The City of Palm Bay Florida
120 Malabar Road SE
Palm Bay, FL 32907
(321) 952-3400
www.palmbayflorida.org

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

AGENDA

REGULAR COUNCIL MEETING 2023-19
Thursday

August 3, 2023 - 6:00 PM
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907

CALL TO ORDER:

INVOCATION:

1. Pastor Jerry Klemm - Covenant Presbyterian Church, Palm Bay.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

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

AGENDA REVISIONS:

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 2023-55, vacating a portion of the rear public utility and drainage easement located within Lot 21, Block 2065, Port Malabar Unit 46 (Case VE-6-2023, Tracey-Ann Andrea Walker), final reading.
2. Ordinance 2023-57, vacating a portion of the rear public utility and drainage easement located within Lot 35, Block 758, Port Malabar Unit 16 (Case VE-8-2023, Patricia Hartter and Jean Schicker), final reading.
3. Ordinance 2023-58, vacating a portion of the road right-of-way known as Kinney Avenue NE, lying between Orange Blossom Trail and Water Drive (0.63 acres) (Case VRW-1-2023, Palm Bay Marina, LLC), final reading.
4. Ordinance 2023-65, extending the time period for meeting conditions for vacating the road

right-of-way known as Kinney Avenue, lying between Orange Blossom Trail and Florida East Coast Railway (Case VRW-2-2022, Palm Bay Marina, LLC), final reading.

5. Ordinance 2023-66, providing for the naming a private roadway to be known as Zen Way NE, final reading.
6. Ordinance 2023-67, amending the Code of Ordinances, Chapter 53, State of Emergency, Declaration, by modifying provisions related to the termination of a State of Local Emergency, final reading.
7. Ordinance 2023-56, vacating a portion of the rear public utility and drainage easement located within Lot 1, Block 489, Port Malabar Unit 12 (Case VE-7-2023, Luis Roberto Viera and Luz Eneida Roman Viera), first reading. (CONTINUED FROM 07/20/23 RCM, FIRST OCCURRENCE)
8. Ordinance 2023-68, vacating a portion of the side public utility and drainage easement located within Lot 5, Block 674, Port Malabar Unit 15 (Case VE-10-2023, David Jr. and Evelyn Daniels), first reading.
9. Ordinance 2023-69, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located southeast of and adjacent to Warrington Road, in the vicinity north of Jupiter Boulevard, from Utilities Use to Low Density Residential Use (1.01 acres) (Case CP23-00007, Jennifer Torres), only one reading required.
10. Ordinance 2023-70, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by modifying provisions related to accessory structures (Case T23-00006, City of Palm Bay), first reading.
11. Ordinance 2023-71, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'General Provisions', by modifying provisions related to the site plan review process (Case T23-00009, City of Palm Bay), first reading.
12. Ordinance 2023-72, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by including provisions for outdoor dining (Case T23-00016, City of Palm Bay), first reading.
13. Request by Royal Wash PSL, LLC, for a conditional use to allow a retail car wash in GC (General Commercial District) zoning on property located at 1300 Malabar Road (1.15 acres) (CU23-00008). (WITHDRAWN)

CONSENT AGENDA:

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

1. Adoption of Minutes: Meeting 2023-16; July 6, 2023.
2. Contract: Expansion to 8MGD Design Services, South Regional Water Treatment Plant, Task Order 23-10-WT – Utilities Department (Wade Trim - $370,685); consideration of fund appropriation on next scheduled budget amendment ($650,000).
3. Consideration of a letter of support for the Brevard County Sheriff's Office for the Fiscal Year 2022-2023 Edward Byrne Memorial Justice Assistance Grant Program, Countywide Prisoner Transport Program.
4. Consideration/acknowledgement of submitting a grant application to Florida Department of Emergency Management for the 2023/2024 Hurricane Legislative Appropriation Program for

impacts from Hurricane Nicole.

5. Consideration of appropriating funds from General Fund Undesignated Fund Balance for public safety equipment for the Police Department ($65,000).
6. Consideration of an additional capital asset for the Police Department utilizing savings from the Fiscal Year 2023 approved police vehicles.
7. Consideration of travel and training for specified City employees (City Manager's Office).
8. Consideration of travel and training for specified City employees (Fire Rescue).
9. Consideration of travel and training for specified City employees (Police Department).
10. Acknowledgement of the City's travel expenses for the third quarter of Fiscal Year 2023 (April 2023 - June 2023).

NEW BUSINESS:

1. Resolution 2023-22, supplementing Resolution 2018-63, by authorizing the issuance of not exceeding $50,000,000 in aggregate principal amount of City of Palm Bay General Obligation Bonds, Series 2023, in order to finance roadway improvements.
2. Ordinance 2023-73, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Citizens' Budget Advisory Board', by repealing the subchapter in its entirety, thereby dissolving the Citizens' Budget Advisory Board, first reading. (Councilman Foster)

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.

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.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Valentino Perez, Public Works Director**

DATE: **8/3/2023**

RE: **Ordinance 2023-55, vacating a portion of the rear public utility and drainage easement located within Lot 21, Block 2065, Port Malabar Unit 46 (Case VE-6-2023, Tracey-Ann Andrea Walker), 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.

Vacation of Easement is requested to vacate the Easterly 10 feet of the Westerly 20-foot Public Utility & Drainage Easement, less the Northerly and Southerly 6 foot Public Utility & Drainage Easement, thereof containing 680 square feet or 0.016 acres, more or less, of Lot 21, Block 2065, Port Malabar Unit 46, according to the Plat thereof, as Recorded in Plat Book 22, Pages 58-74, of the Public Records of Brevard County, Florida, for the construction of a swimming pool in the back yard.

REQUESTING DEPARTMENT:
Public Works

FISCAL IMPACT:
No fiscal impact.

RECOMMENDATION:
Motion to approve staff recommendation regarding the vacating of the easement.

ATTACHMENTS:

Description

Staff Report VE-6-2023
Ordinance 2023-55

DATE: July 20, 2023
CASE #: VE-6-2023

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate the Easterly 10 feet of the Westerly 20-foot Public Utility & Drainage Easement, less the Northerly and Southerly 6 foot Public Utility & Drainage Easement, thereof containing 680 square feet or 0.016 acres, more or less, of Lot 21, Block 2065, Port Malabar Unit 46, according to the Plat thereof, as Recorded in Plat Book 22, Pages 58-74, of the Public Records of Brevard County, Florida, for the construction of a swimming pool in the back yard.

LOCATION: 2800 Digby Road SE
(Lot 21, Block 2065, Port Malabar Unit 46)

APPLICANT: Tracey-Ann Andrea Walker

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: **680 square feet, more or less**

ADJACENT ZONING & LAND USE:

N RS-2 – Single-Family Residential
E RS-2 – Single-Family Residential
S RS-2 – Single-Family Residential
W Melbourne-Tillman Canal Parcel “G”

STAFF ANALYSIS:

Vacation of Public Utility and Drainage Easement of a portion of Lot 21, Block 2065, Port Malabar Unit 46, according to the Plat thereof, as Recorded in Plat Book 22, Pages 58-74, of the Public Records of Brevard County, Florida, being the Easterly 10 feet of the Westerly 20-foot Public Utility & Drainage Easement, less the Northerly and Southerly 6 foot Public Utility & Drainage Easement, thereof containing 680 square feet or 0.016 acres, more or less, for a swimming pool with in the back yard.

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

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

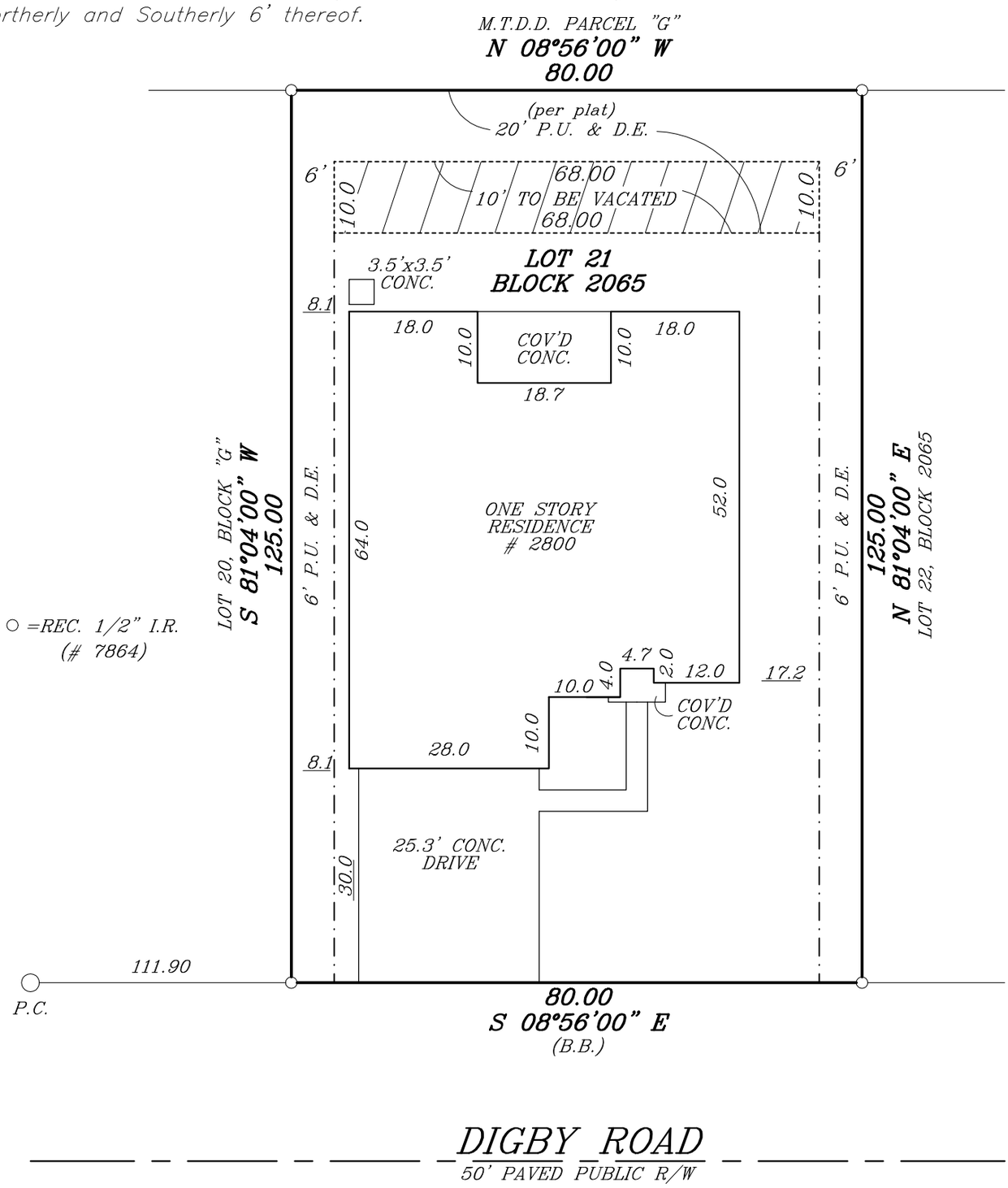
Staff has no adverse comments regarding removal of the Easterly 10 feet of the Westerly 20-foot Public Utility & Drainage Easement, less the Northerly and Southerly 6 foot Public Utility & Drainage Easement, thereof containing 680 square feet or 0.016 acres, more or less, of Lot 21, Block 2065, Port Malabar Unit 46, according to the Plat thereof, as Recorded in Plat Book 22, Pages 58-74, of the Public Records of Brevard County, Florida, for the construction of 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.

SKETCH AND DESCRIPTION ONLY

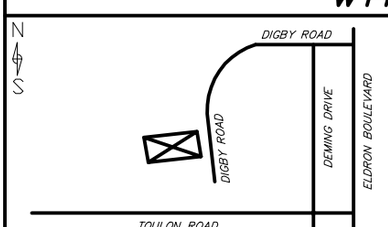
DESCRIPTION AS FOLLOWS: Vacation of a portion of the 20' rear easement within Lot 21, Block 2065, PORT MALABAR UNIT FORTY SIX, as recorded in Plat Book 22, Pages 58–74, Public Records of Brevard County, Florida. Portion to be vacated being more particularly described as follows; the Easterly 10 feet of the Westerly 20' of said Lot 21, less the Northerly and Southerly 6' thereof.



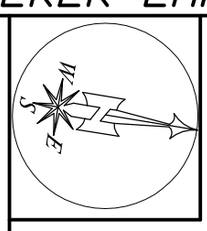
DIGBY ROAD

50' PAVED PUBLIC R/W

WALKER LAND SURVEYING, INC.



VICINITY MAP
NOT TO SCALE



9014 CALWOOD COURT
ORLANDO, FL 32825
321-537-3974

LB 6710

NOTES

1. STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472-027, FLORIDA STATUTES.
2. UNLESS SIGNED AND EMBOSSED WITH SURVEYOR'S SEAL, THIS SURVEY IS NOT VALID.
3. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.
4. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
5. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
6. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
7. ELEVATIONS, IF SHOWN, ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.
8. BEARINGS BASED ON THE WEST R/W LINE OF DIGBY ROAD
   SAID BEARING BEING N 81°04'00" E
9. BEARING AND DISTANCES ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
10. MEASUREMENTS SHOWN ARE BASED ON THE STANDARD U.S. SURVEY FOOT.
11. ADDITIONS OR DELETIONS TO THIS SURVEY IS PROHIBITED WITHOUT CONSENT FROM SIGNING SURVEYOR.

LEGEND

P.T.	=POINT OF TANGENCY	P.U. & P.D.E.	=PUBLIC UTILITIES & PRIVATE DRAIN. ESM'T.
D	=DESCRIPTION	P	=PLAT
B.B.	=BASE BEARING (SEE #8)	F	=FIELD
A/C	=AIR CONDITIONER	I.P.	=IRON PIPE
R	=RADIUS	I.R.	=IRON ROD
L	=ARC LENGTH	C.M.	=CONCRETE MONUMENT
CH	=CHORD	SET I.R.	=5/8" I.R. W/#LB 6710
CB	=CHORD BEARING	REC.	=RECOVERED
P.O.L.	=POINT ON LINE	P.O.B.	=POINT OF BEGINNING
TYP.	=TYPICAL	P.O.C.	=POINT OF COMMENCEMENT
R/W	=RIGHT-OF-WAY	C/C	=COVERED CONCRETE
RAD.	=RADIAL	N&D	=NAIL & DISC
N.R.	=NON-RADIAL	ESMT.	=EASEMENT
W.P.	=WITNESS POINT	DRAIN.	=DRAINAGE
WD.	=WOOD	UTIL.	=UTILITY
S/W	=SIDEWALK	C.L.	=CHAIN LINK
D.H.	=DRILLHOLE	C/B	=CONCRETE BLOCK
EL.	=ELEVATION	P.C.	=POINT OF CURVATURE
		F.F.E.=	=FINISHED FLOOR ELEVATION

P.U. & D.E. =PUBLIC UTILITIES & DRAINAGE ESMT.

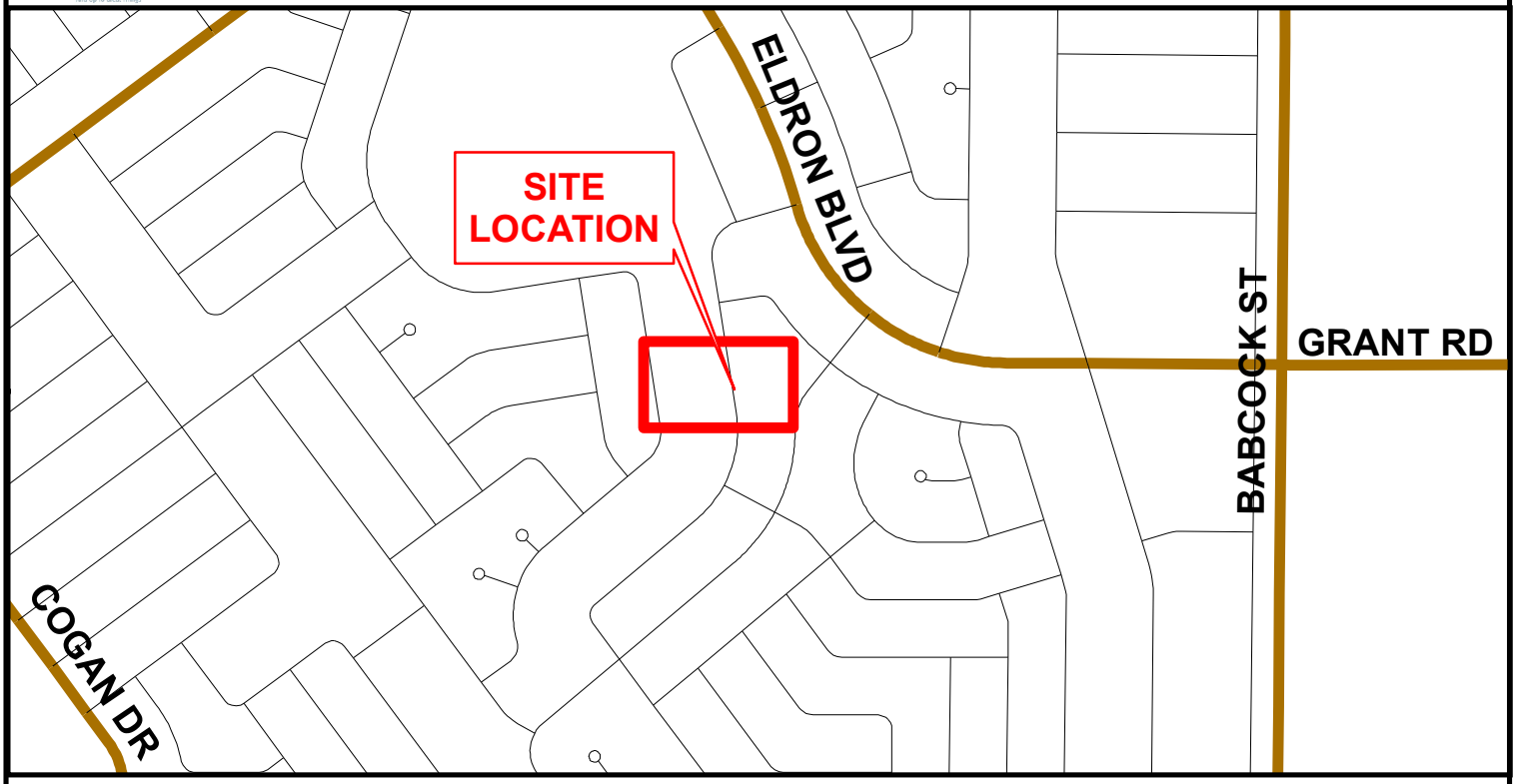
CERTIFIED BY: R.L.S. NO. 5362
JOHN W. WALKER

THIS BUILDING/PROPERTY DOES NOT LIE WITHIN THE ESTABLISHED SPECIAL FLOOD HAZARD AREA PER "FIRM". IT LIES IN ZONE: X
PANEL # 12009C 0670G MAP DATE: 3-17-14

SCALE 1" = 20'

FIELD DATE	ORDER NO. (DWG. NO.)
easement 4-11-23	2800 DIGBY ROAD
DRAWN BY: NICK	CHECKED BY:

LOCATION MAP

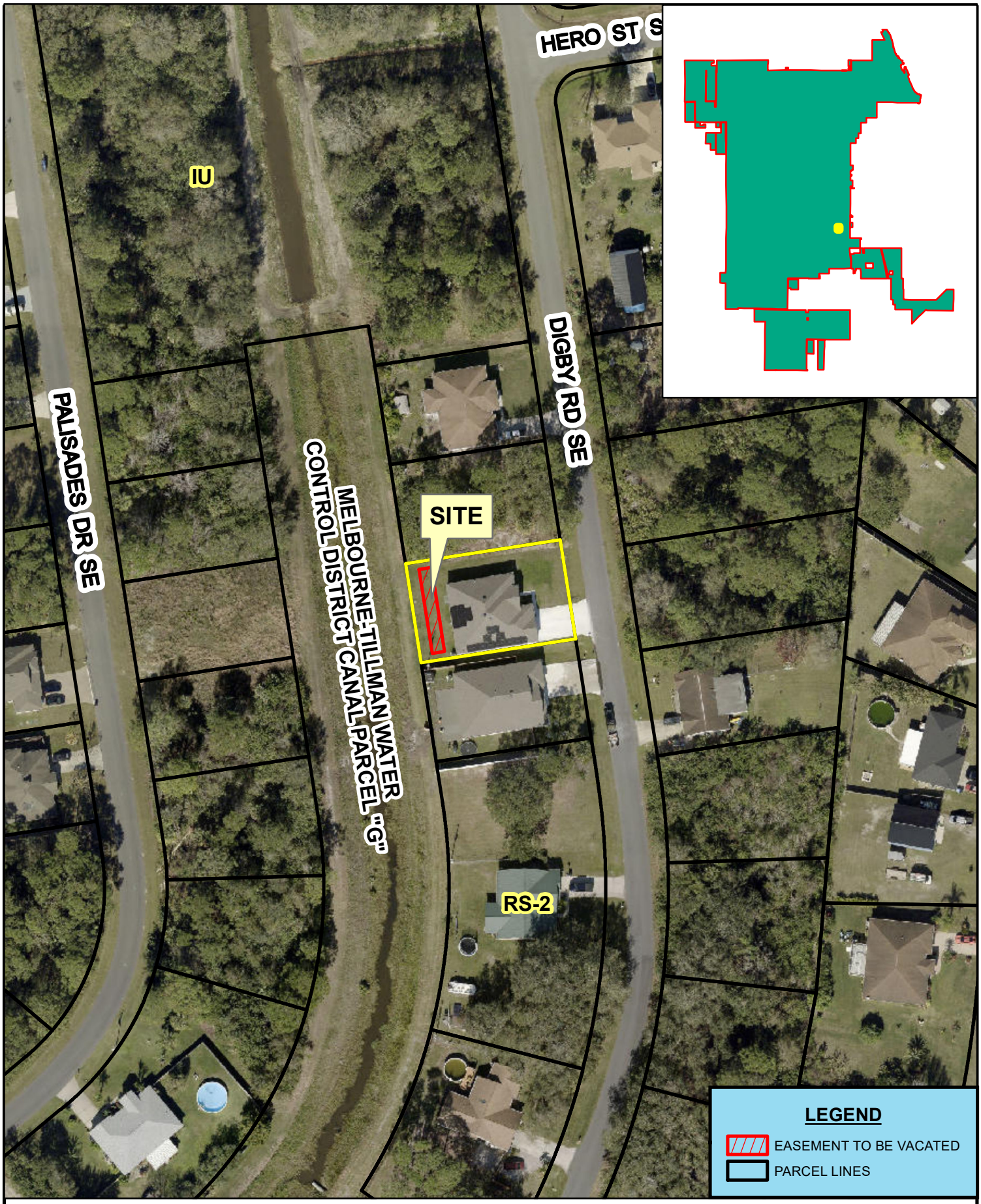


Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on June 12, 2023.

VE-6-2023

0 25 50 100 Feet

1 inch = 100 feet



Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on June 12, 2023.

LOCATION MAP
VE-6-2023

0 25 50 100 Feet

1 inch = 100 feet

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

PUBLICATION	TOLL-FREE	Local #	Email
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Address: SUITE 201
PALM BAY FL 32907
USA

Ad No.: 0005748797

Pymt Method Invoice

Net Amount 103.01

Run Times: 1

No. of Affidavits: 1

Run Dates: 06/28/23

Text of Ad:

Ad#5748797 06/28/2023

CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that City Council of the City of Palm Bay will hold a public hearing on July 20th, and August 3rd, 2023, at 6:00 p.m. at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida to consider application requesting vacation of the following described properties:

1. **Case No. Vacating Easement -6-2023**
Vacation of Easement is requested to vacate the Easterly 10 feet of the Westerly 20-foot Public Utility & Drainage Easement, less the Northerly and Southerly 6 foot Public Utility & Drainage Easement, thereof containing 680 square feet or 0.016 acres , more or less, of Lot 21, Block 2065, Port Malabar Unit 46, according to the Plat thereof, as Recorded in Plat Book 22, Pages 58 - 74, of the Public Records of Brevard County, Florida. For a pool in the back yard.

If an individual decides to appeal any decision made by City Council with respect to any matter considered at these meetings, 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.

Valentino Perez
Palm Bay Public Works Director

ORDINANCE 2023-55

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 21, BLOCK 2065, PORT MALABAR UNIT 46, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGE 70, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Tracey-Ann Andrea Walker 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 21, Block 2065, Port Malabar Unit 46, according to the plat thereof as recorded in Plat Book 22, Page 70, of the Public Records of Brevard County, Florida, Section 33, Township 29S, Range 37E, being more particularly described as follows:

> The easterly 10 feet of the westerly 20-foot public utility and drainage easement, less the northerly and southerly 6-foot public utilty and drainage easement; containing 680 square feet or 0.016 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: Tracey-Ann Andrea Walker
Case: VE-6-2023

cc: (date) Brevard County Recording
Applicant
Case File

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Valentino Perez, Public Works Director**

DATE: **8/3/2023**

RE: **Ordinance 2023-57, vacating a portion of the rear public utility and drainage easement located within Lot 35, Block 758, Port Malabar Unit 16 (Case VE-8-2023, Patricia Hartter and Jean Schicker), 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.

Vacation of Easement is requested to vacate the Southerly 8 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Westerly 6 foot Public Utility & Drainage Easement, and less the Easterly 20-foot Public Utility & Drainage Easement, thereof containing 524 square feet or 0.01 acres, more or less, of Lot 35, Block 758, Port Malabar Unit 16, according to the Plat thereof, as Recorded in Plat Book 15, Pages 84-98, of the Public Records of Brevard County, Florida, for the construction of a swimming pool and screen enclosure in the back yard.

REQUESTING DEPARTMENT:
Public Works

FISCAL IMPACT:
No fiscal impact.

RECOMMENDATION:
Motion to approve staff recommendation for the vacating of the easement.

ATTACHMENTS:

Description

Staff Report VE-8-2023
Ordinance 2023-57

DATE: July 20, 2023
CASE #: VE-8-2023

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate the Southerly 8 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Westerly 6 foot Public Utility & Drainage Easement, and less the Easterly 20-foot Public Utility & Drainage Easement, thereof containing 524 square feet or 0.01 acres, more or less, of Lot 35, Block 758, Port Malabar Unit 16, according to the Plat thereof, as Recorded in Plat Book 15, Pages 84-98, of the Public Records of Brevard County, Florida, for the construction of a swimming pool and screen enclosure in the back yard.

LOCATION: 1223 Valencia Street SE
(Lot 35, Block 758, Port Malabar Unit 16)

APPLICANT: Patricia Hartter and Jean Schicker

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: **524 square feet, more or less**

ADJACENT ZONING & LAND USE:

N 50-foot-wide Drainage Right-of-way
E 50-foot-wide Drainage Right-of-way
S RS-2 – Single-Family Residential
W RS-2 – Single-Family Residential

STAFF ANALYSIS:

Vacation of Public Utility and Drainage Easement of a portion of Lot 35, Block 758, Port Malabar Unit 16, according to the Plat thereof, as Recorded in Plat Book 15, Pages 84-98, of the Public Records of Brevard County, Florida, being the Southerly 8 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Westerly 6-foot Public Utility & Drainage Easement, and less the Easterly 20-foot Public Utility & Drainage Easement, thereof containing 524 square feet or 0.01 acres, more or less;
More particularly described as commencing at the Northwest corner of said Lot 35 and run South 31°28'03" East along the Southwesterly line of said Lot 35, a distance of 20.00 feet; thence North 58°31'57" East, a distance of 6.00 feet to the point of beginning of the herein described easement; thence North 31°28'03" West, a distance of 8.00 feet; thence North 58°31'57" East, a distance of 65.45 feet; thence South 31°28'03" East, a distance of 8.00; thence South 58°31'57" West, a distance of 65.45 feet to the point of beginning. Containing 524 square feet or 0.01 acres, more or less, for a swimming pool with a screen enclosure within the back yard.

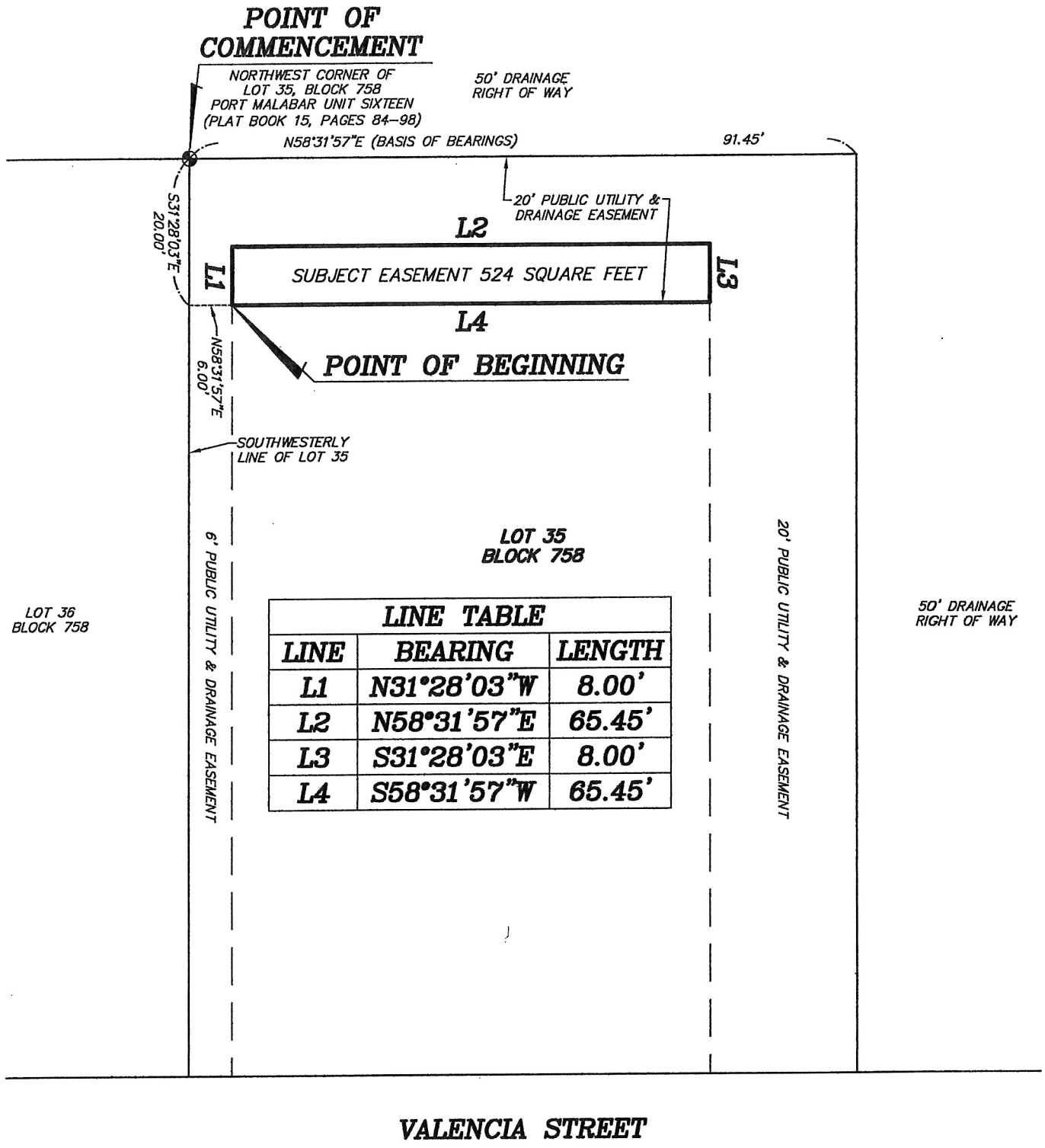
Public Works, AT&T, Florida Power and Light, and Spectrum have no objections to the vacating request.

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 5 feet, along city owned canals, and the next 3 feet (8' vacation, preserving 12' easement) on a case-by-case basis, if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the Southerly 8 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Westerly 6 foot Public Utility & Drainage Easement, and less the Easterly 20-foot Public Utility & Drainage Easement, thereof containing 524 square feet or 0.01 acres, more or less, of Lot 35, Block 758, Port Malabar Unit 16, according to the Plat thereof, as Recorded in Plat Book 15, Pages 84-98, of the Public Records of Brevard County, Florida, for the construction of a swimming pool and screen enclosure in the backyard.

STAFF RECOMMENDATION:

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



LINE TABLE		
LINE	BEARING	LENGTH
L1	N31°28'03"W	8.00'
L2	N58°31'57"E	65.45'
L3	S31°28'03"E	8.00'
L4	S58°31'57"W	65.45'

SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

AAL LAND SURVEYING SERVICES, INC.

SKETCH OF DESCRIPTION

JOB # 48498

DATE: 04–24–23

SECTION 16, TOWNSHIP 29S, RANGE 37E

L.B. #6623

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

DANIEL D. GARNER
P.L.S. No. 6189

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

SHEET 1 OF 2

SCALE: 1" = 20'

NORTH

DESCRIPTION: A PORTION OF A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 35, BLOCK 758, PORT MALABAR UNIT SIXTEEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGES 84–98, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

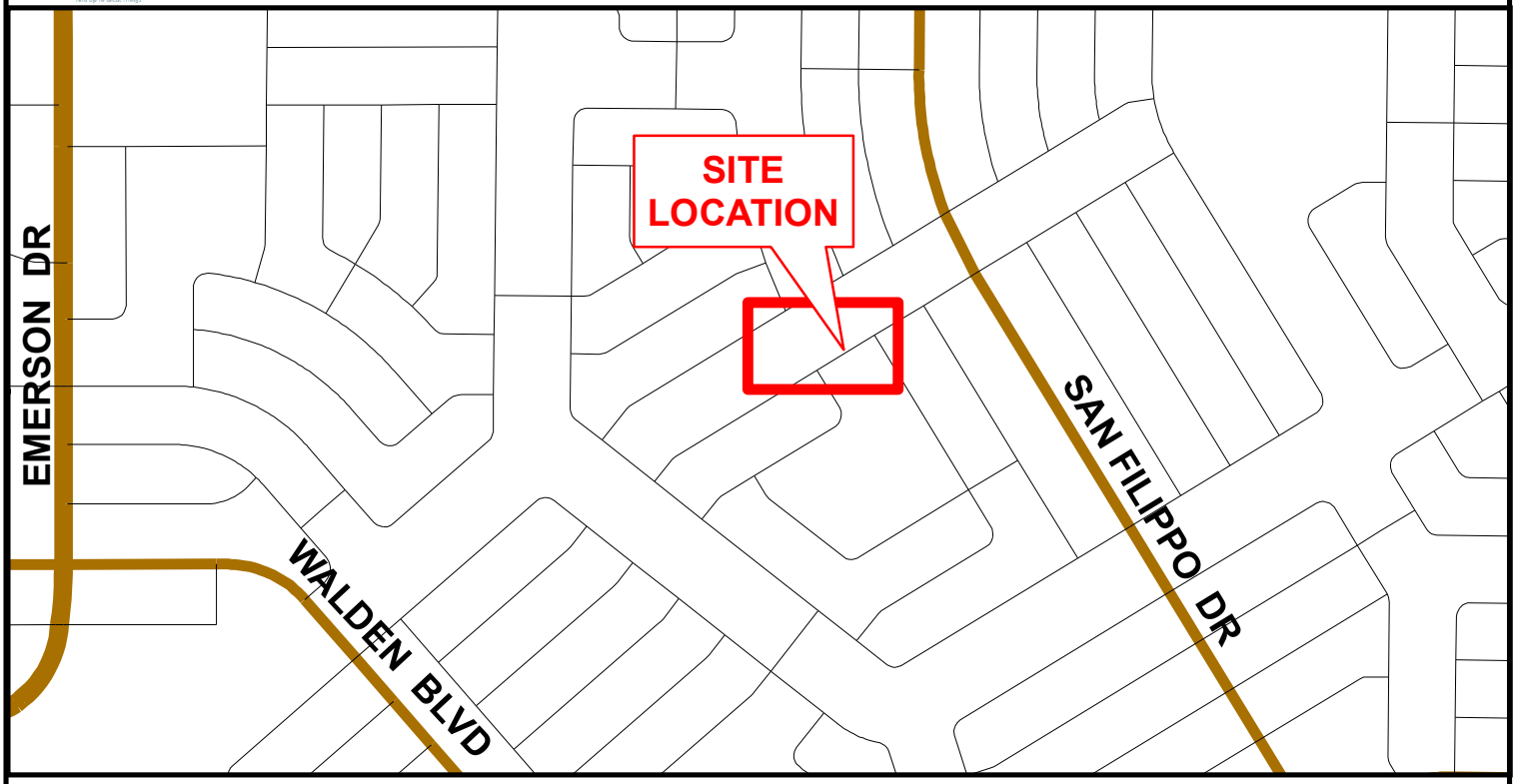
COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 35 AND RUN SOUTH 31°28'03" EAST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 35, A DISTANCE OF 20.00 FEET; THENCE NORTH 58°31'57" EAST, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING OF THE OF THE HEREIN DESCRIBED EASEMENT; THENCE NORTH 31°28'03" WEST, A DISTANCE OF 8.00 FEET; THENCE NORTH 58°31'57" EAST, A DISTANCE OF 65.45 FEET; THENCE SOUTH 31°28'03" EAST, A DISTANCE OF 8.00 FEET; THENCE SOUTH 58°31'57" WEST, A DISTANCE OF 65.45 FEET TO THE POINT OF BEGINNING. CONTAINING 524 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

AAL LAND SURVEYING SERVICES, INC.

