in Brevard County. HUD has assigned Housing Foundation of America to oversee and guide Christian Housing Ministry Inc., as they work towards becoming a HUD Certified Counseling Agency.

Leverage/Match (how much additional funding is being dedicated to this project): Agency states that they will match/leverage \$13,000.00 or 26% of the total program budget.

Financial Capacity: Agency did not trigger an audit report for financial statements. Agency submitted most recent financial statements and 990 files. The Agency noted that Tenant/Landlord Counseling is a new program, as such there are no available financials. No issues identified.

Past Performance: Agency received CDBG funding from Brevard County: for 2021 - \$25,665.68 to serve 150 seniors with senior care navigation, they served 326 seniors; and 2022 - \$20,000.00 to serve 150 seniors with senior care navigation, they served 350 seniors.



LEGISLATIVE MEMORANDUM

DATE: 2/16/2023

RE: Adoption of Minutes: Meeting 2023-02; January 19, 2023.

ATTACHMENTS:

Description

Minutes - Meeting 2023-02

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2023-02

Held on Thursday, the 19th day of January 2023, 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.

Pastor Tom Walker, Centerpointe Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

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

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Juliet Misconi, Deputy City Manager; Jesse Anderson, Acting Growth Management Director; Nancy Bunt, Community and Economic Development Director; Frank Watanabe, City Engineer.

ANNOUNCEMENTS:

Deputy Mayor Felix announced the following vacancy and solicited applications for same:

- 1. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++**

AGENDA REVISION(S):

Ms. Sherman announced the following revisions:

A. Noted a scrivener's error on the attachment to Item 5, under Consent Agenda (Resolution 2023-02). The grade for the City Attorney's position should be 30 and not 29.

B. Item 7, under Consent Agenda, relating to Ad Valorem Tax (AVT) Abatement to Rogue Valley Microdevices, Inc. included a revised AVT application attachment.

C. Consideration of training/travel for the Florida Sustainable Transportation and Technology Expo, had been added as Item 5, under New Business. (Deputy Mayor Felix)

PROCLAMATIONS AND RECOGNITIONS:

The individual was recognized, and the proclamation was read.

- 1. Recognition: Presentation of the American Flag - honoring the service of Alberta Clinkscales. (Deputy Mayor Felix)**
- 2. Proclamation: Indian Kite Festival - January 22, 2023. (Councilman Johnson)**

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

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

Individuals made general comments.

1. Robert Stise, resident, requested that local businesses be recognized and promoted by the city. He asked that fines for nuisance liens be reviewed as some assessed fines would not be comparable to the cost for the property owner to maintain their property.
2. Bill Battin, resident, said that the Melbourne landfill (Sarno Road site) would no longer be accepting Class III category items (yard trash, construction debris and furniture). He questioned how the contract with Republic Services would be impacted.

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

PUBLIC HEARING(S):

- 1. Ordinance 2023-02, rezoning property located north and south of Ersoff Boulevard, in the vicinity east of Lipscomb Street, from HC (Highway Commercial District) to RMH (Residential Mobile Home District) (2.87 acres) (Case Z-58-2022, Paul Daly and Don Ballew), 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. The public hearing was closed.

Motion by Mr. Johnson, seconded by Mr. Filiberto, to adopt Ordinance 2023-02. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

2. Ordinance 2023-03, amending the Fiscal Year 2022-2023 budget by appropriating and allocating certain monies (first budget amendment), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened.

Bill Battin, resident, questioned the American Rescue Plan Act (ARPA) funding for Community of Hope which reflected \$1.2 million, but the actual cost was \$1.7 million. Ms. Sherman said the cost difference would be reflected on the next budget amendment.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-03. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

3. Ordinance 2023-01, providing for the annexation of certain real property generally located north, south and west of Micco Road, in the vicinity south of Dottie Drive, into the city (302.70 acres) (Case A-5-2022, Tiffany Dismukes Floyd), first reading.

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. He answered questions posed by councilmembers.

Bill Battin, resident, wanted to ensure that responsibility of the roadway was placed on the developer, not the city. He felt the annexation created a finger or serpentine pattern which was prohibited by law and questioned if the site could have been developed under the jurisdiction of Brevard County.

Mr. Wise and the applicant responded to comments. Mr. Wise said that the development was going to be a Community Development District (CDD) and the CDD would maintain all of the roads and would not be a burden on the city.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-01. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

CONSENT AGENDA:

All items of business under the 'Consent Agenda' heading were enacted by the following motion:

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, that the Consent Agenda be approved as presented with the removal of Items 2, 4, 7, 8, 9, and 10, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

1. Adoption of Minutes: Meeting 2022-36; December 15, 2022.

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

2. Award of Bid: Road bond paving, northeast area – IFB 04-0-2023 (Ranger Construction Industries, Inc. - \$6,671,445); and approve the transfer of additional funds from the Undesignated Fund Balance in the amount of \$1,374,641 to be added to the project budget.

Staff Recommendation: Approve the award for road bond paving in the northeast area to Ranger Construction Industries, Inc. (Ft. Pierce); and approve additional budget in the amount of \$1,374,641 to be transferred from 309-0000-392-1001 to 309-7090-541-6303/22GO06.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the award for road bond paving to Ranger Construction Industries, Inc. and approve the additional budget as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

3. Miscellaneous: 'Cooperative Purchase', generator and fuel tank replacement, City Hall/City Hall Annex/Council Chambers (Florida Sheriff's contract) – Parks and Facilities Department (LJ Power - \$156,325).

Staff Recommendation: Approve the purchase of the generator and fuel tank replacement for City Hall/Chambers/Annex from LJ Power utilizing Florida Sheriff's contract #FSA2-EQU18.0 Heavy Equipment, item #107.

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

4. Contract: Comprehensive plan update, assignment of Contract 64-0-2020 – Growth Management Department (from S&ME, Inc. to Inspire Placemaking Collective – no fiscal impact).

Staff Recommendation: Approve the assignment of Contract 64-0-2020, Comprehensive Plan Update, from S&ME, Inc. to Inspire Placemaking Collective (Orlando).

Randall Olszewski, resident, expressed concern about delays to updating the Comprehensive Plan with the change in company and if there were any additional costs associated with the change.

Mrs. Junkala-Brown explained that this was an assignment of contract and the company staff had not been affected by the name change.

Motion by Mr. Foster, seconded by Deputy Mayor Felix, to approve the assignment of contract from S&ME, Inc. to Inspire Placemaking Collective. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

5. Resolution 2023-02, amending Resolution 2022-51, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (first amendment).

The City Attorney read the resolution in caption only.

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

6. Resolution 2023-03, amending Resolution 2022-52, adopting the Five-Year Capital Improvements Program for Fiscal Years 2022-2023 through 2026-2027 (first amendment).

The City Attorney read the resolution in caption only.

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

7. Ordinance 2023-04, granting Ad Valorem Tax (AVT) Abatement to Rogue Valley Microdevices, Inc., first reading. (AGENDA REVISION)

The City Attorney read the ordinance in caption only.

Bill Battin, resident, asked if the company would be eligible for a fee reduction and how much revenue would be lost by this tax abatement.

Ms. Sherman confirmed that the company would be eligible for the building fee reduction program as a commercial entity, and they would be required to pay impact fees.

Mrs. Bunt presented the request to Council and responded to questions.

Motion by Mr. Filiberto, seconded by Mayor Medina, to approve Ordinance 2023-04. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

8. Consideration of the Fiscal Year 2022-2023 HOME Disbursement Agreement with Brevard County (\$1,608,607).

Staff Recommendation: Approve the Fiscal Year 2022-2023 HOME Disbursement Agreement between the City of Palm Bay and Brevard County in the amount of \$1,608,606.98 and authorize the City Manager to execute the Agreement.

Mrs. Bunt presented the request to Council.

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

9. Consideration of reallocating funds from the Utilities Operating Undesignated Fund Balance to Utilities Renewal and Replacement Reserves to maintain a fund balance and cover increases to capital projects (\$1,657,000).

Staff Recommendation: Approve a budget amendment allocating \$1,657,000 from Utilities Operating Undesignated Fund Balance to Utilities Renewal & Replacement Reserves.

Bill Battin, resident, said this was a large increase that was due to inflation. He questioned how the budget would be affected in the future due to inflation.

Ms. Sherman said monies should have been built into the budget and it was an oversight by staff, and staff was aware and tracking various projects that could potentially be affected by inflation.

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

10. Consideration of utilizing Stormwater Utility Funds to provide additional funding for the Walden at C-42 Culvert Replacement, Project 22SU02 (\$200,000).

Staff Recommendation: Approve the allocation of \$200,000 from the Stormwater Utility Fund Undesignated fund balance to Project 22SU02, Walden at C-42 Culvert Replacement.

Bill Battin, resident, questioned if inflation would affect future culvert replacements and the Road Bond Paving Program.

Ms. Sherman said that every project was different and the price for this request had increased due to the cost of concrete.

Motion by Mr. Johnson, seconded by Mr. Filiberto, to approve the allocation as requested by staff. Mr. Watanabe answered questions posed by councilmembers regarding the time frame for completion. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

11. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund for bank fees associated with the Asset Forfeiture Program (\$500).

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

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

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

Staff Recommendation: Approve the travel and training as specified.

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

13. Acknowledgement of the January 2023 GO Road Bond Paving report update.

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

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

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

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Citizens' Budget Advisory Board.

The individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. No. 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

Mayor Medina expressed concern with how the applications were addressed at the previous Council meeting. He said comments were made that Mr. Acosta's application was incomplete, but the City Clerk's Office confirmed that the application was complete enough to determine that Mr. Acosta was qualified to serve on the board. He felt Mr. Acosta's application, as submitted, should have been accepted.

Mrs. Jones explained that applications were not reviewed for completeness, but to determine whether the applicant met the requirements to serve on the board. Mr. Acosta met those requirements; however, it was Council's discretion and Council was not required to make an appointment just because an application had been submitted.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to appoint Jeffrey McLeod to the Citizens' Budget Advisory Board representing the 'at-large' position.

Motion carried with members voting as follows:

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

NEW BUSINESS:

1. Resolution 2023-04, directing the City Manager to develop an administrative code establishing a Concealed Carry Policy for the employees of the City of Palm Bay. (Councilman Johnson)

The City Attorney read the resolution in caption only.

Mr. Johnson presented the request to Council. He said that Brevard County had a policy in place since 2016 with no known incidents.

Individuals made general comments.

Motion by Mr. Johnson, seconded by Mayor Medina, to adopt Resolution 2023-04.

Mayor Medina supported the request and believed in protecting life and being responsible.

Mr. Filiberto asked if the City would be promoting employees to carry a gun while working. Ms. Sherman said it would be more of educating rather than promoting. The policy would provide criteria and there would be clear references as to what could and could not be done in accordance with state law. The City would not take on the responsibility for actual training to achieve a concealed carry permit nor would the City provide any ongoing training. The training that would be provided would be related to do the job duties of that specific employee and interaction with police officers should they respond to a situation.

Mr. Filiberto asked if there would be any legal backing from the City should an employee use their firearm while on the job. Ms. Smith responded that this policy allows employees the option to do something for their own personal benefit and would not be in the course and scope of their employment, unlike law enforcement.

Mr. Foster felt it was a huge liability and employees should be trained to de-escalate a situation.

Chief Augello responded to questions posed by councilmembers.

Deputy Mayor Felix said it was bad policy and agreed with Councilman Foster. He felt this was putting staff in a poor position to create a policy based on the desire of Council, and more guns did not guarantee safety.

Mayor Medina said there were only two instances, with thousands of Brevard County employees, in which a weapon was inadvertently displayed. He was comfortable giving an opportunity for employees to protect themselves.

Motion carried with members voting as follows:

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

2. Resolution 2023-05, providing for the acceptance of the transfer of a portion of Babcock Street from Brevard County.

The City Attorney read the resolution in caption only.

Councilman Foster left the meeting at this time.

Bill Battin, resident, did not want to see the city taking responsibility for roadways just because of project development.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-05. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Filiberto, Yea.

Councilman Foster rejoined the meeting at this time.

3. Consideration of an amendment to the Subrecipient Contract with Community of Hope, Inc. for American Rescue Plan Act funding (\$518,601).

Staff Recommendation: Approve an amendment to the ARPA Subrecipient Agreement with Community of Hope allocating an additional \$518,601; and authorize the Mayor to execute Amendment 1 to the ARPA Subrecipient Agreement with Community of Hope.

Bill Battin, resident, questioned if the transitional housing was going to be used for housing and assisting illegals.

Mrs. Bunt explained that there were fourteen (14) units which were currently market rate. Community of Hope proposed to provide affordable housing so that the residents would

be able to be low income and income eligible, and would not be bringing in illegal immigrants. She further detailed the plans of Community of Hope and responded to questions posed by councilmembers.

Mr. Foster said he had some reservations. He visited the apartment complex and was shocked that the existing building needed \$1.7 million. Mrs. Bunt said monies went towards the property acquisition and rehabilitation of the units.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to approve the amendment to the Subrecipient Contract and authorize the Mayor to execute the agreement as recommended by staff.

Motion carried with members voting as follows:

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

4. Consideration of a request to reconsider the denial of Ordinance 2022-105 (Case CP-31- 2022, Waterstone Holdings, LLC).

Ms. Smith presented the request to Council. Pursuant to Section 51.05(B), Palm Bay Code of Ordinances, “the City Council or any board may reconsider the same or similar issue within the twelve (12) month period if a mistake, inadvertence, surprise or excusable neglect has occurred as a result of the actions of the applicant or the city, provided that the event directly or indirectly formed a basis for the City Council's or any board's decision to deny the request at the public hearing.” Ms. Smith summarized the bases for the reconsideration as provided by the applicant.

Jeremy Gorovitz, applicant and Principal Partner at Kamiya, said he had a death in the family two (2) days prior to the hearing and was unable to attend the meeting as it was the same date as the funeral. He did not think of requesting a continuance as he was with family and grieving.

Motion by Mr. Foster, seconded by Deputy Mayor Felix, to approve the reconsideration request.

Mr. Foster felt the applicant met the requirements for reconsideration and it should be granted.

Mayor Medina did not agree with the reconsideration as the applicant could have requested a continuance. He said that the applicant could come back in a year with the same project, or come back sooner with a substantial change to the project. Mr. Filiberto agreed that there was no surprise, mistake, inadvertence or excusable neglect and did not support the reconsideration.

Motion failed with members voting as follows:

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

5. Consideration of councilmembers attending the Florida Sustainable Transportation and Technology Expo, February 1-2, 2023, in Cocoa. (Deputy Mayor Felix) (AGENDA REVISION)

Deputy Mayor Felix would attend the conference; Mayor Medina and Mr. Foster said they may consider attending. Council concurred.

COMMITTEE AND COUNCIL REPORTS:

Councilmembers addressed various subject matters and provided updates on activities of agencies and boards on which they served as members.

1. Mr. Johnson made the following reports:

a. Commented on the opioid lawsuit and the funding that would be received for the city. The funding could only be used within certain criteria, such as preventative measures, working with nonprofits for programs, etc. He wanted to make sure a plan was in place for when the funding was received. Ms. Sherman said that recommendations would be presented to Council in the future. Some funding had been received late last year and staff has been meeting to discuss the best options to bring to Council.

b. Asked staff to see how Melbourne Police Athletic League (PAL) was operating and how Palm Bay could take steps to re-establish its PAL Program.

2. Mayor Medina made the following reports:

a. Requested consensus to revise Council's policies to have the agenda packets distributed on Thursday instead of Friday prior to the meeting date. Council concurred.

b. Noted the meeting held with residents regarding Pineapple Cove Classical Academy in the Lockmar area. He said there was no representation from Pineapple Cove. It was said that the traffic issues would be alleviated if Pineapple Cove would follow the traffic study that was submitted with their site plan application. He requested involvement from the City Attorney to communicate with Pineapple Cove to follow the traffic design.

Ms. Sherman said the school representatives were present at the first meeting and there were conversations about different scenarios. There had been some incremental improvement but nothing significant to alleviate the traffic back up into the neighborhood. Ms. Sherman advised there were no provisions within the Code of Ordinances that permitted the city to take any action. Mr. Watanabe detailed the conversations he had with school staff in which a staggered time approach was discussed. School staff said it would be difficult to make modifications during the current school year.

Mayor Medina suggested that the City Attorney review and advise of any options and send a letter to the school staff to meet with city staff. Council concurred.

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:41 P.M.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Christopher A. Little, P.E.; Juliet Misconi, Deputy City Manager/Chief Procurement Officer

DATE: 2/16/2023

RE: Award of Bid: Valve Insertion Equipment, Team Brand Only – IFB 16-0-2023 – Utilities Department (Consolidated Pipe & Supply - \$120,925); and request to standardize the Team brand valve equipment.

At the request of the Utilities Department, the Procurement Department solicited bids for Valve Insertion Equipment – Team Brand Only (rebid), with the intent to standardize. This equipment will be a turnkey installation system that will enable staff to perform valve insertions. This equipment will be used for 4- to 8-inch valve replacements and new installations in the water distribution system. Insertion valves are used during projects and emergencies to isolate water lines to minimize disruption of services to customers.

In addition to awarding the bid, staff requests to standardize the use of "Team" brand as the brand for valve insertion equipment. The Procurement Manual and Ordinance defines standardization as the adoption of a single product, brand or group of products to be used by the City for efficiency of operations; standardization of a product with an expenditure over \$100,000 requires Council approval. The Procurement Ordinance allows standardization through competition, through sole source or through a vetting process. Although staff originally considered this a sole source, staff did market research to determine there was competition in the market. Initially staff solicited through a Request for Proposal process. However, all proposals were rejected as all of the respondents were distributors rather than manufacturers, and none provided enough documentation to evaluate the products. Staff then did a vetting process to determine that Team is the best product to operationally meet the Department's needs. Procurement then conducted the bid for Team valve insertion equipment.

Two (2) bids were received in response to the City's solicitation. Procurement staff reviewed the bid for responsiveness. Utilities staff evaluated the bid for responsibility and ability to perform the scope of services. The low bid is acceptable to the Utilities Department.

Staff recommends Consolidated Pipe & Supply, as the contractor for Valve Insertion Equipment – Team Brand Only (Rebid) in the amount of \$120,925.

Estimated annual expenditures for the insertion valves is under \$49,999.99. The vendor has provided pricing, and purchase orders will be issued on an as-needed basis for the purchase of the Team brand insertion valves.

REQUESTING DEPARTMENT:

Utilities, Procurement

FISCAL IMPACT:

The purchase of the valve insertion equipment will be \$120,925. Funding is available in Utilities Department's Operating Fund, account 421-8020-533-6401.

RECOMMENDATION:

Motion to 1) standardize the Team brand valve equipment and 2) approve award of IFB #16-0-2023/SZ, Valve Insertion Equipment – Team Brand Only (Rebid) to Consolidated Pipe & Supply, located in Mobile, Alabama. The term of the contract for the purchase of insertion valves will be for one (1) year with the option to renew for an additional four (4) twelve (12) month periods.

ATTACHMENTS:

Description

Tabulation Sheet

IFB #16-0-2023/SZ				Consolidated Pipe & Supply Company, Inc.	Technology International, Inc.
VALVE INSERTION EQUIPMENT - TEAM BRAND ONLY (REBID)				4180 Halls Mill Road Mobile, AL 36693	1331 S. International Pkwy, Suite 2251 Lake Mary, FL 32746
				251-533-5239	407-359-2373
				micha.lambert@cspipe.com	tii@tii-usa.com
TABLE 1 - EQUIPMENT					
ITEM	Item Description	QTY	UOM	Unit Price	Unit Price
1	Insertion Valve Equipment for 4"-8" Valves	1	Each	\$113,425.00	\$136,900.00
2	Training	1	Day	\$4,000.00	\$4,600.00
3	Delivery	1	Lump Sum	\$3,500.00	\$4,050.00
LUMP SUM BASE BID TOTAL				\$120,925.00	\$145,550.00
Delivery ARO				8-12 Weeks	24 Weeks
TABLE 2 - VALVES					
ITEM	Item Description	QTY	UOM	Unit Price	Unit Price
4	Insertion Valve 4"	1	Each	\$5,800.00	\$6,700.00
5	Insertion Valve 6"	1	Each	\$6,500.00	\$7,500.00
6	Insertion Valve 8"	1	Each	\$8,000.00	\$9,200.00
Delivery ARO				2-4 Weeks	24 Weeks



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Christopher A. Little, P.E.; Juliet Misconi, Deputy City Manager/CPO; Larry Wojciechowski, Finance

DATE: 2/16/2023

RE: Award of Bid: Lift Station 27 rehabilitation – IFB 17-0-2023 – Utilities Department (Danus Utilities, Inc. - \$127,600); and approve appropriation of funds on the next scheduled Budget Amendment (\$40,360).