SKETCH OF DESCRIPTION	1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J–17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. 2. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.	SHEET 2 OF 2
JOB # 48498		
DATE: 04–24–23 SECTION 16, TOWNSHIP 29S, RANGE 37E	NOT VALID WITHOUT SHEET 1	3970 MINTON ROAD WEST MELBOURNE, FL. 32904 (321) 768–8110
L.B. #6623		SCALE: N/A

LOCATION MAP

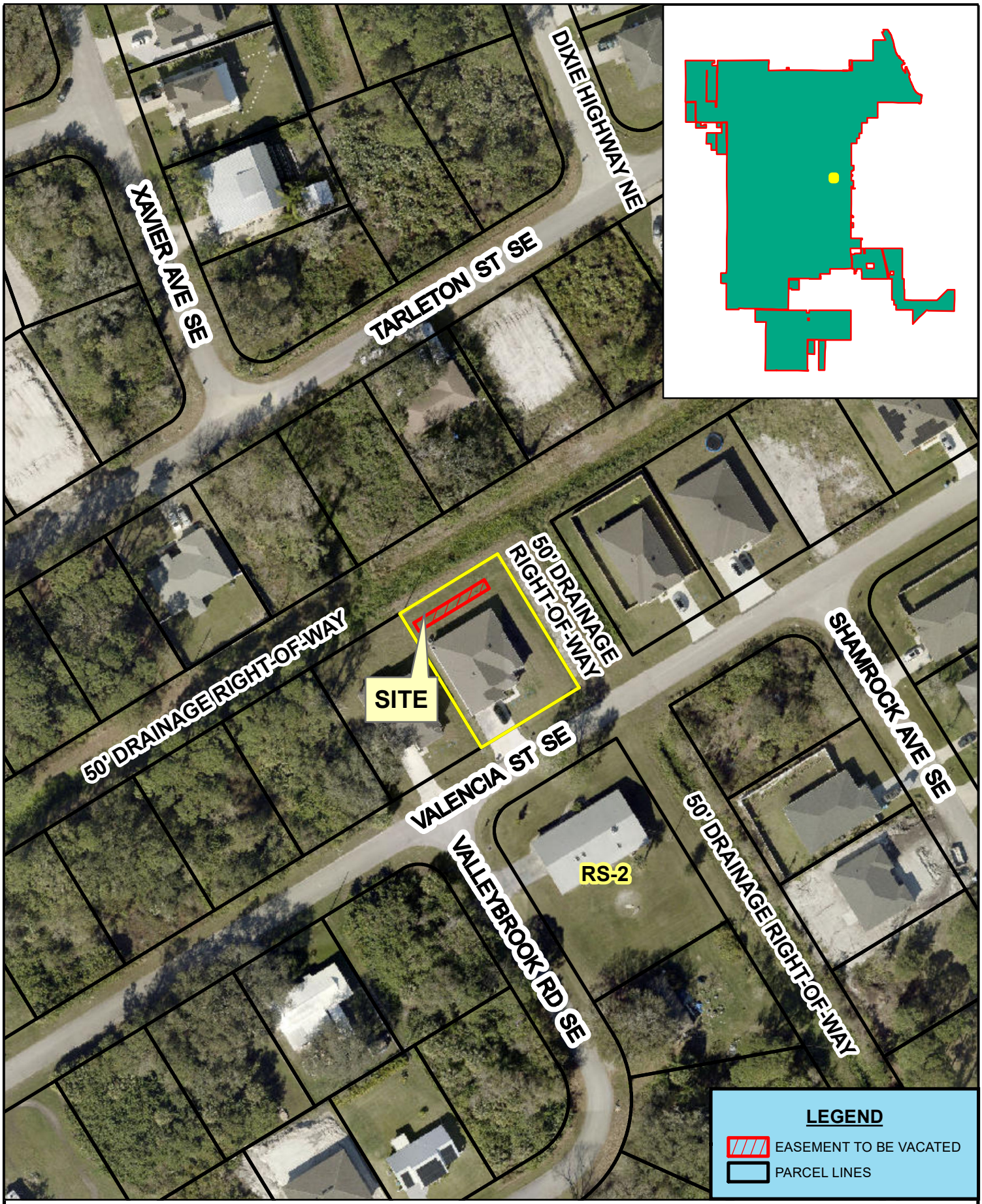


Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on June 20, 2023.

VE-8-2023

0 25 50 100 Feet

1 inch = 100 feet



Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on June 20, 2023.

LOCATION MAP
VE-8-2023

0 25 50 100 Feet

1 inch = 100 feet

April 4, 2023

I, Michael Hartter, owner of 1223 Valencia St. SE; Palm Bay, FL 32909, am giving permission for my sister, Patricia Hartter, to be my representative on behalf of obtaining a variance or any other matter pertaining to this property.

I give her permission to talk on my behalf, to make any changes, requests or decisions for any reason or matter relating to the above address from this day forward, with no expiration date . She is local, I am not, she can be reached at (585) 469-2946, in the event you need any information from her.

This letter will be notarized to authenticate my authorization.

Thank you,

Michael Hartter

Michael Hartter
9 Centurian Circle
Webster, NY 14580

APN: 29-37-16-GP-00758.0-0035.00

Recordation Requested By/Return to:
TIMIOS, INC
5716 CORSA AVE
WESTLAKE VILLAGE, CA 91362
File No. 08-2522978

Send Tax Notices to:
JEAN SCHICKER AND PATRICIA HARTTER
1223 VALENCIA ST SE
PALM BAY, FL 32909

This Instrument Prepared By:
CAROL ZIMMERLY, ESQ.
o/b/o BC LAW FIRM, P.A.
3501 WEST VINE STREET #512
KISSIMMEE, FL 34741

WARRANTY DEED

For good consideration in the amount of **Two Hundred Forty-Seven Thousand and 00/100 Dollars ($247,000.00),** I (we) **MICHAEL HARTTER, A SINGLE MAN,** whose mailing address is 9 CENTURIAN CIR, WEBSTER, NY 14580, hereby bargain, deed and convey to **JEAN SCHICKER, A SINGLE WOMAN AND PATRICIA HARTTER, A SINGLE WOMAN** whose mailing address is 1223 VALENCIA ST SE, PALM BAY FL 32909 the following described land in BREVARD County, State of Florida, free and clear with WARRANTY COVENANTS, to wit:

LOT 35, BLOCK 758, PORT MALABAR UNIT SIXTEEN, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE(S) 84 THROUGH 98, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PROPERTY ADDRESS: 1223 VALENCIA ST SE, PALM BAY, FL 32909
This instrument was prepared without the benefit of a title examination.

Grantor, for itself and its heirs, hereby covenants with Grantee, its heirs, and assigns, that Grantor is lawfully seized in fee simple of the above-described premises; that it has a good right to convey; that the premises are free from all encumbrances; that Grantor and its heirs, and all persons acquiring any interest in the property granted, through or for Grantor, will, on demand of Grantee, or its heirs or assigns, and at the expense of Grantee, its heirs or assigns, execute and instrument necessary for the further assurance of the title to the premises that may be reasonably required; and that Grantor and its heirs will forever warrant and defend all of the property so granted to Grantee, its heirs, against every person lawfully claiming the same or any part thereof.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or appertaining; and every right, title, or interest, legal or equitable, of the seller(s), of in and to the same.

TO HAVE AND TO HOLD same unto Grantee, and unto Grantee's assigns forever, with all appurtenances thereunto belonging.

WITNESS the hands and seal of said Grantors this 24th day of MAY, 2023.

Michael Hartter

MICHAEL HARTTER

Brendan Merhab

Printed Witness Name

Witness Signature

Keenan Crespo

Printed Witness Name

Witness Signature

STATE OF ~~FLORIDA~~ NEW YORK
COUNTY OF MONROE SS.

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization,
this 24th day of MAY 2023 by **MICHAEL HARTTER.**

(Seal)

BRENDAN MERHAB
Notary Public, State of New **York**
No. 01ME6413964
Qualified in Monroe County
Commission Expires February 8, 2025

Notary Public
Printed Name: Brendan Merhab
My Commission Expires: 02.08.25
Commission # 01ME6413964

Personally Known: _____
OR Produced Identification: X
Type of Identification Produced: _____

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

Customer: CITY OF PALM BAY

Address: SUITE 201
PALM BAY FL 32907
USA

Ad No.: 0005748812
Pymt Method Invoice
Net Amount 105.60

Run Times: 1

No. of Affidavits: 1

Run Dates: 06/28/23

Text of Ad:

Ad#5748812 06/28/2023
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that City Council of the City of Palm Bay will hold a public hearing on July 20th, and August 3rd, 2023, at 6:00 p.m. at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida to consider application requesting vacation of the following described properties:

1. Case No. Vacating Easement -8-2023
Vacation of Easement is requested to vacate the Southerly 8 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Westerly 6 foot Public Utility & Drainage Easement, and less the Easterly 20-foot Public Utility & Drainage Easement, thereof containing 524 square feet or 0.01 acres , more or less, of Lot 35, Block 758, Port Malabar Unit 16, according to the Plat thereof, as Recorded in Plat Book 15, Pages 83 - 94, of the Public Records of Brevard County, Florida. For a pool in the back yard.

If an individual decides to appeal any decision made by City Council with respect to any matter considered at these meetings, 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.

Valentino Perez
Palm Bay Public Works Director

ORDINANCE 2023-57

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 35, BLOCK 758, PORT MALABAR UNIT 16, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 97, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Patricia Hartter and Jean Schicker 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 35, Block 758, Port Malabar Unit 16, according to the plat thereof as recorded in Plat Book 15, Page 97, of the Public Records of Brevard County, Florida, Section 16, Township 29S, Range 37E, being more particularly described as follows:

> Commencing at the northwest corner of said Lot 35 and run S 31°28’03” E along the southwesterly line of said Lot 35, a distance of 20.00 feet; thence N 58°31’57” E, a distance of 6.00 feet to the point of beginning of the herein described easement; thence N 31°28’03” W, a distance of 8.00 feet; thence N 58°31’57” E, a distance of 65.45 feet; thence S 31°28’03” E, a distance of 8.00 feet; thence S 58°31’57” W, a distance of 65.45 feet to the Point of Beginning; containing 524 square feet or 0.012 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: Patricia Hartter and Jean Schicker
Case: VE-8-2023

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: **Valentino Perez, Public Works Director**

DATE: **8/3/2023**

RE: **Ordinance 2023-58, vacating a portion of the road right-of-way known as Kinney Avenue NE, lying between Orange Blossom Trail and Water Drive (0.63 acres) (Case VRW-1-2023, Palm Bay Marina, 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 Bay Marina, LLC (Bowman Consulting) has submitted an application to vacate Kinney Avenue NE 50' Right-of-Way lying between Orange Blossom Trail and Water Drive. Plat of Tillman, as recorded in Plat Book 2, Page 4, of the Public Records of Brevard County, Florida.

REQUESTING DEPARTMENT:
Public Works

FISCAL IMPACT:
None.

RECOMMENDATION:
Motion to
approve - with the following conditions:

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

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

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

1. Accommodation for existing utilities easements within the vacated areas.
2. Pre post conditions; historical drainage to this right-of-way shall not be blocked

3. Vacating and easements contingent on-Site plan approval and permitting.

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

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

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

ATTACHMENTS:

Description

Staff Report - VRW-1-2023

Legal Ad

Ordinance 2023-58

The City of Palm Bay Florida
A Perfect Place to Grow

DATE: July 20, 2023
CASE #: VRW-1-2023

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

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

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

APPLICANT: Palm Bay Marina, LLC. (Bowman Consulting)

SITE DATA

PRESENT ZONING:	BMUV-Bayfront Mixed Use/Village
AREA OF VACATING:	0.63 Acres +/-
ADJACENT ZONING & LAND USE:	**N** BMU-Bayfront Mixed Use **E** U.S. Highway 1 **S** BMU-Bayfront Mixed Use **W** Orange Blossom Trail NE

STAFF ANALYSIS:

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

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

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

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

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

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

STAFF RECOMMENDATION:

Staff recommends approval of the request with the following conditions:

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

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

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

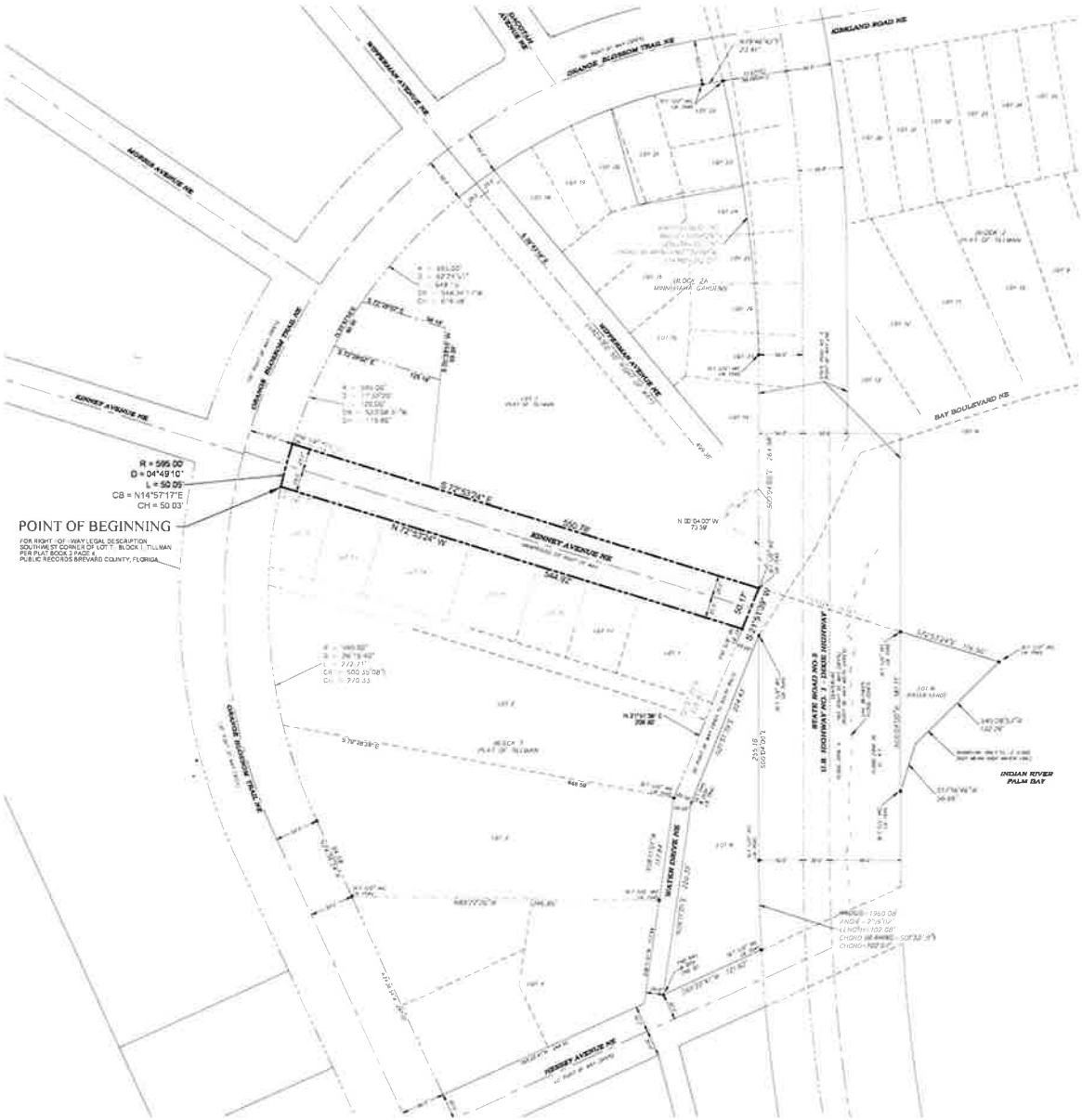
1. Accommodation for existing utilities easements within the vacated areas.
2. Pre post conditions; historical drainage to this right-of-way shall not be blocked
3. Vacating and easements contingent on-Site plan approval and permitting.

The applicant provides adequate conveyance, and maintenance of drainage area to adequately maintain roadway and adjacent property drainage conveyance substantially in conformance with the existing historical drainage plan. Compliance with this requirement shall require the

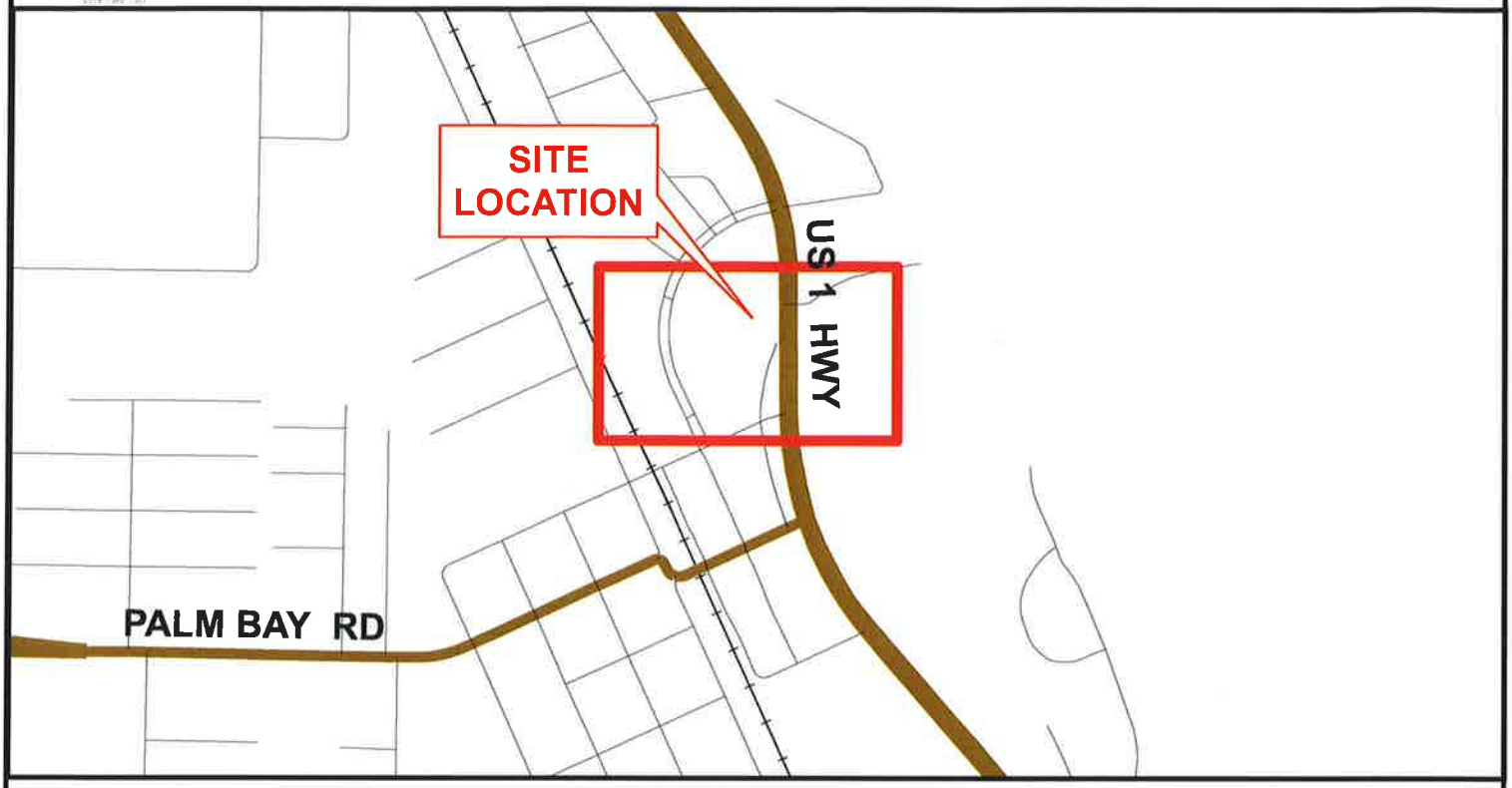
applicant design a revised drainage system of the parcels, receive approval of that design from the City, the St. Johns River Water Management District (if required), and construct the improvements.

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

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


R = 595.00'
D = 04°49'10"
L = 50.05'
CB = N14°57'17"E
CH = 50.03'
POINT OF BEGINNING
FOR RIGHT-OF-WAY LEGAL DESCRIPTION
SOUTHWEST CORNER OF LOT 7, BLOCK 1, TILLMAN
PER PLAT BOOK 2 PAGE 4
PUBLIC RECORDS BREVARD COUNTY, FLORIDA
KINNEY AVENUE NE
ORANGE BLOSSOM TRAIL NE
MORRIS AVENUE NE
WATERMAN AVENUE NE
KIRKLAND ROAD NE
BAY BOULEVARD NE
STATE ROAD NO. 3
U.S. HIGHWAY NO. 1 - DIXIE HIGHWAY
INDIAN RIVER
PALM BAY
WATER DRIVE NE
HERSEY AVENUE NE
N 00°04'00" W
73.58'
S 71°51'00" W
50.17'
S 00°04'00" E
264.18'
S 00°04'00" E
264.18'
N 72°52'44" W
264.78'
N 72°52'44" W
264.78'
S 72°52'44" E
264.78'
S 72°52'44" E
264.78'
N 72°52'44" W

LOCATION MAP



Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on June 16, 2023.

VRW-1-2023

0 50 100 200 Feet

1 inch = 200 feet

Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on June 16, 2023.

LOCATION MAP
VRW-1-2023

0 50 100 200 Feet

1 inch = 200 feet

July 5th, 2023

Re: Letter of Authorization

As the property owner of the site legally described as Parcel IS's 28-37-24-25-*-T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004,
I hereby authorize Bowman Consulting - Shubham Desai
to represent my Vacate of Right-of-Way application for said property.

(Signature)

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 5th of July, 2023
by Gisela Levy, who is personally known by me or
who has produced _____ as identification,
and who did ___/did not X take an oath.

(SEAL)

Stefania Berman, Notary Public

Serial No. _____
My commission expires 02/07/2024

STEFANIA JO BERMAN
Notary Public - State of Florida
Commission # GG 954613
My Comm. Expires Feb 7, 2024
Bonded through National Notary Assn.

Public Notice

07/07/2023

Share

Print

Ad#5761063 07/07/2023 CITY OF PALM BAY, FLORIDA NOTICE OF PUBLIC HEARING Notice is hereby given that City Council of the City of Palm Bay will hold a public hearing on July 20, 2023, at 6:00 p.m. at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida to consider application requesting vacation of the following described properties: 1. Case No. Vacating Right-of-Way -1-2023 Vacation of Street/Right of Way is requested to vacate Kinney Avenue NE 50' Right-of-Way lying between Orange Blossom Trail and Water Drive, as recorded in the Plat of Tillman, Plat Book 2, Page 4, of the Public Records of Brevard County, Florida. If an individual decides to appeal any decision made by City Council with respect to any matter considered at these meetings, 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. Valentino Perez Palm Bay Public Works Director

ORDINANCE 2023-58

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

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

WHEREAS, the vacating and abandonment of said road right-of-way will neither adversely affect nor benefit the public.

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

SECTION 1. The City of Palm Bay hereby vacates and abandons a portion of the road right-of-way known as Kinney Avenue, lying between Orange Blossom Trail and Water Drive, being more particularly described as follows:

> Begin at a Point of Intersection of the east right-of-way of Orange Blossom Trail NE, (a 100-foot right-of-way) and the south right-of-way of Kinney Avenue NE (an unimproved 50-foot right-of-way) said Point also being the southwest corner of Lot T of Plat of Tillman, as recorded in Plat Book 2, Page 4, of the Public Records of Brevard County, Florida; thence from said Point of Beginning run along said east right-of-way of Orange Blossom Trail NE on a curve concave to the southeast having a radius of 595.00 feet through a central angle of 04°49’10”, a chord bearing of N 14°57’17” E and an arc length of 50.05 feet to the Point of Tangency of said curve. Said Point also being the intersection of the said east right-of-way of Orange Blossom Trail NE and the north right-of-way of said Kinney Avenue NE. Thence from said Point, run S 72°53’24” E along the said north right-of-way of Kinney Avenue NE a distance of 550.78 feet, to a Point of Intersection of the said north right-of-way of Kinney Avenue NE and the west right-of-way of Water Drive NE (a 20-foot right-of-way) thence along said right-of-way of Water Drive NE, run S 21°51’39” W, a distance of 50.17 feet to a Point of Intersection of the said west

right-of-way of Water Drive and the south right-of-way of Kinney Avenue NE. Thence run N 72°53'24" W along the said south right-of-way of Kinney Avenue NE a distance of 544.92 feet to the Point of Beginning; containing 0.63 acres, more or less.

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

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

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

SECTION 4. The conditions as stated in Section 2 herein must be met within one (1) year of the enactment date of this Ordinance. Failure to meet the conditions within one (1) year from the date of approval for the request shall render the ordinance null and void. The applicant may, under good cause, request extension of the time frames through formal request to the Office of the City Clerk which shall be made 60 days prior to expiration.

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: Palm Bay Marina, LLC
Case: VRW-1-2023

cc: (date) Brevard County Recording
Applicant
Case File

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Valentino Perez, Public Works Director**

DATE: **8/3/2023**

RE: **Ordinance 2023-65, extending the time period for meeting conditions for vacating the road right-of-way known as Kinney Avenue, lying between Orange Blossom Trail and Florida East Coast Railway (Case VRW-2-2022, Palm Bay Marina, 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.

On August 18, 2022, the City of Palm Bay approved the vacating of the road right-of-way known as Kinney Avenue NE, lying between Orange Blossom Trail and Florida East Coast Railway, upon meeting specified conditions. An additional one-year extension to meet the conditions is being requested by Palm Bay Marina, LLC.

REQUESTING DEPARTMENT:
Public Works

RECOMMENDATION:
Motion to approve Ordinance for the extension request.

ATTACHMENTS:

Description

Extension Request
Ordinance 2023-65

From: Terese Jones
To: "Alberto Krygier"
Cc: Terri Lefler; Valentino Perez
Subject: RE: 9605-1614 ordinance Kinney av ROW
Date: Friday, June 2, 2023 11:57:44 AM
Attachments: image002.png

Alberto,

After conferring with the City Attorney, as the request was not submitted in time for consideration by City Council prior to the expiration date of June 2, 2023, Case VRW-2-2022 (enacted via Ordinance 2022-55) is null and void. The request would have to be resubmitted for consideration by City Council.

The other extension request (VRW-2-2022) will be placed on a regular Council Meeting in July for consideration.

Terese

From: Alberto Krygier <akrygier@adeloncapital.com>
Sent: Friday, June 2, 2023 9:05 AM
To: Terese Jones <Terese.Jones@palmbayflorida.org>
Cc: Joanne Aguiar <Joanne.Aguiar@palmbayflorida.org>; Nancy Bunt <Nancy.Bunt@palmbayflorida.org>
Subject: Re: 9605-1614 ordinance Kinney av ROW

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It expired today but I sent the email yesterday right?

On Fri, Jun 2, 2023 at 9:02 AM Terese Jones <Terese.Jones@palmbayflorida.org> wrote:

> Thank you, Alberto.
>
> I will have to consult with the City Attorney on the one that has expired to determine if it can be presented to City Council for an extension. I'll keep you posted.
>
> Terese
>
> ---
>
> **From:** Alberto Krygier <akrygier@adeloncapital.com>
> **Sent:** Thursday, June 1, 2023 5:14 PM
> **To:** Terese Jones <Terese.Jones@palmbayflorida.org>
> **Cc:** Joanne Aguiar <Joanne.Aguiar@palmbayflorida.org>; Nancy Bunt <Nancy.Bunt@palmbayflorida.org>; Gisela Levy <glevy@adeloncapital.com>
> **Subject:** Re: 9605-1614 ordinance Kinney av ROW

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Hi all,

Attached are the two ROW vacates for our bayfront project, we would like to request an extension for both ROW vacates we are currently preparing our submittal for site plan approval, since the vacates are contingent upon site plan approval and we are planning our first submittal for mid July and revisions are expected but we have no exact date until we successfully resolve them all and get the approval we kindly ask for a 12 month extension in hopes of achieving our goal as soon as we can without needing any further extensions.

Thank you very much,
Kindest regards.

El vie, 17 mar 2023 a las 9:32, Terese Jones (<Terese.Jones@palmbayflorida.org>) escribió:

> Good morning!
>
> I will need a letter or email formally requesting the extension, the reason the extension is needed and how much additional time is needed for the extension.
>
> Thank you.
>
> The City of Palm Bay Florida
> Terese Jones | City Clerk
> Down to Earth And Up To Great Things ™ 321.952.3414 or ext. 3489
>
> ---
>
> **From:** Joanne Aguiar <Joanne.Aguiar@palmbayflorida.org>
> **Sent:** Friday, March 17, 2023 7:07 AM
> **To:** Nancy Bunt <Nancy.Bunt@palmbayflorida.org>; Alberto Krygier <akrygier@adeloncapital.com>; mprieto@adeloncapital.com; Gisela Levy <glevy@adeloncapital.com>
> **Cc:** Valentino Perez <Valentino.Perez@palmbayflorida.org>; Ashley Hammond <Ashley.Hammond@palmbayflorida.org>; Joe Hale <Joe.Hale@palmbayflorida.org>; Terri Lefler <Terri.Lefler@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>
> **Subject:** RE: 9605-1614 ordinance Kinney av ROW
>
> Good morning,

Please see page 3 of Ordinance 2022-80 regarding extension of the time frame.

Thank you,

Joanne Aguiar
Engineering Technician III
City of Palm Bay Public Works Department
190 Malabar Road SW
Palm Bay, FL 32907
Phone: 321-952-3403 or/x6223
PWDriveway@palmbayflorida.org

From: Nancy Bunt <Nancy.Bunt@palmbayflorida.org>
Sent: Thursday, March 16, 2023 6:24 PM
To: Alberto Krygier <akrygier@adeloncapital.com>; mprieto@adeloncapital.com; Gisela Levy <glevy@adeloncapital.com>
Cc: Joanne Aguiar <Joanne.Aguiar@palmbayflorida.org>
Subject: FW: 9605-1614 ordinance Kinney av ROW

Alberto: I'm not sure of the process but I've included Joanne Aguiar within the Public Works Department now in Building that could assist you or identify the person that could. Nancy

The City of Palm Bay Florida
Nancy Bunt
Director of Community & Economic Development
Down to Earth And Up To Great Things™ 321.726.2792 321.576.4608

From: Alberto Krygier <akrygier@adeloncapital.com>
Sent: Thursday, March 16, 2023 4:30 PM
To: Nancy Bunt <Nancy.Bunt@palmbayflorida.org>; Marisol Prieto <mprieto@adeloncapital.com>; Gisela Levy <glevy@adeloncapital.com>
Subject: 9605-1614 ordinance Kinney av ROW

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Hi Nancy im reaching out to understand how we can ask for an extension on the conditions of the ROW on Kinney av (north and south) before we reach the year mark so we can continue to

work towards complying with conditions.

Thanks please let us know what we need to request for the extension.

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ORDINANCE 2023-65

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING ORDINANCE 2022-80, SECTION 4, BY EXTENDING THE TIME PERIOD FOR MEETING CONDITIONS TO VACATE AND ABANDON THE ROAD RIGHT-OF-WAY KNOWN AS KINNEY AVENUE NE, LYING BETWEEN ORANGE BLOSSOM TRAIL AND THE FLORIDA EAST COAST RAILWAY, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 18, 2022, the City of Palm Bay approved the vacating of the road right-of-way known as Kinney Avenue NE, lying between Orange Blossom Trail and Florida East Coast Railway, upon meeting specified conditions, and

WHEREAS, an additional one (1) year extension to meet the conditions contained therein is being requested by Palm Bay Marina, LLC.

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 amends Ordinance 2022-80, Section 4, to read as follows:

> "Section 4. The condition(s) as stated in Section 2 herein must be met within two (2) years of the enactment date of this Ordinance. Failure to meet such condition(s) within the stated time frame shall render the ordinance null and void."

SECTION 2. The effective date of the ordinance, as amended, for the vacating shall be determined from the effective date of Ordinance 2022-80, enacted on August 18, 2022.

SECTION 3. This Ordinance shall be recorded in the Public Records of Brevard County at the applicant's expense.

SECTION 4. 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: Prospect Real Estate Group

cc: (date) Applicant
Brevard County Recording
Case File

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Joan Junkala-Brown, Acting Growth Management Director**

DATE: **8/3/2023**

RE: **Ordinance 2023-66, providing for the naming a private roadway to be known as Zen Way NE, 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.

Prospect Real Estate Group is developing a mixed-use project known as Enso located on Dixie Highway NE. The name "Zen Way NE" has been approved by Brevard County 9-1-1 Systems Administration for the new private road in Enso.

Brevard County 9-1-1 Systems Administration requires an ordinance approved by the City Council, and recorded with the Brevard County Clerk of Courts, officially naming the private road "Zen Way NE".

REQUESTING DEPARTMENT:
Growth Management

FISCAL IMPACT:
None.

RECOMMENDATION:
Motion to approve ordinance naming an undeveloped private access road, "Zen Way NE" for the mixed-use development project known as Enso.

ATTACHMENTS:

Description

Street Name Request - Enso
Aerial Map
Ordinance 2023-66

BOARD OF COUNTY COMMISSIONERS
Emergency Management

9-1-1 Systems Administration/Address Assignment

2725 Judge Fran Jamieson Way
Building A, Room 120
Viera, Florida 32940

May 3, 2023

Alexandra Bernard, Director
Growth Management Department
120 Malabar Road SE
Palm Bay, FL 32907

Dear Ms. Bernard:

RE: Street Name Request: Enso (F/K/A Advantis River's Edge) T28-R37-S25 & T28-R38-30

Our office was contacted regarding revising the Street Type from (Drive) to 'Way' on the previously approved street name of (Zen Drive) for the above referenced property located within your city limits. The below listed street name is approved and will be held in reserve status for a period of two years. If this name is not implemented within this time frame and another customer requests the name, it may be released for their use. Therefore, if the applicant still wants to utilize the street name, they need to contact this office to re-reserve the name.

Zen Way NE

NOTE: The City has final authority regarding street name approval and street suffix.

The City will need to prepare and record a resolution officially naming the private access. Upon processing the recorded document, our office will input the new street name and address range into the 9-1-1 Database and Mapping System.

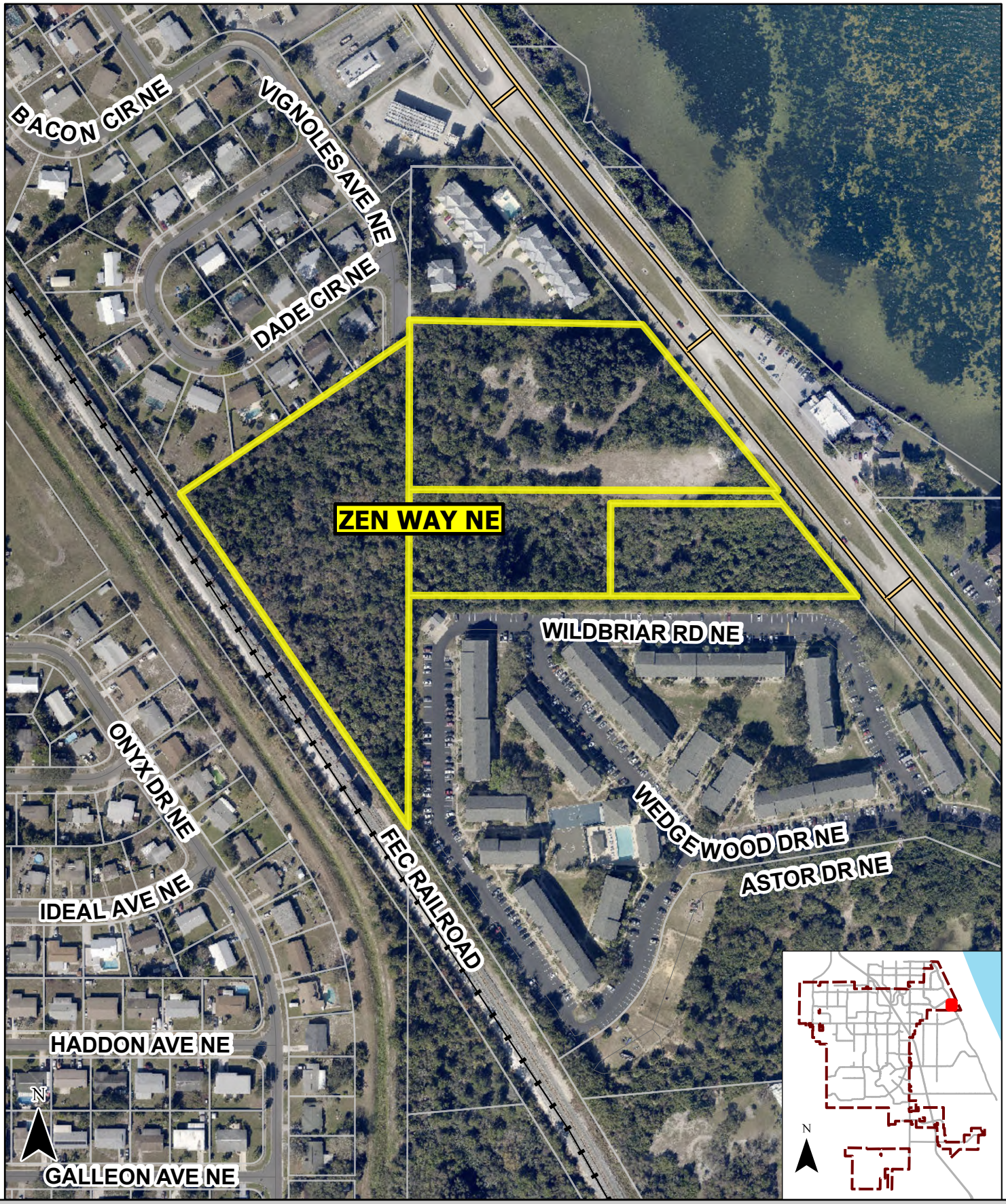
Your continued cooperation is appreciated. If you need any further assistance you may reach our office at (321) 690-6846 or by email at address.assign@brevardfl.gov.

Sincerely,

Regina R. Mahaney

Regina R. Mahaney
9-1-1 Addressing Coordinator
Brevard County 9-1-1 Systems Administration

cc: Connor Bailey, WGI



AERIAL LOCATION MAP: ZEN WAY NE

The City of Palm Bay Florida

SUBJECT PROPERTY

Tax IDs:	2850760	2833783	2862284	2850764
Parcel IDs:	28-38-30-00-503	28-37-25-02-*-C	28-38-30-00-544	28-38-30-00-507

ORDINANCE 2023-66

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE NAMING OF A PRIVATE ROADWAY TO BE KNOWN AS ZEN WAY NE, WHICH ROADWAY IS LOCATED WEST OF AND ADJACENT TO DIXIE HIGHWAY IN THE VICINITY NORTH OF WILDBRIAR ROAD NE; PROVIDING FOR THE DRIVE TO REMAIN PRIVATE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made to the City of Palm Bay to name a private roadway as Zen Way NE.