At the request of the Utilities Department, the Procurement Department solicited bids for Lift Station 27 Rehabilitation. This lift station was constructed in 1984 and the wet well requires cleaning and relining. The rehabilitation will also include the replacement of valve pit piping, pump pedestals and related appurtenances.

Three (3) bids were received in response to the City's solicitation. Procurement staff reviewed the bid for responsiveness. Utilities staff evaluated the bid for responsibility and ability to perform the scope of services. The low bid is acceptable to the Utilities Department.

The low bidder, Danus Utilities, Inc., is an experienced and capable vendor and has been performing similar services for the Utilities Department since 2011.

Staff recommends Danus Utilities, Inc., as the contractor for Lift Station 27 Rehabilitation in the amount of \$127,600.

Staff is also requesting a 10% contingency, in the amount of \$12,760 to cover unanticipated changes in the scope of work due to unforeseen conditions discovered during the rehabilitation. The industry standard for construction contingency is 5% to 10% of the value of the construction contract. Contingency funds remaining once the project has been closed will be returned to the appropriate Utilities fund balance.

The total for the rehabilitation of Lift Station 27 (\$127,600) and contingency (\$12,760) will be \$140,360. The project currently has \$100,000 available. The Department is requesting fund appropriation from Utilities Renewal & Replacement Undesignated Fund Balance in the amount of \$40,360.

REQUESTING DEPARTMENT:
Utilities, Finance, Procurement

FISCAL IMPACT:

Total project award will be \$127,600. Pending approval of the budget amendment in the amount \$40,360 from Utilities Renewal & Replacement Undesignated Fund Balance (424-0000-392-3006) to the Utilities Department's Renewal & Replacement Fund 424-8032-535-6327, project 22WS23, which currently has \$100,000 available.

RECOMMENDATION:

Motion to 1) approve appropriation \$40,360 on the next scheduled budget amendment; and 2) approve award of IFB #17-0-2023/SZ, Lift Station 27 Rehabilitation to Danus Utilities, Inc., located in Sanford, Florida.

ATTACHMENTS:

Description

Tabulation

	IFB #17-0-2023/SZ Lift Station 27 Rehab			Danus Utilities, Inc.	U.S. Water Services Corp	Hinterland Group, Inc.
				2320 Beardall Ave	4939 Cross Bayou Blvd.	5580 State Road 524
				Sanford, FL 32771	New Port Richey, FL 34652	Cocoa FL 32926
				407-878-1254	727-848-8292	321-633-7066
				robert@danusutilities.com	ccrego@uswatercorp.net	info@hinterlandgroup.com
ITEM #	ITEM DESCRIPTION	Est. Annual Qty	UOM	Price	Price	Price
1	Wet Well Bypass	1	LS	\$7,000.00	\$12,250.00	\$15,000.00
2	Equipment Removal and Demolition	1	LS	\$12,000.00	\$19,521.00	\$20,000.00
3	Wet Well Cleaning, Repairs, and Lining/Coating System	1	LS	\$39,000.00	\$42,386.00	\$45,000.00
4	Discharge Piping and Valve Assembly	1	LS	\$51,000.00	\$43,154.00	\$58,500.00
5	Wet Well Lid and Valve Pad	1	LS	\$18,600.00	\$15,086.00	\$24,000.00
TOTAL AMOUNT				\$127,600.00	\$132,397.00	\$162,500.00



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Greg Minor, Facilities Director

DATE: 2/16/2023

RE: Miscellaneous: 'Cooperative Purchase', two (2) carrier chiller replacements, City Hall Annex Building and Police Department Headquarters (Sourcewell Cooperative Contract) – Parks and Facilities Department (Carrier - \$295,890).

The Parks and Facilities Department is requesting approval to purchase two (2) Carrier Chillers. One (1) serves the Police Department Headquarters and one (1) serves the Annex Building. The existing chiller at PD is 7 years old and nearing its useful life. The chiller serving the Annex is past its end of life and is in need of immediate replacement. The purchase of this equipment is included in the approved FY23 budget. The current lead time for a chiller is between 40 and 50 weeks. Installation would only take 2 days per chiller.

Staff is requesting approval utilizing Sourcewell Cooperative Contract Number 070121-CAR. Total purchase \$295,890.

Selection of the Carrier chillers was made after receiving three (3) competitive quotes for the replacements. All proposals were based on using cooperative contracts and lead times were similar. Carrier was the most cost efficient and most inclusive proposal.

In accordance with City's Code of Ordinance, Section 38.13(F)(4) Cooperative Purchases and Piggyback Purchases: The City may utilize (piggyback) a contract entered into by another governmental or public entity and provider of supplies or services required by the City, if the Chief Procurement Officer determines that it is practical and advantageous for the City to employ this method of purchase, and such contracts specify that they are cooperative procurements at the time of solicitation or the governmental entity Procurement official otherwise agrees to the use of such contract in writing. Any such contracts equal to or in excess of one hundred thousand dollars (\$100,000) shall go to the City Council for approval.

REQUESTING DEPARTMENT:

Parks and Facilities, Finance, Procurement

FISCAL IMPACT:

The total of Quote #00711399 is \$295,890. Funding is available in Parks and Facilities Accounts 1-4525-519.64-01, project # 22PK05 (PDHQ) and #22PK06 (City Hall-Annex Building)

RECOMMENDATION:

Motion to approve procurement of the two (2) chillers for Annex and PD HQ from Carrier utilizing Sourcewell Cooperative Contract Number 070121-CAR.

ATTACHMENTS:**Description**

Carrier Quote #00711399



Address 7305 Greenbriar Pkwy,
Orlando FL 32819
Phone 216-903-9868
Fax
E-mail mark.mcginity@carrier.com

Contact Name Andrew Orndorff
Account CITY OF PALM BAY
Phone 321-474-2852

Site Address 120 Malabar Rd SE
Palm Bay
FL
32907-3009
United States

Estimate Date 02/03/2023

Quote Number 00711399

Job Description S - Qty 2 30RB - 110 & 100 Tons - Provide and Replace - Turnkey

Scope of Work

Carrier is please to offer the following proposal: See attached Scope and Equipment Specs

30RB 110 \$259,135 MLP (63% Discount Off List/Master) = \$95,879.95
30RB 100 \$243,658 MLP (63% Discount Off List/Master) = \$90,153.46
Subs \$84,505.07 + 30% = \$109,856.59

This quotation is in accordance with Sourcewell (070121-CAR) Please put this number and also reference our quotation number on your PO.

Exclusions / Clarifications

This quote does not include the waste disposal and labor performed outside normal business hours unless otherwise noted. In addition, the quoted price does not include any sales, excise, or similar taxes, any that apply will be added at cost.

- Isolation Valves

Total Quoted Price

Total Price for Scope of Work excluding applicable taxes: \$295,890.00

This proposal is valid for 30 days from the date of proposal. Carrier's terms and conditions will govern in lieu of any other terms and conditions contained in any resulting Purchase, Order, Contract, Agreement, etc. Carrier would like to thank you for the continuing opportunity to be of service.

Sincerely,

Mark McGinty

Carrier Commercial Service

Title

Customer Acceptance (signature)

Date

Purchase Order

The attached Terms & Conditions shall govern.

CARRIER CORPORATION TERMS AND CONDITIONS OF SALE EQUIPMENT AND/OR SERVICE

1. PAYMENT AND TAXES - Payment shall be made net 30 days from date of invoice. Carrier reserves the right to require cash payment or other alternative method of payment prior to shipment or completion of work if Carrier determines, in its sole discretion, that Customer or Customer's assignee's financial condition at any time does not justify continuance of the net 30 days payment term. In addition to the price, Customer shall pay Carrier any taxes or government charges arising from this Agreement. If Customer claims that any such taxes or government charges do not apply to the transactions governed by this Agreement, Customer shall provide Carrier with acceptable tax exemption certificates or other applicable documents. All past due invoices will accrue interest at the lesser of 1% per month or the maximum amount allowable by law.

2. EXTRAS - Equipment, parts or labor in addition to those specified in this Agreement will be provided upon receipt of Customer's written authorization, paid for as an extra at Carrier's prevailing labor rates and equipment/parts charges, and subject to the terms of this Agreement.

3. RETURNS - No items will be accepted for return without prior written authorization. Returned goods may be subject to a restocking charge. Special order and non-stock items cannot be returned.

4. SHIPMENT - All shipments shall be F.O.B. shipping point, freight prepaid and allowed to the job site. Shipment dates quoted are approximate. Carrier does not guarantee a particular date for shipment or delivery.

5. PARTIAL SHIPMENT - Carrier shall have the right to ship any portion of the equipment, goods or other materials included in this Agreement and invoice Customer for such partial shipment.

6. DELAYS - Carrier shall not be liable for delays in manufacturing, shipping or delivery by causes beyond the control and without the fault or negligence of Carrier, including but not restricted to acts of God, acts of a public enemy, acts of government, acts of terrorism, fires, floods, epidemics, quarantine restrictions, freight embargoes, supplier delays, strikes, or labor difficulties (collectively "Force Majeure Events"). Carrier agrees to notify Customer in writing as soon as practicable of the causes of such delay. In the event that any materials or equipment to be provided by Carrier under this Agreement become permanently unavailable as a result of a Force Majeure Event, Carrier shall be excused from furnishing such materials or equipment.

7. WARRANTY - Carrier warrants that all equipment manufactured by Carrier Corporation and all Carrier equipment, parts or components supplied hereunder will be free from defects in material and workmanship. Carrier shall at its option repair or replace, F.O.B. point of sale, any equipment, part or component sold by Carrier and determined to be defective within one (1) year from the date of initial operation or eighteen (18) months from date of shipment, whichever is earlier. Carrier does not warrant products not manufactured by Carrier

Corporation, but it does pass on to Customer any transferrable manufacturer warranties for those products. Carrier warrants that all service provided by Carrier hereunder shall be performed in a workmanlike manner. In the event any such service is determined to be defective within ninety (90) days of completion of that service, Carrier shall at its option re-perform or issue a credit for such service. Carrier's obligation to repair or replace any defective equipment, parts or components during the warranty period shall be Customer's exclusive remedy. Carrier shall not be responsible for labor charges for removal or reinstallation of defective equipment, parts or components, for charges for transportation, handling and shipping or refrigerant loss, or for repairs or replacement of such equipment, parts or components, required as a consequence of faulty installation, misapplication, vandalism, abuse, exposure to chemicals, improper servicing, unauthorized alteration or improper operation by persons other than Carrier. THIS WARRANTY IS GIVEN IN LIEU OF ALL OTHER WARRANTIES, EXPRESS, IMPLIED OR STATUTORY INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

8. WORKING HOURS - All services performed under this Agreement, including but not limited to, major repairs, are to be provided during Carrier's normal working hours unless otherwise agreed.

9. CUSTOMER RESPONSIBILITIES (Service Contracts only) - Customer shall:

- Provide safe and reasonable equipment access and a safe work environment.
- Permit access to Customer's site, and use of building services including but not limited to: water, elevators, receiving dock facilities, electrical service and local telephone service.
- Keep areas adjacent to equipment free of extraneous material, move any stock, fixtures, walls or partitions that may be necessary to perform the specified service.
- Promptly notify Carrier of any unusual operating conditions.
- Upon agreement of a timely mutual schedule, allow Carrier to stop and start equipment necessary to perform service.
- Provide adequate water treatment.
- Provide the daily routine equipment operation (if not part of this Agreement) including availability of routine equipment log readings.
- Where Carrier's remote monitoring service is provided, provide and maintain a telephone line with long distance direct dial and answer capability.
- Operate the equipment properly and in accordance with instructions.
- Promptly address any issues that arise related to mold, fungi, mildew or bacteria.
- Identify and label any asbestos containing material that may be present. The customer will provide, in writing, prior to the start of a job, a signed statement regarding the absence or presence of asbestos for any job where the building or the equipment to be serviced is older than 1981. Should this document state that no asbestos is present, the customer will also provide in writing the method used to determine the absence of asbestos.

10. EXCLUSIONS - Carrier is not responsible for items not normally subject to mechanical maintenance including but not limited to: duct work, casings, cabinets, fixtures, structural supports, grillage, water piping, steam piping, drain piping, cooling tower fill, boiler tubes, boiler refractory, disconnect switches and circuit breakers. Carrier is not responsible for repairs, replacements, alterations, additions, adjustments, repairs by others, unscheduled calls or emergency calls, any of which may be necessitated by negligent operation, abuse, misuse, prior improper maintenance, vandalism, obsolescence, building system design, damage due to freezing weather, chemical/electrochemical

attack, corrosion, erosion, deterioration due to unusual wear and tear, any damage related to the presence of mold, fungi, mildew, or bacteria, damage caused by power reductions or failures or any other cause beyond Carrier's control. Carrier shall not be required to perform tests, install any items of equipment or make modifications that may be recommended or directed by insurance companies, government, state, municipal or other authority. However, in the event any such recommendations occur, Carrier, at its option, may submit a proposal for Customer's consideration in addition to this Agreement. Carrier shall not be required to repair or replace equipment that has not been properly maintained.

11. EQUIPMENT CONDITION & RECOMMENDED SERVICE (Service Contracts only) - Upon the initial scheduled operating and/or initial annual stop inspection, should Carrier determine the need for repairs or replacement, Carrier will provide Customer in writing a 'equipment condition' report including recommendations for corrections and the price for repairs in addition to this Agreement. In the event Carrier recommends certain services (that are not included herein or upon initial inspection) and if Customer does not elect to have such services properly performed in a timely fashion, Carrier shall not be responsible for any equipment or control failures, operability or any long-term damage that may result. Carrier at its option will either continue to maintain equipment and/or controls to the best of its ability, without any responsibility, or remove such equipment from this Agreement, adjusting the price accordingly.

12. PROPRIETARY RIGHTS - Carrier may elect to install, attach to Customer equipment, or provide portable devices (hardware and/or software) that shall remain the personal proprietary property of Carrier. No devices installed, attached to real property or portable device(s) shall become a fixture of the Customer locations. Customer shall not acquire any interest, title or equity in any hardware, software, processes, and other intellectual or proprietary rights to devices that are used in connection with providing service on Customer equipment.

13. DATA RIGHTS - Customer hereby grants and agrees to grant to Carrier a worldwide, non-exclusive, non-terminable, irrevocable, perpetual, paid-up, royalty free license to any Source Data, with the right to sub-license to its affiliates and suppliers for (i) Carrier's performance of services pursuant to this Agreement, (ii) the improvement of Carrier services, and Carrier's Analytics Platform; (iii) improving product performance, operation, reliability, and maintainability; (iv) to create, compile, and/or use datasets and/or statistics for the purposes of benchmarking, development of best practices, product improvement; (v) the provision of services to third parties, (vi) research, statistical, and marketing purposes, and/or (vii) in support of Carrier agreements.

Source Data – shall mean data that is produced directly from a system, or device and received at a collection point or a central server (e.g. a Carrier database, data lake, or third party cloud service).

Analytics Platform – shall mean server algorithms or web interface systems used to (i) interpret, convert, manipulate, or calculate data, (ii) perform data processing, and/or (iii) the delivery of data to Carrier, affiliates or suppliers of Carrier, and/or Customer.

14. RETURN OF DATA - Customer understands and acknowledges that the portable devices will collect Source Data that will be stored on and/or transmitted to Carrier's servers and to suppliers or affiliates that are contracted by Carrier and used to transmit, process, extract or store such Source Data for purposes of Carrier's performance of the service in accordance with this

Agreement. Once such data and information has been stored and/or transmitted to Carrier's servers, Customer agrees that such data and information shall become part of Carrier's database and therefore subject to the license terms under section 13.

15. DATA DELIVERY - During the term of the Agreement Customer shall (i) make reasonable efforts to ensure that the hardware remains powered on, (ii) avoid intentional action to impede, block or throttle collection and transmission of Source Data by Carrier, and (iii) avoid intentional action to disable, turn off, or remove the hardware without Carrier's express written consent, which consent shall not be unreasonably withheld.

16. REVERSE ENGINEERING - Customer shall not extract, decompile or reverse engineer any software included with, incorporated in, or otherwise associated with the hardware and shall not reverse engineer any reports or analytics provided to or received by Customer from Carrier.

17. WAIVER OF DAMAGES - Under no circumstances shall Carrier be liable for any indirect, incidental, special or consequential damages, including loss of revenue or profit, loss of use of equipment or facilities, loss of data, or economic damages howsoever arising.

18. LIMITATION OF LIABILITY - Carrier's maximum liability for any reason (except for personal injuries) arising from this Agreement shall not exceed the value of the payments received by Carrier under this Agreement.

19. CANCELLATION - Customer may cancel this Agreement only with Carrier's prior written consent, and upon payment of reasonable cancellation charges. Such charges shall take into account costs and expenses incurred, and purchases or contract commitments made by Carrier and all other losses due to the cancellation including a reasonable profit.

20. CUSTOMER TERMINATION FOR CARRIER NON-PERFORMANCE - Customer shall have the right to terminate this Agreement for Carrier's non-performance provided Carrier fails to cure such non-performance within thirty (30) days after having been given prior written notice of the non-performance. Upon early termination or expiration of this Agreement, Carrier shall have free access to enter Customer locations to disconnect and remove any Carrier personal proprietary property or devices as well as remove any and all Carrier-owned parts, tools and personal property. Additionally, Customer agrees to pay Carrier for all incurred but unamortized service costs performed by Carrier including overheads and a reasonable profit.

21. CARRIER TERMINATION - Carrier reserves the right to discontinue its service any time payments have not been made as agreed or if alterations, additions or repairs are made to equipment during the term of this Agreement by others without prior agreement between Customer and Carrier.

22. CLAIMS - Any lawsuits arising from the performance or nonperformance of this Agreement, whether based upon contract, negligence, strict liability or otherwise, shall be brought within one (1) year from the date the claim arose.

23. GOVERNMENT PROCUREMENTS - The components, equipment and services provided by Carrier are "commercial items" as defined in Section 2.101 of the Federal Acquisition Regulations ("FAR"), and the prices of such components, equipment and services are based on Carrier's commercial pricing policies and practices (which do not consider any special requirements of U.S. Government cost principles, FAR Part 31, or any similar procurement

regulations). As such, Carrier will not agree to provide or certify cost or pricing data, nor will Carrier agree to comply with the Cost Accounting Standards (CAS). In addition, no government procurement regulations, such as FARs or DFARS, shall apply to this Agreement except those regulations expressly accepted in writing by Carrier.

24. HAZARDOUS MATERIALS - Carrier is not responsible for the identification, detection, abatement, encapsulating or removal of asbestos, products or materials containing asbestos, similar hazardous substances, or mold, fungi, mildew, or bacteria. If Carrier encounters any asbestos or other hazardous material while performing this Agreement, Carrier may suspend its work and remove its employees from the project, until such material and any hazards associated with it are abated. The time for Carrier's performance shall be extended accordingly, and Carrier shall be compensated for the delay.

25. WASTE DISPOSAL - Customer is wholly responsible for the removal and proper disposal of waste oil, refrigerant and any other material generated during the term of this Agreement.

26. SUPERSEDEURE, ASSIGNMENT and MODIFICATION - This Agreement contains the complete and exclusive statement of the agreement between the parties and supersedes all previous or contemporaneous, oral or written, statements. Customer may assign this Agreement only with Carrier's prior written consent. No modification to this Agreement shall be binding unless in writing and signed by both parties. Orders shall be binding upon Carrier when accepted in writing by an authorized representative of Carrier. CARRIER'S ACCEPTANCE OF CUSTOMER'S ORDER IS CONDITIONED UPON CUSTOMER'S ACCEPTANCE OF THE TERMS AND CONDITIONS SET FORTH HEREIN (THIS "AGREEMENT") AND CUSTOMER'S AGREEMENT TO BE BOUND BY AND COMPLY WITH THIS AGREEMENT. THIS AGREEMENT AND ALL REFERENCED ATTACHMENTS CONSTITUTE THE ENTIRE AGREEMENT BETWEEN CARRIER AND CUSTOMER, AND NO AMENDMENT OR MODIFICATION SHALL BE BINDING ON CARRIER UNLESS SIGNED BY AN OFFICER OR AUTHORIZED EMPLOYEE OF CARRIER. THE FAILURE OF CARRIER TO OBJECT TO PROVISIONS CONTAINED IN ANY PURCHASE ORDER OR OTHER DOCUMENT OF CUSTOMER SHALL NOT BE CONSTRUED AS A WAIVER BY CARRIER OF THE TERMS IN THIS AGREEMENT OR AN ACCEPTANCE OF ANY OF CUSTOMER'S PROVISIONS. ANY CONFLICTING OR ADDITIONAL TERMS OR CONDITIONS SET FORTH BY CUSTOMER IN A PURCHASE ORDER OR OTHER DOCUMENT SHALL NOT BE BINDING UPON CARRIER, AND CARRIER HEREBY EXPRESSLY OBJECTS THERETO.

27. CUSTOMER CONSENT - Customer consents and agrees that Carrier may, from time to time, publicize Carrier related projects with Customer, including the value of such projects, in all forms and media for advertising, trade, and any other lawful purposes.

28. FOR WORK BEING PERFORMED IN CALIFORNIA - Contractors are required by law to be licensed and regulated by the Contractors' State License Board which has jurisdiction to investigate complaints against contractors if a complaint regarding a patent act or omission is filed within four years of the date of the alleged violation. A complaint regarding a latent act or omission pertaining to structural defects must be filed within 10 years of the date of the alleged violation. Any questions concerning a contractor may be referred to the Registrar, Contractors' State License Board, P.O. Box 26000, Sacramento, California 95826.

29. INTELLECTUAL PROPERTY - Notwithstanding anything to the contrary stated herein, Carrier retains ownership of its intellectual property and no license to Carrier's intellectual property is granted except as necessary for Customer to use any deliverables and/or services provided hereunder.

30. DATA PRIVACY - Carrier processes personal data in accordance with its privacy notice at Carrier.com or via the following link: <https://www.carrier.com/carrier/en/worldwide/legal/privacy-notice>. Each party will comply with applicable data privacy laws governing personal information collected and processed under this Agreement, including the California Consumer Privacy Act and the European General Data Protection Regulation, and take all reasonable commercial and legal steps to protect personal data. If Customer provides Carrier with personal data, Customer will ensure that it has the legal right to do so, including notifying the individuals whose personal data it provides to Carrier. If a party collects or processes personal data from California residents under this Agreement, such party is a "Service Provider" under the CCPA, and will not sell or exchange such personal data for anything of value.

31. FACTORY ACCEPTANCE TESTS AND INSPECTIONS - The nature and extent of factory acceptance tests or factory inspections, including without limitation, the number and identity of participants, locations visited, and activities undertaken, shall be limited to activities directly related to the performance of this Agreement. The tests or inspections will be subject to mutual agreement of the parties, Carrier policy and internal pre-approval requirements, and strictly comply with Customer's policies as well as all applicable laws and regulations including, without limitation, all applicable laws and regulations prohibiting corruption.

32. CHANGE ORDER / ADDITIONAL WORK / PRICE ADJUSTMENTS - Carrier will not perform additional work until such time as Carrier receives a change order, duly executed by each party, setting forth the scope and an agreed upon price for the additional work, as well as any appropriate adjustments to the delivery schedule. Additional work and/or materials supplied under any change order shall be subject to the terms of this Agreement. The price of services performed under this Agreement is subject to change due to increases in material costs related to tariffs, import duties, trade policy, epidemics, commodity or material costs, fuel surcharges, supplier costs, labor costs, or related impacts or market conditions. Such change shall come into effect on thirty (30) days' prior written notice from Carrier to Customer. The price of equipment supplied under this Agreement is subject to increase in accordance with the Producer Price Index (PPI) published by the U.S. Department of Labor Bureau of Labor Statistics (BLS) for commodity: PCU33341-33341 HVAC and Commercial Refrigeration Equipment. Price escalation will be calculated as (i) total Agreement price multiplied by (ii) the PPI on date of equipment delivery to end customer, divided by (iii) PPI on date of execution of the Agreement. Total Agreement price is not subject to decrease.



33. OCCUPATIONAL SAFETY AND HEALTH (Service Contracts Only) – Carrier and Customer agree to notify each other immediately upon becoming aware of an inspection under, or any alleged violation of, the Occupational Safety and Health Act (“OSHA”) relating in any way to the performance of work under this Agreement, the project or the job site.

34. ANTI-DISCRIMINATION POLICY – The Carrier Fostering a Respectful and Safe Work Environment policy is incorporated into these terms via this link:

https://www.carrier.com/commercial/en/us/media/carrier-anti-discrimination-harassment-policy-02192021_tcm199-109848.pdf.

35. EQUIPMENT RENTALS – If all or a portion of this Agreement is for equipment rental, the Carrier Rental Systems Master Terms and Conditions – Rental, available at <https://www.carrier.com/rentals/en/us/rental-equipment/rental-forms/>, shall apply to the rental equipment.

36. STATE CONTRACTOR LICENSE NUMBERS – A list of Carrier’s state contractor license, certificate, and registration numbers, which list is incorporated herein, is available via this link: <https://www.carrier.com/commercial/en/us/service/contractor-licenses>.

37. ADDITIONAL TERMS AND CONDITIONS - CANNABIS INDUSTRY - If Customer is involved in the cannabis industry in the US as a manufacturer, distributor, or otherwise, the additional terms and conditions available at <https://www.carrier.com/commercial/en/us/legal/additional-terms>, which are incorporated herein, shall apply.

38. ADDITIONAL TERMS AND CONDITIONS – ABOUND – If this Agreement includes a subscription to the Abound platform, then the additional terms and conditions of the Abound Master SaaS Subscription Agreement available at <https://abound.carrier.com/saas-agreement> which are incorporated herein, shall apply



Over 100 years of innovations

carrier.com/service

Terms and Conditions of Sale – Equipment and/or Service 091322

Carrier Corporation



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Juliet Misconi, Deputy City Manager and Acting Chief Procurement Officer

DATE: 2/16/2023

RE: Consideration of submitting a grant application to the Florida Inland Navigation District (FIND) Waterway Assistance Program (WAP) for continued improvements to Castaway Point Park.

As authorized by City Council at the October 7, 2021 Regular Council Meeting, the City submitted a grant application to the Florida Department of Environmental Protection's (FDEP) Coastal Partnership Initiatives (CPI) grant program, a 50/50 matching grant. The City sought \$60,000 in grant funds to refurbish two piers (north and south), re-decking of the existing boardwalk, provide ADA accessibility upgrades to the restroom facilities, and install LED lighting and educational signage. The Parks & Facilities Department planned to complete the restroom refurbishment and sign and lighting installation utilizing City staff, but bid out the work on the piers and boardwalk. Due to increases in the marketplace, staff requested an additional allocation of \$32,643, which was approved by Council on July 21, 2022, bringing the total estimated project value to \$152,643. The grant agreement was approved by City Council on August 6, 2022 and was executed on September 6, 2022.

In November 2022, the Procurement Department released a competitive request for bids for the north and south pier and boardwalk replacement. Bids were opened on December 9, 2022. Two (2) bids were received, both over budget, and the City rejected all bids with the intent to reissue the solicitation.

On February 2, 2023, Council authorized staff to amend the CPI grant agreement to reduce the scope by eliminating the south pier, as the north pier is in worse condition and requires repairs. Council also authorized extending the time for completion to December 15, 2023, which was accepted by FDEP.

This follow up request is to seek approval to authorize the City to submit a grant application to the Florida Inland Navigation Program (FIND) Waterway Assistance Programs (WAP) for additional improvements at Castaway, to fund improvements to the south pier at Castaway Point Park. If awarded, grant funds would not be available until October 2023.

The application window opened in January and ends on March 27, 2023, and requires a meeting with the local FIND commissioner prior to March 3, 2023. The grant also requires a 50% match from the City.

The City will also explore the possibility of FIND grant funding for Castaway Point Park shoreline restoration efforts to repair damage from Hurricane Nicole. It's important to note that the City is also pursuing Florida

Emergency Management Agency (FEMA) funds for the shoreline restoration efforts as a potential funding source.

REQUESTING DEPARTMENT:

City Manager's Office, Parks and Facilities

FISCAL IMPACT:

The estimated construction costs for the south pier is \$200,000. If awarded, the City would need to allocate \$100,000 during Fiscal Year 2024 budget preparation to serve as the required matching funds for the FIND grant, which would require additional City Council approval at a later date upon grant award.

RECOMMENDATION:

Motion to authorize staff to submit an application to the Florida Inland Navigation Program (FIND) Waterway Assistance Programs (WAP); and direct the City Manager to allocate no more than \$100,000 in matching funds during the Fiscal Year 2024 budget process.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Valentino Perez, Chief Building Official

DATE: 2/16/2023

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

Building Department is requesting approval for Deputy Building Official John Pearson to travel overnight to attend the International Association of Electrical Inspectors Annual Florida Chapter Meeting & Seminar located in Stuart, FL. This IAEI Chapter meeting is being held at Hutchinson Island Marriott Beach Resort & Marina 555 NE Ocean Blvd. Stuart, Florida 34996 on May 10th – May 13th, 2023. Hotel accommodations are being requested as well for 3 nights.

This training request was not included in the approved budget process back in September 2022. This IAEI Annual Florida Chapter Meeting details were not available at the time the budget was approved. We will include this event in our annual budget moving forward.

Attending this conference will allow DBO Pearson to obtain the latest and most valuable information for compliance in the 2020 National Electric Code. Meal & Incidentals will be estimated at \$37.50 per day for 4 days, totaling \$150. Hotel accommodations for 3 nights will be estimated at \$169 per night, totaling \$507. Registration for the seminar is \$425. The total estimated cost of travel will be \$1,082. Funds are available in Building Department Education Surplus account#451-0000-220-1024.

REQUESTING DEPARTMENT:

Building Department

FISCAL IMPACT:

Total cost of travel is estimated at \$1,082 and available in the Building Department Education Surplus Fund account# 451-0000-220-1024.

RECOMMENDATION:

Motion to acknowledge & approve travel as mentioned above.

ATTACHMENTS:

Description

Travel Backup

TRAINING & TRAVEL
REQUEST/AUTHORIZATION FORM

SUBMIT 60 DAYS PRIOR TO TRAVEL/TRAINING

NAME OF THE EVENT: IAEI Florida Chapter Meeting & Trace Show

(Attach Brochure and completed Registration Form)

1. **EVENT LOCATION** Hutchinson Island Marriott Beach Resort & Marina
555 NE Ocean Blvd. Stuart, Florida 34996
2. **JUSTIFICATION OF TRAVEL** (use separate sheet, if necessary) Attend this regional event
to obtain the latest & most valuable information for compliance with 2020 NEC
3. **TYPE OF TRAINING:** Mandatory or Optional ☐
Safety or Educational/Technical ☒
4. **NUMBER OF TRAINING HOURS** 14
5. **REGISTRATION AMOUNT** \$425
6. **OVERNIGHT STAY** Yes ☒ No ☐ If yes, how many nights? 3
7. **AIR TRAVEL** Yes ☐ No ☒
8. **CITY VEHICLE** Yes ☒ No ☐ If no, why? _____
9. **DEPARTURE DATE/TIME** 10am May 10th, 2023
10. **RETURN DATE/TIME*** 10 am May 13th, 2023

*PLEASE NOTIFY YOUR SUPERVISOR IF YOU WILL BE ARRIVING ONE HOUR OR LONGER PAST YOUR EXPECTED RETURN TIME LISTED IN ITEM 9.

PLEASE INCLUDE VERIFICATION OF TRAVEL TIME LISTED FOR ITEMS 8 AND 9 (I.E. MAPQUEST OR GOOGLE MAP PRINTOUT).

UPON RETURN, PLEASE SUBMIT TO ADMINISTRATION: ALL RECEIPTS, I.E., HOTEL, PARKING, TOLLS, AND CERTIFICATE OR PROOF OF ATTENDANCE. ALSO NEED CONFIRMATION OF TRAVEL TIMES.

John Pearson

EMPLOYEE (Please print)

SUPERVISOR SIGNATURE

DATE

[Signature]
EMPLOYEE SIGNATURE

1/26/23
DATE

[Signature]
DIRECTOR SIGNATURE

1/26/23
DATE



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control #

Request Date: 1/25/2023

Contact/Ext Doreen H. x3415

Name:	John Pearson	Destination:	555 NE Ocean Blvd. Stuart, FL 34996	
Department/Division:	Building	Departure	5/10/2023	Return 5/13/2023
Account To Be Charged:	451-0000-220-1024	Date of:	5/10/2023	
Account To Be Charged:		Time of:	10:00am	12:00pm
		Estimated Cost:	before mileage reimbursement \$1,082.00	

Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY

Date Approved By Council:

Transportation: boldface or circle choice(s) POV - Estimated Mileage N/A City Vehicle Common Carrier (complete below)

PREPAID EXPENSES		VENDOR/ADDRESS		EXPLANATION		AMOUNT	FINANCE USE ONLY		
Registration		Hutchinson Island Marriott Beach Resort & Marina 555 NE Ocean Blvd Stuart, Florida 34996					Vendor #	Check #	
Due Date	ASAP						Date		
Hand Carry	Y						N		
Lodging		Hutchinson Island Marriott Beach Resort & Marina 555 NE Ocean Blvd Stuart, Florida 34996		Rate	\$169.00		Vendor #	Check #	
Due Date	ASAP			# Nights	3		Date		
Hand Carry	Y			N			\$507.00		
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	3	@	\$16.00	=	\$48.00				Date
Lunch	3	@	\$17.00	=	\$51.00				
Dinner	1	@	\$31.00	=	\$31.00				
Incidentals	4	@	\$5.00	=	\$20.00				
						\$150.00			

TRAVEL APPROVALS

Department Head

Date

Finance

Date

(if applicable)

City Manager

Date



93rd ANNUAL IAEI Florida Chapter Meeting & Trade Show

Presented by
**IAEI FLORIDA TREASURE COAST
DIVISION**

Location: Hutchinson Island Marriott
Beach Resort & Marina
555 NE Ocean Blvd.
Stuart, FL 34996

Date: May 10-13, 2023

The premier regional event in electrical safety, the IAEI Florida Chapter Meeting and Trade Show is an important meeting that will provide you with the latest and most valuable information for compliance with the 2020 National Electrical Code®.

At the annual meeting you will:

- Learn from NEC Code experts & Code Making Panel Members
 - Interact with an international class trade show
- Earn up to 14 State of Florida CEU's (BCAIB and ECLB)
 - Network with electrical industry professionals

Presenters Scheduled to Attend:

Kevin Arnold- Eaton, CMP 10
Vince Della Croce- Siemens, CMP 17
Jeff Fectaeu- UL, CMP 8
Bryan Holland- NEMA, NFPA 78 & 1078
Doug Harvey- St. Lucie County
Ryan Jackson- Steel Tube Institute, CMP 17
Chad Kennedy- Schneider, CMP 13 & 15
Bill Pancake- CAP, CMP 5
Larry Wildermuth- Orange County, CMP 13
Jody Wages- IAEI, CMP 2

REGISTER AT:

<https://iaeifloridatcddivision.regfox.com/iaei-2023-seminar-registration>

Information: jessicas@eliteelectricandair.com 772-882-5134



93rd ANNUAL IAEI Florida Chapter Meeting & Trade Show

Presented by
IAEI FLORIDA TREASURE COAST
DIVISION

Location: Hutchinson Island Marriott
Beach Resort & Marina
555 NE Ocean Blvd.
Stuart, FL 34996

Date: May 10-13, 2023

Name _____

Employer _____ Job Title _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

IAEI # _____ ICC # _____

Florida BCAIB/ECLB # _____

IAEI member full registration \$425* _____ Non member full registration \$475* _____

Non member full registration PLUS one year new membership to the IAEI \$500* _____

IAEI member education sessions only (Thursday, Friday, Saturday) \$275* _____

Non member education sessions only (Thursday, Friday, Saturday) \$325* _____

Day by day \$125* per day- circle which days you will attend: ~~Thursday~~ ~~Friday~~ ~~Saturday~~

***Add \$50 if received after March 15th**

Full registration includes all continuing education classes, morning and afternoon coffee breaks, access to trade show, Thursday night dinner, and Friday night banquet.

Education session only registration includes continuing education classes, morning and afternoon coffee breaks, and access to trade show.



93rd ANNUAL IAEI Florida Chapter Meeting & Trade Show

Presented by
IAEI FLORIDA TREASURE COAST
DIVISION

Location: Hutchinson Island Marriott
Beach Resort & Marina
555 NE Ocean Blvd.
Stuart, FL 34996

Date: May 10-13, 2023

Please circle your preference for meals at Friday's banquet: Beef Chicken Fish Vegetarian

Make Checks Payable to: IAEI Florida Treasure Coast Division

Mail Registration and check to: Lou Hatten
4972 SW Landing Creek Dr.
Palm City, FL 34990

Register Online: <https://iaeifloridatcddivision.regfox.com/iaei-2023-seminar-registration>

Information: jessicas@eliteelectricandair.com 772-882-5134

COMPANION REGISATRATION

Companion/child reservation fee: \$225 per person which includes:

- Thursday evening dinner
- Friday evening banquet
- Companions program

Companion Name: _____

Child Name: _____

Circle your preference for meals at Friday's banquet:

Companion- Beef Chicken Fish Vegetarian

Child- Beef Chicken Fish Vegetarian



HUTCHINSON ISLAND MARRIOTT BEACH RESORT & MARINA

FIND YOURSELF IN THE SUNSHINE.

HUTCHINSON ISLAND MARRIOTT BEACH RESORT & MARINA

555 NE Ocean Boulevard, Stuart, FL 34996

MarriottHutchinsonIsland.com Phone 772.225.3700

Fax 772.225.0003 Reservations 800.775.5936



ACCOMMODATIONS

274 Luxurious Guest Rooms • Main Tower • Mini Refrigerator • Microwave • Wet Bar • In-Room Safe • Balconies/Patios; Sandpiper Tower Located on the Atlantic Ocean Features Studios and One Bedroom Suites • Full Efficiency • Balconies

RESTAURANTS & LOUNGES

Baha Grille serves traditional fare with a Caribbean flare, breakfast, lunch and dinner • Baha Bar offers appetizers and small bites • Latitudes Tiki Bar features light fare and salads • Sandpiper Tiki Bar, located at the beach, features burgers, sandwiches and salads

RECREATION & LEISURE

3 Heated Swimming Pools • 2 Whirlpools • The Ocean Club • 18 Hole Executive Golf Course • Aqua Driving Range • Putting Green • Club Rental • 13 Tennis Courts • Fitness Facilities • Cabana Rentals/Beach Chairs and Umbrellas • 77 Slip Marina • Sailfish Capital of the World • Fishing Charters • Wave Runners • Kayaking • Paddle Boards • Guided Eco-Tours • Children's Activities • Games • Bicycle Rental • Spa Nearby

ATTRACTIONS

Elliott Museum • House of Refuge • Florida Oceanographic • Bath Tub Beach and Reef • Sailfish Splash Waterpark • State Park and Natural Preserves • Tradition Field Home of the NY Mets & Rodger Dean Stadium Home of the St. Louis Cardinals • Shopping Nearby • Harbour Bay Plaza • Downtown Stuart • Downtown Jensen Beach • Treasure Coast Mall

GUEST SERVICES

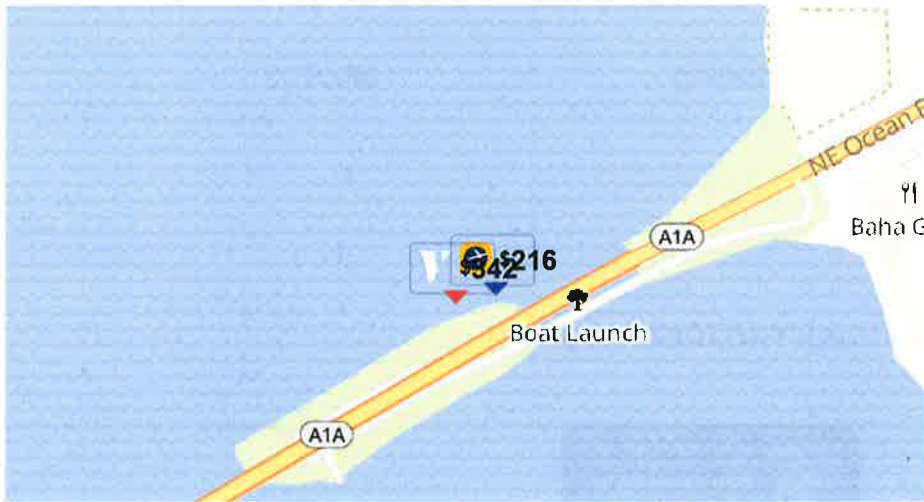
Room Service • Gift Shop • Business Center • ATM • Dry-Cleaning Service • Laundry Facilities on Site • On Property Transportation

LOCATION

10 minutes from Witham Field Executive Airport; 45 minutes north of Palm Beach International Airport, located midway between Orlando and Miami on the Atlantic Ocean



Your Registration Details Are Below



Choose One Of These Options:	Seminar Registration without Companion
Attendee Name	John Pearson
Company Name	City of Palm Bay
Job Title	Deputy Building Official



Email John.Pearson@palmbayflorida.org

Phone Number +1 3212904103

Address 190 Malabar Rd Sw Suite
105, Palm Bay, FL 32907 US

Current IAEI Member? Yes

IAEI Membership Number 25952795

**Florida BCAIB / ECLB
License Number(s)** PX3726 BN6763 BU2143

ICC Number 8394083

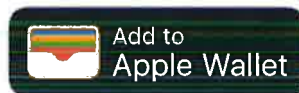
Terms Yes

IAEI Member Full Registration \$425.00

Attendee Meal Choice Beef

**Additional Friday Night
Dinner Guest** None

Registrant ID 01GQJFYNQZD6WN898K5



Would you like to create an account?