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

SECTION 1. The name of a certain right-of-way within the City of Palm Bay, Florida, is hereby changed according to the following for the property which is legally described as follows:

Street Name
Zen Way NE

Legal Description

COMMENCE AT THE WEST ¼ CORNER OF SECTION 30, TOWNSHIP 28 SOUTH, RANGE 38 EAST; THENCE SOUTH 00°04'57" WEST ALONG THE WEST LINE OF SAID SECTION 30, A DISTANCE OF 65.70' FEET TO THE NORTHWEST CORNER OF PARCEL 3 TRACT B AS DESCRIBED ABOVE, BEING THE POINT OF BEGINNING; THENCE SOUTH 89°34'18" EAST ALONG THE NORTH LINE OF SAID PARCEL 3 TRACT B, A DISTANCE OF 433.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF U.S. HWY 1 (STATE ROAD 5); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY OF U.S. HWY 1 THE FOLLOWING FOUR (4) COURSES: (1) SOUTH 38°45'34" EAST, A DISTANCE OF 299.98 FEET; (2) SOUTH 38°34'12" EAST, A DISTANCE OF 128.37 FEET; (3) NORTH 89°40'39" WEST, A DISTANCE OF 13.23 FEET; (4) SOUTH 38°52'14" EAST, A DISTANCE OF 255.03 FEET TO THE SOUTHEAST CORNER OF PARCEL 1 AS DESCRIBED ABOVE, ALSO BEING THE NORTHEAST CORNER OF DEED BOOK 7996, PAGE 2793; THENCE NORTH 89°55'45" WEST, A DISTANCE OF 848.57 FEET TO THE NORTHWEST CORNER OF SAID DEED, BOOK 7996, PAGE 2793, ALSO BEING THE SOUTHWEST CORNER OF PARCEL 2 AND THE EAST LINE OF TRACT C PORT MALABAR UNIT ONE AS DESCRIBED ABOVE; THENCE SOUTH 00°00'16"

WEST ALONG THE SAID EAST LINE OF TRACT C PORT MALABAR UNIT ONE, A DISTANCE OF 437.75 FEET TO THE EXISTING NORTHEASTERLY RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILROAD; THENCE NORTH 34°21'25" WEST ALONG THE SAID NORTHEASTERLY RIGHT-OF-WAY OF THE RAILROAD, A DISTANCE OF 766.59 FEET TO THE WEST CORNER OF SAID TRACT C PORT MALABAR UNIT ONE; THENCE NORTH 55°38'23" EAST ALONG THE NORTHWESTERLY LINE OF SAID TRACT C PORT MALABAR UNIT ONE, A DISTANCE OF 525.13 FEET TO THE NORTH CORNER OF SAID TRACT C PORT MALABAR UNIT ONE AND THE SAID WEST LINE OF SECTION 30; THENCE NORTH 00°05'27" EAST ALONG THE SAID WEST LINE OF SECTION 30, A DISTANCE OF 43.49 FEET TO THE POINT OF BEGINNING.

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. 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: _____

cc: (date) Brevard County Recording
Brevard County E-911
Supervisor of Elections

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

DATE: **8/3/2023**

RE: **Ordinance 2023-67, amending the Code of Ordinances, Chapter 53, State of Emergency, Declaration, by modifying provisions related to the termination of a State of Local Emergency, final reading.**

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

The current language for the declaration and duration of a State of Local Emergency is:

§ 53.23 FORM OF DECLARATION; DURATION.
(A) A State of Local Emergency shall be declared by a Legislative Order issued by the Mayor. The State of Local Emergency shall commence upon the date of declaration within the Legislative Order issued by the Mayor and shall terminate at the end of a period of seven (7) consecutive days, unless, prior to the end of such time frame, the City Council shall have terminated such State of Local Emergency by the enactment of a resolution at a regular or special meeting. The City Council may also provide for extensions of the State of Local Emergency in 7-day increments by enacting a resolution at a special or regular meeting.
(B) However, when a quorum of the City Council is unable to meet, the Mayor is hereby designated and empowered to extend or terminate the State of Local Emergency, upon certification by the City Manager of same, by issuance of a Legislative Order.
(Ord. 2003-10, passed 3-20-03)

We would like to consider the following revision to 53.23(B):

However, if a vote of the city council is not practicable, the Mayor upon certification by the City Manager that the conditions leading to or causing the emergency no longer exist, and the city's agencies and departments are able to manage the situation without extraordinary assistance, may terminate the State of Local Emergency, by issuance of a Legislative Order.

Note that section 53.05 is a revision to the section of the code referring to Affray, Riot, Rout or Unlawful Assembly. Section 53.23 is a revision to the code referring to Natural, Manmade or Technological Emergency or Disaster.

REQUESTING DEPARTMENT:

City Manager's Office, Legislative

FISCAL IMPACT:
None.

RECOMMENDATION:
Motion to approve revising the current language for the declaration and duration of a State of Local Emergency.

ATTACHMENTS:

Description

Ordinance 2023-67

ORDINANCE 2023-67

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 53, STATE OF EMERGENCY, DECLARATION, SUBCHAPTER 'AFFRAY, RIOT, ROUT OR UNLAWFUL ASSEMBLY' AND SUBCHAPTER 'NATURAL, MANMADE OR TECHNOLOGICAL EMERGENCY OR DISASTER', BY MODIFYING PROVISIONS RELATED TO THE TERMINATION OF A STATE OF LOCAL EMERGENCY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 53, State of Emergency, Declaration, Subchapter 'Affray, Riot, Rout or Unlawful Assembly', Section 53.05, Form of Declaration; Duration, is hereby amended and shall henceforth read as follows:

"**Section 53.05 FORM OF DECLARATION; DURATION.**

(A) A State of Local Emergency shall be declared by a Legislative Order issued by the Mayor. The State of Local Emergency shall commence upon the date of the declaration thereof by the Mayor and shall terminate at the end of a period of seventy-two (72) consecutive hours thereafter, unless, prior to the end of such 72-hour period, the City Council shall have terminated such state of emergency by the enactment of a resolution at a regular or special meeting. The City Council may also provide for extension(s) of the State of Local Emergency in 72-hour increments, by enacting a resolution at a special or regular meeting.

(B) ~~However, when a quorum of the City Council is unable to meet, the Mayor is hereby designated and empowered to extend or terminate the State of Local Emergency, upon certification by the City Manager of same, by issuance of a Legislative Order.~~ >> However, if a vote of the City Council is not practicable, the Mayor upon certification by the City Manager that the conditions leading to or

causing the emergency no longer exist, and the city's agencies and departments are able to manage the situation without extraordinary assistance, may terminate the State of Local Emergency, by issuance of a Legislative Order.<<"

SECTION 2. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 53, State of Emergency, Declaration, Subchapter 'Natural, Manmade or Technological Emergency or Disaster', Section 53.23, Form of Declaration; Duration, is hereby amended and shall henceforth read as follows:

"**Section 53.23 FORM OF DECLARATION; DURATION.**

(A) A State of Local Emergency shall be declared by a Legislative Order issued by the Mayor. The State of Local Emergency shall commence upon the date of declaration within the Legislative Order issued by the Mayor and shall terminate at the end of a period of seven (7) consecutive days, unless, prior to the end of such time frame, the City Council shall have terminated such State of Local Emergency by the enactment of a resolution at a regular or special meeting. The City Council may also provide for extensions of the State of Local Emergency in 7-day increments by enacting a resolution at a special or regular meeting.

(B) ~~However, when a quorum of the City Council is unable to meet, the Mayor is hereby designated and empowered to extend or terminate the State of Local Emergency, upon certification by the City Manager of same, by issuance of a Legislative Order.~~ >> However, if a vote of the City Council is not practicable, the Mayor upon certification by the City Manager that the conditions leading to or causing the emergency no longer exist, and the city's agencies and departments are able to manage the situation without extraordinary assistance, may terminate the State of Local Emergency, by issuance of a Legislative Order.<<"

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

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

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

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

Read in title only at Meeting 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: _____

~~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.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Valentino Perez, Public Works Director**

DATE: **8/3/2023**

RE: **Ordinance 2023-56, vacating a portion of the rear public utility and drainage easement located within Lot 1, Block 489, Port Malabar Unit 12 (Case VE-7-2023, Luis Roberto Viera and Luz Eneida Roman Viera), first reading. (CONTINUED FROM 07/20/23 RCM, FIRST OCCURRENCE)**

A public hearing is to be held on the above subject ordinance and the caption read for the first time at tonight's Council meeting. The public hearing was originally legally advertised and scheduled for first reading at the July 20, 2023 Council meeting, but the applicant did not appear. As such, pursuant to the Code, the item is rescheduled automatically for first reading for this meeting. A second legal ad is not required, per the City Clerk.

Vacation of Easement is requested to vacate the Southerly 10 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Easterly 6 foot Public Utility & Drainage Easement, thereof containing 898 square feet or 0.02 acres, more or less, of Lot 1, Block 489, Port Malabar Unit 12, according to the Plat thereof, as Recorded in Plat Book 15, Pages 43-53, of the Public Records of Brevard County, Florida, for the construction of a swimming pool in the back yard.

Melbourne-Tillman had no objections to the vacate request, provided that a 10’ x 10’ triangular clip, at the Northwest corner of Lot 1, Block 489, be kept clear of any structures or fences, to provide access to the canal.

REQUESTING DEPARTMENT:
Public Works

FISCAL IMPACT:
No fiscal impact.

RECOMMENDATION:
Motion to approve via staff recommendation of the vacating of easement with conditions related to Melbourne-Tillman Water Control District, per the analysis section of this staff report.

ATTACHMENTS:

Description

Staff Report VE-7-2023

Ordinance 2023-56

DATE: July 20, 2023
CASE #: VE-7-2023

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate the Southerly 10 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Easterly 6 foot Public Utility & Drainage Easement, thereof containing 898 square feet or 0.02 acres, more or less, of Lot 1, Block 489, Port Malabar Unit 12, according to the Plat thereof, as Recorded in Plat Book 15, Pages 43-53, of the Public Records of Brevard County, Florida, for the construction of a swimming pool in the back yard.

LOCATION: 203 Brickell Street SE
(Lot 1, Block 489, Port Malabar Unit 12)

APPLICANT: Luis Roberto Viera & Luz Eneida Roman Viera

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: **898 square feet, more or less**

ADJACENT ZONING & LAND USE:

N 118-foot-wide Melbourne-Tillman Canal No. 48
E RS-2 – Single-Family Residential
S RS-2 – Single-Family Residential
W RS-2 – Single-Family Residential

STAFF ANALYSIS:

Vacation of Public Utility and Drainage Easement of a portion of Lot 1, Block 489, Port Malabar Unit 12, according to the Plat thereof, as Recorded in Plat Book 15, Pages 43-53, of the Public Records of Brevard County, Florida, being the Southerly 10 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Easterly 6-foot Public Utility & Drainage Easement, thereof containing 898 square feet or 0.02 acres, more or less;
More particularly described as commencing at the Northwest corner of said Lot 1 and run South 00°04'21" West along the West line of said Lot 1, a distance of 10.00 feet to the point of beginning; thence South 89°31'15" East, a distance of 89.81 feet; thence South 00°28'45" E, a distance of 10.00 feet, thence North 89°31'15" West, a distance of 89.74 to the West line of said Lot 1; thence North 00°04'21" East, a distance of 10.00 feet to the point of beginning. Containing 898 square feet or 0.02 acres, more or less, for a swimming pool in the back yard.

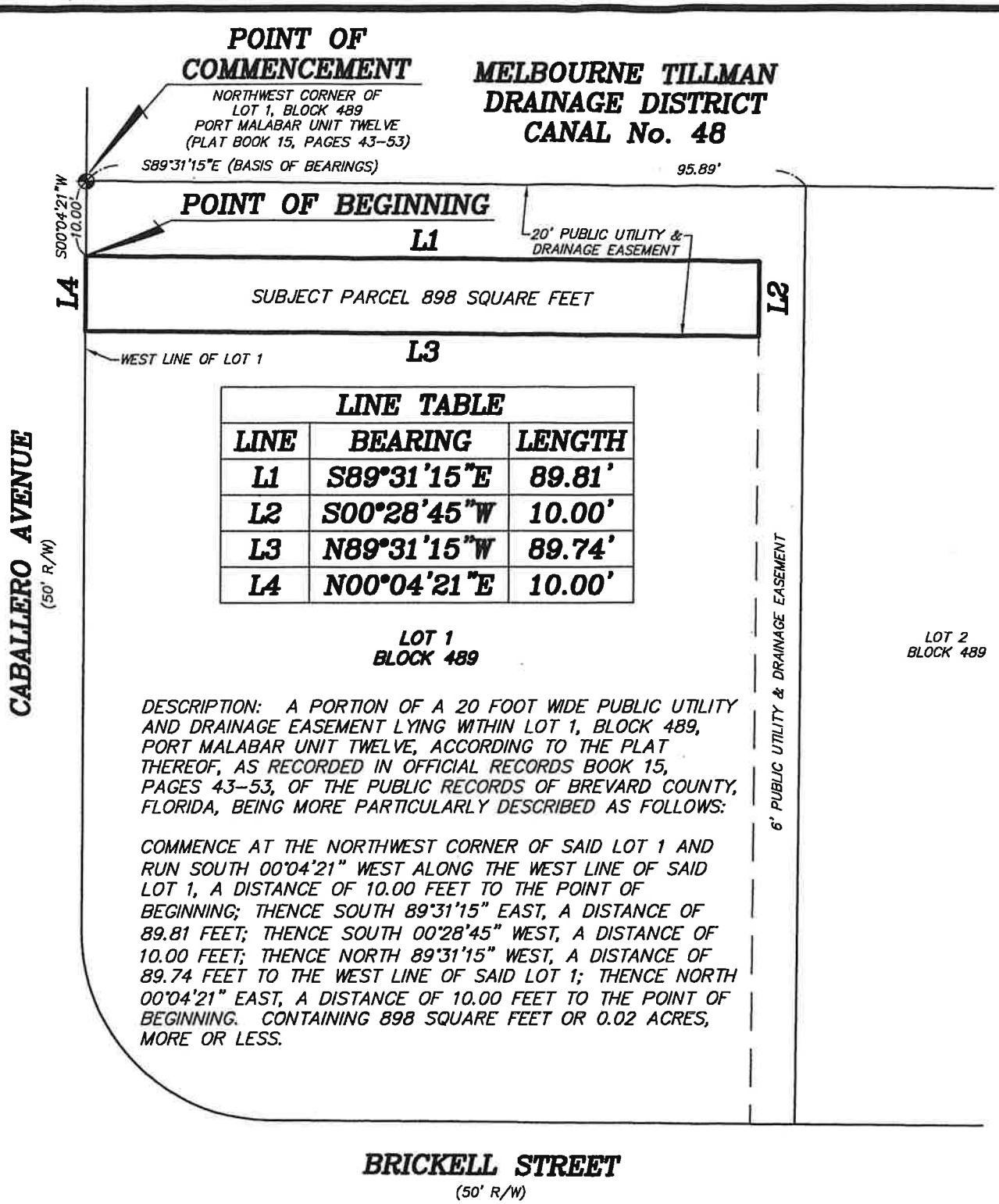
Public Works, AT&T, Florida Power and Light, and Spectrum have no objections to the vacating request. Melbourne-Tillman had no objections to the vacate request, provided that a 10' x 10' triangular clip, at the Northwest corner of Lot 1, Block 489, be kept clear of any structures or fences, to provide access to the canal.

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 Melbourne-Tillman Water Control District (MTWCD) owned canals, 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 Public Utility & Drainage Easement, thereof containing 898 square feet or 0.02 acres, more or less, of Lot 1, Block 489, Port Malabar Unit 12, according to the Plat thereof, as Recorded in Plat Book 15, Pages 43-53, of the Public Records of Brevard County, Florida, for the construction of a swimming pool in the backyard.

STAFF RECOMMENDATION:

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



LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°31'15"E	89.81'
L2	S00°28'45"W	10.00'
L3	N89°31'15"W	89.74'
L4	N00°04'21"E	10.00'

DESCRIPTION: A PORTION OF A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 1, BLOCK 489, PORT MALABAR UNIT TWELVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 15, PAGES 43-53, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1 AND RUN SOUTH 00°04'21" WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°31'15" EAST, A DISTANCE OF 89.81 FEET; THENCE SOUTH 00°28'45" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°31'15" WEST, A DISTANCE OF 89.74 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 00°04'21" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. CONTAINING 898 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

AAL LAND SURVEYING SERVICES, INC.

SKETCH OF DESCRIPTION

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

SHEET 1 OF 1

JOB # 45922

DATE: 04-12-23

SECTION 07, TOWNSHIP 29S, RANGE 37E

L.B. #6623

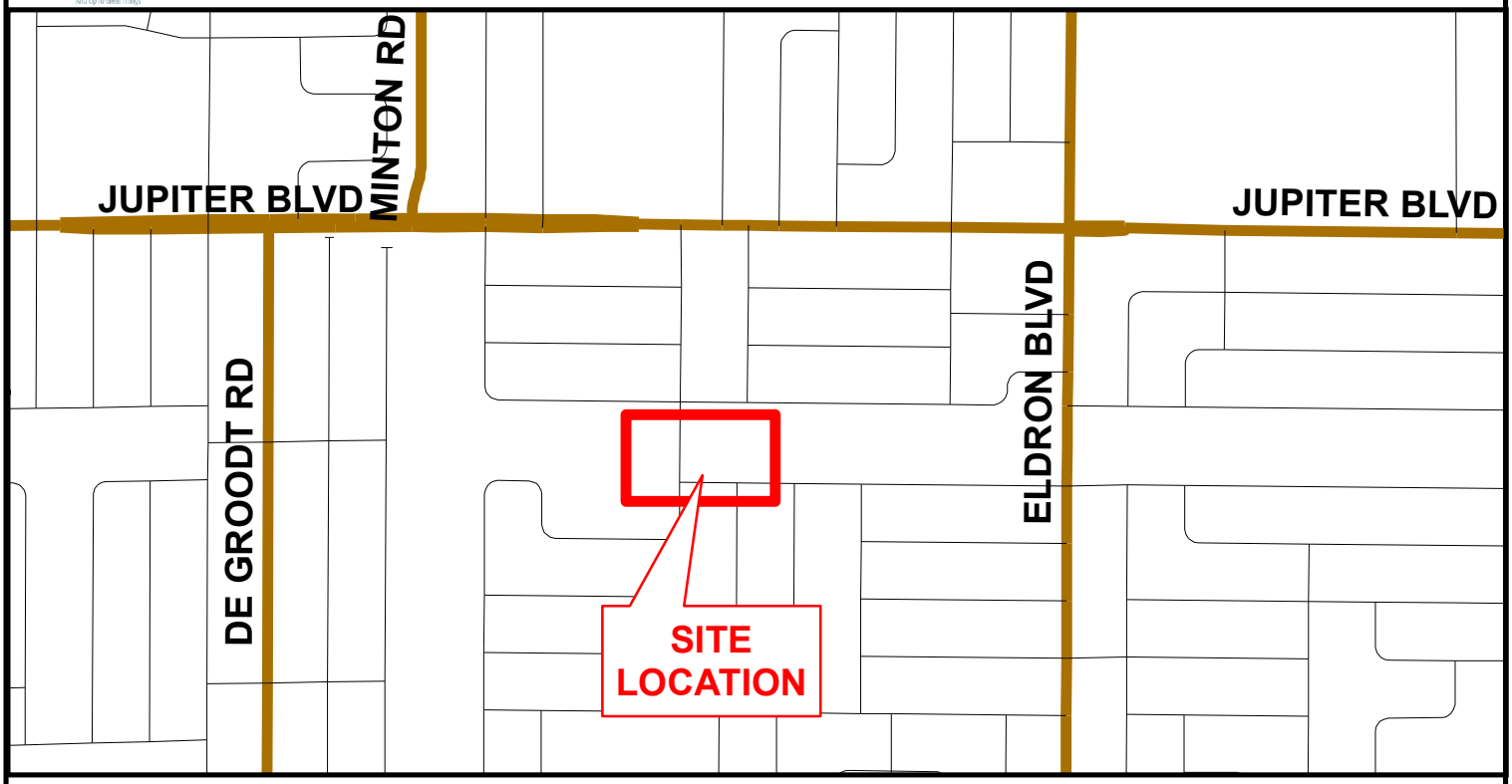
ANDREW W. POWSHOK
P.L.S. No. 5383

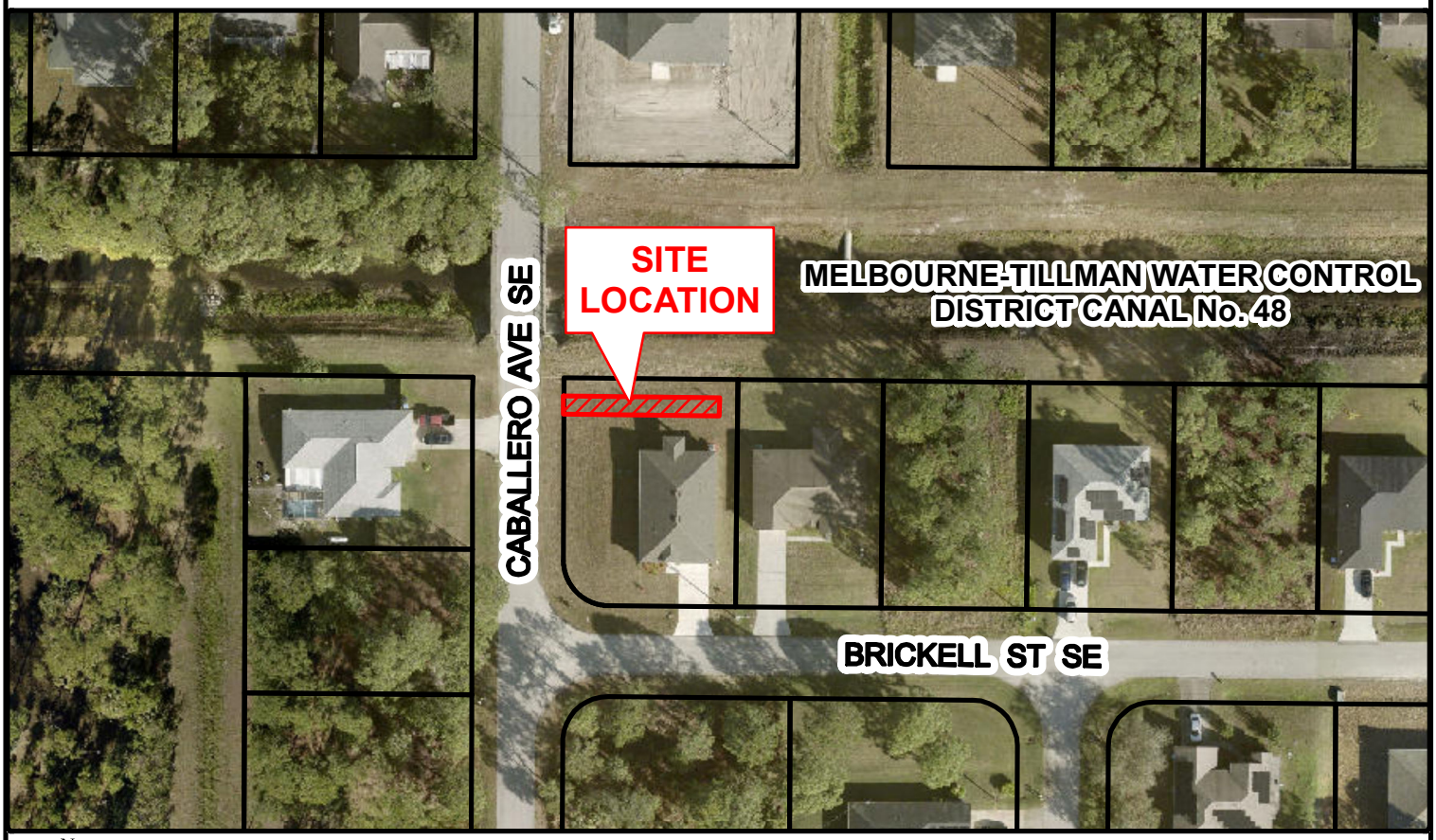
3970 MINTON ROAD
WEST MELBOURNE, FL. 32904
(321) 768-8110

SCALE: 1" = 20'

NORTH

LOCATION MAP



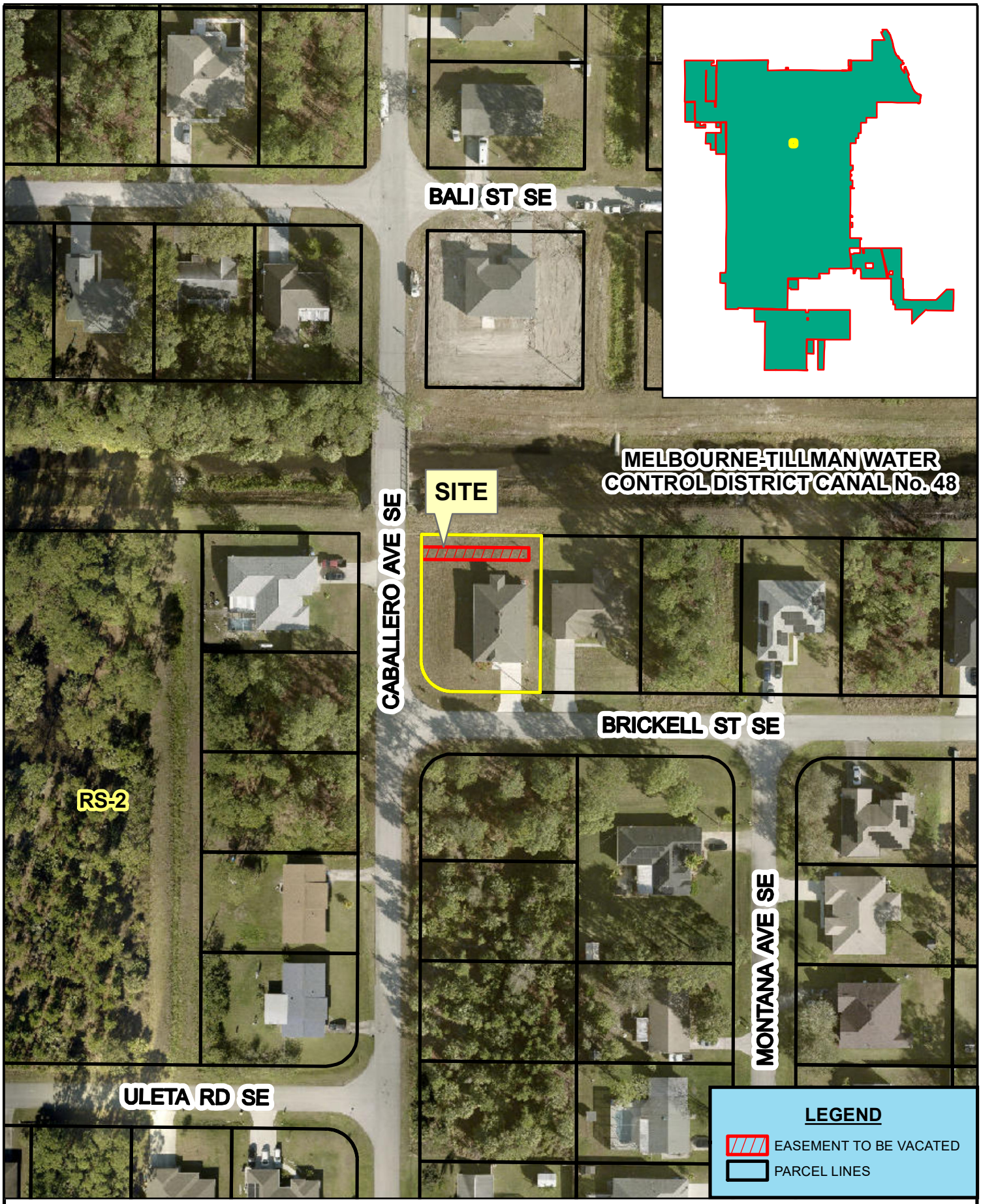


Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on June 12, 2023.

VE-7-2023

0 25 50 100 Feet

1 inch = 100 feet



Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on June 12, 2023.

LOCATION MAP
VE-7-2023

0 25 50 100 Feet

1 inch = 100 feet

STATE OF FLORIDA

Melbourne-Tillman Water Control District

May 17, 2023

Luis and Luz Viera
203 Brickell St. SE
Palm Bay, FL 32909

RE: Vacate of Easement Request
Legal Description: 203 Brickell St. SE, Palm Bay, Florida, 32909
Lot 1, Block 489, Port Malabar Unit 12, Parcel ID 29-37-07-GN-489-1

Dear Mr. and Mrs. Viera,

The Melbourne Tillman Water Control District (MTWCD) has received your request to vacate a portion of the twenty-foot (20') rear Public Utility and Drainage Easement located at the above-mentioned property and visually indicated on the sketch provided. MTWCD has no objection to your request of vacating the south ten feet (10') of the north twenty foot (20') Public Utility and Drainage Easement. MTWCD does request restriction of any structure, e.g. fence, installed in the northwest corner of the property to provide access to the canal, see attached sketch of 10' x 10' triangular clip.

Restoration of the lot must comply with original approved drainage patterns with stormwater runoff directed to front of lot. No runoff shall be directed towards canal right-of-way.

Please note that use of the Melbourne-Tillman Water Control District's right-of-way requires a temporary access permit. Information related to this permit is located on the website under permitting process tab, http://www.melbournetillman.org/permitting-process-melbourne-tillman-water-control-district/

If you have any further questions, please do not hesitate to contact me.

Sincerely,
MELBOURNE TILLMAN WATER CONTROL DISTRICT

Michael E. McCabe, P.E.
District Engineer

w/attachments

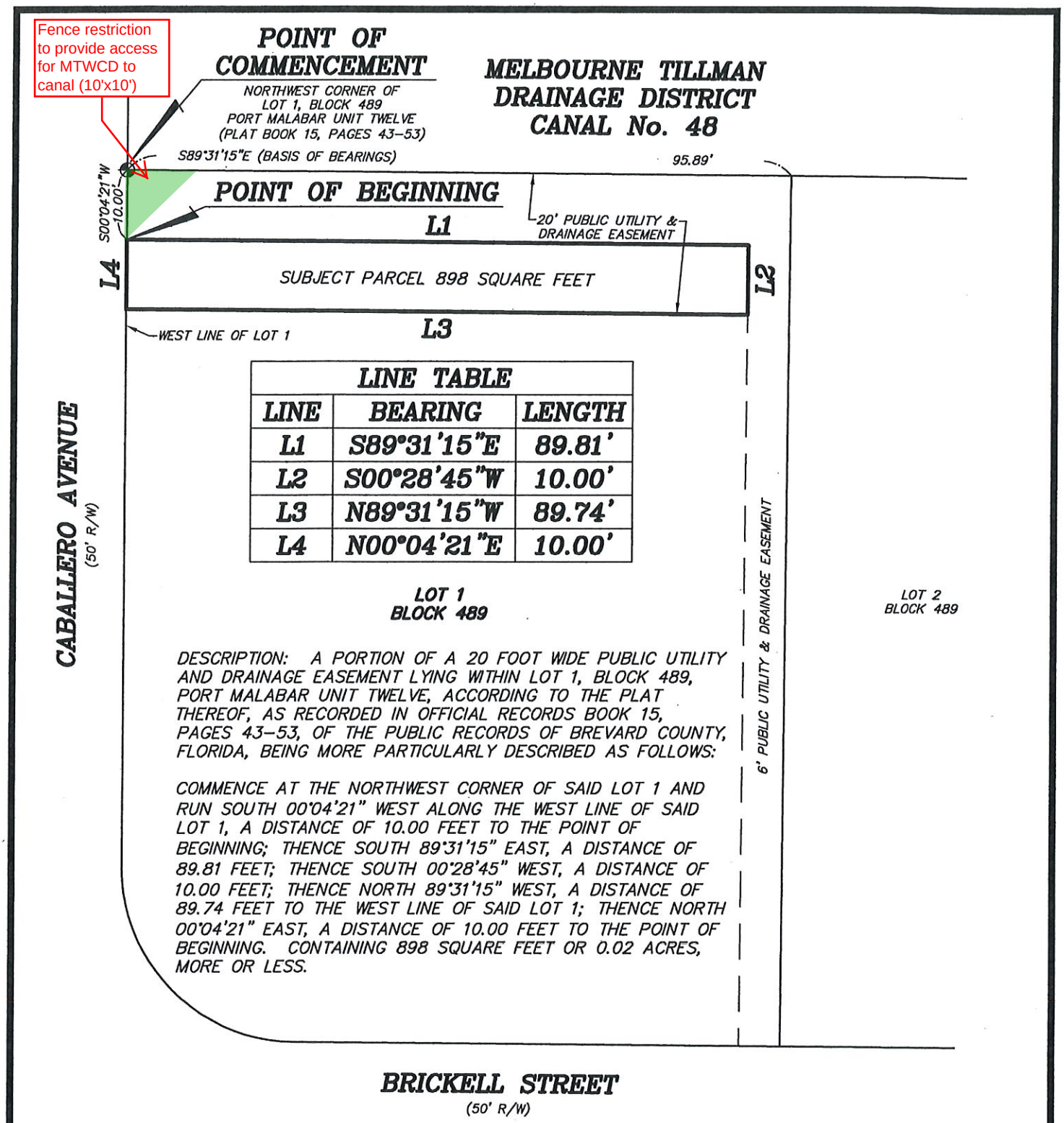
State of Florida
County of Brevard

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization, on this 17th day of May, 2023, by Michael McCabe who is personally known to me.

Lisa A Blackett
Notary Public, State of Florida

Lisa A. Blackett
Notary Public
State of Florida
Comm# HH010923
Expires 10/8/2024

5990 Minton Road NW - Palm Bay, Florida 32907
321-723-7233 - Fax 321-725-5933 - mtwcd@melbournetillman.org



LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°31'15"E	89.81'
L2	S00°28'45"W	10.00'
L3	N89°31'15"W	89.74'
L4	N00°04'21"E	10.00'

DESCRIPTION: A PORTION OF A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 1, BLOCK 489, PORT MALABAR UNIT TWELVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 15, PAGES 43–53, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1 AND RUN SOUTH 00°04'21" WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°31'15" EAST, A DISTANCE OF 89.81 FEET; THENCE SOUTH 00°28'45" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°31'15" WEST, A DISTANCE OF 89.74 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 00°04'21" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. CONTAINING 898 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

AAL LAND SURVEYING SERVICES, INC.

SKETCH OF DESCRIPTION

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J–17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
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SHEET 1 OF 1

JOB # 45922

DATE: 04–12–23

SECTION 07, TOWNSHIP 29S, RANGE 37E

L.B. #6623

ANDREW W. POWSHOK
P.L.S. No. 5383

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

SCALE: 1" = 20'

NORTH

The City of Palm Bay Florida

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): Luis R. Viera

Address: 203 Brickell St N.E.

City: Palm Bay Zip Code: 32909

Phone Number (954) 980-0642 Business Phone Number: _____

Fax Number: _____ Email: LTLuis21@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:

- See Attached - Survey

Section: _____ Township: _____ Range: _____

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

Zoning classification at present: _____

Which action applying for (easement, drainage): _____

Reason for requesting vacation and intended use: _____

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 Luis R Viera **Date** _____

Printed Name of Applicant Luis R. Viera

FOR OFFICE USE ONLY

Land Development Division _____ Date _____

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

Customer: CITY OF PALM BAY

Address: SUITE 201
PALM BAY FL 32907
USA

Ad No.: 0005754429
Pymt Method Invoice
Net Amount 103.01

Run Times: 1

No. of Affidavits: 1

Run Dates: 07/03/23

Text of Ad:

Ad #5754429 07/03/2023
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that City Council of the City of Palm Bay will hold a public hearing on July 20th, and August 3rd, 2023, at 6:00 p.m. at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida to consider application requesting vacation of the following described properties:

1. **Case No. Vacating Easement -7-2023**
Vacation of Easement is requested to vacate the Southerly 10 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Easterly 6 foot Public Utility & Drainage Easement, thereof containing 698 square feet or 0.02 acres , more or less, of Lot 1, Block 489, Port Malabar Unit 12, according to the Plat thereof, as Recorded in Plat Book 15, Pages 43 - 53, of the Public Records of Brevard County, Florida. For a pool in the back yard.

If an individual decides to appeal any decision made by City Council with respect to any matter considered at these meetings, 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.

Valentino Perez
Palm Bay Public Works Director

ORDINANCE 2023-56

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 1, BLOCK 489, PORT MALABAR UNIT 12, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 53, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Luis Roberto Viera and Luz Eneida Roman Viera, 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 1, Block 489, Port Malabar Unit 12, according to the plat thereof as recorded in Plat Book 15, Page 53, of the Public Records of Brevard County, Florida, Section 7, Township 29S, Range 37E, being more particularly described as follows:

> Ccommencing at the northwest corner of said Lot 1 and run S 00°04’21” W along the west line of said Lot 1, a distance of 10.00 feet to the point of beginning; thence S 89°31’15” E, a distance of 89.81 feet; thence S 00°28’45” E, a distance of 10.00 feet; thence N 89°31’15” W, a distance of 89.74 to the west line of said Lot 1; thence N 00°04’21” E, a distance of 10.00 feet to the Point of Beginning, containing 898 square feet or 0.02 acres, more or less.

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

Read in title only at Meeting 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: Luis Roberto Viera and Luz Eneida Roman Viera
Case: VE-7-2023

cc: (date) Brevard County Recording
Applicant
Case File

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Valentino Perez, Public Works Director**

DATE: **8/3/2023**

RE: **Ordinance 2023-68, vacating a portion of the side public utility and drainage easement located within Lot 5, Block 674, Port Malabar Unit 15 (Case VE-10-2023, David Jr. and Evelyn Daniels), first reading.**

A Vacation of Easement is requested to vacate the Northeasterly 35 feet, of the Easterly 4 feet, of the Westerly side 6-foot Public Utility & Drainage Easement, thereof containing 140 square feet or 0.003 acres, more or less, of Lot 5, Block 674, Port Malabar Unit 15, according to the Plat thereof, as Recorded in Plat Book 15, Pages 72 thru 79, of the Public Records of Brevard County, Florida.

The existing driveway encroaches into the West side 6-foot Public Utility and Drainage Easement. The Applicant widened his driveway without pulling a permit and was cited by City of Palm Bay Code Compliance. Staff recommends approval of the vacating of easement with conditions per the analysis section of the staff report.

REQUESTING DEPARTMENT:
Public Works

FISCAL IMPACT:
No fiscal impact.

RECOMMENDATION:
Motion to approve via staff recommendation the vacating of easement with conditions per the analysis section of this staff report.