Creating an account allows you to manage your history and make changes to your information. You can always do this later.

Billing Information

Order Number 2023SMNRRGSTR0QG000B

Date 01/24/2023
Name Doreen Hensel
Address 120 Malabar Rd Se
Palm Bay, FL 32907 US
Payment Method Credit Card
Credit Card VISA-1042
Email Doreen.Hensel@palmbayflorida.org
Total \$425.00

 [Add to Calendar](#)



Secure Online Registration Powered by RegFox

INTERNATIONAL ASSOCIATION OF ELECTRICAL INSPECTORS

93rd Annual Florida Chapter Meeting, Seminar & Trade Show

Hutchinson Island Marriott Beach Resort & Marina

555 NE Ocean Blvd. Stuart, FL 34996

May 10-13, 2023

SCHEDULE OF EVENTS

Wednesday, May 10

- 12:00PM Exhibitors area open for set up
- 2:00PM-5:00PM Registration & information
- 2:00PM-5:00PM Florida Chapter Board of Directors meeting
- 7:00PM-11:00PM Hospitality suite open

Thursday, May 11

- 7:30AM- 4:30PM Registration & information
- 7:30AM- 5:00PM Trade show open
- 8:00AM Meeting called to order & welcome
- 8:05AM Invocation & pledge of allegiance
- 8:10AM-8:15AM Florida Chapter President
- 8:15AM-8:30AM Special guest welcome
- 8:30AM-8:35AM Southern Section President
- 8:35AM-8:45AM IAEI CEO
- 8:45AM-9:15AM Division Secretaries reports
- 9:15AM-9:40AM Introduction of Exhibitors
- 9:40AM-10:00AM Break
- 10:00AM-10:10AM Introduction of Code Panelists
- 10:10AM-11:50AM 2020 NEC Analysis of Changes (Course 0802321)
Instructors TBD

11:50AM-11:55AM	Announcements
11:55AM-1:00PM	Lunch on your own
11:55AM-1:00PM	Lunch for SS & Chapter Presidents, Division Secretaries, and Code panelists
1:00PM-2:40PM	BCAIB Laws & Rules (Course 5008970) Doug Harvey & Vinny Burdo
1:00PM-1:50PM	ECLB Business Practices (Course 0802711) Instructor TBD
1:50PM-2:40PM	ECLB Workers Compensation (Course 0802710) Instructor TBD
2:40PM-3:00PM	Break
3:00PM-4:40PM	BCAIB Energy Conservation (Course 5008971) Doug Harvey & Vinny Burdo
3:00PM-3:50PM	ECLB Workplace Safety (Course 0802712) Vince Della Croce
3:50PM-4:40PM	ECLB Laws & Rules (Course 0802713) Instructor TBD
4:40PM-4:45PM	Announcements
4:45PM	Adjourn for the day
5:00PM-6:30PM	Hospitality suite open
6:30PM-7:00PM	Social mixer
7:00PM-9:00PM	Dinner at pool area
9:00PM-11:00PM	Hospitality suite open

Friday, May 12

7:30AM-4:30PM	Registration and information
7:30AM-3:00PM	Trade show open

8:00AM-9:40AM	2020 NEC Analysis of Changes (Course 0001539 no partial credit) Instructors TBD
9:40AM-10:00AM	Break
10:00AM-11:40AM	2020 NEC Analysis of Changes (Course 0001539 no partial credit) Instructors TBD
11:40AM-11:45AM	Announcements
11:45AM-1:00PM	Lunch on your own
11:45AM-1:00PM	Lunch for SS & Chapter Presidents, Division Secretaries and Code panelists
1:00PM-2:40PM	2020 NEC Analysis of Changes (Course 0001539 no partial credit) Instructors TBD
2:40PM-3PM	Break
3:00PM-4:40PM	2020 NEC Analysis of Changes (Course 0001539 no partial credit) Instructors TBD
4:40PM-4:45PM	Announcements
6:00PM-6:30PM	Social mixer
6:30PM-9:30PM	Banquet
9:30PM-11:00PM	Hospitality suite open

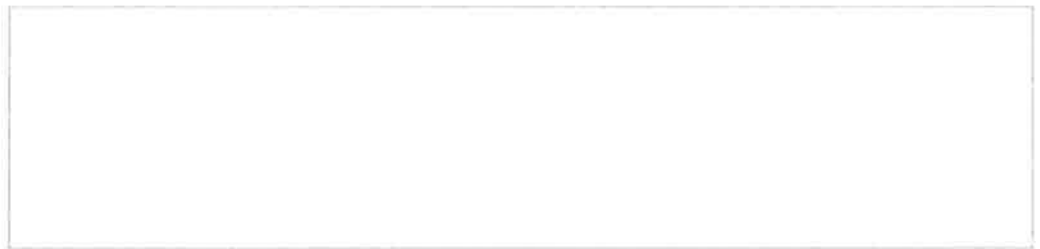
Saturday, May 13


8:00AM-8:50AM	BCAIB Accessibility (Course 5008972) Doug Harvey & Vinny Burdo
8:00AM-9:40AM	NEC 250.30 Grounding Separately Derived AC Systems (Course 0801618) Ryan Jackson
8:50AM-9:40AM	BCAIB Ethics (Course 5008969) Doug Harvey & Vinny Burdo

FY 2023 Per Diem Rates for ZIP 34996

Meals & Incidentals (M&IE) Breakdown

Primary Destination	County	M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & LastDay of Travel
Stuart	Martin	\$69	\$16	\$17	\$31	\$5	\$51.75

A 120 Malabar Rd SE, Palm Bay, Florida, United States**B** 555 NE Ocean Blvd, Stuart, Florida, United States1 hr 26 min , 74 miles
Light traffic (Leave at 2:22 PM)
Via I-95 S**A** 120 Malabar Rd SE, Palm Bay, Florida, United States

↑	1. Depart and head (north)	305 ft
↶	2. Turn left	79 ft
↷	3. Turn right , then immediately turn right onto Malabar Rd SE Pass Wawa on the right in 1.4 mi	2.4 mi
	4. Take the ramp on the right for I-95 South and head toward Miami Sunoco on the corner	53.0 mi, 41 min
↷	5. At Exit 120 , head on the ramp right and follow signs for Crosstown Pkwy	0.4 mi
↶	6. Turn left onto SW Crosstown Pkwy	4.3 mi
↑	7. Road name changes to Crosstown Pkwy	0.7 mi
↑	8. Road name changes to SE West Virginia Dr	1.1 mi
↑	9. Road name changes to Crosstown Pkwy	0.8 mi
↑	10. Road name changes to SE Village Green Dr	1.1 mi
↶	11. Turn left onto SE Walton Rd	1.9 mi
↑	12. Road name changes to Walton Rd	0.8 mi
↷	13. Turn right onto FL-707 / S Indian River Dr	3.7 mi
↻	14. At the roundabout, take the 3rd exit for FL-732 / NE Causeway Blvd	1.9 mi



15. At the roundabout, take the **1st** exit for **FL-A1A / NE Ocean Blvd**

2.0 mi

Arrive at **FL-A1A / NE Ocean Blvd** on the left

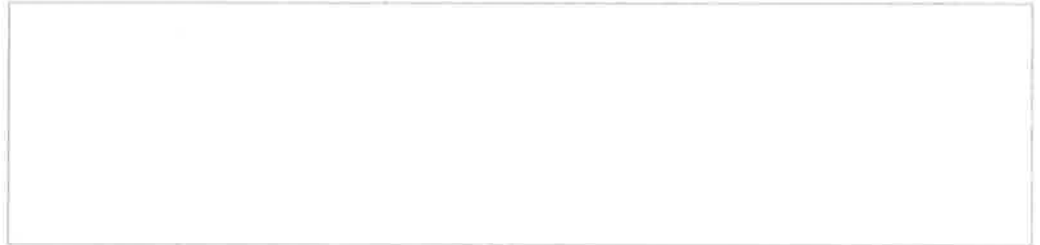
16. The last intersection before your destination is NE Rose Walk Terrace

B 555 NE Ocean Blvd, Stuart, Florida, United States

A Marriott Hutchinson Island Beach Resort, Golf & Marina, 555 NE Ocean Blvd, Stuart, FL 34996

1 hr 43 min , 92 miles
 Light traffic (Leave at 2:24 PM)
 Via FL-A1A, I-95 N

B 1357 Dewey Ct, Rockledge, FL 32955



A Marriott Hutchinson Island Beach Resort, Golf & Marina

↑	1.	Depart and head toward FL-A1A / NE Ocean Blvd	210 ft
↗	2.	Turn right onto FL-A1A / NE Ocean Blvd	3.5 mi
↻	3.	Pass through 3 roundabouts, staying on FL-A1A	18.6 mi, 27 min
↗	4.	Turn right onto US-1 N / FL-5 / FL-A1A / N US Highway 1 Pass Marathon on the left in 1.1 mi ▲ Moderate Congestion	4.9 mi
↖	5.	Turn left onto Indrio Rd Pass McDonald's on the right in 2.6 mi	5.7 mi
	6.	Take the ramp on the right for I-95 N ▲ Serious Congestion	58.5 mi, 48 min
↗	7.	At Exit 195 , head right on the ramp for FL-519 toward Rockledge / Viera	0.8 mi
↗	8.	Turn right onto Admiralty Blvd	0.1 mi
↗	9.	Turn right onto Halsey Dr , then immediately turn left onto Dewey Ct	0.1 mi
	10.	Arrive at Dewey Ct The last intersection before your destination is Halsey Dr	

B 1357 Dewey Ct, Rockledge, FL 32955



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Larry Wojciechowski, Finance Director

DATE: 2/16/2023

RE: Acknowledgement of the City's travel expenses for the first quarter of Fiscal Year 2023 (October 2022 – December 2022).

During the Fiscal Year 2023 budget adoption process, City Council was presented with a city-wide travel list and was asked to approve the travel during the budget adoption process. This action was requested to reduce the frequent presentations of Legislative Memos to Council for travel that had already been approved during the budget process. Council approved this change, but requested a report to show the travel completed by City staff.

Attached is a report for the first quarter of Fiscal Year 2023, October 2022 through December 2022, showing all of the travel that was conducted by staff. Future reports will be provided monthly.

REQUESTING DEPARTMENT:

Finance

FISCAL IMPACT:

All travel was previously approved in the Fiscal Year 2023 budget adoption. There is no additional fiscal impact.

RECOMMENDATION:

Motion to acknowledge receipt of the Fiscal Year 2023 first quarter travel report.

ATTACHMENTS:

Description

PB 1st Quarter Travel

City-wide Travel for October 1 through December 31, 2022							Adopted
	Purpose of Travel	Staff	Dates	Location	Approval	Actual Cost	Budget
City Attorney's Office	FAPA Annual Seminar	Deputy City Attorney	Oct 5-7, 2022	Sarasota, Florida	Adopted Budget	\$870.88	\$816.00
	48th Annual Public Employment Relations	City Attorney	Oct 20-21, 2022	Orlando, Florida	Adopted Budget	\$828.01	\$1,180.00
	Florida Eminent Domain Conference	City and Deputy Attorney	Oct 23-25, 2022	Tampa, Florida	Adopted Budget and Council approval Oct 20, 2022	\$2,369.00	\$3,160.42
						<u>\$4,067.89</u>	<u>\$5,156.42</u>
Legislative Office	Florida Association of City Clerks Annual Fall Academy	Deputy City Clerk	Oct 9-12, 2022	Lake Mary Florida	Adopted Budget	\$1,065.00	\$1,098.00
	Florida League of Cities Legislative Conference	Mayor and 3 Council Members	Nov 30-Dec 2, 2022	Kissimmee, Florida	Approved Oct 6, 2022	\$2,280.50	\$4,200.00
						<u>\$3,345.50</u>	<u>\$5,298.00</u>
Public Works	Emergency Vehicle Mechanics Training Class - Fire Pumps & Access.	Technician	Oct 17-20, 2022	Ocala, Florida	Adopted Budget	\$852.70	\$1,097.00
	Emergency Vehicle Mechanics Training Class - Design & Performance Standard	Technician	Nov 14-17, 2022	Ocala, Florida	Adopted Budget	\$852.30	\$1,207.00
						<u>\$1,705.00</u>	<u>\$2,304.00</u>
Fire Department	Trench Rescue Operations and Technician Course	16 Fire Fighters	Oct 17-20, 2022	Sanford, Florida	Approved Oct 6, 2022	\$8,936.00	\$8,936.00
	Trench Rescue Operations and Technician Course	16 Fire Fighters	Oct 24-27, 2022	Sanford, Florida	Approved Oct 6, 2022	\$8,936.00	\$8,936.00
						<u>\$17,872.00</u>	<u>\$17,872.00</u>
Police Department	IACP Conference	Chief	Oct 14-17, 2022	Dallas, Texas	Adopted Budget	\$2,610.39	\$2,725.00
	Undercover Drug Enforcement Techniques	One Officer	Oct 2-7, 2022	Jacksonville, Florida	Approved Aug 4, 2022	\$1,620.00	\$2,645.00
	Suicide Investigations at IPTM	One Officer	Oct 10-12, 2022	Jacksonville, Florida	Approved Aug 4, 2022	\$825.00	\$825.00
	School Crossing Guard - Train the trainer	Crossing Guard Supervisor	Oct 16-17, 2022	Largo, Florida	Approved Oct 20, 2022	\$208.00	\$208.00
	2022 SWAT Round-UP Training/Competition	Nine SWAT Team Members	Nov 6-11, 2022	Orlando, Florida	Approved Oct 20, 2022	\$8,508.00	\$8,258.00
	National Homicide Investigators Associations (NHIA) Conference	One Officer, One Sergeant	Nov 13-18, 2022	Lake Mary, Florida	Adopted Budget	\$1,880.00	\$2,200.00
	CSI Certification Test Prep Course & Testing	One Crime Scene Tech	Dec 4-10, 2022	Pensacola, Florida	Adopted Budget	\$1,545.00	\$1,545.00
	CFA Florida PAC Accreditation Conference	Deputy Chief, Two Commanders, One Project Specialist	Dec 6-7, 2022	St. Augustine, Florida	Adopted Budget	\$823.00	\$2,300.00
						<u>\$18,019.39</u>	<u>\$20,706.00</u>
Total Travel for first quarter of FY 2023						<u>\$45,009.78</u>	<u>\$51,336.42</u>



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Larry Wojciechowski, Finance Director

DATE: 2/16/2023

RE: Acknowledgement of the City's monthly financial report for December 2022 (Unaudited).

Attached for your information is the monthly financial report which provides an overview of the City's financial activities for December 2022. December is the third month of the fiscal year and represents 25% of the annual budget year.

Citywide cash and investments increased by \$54.2 million or 19% in comparison to the prior year. This was primarily due to increased balances in Impact Fee funds, ARPA Fund, Utilities funds and the General Fund.

The General Fund is the City's primary operating fund. General Fund revenues received through December were \$48.4 million and are 45.4% of the annual budget. General Fund expenditures through the end of December were \$21.4 million and are 20.1% of the annual budget. General Fund total cash & investments on December 31, 2022 was \$63.4 million, which is \$11.9 million or 23.1% higher than one year ago.

General Fund revenues collected through December 31, 2022, overall were 24.6% or \$9.5 million higher than the revenues collected during the same period last year. The overall increase was mainly attributable to an increase in revenue collections from ad valorem taxes, franchise fees, and driveway permit revenue compared to the same period last year.

General Fund expenditures through December 31, 2022, overall were 18.6% or \$3.3 million higher than expenditures incurred during the same period last year. Pages 14 through 16 provide a summary of all funds' budget, revenues and expenditures posted for December 31, 2022.

REQUESTING DEPARTMENT:

Finance

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to acknowledge receipt of the December 2022 Financial Report.

ATTACHMENTS:

Description

Monthly Financial Report December 2022



MONTHLY FINANCIAL REPORT (UNAUDITED)

DECEMBER 2022

City of Palm Bay, Florida

Report Summary



Financial Report Summary	Page 1
General Fund	
➤ Year-to-Date Revenue	Page 2
➤ Year-to-Date Expenditures	Page 3
➤ Cash & Investments	Page 4
➤ Operating Statement & Change in Fund Balance	Page 5
➤ Fund Balance History	Page 6
Impact Fee Funds	
➤ Cash & Investments	Page 7
➤ Fund Equity	Page 8
Utilities Fund	
➤ Cash & Investments	Page 9
Stormwater Fund	
➤ Cash & Fund Equity	Page 10
Building Fund	
➤ Cash & Fund Equity	Page 11
General Obligation Road Program Funds	
➤ Cash & Fund Equity	Page 12
Financial Activity by Fund	
➤ General Fund, Special Revenue Funds, and Impact Fee Funds	Page 14
➤ Debt Service Funds and Capital Projects Funds	Page 15
➤ Enterprise Funds and Internal Service Funds	Page 16

MONTHLY FINANCIAL REPORT (UNAUDITED)

DECEMBER 2022

CITY OF PALM BAY, FLORIDA



The City of Palm Bay, Florida's (the "City") monthly financial report presents an overview and analysis of the City's financial activities during the month of December 2022. December is the third month of the fiscal year and represents 25% of the annual budget.

Financial Report Summary

- Citywide revenues^{1*} of \$83.5 million are at 24.5% of the annual budget. Citywide expenditures^{1*} of \$47.4 million are at 13.9% of the annual budget. Traditionally revenue collections are two months in arrears. For this reason, certain revenues for grants and other governmental resources are accrued at year end to reflect the period in which it represents.
- Citywide cash and investments increased by \$54.2 million, or 19.0%, in comparison to the prior year. This was primarily due to increased balances in Impact Fee funds (\$15.8m), Utilities funds (\$12.6m), General Fund (11.9m) and the ARPA Fund (\$7.7m).
- Citywide revenues^{1*} increased by \$11.4 million, or 15.8% in comparison to the prior year.

Citywide - Cash & Investments ¹		Citywide - Revenues ^{1*}		Citywide - Expenditures ^{1*}	
12/31/2022	\$ 338,980,979.01	12/31/2022	\$ 83,516,125.58	12/31/2022	\$ 47,406,873.69
12/31/2021	284,757,752.29	12/31/2021	72,104,716.84	12/31/2021	43,309,770.99
Increase	19.0% \$ 54,223,226.72	Increase	15.8% \$ 11,411,408.74	Increase	9.5% \$ 4,097,102.70

¹ Not including Cash, Revenues, or Expenditures from PB Municipal Foundation.

* Not including interfund transfers

- General Fund revenues of \$48.4 million are at 45.4% of the annual budget. This is an increase of \$9.5 million, or 24.6%, in comparison to the prior year.
- General Fund expenditures of \$21.4 million are at 20.1% of the annual budget. This is an increase of \$3.3 million, or 18.6%, in comparison to the prior year.
- General Fund cash and investments increased by \$11.9 million, or 23.1%, in comparison to the prior year. Of this increased General Fund cash, \$230,171 is reserved.