ATTACHMENTS:

Description

Staff Report VE-10-2023
Ordinance 2023-68

DATE: August 3, 2023
CASE #: VE-10-2023

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate the Northeasterly 35 feet, of the Easterly 4 feet, of the Westerly side 6-foot Public Utility & Drainage Easement, thereof containing 140 square feet or 0.003 acres, more or less, of Lot 5, Block 674, Port Malabar Unit 15, according to the Plat thereof, as Recorded in Plat Book 15, Pages 72-79, of the Public Records of Brevard County, Florida. Existing driveway encroaches into West side 6-foot Public Utility and Drainage Easement.

LOCATION: 1200 Sagola Street SE
(Lot 5, Block 674, Port Malabar Unit 1576)

APPLICANT: David J. Daniels Jr. and Evelyn M. Daniels

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: **140 square feet, more or less**

ADJACENT ZONING & LAND USE:

N RS-2 – Single-Family Residential
E RS-2 – Single-Family Residential
S 80-foot-wide Melbourne-Tillman Canal No. 47
W RS-2 – Single-Family Residential

STAFF ANALYSIS:

Vacation of Public Utility and Drainage Easement of a portion of Lot 5, Block 674, Port Malabar Unit 15, according to the Plat thereof, as Recorded in Plat Book 15, Pages 72-79, of the Public Records of Brevard County, Florida, being the Northeasterly 35 feet, of the Easterly 4 feet, of the Westerly side 6-foot Public Utility & Drainage Easement, thereof containing 140 square feet or 0.003 acres, more or less;
More particularly described as commencing at the Northwest corner of said Lot 5, said corner being a point on a curve concave Northeasterly, having a radius of 100.00 feet, and a central angle of 01°08'46", and a radial bearing of North 35°41'39" East, and run Southeasterly along the arc, a distance of 2.00 feet to the point of beginning, said point being a point on a curve concave Northeasterly, having a radius of 100.00 feet, a central angle of 02°17'38", and a radial bearing of North 34°32'53" East; thence Southeasterly along the arc, a distance of 4.00 feet; thence South 35°41'39" West, a distance of 35.16 feet; thence North 54°18'21" West, a distance of 4.00 feet; thence North 35°41'39" East, a distance of 35.00 feet to the point of beginning. Containing 140 square feet or 0.003 acres, more or less. The existing driveway encroaches into the Westerly side 6-foot Public Utility and Drainage Easement.

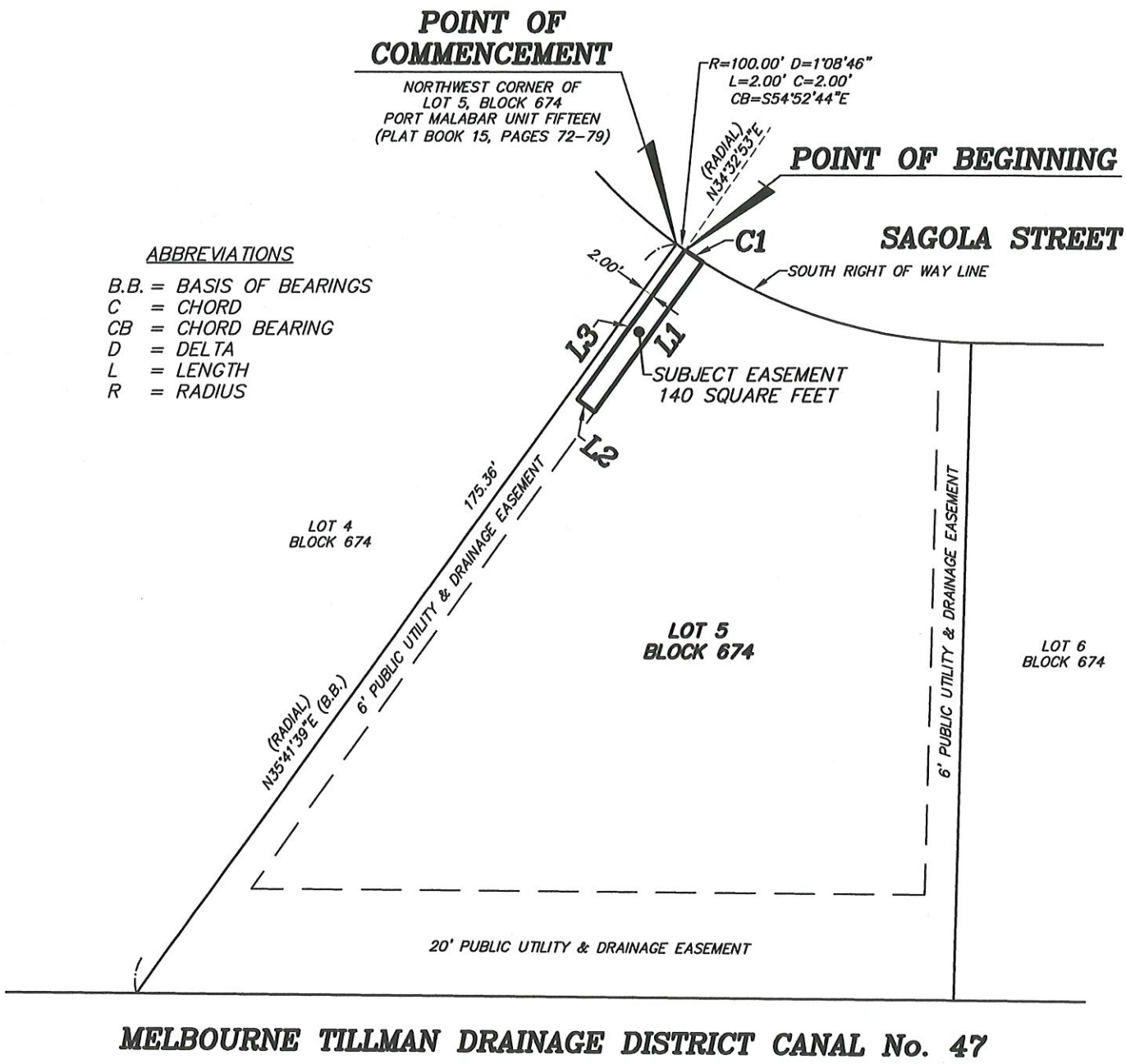
AT&T, Florida Power and Light, Spectrum, and Melbourne-Tillman Water Control District have no objections to the vacating request.

The City of Palm Bay's Public Works and Utilities Departments have the enclosed comments relating to the vacating request. If any publicly owned infrastructure was damaged during construction of the driveway extension, then the Owner/Contractor shall be liable for the repair(s). Side and rear drainage easements shall drain to the front of lot with no impacts to the rear canal. Install a 4" diameter yard drain, along the remaining two (2) foot easement, to ensure stormwater flow is draining towards the front swale.

Staff has no other adverse comments regarding removal of the Northeasterly 35 feet, of the Easterly 4 feet, of the Westerly side 6-foot Public Utility & Drainage Easement, thereof containing 140 square feet or 0.003 acres, more or less, of Lot 5, Block 674, Port Malabar Unit 15, according to the Plat thereof, as Recorded in Plat Book 15, Pages 72-79, of the Public Records of Brevard County, Florida, as the existing driveway encroaches the easement.

STAFF RECOMMENDATION:

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



ABBREVIATIONS

B.B. = BASIS OF BEARINGS
C = CHORD
CB = CHORD BEARING
D = DELTA
L = LENGTH
R = RADIUS

SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

AAL LAND SURVEYING SERVICES, INC.

SKETCH OF DESCRIPTION	1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J–17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. 2. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.	SHEET 1 OF 2
JOB # 48610		
DATE: 06–06–23 SECTION 09, TOWNSHIP 29S, RANGE 37E	DANIEL D. GARNER P.L.S. No. 6189	3970 MINTON ROAD WEST MELBOURNE, FL. 32904 (321) 768–8110
L.B. #6623		SCALE: 1" = 30' NORTH

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	100.00'	4.00'	2°17'38"

LINE TABLE		
LINE	BEARING	LENGTH
L1	S35°41'39"W	35.16'
L2	N54°18'21"W	4.00'
L3	N35°41'39"E	35.00'

DESCRIPTION: A PORTION OF A 6 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 5, BLOCK 674, PORT MALABAR UNIT FIFTEEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGES 72–79, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 5, SAID CORNER BEING A POINT ON A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 01°08'46", AND A RADIAL BEARING OF NORTH 35°41'39" EAST, AND RUN SOUTHEASTERLY ALONG THE ARC, A DISTANCE OF 2.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 02°17'38", AND A RADIAL BEARING OF NORTH 34°32'53" EAST; THENCE SOUTHEASTERLY ALONG THE ARC, A DISTANCE OF 4.00 FEET; THENCE SOUTH 35°41'39" WEST, A DISTANCE OF 35.16 FEET; THENCE NORTH 54°18'21" WEST, A DISTANCE OF 4.00 FEET; THENCE NORTH 35°41'39" EAST, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING. CONTAINING 140 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.

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SHEET 2 OF 2

JOB # 48610

DATE: 06–06–23
SECTION 09, TOWNSHIP 29S, RANGE 37E

L.B. #6623

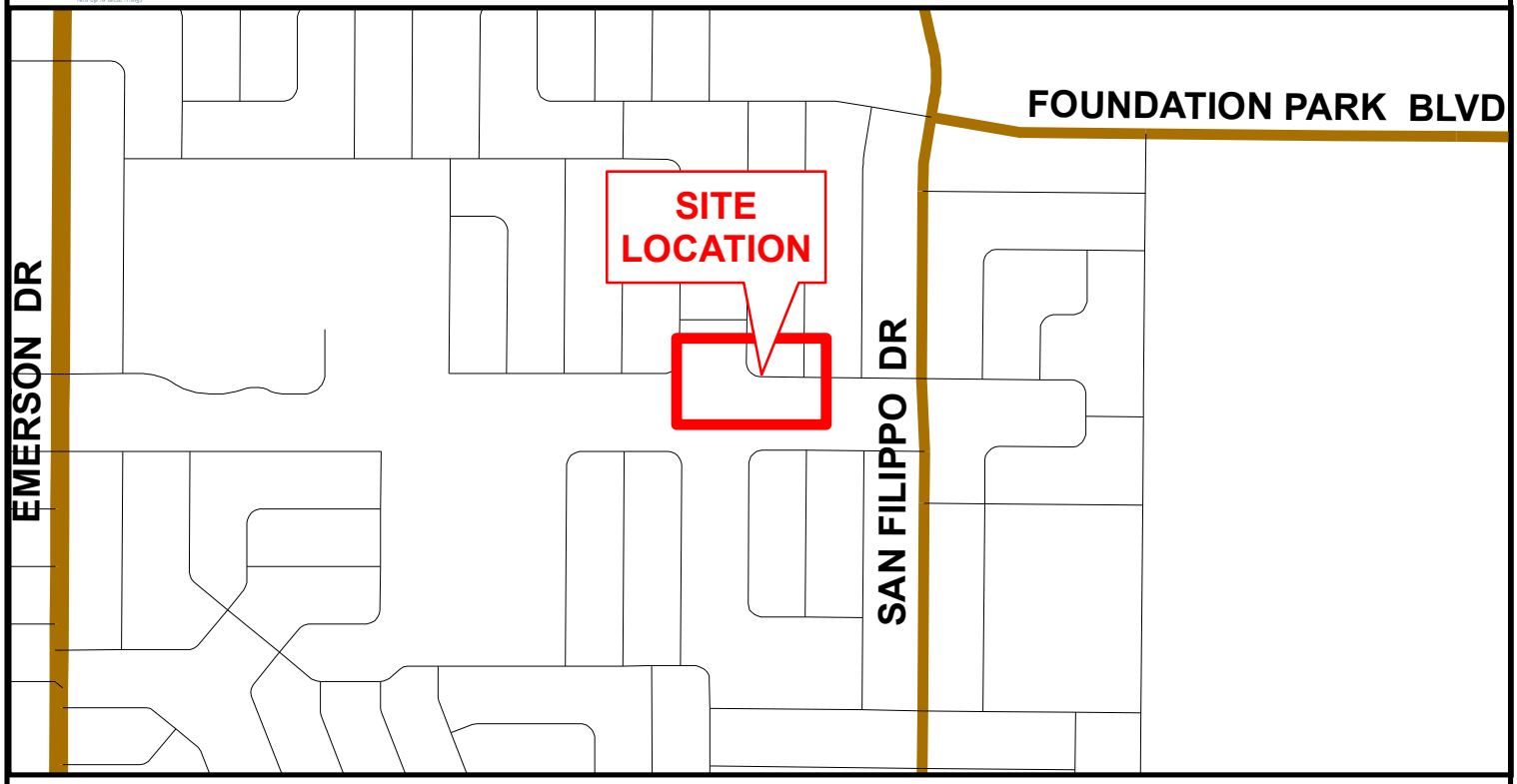
NOT VALID WITHOUT SHEET 1

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

SCALE: N/A

NORTH

LOCATION MAP



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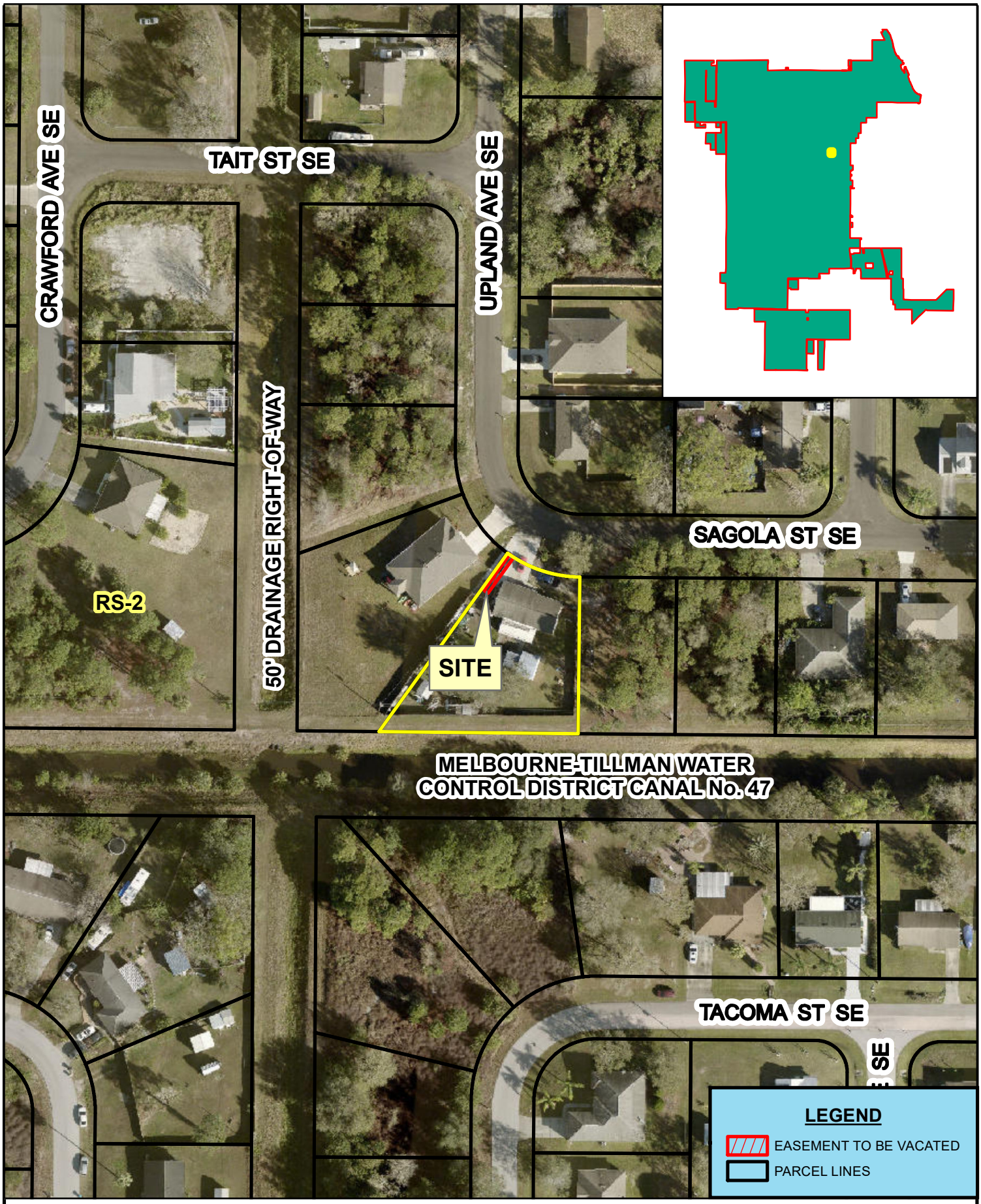
Map created by the City of Palm Bay
Public Works Department (RSD), on June 23, 2023.

VE-10-2023

0 25 50 100 Feet

1 inch = 100 feet



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Map created by the City of Palm Bay
Public Works Department (RSD), on June 23, 2023.

LOCATION MAP
VE-10-2023

0 25 50 100 Feet

1 inch = 100 feet

Contacts

Please complete any available contacts.

Property Owner

Me

Full Name

DANIELS, EVELYN M

Street Address

1200 SAGOLA ST SE

Unit

City

PALM BAY

State

FL

Zip

32909

Just 5 digit zip please

Phone Number

EmailAddress

Contractor

Search

Full Name

(Last, First, Middle Initial)

Street Address

Unit

City

State

SELECT ONE

--- SELECT ONE ---

Zip

Just 5 digit zip please

Phone Number

Email Address

Applicant

Full Name *

David J Daniels Jr.

Title

Street Address *

1200 Sagola Street

City *

Palm Bay

State *

FL

Zip *

32909

Mobile Number

EmailAddress

turnoverclean@aol.com

Secondary Phone No

Fax Number

PW23-01526 | Undo | Save

Select Language

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NOTICE OF EXTENSION – FOF IMPOSITION OF FINES
CODE ENFORCEMENT SPECIAL MAGISTRATE, CITY OF PALM BAY
REVISED

June 15, 2023

EVELYN M DANIELS
DAVID J DANIELS JR.
1200 SAGOLA ST SE
PALM BAY, FL 32909

23626-23 (HTE 22-03752)
(1200 SAGOLA ST SE – PALM BAY, FL)

On JUNE 14, 2023, your case was brought before the Code Enforcement Special Magistrate Hearing for authorization to impose fines of $50.00 per day beginning May 7, 2023.

At the June 14, 2023, hearing, the Special Magistrate granted an extension of compliance date until August 14, 2023. Should the property not be brought into compliance by this date, this case will be brought back before the Special Magistrate to impose the fine at the September 13, 2023, hearing.

Please notify the Code Officer, Phil Clendenin to re-inspect and close the case when brought into compliance.

Location of Board Meeting:
City of Palm Bay
City Hall - Council Chambers
120 Malabar Road SE
Palm Bay FL 32907

Sincerely,

Jeanne Pinsi

Jeanne Pinsi
Code Enforcement Secretary

Cc: Phil Clendenin, Code Enforcement Officer
(321) 952-3430 option #8

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

Customer: CITY OF PALM BAY

Address: SUITE 201
PALM BAY FL 32907
USA

Ad No.: 0005765220

Pymt Method Invoice

Order Amount 105.60

Run Times: 1

No. of Affidavits: 1

Run Dates: 07/14/23

Text of Ad:

Ad#5765220 07/14/2023

CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that City Council of the City of Palm Bay will hold a public hearing on August 3rd, and August 17th, 2023, at 6:00 p.m. at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida to consider application requesting vacation of the following described properties:

1. **Case No. Vacating Easement -10-2023**
Vacation of Easement is requested to vacate the Northeasterly 35 feet, of the Easterly 4 feet, of the Westerly side 6-foot Public Utility and Drainage Easement, thereof containing 140 square feet or 0.003 acres, more or less, of Lot 5, Block 674, Port Malabar Unit 15, according to the Plat thereof, as Recorded in Plat Book 15, Pages 72 - 79, of the Public Records of Brevard County, Florida. Existing driveway encroaches into West side Public Utility and Drainage Easement.

If an individual decides to appeal any decision made by City Council with respect to any matter considered at these meetings, 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.

Valentino Perez
Palm Bay Public Works Director

ORDINANCE 2023-68

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE SIDE SIX (6) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 5, BLOCK 674, PORT MALABAR UNIT 15, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 75, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, David J. Daniels Jr. and Evelyn M. Daniels 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 side public utility and drainage easement located within Lot 5, Block 674, Port Malabar Unit 15, according to the plat thereof as recorded in Plat Book 15, Page 75, of the Public Records of Brevard County, Florida, Section 9, Township 29S, Range 37E, being more particularly described as follows:

> Commencing at the Northwest corner of said Lot 5, said corner being a point on a curve concave Northeasterly, having a radius of 100.00 feet, a central angle of 01°08’46”, and a radial bearing of N 35°41’39” E, and run Southeasterly along the arc, a distance of 2.00 feet to the point of beginning, said point being a point on a curve concave Northeasterly, having a radius of 100.00 feet, a central angle of 02°17’38”, and a radial bearing of N 34°32’53” E; thence Southeasterly along the arc, a distance of 4.00 feet; thence S 35°41’39” W, a distance of 35.16 feet; thence N 54°18’21” W, a distance of 4.00 feet; thence N 35°41’39” E, a distance of 35.00 feet to the point of beginning; containing 140 square feet or 0.003 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: David J. Daniels Jr. and Evelyn M. Daniels
Case: VE-10-2023

cc: Brevard County Recording
Applicant
Case File

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Jesse Anderson, Acting Growth Management Director**

DATE: **8/3/2023**

RE: **Ordinance 2023-69, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located southeast of and adjacent to Warrington Road, in the vicinity north of Jupiter Boulevard, from Utilities Use to Low Density Residential Use (1.01 acres) (Case CP23-00007, Jennifer Torres), only one reading required.**

Jennifer E. Torres has submitted a Small-Scale Comprehensive Plan Future Land Use Map amendment to change 1.01 acres of land from UTL, Utilities to LDR, Low Density Residential. The undeveloped property is located on the south side of Warrington Road SW, in the vicinity of Jupiter Boulevard SW.

The applicant has stated that the desired Low Density Residential land use is needed to allow homes to be built on the property. The proposed land use has a maximum density of 5 units per acre. The current zoning on this tract and in most of the surrounding area is RS-2, Single-Family Residential. The tract has been divided into two conforming lots, and the applicant intends to build a home on each lot. The requested Future Land Use Map amendment will bring the FLU and zoning into compliance and allow the applicant to move forward with development.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to approve.

Planning and Zoning Board Recommendation:
Unanimous approval of the request.

ATTACHMENTS:

Description

CP23-00007 Staff Report
CP23-00007 Site Sketches
CP23-00007 Citizen Participation Report
CP23-00007 Application
CP23-00007 Letter of Authorization
CP23-00007 Legal Acknowledgement
CP23-00007 Legal Ad
Ordinance 2023-69

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Tania Ramos, Senior Planner

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
CP23-00007	July 5, 2023

PROPERTY OWNER & APPLICANT	**PROPERTY LOCATION/ADDRESS**
Jennifer E. Torres	Tract K, Port Malabar Unit 20, Section 02, Township 29, Range 36, Brevard County, Florida, containing approximately 1.01 acres. Tax Accounts 3016123 and 2901319

SUMMARY OF REQUEST	The applicant is requesting a Small-Scale Comprehensive Plan Future Land Use Map amendment from UTL, Utilities to LDR, Low Density Residential.
Existing Zoning	RS-2, Single-Family Residential
Existing Land Use	UTL, Utilities
Site Improvements	Vacant land
Site Acreage	Approximately 1.01 acres

SURROUNDING FUTURE LAND USE & USE OF LAND

North	LDR, Low Density Residential; Single-family residence
East	LDR, Low Density Residential; Single-family residence
South	ROS, Residential Open Space; Vacant land
West	LDR, Low Density Residential; Single-family residence

BACKGROUND:

The subject properties are located on the south side of Warrington Road SW, in the vicinity of Jupiter Boulevard SW. The property was platted in 1961 as Tract K of Port Malabar Unit 20 and has a Future Land Use (FLU) designation of UTL, Utilities. The current zoning on this tract and in most of the surrounding area is RS-2, Single-Family Residential. Tract K has been divided into two conforming lots, and the applicant intends to build a home on each lot. The requested Future Land Use Map amendment will bring the FLU and zoning into compliance and allow the applicant to move forward with development.

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 Objective FLU-1.8 is to ensure that future development activity shall be compatible with established neighborhoods and strive to enhance the character of the community.

The subject properties are surrounded by the Low Density Residential FLU designation to the east, west, and north. To the south is a 3.53-acre tract owned by the city, with a FLU of Recreation and Open Space. The area is characterized by single-family development. The proposed land use amendment and development of single-family homes is compatible with the established neighborhood.

2. CONSERVATION ELEMENT

The environmental character of the city is maintained through conservation, appropriate use, and protection of natural resources. 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 Utilities Department has no objection to the proposed FLU amendment. Upon development of the sites, the owner/developer at their expense, will be required to design, permit, install, inspect, and test water and septic systems of adequate size to accommodate the development.

Drainage: The Public Works Department has no objection to the proposed FLU amendment. 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 FLU amendment to Low Density Residential will add two (2) housing units. Small Scale Comprehensive Plan Amendment requests which will not increase the maximum allowable residential units by 50 units, or more are exempted from School Capacity Determination by the Interlocal Agreement for Public Schools.

6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment would increase the demand for recreation services 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. The Public Works Department has not expressed any concerns regarding transportation levels of service with the proposed FLU amendment.

8. PROPERTY RIGHTS ELEMENT

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

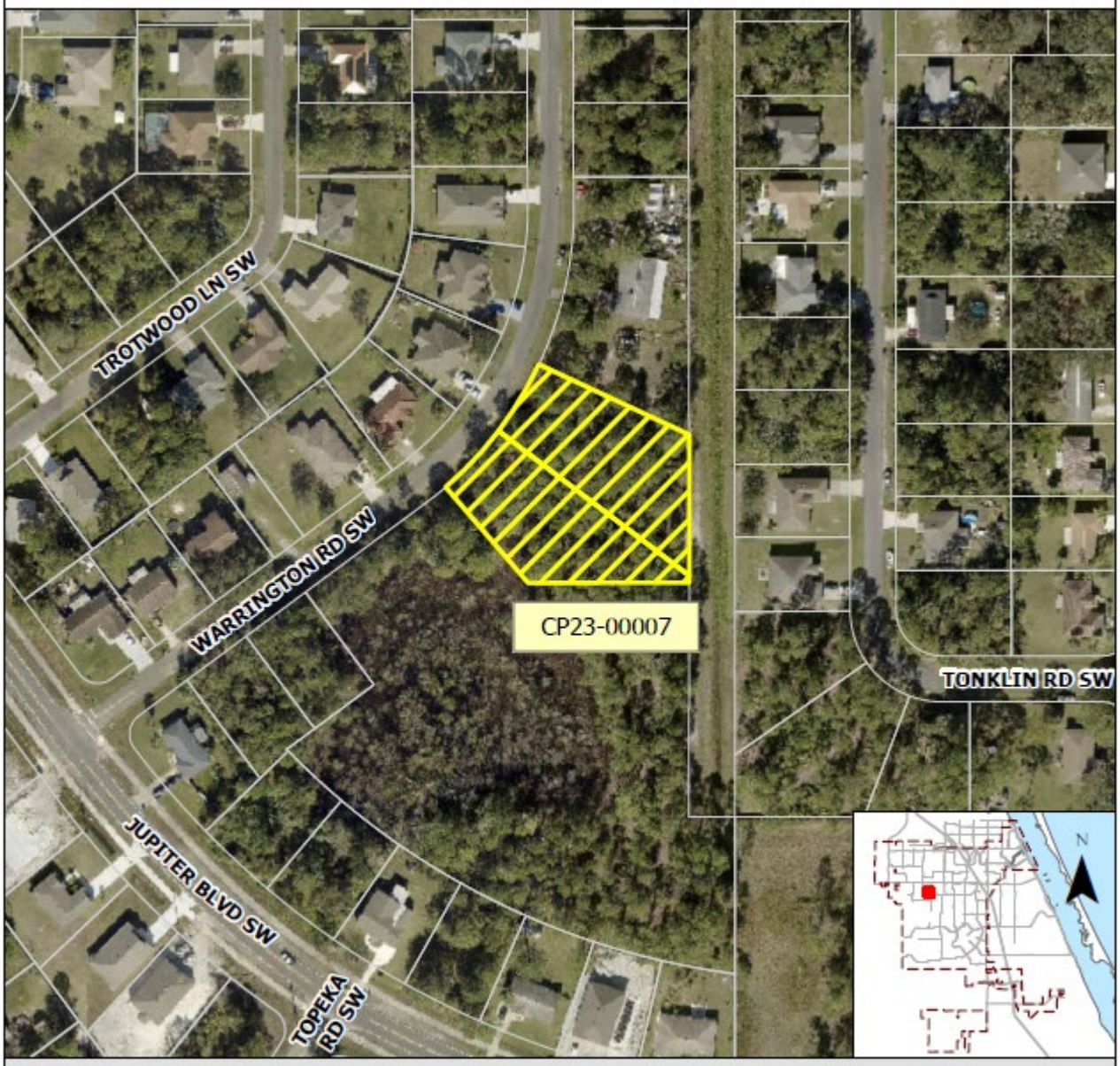
This proposed land-use change does not appear to infringe upon the property rights of the applicant.

STAFF RECOMMENDATION:

Case CP23-00007 is recommended for approval.

The City of Palm Bay Florida

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



AERIAL LOCATION MAP CASE: CP23-00007

Subject Property

East of and adjacent to Warrington Road SW, in the vicinity north of Jupiter Boulevard SW

The City of Palm Bay Florida

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

FUTURE LAND USE MAP CASE: CP23-00007

Subject Property

East of and adjacent to Warrington Road SW, in the vicinity north of Jupiter Boulevard SW

Future Land Use Classification

UTL – Utilities

The City of Palm Bay Florida

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

ZONING MAP CASE: CP23-00007

Subject Property

East of and adjacent to Warrington Road SW, in the vicinity north of Jupiter Boulevard SW

Current Zoning Classification

RS-2 – Single-Family Residential

Authentisign ID: 044B6FBE-3AC8-ED11-BA77-14CB652F4F5B

NOW 02-GI-K-*

DAVID A. BLOCK SURVEYING & MAPPING

MAP & LEGAL OF:

A PARCEL OF LAND LOCATED IN SECTION 2, TOWNSHIP 29 S., RANGE 36 E., BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
PARCEL "B"
COMMENCE AT THE N.E. CORNER OF LOT 1, BLOCK 1023, AS SHOWN ON THE PLAT OF PORT MALABAR UNIT 20, PLAT BOOK 15, PAGE 129 THROUGH 139, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, THENCE RUN N.53°20'27"E., ALONG THE EAST R/W OF WARRINGTON ROAD, A DISTANCE OF 161.85 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE N.W. AND HAVING A RADIUS OF 400.00 FEET; THENCE RUN ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16°07'26", HAVING THE AFOREMENTIONED RADIUS OF 400.00 FEET AND AN ARC LENGTH OF 112.57 FEET, TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°07'24", HAVING THE AFOREMENTIONED RADIUS OF 400.00 FEET AND AN ARC LENGTH OF 84.64 FEET TO A POINT, THENCE DEPARTING THE R/W OF WARRINGTON ROAD, ALONG A RADIAL BEARING OF S.64°54'23"E., A DISTANCE OF 180.12 FEET TO A POINT ON THE WEST LINE OF A 50' DRAINAGE R/W; THENCE S.00°05'03"E., ALONG SAID WEST LINE OF THE 50' DRAINAGE R/W, A DISTANCE OF 153.16 FEET; THENCE, N.52°46'59"W., A DISTANCE OF 259.99 FEET, RETURNING TO THE POINT OF BEGINNING.

.53 AC

LEGEND

(AKA) = Also Known As
℄ = Centerline
(C) = Calculated
C.B. = Concrete Block
C.B.S. = Concrete Block Structure
C.L.F. = Chain Link Fence
CLR. = Clear
C.M. = Concrete Monument
CONC. = Concrete
COR. = Corner
COVD = Covered
ELEV. = Elevation
ENCH. = Encroachment
FD = Found
ID = Identification
I.P. = Iron Pipe
I.R. = Iron Rod
L = Length
(M) = Measured
N/D = Nail & Disk
N.R. = Non Radial
(P) = Plated
P.C. = Point of Curvature
P.C.C. = Point of Compound Curve
P.C.P. = Permanent Control Point
PP = Power Pole
P.R.M. = Permanent Reference Marker
P.S.M. = Professional Surveyor & Mapper
P.T. = Point of Tangency
P.U. & D. = Public Utility & Drainage
PVMT = Pavement
R = Radius
R.P. = Radius Point
R/W = Right-of-way
(TYP.) = Typical
W.F. = Wood Fence
△ = Delta Angle

CERTIFIED TO:
CHARLES WISMER

SCALE: 1" = 30'
DATE: 3/31/2017
PROJECT: 17-214B
F.B. NUMBER:
REVISION:

SURVEYOR'S NOTES:

1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON A BEARING OF N.53°20'27"W., ALONG THE EAST R/W LINE OF WARRINGTON ROAD.

2) AS PER FLOOD INSURANCE RATE MAP NO.12009C 0655 G, INDEX DATED 03-17-2014, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.

3) THIS SURVEY WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THE PROPERTY.

4) THIS TRACT CONTAINS 23,278 SQUARE FEET OR 0.53 ACRES OF LAND MORE OR LESS.

5) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.

6) MAP AND LEGAL DOES NOT REPRESENT AN ACTUAL FIELD SURVEY.

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

LIABILITY SHALL NOT EXCEED THE TOTAL AMOUNT PAID TO THE SURVEYOR BY THE CLIENT.

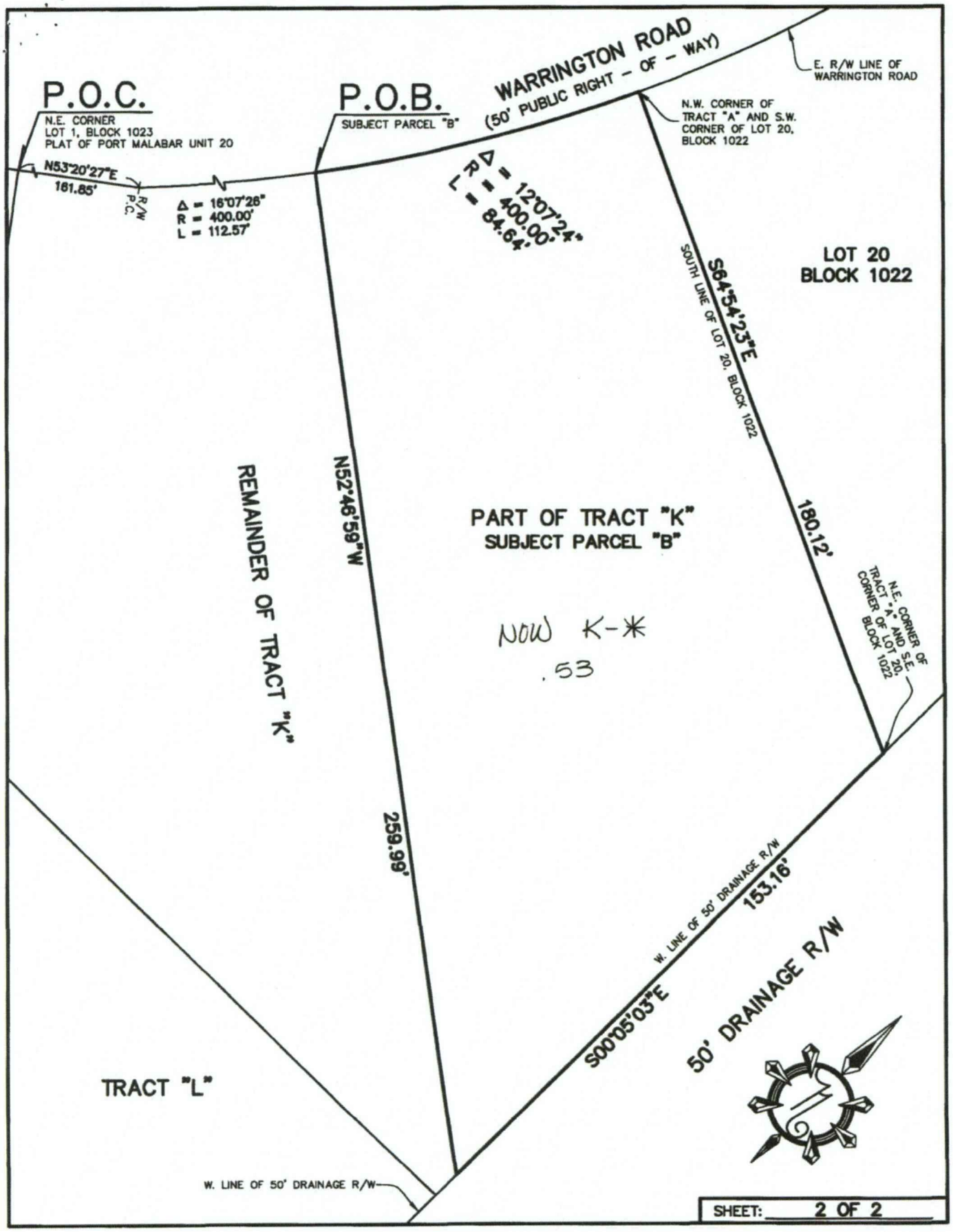
TYPE OF SURVEY:
BOUNDARY SURVEY
CAD FILE:
17-214B.DWG

CERTIFIED BY:

DAVID A. BLOCK
FLORIDA P.S.M. 6263
(NOT VALID UNLESS SEALED)
1545 BREAM STREET
MERRITT ISLAND, FL 32952
PHONE: 321-452-7048
FAX: 321-452-5109
www.blocksurveying.com
dblock@blocksurveying.com

SHEET: 1 OF 2

Authentisign ID: 044B6FBE-3AC8-ED11-BA77-14CB652F4F5B



Authentisign ID: 044B6FBE-3AC8-ED11-BA77-14CB652F4F5B

NOW 02-GI-*-K.1

DAVID A. BLOCK SURVEYING & MAPPING

MAP & LEGAL OF:

A PARCEL OF LAND LOCATED IN SECTION 2, TOWNSHIP 29 S., RANGE 36 E., BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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.48 AC

LEGEND

(AKA) = Also Known As
℄ = Centerline
(C) = Calculated
C.B. = Concrete Block
C.B.S. = Concrete Block Structure
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CLR. = Clear
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R/W = Right-of-way
(TYP.) = Typical
W.F. = Wood Fence
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CERTIFIED TO:
CHARLES WISMER

SCALE: 1" = 30'
DATE: 3/31/2017
PROJECT: 17-214A
F.B. NUMBER:
REVISION:

SURVEYOR'S NOTES:

1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON A BEARING OF N.53°20'27"W., ALONG THE EAST R/W LINE OF WARRINGTON ROAD.