General Fund - Cash & Investments		General Fund - Revenues		General Fund - Expenditures	
12/31/2022	\$ 63,450,774.87	12/31/2022	\$ 48,378,242.62	12/31/2022	\$ 21,353,117.50
12/31/2021	51,527,290.52	12/31/2021	38,829,641.86	12/31/2021	18,007,992.63
Increase	23.1% \$ 11,923,484.35	Increase	24.6% \$ 9,548,600.76	Increase	18.6% \$ 3,345,124.87

The General Fund is the City's primary operating fund and is used to account for all resources except those that are required to be accounted for in another fund.

This report contains unaudited information. If you have any questions or comments on the financial reports, please contact Larry Wojciechowski, Finance Director, or Ruth Chapman, Assistant Finance Director.

City Website: <http://www.palmbayflorida.org/>
Finance Website: www.palmbayflorida.org/finance

MONTHLY FINANCIAL REPORT (UNAUDITED)
DECEMBER 2022
CITY OF PALM BAY, FLORIDA



General Fund (GF) Revenues - Summary

➤ **FY 2023 YTD Revenue Variance**
As Compared to Prior Year

	Prior YTD	Current YTD	% Variance	Annual Budget
Ad Valorem Taxes (1)	\$ 32,988,617	\$ 41,895,533	27.0%	\$ 46,501,681
Local Option Fuel Tax	231,415	243,794	5.3%	4,159,113
Utility Service Taxes	1,161,211	1,245,808	7.3%	9,699,000
Communication Service Tax (2)	245,505	276,398	12.6%	2,784,721
Franchise Fees (3)	598,800	660,351	10.3%	6,248,250
State Shared Revenues	419,775	412,287	-1.8%	5,950,921
Half Cent Sales Tax (4)	653,354	725,837	11.1%	7,868,633
Licenses and Permits (5)	111,297	335,854	201.8%	746,300
Grants and Other Entitlements (6)	10,251	37,617	267.0%	662,080
Charges for Services	1,436,395	1,427,742	-0.6%	5,876,418
Fines and Forfeitures (7)	138,162	84,570	-38.8%	493,500
Interest, Rents & Other Revenues (8)	109,494	663,507	506.0%	961,900
Interfund Transfers & Other Sources (9)	725,365	368,814	-49.2%	2,411,759
Fund Balance	-	-	0.0%	12,123,787
	\$ 38,829,642	\$ 48,378,112	24.6%	\$ 106,488,063

- (1) Increase primarily due to higher year-to-date collections of Ad Valorem Taxes in FY23.
(2) Increase primarily due to higher year-to-date collections of Communications Service Tax in FY23.
(3) Increase primarily due to higher year-to-date collections of Franchise Fees in FY23.
(4) Increase primarily due to higher year-to-date collections of Half Cent Sales tax in FY23.
(5) Increase primarily due to higher year-to-date collections of driveway permits and BTR's in FY23.
(6) Increase primarily due to higher year-to-date collections of FEMA and Dept. of Justice grant in FY23.
(7) Decrease primarily due to lower year-to-date collections of Code Compliance fines in FY23.
(8) Increase primarily due to FY23 reversing entry of FY22 market value adjustment & increased YTD interest in FY23.
(9) Decrease primarily due to no sales proceeds or budgeted transfer from Other EE Benefits Fund in FY23.

MONTHLY FINANCIAL REPORT (UNAUDITED)
DECEMBER 2022
CITY OF PALM BAY, FLORIDA



General Fund (GF) Expenditures - Summary

➤ **FY 2023 YTD Expenditure Variance**
As Compared to Prior Year

	Prior YTD	Current YTD	% Variance	Annual Budget
Legislative	\$ 192,723	\$ 199,593	3.6%	\$ 854,287
City Manager (1)	241,789	268,655	11.1%	1,701,322
City Attorney (2)	74,079	95,111	28.4%	510,796
Procurement (3)	153,936	125,344	-18.6%	695,246
Finance (4)	298,363	332,621	11.5%	1,488,553
Information Technology (5)	876,204	1,131,450	29.1%	6,938,258
Human Resources	125,654	119,543	-4.9%	746,425
Growth Management (6)	377,741	507,258	34.3%	2,242,808
Comm & Economic Dev. (7)	190,469	306,946	61.2%	1,014,517
Recreation (8)	478,812	424,640	-11.3%	2,310,544
Parks and Facilities	1,181,246	1,234,167	4.5%	7,660,079
Police	5,289,869	5,786,790	9.4%	30,878,903
Fire	4,188,843	4,479,358	6.9%	23,908,329
Public Works	1,397,459	1,485,780	6.3%	8,872,023
Non-Departmental	1,419,802	1,487,871	4.8%	8,498,776
Transfers (9)	1,521,003	3,367,990	121.4%	8,167,197
	\$ 18,007,993	\$ 21,353,118	18.6%	\$ 106,488,063

(1) Increase primarily due to approved retro-pay following wage study and hiring second Deputy City Manager in December 2022.

(2) Increase primarily due to approved retro-pay following wage study in December 2022.

(3) Decrease primarily due to vacant position(s) in FY23, including Chief Procurement Officer position.

(4) Increase primarily due to approved retro-pay following wage study in December 2022.

(5) Increase primarily due to more personnel, approved retro-pay following wage study, and higher operating costs in FY23.

(6) Increase primarily due to more personnel in Admin & Land Development Divisions & approved retro-pay following wage study.

(7) Increase primarily due to more personnel, including Asst. Director position, approved retro-pay, & \$51,000 for Strategic Plan in FY23.

(8) Decrease primarily due to lower year-to-date capital costs in FY23.

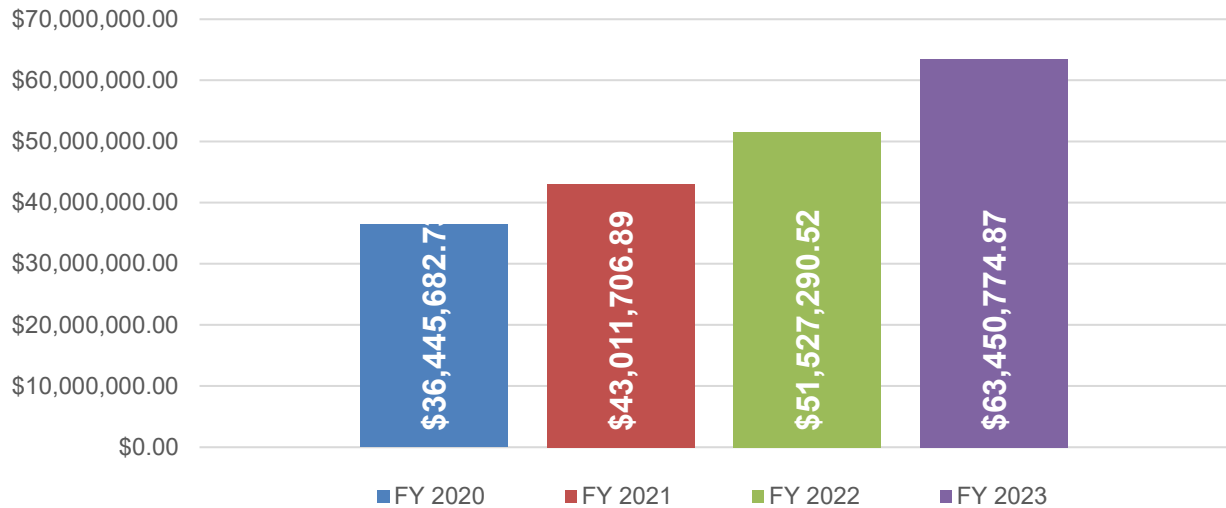
(9) Increase primarily due to higher budgeted transfers to Road Maintenance CIP, Debt Service, & Environmental Fee Fund in FY23.

	YTD Actual	YTD Budget	Annual Budget	% Spent
Debt Service	\$ 1,991,161.70	\$ 1,697,450	\$ 6,789,799	29.3%
Personnel	14,295,289.10	15,578,736	62,314,945	22.9%
Operating	3,668,635.83	5,657,580	22,630,320	16.2%
Capital	21,202.87	3,343,900	13,375,601	0.2%
Contributions	-	-	-	0.0%
Transfers	1,376,828.00	344,350	1,377,398	100.0%
Reserves	-	-	-	0.0%
	\$ 21,353,117.50	\$ 26,622,016	\$ 106,488,063	20.1%

The total budgeted expenditures for FY23 are \$106,488,063 (including encumbrances from prior year and budget amendments). Of this amount, \$62,314,945, or 58.5%, is related to personnel costs.

General Fund (GF) Cash & Investments - Summary

➤ Year-to-Date (YTD) Cash & Investments Comparisons



General Fund Cash & Investments		General Fund Cash & Investments	
Prior Month Ending Balance	\$ 30,121,091.47	December 2022 Ending Balance	\$ 63,450,774.87
Cash Increase (Decrease)	33,329,683.40	Cash Advanced to Other Funds:	
		CDBG Fund #126	(424,098.98)
Ending Balance 12/31/2022	\$ 63,450,774.87	Total Available Cash & Investments	\$ 63,026,675.89

MONTHLY FINANCIAL REPORT (UNAUDITED)
DECEMBER 2022
CITY OF PALM BAY, FLORIDA



General Fund (GF) Balance - Summary

CITY OF PALM BAY, FLORIDA
OPERATING STATEMENT AND CHANGES IN FUND BALANCES
GENERAL FUND
For the Month Ended December 31, 2022

	Prior YTD	Current YTD
<u>REVENUES</u>		
Ad Valorem Taxes	\$ 32,988,617	\$ 41,895,533
Local Option Fuel Tax	231,415	243,794
Utility Service Taxes	1,161,211	1,245,808
Communication Service Tax	245,505	276,398
Franchise Fees	598,800	660,351
State Shared Revenues	419,775	412,287
Half Cent Sales Tax	653,354	725,837
Licenses and Permits	111,297	335,854
Grants and Other Entitlements	10,251	37,617
Charges for Services	1,436,395	1,427,742
Fines and Forfeitures	138,162	84,570
Interest, Rents and Other Revenues	109,494	663,507
Interfund Transfers and Other Sources	725,365	368,814
Total Revenues	38,829,642	48,378,112
<u>EXPENDITURES</u>		
Legislative	192,723	199,593
City Manager	241,789	268,655
City Attorney	74,079	95,111
Procurement	153,936	125,344
Finance	298,363	332,621
Information Technology	876,204	1,131,450
Human Resources	125,654	119,543
Growth Management	377,741	507,258
Economic Development	190,469	306,946
Parks and Recreation	478,812	424,640
Facilities	1,181,246	1,234,167
Police	5,289,869	5,786,790
Fire	4,188,843	4,479,358
Public Works	1,397,459	1,485,780
Non-Departmental	1,419,802	1,487,871
Transfers	1,521,003	3,367,990
Total Expenditures	18,007,993	21,353,118
Excess (Deficiency) of Revenues Over Expenditures	20,821,649	27,024,995
Fund Balance - Beginning	30,613,782	34,490,191
Fund Balance - Ending	\$ 51,435,431	61,515,186

MONTHLY FINANCIAL REPORT (UNAUDITED)**DECEMBER 2022**

CITY OF PALM BAY, FLORIDA

**General Fund (GF) Balance - Summary**

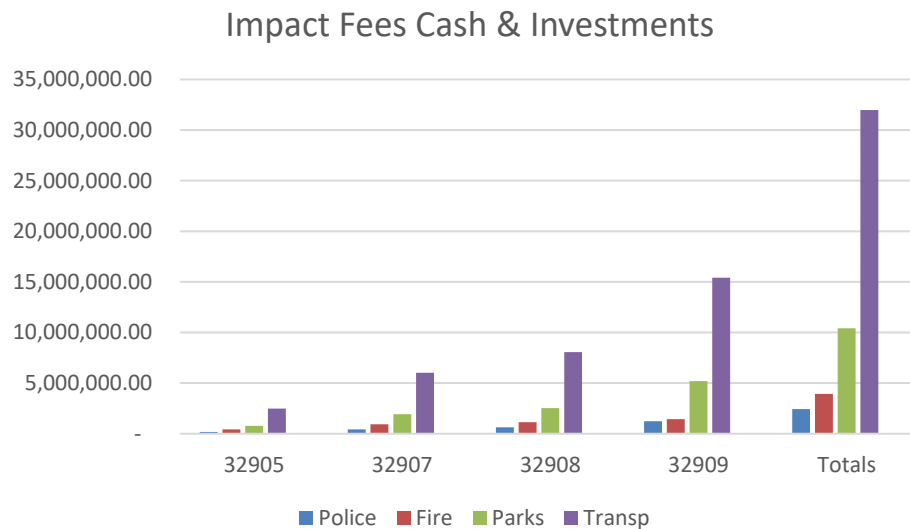
The minimum General Fund unrestricted fund balance, as established by Resolution 2021-03 (effective with the preparation of the City's September 30, 2022, Annual Comprehensive Financial Report and adoption of the City's Fiscal Year 2022 Budget), is two months of regular budgetary General Fund operating expenditures. The following is a history of the City's General Fund unrestricted fund balance.

General Fund Balance - History			
	Minimum	Unrestricted	Unrestricted
	<u>Required</u>	<u>Fund Balance</u>	<u>Fund Balance %</u>
FY 2022	\$ 13,838,672	\$ 33,185,274	40.0%
FY 2021	7,553,655	29,713,480	39.3%
FY 2020	6,758,163	23,658,524	35.0%
FY 2019	6,784,007	18,205,817	26.8%
FY 2018	6,478,266	14,940,492	23.1%

Impact Fees by Nexus Zone - Cash & Investments – Summary*

12/31/2022	Zone 1	Zone 2	Zone 3	Zone 4	
	32905	32907	32908	32909	Totals
Police	171,489.68	418,634.25	622,431.54	1,224,717.48	2,437,272.95
Fire	426,043.24	932,006.98	1,135,722.27	1,441,719.27	3,935,491.76
Parks	762,745.51	1,918,718.50	2,532,066.25	5,201,907.68	10,415,437.94
Transp	2,480,943.29	6,024,332.37	8,062,162.39	15,401,735.81	31,969,173.86
Totals	3,841,221.72	9,293,692.10	12,352,382.45	23,270,080.24	48,757,376.51

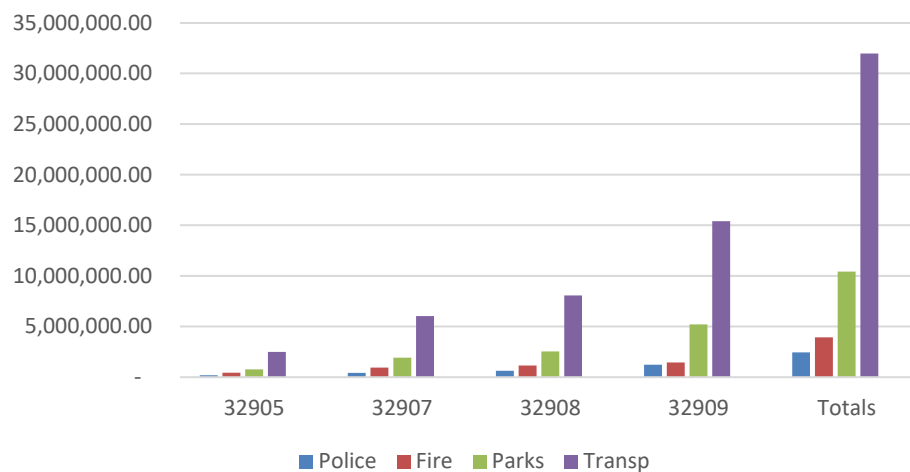
*Not including Transportation Impact Fees Zone 32909 segregated amount of \$72,186.41 per I.L.A. with Brevard County.



Impact Fees by Nexus Zone – Fund Balance - Summary

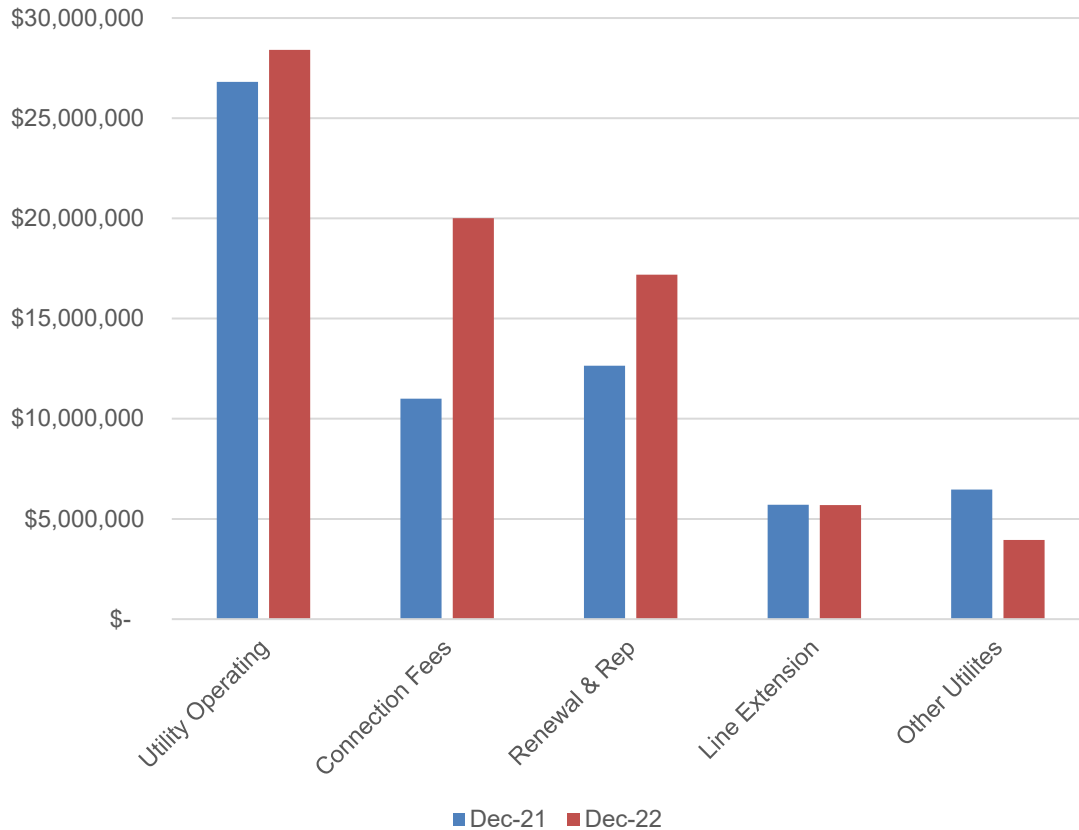
12/31/2022	32905	32907	32908	32909	Totals
Police	171,489.68	418,634.25	622,431.54	1,224,717.48	2,437,272.95
Fire	426,043.24	932,006.98	1,135,722.27	1,436,294.12	3,930,066.61
Parks	762,745.51	1,918,718.50	2,532,066.25	5,201,907.68	10,415,437.94
Transp	2,480,943.29	6,024,332.37	8,062,162.39	15,402,097.72	31,969,535.77
Totals	3,841,221.72	9,293,692.10	12,352,382.45	23,265,017.00	48,752,313.27

Fund Equity by Zone



Utilities Fund Cash & Investments - Summary

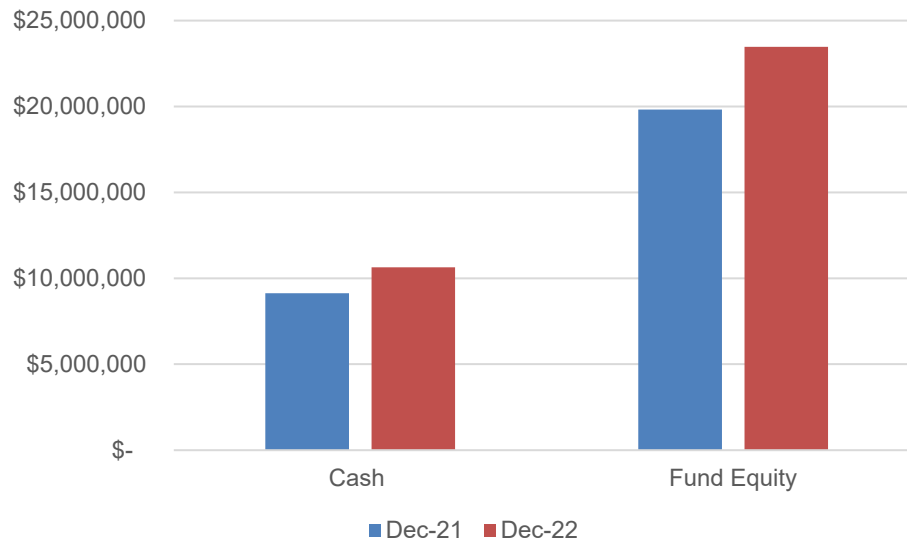
Year-to-Date (YTD) Comparison: Water & Sewer



Overall, the Water & Sewer Funds cash and investments increased by \$12.6 million, or 20.1%, year over year.

Stormwater Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity

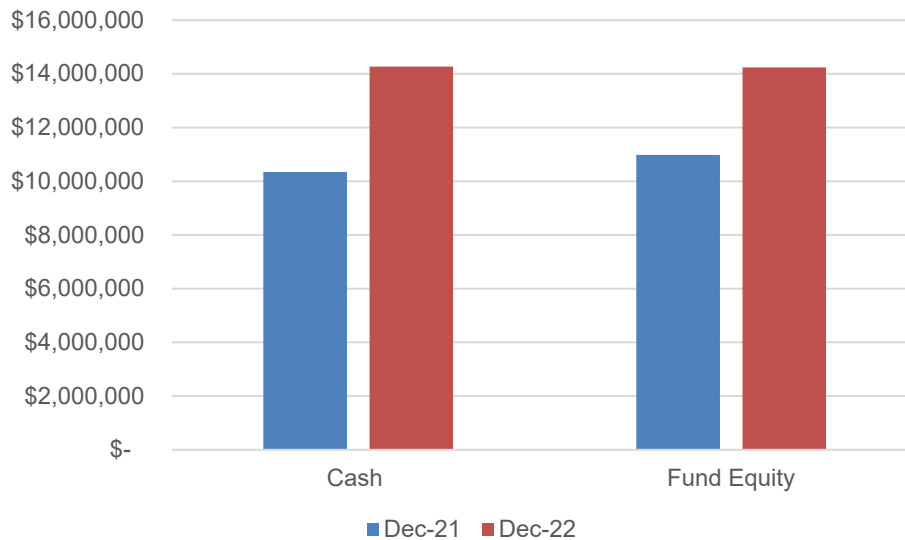


Overall, the Stormwater cash and investment balance increased by \$1,507,809, or 16.5%, year over year.

Overall, the Stormwater fund equity increased by \$3,652,478, or 18.4%, year over year.

Building Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity

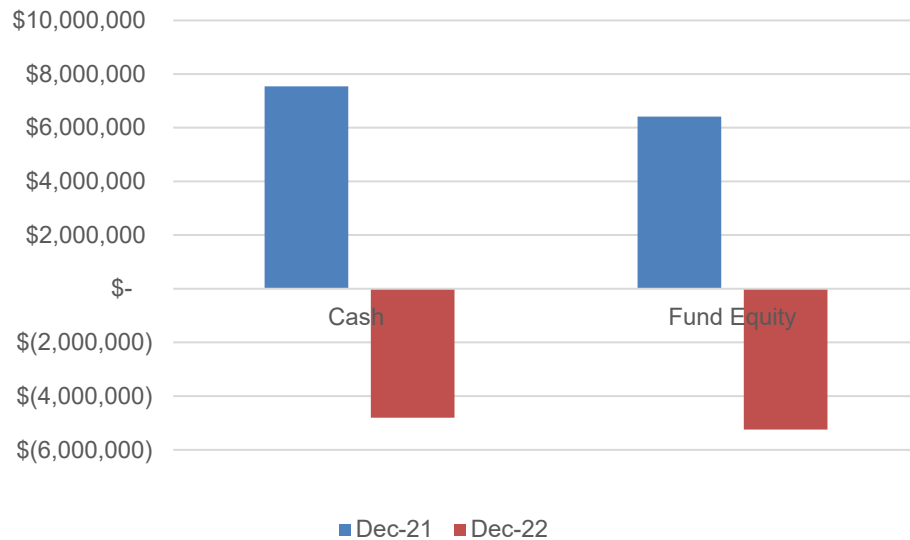


Overall, the Building cash and investment balance increased by \$3,923,288, or 37.9%, year over year.

Overall, the Building fund equity increased by \$3,261,810, or 29.7%, year over year.

General Obligation Road Program Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity

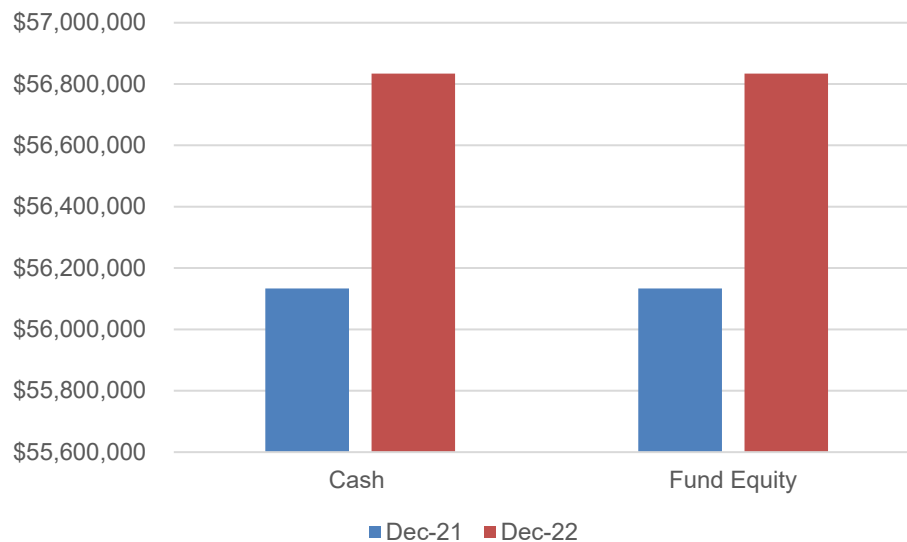


The 2019 General Obligation Road Program cash and investment balance decreased by \$12,339,602, or 163.7%, year over year.

The 2019 G.O. Road Program Fund equity decreased by \$11,658,428, or 181.8%, year over year.

General Obligation Road Program Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity



The 2021 General Obligation Road Program cash and investment balance increased by \$700,363, or 1.2%, year over year.

The 2021 G.O. Road Program Fund equity increased by \$700,363, or 1.2%, year over year.

MONTHLY FINANCIAL REPORT (UNAUDITED)**DECEMBER 2022**

CITY OF PALM BAY, FLORIDA

**Unaudited Financial Activity - All Funds**

City of Palm Bay, Florida

As of December 31, 2022 (unaudited)

25% of fiscal year completed

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
General Fund							
001	General Fund	\$93,375,216	\$106,488,063	\$48,378,243	45.4%	\$21,353,118	20.1%
Special Revenue Funds							
101	Law Enforcement Trust Fund	0	13,158	3,239	0.0%	8,166	0.0%
103	Palm Bay Municipal Foundation	30,000	30,000	3	0.0%	2,086	7.0%
105	Code Nuisance Fund	400,000	400,000	49,407	12.4%	42,544	10.6%
111	State Housing Grant Fund	863,744	1,930,081	7,458	0.4%	103,320	5.4%
112	Comm Devel Block Grant Fund	1,013,936	2,307,893	5,061	0.2%	2,217	0.1%
114	Home Invest Grant Fund	853,835	1,041,859	31,128	3.0%	56,191	5.4%
123	NSP Program Fund	0	2,790	36,187	1297.0%	26	0.9%
124	Coronavirus Relief Tr. Fund	0	0	0	0.0%	-	0.0%
126	CDBG Coronavirus Fund	142,375	318,722	0	0.0%	15,755	4.9%
128	ARPA Fund	0	15,788,562	61,537	0.4%	42,679	0.3%
129	Popoid Settlement Fund	0	0	86,398	0.0%	-	0.0%
131	Donations Fund	0	0	12,078	0.0%	10,834	0.0%
161	Environmental Fee Fund	366,828	366,828	390,131	106.4%	12	0.0%
181	Bayfront Comm Redev Fund	2,277,904	2,277,904	730,932	32.1%	206	0.0%
Impact Fee Funds							
180	Police Impact Fees - 32905	63,400	63,400	15,427	24.3%	4	0.0%
183	Police Impact Fees - 32907	159,250	240,011	48,975	20.4%	48,535	20.2%
184	Police Impact Fees - 32908	200,400	200,400	63,098	31.5%	19	0.0%
186	Police Impact Fees - 32909	350,600	350,600	118,982	33.9%	29	0.0%
187	Fire Impact Fees - 32905	95,400	111,650	24,950	22.3%	12	0.0%
188	Fire Impact Fees - 32907	264,600	280,850	78,498	27.9%	19	0.0%
189	Fire Impact Fees - 32908	350,800	530,800	100,893	19.0%	18,444	3.5%
190	Fire Impact Fees - 32909	551,000	776,529	183,490	23.6%	104,268	13.4%
191	Parks Impact Fees - 32905	191,100	355,680	10,008	2.8%	10	0.0%
192	Parks Impact Fees - 32907	476,000	1,202,701	152,692	12.7%	9,746	0.8%
193	Parks Impact Fees - 32908	751,500	1,214,137	214,043	17.6%	48	0.0%
194	Parks Impact Fees - 32909	1,003,000	1,003,000	371,686	37.1%	28	0.0%
196	Trans Impact Fees - 32905	852,000	852,000	32,260	3.8%	39	0.0%
197	Trans Impact Fees - 32907	1,603,200	4,806,446	512,539	10.7%	2,903	0.1%
198	Trans Impact Fees - 32908	2,504,500	7,053,425	717,644	10.2%	1,902	0.0%
199	Trans Impact Fees - 32909	4,015,500	9,900,326	1,399,995	14.1%	417,352	4.2%

MONTHLY FINANCIAL REPORT (UNAUDITED)
DECEMBER 2022
CITY OF PALM BAY, FLORIDA



Unaudited Financial Activity - All Funds
City of Palm Bay, Florida
As of December 31, 2022 (unaudited)
25% of fiscal year completed

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
Debt Service Funds							
201	Debt Service Fund	536,673	536,673	0	0.0%	0	0.0%
214	2004 Pension Bond Debt Svc Fd	210,100	210,100	52,823	25.1%	190,001	90.4%
221	2013 Pension Bonds DS Fund	1,445,911	1,445,911	361,017	25.0%	1,375,902	95.2%
223	2015 Franchise Fee Note DS Fd	531,338	531,338	287,966	54.2%	510,188	96.0%
224	2015 Sales Tax Bonds DS Fd	824,664	824,664	207,191	25.1%	377	0.0%
225	2015 Sales Tax Bonds DS Fd - TIF	227,318	227,318	227,790	100.2%	0	0.0%
226	2016 Franchise Fee Note DS Fd	347,807	347,807	87,407	25.1%	272,173	78.3%
227	2018 LOGT Note DS Fd	769,088	769,088	770,482	100.2%	669,846	87.1%
228	2019 GO Bonds DS Fd	6,980,575	6,980,575	6,113,340	87.6%	3,867,710	55.4%
229	2019 Pension Bonds DS Fund	2,209,924	2,209,924	555,500	25.1%	1,415,956	64.1%
230	2020 Special Oblig Ref Note	328,782	328,782	82,663	25.1%	291,114	88.5%
231	2021 Pension Bonds DS Fund	3,450,450	3,450,450	3,025,146	87.7%	785,075	22.8%
Capital Projects Funds							
301	Community Investment Fund	2,500	3,817,193	19,501	0.5%	37	0.0%
306	2015 FF Nt Procds I-95 Intchg Fd	50	385,397	297	0.1%	204,999	53.2%
307	Road Maintenance CIP Fd	1,000,000	2,402,000	1,061,145	44.2%	52	0.0%
308	'18 LOGT Nt Procds-Rd I-95 Fd	50	309,658	1,647	0.5%	0	0.0%
309	'19 GO Bond Proceeds-Road Fd	11,194,184	62,832,124	4,094	0.0%	4,687,603	7.5%
310	'21 GO Bond Proceeds-Road Fd	0	57,043,799	421,303	0.7%	0	0.0%

MONTHLY FINANCIAL REPORT (UNAUDITED)
DECEMBER 2022
CITY OF PALM BAY, FLORIDA



Unaudited Financial Activity - All Funds
City of Palm Bay, Florida
As of December 31, 2022 (unaudited)
25% of fiscal year completed

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
Proprietary Funds							
Utility Funds							
421	Utilities Operating Fund	41,847,507	46,292,097	6,859,831	14.8%	8,045,765	17.4%
423	Utility Connection Fee Fund	8,261,085	8,785,578	1,011,366	11.5%	440,284	5.0%
424	Utility Renewal / Replace Fd	11,981,574	25,926,864	2,951,894	11.4%	614,872	2.4%
425	Main Line Extension Fee Fund	5,178,464	6,105,894	484,339	7.9%	938,275	15.4%
426	2016 Utility Bond Fund	5,313,170	5,313,170	1,335,340	25.1%	0	0.0%
427	2001 Bond Fund	1,930,600	1,930,600	580,365	30.1%	0	0.0%
431	USA1 Assessment Fund	0	0	712	0.0%	1	0.0%
432	Unit 31 Assessment Fund	297,731	155,807	589	0.4%	4	0.0%
433	Utility SRF Loan Fund	3,777	20,878,814	0	0.0%	1,448,787	6.9%
434	2020 Utility Note Fund	221,755	1,333,759	71,375	5.4%	259,090	19.4%
Other Enterprise Funds							
451	Building Fund	5,516,984	12,276,842	1,835,869	15.0%	1,046,148	8.5%
461	Stormwater Fund	15,189,293	22,397,398	1,982,435	8.9%	1,435,141	6.4%
471	Solid Waste Fund	13,482,670	13,288,102	3,360,484	25.3%	2,253,690	17.0%
Internal Service Funds							
511	Employee Health Insurance Fd	16,786,307	16,786,307	4,173,925	24.9%	3,361,376	20.0%
512	Risk Management Fund	5,105,867	5,105,867	1,440,809	28.2%	1,284,775	25.2%
513	Other Employee Benefits Fd	4,280,960	4,280,960	1,077,713	25.2%	667,377	15.6%
521	Fleet Services Fund	4,590,687	7,545,090	1,212,083	16.1%	1,081,120	14.3%



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Larry Wojciechowski, Finance Director

DATE: 2/16/2023

RE: Acknowledgement of the City's quarterly Budget Monitoring Report for the first quarter of Fiscal Year 2023 (Unaudited).

Attached for your information is the quarterly Budget Monitoring Report covering Fiscal Year (FY) 2023 revenue and expenditure periods between October 1, 2022 through December 31, 2022. The report presents a comparison and analysis of the City's fiscal year budget and actual activity for the General Fund and All Funds (in total) including revenues and expenditures by category type and/or department level.

Revenue and spending activity are monitored on a monthly basis and reported in aggregate quarterly each fiscal year. In summary, revenues and expenditures for FY 2023 Quarter One for the General Fund and All Funds (in total) are as follows: General Fund revenues collected, ending December 2022, total \$47,408,481, or 50.2% of the amended budget. A total balance of \$46,955,795, or 49.8% of the amended budget, in revenue is unrealized. General Fund expenditures and/or encumbrances, ending December 2022, total \$29,685,416, or 27.9% of the amended budget. A total balance of \$76,802,647, or 72.1% of the amended budget, is recorded across all category types. All Funds (in total) revenues collected, ending December 2022, total \$94,180,856, or 30.5% of the amended budget. A total balance of \$214,729,198, or 69.5% of the amended budget, in revenue is unrealized. All Funds (in total) expenditures and/or encumbrances, ending December 2022, total \$131,936,545, or 26.2% of the amended budget. A total balance of \$371,027,220, or 73.8% of the amended budget, is recorded across all category types.

REQUESTING DEPARTMENT:

Finance

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to acknowledge receipt of the FY 2023 Quarter One Budget Monitoring Report.

ATTACHMENTS:

Description

FY 23 - Q1_Quarterly Budget Monitoring Report -FINAL

Quarterly Budget Monitoring Report

Quarter One – October 2022 to December 2022

FY 2023

Report Summary

The City of Palm Bay, Florida's (the "City") Quarterly Budget Monitoring Report presents a comparison and analysis of the City's current fiscal year budget and actual activity for the General Fund and All Funds (in total) including revenues and expenditures by category type and/or department level.

Revenue and spending activity are monitored on a monthly basis and reported in aggregate quarterly each fiscal year.

Quarterly Budget Monitoring Report timeframes are as follows:

- **Quarter One: October through December**
- Quarter Two: January through March
- Quarter Three: April through June
- Quarter Four: July through September

Data Analysis

- **Year-to-Date Actuals** include actuals and encumbrances within the expenditure analysis side.
- **Balances** reflect year-to-date actuals versus the amended budget.
- **Percentages collected & spent** are reflected versus the type and/or departmental amended budget.

This report contains unaudited information. If you have any questions or comments on the financial reports, please contact the City of Palm Bay's Budget Office at budget@palmbayflorida.org

City Website: <http://www.palmbayflorida.org/>
Finance Website: www.palmbayflorida.org/finance

Quarterly Amended Budget Highlights

- The City's first Budget Amendment was approved by City Council on January 19, 2023 via Ordinance 2023-03. A total of 28 departmental requests, covering fund appropriation needs between October 1, 2022 and December 31, 2022, were included with a total city-wide all funds impact of \$72,368,916.
- A total of 28 Budget Transfers were processed between October 1, 2022 and December 31, 2022 transferring existing budgeted funds between divisional general ledger accounts.

General Fund Overview

Revenues by Type

- Ending December 2022, a total revenue of \$47,408,481, or 50.2% of the amended budget, has been collected. A total balance of \$46,955,795, or 49.8% of the amended budget, in unrealized revenue is pending collection.
- Property tax revenue attributes to the largest collection across all revenue types; a total of \$41,895,532, or 44.4% of the total amended budget has been collected.

	FY 23 Approved Budget	FY 23 Amended Budget	FY 23 Year-to-Date Actuals	FY 23 Balance	FY 23 % Collected
Property Taxes	46,501,681	46,501,681	41,895,532	(4,606,149)	90.1%
Sales, Use & Fuel Tax	3,800,000	4,159,113	0	(4,159,113)	0.0%
Franchise Fees	6,248,250	6,248,250	660,350	(5,587,900)	10.6%
Utility Taxes	9,699,000	9,699,000	1,245,808	(8,453,192)	12.8%
Comm. Svc. Tax	2,635,000	2,784,721	276,398	(2,508,323)	9.9%
Licenses & Permits	701,300	701,300	326,256	(375,044)	46.5%
Intergovernmental	14,315,629	14,526,634	459,502	(14,067,132)	3.2%
Charges for Services	5,876,418	5,876,418	1,427,744	(4,448,674)	24.3%
Fines & Forfeitures	493,500	493,500	84,570	(408,930)	17.1%
Miscellaneous	961,900	961,900	663,507	(298,393)	69.0%
Capital Contributions	0	0	0	0	N/A
Transfers	2,142,538	2,411,759	368,814	(2,042,945)	15.3%
Totals	93,375,216	94,364,276	47,408,481	(46,955,795)	50.2%
Fund Balance	0	12,123,787	0	0	N/A

Expenditures by Category Type

- Ending December 2022, a total of \$29,685,416, or 27.9% of the amended budget, has been expensed and/or encumbered. A total balance of \$76,802,647, or 72.1% of the amended budget, is recorded across all category types.
- Personnel attributes to the largest expense across all category types. While \$14,295,119, or 22.9%, of the amended personnel services budget of \$62,314,945 has been expensed, costs account for 13.4% of the total amended budget.

	FY 23 Approved Budget	FY 23 Amended Budget	FY 23 Year-to-Date Actuals	FY 23 Balance	FY 23 % Spent
<i>Personnel Services</i>	62,296,716	62,314,945	14,295,119	48,019,826	22.9%
<i>Operating Expenditures</i>	20,735,315	22,630,320	8,596,481	14,033,839	38.0%
<i>Capital Expenditures</i>	2,543,676	13,375,601	3,425,826	9,949,775	25.6%
<i>Debt Service</i>	0	0	0	0	N/A
<i>Contributions</i>	0	0	0	0	N/A
<i>Transfers</i>	7,799,509	8,167,197	3,367,990	4,799,207	41.2%
Totals	93,375,216	106,488,063	29,685,416	76,802,647	27.9%

Expenditures by Department

- Ending December 2022, Interdepartmental Transfers account for the largest spending of their departmental amended budget. A total of \$3,367,990, or 41.2%, of the departmental amended budget of \$8,167,197 has been expensed and/or encumbered.