2) AS PER FLOOD INSURANCE RATE MAP NO.12009C 0655 G, INDEX DATED 03-17-2014, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.

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LIABILITY SHALL NOT EXCEED THE TOTAL AMOUNT PAID TO THE SURVEYOR BY THE CLIENT.

TYPE OF SURVEY:
BOUNDARY SURVEY
CAD FILE:
17-214A.DWG

CERTIFIED BY:

DAVID A. BLOCK
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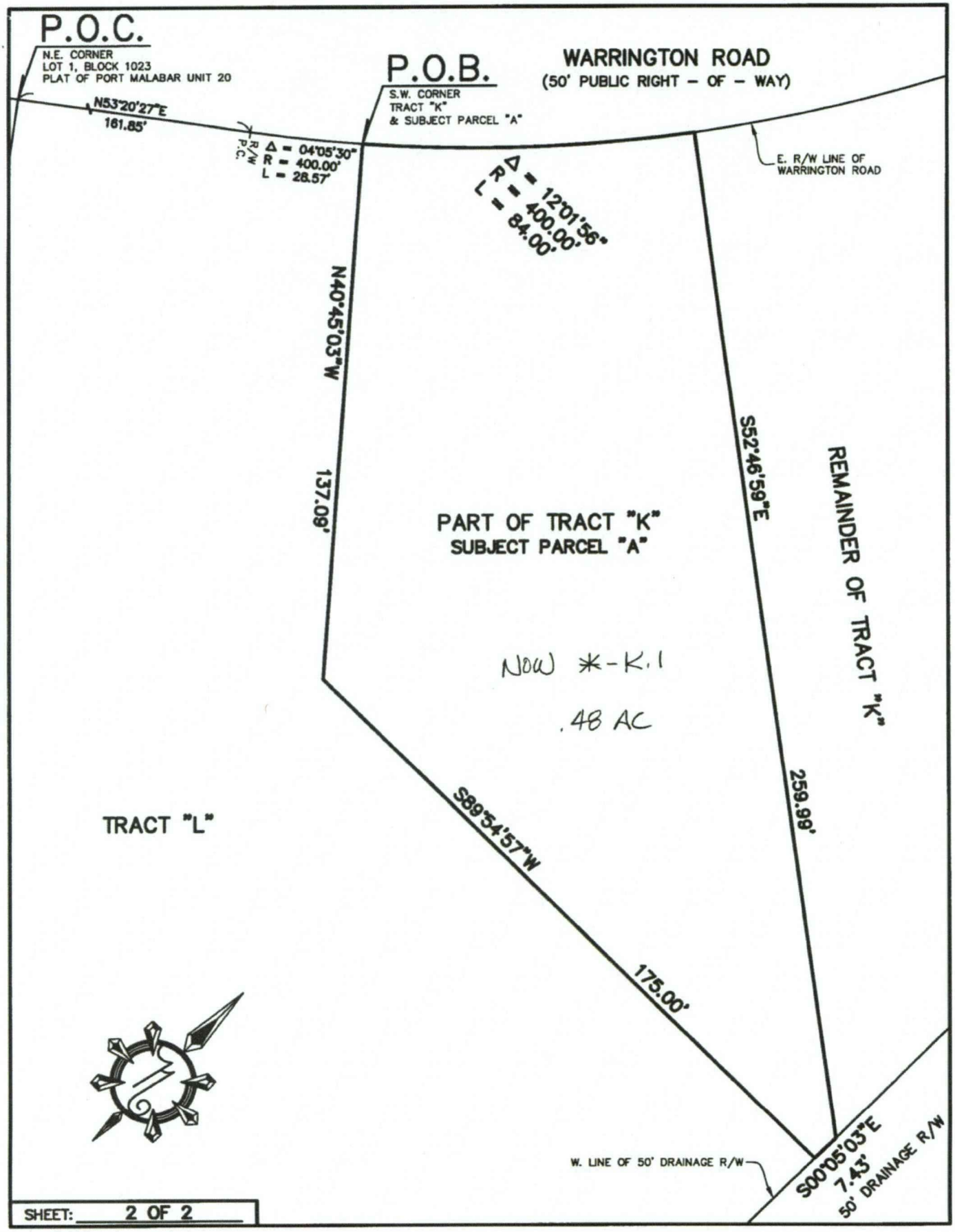
SHEET: 1 OF 2

Authentisign ID: 044B6FBE-3AC8-ED11-BA77-14CB652F4F5B



CITIZEN PARTICIPATION REPORT

Applicant should follow established Citizen Participation Plan as specified in § 169.005 CITIZEN PARTICIPATION PLANS.

Case Details

Applicant Name	Jennifer Torres
Project Name	Future Land Use Lot 2
Case Type	Comprehensive Plan - Future Land Use
Case Description	Single Family Residential
Intended Month of Submission	April 2023

Information on the Citizen Participation Meeting

Notice to the Public (Date)	March 3, 2023
Date of CPP	March 20, 2023
Location of the Meeting	Franklin T. DeGroodt Public Library
Number of Attendees	2

DENOTE ANY ADVERSE COMMENTS/COMPLAINTS/ CONCERNS/ ISSUES RECEIVED AND DESCRIBE RESOLUTION OR PROVIDE JUSTIFICATION IF THE APPLICANT IS UNABLE OR UNWILLING TO ADDRESS THE ISSUE:

	Comments	Resolution	Justification if the applicant is unable or unwilling to address the issue
	N/A		

List of Attendees

Number	Name of attendee	Number	Name of attendee
1.	Roberta Ruff	2.	Patrick Huston
3.		4.	
5.		6.	
7.		8.	
9.		10.	
11.		12.	
13.		14.	
15.		16.	
17.		18.	
19.		20.	
21.		22.	
23.		24.	
25.		26.	
27.		28.	
29.		30.	
31.		32.	
33.		34.	
35.		36.	

Additional Documents Required With Citizen Participation Plan Report Submission

1. Copy of notice sent (separate attachment)
2. Material distributed or presented at the meeting (separate attachment)
   - ☐ All the property owners within a 500-foot radius of the subject parcel shall be informed about the meeting date, time and location.

I hereby certify that information provided as part of this report is correct.

_____
Signature,

_____Jennifer_Torres_____5/10/23_____
Typed Name and Title: Date :

FUTURE LAND USE MEETING - March 19, 2023
Discuss rezoning properties 29-36-02-GI-K & 29-36-02-GI-*-K.1 future land use from UTILITY to SINGLE FAMILY RESIDENTIAL

NAME	ADDRESS	COMMENTS
Roberta Ruff	406 Trotwood LN SW	
Patrick Huston	455 Wimpole LN SW.	

March 3, 2023

RE: Notice of Citizen Informational Meeting

Project Site Address:

Warrington Rd SW, Palm Bay, FL 32908

Parcel ID's: 29-36-02-GI-K & 29-36-02-GI-*-K.1

Zoning Request: R2 - Single Family Residential

Dear Neighbor,
Jennifer Torres has submitted an application requesting the approval of rezoning from the ***Future* Land Use** of "Utility" to "RS - Single Family Residential". Currently the parcels are zoned for R2 - Single Family Residential, it is the *future* use that is being requested to rezone. You are invited to attend an informational meeting to discuss this request, answer any questions that you may have and record any feedback you may have to offer. We will then present your feedback to the City Staff, the Planning and Zoning Board and City Commission as we move through the review process for this request.

Meeting Date: Monday, March 20th, 2023

Time: 4:00pm - 4:45pm

Place: Franklin T. DeGroodt Public Library

6475 Minton Rd, Palm Bay, FL 32908

We hope to see you there!

Best Regards,

Jennifer Torres

Parcel ID's: 29-36-02-GI-K & 29-36-02-GI-*-K.1

Project Details: CP23-00007

Project Type: **Comprehensive Plan Future Land Use Map**

Project Location:	**Palm Bay, FL**
Milestone:	**Under Review**
Created:	**4/14/2023**
Description:	**Future Land Use Lot 2**
Assigned Planner:	**Tania Ramos**

Contacts

Contact	Information
Owner/Applicant	TORRES, JENNIFER E 115 TURPIAL WAY MELBOURNE, FL 32901 jenuin420@gmail.com
Legal Representative	Jennifer Torres 115 Turpial Way Melbourne, FL 32901 jenuin420@gmail.com
Assigned Planner	Tania Ramos FL tania.ramos@palmbayflorida.org
Submitter	Jennifer Torres -1 jenuin420@gmail.com

Fields

Field Label	Value
Total Acreage	
Present Land Use Classification	Vacant Residential Land (Single Family - Platted)
Proposed Land Use Classification	Single Family Residential
Structures On Property?	False
List Structures	
Rezoning Submitted?	False
Development Submitted?	False

Project Details: CP23-00007

Justification for Change	Future land use is 'Utility', request is for future land use to be changed to 'Single Family Residential'
Specific Use Intended for Property	Build a home on the lot
Project Scale	Small Scale (50 acres or less)
Present Use of Property	Vacant Land
Is Submitter the Representative?	True
Ordinance Number	
Block	*
Lot	K.1
Section Township Range	02-29-36
Subdivision	GI
Year Built	
Use Code	0010
Use Code Desc	VACANT RESIDENTIAL LAND (SINGLE FAMILY, PLATTED)
LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	3016123
Flu Description	Utilities
Flu Code	UTIL
Zoning Description	Single-Family Residential
Zoning Code	RS-2

July 3rd, 20 23

Re: Letter of Authorization

As the property owner of the site legally described as:

Account 3016123 & 2901319: PORT MALABAR UNIT 20 PART OF TRACT K: COMM @ NE CORN LOT 1 BLK 1023; THENCE N53E 161.85 FT TO CURVE CONCAVE TO NW, RADIUS 400 FT, DELTA 16°07'26", ARC 112.57 FT TO POB; THENCE CONTINUE

I, Owner Name: Jennifer Torres

Address: 115 TURPIAL WAY APT 108 MELBOURNE, FL 32901

Telephone: (703) 987-1970

Email: jenuin420@gmail.com

hereby authorize:

Representative: Marlynn Simmons

Address: 751 Pebble Beach Ave NE, Palm Bay, FL 32905

Telephone: 321-543-8176

Email: mdrealtyteam@gmail.com

to represent the request(s) for:

Case No. CP23-00007 / Jennifer Torres

(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 July, 20 23 by Jennifer Torres, property owner.

ROBERT LEE HANSON EVANS
Commission # HH 180110
Expires September 28, 2025
Bonded Thru Troy Fain Insurance 800-385-7019

, Notary Public

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

FL DL

Acknowledgement Log

Header:
Legal Acknowledgement
Text:
I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

Accepted By:
Jennifer Torres
On:
4/14/2023 1:54:02 AM

CP23-00007

Select Language ▼

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FLORIDA TODAY
FLORIDATODAY.com
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(For Info Only - NOT A BILL)

Customer: CITY OF PALM BAY

Address: SUITE 201
PALM BAY FL 32907
USA

Ad No.: 0005744457
Pymt Method Invoice
Net Amount 167.17

Run Times: 1

No. of Affidavits: 1

Run Dates: 06/22/23

Text of Ad:

Ad#5744457 06/22/2023
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on July 5, 2023, and by the City Council on August 3, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. ****CU23-00008 – Royal Wash PSL, LLC (Chelsea Anderson, Esq., Mangrove Title & Legal, PLCC, Rep.)**
A Conditional Use to allow a retail Car Wash in a GC-General Commercial District, in accordance with Section 185.054(D)(9) of the Palm Bay Code of Ordinances

Lots 1 through 6, Block 2211, Port Malabar Unit 38, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.15 acres. Specifically located at 1300 Malabar Road SE

2. **CP23-00007 – Jennifer E. Torres**
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Utilities to Low Density Residential

Tract K, Port Malabar Unit 20, Section 02, Township 29, Range 36, Brevard County, Florida, containing approximately 1.01 acres. Located on the south side of Warrington Road SW, in the vicinity of Jupiter Boulevard SW

3. **T23-00006 – City of Palm Bay (Growth Management Department)**
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.118, Accessory Structures, to amend and update standards for accessory structures

4. **T23-00009 - City of Palm Bay (Growth Management Department)**
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.018, Site Plans, to amend the site plan review process and establish different levels of plan reviews

5. **T23-00016 – City of Palm Bay (Growth Management Department)**
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to establish Section 185.139, Outdoor Dining, to incorporate standards for outdoor dining
**Indicates quasi-judicial request(s).

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or 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.

Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.

Jesse Anderson
Assistant Growth Management Director

ORDINANCE 2023-69

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

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held a public hearing on an amendment to the Comprehensive Plan on July 5, 2023, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on August 3, 2023, after public notice, and

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

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

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

> Tract “K”, Port Malabar Unit 20, according to the plat thereof as recorded in Plat Book 15, Page 138, of the Public Records of Brevard County, Florida; Section 02, Township 29S, Range 36E; containing 1.01 acres, more or less.

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

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

SECTION 4. The provisions within this ordinance shall take effect thirty-one (31) days from the enactment date.

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

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

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

Reviewed by CAO: _____

Applicant: Jennifer E. Torres
Case: CP23-00007

cc: Brevard County Property Appraiser
Applicant
Case File

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Jesse Anderson, Acting Growth Management Director**

DATE: **8/3/2023**

RE: **Ordinance 2023-70, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by modifying provisions related to accessory structures (Case T23-00006, City of Palm Bay), first reading.**

Growth Management has submitted a request for a textual amendment to the Code of Ordinances, Chapter 185: Zoning Code; Section 185.118, Accessory Structures; to amend the Code of Ordinances and provide clarification of Accessory Structures.

Staff has proposed language to eliminate redundancies and provide clarification for the types, location, and sizes of accessory structures. Staff has also proposed an increase in height of accessory structures from 24' to 25'. This will afford residents to have accessory structures up to the height allowed of principal structures.

Additionally, a table is being added into the Code of Ordinances. Consolidating information in this manner makes it more readily available and accessible for residents. For example, regulations for structure setbacks, heights, and sizes will all be located within one table.

Lastly, the amendment being proposed is to ensure accessory structures do not encroach on neighboring properties and allow for more aesthetically pleasing accessory structures within the City of Palm Bay. As such, the updates proposed in this amendment further the purpose and intent of the zoning code by clarifying the code and its implementation, while also making updates that relate to public health, safety, order and appearance.

REQUESTING DEPARTMENT:
Growth Management

FISCAL IMPACT:
There is no fiscal impact.

RECOMMENDATION:
Motion to Approve T23-00006.

Planning and Zoning Board Recommendation:
Unanimous approval of the request.

ATTACHMENTS:

Description

T23-00006 Staff Report
T23-00006 Application
T23-00006 Legal Acknowledgement
Legal Ad
Ordinance 2023-70

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Stephen White, Senior Planner

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
T23-00006	July 5, 2023

APPLICANT	**PROPERTY LOCATION/ADDRESS**
City of Palm Bay, Florida	Not Applicable

SUMMARY OF REQUEST A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code; Section 185.118, Accessory Structures; to amend the Code of Ordinances and provide clarification of Accessory Structures.

Existing Zoning	Not Applicable
Existing Land Use	Not Applicable
Site Improvements	Not Applicable
Site Acreage	Not Applicable

SURROUNDING ZONING & USE OF LAND

North	Not Applicable
East	Not Applicable
South	Not Applicable
West	Not Applicable

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code; Section 185.118, Accessory Structures; to amend the Code of Ordinances and provide clarification of Accessory Structures. An analysis of this section of the Land Development Code identified areas with section 185.118 that require clarification and standards to be re-evaluated.

At the direction of City Council, staff conducted a review of Section 185.118, Accessory Structures to identify cases suitable for administrative review and approvals.

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

PURPOSE:

Section 185.118, Accessory Structures outlines requirements and conditions for accessory structures within the city limits of Palm Bay in keep with the purpose and intent of Chapter 185: Zoning Code. These requirements implement the purpose of the Zoning Code to preserve and improve the public health, safety, order, appearance, convenience and welfare of the inhabitants of the city.

The Zoning Code is based on, consistent with, related to and adopted to effectuate and implement the policies of the city comprehensive plan in order to protect, preserve and improve the public health, safety, order, appearance, convenience and welfare of the inhabitants of the city, including, but not limited to:

(A) Lessening congestion in the streets;

(B) Encouraging the most appropriate use of land, water and resources;

(C) Providing adequate light and air;

(D) Securing safety from fire and other dangers;

(E) Preventing the overcrowding of land;

(F) Presenting the character and stability of residential, commercial, industrial and other areas;

(G) Facilitating the adequate provisions for transportation, water supply, sewerage, drainage, sanitation, recreation, schools, housing, and other services; and

(H) Conserving and enhancing the standard of living within the city.

ANALYSIS:

Staff has proposed language to eliminate redundancies and provide clarification for the types, location, and sizes of accessory structures. Staff has also proposed an increase in height of accessory structures from 24' to 25' to allow accessory structures up to the height allowed of principal structures. The amendment also ensures that accessory structures do not encroach on neighboring properties and sets parameters for more aesthetically pleasing accessory structures.

Additionally, staff proposes to incorporate a table into Section 185.118 to consolidate information in a manner more readily available and accessible for residents. The table outlines regulations for structure setbacks, heights, and sizes based on the type of accessory structure.

STAFF RECOMMENDATION:

Staff recommends Case T23-00006 for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: Zoning

§ 185.118 ACCESSORY STRUCTURES.

(A) No accessory structure shall be erected>>with<< in:

(1) Any public drainage and utility easement.

(2) Any required front yard setback.

(3) Any required side yard setback.

(4) Within any required rear yard setback>>.<<, ~~no accessory structure shall be erected within ten (10) feet of any rear property line and within six (6) feet of any side property line. No separate or freestanding accessory structure shall be constructed or placed within five (5) feet of any building on the same lot. Accessory structures erected on lots fronting on two (2) streets shall conform to the principal structure setbacks for the side corner yard setback.~~

>>(5) Within five (5) feet of any building on the same lot.<<

(B) No accessory structure shall exceed twenty-~~four~~ >>five (~~24~~>>25<<) feet in height>>or the height of the principal structure, whichever is least.<<

(C) ~~Accessory buildings shall not be used until after the principal structure has been fully constructed and a certificate of occupancy issued. Erection of tents as accessory structures is prohibited. No home occupation or business may be conducted in an accessory building. Residential use in any accessory building is strictly prohibited.~~ No accessory building may be erected upon a property without the presence of a principal building, unless a principal building is not required in the applicable zoning district. In any residential zoning district, no accessory structure shall exceed the size of the principal structure's living area, except that sheds may not exceed 50% of the size of the principal structure's living area. In no case shall the cumulative size of all accessory structures exceed the principal structures living area. ~~Shipping containers will be considered the same as a shed, for the purposes of this section, and in addition to meeting the provisions of 185.118; they shall also meet the requirements of the latest adopted Florida Building Code.~~ >> Properties zoned Rural Residential, RR, of two (2) acres or more shall be permitted to have accessory structures that exceed the square footage of the principal structure's living area.<<

>>(D) No home occupation or business may be conducted in an accessory building.

>>(E) Residential use in any accessory building is strictly prohibited.<<

~~(D) Swimming pools. For the purpose of this chapter, swimming pools are considered as an accessory structure and shall meet the requirements listed in divisions (A) through (C) above. Screened enclosures around swimming pools shall also meet the requirements listed in (A) through (C) above. All swimming pools shall have around them an enclosure of a permanent nature of not less than four (4) feet in height with a doorway which can be locked. Pools shall maintain a minimum five (5) foot setback from the water's edge to all principal structures.~~

(E) Satellite dish antennae. For the purpose of this chapter, satellite dish antennae are considered an accessory structure and a building permit shall be required when installing, moving or reconstructing a dish antenna. Satellite dish antennae shall meet the following requirements:

(1) The satellite dish shall be erected to the rear of the front wall of the principal building and shall also meet the ~~accessory structure~~ >>setback<< requirements listed in ~~divisions (A) through (C)~~ of this section. The setback of the dish antenna shall be measured from the outermost point of the dish on the side closest to the applicable setback or property line.

(2) Roof mounting. Satellite dish antennae may be roof-mounted provided that the twenty-~~four~~ >>five (~~24~~>>25<<) foot height restriction in single-family residential districts and the maximum height limits in commercial, industrial, and multi-family districts are not exceeded. ~~(~~The height of the antenna/dish shall be that distance as measured vertically from the highest point of the dish/antenna, when positioned at its lowest angle for operation, to ground level.~~)~~

(3) No more than one (1) dish antenna shall be located on any record parcel of land zoned for a single-family residential use. No more than two (2) dish antennae shall be permitted for multi-family or commercial uses.

(4) Dish antennae located in single family residential districts shall not have a dish which exceeds ten (10) feet in diameter.

~~(F) Animal cages or enclosures.~~

~~(1) For purposes of this subsection, animal cages or enclosures shall be considered to be an accessory structure.~~

~~(2) Animal cages or enclosures shall meet all setback requirements for accessory structures.~~

~~(3) For purposes of this subsection, a perimeter or boundary fence or wall shall not be considered to be an animal cage or enclosure. Perimeter or boundary fences or walls must meet the requirements of Chapter 170 of the City of Palm Bay Code or Ordinances.~~

~~(4) Animal cages or enclosures shall be limited in size to fifteen (15) feet in length by ten (10) feet in width and shall not exceed six (6) feet in height.~~

~~(5) Animal cages or enclosures shall meet all the requirements of all city, county, state and federal ordinances, rules, statutes and regulations that pertain to and apply to structures that are utilized for and pertain to animals and animal control.~~

~~(6) Penalties. Any person found guilty of being in violation of this subsection shall be guilty of a misdemeanor of the 2nd degree punishable as provided in § 10.99 of the City of Palm Bay Code of Ordinances. However, in addition to or in lieu of any criminal prosecution, the city shall have the right to sue in civil court to enforce the provisions of this subsection, to initiate proceedings before the City of Palm Bay Code Enforcement Board to enforce compliance, or to issue a violator a Notice of Violation as provided in § 93.07, Palm Bay Code of Ordinances.~~

~~(G) Metal structures. For the purpose of this chapter, metal accessory structures over three hundred (300) square feet or over twelve (12) feet in height are prohibited in RR (Rural Residential District), RE (Estate Residential District), RS-1 (Single-Family Residential District), RS-2 (Single-Family Residential District), RS-3 (Single-Family Residential District), SRE (Suburban Residential Estate Category), SF-1 (Single-Family Residential Category), and SF-2 (Single-Family Residential~~

~~Category) zoning districts unless the structure is designed to simulate non-metal construction, is treated with a textured coating on all four sides, or is painted to match the color scheme of the primary residence.~~

>>Table A

Minimum Requirements

Type of Structure	Setback requirement	Max Height
Carport or detached garage	Carports shall not be permissible in a front yard. Rear: same as the rear yard setback of the principal structure Side: same as the side yard setback of the principal structure Corner lots: same as the side yard setback of principal structure plus 5’	Height of the principal Structure or 25 feet, whichever is less
Animal enclosures or cages[1]	Rear: 15’ Side: 10’	6’
Metal Structures[2]	Metal structures shall not be erected within side or front yards. Rear: same as the rear yard setback of the principal structure	12’
Swimming pools, as defined by Chapter 515, F.S., and associated barriers	Rear: same as side setback of principal structure plus three feet to water’s edge. Side: same as side setback of principal structure plus three feet to water’s edge.	Height of the principal structure or 25 feet, whichever is less
Satellite dish (ground-mounted)	Radius of the dish plus five feet for side and rear yard setback	Satellite dish (ground-mounted)
Screen room (non-habitable space only)	Rear: setback same as rear setback of principal structure Side: setback same as rear setback of principal structure	Height of the principal structure or 25 feet, whichever is less
Sheds, gazebos, and pergolas over 120 square feet	Rear: 10’ Side: 6’ Corner lots: 10’	Height of the principal structure or 25 feet, whichever is less

1. Animal cages or enclosures shall be limited in size to fifteen (15) feet in length by ten (10) feet in width
2. Metal accessory structures over three hundred (300) square feet are prohibited in residential zoning districts, except within the Rural Residential zoning district.<<

Project Details: T23-00006

Project Type: **Code Textual Amendment**

Project Location: ,

Milestone: **Approved**

Created: **4/4/2023**

Description: **Accessory Structure**

Assigned Planner: **Stephen White**

Contacts

Contact	Information
Supplemental Contact	Stephen White stephen.white2@palmbayflorida.org
Submitter	Stephen White 120 Malabar Rd SE Palm Bay, FL 32907 (321) 733-3042 stephen.white2@palmbayflorida.org
Applicant	Alexandra Bernard, Growth Management Director 120 Malabar Rd SE Palm Bay, FL 32907 (321) 733-3042 alexandra.bernard@palmbayflorida.org
Assigned Planner	Stephen White -1 stephen.white2@palmbayflorida.org

Fields

Field Label	Value
Section Proposed to be Changed	185.118

Project Details: T23-00006

Proposed Language	§ 185.118 ACCESSORY STRUCTURES. (C) Accessory buildings shall not be used until after the principal structure has been fully constructed and a certificate of occupancy issued. Erection of tents as accessory structures is prohibited. No home occupation or business may be conducted in an accessory building. Residential use>>not specifically mentioned with the appropriate Zoning District << in any accessory building is strictly prohibited. No accessory building may be erected upon a property without the presence of a principal building, unless a principal building is not required in the applicable zoning district. In any residential zoning district, no accessory structure shall exceed the size of the principal structure's living area, except that sheds may not exceed 50% of the size of the principal structure's living area. In no case shall the cumulative size of all accessory structures exceed the principal structures living area. >> Properties zoned RR (Rural Residential) and in excess of 5-acres of are permitted to have accessory structures in excess of 500 square feet of the living area of the principal structure.<<Shipping containers will be considered the same as a shed, for the purposes of this section, and in addition to meeting the provisions of 185.118; they shall also meet the requirements of the latest adopted Florida Building Code.
Justification for Proposed Change	review and amend the regulations on accessory structure size
Ordinance Number	

Acknowledgement Log

Header:
Legal Acknowledgement
Text:
I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

Accepted By:
Stephen White
On:
4/4/2023 9:39:20 AM

T23-00006

Select Language ▼

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PALM BAY FL 32907
USA

Ad No.: 0005744457
Pymt Method Invoice
Net Amount 167.17

Run Times: 1

No. of Affidavits: 1

Run Dates: 06/22/23

Text of Ad:

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Jesse Anderson
Assistant Growth Management Director

ORDINANCE 2023-70

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

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', Section 185.118, Accessory Structures, is hereby amended and shall henceforth read as follows:

"**SECTION 185.118 ACCESSORY STRUCTURES.**

(A) No accessory structure shall be erected >>with<<in:

* * *

(4) Within any required rear yard setback>>.<<~~, no accessory structure shall be erected within ten (10) feet of any rear property line and within six (6) feet of any side property line. No separate or freestanding accessory structure shall be constructed or placed within five (5) feet of any building on the same lot. Accessory structures erected on lots fronting on two (2) streets shall conform to the principal structure setbacks for the side corner yard setback.~~

>>(5) Within five (5) feet of any building on the same lot.<<

(B) No accessory structure shall exceed ~~twenty-four~~>>twenty-five<< (~~24~~>>25<<) feet in height>> or the height of the principal structure, whichever is least<<.

(C) ~~Accessory buildings shall not be used until after the principal structure has been fully constructed and a certificate of occupancy issued. Erection of tents as accessory structures is prohibited. No home occupation or business may be conducted~~

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(D) ~~Swimming pools. For the purpose of this chapter, swimming pools are considered as an accessory structure and shall meet the requirements listed in divisions (A) through (C) above. Screened enclosures around swimming pools shall also meet the requirements listed in (A) through (C) above. All swimming pools shall have around them an enclosure of a permanent nature of not less than four (4) feet in height with a doorway which can be locked. Pools shall maintain a minimum five (5) foot setback from the water's edge to all principal structures.~~>>No home occupation or business may be conducted in an accessory building.<<

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(~~E~~>>F<<) Satellite dish antennae. For the purpose of this chapter, satellite dish antennae are considered an accessory structure and a building permit shall be required when installing, moving or reconstructing a dish antenna. Satellite dish antennae shall meet the following requirements:

(1) The satellite dish shall be erected to the rear of the front wall of the principal building and shall also meet the ~~accessory structure~~>>setback<< requirements listed in ~~divisions (A) through (C) of~~ this section. The setback of the dish antenna shall be measured from the outermost point of the dish on the side closest to the applicable setback or property line.

(2) Roof mounting. Satellite dish antennae may be roof-mounted provided that the ~~twenty-four~~>>twenty-five<< (~~24~~>>25<<) foot height restriction in single-family residential districts and the maximum height limits in commercial, industrial, and multi-family districts are not exceeded. ~~(~~The height of the antenna/dish shall be that distance as measured vertically from the highest point of the dish/antenna, when positioned at its lowest angle for operation, to ground level.~~)~~

* * *

~~(F) Animal cages or enclosures.~~

~~(1) For purposes of this subsection, animal cages or enclosures shall be considered to be an accessory structure.~~

~~(2) Animal cages or enclosures shall meet all setback requirements for accessory structures.~~

~~(3) For purposes of this subsection, a perimeter or boundary fence or wall shall not be considered to be an animal cage or enclosure. Perimeter or boundary fences or walls must meet the requirements of Chapter 170 of the City of Palm Bay Code or Ordinances.~~

~~(4) Animal cages or enclosures shall be limited in size to fifteen (15) feet in length by ten (10) feet in width and shall not exceed six (6) feet in height.~~

~~(5) Animal cages or enclosures shall meet all the requirements of all city, county, state and federal ordinances, rules, statutes and regulations that pertain to and apply to structures that are utilized for and pertain to animals and animal control.~~

~~(6) Penalties. Any person found guilty of being in violation of this subsection shall be guilty of a misdemeanor of the 2nd degree punishable as provided in § 10.99 of the City of Palm Bay Code of Ordinances. However, in addition to or in lieu of any criminal prosecution, the city shall have the right to sue in civil court to enforce the provisions of this subsection, to initiate proceedings before the City of Palm Bay Code Enforcement Board to enforce compliance, or to issue a violator a Notice of Violation as provided in § 93.07, Palm Bay Code of Ordinances.~~

~~(G) Metal structures. For the purpose of this chapter, metal accessory structures over three hundred (300) square feet or over twelve (12) feet in height are prohibited in RR (Rural Residential District), RE (Estate Residential District), RS-1 (Single-Family Residential District), RS-2 (Single-Family Residential District), RS-3 (Single-Family Residential District), SRE (Suburban Residential Estate Category), SF-1 (Single-Family Residential Category), and SF-2 (Single-Family Residential Category) zoning districts unless the structure is designed to simulate non-metal construction, is treated with a textured coating on all four sides, or is painted to match the color scheme of the primary residence.~~

>>Table A

Minimum Requirements

TYPE OF STRUCTURE	SETBACK REQUIREMENT	MAX HEIGHT
Carport or detached garage	Carports shall not be permissible in a front yard. REAR: same as the rear yard setback of the principal structure. SIDE: same as the side yard setback of the principal structure. CORNER LOTS: same as the side yard setback of the principal structure plus five feet (5').	Height of the principal structure or twenty-fie (25) feet, whichever is less
Animal enclosures or cages[1]	REAR: fifteen feet (15') SIDE: ten feet (10')	Six feet (6')
Metal structures[2]	Metal structures shall not be erected within side or front yards. REAR: same as the rear yard setback of the principal structure.	Twelve feet (12')
Swimming pools, as defined by Chapter 515, Florida Statutes, and associated barriers	REAR: same as side setback of the principal structure plus three feet (3') to water's edge. SIDE: same as side setback of the principal structure plus three feet (3') to water's edge.	Height of the principal structure or twenty-five (25) feet, whichever is less

Satellite dish (ground-mounted)	Radius of the dish plus five feet (5') for side and rear yard setback.	Satellite dish (ground-mounted)
Screen room (non-habitable space only)	REAR: setback same as rear setback of the principal structure SIDE: setback same as rear setback of the principal structure	Height of the principal structure or twenty-five (25) feet, whichever is less
Sheds, gazebos, and pergolas over 120 square feet	REAR: ten feet (10') SIDE: six feet (6') CORNER LOTS: ten feet (10')	Height of the principal structure or twenty-five (25) feet, whichever is less

[1]Animal cages or enclosures shall be limited in size to fifteen feet (15') in length by ten feet (10') in width.

[2]Metal accessory structures over three hundred (300) square feet are prohibited in residential zoning districts, except within the Rural Residential zoning district.<<"

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- , 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: City of Palm Bay
Case: T23-00006

cc: ALP
Case File

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

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Joan Junkala-Brown, Acting Growth Management Director**

DATE: **8/3/2023**

RE: **Ordinance 2023-71, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'General Provisions', by modifying provisions related to the site plan review process (Case T23-00009, City of Palm Bay), first reading.**

The City of Palm Bay (Growth Management Department) has submitted for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.018, Site Plans, to amend the site plan review process and establish a separate review process for plan reviews of certain minor expansions or redevelopment of developed sites.

Currently the code does not delineate between the site plan review process for vacant, unimproved property and the expansion or redevelopment of developed sites. The proposed textual amendment will provide options for expansion or redevelopment on a developed site to meet requirements for a minor site plan or a site plan modification, streamlining the submittal and review process for these projects and allowing them to move into construction more quickly.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to approve.

Planning and Zoning Board Recommendation:
Unanimous approval of the request.

ATTACHMENTS:

Description

T23-00009 Staff Report
T23-00009 Application
T23-00009 Legal Acknowledgement
T23-00009 Legal Ad
Ordinance 2023-71

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Tania Ramos, Senior Planner

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
T23-00009	July 5, 2023

APPLICANT	**PROPERTY LOCATION/ADDRESS**
City of Palm Bay, Florida	Not Applicable

SUMMARY OF REQUEST A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.018, Site Plans, to amend the site plan review process and establish different levels of plan reviews.

Existing Zoning	Not Applicable
Existing Land Use	Not Applicable
Site Improvements	Not Applicable
Site Acreage	Not Applicable

SURROUNDING ZONING & USE OF LAND

North	Not Applicable
East	Not Applicable
South	Not Applicable
West	Not Applicable

BACKGROUND:

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.018, Site Plans, to amend the site plan review process and establish a separate review process for plan reviews of certain minor expansions or redevelopment of developed sites.

The applicant for this amendment is the City of Palm Bay, Florida. The applicant seeks to define 'minor site plans' and to provide guidelines for submittal and review of minor site plans. Proposed language for this amendment is attached in legislative style with additions between **>>**arrow**<<** symbols and deletions in ~~strikethrough~~ format.

PURPOSE:

Section 185.018, Site Plans, is the regulatory process to ensure that plans for development meet the purpose and intent of Chapter 185: Zoning Code. The Zoning Code is based on, consistent with, related to and adopted to effectuate and implement the policies of the city comprehensive plan in order to protect, preserve and improve the public health, safety, order, appearance, convenience and welfare of the inhabitants of the city, including, but not limited to:

(A) Lessening congestion in the streets;

(B) Encouraging the most appropriate use of land, water and resources;

(C) Providing adequate light and air;

(D) Securing safety from fire and other dangers;

(E) Preventing the overcrowding of land;

(F) Presenting the character and stability of residential, commercial, industrial and other areas;

(G) Facilitating the adequate provisions for transportation, water supply, sewerage, drainage, sanitation, recreation, schools, housing, and other services; and

(H) Conserving and enhancing the standard of living within the city.

ANALYSIS:

The purpose of this amendment is to delineate the review process for certain minor expansions or redevelopment of developed sites from development of vacant unimproved property.

Applicants submitting for an expansion or redevelopment on a developed site may meet requirements outlined in the code for a minor site plan or a site plan modification and obtain relief from submittal requirements and in-depth reviews associated with the development of vacant unimproved property. This amendment will provide a streamlined submittal and review process, allowing expansion and redevelopment projects to move into construction more quickly.

This amendment also includes exemptions from site plan review for small site alterations that can be adequately reviewed through other processes such as building permit review. The amendment also defines revisions to approved plans (RTAP), which are changes to a site under construction.

Staff has drafted this amendment to allow for the change in verbiage as described above and textually written below to define site plans, minor site plans, site plan modifications, revisions to site plans, and to and establish different levels of plan reviews.

STAFF RECOMMENDATION:

Case T23-00009 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.018 SITE PLANS.

~~Prior to the issuance of a Building Permit for any development in the City of Palm Bay, other than construction of a single-family residence or duplex, a site plan shall be submitted for administrative review.~~ >>A site plan shall be required for the construction or expansion of any building, structure, infrastructure, or complex of buildings or structures, unless exempted by this section. Prior to making application for a site plan, the applicant shall request a pre-application meeting with the City to determine whether the proposed project meets the criteria established for a site plan, minor site plan, site plan modification, or is exempt from the site plan process. A building permit shall not be issued unless the construction plans are accompanied by a City approved site plan. A site plan shall be submitted to the Growth Management Department for administrative review. The submittal requirements shall follow the Guidelines for Site and Building Permitting Procedures Manual.

(A) *Site Plan.* A site plan shall be submitted for all the following development proposals:

(1) New site development proposals for unimproved real property.

(2) Any developed site proposing an addition of 50 percent or greater of the original floor area or seating capacity of the existing structure.

(3) Any addition of impervious area, or modification of an existing onsite wetland, surface water, or stormwater management system.

(4) Proposals where existing onsite “natural areas” of any size will be impacted.

(B) *Minor Site Plan.* A minor site plan shall be submitted for the following site development proposals:

(1) Changes to existing development which does not exceed 50 percent of the original floor area or seating capacity of the existing structure.

(2) Additions or alterations to site infrastructure, stormwater, impervious areas of less than 500 SF; or an addition of up to 20 percent of parking areas on developed sites, or on sites with no existing permit.

(C) *Site Plan Modification.* Site plan modifications shall meet the following criteria:

(1) All infrastructure required to service the site shall exist on the subject site.