	FY 23 Approved Budget	FY 23 Amended Budget	FY 23 Year-to-Date Actuals	FY 23 Balance	FY 23 % Spent
<i>Legislative</i>	852,942	854,287	285,461	568,826	33.4%
<i>Office of City Manager</i>	1,601,292	1,701,322	401,105	1,300,217	23.6%
<i>Office of City Attorney</i>	510,762	510,796	134,366	376,430	26.3%
<i>Procurement</i>	695,229	695,246	125,917	569,329	18.1%
<i>Finance</i>	1,488,502	1,488,553	339,931	1,148,622	22.8%
<i>Information Technology</i>	4,442,046	6,938,258	1,852,576	5,085,682	26.7%
<i>Human Resources</i>	746,388	746,425	129,609	616,816	17.4%
<i>Growth Management</i>	2,101,177	2,242,808	647,522	1,595,286	28.9%
<i>Comm. & Econ. Dev.</i>	961,950	1,014,517	316,137	698,380	31.2%
<i>Recreation</i>	2,295,275	2,310,544	807,950	1,502,594	35.0%
<i>Parks & Facilities</i>	6,539,752	7,660,079	2,413,742	5,246,337	31.5%
<i>Police</i>	28,299,544	30,878,903	8,616,889	22,262,014	27.9%
<i>Fire</i>	18,712,070	23,908,329	5,300,898	18,607,431	22.2%
<i>Public Works</i>	7,830,002	8,872,023	3,365,872	5,506,151	37.9%
<i>Transfers</i>	7,799,509	8,167,197	3,367,990	4,799,207	41.2%
<i>Non-Departmental¹</i>	8,498,776	8,498,776	1,579,451	6,919,325	18.6%
Totals	93,375,216	106,488,063	29,685,416	76,802,647	27.9%

¹ Non-departmental accounts contain expenditure items essential to the operation of the City; however, they don't fall within a function assigned or provide expenditures related to more than one department.

All Funds Overview

The All Funds Overview presented below contains all citywide funds as outlined:

- Governmental Funds: General Fund, Debt Service Funds, Special Revenue Funds and Capital Project Funds.
- Proprietary Funds: Enterprise Funds and Non-Major Enterprise Funds.
- Internal Service Funds

Revenues by Type

- Ending December 2022, a total revenue of \$94,180,856, or 30.5% of the amended budget, has been collected. A total balance of \$214,729,198, or 69.5% of the amended budget, is pending collection.
- Property tax revenue attributes to the largest collection across all revenue types; a total of \$48,718,908, or 15.8% of the total amended budget has been collected.

	FY 23 Approved Budget	FY 23 Amended Budget	FY 23 Year-to-Date Actuals	FY 23 Balance	FY 23 % Collected
Property Taxes	55,754,660	55,754,660	48,718,908	(7,035,752)	87.4%
Sales, Use & Fuel Tax	3,800,000	4,159,113	0	(4,159,113)	N/A
Franchise Fees	6,248,250	6,248,250	660,350	(5,587,900)	10.6%
Utility Taxes	9,699,000	9,699,000	1,245,808	(8,453,192)	12.8%
Comm. Svc. Tax	2,635,000	2,784,721	276,398	(2,508,323)	9.9%
Licenses & Permits	5,231,593	5,231,593	1,998,785	(3,232,808)	38.2%
Impact Fees	13,396,800	13,396,800	3,684,083	(9,712,717)	27.5%
Intergovernmental	15,917,774	16,128,779	474,262	(15,654,517)	2.9%
Charges for Services	93,883,395	93,883,395	20,834,735	(73,048,660)	22.2%
Fines & Forfeitures	493,500	493,500	85,470	(408,030)	17.3%
Miscellaneous	1,506,431	1,506,431	3,391,820	1,885,389	225.2%
Capital Contributions	9,516,190	9,516,190	1,175,695	(8,340,495)	12.4%
Transfers	32,802,831	90,107,622	11,634,542	(78,473,080)	12.9%
Totals	250,885,424	308,910,054	94,180,856	(214,729,198)	30.5%
Fund Balance	31,918,509	194,053,711	0	0	N/A

Expenditures by Category Type

- Ending December 2022, a total of \$131,936,545, or 26.2% of the amended budget, has been expensed and/or encumbered. A total balance of \$371,027,220, or 73.8% of the amended budget, is recorded across all category types.
- Capital expenditures attribute to the largest expense across all category types. While \$56,654,914, or 28.5%, of the amended capital budget of \$198,687,357 has been expensed, costs account for 11.3% of the total spending of \$131,936,545.

	FY 23 Approved Budget	FY 23 Amended Budget	FY 23 Year-to-Date Actuals	FY 23 Balance	FY 23 % Spent
<i>Personnel Services</i>	85,518,365	85,706,142	19,002,958	66,703,184	22.2%
<i>Operating Expenditures</i>	76,569,538	81,676,201	36,348,029	45,328,172	44.5%
<i>Capital Expenditures</i>	44,124,105	198,687,357	56,654,914	142,032,443	28.5%
<i>Debt Service</i>	22,061,069	21,777,880	6,359,488	15,418,392	29.2%
<i>Contributions</i>	903,477	4,604,468	717,996	3,886,472	15.6%
<i>Transfers</i>	32,802,831	90,107,622	11,634,542	78,473,080	12.9%
<i>Reserves</i>	20,824,548	20,404,095	1,218,618	19,185,477	N/A
Totals	282,803,933	502,963,765	131,936,545	371,027,220	26.2%

Expenditures by Department

- Ending December 2022, the Office of the City Attorney accounts for the largest spending of their departmental amended budget. A total of \$3,097,075, or 55.7%, of the department's amended budget of \$5,563,175 has been expensed and/or encumbered.

	FY 23 Approved Budget	FY 23 Amended Budget	FY 23 Year-to-Date Actuals	FY 23 Balance	FY 23 % Spent
<i>Legislative</i>	852,942	854,287	285,461	568,826	33.4%
<i>Office of City Manager</i>	1,601,292	1,701,322	401,105	1,300,217	23.6%
<i>Office of City Attorney</i>	5,563,141	5,563,175	3,097,075	2,466,100	55.7%
<i>Procurement</i>	695,229	695,246	125,917	569,329	18.1%
<i>Finance</i>	1,488,502	1,488,553	341,453	1,147,100	22.9%
<i>Information Technology</i>	4,442,046	6,938,258	1,852,576	5,085,682	26.7%
<i>Human Resources</i>	21,631,656	21,631,693	4,070,913	17,560,780	18.8%
<i>Building</i>	5,516,984	12,276,842	1,565,608	10,711,234	12.8%
<i>Growth Management</i>	2,388,291	2,530,537	727,334	1,803,203	28.7%
<i>Comm. & Econ. Dev.</i>	3,743,214	22,341,816	2,460,790	19,881,026	11.0%
<i>Parks & Recreation¹</i>	0	110	2	108	N/A
<i>Recreation</i>	2,295,275	2,310,544	807,950	1,502,594	35.0%
<i>Parks & Facilities</i>	6,542,152	11,258,379	2,462,179	8,796,200	21.9%
<i>Police</i>	28,301,194	32,020,875	8,849,737	23,171,138	27.6%
<i>Fire</i>	18,714,720	24,349,008	5,583,866	18,765,142	22.9%
<i>Public Works</i>	52,296,036	131,854,110	48,668,888	83,185,222	36.9%
<i>Utilities</i>	41,677,556	83,494,158	31,059,918	52,434,240	37.2%
<i>Other Gov't Units/BCRA</i>	836,479	836,479	206	836,273	0.0%
<i>Debt Service</i>	22,061,069	21,777,880	6,359,488	15,418,392	29.2%
<i>Transfers</i>	32,802,831	90,107,622	11,634,542	78,473,080	12.9%
<i>Non-Departmental²</i>	8,528,776	8,528,776	1,581,537	6,947,239	18.5%
<i>Reserves</i>	20,824,548	20,404,095	0	20,404,095	N/A
Totals	282,803,933	502,963,765	131,936,545	371,027,220	26.2%

¹ Per Ordinance 2021-38, the Parks & Recreation Department has been eliminated and was re-organized into the Parks & Facilities Department and Recreation Department. Any outstanding encumbrances and budget appropriations resulting from FY 2022 Year-End Rollovers will be transferred to the corresponding Department.

² Non-departmental accounts contain expenditure items essential to the operation of the City; however, they don't fall within a function assigned or provide expenditures related to more than one department.

All Funds Revenue & Expenditure Activity

The following pages provide an activity summary, including revenues and expenditures, for all Funds.

	BUDGET	REVENUES		EXPENDITURES	
	FY 23 Amended Budget	FY 23 Year-to-Date Actuals	FY 23 % Collected	FY 23 Year-to-Date Actuals + Encumbered	FY 23 % Spent
General Fund					
001 – General	106,488,063	47,408,481	44.5%	29,685,416	27.9%
Special Revenue Funds					
101 – Law Enforcement Trust	13,158	3,239	24.6%	8,166	62.1%
103 – PB Municipal Found.	30,000	3	0.0%	2,086	7.0%
105 – Code Nuisance	400,000	49,407	12.4%	79,800	20.0%
111 – SHIP	1,930,081	7,458	0.4%	655,296	34.0%
112 – CDBG	2,307,893	5,061	0.2%	142,532	6.2%
114 – HOME	1,041,859	31,127	3.0%	808,094	77.6%
123 – NSP Program	2,790	36,187	1297.0%	26	0.9%
126 – CDBG – Corona Virus	318,722	0	0.0%	36,324	11.4%
128 – ARPA	15,788,562	61,537	0.4%	502,381	3.2%
129 – Opioid Settlement	0	86,398	N/A	0	N/A
131 – Donations	0	12,079	N/A	10,834	N/A
161 – Environmental Fee	366,828	390,131	106.4%	12	0.0%
181 – BCRA Operating	2,277,904	730,932	32.1%	206	0.0%
Impact Fee Funds					
180 – Police - 32905	63,400	15,427	24.3%	4	0.0%
183 – Police - 32907	240,011	48,975	20.4%	176,576	73.6%
184 – Police - 32908	200,400	63,097	31.5%	19	0.0%
186 – Police - 32909	350,600	118,982	33.9%	29	0.0%
187 – Fire - 32905	111,650	24,949	22.3%	12	0.0%
188 – Fire - 32907	280,850	78,497	27.9%	19	0.0%
189 – Fire - 32908	530,800	100,893	19.0%	61,983	11.7%
190 – Fire - 32909	776,529	183,490	23.6%	219,630	28.3%
191 – Parks - 32905	355,680	10,008	2.8%	12,424	3.5%
192 – Parks - 32907	1,202,701	152,691	12.7%	35,937	3.0%
193 – Parks - 32908	1,214,137	214,044	17.6%	48	0.0%
194 – Parks - 32909	1,003,000	371,685	37.1%	28	0.0%
196 – Transportation - 32905	852,000	32,260	3.8%	39	0.0%
197 – Transportation - 32907	4,806,446	512,539	10.7%	378,428	7.9%
198 – Transportation - 32908	7,053,425	717,644	10.2%	48,992	0.7%
199 – Transportation - 32909	9,900,326	1,399,994	14.1%	5,967,260	60.3%

	BUDGET	REVENUES		EXPENDITURES	
	FY 23 Amended Budget	FY 23 Year-to-Date Actuals	FY 23 % Collected	FY 23 Year-to-Date Actuals + Encumbered	FY 23 % Spent
Debt Service Funds					
201 – L/P Agreements	536,673	0	0.0%	0	0.0%
214 – 2004 Pension Bonds	210,100	52,823	25.1%	190,001	90.4%
221 – 2013 Pension Bonds	1,445,911	361,016	25.0%	1,375,903	95.2%
223 – 2015 Franchise Fee Note	531,338	287,966	54.2%	510,188	96.0%
224 – 2015 Sales Tax Bond	824,664	207,190	25.1%	377	0.0%
225 – 2015 Sales Tax Bond - TIF	227,318	227,791	100.2%	0	0.0%
226 – 2016 Franchise Fee Note	347,807	87,407	25.1%	272,174	78.3%
227 – 2018 LOGT Note	769,088	770,482	100.2%	669,847	87.1%
228 – 2019 G.O. Bonds	6,980,575	6,113,341	87.6%	3,522,961	50.5%
229 – 2019 T.S.O. Bonds	2,209,924	555,499	25.1%	1,415,956	64.1%
230 – 2020 Rev. Refund Note	328,782	82,663	25.1%	291,114	88.5%
231 – 2021 G.O. Bonds	3,450,450	2,680,397	77.7%	785,075	22.8%
Capital Project Funds					
301 – Capital Improvement	3,817,193	19,501	0.5%	567,565	14.9%
306 – I-95 Interchange	385,397	297	0.1%	385,645	100.1%
307 – Road Maintenance CIP	2,402,000	1,061,145	44.2%	52	0.0%
308 – Connector to I-95	309,658	1,647	0.5%	180,181	58.2%
309 – 2019 G.O. Road Bond	62,832,124	4,094	0.0%	17,865,417	28.4%
310 – 2021 G.O. Road Bond	57,043,799	421,303	0.7%	0	0.0%
Proprietary Funds – Utilities					
421 – Utility Operating	46,292,097	6,859,822	14.8%	11,345,874	24.5%
423 – Utility Connection Fee	8,785,578	1,011,366	11.5%	443,208	5.0%
424 – Utility Renewal/Replace.	25,926,864	2,951,894	11.4%	5,130,089	19.8%
425 – Main Line Extension	6,105,894	484,331	7.9%	944,680	15.5%
426 – 2016 Utility Rev. Ref. Bond	5,313,170	1,335,340	25.1%	0	0.0%
427 – 2001 Utility Bond Constr.	1,930,600	580,343	30.1%	0	0.0%
431 – USA-1 Assessment	0	712	N/A	1	N/A
432 – Unit 31 Assessment	155,807	589	0.4%	4	0.0%
433 – Utility SRF Loan	20,878,814	0	0.0%	17,056,301	81.7%
434 – 2020 Utility Constr. Bond	1,333,759	71,375	5.4%	1,111,413	83.3%
Proprietary Funds – Other					
451 – Building	12,276,842	1,835,869	15.0%	1,565,608	12.8%
461 – Stormwater Utility	22,397,398	1,982,435	8.9%	3,371,022	15.1%
471 – Solid Waste	13,288,102	3,360,481	25.3%	12,866,245	96.8%

	BUDGET	REVENUES		EXPENDITURES	
	FY 23 Amended Budget	FY 23 Year-to-Date Actuals	FY 23 % Collected	FY 23 Year-to-Date Actuals + Encumbered	FY 23 % Spent
Internal Service Funds					
<i>511 – Employee Benefits</i>	16,786,307	4,173,925	24.9%	3,277,280	19.5%
<i>512 – Risk Management</i>	5,105,867	1,440,801	28.2%	2,962,709	58.0%
<i>513 – Other Employee Benefits</i>	4,280,960	1,077,713	25.2%	664,024	15.5%
<i>521 – Fleet Services</i>	7,545,090	1,212,083	16.1%	4,333,030	57.4%



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 2/16/2023

RE: Acknowledgement of the February 2023 GO Road Bond Paving report update.

The GO Roads Paving program funded \$150 million in general obligation bonds approved by the voters in November 2018. Public Works Engineering and inspection staff is tasked with managing the design and construction for the eight year paving construction program. The program requires staff to prepare an annual paving program to be reviewed by the Infrastructure Advisory Oversight Board (IAOB) and then approved by City Council at the beginning of the year.

Attached is the monthly paving program update report. Changes since last month's report include:

- Total miles completed is 323 miles or 41% of the 791 miles of paving.
- Unit48 & Emerson Drive FDR/paving from C-1 Canal to Fairhaven is complete.
- Unit 30 full depth reclamation is 85% completed with 30 streets paved.
- Emerson Drive from Amador to Jupiter paving and Glencove intersection widening is in construction.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

The financial spreadsheet of the current budget for each road project is attached.

RECOMMENDATION:

Motion to acknowledge the February 2023 GO Road Bond Paving update.

ATTACHMENTS:

Description

Road Bond Paving Update

Road Bond Paving Update – February 3, 2023

The City has already taken two draws of \$50 million for a total of \$100 million to cover the paving contracts. The following is an update on the paving program:

- Table below provides a summary of completed (Blue), in construction (Orange) and advertised (Red) for Road Paving Phases 1 thru 3.
- Total miles completed is 323 miles or 41% of the 791 miles of Road Paving Program.
- Unit 48 & Emerson Drive FDR/paving from C-1 Canal to Fairhaven completed.
- Unit 30 FDR is 85% completed with 30 streets paved.
- Emerson Drive from Amador to Jupiter paving and Glencove widening is in construction.

Units	Phase	Miles	Costs	Status
Unit 41 and Eldron	1	11.73	\$3,074,558.88	Completed
Unit 31 and 32	1	41.47	\$10,269,206.00	Completed
Unit 42 and Garvey	1	33.51	\$7,727,462.09	Completed
Units 11, 15, 18, 23 and 56	1	56.63	\$10,020,961.74	Completed
Pt Malabar Rd from Palm Bay to Babcock St	2	1.66	\$996,581.93	Completed
Emerson Dr from Minton Rd to C-1	2	2.55	\$1,118,119.41	Completed
Unit 17	2	13.16	\$1,464,994.56	Completed
Unit 46	2	23.96	\$2,062,215.61	Completed
Unit 5	2	6.49	\$921,774.75	Completed
Unit 1,2,3,4,27,35,43 & 47	2	24.13	\$3,617,733.39	Completed
Unit 24 & 25	2	45.13	\$7,861,368.60	Completed
Palm Bay Colony & Kirby Industrial	2	6.09	\$1,024,250.95	Completed
Driskell Heights/Florida/Farview	2	4.75	\$1,135,511.80	Completed
Unit 20	2	16.57	\$2,535,330.39	Final Punch
Unit 48 & Emerson from C-1 to Fairhaven	3	22.97	\$5,752,978.47	FDR & Paving
Unit 30	3	30 .10	\$11,625,262.15	FDR & Paving
Emerson from Amador Ave to Jupiter Blvd	2	1.96	\$1,450,948.90	Const start 1/3
Knecht RD & Pt Malabar from Babcock to US 1	2	9.45	\$3,772,778.45	Const Feb 2023
Northeast Area Misc.	2	17.63	Est \$6,671,444.60	Awarded on 1/19
Country Club 1-10	2	20.9	Est \$5,173,020.75	Procurement Feb
Units 13, 14 and Madden and Osmosis	3	33.13	Est \$12,668,078.85	Bid due 2/28/23
Units 22 & 37	3	25.58	Est \$5,300,108.29	Waiting on pipes
Unit 57	3	2.58	Est \$2,055,484.95	Procurement Feb
Units 26, 38, 39 & 40	5	19.39	Est \$2,010,076.81	Redo design plans
Phase 4 Projects: Unit 6, 44, 45, 50, and 55	4	96.7	Est \$13,838,501.03	Phase 4 estimates
Phase 5 Projects: Melbourne Poultry Colony, Unit 21, 07, 08, 29, 28, 19, 10, 09, 36, 12, 16	5	223.71	Est \$37,673,563	Phase 5 estimates
Phase 5 Unit 49	5	28.4	Est \$16,153,442	Phase 5 estimates

Projects complete or under contract	\$76,432,038
Estimated future projects	\$101,543,720
Total expected expenditures	\$177,975,758
Difference	-\$27,975,758



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 2/16/2023

RE: Consideration of councilmembers attending the Florida Black Caucus of Local Elected Officials in Kissimmee, March 2-3, 2023.

The Florida Black Caucus of Local Elected Officials 2023 Annual Conference will be held at the Embassy Suites by Hilton Orlando – Lake Buena Vista South in Kissimmee, from March 2-3, 2023.

Councilmembers interested in attending need to announce same at tonight's meeting. If you are attending, please notify Rosemarie by Friday, February 17th, so all travel arrangements can be made and hotel accommodations secured.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

Cost per person is approximately \$463.00. Funding is available in Legislative operating accounts 001-1110-511-4005 and 001-1110-511-5505.

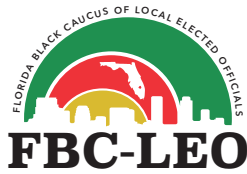
RECOMMENDATION:

Motion to approve travel for members of Council as requested.

ATTACHMENTS:

Description

Conference Information



2023 FBC-LEO Annual Conference

MARCH 2-3, 2023 • EMBASSY SUITES LAKE BUENA VISTA SOUTH • KISSIMMEE, FL

REGISTRATION INFORMATION

CONFERENCE REGISTRATION

Deadline: February 16, 2023

HOTEL REGISTRATION

Deadline: February 8, 2023 (space is limited)

Paid registration is required to receive housing information, so sign up early!

BE PART OF THE FBC-LEO ANNUAL CONFERENCE!

The Florida Black Caucus of Local Elected Officials (FBC-LEO) is a nonpartisan network of local elected officials advocating positions and programs that benefit municipal government. FBC-LEO provides a forum to implement ideas to better communities and promote harmony and cooperation among its members and stakeholders. This diverse, minority-driven organization encourages educational and issue-sharing opportunities among its more than 100 members.

REGISTRATION AND HOUSING COSTS:

- **Registration (members and nonmembers): \$200.00** (\$50.00 registration fee increase after February 16, 2023). The registration fee covers admission to all conference sessions, two networking luncheons, Thursday's President's Dinner and Friday's Lunch and Learn off-site tour. *No official activities are scheduled for guests or spouses.* NOTE: Registration for member or nonmember is defined as any elected government official or any government employee.
- **Registration (nongovernment): \$250.00** (\$50.00 registration fee increase after

February 16, 2023). The registration fee covers admission to all conference sessions, two networking luncheons, Thursday's President's Dinner and Friday's Lunch and Learn off-site tour. *No official activities are scheduled for guests or spouses.*

- **Conference Housing Information:** The 2023 FBC-LEO Annual Conference will be held at the Embassy Suites by Hilton Orlando Lake Buena Vista South in Kissimmee. Rooms are available at the conference rate of **\$169.00+** per night, single or double. **Telephone reservations will not be accepted by the hotel at this time.** You will receive reservation information with your registration confirmation.

ONLINE REGISTRATION – CREDIT CARD ONLY

[Click here](#) to register online and pay with a credit card. FBC-LEO accepts Visa, Mastercard and American Express.

MAIL REGISTRATION – CHECKS ONLY

Complete the FBC-LEO Annual Conference Registration Form on page 3 if paying by check (make check payable to FBC-LEO). Mail the registration form to the FBC-LEO Annual Conference, P.O. Box 1757, Tallahassee, FL 32303, by **February 16, 2023**.

QUESTIONS

Contact Heidi Hogarth, Meeting Planner, hhogarth@flcities.com or 850.701.3605 if you have questions about the conference.

2023 FBC-LEO ANNUAL CONFERENCE SCHEDULE

(subject to change)

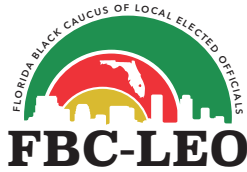
For session descriptions and speakers, visit fbcleo.org.

THURSDAY, MARCH 2, 2023

- 9:00 a.m. - 5:00 p.m. **Registration Open**
- 10:00 a.m. - 10:30 a.m. **Opening Address and Welcome**
- 10:30 a.m. - 11:00 a.m. **Opening Keynote Address**
Speaker: *Wayne Messam*, President, Florida League of Mayors, and Mayor, City of Miramar
- 11:00 a.m. - 11:45 a.m. **Grassroots Advocacy: Effective Persuasion for Community Impact**
Speaker: *Scott Dudley*, Director, Field Advocacy and Federal Affairs, Florida League of Cities
- 12:00 p.m. - 1:30 p.m. **Networking Luncheon**
Speaker: *Deric Feacher*, City Manager, City of Daytona Beach
- 1:30 p.m. - 3:00 p.m. **Finding Funds: A Guide to the Grant-Writing Process**
Speaker: *Lisa King*, Florida Funding Resources Manager, Halff Associates
- 3:15 p.m. - 4:15 p.m. **Sustainability**
Speakers: *Michael Dexter*, Manager, Southeast Sustainable Recovery Center; *Ann Livingston*, State Policy Program Director, Southeast Sustainable Recovery Center
- 4:30 p.m. - 5:30 p.m. **Itra-Organizational Methods to Address the Affordable Housing Crisis**
Speaker: *Frank Wells*, President & Chief Impact Officer, Bright Community Trust
- 7:00 p.m. - 10:00 p.m. **President's Dinner**

FRIDAY, MARCH 3, 2023

- 8:00 a.m. - 12:00 p.m. **Registration Open**
- 9:00 a.m. - 10:30 a.m. **Proper Conduct during Public Meetings**
Speaker: *Scott Paine, Ph.D.*, Professor Emeritus, FLC University
- 10:30 a.m. - 11:00 a.m. **2023 Legislative Preview**
Speaker: *Jeff Branch*, Liaison, FBC-LEO, and Senior Legislative Advocate, Florida League of Cities
- 11:15 a.m. - 12:15 p.m. **Closing Keynote Address: The Role of Data in Building an Equitable Social Infrastructure**
Speaker: *Rick Whitted*, President and Chief Executive Officer, U.S. Hunger
- 12:15 p.m. - 2:00 p.m. **Lunch and Learn Field Trip: Kissimmee City Hall with a Demonstration of the City's Innovative Underground Refuse System** (included with registration fee)
- 2:00 p.m. **Conference Adjourns**



2023 FBC-LEO Annual Conference

MARCH 2-3, 2023 • EMBASSY SUITES LAKE BUENA VISTA SOUTH • KISSIMMEE, FL

REGISTRATION FORM

Paying by credit card (Visa, Mastercard or American Express): [Click here](#) to register.

Paying by check: Return this completed form with check payment to Florida Black Caucus of Local Elected Officials, P.O. Box 1757, Tallahassee, FL 32302-1757. Complete one form per registration.

Registration deadline: February 16, 2023. After February 16, 2023, any on-site registrations are subject to a \$50.00 fee increase.

Special needs: If you require special services or have dietary needs, please attach a written description to your registration form.

Cancellation policy: To receive a refund,

cancellations must be submitted in writing and received by 5:00 p.m. on February 16, 2023. Please email cancellation requests to hhogarth@flcities.com. Refunds will be issued after the conference minus a \$50.00 administrative fee. There will be no refunds for cancellations or "no-shows" after February 16, 2023.

Registration fees: (additional \$50.00 fee after February 16, 2023): The registration fee covers admission to all conference sessions, two networking luncheons, Thursday's President's Dinner and Friday's Lunch and Learn off-site tour. *No official activities are scheduled for guests or spouses.* NOTE: Registration for member or nonmember is defined as any elected government official or any government employee.

First Name: _____

____ Last Name: _____

Nickname for Badge: _____ Title: _____

Phone: _____ Email Address for Confirmation: _____

REGISTRATION TYPE	MEMBER	NONMEMBER	NONGOVERNMENT	TOTAL
Full Registration (March 2-3, 2023)	\$200.00	\$200.00	\$250.00	
Extra Dinner Ticket (March 2, 2023)	\$75.00	\$75.00	\$75.00	
Provide name for dinner ticket:				
TOTAL	\$			



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 2/16/2023

RE: Consideration of councilmembers attending the National League of Cities 2023 Congressional City Conference in Washington, DC, March 24-28, 2023.

The National League of Cities 2023 Congressional City Conference will be held at the Marriott Marquis in Washington, DC, from March 24-28, 2023.

Councilmembers interested in attending need to announce same at tonight's meeting. If you are attending, please notify Rosemarie by Friday, February 17th, so all travel arrangements can be made and hotel accommodations secured.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

Cost per person is approximately \$3,700.00. Funding is available in Legislative operating accounts 001-1110-511-4005 and 001-1110-511-5505.

RECOMMENDATION:

Motion to approve travel for members of Council as requested.

ATTACHMENTS:

Description

Conference Program



CONGRESSIONAL CITY CONFERENCE

March
26-28
2023

EXECUTIVE EDUCATION AND PRE-CONFERENCE ACTIVITIES | MARCH **24-25**, 2023

EXPERT INSIGHTS. BEST IN CLASS RESOURCES. KEY CONNECTIONS.

The National League of Cities Congressional City Conference (CCC) bring local leaders voices to Washington, DC and provides them with the necessary tools and connections to help build a brighter future for our nation's cities, towns and villages.

Join us in 2023 on March 26-28 in Washington, D.C. at the Marriott Marquis to add your voice. Don't forget about our pre-conference activities on March 24-25.

[REGISTER NOW](#)

2022 CONFERENCE RECAP

We had an amazing turnout at our 2022 Congressional City Conference (CCC)! Thank you to the amazing speakers, insightful staff and most of all the local heroes who have helped rebuild this country.

02:12

REGISTRATION RATES

WAYS TO REGISTER

PHONE

Toll-Free: (864) 208-2901

International: (747) 226-7785

ONLINE

Registering online is the quickest way to secure your registration and housing!

For questions about registration contact Maritz Global Events at: nlc@maritz.com. For all other conference-related questions reach out to conferences@nlc.org.

INDIVIDUAL RATES

SPECIAL RATES

GROUP

CANCELLATION POLICY

2022 CITY SUMMIT ATTENDEE RATE ENDS DECEMBER 31, 2022

MEMBER

\$ 540

SML MEMBER

\$ 615

NON-MEMBER

\$ 655

EARLY BIRD RATE ENDS FEBRUARY 17, 2023

MEMBER

\$ 650

SML MEMBER

\$ 750

NON-MEMBER

\$ 780

ADVANCED FEBRUARY 18 - MARCH 24, 2023

MEMBER

\$ 775

SML MEMBER

\$ 875

NON-MEMBER

\$ 980

ONSITE MARCH 26 - 28, 2023

MEMBER

\$ 855

SML MEMBER

\$ 955

NON-MEMBER

\$ 1,060

CONFERENCE ADD-ONS

EXECUTIVE EDUCATION (NLC UNIVERSITY) PACKAGED LEARNING

These are add-ons to the Congressional City Conference registration; they cannot be purchased alone.

Registration for Executive Education will open soon, check back for updates!

HILL DAY

These are add-ons to the Congressional City Conference registration; they cannot be purchased alone.

REGISTER NOW



Schedule at-a-glance

Note: *The schedule is subject to change. Please continue to check back for updates.*

FRIDAY

MAR 24

9:00 AM – 5:00 PM

Registration & Ask NLC Open

11:00 AM – 1:30 PM

Board Executive Committee Meeting

3:00 PM – 4:30 PM

Board Committee Meetings

5:30 PM – 7:00 PM

NLC Board of Directors Reception

SATURDAY

MAR 25

7:30 AM - 5:00 PM

Registration & Ask NLC Open

8:00 AM - 12:00 PM

NLC Board of Directors Meeting

9:00 AM - 5:45 PM

NLC University Executive Education Sessions

12:00 PM - 1:00 PM

NLC Board & Advisory Council Luncheon

12:00 PM - 1:30 PM

First Time Attendee Lunch and NLC 101 (*Ticket Required*)

1:00 PM - 4:00 PM

Federal Advocacy Committee Meetings

4:00 PM - 5:15 PM

Member Council Meetings (Large and Small Cities)

5:15 PM - 6:30 PM

Constituency Group Membership Meetings (LGBTQ+LO, HELO, APAMO)

5:30 PM

Evening Events, League Receptions, and Constituency Group events

- 6:30 PM - 7:30 PM Joint Constituency Group Reception
- 7:45 PM - 9:00 PM LGBTQ+LO Dinner (*Ticket Required*)
- 7:45 PM - 9:00 PM HELO Dinner (*Ticket Required*)
- 7:45 PM - 9:00 PM APAMO Dinner (*Ticket Required*)
- 8:00 PM - 10:00 PM NBC-LEO Networking Reception (*Ticket Required*)

SUNDAY

MAR 26

7:00 AM – 5:30 PM

Registration & Ask NLC Open

7:45 AM – 8:45 AM

Celebrate Diversity Breakfast (*Ticket Required*)

9:00 AM – 10:30 AM

Opening General Session

10:30 AM – 11:00 AM

Break

11:00 AM – 12:15 PM

Conference Workshops

12:15 PM – 1:45 PM

Member Council Meetings (First Tier Suburbs, Military Communities Council, YEF Council, University Communities Council)

12:30 PM – 1:45 PM

Networking Box Lunch

12:30 PM – 1:45 PM

Youth Delegate Welcome and Lunch

12:30 PM – 1:45 PM

WIMG Luncheon (*Ticket Required*)

12:30 PM – 1:45 PM

Strategic Partner Luncheon (Invite Only)

12:30 PM – 1:45 PM

APAN Luncheon (*Ticket Required*)

2:00 PM – 3:15 PM

Conference Workshops

2:00 PM – 3:15 PM

Youth Delegate Workshops

3:30 PM – 5:00 PM

General Session

5:15 PM – 6:30 PM

Membership Meeting (NBC-LEO, Local Indigenous Leaders)

5:15 PM – 6:30 PM

WIMG Board Meeting

5:30 PM – 7:00 PM

Youth Delegate Reception

5:30 PM

Evening Events, League Receptions, and Constituency Group events

- 8:00 PM – 11:30 PM Young Municipal Leaders Reception
- 8:00 PM – 11:30 PM NBC-LEO Night Out (*Ticket Required*)

MONDAY

MAR 27

7:00 AM – 12:30 PM

Registration

Registration

8:30 AM – 10:00 AM

General Session

10:30 AM – 11:45 AM

Conference Workshops

12:15 PM – 1:45 PM

Luncheon and General Session

2:15 PM – 3:15 PM

Mandatory Hill Day Training Session for Participants

2:15 PM – 4:15 PM

Youth Closing Session

2:15 PM – 5:00 PM

Federal Agency Office Hours

4:00 PM – 6:00 PM

Council Meetings (REAL)

6:00 PM – 7:15 PM

Evening Events, League Receptions, and Constituency Group events

7:30 PM – 10:00 PM

NLC Hosted Closing Event

9:30 PM – 11:30 PM

Late Night Partner Reception (*Invite only*)

TUESDAY

MAR 28

8:30 AM

Breakfast Session (on the Hill)

9:00 AM

NLC Advocacy Day on Capitol Hill - All Day

< <https://www.nlc.org> >



660 N. Capitol St. NW
Washington, DC 20001

877-827-2385

| info@nlc.org

MyNLC < <https://my.nlc.org/eweb/DynamicPage.aspx> >

Contact NLC < <https://www.nlc.org/contact-nlc/> >

Jobs at NLC < <https://www.nlc.org/about/jobs-at-nlc/> >

Newsletters < <https://www.nlc.org/news-insights/newsletters/> >

Career Center < <http://jobsonline.nlc.org/> >

Press Room < <https://www.nlc.org/press-room/> >



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 2/16/2023

RE: Consideration of councilmembers attending the 2023 Legislative Action Days in Tallahassee, April 3-5, 2023. (AGENDA REVISION)

The Florida League of Cities 2023 Legislative Action Days will be held in Tallahassee, Florida, April 3-5, 2023, in conjunction with the Florida League of Mayors events.

Councilmembers interested in attending need to announce same at tonight's meeting. If you are attending, please notify Rosemarie by Friday, February 17th so all travel arrangements can be made, and hotel accommodations secured.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

Cost per person is approximately \$1,500.00. Funding is available in Legislative operating accounts 001-1110-511-4005 and 001-1110-511-5505.

RECOMMENDATION:

Motion to approve travel for members of Council as requested.

ATTACHMENTS:

Description

Conference Information

FLC 2023 Legislative Action Days

The 2023 Florida League of Cities Legislative Action Days will be held April 3-5, 2023 in Tallahassee. New to 2023: If you are a first-time attendee to Legislative Action Days, don't miss the "Know Before You Go Session" on Monday, April 3, 2023, from 5:15 p.m.- 5:45 p.m. at Sittig Hall (details of location listed below). Also, on Monday, April 3, 2023, the Florida League of Cities is offering a four-hour ethics workshop that meets the state requirements for Continuing Education in Ethics. There is no cost to Florida League of Cities members for this ethics workshop. The cost to attend Legislative Action Days is \$50.00. Note: Cancellations for Legislative Action Days must be received in writing by March 22, 2023, and subject to a \$25.00 cancellation fee. The Florida League of Mayors will also be holding events during this time. Refer to the Florida League of Cities website for event details.

Registration OPENS on January 25, 2023!

The **2023 Florida League of Cities Legislative Action Days** will be held April 3-5, 2023 in Tallahassee.

New to 2023: If you are a first-time attendee to Legislative Action Days, don't miss the "Know Before You Go Session" on Monday, April 3, 2023 from 5:15 p.m.- 5:45 p.m. at Sittig Hall (details of location listed below). Also, on Monday, April 3, 2023, the Florida League of Cities is offering a four-hour ethics workshop that meets the state requirements for Continuing Education in Ethics. There is no cost to Florida League of Cities members for this ethics workshop.

The cost to attend Legislative Action Days is \$50.00. Note: Cancellations for Legislative Action Days must be received in writing by March 22, 2023, and subject to a \$25.00 cancellation fee.

The Florida League of Mayors will also be holding its events during this time. See below for the schedules of both the Legislative Action Days and the Florida League of Mayors.

Attendees are responsible for scheduling appointments with Legislators.

Legislative Action Days Schedule* (This registration is ***separate*** from the Florida League of Mayors registration. If attending both programs, please register for both programs.)

Monday, April 3, 2023

12:30 p.m. - 5:30 p.m. Registration Desk Open (Sittig Hall at Kleman Plaza/FLC office, 301 S. Bronough Street)

1:00 p.m. - 5:00 p.m. Continuing Education in Ethics Workshop (Sittig Hall at Kleman Plaza/FLC office, 301 S. Bronough Street)

5:15 p.m. - 5:45 p.m. Know Before You Go Session (Sittig Hall at Kleman Plaza/FLC office, 301 S. Bronough Street)
(free of charge and open to all attendees)

Tuesday, April 4, 2023

8:30 a.m. - 1:00 p.m. Registration Desk Open (Tallahassee City Hall Chambers, 300 S. Adams Street)

9:00 a.m. - 10:00 a.m. Legislative Briefing: Hear from the League's Legislative Team (Tallahassee City Hall Chambers,
2nd Floor, 300 S. Adams Street)

10:15 a.m. - 12:00 p.m. Capitol Visits (on own)

12:00 p.m. - 1:00 p.m. Box Lunches (Tallahassee City Hall, 2nd floor, 300 S. Adams Street)

1:00 p.m. - 5:00 p.m. Capitol Visits (on own)

2:30 p.m. - 3:30 p.m. Capitol Tour with FLC Staff (location TBD)

5:30 p.m. - 6:30 p.m. FLC Legislative Action Days Reception (Doubletree Hotel, 101 S. Adams Street)

Wednesday, April 5, 2023

9:00 a.m. - 11:00 a.m. FLC Board of Directors Meeting (Sittig Hall at Kleman Plaza/FLC office, 301 S. Bronough
Street)

9:00 a.m. - 12:00 p.m. Capitol Visits (on own)

10:00 a.m. - 11:00 a.m. Capitol Tour with FLC Staff (location TBD)

* Subject to change

Florida League of Mayors Schedule* (This registration is **separate** from the Legislative Action Days registration. To register for the FLM events, contact flm@flcities.com.)

Monday, April 3, 2023

4:00 p.m. - 6:00 p.m. FLM Forum: Diversity, Equity and Inclusion (Tallahassee City Hall Chambers, 2nd floor,

300 S. Adams Street); Registration deadline is March 27, 2023.

6:30 p.m. FLM Dinner (for mayors only); ticket required; RSVP by March 27, 2023 to flm@flcities.com.

Wednesday, April 5, 2023

12:00 p.m. - 2:00 p.m. FLM Board of Directors Meeting (Sittig Hall at Kleman Plaza /FLC Office, 301 S. Bronough

Street); Luncheon to follow for FLM Board of Directors only.

* Subject to change

When 4/3/2023 1:00 PM - 4/5/2023 12:00 PM

Where Tallahassee, FL

Note: If there are additional registration options for this event, they will be shown below. To add an additional option, click the blue *Add* button to the left of the item(s). If there are no additional options available for this event, or additional options are available and you have successfully added the appropriate ones to the registration, click the gold *Proceed to checkout* button on the bottom right to continue on to the next registration step.

Sign in to register

Username



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 2/16/2023

RE: Committee/Council Reports

Committee Reports:

Space Coast Transportation Planning Organization
Space Coast League of Cities
Tourist Development Council

Council Reports

REQUESTING DEPARTMENT:

Legislative