(2) Parking meets all code requirements, or any approved parking determination, parking rate adjustments or variance requests, in accordance with the Land Development Code.

(3) The proposed modification does not substantially alter the traffic circulation system or substantially change the use of property, as determined by the Growth Management Director.

(D) *Applicability. All site plans are subject to compliance with the Zoning Code.*

(1) Only the specific work area identified in a site plan, minor site plan or site plan modification shall be subject to compliance with current code requirements, unless the alteration or modification adversely impacts safety, existing infrastructure, or another code requirement that stipulates the area outside of the work area must comply with the current standards.

(E) *Exemptions.* The following are exempt from the site plan review; however, shall comply with all other development regulations and building code requirements.

(1) Detached single family or duplex/two family residence on a fee simple lot.

(2) Accessory structures to an established principal use meeting the following criteria:

(a) The structure does not necessitate the expansion of the existing infrastructure such as parking spaces, stormwater system, etc., or

(b) Does not impact the adequacy of the existing infrastructure (e.g., utilize necessary parking spaces, remove/reduce stormwater, etc.), and

(c) The scope of work does not require modifying the existing site engineering and can be regulated through the building permit review process.

(F) *Revisions to Approved Plans (RTAP).* Revisions to approved plans under construction which do not increase the gross square footage of a building or adversely impact compliance with the approved site plan and would not alter the required infrastructure and improvements necessary to serve the site, may be approved in writing provided such additions and/or modifications fully conform to all existing city regulations. Prior to final acceptance of the site, as-built drawings shall be submitted indicating such revisions, and/or modifications prior to site acceptance.<<

(Ord. 2016-17, passed 4-21-16)

Project Details: T23-00009

Project Type: **Code Textual Amendment**

Project Location: ,

Milestone: **Submitted**

Created: **4/19/2023**

Description: **Minor Site Plans**

Assigned Planner: **Tania Ramos**

Contacts	
Contact	Information
Supplemental Contact	
Submitter	Tania Ramos FL (321) 952-3400 tania.ramos@palmbayflorida.org
Assigned Planner	Tania Ramos FL tania.ramos@palmbayflorida.org

Fields	
Field Label	Value
Section Proposed to be Changed	Section 185.018, Site Plans
Proposed Language	>>A site plan shall be required for the construction or expansion of any building, structure, infrastructure, or complex of buildings or structures, unless exempted by this section. Prior to making application for a site plan, the applicant shall request a pre-application meeting with the City to determine whether the proposed project meets the criteria established for a site plan, minor site plan, site plan modification, or is exempt from the site plan process. A building permit shall not be issued unless the construction plans are accompanied by a City approved site plan. A site plan shall be submitted to the Growth Management Department for administrative review. The submittal requirements shall follow the Guidelines for Site and Building Permitting Procedures Manual. (A) Site Plan. A site plan shall be submitted for all the following development proposals: (1) New site development proposals for unimproved real property. (2) Any developed site proposing an addition of 50 percent or greater of the original floor area or seating capacity of the existing structure.

(3) Any addition of impervious area, or modification of an existing onsite wetland, surface water, or stormwater management system.
(4) Proposals where existing onsite “natural areas” of any size will be impacted.
(B) Minor Site Plan. A minor site plan shall be submitted for the following site development proposals:
(1) Changes to existing development which does not exceed 50 percent of the original floor area or seating capacity of the existing structure.
(2) Additions or alterations to site infrastructure, stormwater, impervious areas of less than 500 SF; or an addition of up to 20 percent of parking areas on developed sites, or on sites with no existing permit.
(C) Site Plan Modification. Site plan modifications shall meet the following criteria:
(1) All infrastructure required to service the site shall exist on the subject site.
(2) Parking meets all code requirements, or any approved parking determination, parking rate adjustments or variance requests, in accordance with the Land Development Code.
(3) The proposed modification does not substantially alter the traffic circulation system or substantially change the use of property, as determined by the Growth Management Director.
(D) Applicability. All site plans are subject to compliance with the Zoning Code.
(1) Only the specific work area identified in a site plan, minor site plan or site plan modification shall be subject to compliance with current code requirements, unless the alteration or modification adversely impacts safety, existing infrastructure, or another code requirement that stipulates the area outside of the work area must comply with the current standards.
(E) Exemptions. The following are exempt from the site plan review; however, shall comply with all other development regulations and building code requirements.
(1) Detached single family or duplex/two family residence on a fee simple lot.
(2) Accessory structures to an established principal use meeting the following criteria:
(a) The structure does not necessitate the expansion of the existing infrastructure such as parking spaces, stormwater system, etc., or
(b) Does not impact the adequacy of the existing infrastructure (e.g., utilize necessary parking spaces, remove/reduce stormwater, etc.), and
(c) The scope of work does not require modifying the existing site engineering and can be regulated through the building permit review process.
(F) Revisions to Approved Plans (RTAP). Revisions to approved plans under construction which do not increase the gross square footage of a building or adversely impact compliance with the approved site plan and would not alter the required infrastructure and improvements necessary to serve the site, may be approved in writing provided such additions and/or modifications fully conform to all existing city regulations. Prior to final acceptance of the site, as-built drawings shall be submitted indicating such revisions, and/or modifications prior to site acceptance.<<

Project Details: T23-00009

Justification for Proposed Change	The purpose of the change is to provide applicants with appropriate review options for expansion or redevelopment on existing developed sites.
Ordinance Number	
Subdivision Name	

Acknowledgement Log

Header:
Legal Acknowledgement
Text:
I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

Accepted By:
Tania Ramos
On:
4/19/2023 10:31:46 AM

T23-00009

Select Language ▼

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FLORIDA TODAY
FLORIDATODAY.com
A GANNETT COMPANY

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

Customer: CITY OF PALM BAY

Address: SUITE 201
PALM BAY FL 32907
USA

Ad No.: 0005744457
Pymt Method Invoice
Net Amount 167.17

Run Times: 1

No. of Affidavits: 1

Run Dates: 06/22/23

Text of Ad:

Ad#5744457 06/22/2023
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on July 5, 2023, and by the City Council on August 3, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. ****CU23-00008 – Royal Wash PSL, LLC (Chelsea Anderson, Esq., Mangrove Title & Legal, PLCC, Rep.)**
A Conditional Use to allow a retail Car Wash in a GC-General Commercial District, in accordance with Section 185.054(D)(9) of the Palm Bay Code of Ordinances

Lots 1 through 6, Block 2211, Port Malabar Unit 38, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.15 acres. Specifically located at 1300 Malabar Road SE

2. **CP23-00007 – Jennifer E. Torres**
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Utilities to Low Density Residential

Tract K, Port Malabar Unit 20, Section 02, Township 29, Range 36, Brevard County, Florida, containing approximately 1.01 acres. Located on the south side of Warrington Road SW, in the vicinity of Jupiter Boulevard SW

3. **T23-00006 – City of Palm Bay (Growth Management Department)**
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.118, Accessory Structures, to amend and update standards for accessory structures

4. **T23-00009 - City of Palm Bay (Growth Management Department)**
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.018, Site Plans, to amend the site plan review process and establish different levels of plan reviews

5. **T23-00016 – City of Palm Bay (Growth Management Department)**
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to establish Section 185.139, Outdoor Dining, to incorporate standards for outdoor dining
**Indicates quasi-judicial request(s).

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or 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.

Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.

Jesse Anderson
Assistant Growth Management Director

ORDINANCE 2023-71

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

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'General Provisions', Section 185.018, Site Plans, is hereby amended and shall henceforth read as follows:

"**SECTION 185.018 SITE PLANS.**

~~Prior to the issuance of a Building Permit for any development in the City of Palm Bay, other than construction of a single family residence or duplex, a site plan shall be submitted for administrative review. The submittal requirements shall follow the Guidelines for Site and Building Permitting Procedures Manual.~~>>A site plan shall be required for the construction or expansion of any building, structure, infrastructure, or complex of buildings or structures, unless exempted by this section. Prior to making application for a site plan, the applicant shall request a pre-application meeting with the City to determine whether the proposed project meets the criteria established for a site plan, minor site plan, site plan modification, or is exempt from the site plan process. A building permit shall not be issued unless the construction plans are accompanied by a City approved site plan. A site plan shall be submitted to the Growth Management Department for administrative review. The submittal requirements shall follow the Guidelines for Site and Building Permitting Procedures Manual.

(A) Site Plan. A site plan shall be submitted for all the following development proposals:

(1) New site development proposals for unimproved real property.

(2) Any developed site proposing an addition of 50 percent (50%) or greater of the original floor area or seating capacity of the existing structure.

(3) Any addition of impervious area, or modification of an existing onsite wetland, surface water, or stormwater management system.

(4) Proposals where existing onsite "natural areas" of any size will be impacted.

(B) Minor Site Plan. A minor site plan shall be submitted for the following site development proposals:

(1) Changes to existing development which does not exceed 50 percent (50%) of the original floor area or seating capacity of the existing structure.

(2) Additions or alterations to site infrastructure, stormwater, impervious areas of less than five-hundred (500) square feet; or an addition of up to twenty percent (20%) of parking areas on developed sites, or on sites with no existing permit.

(C) Site Plan Modification. Site plan modifications shall meet the following criteria:

(1) All infrastructure required to service the site shall exist on the subject site.

(2) Parking meets all code requirements, or any approved parking determination, parking rate adjustments or variance requests, in accordance with the Land Development Code.

(3) The proposed modification does not substantially alter the traffic circulation system or substantially change the use of property, as determined by the Growth Management Director.

(D) Applicability. All site plans are subject to compliance with the Zoning Code.

(1) Only the specific work area identified in a site plan, minor site plan, or site plan modification shall be subject to compliance with current code requirements, unless the alteration or modification adversely impacts safety, existing infrastructure, or another code requirement that stipulates the area outside of the work area must comply with the current standards.

(E) Exemptions. The following are exempt from the site plan review; however, shall comply with all other development regulations and building code requirements.

(1) Detached single-family or duplex/two-family residence on a fee simple lot.

(2) Accessory structures to an established principal use meeting the following criteria:

(a) The structure does not necessitate the expansion of the existing infrastructure such as parking spaces, stormwater system, etc., or

(b) Does not impact the adequacy of the existing infrastructure (e.g., utilize necessary parking spaces, remove/reduce stormwater, etc.), and

(c) The scope of work does not require modifying the existing site engineering and can be regulated through the building permit review process.

(F) Revisions to Approved Plans (RTAP). Revisions to approved plans under construction which do not increase the gross square footage of a building or adversely impact compliance with the approved site plan and would not alter the required infrastructure and improvements necessary to serve the site, may be approved in writing provided such additions and/or modifications fully conform to all existing city regulations. Prior to final acceptance of the site, as-built drawings shall be submitted indicating such revisions, and/or modifications prior to site acceptance.<<"

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- , 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: City of Palm Bay
Case: T23-00009

cc: ALP
Case File

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

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Jesse Anderson, Acting Growth Management Director**

DATE: **8/3/2023**

RE: **Ordinance 2023-72, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by including provisions for outdoor dining (Case T23-00016, City of Palm Bay), first reading.**

The City of Palm Bay (Growth Management Department) has submitted for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Supplementary District Regulations to incorporate a new section 185.139 Outdoor Dining.

The request is to add new language to the Land Development Code related to outdoor dining in association with a licensed food or eating establishment. The City has received site plans and revisions to approved plans seeking to incorporate outdoor seating and/or dining areas as accessory to their operations. However, the Land Development Code currently lacks language and regulations related to outdoor seating and dining.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to approve Case T23-00016 as presented.

Planning and Zoning Board Recommendation:
Unanimous approval of the request.

ATTACHMENTS:

Description

Case T23-00016 -- Staff report
Case T23-00016 -- Application
Case T23-00016 -- Legal Acknowledgment
Case T23-00016 -- Legal Ad
Ordinance 2023-72

STAFF REPORT
LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Alix Bernard, Principal Planner

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
T23-00016	July 5, 2023

APPLICANT	**PROPERTY LOCATION/ADDRESS**
City of Palm Bay Growth Management	Not Applicable

SUMMARY OF REQUEST A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code; Supplementary District Regulations to incorporate a new section 185.139 Outdoor Dining.

Existing Zoning	Not Applicable
Existing Land Use	Not Applicable
Site Improvements	Not Applicable
Site Acreage	Not Applicable

SURROUNDING ZONING & USE OF LAND

North	Not Applicable
East	Not Applicable
South	Not Applicable
West	Not Applicable

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code; Supplementary District Regulations to incorporate a new section 185.139 Outdoor Dining.

The applicant for this amendment is the City of Palm Bay's Growth Management Department. The request is to add new language to the Land Development Code related to outdoor dining in association with a licensed food or eating establishment The City has received site plans and revisions to approved plans seeking to incorporate outdoor seating and/or dining areas as accessory to their operations. However, the Land Development Code currently lacks language and regulations related to outdoor seating and dining.

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

PURPOSE:

The proposed Section 185.139, Outdoor Dining, is the regulatory process to ensure that licensed food or eating establishments seeking to provide outdoor seating and/or dining for their patrons meet the purpose and intent of Chapter 185: Zoning Code The Zoning Code is based on, consistent with, related to and adopted to effectuate and implement the policies of the city comprehensive plan in order to protect, preserve and improve the public health, safety, order, appearance, convenience and welfare of the inhabitants of the city, including, but not limited to:

(A) Lessening congestion in the streets;

(B) Encouraging the most appropriate use of land, water and resources;

(C) Providing adequate light and air;

(D) Securing safety from fire and other dangers;

(E) Preventing the overcrowding of land;

(F) Presenting the character and stability of residential, commercial, industrial and other areas;

(G) Facilitating the adequate provisions for transportation, water supply, sewerage, drainage, sanitation, recreation, schools, housing, and other services; and

(H) Conserving and enhancing the standard of living within the city.

Outdoor seating and dining areas are present throughout the city. However, the lack of regulatory language on this use has caused site-specific applications and interpretations of the Zoning Code. This amendment seeks to avoid inconsistencies in interpretation of the Code and ensure fair and equitable treatment of all such applications..

ANALYSIS:

The proposed language intends to permit outdoor seating and/or dining by right, provided that the use is accessory and in association with a licensed food or eating establishment, meets the development standards governing Outdoor Dining in the Code, and is represented on an approved site plan. Furthermore, the language will improve the order, appearance, convenience, and welfare of citizens by providing for more unique and diverse dining experiences within the local economy.

STAFF RECOMMENDATION:

Staff recommends approval for Case T23-00016.

>>185.139 Outdoor Dining

An outdoor seating and/or dining area is an allowable use when such use is in conjunction with a licensed food or eating establishment. The outdoor seating and/or dining area shall be identified on an approved site plan that demonstrates the following conditions are met:

(1) An outdoor seating and/or dining area is restricted to an area within the boundary lines of the property for which the licensed food or eating establishment is located.
(2) The outdoor dining area shall be aesthetically and architecturally pleasing and in alignment with the architectural style requirements.
(3) An outdoor seating and/or dining area must be clearly delineated on the site plan. Any such area which abuts a parking area shall have a protective buffer in the form of planters, decorative fencing, and/or hedges.
(4) The number of outdoor seats provided by a restaurant shall be counted as part of the restaurants total allowable dining allotment and shall be shown on an approved site plan. All outdoor seating and/or dining furniture and associated lighting shall be contained within the defined area on the site plan.
(5) Outdoor seats shall not cause a licensed restaurant's required parking to become inadequate.
(6) Outdoor dining areas shall not encroach upon any public right of way, public easements or setbacks.
(7) Outdoor dining shall not be placed within five feet of bus stops, loading zones, fire hydrants, site triangles, above ground public utilities, bike racks or any type of public street furniture.
(8) Private sidewalks that abut restaurants may be used for such outdoor seating and/or dining area, provided that there is a five-foot pedestrian clear zone, which shall be maintained at all times.
(9) No outdoor seating and/or dining furniture shall be allowed within five feet of a pedestrian crosswalk.
(10) All kitchen equipment used to service the outdoor dining area shall be located within a building.
(11) All outdoor dining furniture, including all accessary appurtenances including but not limited to approved space heaters, misters and portable umbrellas that are located within the outdoor dining area shall be stored inside a building after close of business.
(12) No outdoor dining furniture shall be attached, chained or in any manner affixed to any tree, post, sign or other fixtures.
(13) Outdoor food service will terminate no later than 10:00 pm on weekdays (Monday through Thursday) and 11:00 pm on weekends (Friday through Sunday).
(14) The serving or consumption of alcoholic beverages within an outdoor dining area shall comply with the regulations of applicable government agencies.
(15) Outdoor seating and/or dining areas must be maintained in a neat and orderly appearance at all times and must be cleared of all trash and debris on a periodic basis during the day and at the close of each business day.

(16) If found to be necessary for the protection of the health, safety and welfare of the public, the city manager or his/her designee may require the subject property to immediately remove or relocate all or part of the tables, chairs, etc. of the outdoor seating and/or dining area.

(17) This section shall not apply to outdoor dining areas that are depicted on site plans approved prior to July 1, 2023. <<

Project Details: T23-00016

Project Type: **Code Textual Amendment**

Project Location: **,**

Milestone: **Submitted**

Created: **6/6/2023**

Description: **Outdoor Dining**

Assigned Planner: **Alexandra Bernard**

Contacts	
Contact	Information
Submitter	AB Alexandra Bernard 120 Malabar Rd SE Palm Bay, FL 32907 (321) 733-3042 alexandra.bernard@palmbayflorida.org
Supplemental Contact	120 Malabar Rd SE Palm Bay, FL 32907 (321) 733-3042
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907 alexandra.bernard@palmbayflorida.org

Fields	
Field Label	Value
Section Proposed to be Changed	New section to be added to the supplementary district regulations 185.139

Project Details: T23-00016

Proposed Language	185.139 Outdoor Dining Area for Restaurants An outdoor dining area is an allowable use that is in conjunction with a licensed restaurant provided that the following conditions are met: (1) An outdoor dining area is restricted to the area abutting the boundary lines of the property on which the business owned by the applicant is located. (2) All outdoor dining furniture and associated lighting shall be aesthetically and architecturally pleasing and in alignment with the architectural style requirements. (3) An outdoor dining area must be clearly delineated with planters, decorative fencing, and/or hedges to distinguish such area from the parking area serving the restaurant. (4) The number of outdoor seats provided by a restaurant shall be counted as part of the restaurants total allowable dining allotment and shall be shown on an approved site plan. (5) Outdoor seats shall not cause a licensed restaurant's required parking to become inadequate. (6) Outdoor dining areas shall not encroach upon public right of way, public easements or setbacks. (7) Private sidewalks that abut restaurants may be used for such dining area, provided that there is a five-foot pedestrian clear zone. (8) Outdoor dining that is provided within a private sidewalk area shall either maintain a five-foot-wide clear pedestrian path or 50 percent of the sidewalk width, whichever is greater. Such clear pedestrian paths shall be maintained at all times. (9) No outdoor dining area furniture shall be allowed within five feet of a pedestrian crosswalk. (10) All kitchen equipment used to service the outdoor dining area shall be located within a building. (11) All outdoor dining furniture, including all accessary appurtenances including but not limited to approved space heaters, misters and portable umbrellas that are located within the outdoor dining area shall be stored inside a building after close of business. (12) No outdoor dining furniture shall be attached, chained or in any manner affixed to any tree, post, sign or other fixtures. (13) Outdoor dining shall not be placed within five feet of bus stops, loading zones, fire hydrants, site triangles, above ground public utilities, bike racks or any type of public street furniture. (14) Outdoor food service will terminate no later than 10:00 pm on weekdays (Monday through Thursday) and 11:00 pm on weekends (Friday through Sunday). (15) The serving or consumption of alcoholic beverages within an outdoor dining area shall comply with the regulations of applicable government agencies. (16) Outdoor dining areas must be maintained in a neat and orderly appearance at all times and must be cleared of all debris on a periodic basis during the day and at the close of each business day. (17) If found to be necessary for the protection of the health, safety and welfare of the public, the city manager or his/her designee may require the subject property to immediately remove or relocate all or part of the tables, chairs, etc. of the outdoor dining area. (18) This section shall not apply to outdoor dining areas that are depicted on site plans approved prior to May 1, 2023.

Project Details: T23-00016

Justification for Proposed Change	Currently the code is silent on outdoor dining regulations. The proposed language is to bring clarification to the parameters of is allowed with outdoor dining.
Ordinance Number	
Subdivision Name	

Acknowledgement Log

Header:
Legal Acknowledgement
Text:
I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

Accepted By:
Alexandra Bernard
On:
6/6/2023 4:26:18 PM

T23-00016

Select Language ▼

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

Customer: CITY OF PALM BAY

Address: SUITE 201
PALM BAY FL 32907
USA

Ad No.: 0005744457
Pymt Method Invoice
Net Amount 167.17

Run Times: 1

No. of Affidavits: 1

Run Dates: 06/22/23

Text of Ad:

Ad#5744457 06/22/2023
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on July 5, 2023, and by the City Council on August 3, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. ****CU23-00008 – Royal Wash PSL, LLC (Chelsea Anderson, Esq., Mangrove Title & Legal, PLCC, Rep.)**
A Conditional Use to allow a retail Car Wash in a GC-General Commercial District, in accordance with Section 185.054(D)(9) of the Palm Bay Code of Ordinances

Lots 1 through 6, Block 2211, Port Malabar Unit 38, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.15 acres. Specifically located at 1300 Malabar Road SE

2. **CP23-00007 – Jennifer E. Torres**
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Utilities to Low Density Residential

Tract K, Port Malabar Unit 20, Section 02, Township 29, Range 36, Brevard County, Florida, containing approximately 1.01 acres. Located on the south side of Warrington Road SW, in the vicinity of Jupiter Boulevard SW

3. **T23-00006 – City of Palm Bay (Growth Management Department)**
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.118, Accessory Structures, to amend and update standards for accessory structures

4. **T23-00009 - City of Palm Bay (Growth Management Department)**
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.018, Site Plans, to amend the site plan review process and establish different levels of plan reviews

5. **T23-00016 – City of Palm Bay (Growth Management Department)**
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to establish Section 185.139, Outdoor Dining, to incorporate standards for outdoor dining
**Indicates quasi-judicial request(s).

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or 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.

Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.

Jesse Anderson
Assistant Growth Management Director

ORDINANCE 2023-72

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

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', is hereby amended by including as Section 185.139 the following language:

"**>>SECTION 185.139 OUTDOOR DINING**

An outdoor seating and/or dining area is an allowable use when such use is in conjunction with a licensed food or eating establishment. The outdoor seating and/or dining area shall be identified on an approved site plan that demonstrates the following conditions are met:

(A) An outdoor seating and/or dining area is restricted to an area within the boundary lines of the property for which the licensed food or eating establishment is located.

(B) The outdoor dining area shall be aesthetically and architecturally pleasing and in alignment with the architectural style requirements.

(C) An outdoor seating and/or dining area must be clearly delineated on the site plan. Any such area which abuts a parking area shall have a protective buffer in the form of planters, decorative fencing, and/or hedges.

(D) The number of outdoor seats provided by a restaurant shall be counted as part of the restaurants total allowable dining allotment and shall be shown on an approved site plan. All outdoor seating and/or dining furniture and associated lighting shall be contained within the defined area on the site plan.

(E) Outdoor seats shall not cause a licensed restaurant's required parking to become inadequate.

(F) Outdoor dining areas shall not encroach upon any public right-of-way, public easements, or setbacks.

(G) Outdoor dining shall not be placed within five feet of bus stops, loading zones, fire hydrants, site triangles, above ground public utilities, bike racks or any type of public street furniture.

(H) Private sidewalks that abut restaurants may be used for such outdoor seating and/or dining area, provided that there is a five-foot pedestrian clear zone, which shall be maintained at all times.

(I) No outdoor seating and/or dining furniture shall be allowed within five (5) feet of a pedestrian crosswalk.

(J) All kitchen equipment used to service the outdoor dining area shall be located within a building.

(K) All outdoor dining furniture, including all accessary appurtenances including but not limited to approved space heaters, misters, and portable umbrellas that are located within the outdoor dining area shall be stored inside a building after close of business.

(L) No outdoor dining furniture shall be attached, chained or in any manner affixed to any tree, post, sign, or other fixtures.

(M) Outdoor food service will terminate no later than 10:00 p.m. on weekdays (Monday through Thursday) and 11:00 p.m. on weekends (Friday through Sunday).

(N) The serving or consumption of alcoholic beverages within an outdoor dining area shall comply with the regulations of applicable government agencies.

(O) Outdoor seating and/or dining areas must be maintained in a neat and orderly appearance at all times and must be cleared of all trash and debris on a periodic basis during the day and at the close of each business day.

(P) If found to be necessary for the protection of the health, safety, and welfare of the public, the City Manager or his/her designee may require the subject property to immediately remove or relocate all or part of the tables, chairs, etc. of the outdoor seating and/or dining area.

(Q) This section shall not apply to outdoor dining areas that are depicted on site plans approved prior to July 1, 2023. <<

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- , 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

City of Palm Bay, Florida
Ordinance 2023-__

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case: T23-00016

cc: ALP
Case File

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

LEGISLATIVE MEMORANDUM

DATE: 8/3/2023

RE: Adoption of Minutes: Meeting 2023-16; July 6, 2023.

ATTACHMENTS:

Description

Minutes - RCM 2023-16

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2023-16

Held on Thursday, the 6th day of July 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 6:00 P.M.

Pastor David Cannon, Grace Bible 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:	Vacant	
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

Councilman Foster attended the meeting via teleconference.

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

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 REVISIONS:

1. Ms. Sherman announced the following revisions:

A. Item 1, under Presentations, was withdrawn and would be rescheduled to a later date.

B. Two (2) additional exhibits were added to Item 11, under Public Hearings.

C. An update on the Pineapple Cove Academy (Lockmar) traffic history was added as Item 4, under New Business, at the request of Mayor Medina.

PROCLAMATIONS AND RECOGNITIONS:

The proclamations were read.

1. Proclamation: Courageous Freedom Week - July 15-21, 2023.

2. Proclamation: Parks and Recreation Month - July 2023.

PRESENTATIONS:

1. Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce – semi-annual update. (WITHDRAWN)

2. Alphanette Waters, IAS Lead Assessor - Building Department AIS Accreditation.

Ms. Waters explained the accreditation program and the requirements to obtain such status. Based upon the IAS' review of the department's policies procedures and the onsite assessment, the Building Department was found to be operating in substantial conformance with the international standards for building department accreditation. Ms. Waters presented the Building Department staff with a plaque.

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

Individuals made general comments. There were statements made regarding the condition of the Majors Golf Course and that the city was not providing entertainment for its residents.

Mayor Medina explained that the city did not own the golf course and did not have the authority over the golf course except as allowed by law. Ms. Sherman added that the owner had received an appraised value of approximately $7 million and was not agreeable to selling the property for less than the appraised value.

1. Alfred Agarie (Alfy's Trucking), resident, felt he was treated negatively with regard to a current contract he had with the city for spent lime removal.

Ms. Misconi explained that the contract was awarded as a primary and a secondary. Alfy's Trucking was awarded as a secondary. The primary withdrew as they could not meet the scope; therefore, Alfy's Trucking became the primary and only awarded vendor. The

Utilities Department wanted to reformat the scope and selecting another company would not be permitted. In order to redo the scope, the city would not be exercising the final renewal option and would be placing it back out to bid. Ms. Misconi said that Alfy's Trucking was able to participate in the rebid.

Council concurred to consider Items 1, 2 and 4, under New Business, at this time.

NEW BUSINESS:

4. Pineapple Cove Academy (Lockmar) Traffic History Update (Mayor Medina) (REVISION)

Staff Recommendation: Discussion for Council regarding current and anticipated conditions at Pineapple Cove Academy (Lockmar).

Mayor Medina presented the item. He explained that the Lockmar residents were frustrated over the public safety issues that had been created by residents dropping off and picking up their children at the school. Mr. Watanabe advised that the issue was a car loop, developed by the school, that utilized local streets around Lockmar and because of the current set up, the loop caused a queue of vehicles. Mr. Watanabe said the school had been proactive and had expanded the internal capture of traffic by stacking the vehicles more inside the campus. The new plan was to further expand the internal capture in terms of parking, adhere to the original traffic study, and implement 30-minute staggering.

Principal Paris Koblitz and Assistant Principal John Ottinger, Pineapple Cove Academy, provided an update on the new plan for the upcoming school year. The car loop would be taken out of the neighborhood and the children pickup zone would be reconfigured to the front of the school which would allow additional cars in the loop.

Mayor Medina was concerned about creating a public safety issue along Emerson Drive. Mr. Johnson preferred to try the school's new suggestion first, and if it was not successful, then the Mayor and City Manager could meet with school officials for additional ideas. Mayor Medina requested Council consensus to send out a bid for the extended turn lane at the same time as the road bond, using impact fees, and utilizing the same contractor. Mr. Foster agreed. Jake Wise, CEG Engineering, original Engineer of Record for Pineapple Cove Academy, advised that there was a large parking lot on the northwest side of Nesbitt Street that could be permitted as a single driveway that would line up with the existing school driveway that led into the main campus. This would allow vehicles to loop and completely avoid Nesbitt Street. Council and school representatives concurred.

1. Ordinance 2023-53, granting an Ad Valorem Tax (AVT) Abatement to L3Harris Technologies Inc. for 'Project LEO', first reading.

Staff Recommendation: Approve the ordinance granting an Ad Valorem Tax (AVT) Abatement to L3Harris Technologies Inc. for 'Project LEO' as an expansion to an existing business for property located at 2400 Palm Bay Road NE, Building 31.

The City Attorney read the ordinance in caption only.

Ms. Bunt presented the item. Jason Lambert, L3Harris Technologies Inc., presented additional information on the project. Ms. Bunt and Mr. Lambert answered questions posed by councilmembers.

Bill Battin, resident, supported the project but felt preferential treatment was given to some but not to others.

Mayor Medina relinquished the chair to the Deputy Mayor and made a motion to approve Ordinance 2023-53. Deputy Mayor Felix seconded the motion. Mayor Medina said these projects fell in line with creating prosperity and jobs and would enhance the quality of life in the community. Deputy Mayor Felix felt this was merit-based and not preferential treatment. Mr. Foster said this was an opportunity to change the direction of the city from a bedroom community. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Mayor Medina resumed as presiding officer.

2. Ordinance 2023-54, granting an Ad Valorem Tax (AVT) Abatement to L3Harris Technologies Inc. for 'Project SAMT', first reading.

Staff Recommendation: Approve the ordinance granting an Ad Valorem Tax (AVT) Abatement to L3Harris Technologies Inc. for 'Project SAMT' as an expansion to an existing business for property located at 2400 Palm Bay Road NE, Building 32.

The City Attorney read the ordinance in caption only.

Ms. Bunt presented the item.

Mayor Medina relinquished the chair to the Deputy Mayor and made a motion to approve Ordinance 2023-54. Deputy Mayor Felix seconded the motion. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

PUBLIC HEARING(S):

Council concurred to consider Items 12 and 13, under Public Hearings, at this time.

12. Ordinance 2023-39, vacating a portion of the rear public utility and drainage easement located within Lot 7, Block 802, Port Malabar Unit 16 (Case VE-4-2023, Steven Daniel Barbieri Revocable Trust), first reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Kelly Hyvonen, representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-39. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

13. Ordinance 2023-40, vacating a portion of the rear public utility and drainage easement located within Lot 17, Block 2373, Port Malabar Unit 45 (Case VE-5-2023, Wayne Arthur Stephenson and Donnice McReynolds Stephenson Revocable Trust), first reading.

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

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-40. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Council resumed the consideration of items in order as shown on the agenda.

1. Ordinance 2023-28, vacating a portion of the rear public utility and drainage easement located within Lot 4, Block 799, Port Malabar Unit 16 (Case VE-9-2022, Jesse and Gina Detwiler), final reading.

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

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-28. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

2. Ordinance 2023-29, rezoning property located south of and adjacent to Castanada Street, in the vicinity east of Greenbrier Avenue, from RR (Rural Residential District) to RS-2 (Single-Family Residential District) (1.13 acres) (Case Z23-00003, Anthony and Marsha Joan Rosaci), final reading. (Quasi-Judicial Proceeding)

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

Bill Battin, resident, expressed disappointment about the loss of RR zoned property, but was pleased that they were placing two (2) homes on the property. He asked about the right-of-way being given to the city for future widening of the roadway.

Mr. Watanabe responded that the streets were considered local collector roads and he did not foresee any future widening of those roads as they did not connect to major arterial roadways.

The public hearing was closed.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to adopt Ordinance 2023-29. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

3. Ordinance 2023-30, granting approval of a Final Development Plan for a single-family residential development to be known as 'Gardens at Waterstone Phase III' on property located south of and adjacent to Melbourne-Tillman Drainage District Canal 38, in the vicinity west of Mara Loma Boulevard (47.92 acres) (Case FD23-00004 (formerly FD-63-2022), KB Home Orlando, LLC), final reading. (Quasi-Judicial Proceeding)

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-30. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

4. Ordinance 2023-31, granting approval of a Final Development Plan for a residential townhome development to be known as 'Lipscomb Street PUD' on property located east of and adjacent to Lipscomb Street, in the vicinities west of

Mango Street and south of Commerce Park Drive (24.56 acres) (Case FD23-00002, Paul Daly and Don Ballew), final reading. (Quasi-Judicial Proceeding)

The City Attorney read the ordinance in caption only. The public hearing was opened. Chris Ossa, of Kimley-Horn and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-31. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

5. Ordinance 2023-32, granting approval of a Final Development Plan for a commercial development to be known as 'Bayside Lakes Commercial Center' on property located north of and adjacent to Bayside Lakes Boulevard, in the vicinity east of Eldron Boulevard (2.96 acres) (Case FD23-00005 (formerly FD-67-2022), Bayside Holdings #3370 LLC, Jeffrey Hillmann / Robert and Ruth Escher), 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 Deputy Mayor Felix, to adopt Ordinance 2023-32. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

6. Ordinance 2023-33, granting approval of a Final Development Plan for a proposed PUD for development of a tire service center to be known as 'Tire Service Center – Palm Bay' on property located north of and adjacent to Bayside Lakes Boulevard, in the vicinity west of Eldron Boulevard (1.08 acres) (Case FD23-00006 (formerly FD-10-2023), Andromeda Holdings Ltd. Partnership), 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.

A resident advised that the property was located east of Eldron Boulevard, but the ordinance reflected west. Staff confirmed that the location should read as east. Ms. Smith opined that it would be considered a scrivener's error as the legal description in the advertisement was correct.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-33, with the modification in the ordinance caption to read as “east of Eldron Boulevard”. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

7. Ordinance 2023-34, amending the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Stormwater Management and Conservation, Part 2: Drainage Plan', by modifying provisions related to the elevations for single-family residential construction (Case T23-00002 (formerly T-12-2023), City of Palm Bay), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-34. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

8. Ordinance 2023-35, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Conditional Uses', by modifying provisions related to self-storage facilities (Case T23-00003 (formerly T-13-2023), City of Palm Bay), final reading. (Councilman Johnson)

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-35. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

9. Ordinance 2023-36, amending the Code of Ordinances, Chapter 183, Comprehensive Plan Regulations, by creating a new subchapter to be titled 'Development Agreement' (Case T23-00005, City of Palm Bay), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-36. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

10. Resolution 2023-15, granting a conditional use to allow for a retail store occupying more than 5,000 square feet of gross floor area in NC (Neighborhood Commercial District) zoning on property located in the vicinities north of and adjacent to St. Andre Boulevard and west of and adjacent to DeGroodt Road (5.32 acres) (Case CU23-00006, David Moallem Trust/Siroos Pirzadeh and Mahnaz Pirzadeh) (Quasi-Judicial Proceeding). (CONTINUED FROM 05/18/23 RCM)

The Planning and Zoning Board recommended approval of the request, subject to the applicant complying with the following:

A. Constructing the retail store in accordance with the site plan.

B. The Land Development Division Staff Report.

C. A six (6) foot high opaque masonry wall or fence shall be erected around the entire property boundary boarding residentially zoned properties.

D. The owner/developer shall be responsible for extending service to the site in accordance with current City regulations.

E. All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

F. If violations or hazards become a nuisance, this Conditional Use could be brought back before City Council for reconsideration, revocation, or additional conditions to be applied.

The City Attorney read the resolution in caption only. The public hearing was opened. Attorney Jack Spira, representative for the applicant, presented the request to Council, along with Daniel Young, Civil Engineer (H.W. Professional Consultants); Lawrence Hagan, Traffic Consultant (Hagan Consulting Services, Inc.); and Sean Wagler, Senior Director of Development (Concept Development). There was discussion regarding the need for additional turn lanes which were not warranted per the traffic study.

Bill Battin, resident, commented that the proposed store and retention pond took up fifty percent (50%) of the site. He asked if there were any plans for the remainder of the property and felt the ordinance needed to be revisited as there were numerous applications to increase the size of the structure beyond what was permitted by ordinance.

Mr. Johnson said he did not want to give up impact fees for a left turn lane that was not warranted. Mayor Medina said Council was looking at the impact to the community in the future and would agree to impact fee credits to build the left turn lane and have the right turn lane into the property. He said that lighting was also an issue. Mr. Watanabe said he agreed with the traffic study and the consultant, however, was concerned about the future growth and the volume of traffic that would be coming through that intersection. Mr. Foster supported impact fee credits. He said the city was growing at a rapid rate and Council needed to look into the future.

Mr. Wagler asked for clarification on the cost of impact fee credits. Mr. Watanabe said the impact fees would not pay for all three (3) turn lanes as discussed by Council. As St. Andre would eventually become a collector roadway, he agreed with the left turn lane from St. Andre Boulevard and the deceleration right turn lane into the store site.

Mr. Spira felt impact fees would not cover the full cost of the left turn lane, but the applicant was willing to implement same and add to the cost. The issue was the right turn lane which would place a burden on the developer. He said that if the right turn lane was a requirement that could not be offset by impact fees, then the project would not move forward. Mr. Watanabe said the impact fee credit would be approximately $82,000.

Mayor asked if the applicant would be willing to provide additional lighting. Mr. Watanabe advised that when commercial sites were adjacent to residential sites, the lighting would have to be zero at the property line.

The public hearing was closed.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to adopt Resolution 2023-15, with the condition of including a left-turn lane from DeGroodt Road to St. Andre Boulevard, subject to receiving impact fee credits. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

11. Consideration of a Development Agreement with KB Home Orlando, LLC, pertaining to a development project known as 'Gardens at Waterstone Phases 2 and 3', final hearing. (CONTINUED FROM 05/18/23 RCM) (AGENDA REVISION)

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

Bill Battin, resident, questioned if the city received money from the performance bond since the commitment had not been met to complete the project by April 2023. He asked if impact fee credits were given to the developer.

Ms. Sherman advised that there were five (5) proportionate fair share improvements by the developer which totaled $801,788.15.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the Development Agreement with KB Home Orlando, LLC. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

12. Ordinance 2023-39, vacating a portion of the rear public utility and drainage easement located within Lot 7, Block 802, Port Malabar Unit 16 (Case VE-4-2023, Steven Daniel Barbieri Revocable Trust), first reading.

This item was considered earlier in the meeting, prior to Item 1, under Public Hearings.

13. Ordinance 2023-40, vacating a portion of the rear public utility and drainage easement located within Lot 17, Block 2373, Port Malabar Unit 45 (Case VE-5-2023, Wayne Arthur Stephenson and Donnice McReynolds Stephenson Revocable Trust), first reading.

This item was considered earlier in the meeting, prior to Item 1, under Public Hearings.

14. Ordinance 2023-41, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including provisions for car washes within GC (General Commercial District) zoning (Case T23-00010, Anthony Daniele/Royal Wash PSL, LLC), first reading.

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Chelsea Anderson, representative for the applicant, presented the request to Council.

Mr. Johnson felt some criteria should be removed as there were already numerous car washes. Deputy Mayor Felix agreed and did not see a need for a car wash. He felt a car wash may negatively affect the existing businesses. Mr. Foster supported the request

and said that Council should not get into the specifics of what services a business provided or where it should be located. Mayor Medina supported capitalism but felt it should be in a zoning that already permitted car washes.

A resident spoke in opposition to the request.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to deny Ordinance 2023-41.

Motion carried with members voting as follows:

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

15. Resolution 2023-18, granting a conditional use to allow for a retail store occupying more than 5,000 square feet of gross floor area in NC (Neighborhood Commercial District) zoning on property located at the southwest corner of Jupiter Boulevard and Garvey Road (1.75 acres) (Case CU23-00002, David Moallem Trust/Siroos Pirzadeh and Mahnaz Pirzadeh). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, subject to the applicant complying with the following:

A. Constructing the retail store in accordance with the site plan.

B. The Land Development Division Staff Report.

C. All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

D. A six (6) foot high opaque masonry wall or fence shall be erected around the entire property boundary abutting residentially zoned properties.

E. The owner/developer shall be responsible for extending utility service to the site in accordance with current City regulations.

F. A lot reconfiguration filed with Brevard County shall be required prior to site plan approval.

G. If violations or hazards become a nuisance, this Conditional Use could be brought back before City Council for reconsideration, revocation, or additional conditions to be applied.

The City Attorney read the resolution in caption only. The public hearing was opened. Attorney Jack Spira, representative for the applicant presented the request to Council.

Mr. Johnson said that since Garvey Road had been paved, speeding had increased. He was concerned with traffic. Deputy Mayor Felix felt that walkability could be an issue. Mr. Watanabe said that turn lanes were not warranted according to traffic study, but reiterated that the city had to look into the future as Garvey Road was a major north/south connector road and studies showed that this segment of Jupiter Boulevard needed to be four-laned. He suggested implementation of sidewalks/walkability and lighting, especially at the intersection, but said that turn-lanes would be challenging.

Bill Battin, resident, said that the development should be built to address the future expansion of the road, along with a traffic signal.

Mr. Spira said the applicant would be agreeable to constructing a sidewalk in front of the site up to Jupiter Boulevard. Deputy Mayor Felix asked if the sidewalk could be extended to the next closest street. The applicant agreed to same.

The public hearing was closed.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to adopt Resolution 2023-18, with condition to construct sidewalks to the south of the property to the next closest street and north up to Jupiter Boulevard, as well as appropriate lighting.

Motion carried with members voting as follows:

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

16. Resolution 2023-19, granting a conditional use to allow proposed retail automotive gas/fuel sales in CC (Community Commercial District) zoning on property located at the northeast corner of Emerson Drive and St. Johns Heritage Parkway (2.16 acres) (Case CU23-00005, Ascot Palm Bay Holdings, LLC). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, subject to the applicant complying with the following:

A. Constructing the structures relevant to retail automotive gas/fuel sales in accordance with the site plan.

B. The Land Development Division Staff Report.

C. All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

D. Completion of the lot split process prior to site plan approval.

The City Attorney read the resolution in caption only. The public hearing was opened. Ana Saunders, representative for the applicant, presented the request to Council.

Bill Battin, resident, said that St. Johns Heritage Parkway (Parkway) was one lane in each direction and if anyone wanted to turn into the gas station, they would cause a back-up along the Parkway. He asked if a center turn lane would be installed.

Ms. Saunders commented that the traffic study would identify if a turn lane was warranted for the project.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-19. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

17. Ordinance 2023-27, establishing a Community Development District to be known as "Everlands II Community Development District" (143.73 acres), first reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Attorney Ginger Wald, representative for the petitioner, presented the request to Council.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-27. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

18. Ordinance 2023-42, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Gaynor Drive, in the vicinity north of Four Winds Street, from Utilities Use to Low Density Residential Use (1.33 acres) (Case CP23-00003, MP Developers Inc.), only one reading required.

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. James Boothroyd, representative for the applicant, presented the request to Council.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-42. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

19. Ordinance 2023-43, rezoning property located east of and adjacent to Gaynor Drive, in the vicinity north of Four Winds Street, from IU (Institutional Use District) to RS-2 (Single-Family Residential District) (1.33 acres) (Case CPZ23-00002, MP Developers Inc.), first reading. (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. James Boothroyd, representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-43. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

20. Ordinance 2023-44, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Dixie Highway, in the vicinity between Kirkland Road and Bay Boulevard, from High Density Residential Use and Urban Mixed Use to Urban Mixed Use (4.12 acres) (Case CP23-00004, Steamboat Landing, LLC and Gateway Medical Property, LLC), only one reading required.

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. James Mayes and Curtis Mckinney, representatives for the applicant, presented the request to Council.

Numerous residents spoke against the request, stating there was no definitive plan for what would be built on the site, increased traffic and parking issues, the need to continue to protect Castaway Point Park and the Indian River Lagoon, and the site was too small for the proposed project.

Due to the meeting curfew being met, motion by Deputy Mayor Felix, seconded by Mr. Johnson, to extend the meeting by thirty (30) minutes (first extension), which would expire at 11:30 P.M. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Several more residents spoke against the request. Messrs. Mayes and Mckinney responded to comments and said that major concessions and improvements would be done in the area at the applicant's expense, not the taxpayers. There would be sufficient parking for any use at the site which would be required per the Code, and there were provisions to allow for shared parking agreements. There would also be no impact to the Indian River Lagoon.

The public hearing was closed.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve Ordinance 2023-44. Deputy Mayor Felix requested that the applicant have another community meeting with the residents/petitioners and be good neighbors. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

21. Ordinance 2023-45, rezoning property located east of and adjacent to Dixie Highway, in the vicinity between Kirkland Road and Bay Boulevard, from BMUV (Bayfront Mixed Use Village District) and RM-20 (Multiple-Family Residential District) to BMU (Bayfront Mixed Use District) (4.12 acres) (Case CPZ23-00003, Steamboat Landing, LLC and Gateway Medical Property, LLC), first reading. (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Curtis Mckinney, representative for the applicant, presented the request to Council.

Due to the first extension to the meeting curfew being met, motion by Mr. Johnson, seconded by Deputy Mayor Felix, to extend the meeting by thirty (30) minutes (final extension), which would expire at 12:00 A.M. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Residents spoke against the request reiterating their concerns from the accompanying Comprehensive Plan amendment request.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-45. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

22. Ordinance 2023-46, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Magnolia Street, in the vicinity north of Palm Bay Road, from Low Density Residential Use to Commercial Use (0.38 acres) (Case CP23-00005, Vision 43 LLC), only one reading required.

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Holly Tanner, representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-46. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

23. Ordinance 2023-47, rezoning property located east of and adjacent to Magnolia Street, in the vicinity north of Palm Bay Road, from RS-3 (Single-Family Residential District) to HC (Highway Commercial District) (0.38 acres) (Case CPZ23-00004, Vision 43 LLC), first reading. (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve Ordinance 2023-47. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

24. Ordinance 2023-48, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Administration and Enforcement, Part 2: Amendments', by establishing Factors of Analysis required for the Planning and Zoning Board (Case T23-00004, City of Palm Bay), first reading.

The Planning and Zoning Board recommended approval of the request.

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

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-48. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

25. Ordinance 2023-49, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Conditional Uses', by including provisions for conditional use applications, and repealing related language from Subchapter 'Administration and Enforcement, Part 2: Amendments' (Case T23-00012, City of Palm Bay), first reading.

The Planning and Zoning Board recommended approval of the request.

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

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-49. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

CONSENT AGENDA:

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

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, that the Consent Agenda be approved as presented with the removal of Items 9 and 23 from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

1. Adoption of Minutes: Meeting 2023-10; April 20, 2023.

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

2. Adoption of Minutes: Meeting 2023-14; May 1, 2023.

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

3. Adoption of Minutes: Meeting 2023-15; May 18, 2023.

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

4. Award of Bid: Culvert pipe replacement, Unit 6 - IFB 33-0-2023 – Public Works Department (Timothy Rose Contracting, Inc. - $495,114).

Staff Recommendation: Approve the award for Unit 6 culvert pipe replacement with Timothy Rose Contracting, Inc. (Vero Beach), in the amount of $495,113.50; and approve the appropriation of $50,000 from the Stormwater Utility Fund on the next scheduled budget amendment.

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

5. Contract: Architectural and Engineering Design Services, Fire Stations and Fire Station Prototypes, Task Order 2 – Parks and Facilities Department (CPZ Architects, Inc. - $439,702)

Staff Recommendation: Approve Task Order 2 against Master Agreement 55-0-2022 for architectural and engineering design services, fire stations and fire station prototypes, with CPZ Architects, Inc., in the amount of $439,702.

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

6. Contract: Biosolids Transportation and Disposal, purchasing authority – Utilities Department (H&H Liquid Sludge Disposal Inc. - $36,000 increase ($143,000 total, excluding tipping fees)); and approve appropriation of funds on the next scheduled budget amendment ($127,000).

Staff Recommendation: Approve an increase in the amount of $36,000, excluding tipping fees, in annual purchasing authority with H&H Liquid Sludge Disposal Inc. (Branford), for

a total revised estimated annual expenditure of $143,000, for biosolids transportation and disposal; and approve the appropriation of $127,000 on the next scheduled budget amendment.

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

7. Contract: Reverse Osmosis Rehabilitation Engineering Master Plan, North Regional Water Treatment Plant, Task Order 01-2019-007 – Utilities Department (Tetra Tech - $224,058); and appropriation of funds on the next scheduled budget amendment ($120,937).

Staff Recommendation: Approve Task Order 01-2019-007 for the North Regional Water Treatment Plant reverse osmosis rehabilitation engineering against the master agreement with Tetra Tech, in the amount of $224,058; and approve the appropriation of $120,937 on the next scheduled budget amendment.

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

8. Contract: Sewage Dewatering Facility, North Regional Wastewater Treatment Plant, Task Order 23-02-WT – Utilities Department (Wade Trim - $132,050).

Staff Recommendation: Approve Task Order 23-02-WT for the North Regional Wastewater Treatment Plant Sewage Dewatering Facility against Master Agreement 36-0-2020 with Wade Trim, in the amount of $132,050.

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

9. Miscellaneous: Pre-qualification pool of qualified general contractors for Building 'E' at the City Hall Municipal Complex – RFQ 38-0-2023 – Purchasing Department (Hedrick Brothers Construction Co., Inc., W & J Construction Corporation, and Wharton-Smith, Inc.).

Staff Recommendation: Approve the award of the pre-qualification pool for Building E, allowing Hedrick Brothers Construction Co., Inc., W & J Construction Corporation, and Wharton-Smith, Inc. the ability to submit competitive bids.

Bill Battin, resident, questioned why there was a pool of contractors instead of just selecting the best contractor. Ms. Misconi explained that staff wanted to survey the qualifications first, then the lowest, most responsive and responsible bidder would be chosen.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the pre-qualification pool of qualified general contractors for Building 'E'. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

10. Ordinance 2023-50, amending the Code of Ordinances, Chapter 55, Police and Firefighters Pension Plan, by modifying provisions related to optional forms of benefits and minimum distribution of benefits, first reading.

The City Attorney read the ordinance in caption only.

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

11. Ordinance 2023-51, amending the Code of Ordinances, Chapter 110, Business Taxes, Subchapter 'Business Taxes; Tax Receipts; Receipts', by revising provisions contained therein, first reading.

The City Attorney read the ordinance in caption only.

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

12. Ordinance 2023-52, amending the Fiscal Year 2022-2023 budget by appropriating and allocating certain monies (third budget amendment), first reading.

The City Attorney read the ordinance in caption only.

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

13. Consideration of the Pineapple Cove Classical Academy (Lockmar) Charter School Resource Officer agreement for the 2023/2024 school year.

Staff Recommendation: Approve and authorize the City Manager to execute the School Resource Officer Agreement with Pineapple Cove Classical Academy (Lockmar) for the 2023/2024 school year.

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

14. Consideration of the Pineapple Cove Classical Academy (Palm Bay) Charter School Resource Officer agreement for the 2023/2024 school year.

Staff Recommendation: Approve and authorize the City Manager to execute the School Resource Officer Agreement with Pineapple Cove Classical Academy (Palm Bay) for the 2023/2024 school year.

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

15. Consideration of the Odyssey Charter School Junior/Senior High School Resource Officer agreement for the 2023/2024 school year.

Staff Recommendation: Approve and authorize the City Manager to execute the Junior/Senior High School Resource Officer Agreement with Odyssey Charter School for the 2023/2024 school year.

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

16. Consideration of the School Resource Officer Program agreement with Brevard County School Board for the 2023/2024 school year.

Staff Recommendation: Approve and authorize the City Manager to execute the School Resource Officer Program Agreement with Brevard County School Board for the 2023/2024 school year.

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

17. Consideration of an Interlocal Agreement relating to apparatus use between the Town of Malabar and the City of Palm Bay.

Staff Recommendation: Approve the interlocal agreement relating to apparatus use between the Town of Malabar and the City of Palm Bay.

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

18. Consideration of participating in the 2023-2024 High Visibility Enforcement for Pedestrian and Bicycle Safety Initiative with the Florida Department of Transportation.

Staff Recommendation: Approve the Police Department's submission of the Traffic Enforcement Plan and Letter of Support for the 2023-2024 Pedestrian and Bicycle Safety program.

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

19. Consideration of reclassifying one (1) vacant Human Resources Clerk from part-time to full-time within the Human Resources Department ($10,395).

Staff Recommendation: Approve the reclassification of one (1) vacant Human Resources Clerk from part-time to full-time within the Human Resources Department in the amount of $10,395.

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

20. Consideration of a new full-time equivalent (FTE) position for a Land Development Division Manager within the Growth Management Department.

Staff Recommendation: Authorize a new full-time equivalent (FTE) position of Land Development Division Manager for the Growth Management Department.

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

21. Consideration of amending the Position Control Plan to move one (1) full-time equivalent position (FTE) from the Public Works Department to the Growth Management Department.

Staff Recommendation: Approve a change to the Position Control Plan to move one (1) full-time equivalent (FTE) position from the Public Works Department to the Growth Management Department; and approve a budget amendment reallocating $19,540 in personnel costs from the Public Works Department to the Growth Management Department.

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

22. Consideration of a budget amendment for equipment and operating supplies within the Growth Management Department ($9,378.97).

Staff Recommendation: Approve a budget amendment in the amount of $9,378.97 from General Fund Undesignated Fund Balance for equipment and operating supplies within the Growth Management Department.

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

23. Consideration of allocating General Fund Undesignated Fund Balance and Fleet Revenue Fund to purchase a replacement truck and two tractors for the Parks and Facilities Department ($136,606).

Staff Recommendation: Approve the appropriation of $136,606 from the Fleet Revenue Fund and General Fund Undesignated Fund Balance to purchase a replacement truck and two tractors for the Parks and Facilities Department.

Bill Battin, resident, said the funds from co-sponsorship requests could have been used to make these types of purchases.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve the appropriation of $136,606 from the Fleet Revenue Fund and General Fund Undesignated Fund Balance. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

24. Consideration of change to previously approved travel and training for specified City employees (Information Technology Department).

Staff Recommendation: Approve the change in location and addition of one (1) attendee for the Cisco Live 2023 Conference, for a total of four (4) attendees (no additional funding requested).

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

25. Consideration of utilizing General Fund Undesignated Fund Balance for the Police Department's Crime Awareness and Prevention Program, to be reimbursed by Community Development Block Grant funds ($38,408).

Staff Recommendation: Authorize the use of $38,408 in General Fund Undesignated Fund Balance for the Police Department's Crime Awareness and Prevention programs, as awarded through the Community Development Block Grant (CDBG) reallocated Program Year 2022 funding.

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

26. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund for Crash Data Retrieval Tool ($55,000).

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.

27. Acknowledgement of the City's monthly financial report for April 2023 (Unaudited).

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

NEW BUSINESS:

1. Ordinance 2023-53, granting an Ad Valorem Tax (AVT) Abatement to L3Harris Technologies Inc. for 'Project LEO', first reading.

This item was considered earlier in the meeting, prior to Public Hearings.

2. Ordinance 2023-54, granting an Ad Valorem Tax (AVT) Abatement to L3Harris Technologies Inc. for 'Project SAMT', first reading.

This item was considered earlier in the meeting, prior to Public Hearings.

3. Consideration of councilmembers attending the annual Florida League of Cities Conference, in conjunction with the Florida League of Mayors, August 9-12, 2023, in Orlando; appointment of voting delegate.

Mayor Medina, Deputy Mayor Felix, and Councilman Johnson would attend the conference.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to appoint Mayor Medina to serve as the voting delegate. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

4. Pineapple Cove Academy (Lockmar) Traffic History Update (Mayor Medina) (REVISION)

This item was considered earlier in the meeting, prior to Public Hearings.

COUNCIL REPORTS:

1. Mr. Johnson said he would be working with staff to implement additional provisions related to conditional uses which would be comparable to other cities. Council concurred.

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

Residents made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:57 P.M.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terri J. Lefler, DEPUTY CITY CLERK

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Christopher A. Little, P.E.; George Barber, Chief Procurement Officer; Larry Wojciechowski, Finance**

DATE: **8/3/2023**

RE: **Contract: Expansion to 8MGD Design Services, South Regional Water Treatment Plant, Task Order 23-10-WT – Utilities Department (Wade Trim - $370,685); consideration of fund appropriation on next scheduled budget amendment ($650,000).**

The Utilities Department has identified the need to increase the capacity of the South Regional Water Treatment Plant (SRWTP). The SRWTP was constructed in 2007 with an initial capacity of 4 million gallons per day (MGD). As the City has grown, staff have been planning for long-term potable water needs. In 2019 the City started the design of an expansion of capacity at the SRWTP from 4 MGD to 6 MGD. Now that the 4 MGD to 6 MGD expansion is nearly complete, staff have recognized a need to further expand the SRWTP to 8 MGD to keep up with the rapid pace of growth throughout the City. The scope of services under this task order will include the design for the new pumps, new equipment/structures, raw water piping, related appurtenances, and permitting services.

Wade Trim has submitted Task Order 23-10-WT for design services for this project. Staff has reviewed the scope of work and requests council approval to proceed with Task Order 23-10-WT in the amount of $370,685.

In accordance with the provisions of Section 287.055, Florida Statutes for Consultants Competitive Negotiation Act (CCNA), the Procurement Department solicited and accepted qualification submittals, under RFQ 36-0-2020/JG, from firms to provide continuing consulting services for water and wastewater engineering services for the Utilities Department. On July 2, 2020 Council approved the award of RFQ 36-0-2020/JG to two firms (ISS and Wade Trim) and authorized City staff to negotiate Master Consultant Agreements. On July 28, 2020 a Master Agreement was executed with Wade Trim. Task Order 23-02-WT is in accordance with the Master Agreement.

Ardaman & Associates, Inc., has submitted Task Order 23-10-0407 for the design of a new well for the expansion to 8MGD, amount $88,072. The scope of services under this task order will include the hydrogeological services for the design of a new brackish supply well (SRO-5). This well is required to increase the capacity of the SRWTP to 8 MGD. Task Order 23-10-0407 is in accordance with Master Agreement 20-0-2018 for hydrogeological services. Council approved the award of RFQ 20-0-2018/JM on May 3, 2018, and the Master Agreement was executed on May 17,2018.

In addition to the services provided by Wade Trim and Ardaman and Associates, Inc., the department will require funding to cover the cost of permitting for the project. Permits must be obtained from Florida Department of Environmental Protection (FDEP), St. Johns River Water Management District, and the City of Palm Bay.

The estimated construction cost for this project is not expected to exceed the $4 million threshold outlined in Section 287.055 Consultants Competitive Negotiation Act (CCNA) of the Florida Statutes.

The Department is requesting fund appropriation from Utilities Connection Fee Undesignated Fund Balance in the amount of $650,000. The additional funding is for permitting and contingency to cover unanticipated changes in the scope of work due to unforeseen conditions discovered during design and permitting.

REQUESTING DEPARTMENT:
Utilities, Finance, Procurement

FISCAL IMPACT:
The total for the two task orders is $458,757 (Wade Trim, $370,685 and Ardaman and Associates, Inc., $88,072). Pending approval of the budget amendment, amount $650,000, from Utilities Connection Fee Undesignated Fund Balance (423-0000-392-3006), funds will be available in the Utilities Department's Connection Fee Fund 423-8021-533-6221, project 23WS20.

RECOMMENDATION:
Motion to 1) approve the appropriation of funds on the next scheduled budget amendment in the amount of $650,000; and 2) authorize the execution of Wade Trim Task Order 23-10-WT for the South Regional Water Treatment Plant Expansion to 8 MGD Design and Bid Phase Services, against Master Agreement 36-0-2020.

ATTACHMENTS:

Description

Task Order 23-10-WT Wade Trim
Task Order 23-10-0407 Ardaman and Associates Inc

CITY OF PALM BAY, FL

SOUTH REGIONAL WATER TREATMENT PLANT
EXPANSION TO 8 MGD
DESIGN SERVICES

In accordance with City's Master Agreement 36-0-2020 Dated July 28, 2020

July 13, 2023
TASK ORDER NO. 23-10-WT
CITY PROJECT NUMBER 23WS20

SECTION I: BACKGROUND

The City of Palm Bay has identified the need to increase the capacity of their South Regional Water Treatment Plant to 8 MGD. The plant was recently expanded to 6 MGD. The existing 6 MGD reverse osmosis treatment plant consists of four raw water wells, seven cartridge filters, four high pressure pumps, four reverse osmosis units, two degasifiers, three air blowers, two odor control scrubbers, a chlorine contact chamber, blending basin, three transfer pumps, two ground storage tanks, six high service pumps, associated piping, and chemical systems.

The City of Palm Bay Utilities is requesting Wade Trim provide Design Engineering Services for this contract. This scope of work does not include any engineering services during bid and construction. Details of the scope of work are provided below in Section II.

The South Regional Water Treatment Plant (SRWTP) Expansion Preliminary Design Report (June 27, 2019) developed by Tetra Tech outlined needs for expanding the SRWTP to 6 MGD as well as to 8 MGD. Wade Trim will rely on this design report and provide detailed design for the following:

1) New Well No. 5: The needed capacity of new Well No. 5 is 1,750 GPM. The well design and development will be by others. This project will include the well pump design and raw water yard piping to the plant.
2) Reverse Osmosis Feed Pumps: A new 1,750 GPM RO feed pump.
3) Degasification and Odor Control: Install a third degasifier unit.
4) High Service Pumping: One 1,111 GPM high service pump will be replaced with a new 2,222 GPM high service pump.

SECTION II: SCOPE OF WORK

Wade Trim agrees to perform the following tasks:

Task 1 – 60% Design

a) **Kickoff Meeting**: Wade Trim will schedule a kickoff meeting with City staff following receipt of notice to proceed. The meeting will include verification of scope of work, site

walk-through, nameplate data collection, field measurements, photographs for use in design, and meeting with operations staff to discuss operations. The goal of the kickoff meeting is to streamline the design process, collect the necessary site data, and minimize the additional number of site visits required. Wade Trim will provide meeting notes following the meeting.

b) **PDR Review:** Wade Trim will review the 2019 SRWTP Expansion Preliminary Design Report developed by Tetra Tech to understand the design intent.
c) **60% Drawings:** Wade Trim will develop 60% design drawings. Anticipated drawings for each deliverable of the project are provided in an attached list.
d) **60% Specifications**: Wade Trim will develop 60% specifications based on the 60% design drawings.
e) **60% EOPCC:** Wade Trim will develop a Class III engineer's opinion of probable construction cost (EOPCC).
f) **FDEP Permit**: Draft FDEP permit application 62-55.900 for City review.
g) **60% Design Review Meeting**: Wade Trim will conduct a 60% Design Review meeting to discuss 60% design comments provided by the City. Meeting notes will be generated to be incorporated into the following design.

Task 2 – 90% Design

a) **Comment Response Register**: Wade Trim will incorporate City comments into the comment response register.
b) **90% Drawings:** Wade Trim will provide 90% design drawings. 90% design drawings will reflect addressing of the City's 60% design comments. Anticipated drawings for each deliverable of the project are provided in an attached list.
c) **90% Specifications:** Wade Trim will develop 90% specifications based on the 90% design drawings and comments on the 60% specifications.
d) **EOPCC:** Wade Trim will provide an updated EOPCC.
e) **FDEP Permit**: Wade Trim will submit the FDEP permit application 62-555.900 signed by the City along with the 90% plans.
f) **90% Design Review Meeting:** Wade Trim will conduct a 90% Design Review meeting to discuss 90% design comments provided by the City. Meeting notes will be generated to be incorporated into the following design.

Task 3 – Final Design

a) **Comment Response Register:** Wade Trim will incorporate City comments into the comment response register.
b) **100% Drawings:** Wade Trim will provide 100% design drawings. 100% design drawings will reflect addressing of the City's 90% design comments. Anticipated drawings for each deliverable of the project are provided in an attached list.
c) **100% Specifications:** Wade Trim will develop 100% specifications based on the 100% design drawings and City Comments on the 90% Specifications.
d) **EOPCC:** Wade Trim will provide an updated EOPCC.
e) **FDEP Permit**: Wade Trim will respond to FDEP requests for additional information that are administrative in nature. RAI requiring additional field work or design modifications are not included.
f) **Comment Response Register:** Wade Trim will incorporate City comments into the comment response register. No review meeting is anticipated.

g) **Bid Design Set:** Wade Trim will prepare signed and sealed Bid Set of drawings and specification based on comments received from on the Final design drawings and specifications.

SECTION III: PROJECT REPRESENTATIVES

City of Palm Bay Utilities:	Christopher A. Little, PE 321-952-3410 Christopher.Little@palmbayflorida.org
Wade Trim:	Michael Demko, P.E. 321-249-2147 mdemko@wadetrim.com

SECTION IV: PERMITTING

A FDEP Permit to Construct PWS Components 62-555.900 is required. No other permits are anticipated.

SECTION V: CITY'S RESPONSIBILITY

The following items are required, but not limited, from the CITY to complete the above-mentioned Task Order:

1) City will provide WT Well No. 5 well construction report including water quality testing information, wet and dry season aquifer water surface elevations, pumping tests results including corresponding drawdown information, and recommended elevation for locating pump bowl.
2) St. Johns River Water Management District permit by others
3) FDEP Permit application fee to be paid directly by City.

SECTION VI: DELIVERABLES

The following deliverables will be provided for each task mentioned above. All submittals will be electronic PDFs submitted via email unless noted otherwise:

Task 1 – 60% Design

- 60% design drawings and specifications
- Class III EOPCC
- Draft FDEP permit application 62-55.900 for City review
- Responses to City's 30% review comments
- Design review meeting agenda and meeting summary

Task 2 – 90% Design

- 90% design drawings and specifications

- Updated Class III EOPCC
- Responses to City's 60% review comments
- Design review meeting agenda and meeting summary

Task 3 – 100% Design

- 100% set of drawings and specifications
- Final Class III EOPCC
- Responses to City's 90% review comments
- Responses to City's 100% review comments
- Signed and sealed bid set of drawings and specifications

SECTION VII: SCHEDULE

Work will begin within 7 days of notice-to-proceed (NTP).

Deliverable	Weeks	From
Task 1 – 60% Design		
Kick-Off Meeting	2	NTP
60% Design Submittal	17	Kick-Off Meeting
Task 2 – 90% Design		
90% Design Submittal	6	Review Meeting
Task 3 – Final Design		
100% Design Submittal	3	Review Meeting
Bid Set Submittal	3	City Comments

SECTION VIII: BASIS OF COMPENSATION

The fee for the scope of work described in Section II, shall not exceed a total lump sum fee of **$370,685** and shall not exceed the amounts shown in the table below for each specific task. The City shall periodically compensate the Wade Trim a portion of the task fee based on mutually agreed upon percentages of completion of each task.

TASK	DESCRIPTION	FEE
1	60% Design	$ 134,895.00
2	90% Design	$ 135,860.00
3	Final Design	$ 99,930.00
	TOTAL	**$ 370,685.00**

At the direction of the City, Wade Trim may be requested to provide additional services. These additional services will be billed at the standard hourly billing rates on a negotiated Lump Sum basis.

SECTION IX: COST OF CONSTRUCTION

The cost of construction for this project is $3,670,000

SECTION X. ACCEPTANCE

If the above scope and fees meet your approval, please indicate by your signature in the space provided below and return one signed copy which will constitute an "Agreement and Notice to Proceed" for the accomplishment of this work.

WADE TRIM, INC.

Dennis Prevo

Dennis Prevo
Senior Vice President

7-13-23
Date

City of Palm Bay, Florida

George Barber, CPPO, CPPB
Chief Procurement Officer

Date

Proposed Drawing List

Sheet	60	90	Final
General			
Cover	X	X	X
Sheet Index	X	X	X
Legend and Abbreviations	X	X	X
General Notes	X	X	X
Piping Schedule	X	X	X
Process Flow Diagram	X	X	X
Hydraulic Profile	X	X	X
Civil Site			
Civil Notes	X	X	X
Civil Legend & Abbreviations	X	X	X
Erosion Control Plan	X	X	X
Proposed Site Plan Paving, Grading, and Drainage	X	X	X
Enlarged Site Plan Proposed Production Well No. 5 Paving Grading and Drainage	X	X	X
Pavement Details		X	X
Civil Details I		X	X
Civil Details II		X	X
Structural			
Structural General Notes, Legend and Abbreviations	X	X	X
Raw Water Pump No. 5 Structural Plan, Section, and Details	X	X	X

Sheet	60	90	Final
Process			
Process Legend, Abbreviations, and Notes	X	X	X
Production Well Process Flow Diagram	X	X	X
Degasifier System Modifications Process Flow Diagram	X	X	X
RO Feed Pumping Modifications Process Flow Diagram	X	X	X
High Service Pumps Modifications Process Flow Diagram	X	X	X
Proposed Site Plan Yard Piping	X	X	X
Well No. 5 Raw Water Yard Piping Plan and Profile Key Sheet	X	X	X
Well No. 5 Raw Water Yard Piping Plan and Profile I	X	X	X
Well No. 5 Raw Water Yard Piping Plan and Profile II		X	X
Well No. 5 Raw Water Yard Piping Plan and Profile III		X	X
Well No. 5 Raw Water Yard Piping Plan and Profile IV		X	X
Well No. 5 Plan & Section	X	X	X
RO Feed Pumping Modifications Plan	X	X	X
RO Feed Pumping Modifications Section	X	X	X
RO Building - Existing High Service Pump Room Plan Demolition	X	X	X
RO Building - Proposed High Service Pump Room Plan	X	X	X
RO Building - Proposed High Service Pump Room Section	X	X	X
Degasifier System Overall Plan	X	X	X
Degasifier System Enlarged Plan & Sections	X	X	X
Degasifier 3D Perspectives		X	X
Standard Process Details I	X	X	X
Standard Process Details II	X	X	X
Standard Process Details III		X	X
Standard Process Details IV		X	X

Sheet	60	90	Final
Electrical			
Electrical Legend, Abbreviations, and Notes	X	X	X
Proposed Electrical Site Plan	X	X	X
RO High Pressure Pump Plan	X	X	X
RO High Pressure Pump Plan Modifications	X	X	X
High Pressure and High Service Pump Plan	X	X	X
High Service Pump Plan Modifications	X	X	X
Panel Schedules		X	X
Production Well No. 5	X	X	X
Overall One Line Modifications	X	X	X
Riser Diagrams		X	X
VFD Schematic		X	X
Control Schematics		X	X
Electrical Details I		X	X
Electrical Details II		X	X
Electrical Details III		X	X
Instrumentation			
P&ID Legend, Abbreviations, and Notes	X	X	X
Production Well No. 5 P&ID	X	X	X
RO HPP Modifications P&ID	X	X	X
Degasifier System Modifications P&ID	X	X	X
High Service Pumps Modifications P&ID	X	X	X
Network Diagram	X	X	X
Instrumentation Details		X	X
Control Schematics	X	X	X

WADE TRIM

Project: SRWTP 8MGD Expansion
Client: PBUD
Prepared By: M Demko
Date: July 12, 2023

Project Cost Estimating Sheet

TO# 23-10-WT

TASKS		Task 1 60% Design	Task 2 90% Design	Task 3 100% Design	Task 4	TOTAL
CLASSIFICATION	RATE	HOURS $	HOURS $	HOURS $	HOURS $	HOURS $
Client Service Manager	$ 250.00	36	28	20		84
Principal/Associate		$9,000.00	$7,000.00	$5,000.00	$0.00	$21,000.00
PM	$ 225.00	104	100	70		274
Senior Technical Professional		$23,400.00	$22,500.00	$15,750.00	$0.00	$61,650.00
QAQC	$ 250.00	16	17	10		43
Principal/Associate		$4,000.00	$4,250.00	$2,500.00	$0.00	$10,750.00
Senior Advisor	$ 225.00	7	4	4		15
Senior Technical Professional		$1,575.00	$900.00	$900.00	$0.00	$3,375.00
Project Engineer	$ 150.00	100	82	80		262
Professional Engineer 2		$15,000.00	$12,300.00	$12,000.00	$0.00	$39,300.00
Process/Hydraulics	$ 150.00	100	82	70		252
Professional Engineer 2		$15,000.00	$12,300.00	$10,500.00	$0.00	$37,800.00
Construction Documents	$ 130.00	48	120	76		244
Engineer 5		$6,240.00	$15,600.00	$9,880.00	$0.00	$31,720.00
Structural	$ 225.00	24	42	28		94
Senior Technical Professional		$5,400.00	$9,450.00	$6,300.00	$0.00	$21,150.00
Electrical Engineer	$ 225.00	24	60	34		118
Senior Technical Professional		$5,400.00	$13,500.00	$7,650.00	$0.00	$26,550.00
Electrical Designer	$ 120.00	48	68	42		158
Technician 6		$5,760.00	$8,160.00	$5,040.00	$0.00	$18,960.00
I&C Engineer	$ 225.00	54	42	48		144
Senior Technical Professional		$12,150.00	$9,450.00	$10,800.00	$0.00	$32,400.00
Process Designer	$ 120.00	259	164	106		529
Technician 6		$31,080.00	$19,680.00	$12,720.00	$0.00	$63,480.00
Admin	$ 65.00	6	8	6		20
Admin IV		$390.00	$520.00	$390.00	$0.00	$1,300.00
	$ -					0
		$0.00	$0.00	$0.00	$0.00	$0.00
	$ -					0
		$0.00	$0.00	$0.00	$0.00	$0.00
	$ -					0
		$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL		826	817	594	0	2237
		$ 134,395.00	$ 135,610.00	$ 99,430.00	$ -	$369,435.00

OTHER DIRECT COSTS		
Subconsultants		
Aerial Photos		
Soils Eng.		
_____		
Survey		
Mechanical		
Electrical		
Environmental		
Stormwater Management		
Permitting		
Sub Total		$0.00
Direct Cost		
CADD		
Computers		
Equipment		
Photocopies	$	500.00
Color Copies		
Graphics		
Computer		
Travel	$	750.00
Scanner		
OCE Printer		
_____		
Sub Total		$1,250.00
OTHER DIRECT COSTS TOTAL		**$1,250.00**
Labor Multiplier (=1 for billing rate schedule)		1.00
TOTAL DIRECT LABOR	**$**	**369,435.00**
TOTAL COST		**$370,685.00**

CITY OF PALM BAY, FL

HYDROGEOLOGIC SERVICES FOR SRWTP BRACKISH SUPPLY WELL SRO-5

In accordance with the City's Master Agreement #20-0-2018
July 12, 2023
TASK ORDER 23-10-0407

Section I. Background

As requested, Ardaman & Associates, Inc. (Ardaman) is pleased to present the following proposal to perform hydrogeologic services for the City of Palm Bay South Regional WTP (SRWTP) Brackish Supply Well SRO-5. We understand that Ardaman is to coordinate with Wade Trim, which is tasked with designing the improvements necessary to increase the max day capacity of SRWTP to 8.0 million gallons per day (MGD).

Section II. Scope Of Services

Ardaman will provide the following hydrogeologic services relative to the SRWTP Brackish Supply Well SRO-5: (1) well design, (2) permitting, (3) bidding assistance, (4) well construction administration, (5) well construction and testing observation; and (6) preparation of a well construction summary report. The following work effort is proposed to achieve the project objectives.

Task 1: Well Design

Ardaman will provide the City with a Floridan aquifer well design for the SRWTP additional brackish supply well. Well construction specifications will be prepared in order for the well construction work to be put out for bid. The front-end documents for the water well construction contract will be provided by the City for modification by Ardaman to meet the needs of the project.

Task 2: Permitting

Ardaman will assist the selected contractor with the well construction permit application as needed. If a letter modification is required for the consumptive use permit by the St. Johns River Water Management District (SJRWMD) for the selected well location, Ardaman shall prepare that letter modification. However, if additional consumptive use permitting services are required such as new groundwater modeling to show no adverse impacts to moving the proposed well, additional compensation will need to be approved for these services.

Task 3: Bidding Assistance

Ardaman will assist the City in the evaluation of bids or negotiating proposals for the construction and testing of the additional brackish supply well from water well drilling contractors. Ardaman will respond to questions asked by the water well drilling contractors with regards to the technical specifications and bid documents, and shall issue addenda as appropriate to clarify, correct, or change the bid documents. After review of bid proposals, Ardaman shall make recommendations to City regarding the selection of a water well drilling contractor for the work.

Task 4: Well Construction Administration

Ardaman will attend the City's pre-construction meeting with the selected water well contractor prior to start of work to get the project underway. Ardaman will receive, review, and take appropriate action on, and return shop drawing submittals on all casings, centralizers, grout, drilling mud, field testing devices, and other well materials required for the project. During the well construction and testing of the new well, Ardaman will attend progress meetings as required for the successful completion of the project. Progress invoices submitted by the water well contractor will be reviewed by Ardaman to ensure invoiced items have been completed as specified and are ready for payment.

Task 5: Well Construction and Testing Observation

Construction Ardaman will provide up to 340 hours of quality control observations during the assumed 400-hour well construction period. We will provide a hydrogeologist or scientist to observe portions of the following processes: pilot hole drilling, setting of centralizers, casing emplacements, grouting, welding of casings, and completion of the open borehole.

Well Development Ardaman will provide up to 40 hours of development observation to measure sand content and turbidity through the development process. The well driller will be required to provide well development at the specified rates and development methods. If development is not proceeding as expected, alternate methods can be pursued prior to the allotted development time being expended. The new production well should produce water with turbidity less than 1 NTU and sand content less than 1 ppm before being placed into service.

Step-Drawdown Testing Ardaman will be present for the step-drawdown testing to assist in the data collection and to ensure the flow rate is maintained as specified, and that the required water levels are collected. A total of 8 hours of setup and testing observation has been allotted for this task.

Geophysical and Video Logging Ardaman will be on-site during the geophysical logging and the video logging of the well to note any problems or concerns with the borehole or the completed well. The final video log confirms the final well casing setting depth and the total well depth. A total of 8 hours of setup and logging observation has been allotted for this task.

Water Quality Sampling Ardaman will collect water quality samples during the pilot hole construction to help define the changes in water quality with depth. Ardaman will collect the drinking water standards samples at the end of the step-drawdown testing; the water quality analyses will be included in the water well contractor's contract. A total of 16 hours of sample collection and field analyses has been allotted for this task.

Task 6: Well Construction Summary Report

Ardaman will prepare a well construction summary report to summarize the well construction process including drilling, casing installation, grouting, development, and testing. The results and analyses of each of the performed tests will be included. This summary report will be a vital resource to evaluate the well's performance over time.

Section III. Project Representatives

City's Project Manager: Christopher Little, PE

Ardaman's Project Manager: Douglas Dufresne, PG

Section IV. Permitting

The permitting involved in this project includes assisting the water well contractor in obtaining the well construction permit, and providing a letter modification for the consumptive use permit to the SJRWMD for relocating the well within the permit, if necessary. However, if additional consumptive use permitting services are required such as new groundwater modeling to show no adverse impacts to moving the proposed well, additional compensation will need to be approved for these services.

Section V. Owner's Responsibilities

The City will need to provide the front end documents for the bidding document to send out to bid.

Section VI. Deliverables

Task 1. Well Construction Specifications
Task 2. Letter Modification of the CUP, if needed
Task 3. Bid Tabulation and Recommendation of Award
Task 6. Well Construction Summary Report

- Draft Report (PDF format)
- Final Report (PDF format)
- 2 Hard Copies of the Final Report

Section VII. Project Schedule

The project will be initiated immediately with the notice to proceed. The construction of the well will be dependent upon the allowed contract time for the project and the availability of the water well drilling Contractor to commence the project. We are prepared to proceed immediately upon receipt of the signed contract/purchase order.

Section VIII. Method of Compensation

The estimated costs for this proposal are provided in Table 1. The Other Direct Costs for this proposal are provided in Table 2. Monthly invoices will be based on time expended, materials/equipment used, and units performed in accordance with the enclosed fee schedule. The proposed lump sum compensation for Tasks 1, 2, 3, 4, and 6 total $27,464.00, and the time and materials compensation for Task 5 and the Other Direct Costs total $60,608.00. The total compensation for the Scope of Services not to be exceeded without further written authorization is $88,072.00.

Section IX. Estimated Construction Value

The estimated well construction cost is $755,000 based upon the previous similar work at this site.

Section X. Acceptance

If the above scope and fees meet your approval, please indicate by your signature in the space provided below and return one (1) signed copy which will constitute an Agreement and Notice to Proceed for the accomplishment of this work.

ARDAMAN & ASSOCIATES, INC.	**CITY OF PALM BAY**
Douglas P. Dufresne, P.G. Project Director	George Barber Chief Procurement Officer
July 12, 2023 Date	Date

TABLE 1
CITY OF PALM BAY
SOUTH REGIONAL WTP WELL SRO-5
MAN-HOUR & FEE BREAKDOWN

		Project Director		Senior Hydrogeologist II		Staff Hydrogeologist III		Totals	
		$182 per hour		$165 per hour		$105 per hour			Estimated
	Project Phase / Description	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost
1	Well Design	16	$2,912	16	$2,640			32	$5,552
2	Permitting	16	$2,912	12	$1,980			28	$4,892
3	Bidding Assistance	8	$1,456	12	$1,980			20	$3,436
4	Well Construction Administration	32	$5,824	16	$2,640			48	$8,464
5	Well Construction and Testing Observation Services	16	$2,912	8	$1,320	412	$43,260	436	$47,492
6	Well Completion Summary Report	10	$1,820	20	$3,300			30	$5,120
	Other Direct Costs								$ 13,116.00
GRAND TOTAL ALL TASKS AND SUBS		**98**	**$17,836**	**84**	**$13,860**	**412**	**$43,260**	**594**	**$ 88,072.00**

TABLE 2
CITY OF PALM BAY
SOUTH REGIONAL WTP WELL SRO-5
ESTIMATED REIMBURSABLE EXPENSES

Task 5 - Well Construction and Testing Observation Services

Item	Unit Cost	Units	Quantity	Cost
Truck ($0.85 per mile)	$ 127.50	Roundtrips	10	$ 1,275.00
Truck ($0.85 per mile)	$ 14.28	Local Trips	52	$ 742.56
Car ($0.62 per mile)	$ 93.00	Roundtrips	6	$ 558.00
Meals	$ 60.00	per day	52	$ 3,120.00
Lodging	$ 150.00	per day	40	$ 6,000.00
Sampling Equipment	$ 350.00	per month	2	$ 700.00
			Subtotal	$ 12,395.56
			12% Markup on Lodging	$ 720.00
			Total	**$ 13,115.56**

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Mariano Augello, Chief of Police**

DATE: **8/3/2023**

RE: **Consideration of a letter of support for the Brevard County Sheriff's Office for the Fiscal Year 2022-2023 Edward Byrne Memorial Justice Assistance Grant Program, Countywide Prisoner Transport Program.**

In continuation of the Palm Bay Police Department's efforts to support countywide law enforcement initiatives, the Department is seeking Council approval to provide a letter in support of the Brevard County Sheriff's Office's (BCSO) for the FY 2022-2023 Edward Byrne Memorial JAG Program for a Countywide Prisoner Transport Program. Historically, the countywide Prisoner Transport Program has been funded by BCSO's annual JAG allocations as well as supplemental funding budgeted by Brevard County. The Prisoner Transport Program transports arrestees from locations throughout the Brevard County to the County Jail and minimizes local law enforcement agencies sending personnel out of the local jurisdiction thus remaining available to respond to calls for service in their respective areas.

This year's grant allocation for BCSO is $152,869, and the projected total fiscal impact to the Sheriff's Office for prisoner transport operations is $470,000. The Sheriff's Office has committed to absorbing the overage for the fiscal impact related to prisoner transport operational costs to continue the important partnership mission between law enforcement agencies in and with Brevard County.

REQUESTING DEPARTMENT:
Police Department

FISCAL IMPACT:
No fiscal impact at this time as all funding, such as anticipated federal grant revenues and operating expenditures, will be maintained by the Brevard County Sheriff's Office.

RECOMMENDATION:
Motion to authorize the Mayor to sign a letter in support of the Brevard County Sheriff's Office for the FY 2022-2023 Edward Byrne Memorial JAG Program for a Countywide Prisoner Transport Program.

ATTACHMENTS:

Description

FY2022-2023 JAG Countywide (JAGC) Allocations

2022-20223 Edward Byrne Memorial JAG Countywide program LOS

FY2022 JAG Countywide (JAGC) Allocations

County	Allocation
Alachua	$97,910
Baker	$29,486
Bay	$91,407
Bradford	$44,764
Brevard	$152,869
Broward	$400,603
Calhoun	$37,419
Charlotte	$67,886
Citrus	$58,761
Clay	$58,888
Collier	$139,516
Columbia	$120,538
Dade	$600,351
Desoto	$47,090
Dixie	$48,612
Duval	$254,917
Escambia	$122,338
Flagler	$48,988
Franklin	$39,348
Gadsden	$43,412
Gilchrist	$29,343
Glades	$62,472
Gulf	$51,415
Hamilton	$66,598
Hardee	$45,758
Hendry	$68,590
Hernando	$59,342
Highlands	$61,178
Hillsborough	$319,892
Holmes	$34,975
Indian River	$63,999
Jackson	$35,369
Jefferson	$41,052
Lafayette	$39,058

County	Allocation
Lake	$99,503
Lee	$189,118
Leon	$111,111
Levy	$39,565
Liberty	$44,872
Madison	$55,726
Manatee	$121,566
Marion	$106,203
Martin	$70,370
Monroe	$68,926
Nassau	$51,942
Okaloosa	$76,510
Okeechobee	$90,548
Orange	$318,719
Osceola	$103,550
Palm Beach	$322,342
Pasco	$151,052
Pinellas	$250,805
Polk	$184,837
Putnam	$82,996
Santa Rosa	$105,290
Sarasota	$117,444
Seminole	$132,199
St. Johns	$71,914
St. Lucie	$94,572
Sumter	$53,994
Suwannee	$43,912
Taylor	$46,083
Union	$29,845
Volusia	$147,710
Wakulla	$30,372
Walton	$40,633
Washington	$38,658
Total	**$6,977,031**

August 3, 2023

Mr. Cody Menacof
Bureau Chief
Office of Criminal Justice Grants
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

Dear Mr. Menacof,

In compliance with State of Florida *Rule 11D-9, F.A.C.,* City of Palm Bay approves the distribution of $152,869.00 of Federal Fiscal Year 2022-2023 Edward Byrne Memorial JAG program funds for the following projects in Brevard County:

Subgrantee / Implementing Agency	**Project Purpose**	**Amount**
Brevard County Board of Commissioners/ Brevard County Sheriff's Office	Prisoner Transportation	$152,869.00

Sincerely,

_____

Robert J. Medina
Mayor, City of Palm Bay

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Juliet Misconi, Deputy City Manager**

DATE: **8/3/2023**

RE: **Consideration/acknowledgement of submitting a grant application to Florida Department of Emergency Management for the 2023/2024 Hurricane Legislative Appropriation Program for impacts from Hurricane Nicole.**

The Florida Division of Emergency Management (FDEM) is managing the Legislative Appropriation Program for Fiscal Year 2023/2024 and actively seeking applicants for the program. The Florida Legislature appropriated $350,0000,000 to fund gaps in recovery efforts in counties that received a Major Disaster Declaration for Hurricane Ian and/or Nicole. There are 4 categories of applications:

1. Entities that have or will receive Public Assistance (PA) funding – this funding will serve as an advance or 0% loan to begin work
2. Infrastructure repairs for local governments that are not eligible for PA
3. Local and county revenue losses and operating deficits (will be considered when the Bridge Loan funding is exhausted or denied)
4. 50/50 match for infrastructure repairs (will be considered with remaining funding after 1-3 are obligated)

Based on the emergency declaration issued by the Governor during Hurricane Nicole, the City is pursuing public assistance for three shoreline restoration projects:
1. Castaways Point Park - estimated at $700,000, design in process
2. Stearns Point Park - estimated at $700,000, design in process
3. The Lagoon House/Ais Trail Park - estimate unknown, task order for design in development, but expected to exceed the estimates of the other two parks based on scope complexity

Under the current FEMA guidelines for public assistance for Brevard, if approved, FEMA will cover 90% of the repairs, the state will cover 5%, and the City will be responsible for the remaining 5%. At this time, Staff is unsure whether the City qualifies to cover the City's 5% share only, a 50/50 match, or a 0% loan to start the work while we wait for the FEMA public assistance process to progress (which, historically, takes several years for reimbursement).

The City was first notified of this program on July 5th and did not receive full details on the program until after the July 20th Council meeting. The application deadline was July 31st. As such, the City Manager's Office determined the City should apply for the program and bring this agenda item acknowledging the application to

Council at the next available Council meeting.

REQUESTING DEPARTMENT:
City Manager's Office, Parks and Facilities

FISCAL IMPACT:
Once notified if the City meets any eligibility category, Staff will bring forth an agenda item which details the City's fiscal impact for Council's consideration.

RECOMMENDATION:
Motion to acknowledge the City's application for the Florida Department of Emergency Management Legislative Appropriation Program for the 2023/2024 fiscal year.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Brian Robinson, Information Technology Director & Mariano Auguello, Chief of Police Department**

DATE: **8/3/2023**

RE: **Consideration of appropriating funds from General Fund Undesignated Fund Balance for public safety equipment for the Police Department ($65,000).**

The Police Department and the Information Technology (IT) Department are requesting the appropriation of funding of $65,000 from the General Fund Undesignated Fund Balance to purchase 20 rugged laptop setups to go along with the new vehicles that were purchased in Fiscal Year 2023 for the Police Department. The setup includes a laptop, docking station, and charger for each vehicle. Moving to ruggedized laptops remains part of the City's efforts to equip our Public Safety employees with equipment that meets their needs as they provide essential services to our community. Also, Officers have experienced better service coverage in areas known as dead zones with previous laptop models.

The Patrol Division is the primary focus for rugged laptop deployments. IT has deployed 66 rugged laptops for the Patrol Division within the last year. The rugged laptops align with the City's Strategic Plan (Goal C) priority to increase public safety infrastructure to support residents, businesses, and visitors.

Information related to the security network infrastructure is exempt pursuant to Florida Status section 119.0713(5)(a)(1) and 119.071(d)(1)(f); therefore, the pricing proposal was not included.

REQUESTING DEPARTMENT:
Police Department, Information Technology

FISCAL IMPACT:
The estimated expenditure is $65,000 from General Funds Undesignated Fund Balance to be budgeted as follows:

$47,000.00 to 001-2310-519-5108 PC Replacements Hardware
$18,000.00 to 001-2310-519-5103 Computer Supplies

RECOMMENDATION:
Motion to approve the appropriation of funds on the next scheduled budget amendment in the amount of $65,000

and the authorization to move forward with this purchase as soon as it's approved.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Mariano Augello, Chief of Police**

DATE: **8/3/2023**

RE: **Consideration of an additional capital asset for the Police Department utilizing savings from the Fiscal Year 2023 approved police vehicles.**

At the October 6, 2022 Regular Council Meeting a total of $1,914,170 was approved for 32 replacement or new vehicles requested by the Police Department which was allocated within Project #23PD01. Within that approved funding, there was $346,050 for nine Unmarked Sedans budgeted at $38,450 per vehicle. Since that time, a total of five of the unmarked units have been outfitted and deployed. The final cost per vehicle was $28,653 resulting in a projected savings of $9,797 per vehicle, and $48,985 total.

As of July 17, 2023, the Police Department created a new Administrative Lieutenant position within the Uniform Services division to assist with managing the division of over 141 officers and personnel along with coordinating various specialty units. The Support Services Division was able to locate a 2023 Dodge Charger Police package available for purchase at Garber Chrysler Dodge Truck in Green Cove Springs, Florida. The 2023 Dodge Charger was priced utilizing the Florida Sheriff's Association FSA22-VEL30 contract at $37,775. The projected savings of $48,985 will cover the purchase of the vehicle and leave $11,210 remaining for outfitting it with a lighting package and other required accessories. Therefore, the Police Department is requesting approval to add an additional capital asset, one unmarked sedan, to the total approved police vehicles for FY23 under Project# 23PD01. This purchase will be against the Florida Sheriff Association's contract FSA22-VEL30.0, which was preapproved as a cooperative contract by Council on October 6, 2022. The purchase will be from Garber Chrysler Dodge Truck, Inc. out of Green Cove Springs, Florida.

REQUESTING DEPARTMENT:
Police Department

FISCAL IMPACT:
There is no fiscal impact to this request. Funding for the additional capital asset is projected savings already allocated under Project #23PD01 and available in Account Nos. 001-5011-521-6403 and 001-5011-521-5208.

RECOMMENDATION:
Motion to approve the purchase of an additional unmarked sedan utilizing projected savings within Project# 23PD01 – FY23 Police Vehicles.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

DATE: **8/3/2023**

RE: **Consideration of travel and training for specified City employees (City Manager's Office).**

The following FY23 travel request was not included in the September 21, 2022 approved travel and training spreadsheet for the City Manager's Office.

The City Manager's Office would like to request City Council approval for the Public Information Officer (PIO) Christina Born to attend the 2023 National Information Officers Association (NIOA) Training Conference, to be held August 27 through August 31, 2023, in Nashville, Tennessee.

By attending the NIOA annual training conference, PIOs can learn from real-life case examples, adopt best practices, and build a network of fellow PIOs. This will greatly benefit day-to-day operations and crisis response efforts, as well as solidify and build trust in our communities.

NIOA provides training and professional development opportunities that will help PIOs develop the skills and expertise needed to effectively communicate with the public during both routine and emergency situations. NIOA also offers resources to help PIOs stay current with the latest trends and best practices in public information and crisis communication.

In addition, this training will allow PIOs to network with other PIOs across the country, exchange ideas and experiences and build relationships that will prove invaluable during times of crisis. This network of PIOs will also allow us to better collaborate with other agencies, share information, and coordinate efforts.

According to the draft schedule, the PIO would tentatively travel via airline on Sunday morning, August 27 and return Thursday morning, August 31, 2023, for an estimated airfare of $554 roundtrip. The hotel/lodging near the conference is estimated to be $229 per night at four (4) nights for an estimated total of $916, plus hotel tax estimated at $158.85, and per diem estimated at $257. Ms. Born will not be renting a vehicle, the estimated cost for ride share/Uber/Lyft from the airport to the hotel is estimated at $60, and will be required to provide receipts for reimbursement. The total estimated cost is $2,695.85.

Although this was not a budgeted and approved travel for the CMO office, funds are available in the Public Information Officer's departmental operating budget.

REQUESTING DEPARTMENT:
City Manager's Office

FISCAL IMPACT:
The total estimated cost of travel and training for the 2023 NIOA Training Conference is $2695.85 and is funded within City Manager's Office, Public Information Officer's accounts 001-1216-512-4001 ($1,945.85) and 001-1216-512- 5501 ($750).

RECOMMENDATION:
Motion to acknowledge and approve travel for Public Information Officer Christina Born as noted above.

ATTACHMENTS:

Description

TA travel agenda packet

CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control # _____
Request Date: _____
Contact/Ext _____

Name:	Christina Born	**Destination:**	NIOA Training, Nashville, TN		
			Departure	**Return**	
Department/Division:	City Manager's Office	**Date of:**	8/27/2023	8/31/2023	
Account To Be Charged:	001-1210-512-4001 & 5501	**Time of:**	8:00am	2:00pm	
Account To Be Charged:		**Estimated Cost:** before mileage reimbursement			**$2,695.85**

Purpose of Travel (Specify Conference, School or Other Reason) - **ATTACH ITINERARY**

Attend the 2023 National Information Officers Association (NIOA) Annual Conference.

Date Approved By Council:_____

Transportation: boldface or circle choice(s)

POV - Estimated Mileage _____ City Vehicle

Common Carrier (complete below)

PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration Due Date Hand Carry Y N	NIOA Annual Conf 2023	Registration $750	$750.00	Vendor #	Check # Date
Lodging Due Date Hand Carry Y N	Omni 250 Rep. John Lewis Way South Nashville, TN 37203	Rate $229.00 # Nights 4	$916.00	Vendor #	Check # Date
Common Carrier (if applicable) Due Date Hand Carry Y N	Airfare -roundtrip		$554.00	Vendor #	Check # Date
Other Expenses Due Date Hand Carry Y N	Hotel tax		$158.85	Vendor #	Check # Date
Other Expenses Due Date Hand Carry Y N	Ride share to/from airport		$60.00	Vendor #	Check # Date

PER DIEM ADVANCE: Advanced or Upon Return (circle one)

Refer to www.gsa.gov for rates - attach proof of rate

(Lodging prepaid - receipt required)

Breakfast	1	@	$18.00	=	$18.00
Lunch	4	@	$20.00	=	$80.00
Dinner	4	@	$36.00	=	$144.00
Incidentals	3	@	$5.00	=	$15.00

$257.00 | Vendor # | Check # | Date

TRAVEL APPROVALS

Department Head _____ Date _____

Finance _____ Date _____

(if applicable)

City Manager _____ Date _____

(ATTACH TO EXPENSE REPORT UPON RETURN)

2023 NIOA Training Conference

Sunday, August 27 – Wednesday August 30, 2023
Omni Hotel | Nashville, TN

COST/REGISTRATION INFORMATION

- For everyone (members and non-members) who registers on July 1 or later, the cost is $750.
- ALL FEES MUST BE PAID BY AUGUST 12.
- Pre-registration is required, no walk-in registrations will be accepted.

The conference registration form is your invoice (the word "Invoice" appears at the top of the check registration form). Schedule is subject to change. Updates will be posted at www.nioa.org.

The NIOA accepts checks and credit cards for conference fees. *Purchase Orders are not accepted*. Credit card users will get an electronic receipt. Register at https://www.nioa.org/site/training-conference/. There are no refunds or transfers after August 1.

HOTEL INFORMATION

The host hotel is the Omni, 250 Rep. John Lewis Way South, Nashville, Tennessee 37203.

The conference fee does not include the cost of your hotel room(s). Room rates are $201.00, plus taxes. There is an additional charge for rooms with more than one person. When contacting the Omni, please use our reservation code NIOA2023. Their number is (615) 782-5300 or you can use this link for reservations: https://www.omnihotels.com/hotels/nashville/meetings/nioa-2023-08272023. The block of discounted rooms will be released back to the hotel on July 28!

Parking

Valet parking at the hotel is $44 per night, with in and out privileges. There is no self-parking at the Omni. Daily valet (those who will be driving in daily for the conference and not staying overnight) is $25.60. These prices are subject to tax. There is also parking available at the Music City Center garage, across the street from the Omni. Their overnight parking is $35.00 per night (without in and out privileges). We will have a limited number of free parking passes for the MCC garage. Those can be picked up at the conference check-in desk. These passes are on a first come first served basis.

Dress is business casual. No shorts or flip flops, please!

A continental breakfast will be provided Monday, Tuesday and Wednesday. Lunch and dinner are on your own.

DO NOT MAKE TRAVEL ARRANGEMENTS UNTIL YOU RECEIVE A CONFIRMATION EMAIL FROM NIOA, OTHERWISE SEATS CANNOT BE GUARANTEED.

REGISTRATION CLOSES WHEN CONFERENCE SELLS OUT, SO REGISTER EARLY.

SEATING IS LIMITED AND WILL FILL QUICKLY. REGISTER EARLY!

2023 NIOA Conference Agenda

Sunday – August 27

12:00-5:00pm	Conference Check-in
4:30-5:30pm	Regional Meetings
6:30-7:30pm	President's Reception

Monday – August 28

7:00-8:30am Breakfast (provided by NIOA) / Conference Check-in

8:30-9:00am Welcome / Opening Ceremonies

9:00-10:30am **The Idaho Murders**
Robbie Johnson, Idaho Department of Lands
The investigation of the murders of four college students in Moscow, Idaho began instantly with an army of FBI, state, and local law enforcement. However, an experienced Public Information Officer was not immediately assigned. Inconsistent messaging and an information vacuum contributed to an international media frenzy. Robbie Johnson stepped into the lead PIO role three weeks after the murders. Robbie will present how she managed media expectations, controlled the narrative, helped restore public confidence in the investigative team, and left the Moscow Police Department with a communications strategy that can be an effective part of any crisis communication incident.

10:45am-12:00pm **Dealing with the Deaths of Co-Workers**
Jayme Fuller, Bernalillo County NM Sheriff's Office
At the height of New Mexico's record-breaking fire season, a Bernalillo County SO helicopter assisting with firefighting efforts crashed, killing three deputies and a firefighter. BCSO PIO Jayme Fuller will share their emotional experience and provide tips to help you better prepare during distress when tragedy strikes your agency.

12:00-1:30pm Lunch (on your own)

1:30-1:45pm Candidate Introductions

1:45-2:15pm Vendor Introductions

2:30-4:00pm **The Covenant School Shooting**
Don Aaron, Metro Nashville Police Department
Kendra Loney, Nashville Fire Department
John Howser, Vanderbilt University Medical Center
On March 27, 2023, Nashville, Tennessee and our nation were shaken by a mass shooting inside The Covenant School, a private Presbyterian place of learning, that left three nine-year-old students and three adult staff members dead. The killer was fatally shot by members of the Metropolitan Nashville Police Department who quickly entered the building and located her on the second floor. In addition to the immediate response, the MNPD was fast to disseminate information, including surveillance and body camera footage. The Nashville Fire Department also relayed information from the scene, while staff at Vanderbilt University Medical Center dealt with scores of inquiries from local and national media. Don Aaron from Nashville Police, Kendra Loney from Nashville Fire, and John Howser from Vanderbilt University Medical Center will speak on their handling of the Covenant mass murder case and lessons learned.

Tuesday, August 29

7:00-8:30am Breakfast (provided by NIOA)

8:30-9:30am **Reputation Management and Image-Building**
John Miller, CNN Chief Law Enforcement & Intelligence Analyst
John Miller as served as a national network television anchorman and a high-ranking PIO at the FBI, New York Police Department and Los Angeles Police Department. With such a distinguished career in both law enforcement and journalism, he is uniquely positioned to share his insights and perspectives on the current state of the union of today's broadcast media. Miller will delve into the challenges facing the industry, including the impact of social media and the ongoing battle against misinformation. He will explore the role of traditional media in shaping public opinion and discuss the ways in which it must adapt to stay relevant in an increasingly digital age. He will also examine the importance of accountability and transparency in journalism, and the need for responsible reporting in the face of ever-changing global events. With Miller's signature blend of wit, intelligence, and journalistic integrity, his presentation promises to be insightful and thought-provoking.

9:45-10:30am **PIO Credentialing 101: Your Guide to Professional Designation**
Brian Goss and Ashley McDonald, Center for Public Safety Excellence's Commission on Professional Credentialing
Whether you're applying for the Public Information Officer professional designation or using it as a roadmap to success, this session is for you. Learn more about the credentialing process, its eligibility criteria, technical competencies and more.

10:30-11:30am Awards Ceremony

11:30am-12:00pm Business Meeting & Elections

12:00-1:30pm Lunch (on your own)

1:30-2:30pm **Weatherford PD Solo PIO/Critical Incident Video**
Tiffany Vanzant and Tina Maxwell, Weatherford TX Police Dept.
This presentation will include an overview of an officer-involved shooting at a small agency with limited PIO resources. The speakers will discuss the primary written release, incident brief, and release of evidentiary video, and how those decisions were made, with a focus on the storyboard, timeline for release, and message development. They will also share their challenges that were identified during the process, review community feedback for the event, and discuss resources utilized for a smaller agency in creating the video response.

2:45-4:00pm **Philadelphia Rowhouse Fire**
Kathy Matheson, Philadelphia Fire Dept.
It was before dawn on a cold January morning when a tragic fire took the lives of a dozen women and children in a rowhouse apartment. The incident led to an avalanche of questions from journalists, elected officials and neighborhood groups. Kathy Matheson will discuss the all-hands effort by multiple city agencies to gather information and provide answers while supporting a grieving community.

Wednesday, August 30

7:00-8:30am Breakfast (provided by NIOA)

8:30-9:30am **The Sniper's Nest: Managing an Active Shooter Incident**
Alaina Gertz, Washington DC Metropolitan Police Dept.
On Friday, April 22, 2022, a "lone wolf" gunman began firing over 200 rounds from a 5th floor apartment window towards the Edmund Burke School in Northwest, DC, just as parents were arriving for dismissal. MPD's Office of Communications worked at the scene and in the office, to provide as much information to the media and the public that they could. Alaina Gertz will explain how the incident taught them many lessons about critical incident response, internal communication, and social media utilization.

9:45-10:15am **Free FEMA Training Courses**
Nicole Shutts, FEMA Emergency Management Institute
Public information is a vital function in disaster operations that contributes greatly to saving lives and protecting property. FEMA's Emergency Management Institute (EMI) Public Information Officer (PIO) training program is designed to provide PIOs with the essential knowledge, skills, and abilities to support proper decision-making by delivering the right message, to the right people, at the right time. This presentation by Nicole Shutts will discuss the different training courses that are available through EMI's PIO training program.

10:15-11:45am **The East Palestine Train Derailment**
Chief Keith Drabick, East Palestine OH Fire Department
On February 3, 2023, a Norfolk Southern train derailed in East Palestine, Ohio. The tanker cars, carrying several types of chemicals, ruptured, and caught fire. The derailment created a myriad of issues to deal with. One of the biggest issues was dealing with communications to the public and news media outlets. This presentation will deal with lessons learned during the initial incident, throughout the clean-up and mitigation in relation to communications with the public, news media, and state and federal assets, and the important role of the PIO position.

11:45am -1:15pm Lunch (on your own)

1:15-2:30pm **Communicating a Critical Incident in Real Time**
Michelle Guido, Orange County FL Sheriff's Office
On Feb. 22, 2023, a suspect shot five people, killing three, at three different scenes spanning five hours. Michelle Guido with the OCSO will offer a step-by-step outline of the agency's communications response in the critical first 24 hours, from the first tweet to the initial media briefing, through the release of body worn camera footage.

2:45-4:15pm **Managing Media Relations Like a Rockstar**
Dr. Joe Trahan, US Army (Ret.)
During this dynamic and humorous presentation by media trainer Dr. Joe Trahan you'll become Rockstar Ready and a Superhero Spokesperson by learning to follow proven methods for interview preparation and techniques

4:15-4:30pm Board Swearing-In

U.S. General Services Administration

Meals & Incidentals (M&IE) Breakdown

Primary Destination	County	M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & LastDay of Travel
Nashville	Davidson	$79	$18	$20	$36	$5	$59.25

Trip & Price Details

Price — Payment — Confirmation

Flight Modify

Sun 8/27	# 365 MCO 9:45 AM → BNA 10:40 AM	1 hr 55 min	Nonstop	Anytime
Thu 8/31	# 2124 BNA 8:30 AM → MCO 11:25 AM	1 hr 55 min	Nonstop	Anytime

Price per Passenger	$487.59
Taxes and fees per Passenger	$66.37
Total per Passenger	$553.96
Passenger(s)	x1
Flight total	$553.96

or from $55/mo* with uplift Learn more

Helpful Information:

- Starting July 1, 2023 (12:00 a.m. CT), for Wanna Get Away® or Wanna Get Away Plus™ reward travel reservations (booked with points): If you do not cancel your reservation at least 10 minutes before the flight's original scheduled departure time, any points used for booking will be forfeited, along with any taxes and fees associated with your reward travel reservation. For Anytime or Business Select® reward travel reservations: the points used for booking will be redeposited to the purchaser's Rapid Rewards® account, and any taxes and fees associated with the reward travel reservation will be converted into a Transferable Flight Credit™ for future use.
- Please read the fare rules associated with this purchase.
- When booking with Rapid Rewards points, your points balance may not immediately update in your account.
- **REAL ID Requirement:** Do you have a **REAL ID**? Beginning May 7, 2025, you will need a state-issued **REAL ID** compliant license or identification card, or another acceptable form of ID (such as a U.S. Passport), to fly within the United States. Visit www.tsa.gov for a list of acceptable forms of ID and additional information regarding **REAL ID** requirement.

Flight Extras

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Richard Stover, Acting Fire Chief**

DATE: **8/3/2023**

RE: **Consideration of travel and training for specified City employees (Fire Rescue).**

The following travel request was not included in the September 21, 2022 approved travel and training spreadsheet for the Fire Department.

Palm Bay Fire Rescue would like to request authorization to send two members to the Florida Fire College in Ocala, FL, for the Lithium Ion Battery Symposium scheduled for September 7th and 8th, 2023. This course provides a broad range of Lithium-Ion battery related topics and risk exposures that are critical to first responders. This includes preparation, response and recovery.

Although this was not a budgeted and approved travel for the Fire Department, funds are available in the department's operating budget.

REQUESTING DEPARTMENT:
Fire Department

FISCAL IMPACT:
Funding is available in account number 001-6012-522-5501 in the amount of $200 and account number 001-6012-522-4001 in the amount of $746.

RECOMMENDATION:
Motion to authorize travel for Fire Rescue personnel as stated above.

ATTACHMENTS:

Description

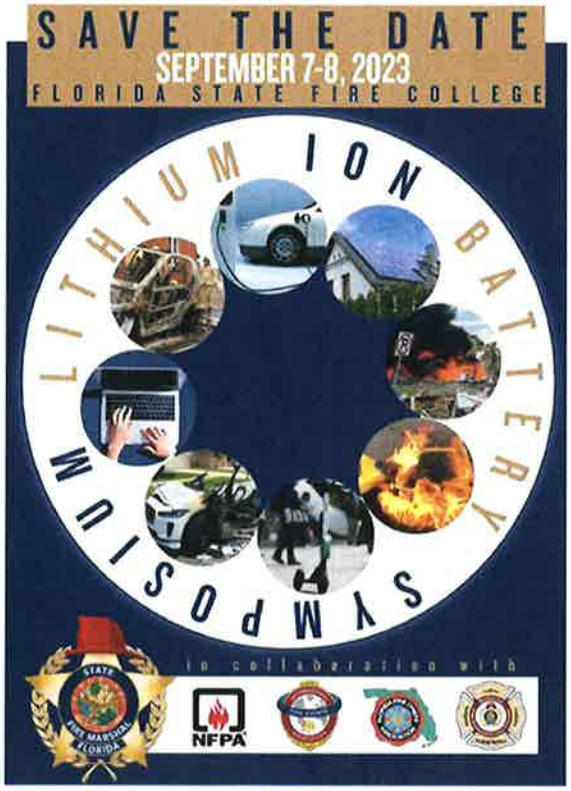
Travel packet

Lithium Ion Battery Symposium

September 7 - 8, 2023

This 2-Day Symposium will cover a broad range of Lithium-Ion battery related topics and risk exposures that are critical to Florida's first response community. Firefighters, law enforcement personnel, and tow operators will have an opportunity to meet with industry leaders and contribute to this well needed conversation on safe handling and emergency response techniques.

Registration Now Open. See Link Below!!



Topics to be addressed (including but not limited to):

- Preparation, Response & Recovery from EV and ESS
- Mobility
- Hazardous Materials
- Charging Stations
- Disposal
- Safety Equipment

- Codes

Presentations will include information from first response community leaders, federal partners on national standards, manufacturers, and private industry safety data and latest developments. Product demonstrations, best practices discussions, and case studies of previous Li-Ion battery related incidents will round out the symposium, setting the stage for further exploration and training initiatives.

We will continue to update symposium information as we confirm additional items.

$100.00 Early Registration; $125.00 after Aug.10,2023.

REGISTER NOW

Helpful Information

Fighting Electric Vehicle Fires

The information provided on this page is intended to serve as a general reference for first responders and vehicle operators

Learn More

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Electric Vehicle Fire Safety

All vehicles—both electric and gasoline-powered—have some risk of fire in the event of a serious crash. Just as special techniques have been developed to respond and extinguish fires in gasoline-powered vehicles, first responders, tow truck operators, and the public need to be aware of the specific attributes and characteristics of fires involving electric and hybrid vehicles.

The information provided on this page is intended to serve as a general reference for first responders and vehicle operators. Individual manufacturers should be consulted regarding specific information on a particular make or model vehicle.

Quick Tips for First Responders:

1. Identify the type and model of vehicle so that they know where the battery is and how to best shut down the vehicle if possible.
2. Be prepared to use more water for electric vehicle fires, and note that fires could also be burning inside one of the protective compartments, invisible to the first responder.
3. Be aware of the possibility that a lithium-ion battery fire could reignite. If not entirely discharged, the stored energy inside the battery could cause a second or even third fire.
4. Keep electric vehicles that have been in an accident away from buildings or other structures because of the possibility of reignition.
5. Understand that electric vehicles are silent and may still be on even if it's not audible. The voltage from the vehicle could shock a first responder.
6. Always wear self-contained breathing apparatuses when dealing with a lithium-ion battery fire as some vehicles can emit toxic vapors.

Additional Resources for First Responders:

- NHTSA Interim Guidance for Electric and Hybrid-Electric Vehicles Equipped With High Voltage Batteries
- Electric Vehicle Safety Training (NFPA): http://www.evsafetytraining.org
  A nationwide program through the National Fire Protection Association to help firefighters and other first responders effectively deal with emergency situations involving electric and hybrid-electric vehicles. The Web site hosts an EV blog, calendar of events, training videos, emergency field guides from 19 auto manufacturers, research reports, as well as an online training course.
- Individual Vehicle Emergency Response Guides
- Bulletin on Submerged Hybrid/Electric Vehicles
- Tesla Safety Information

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CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control # _____
Request Date: _____
Contact/Ext _____

Name:	Matt St Pierre	**Destination:**	Lithium Ion Battery Symposium, Ocala, FL		
			Departure	**Return**	
Department/Division:	Fire Rescue	**Date of:**	9/6/2023	9/8/2023	
Account To Be Charged:	001-6012-522-4001 & 5501	**Time of:**	3pm	8pm	
Account To Be Charged:		**Estimated Cost:** before mileage reimbursement			**$244.00**

Purpose of Travel (Specify Conference, School or Other Reason) - **ATTACH ITINERARY**

Attendance at Lithium Ion Battery Symposium @ Florida Fire College, Ocala, FL

Date Approved By Council: _____

Transportation: boldface or circle choice(s) POV - Estimated Mileage _____ **City Vehicle**

Common Carrier (complete below)

PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration Due Date 8/10/2023 Hand Carry Y N	MyFloridaCFO Pay with P Card	Registration Fee	$100.00	Vendor #	Check # Date
Lodging Due Date _____ Hand Carry Y N	Share with Brandon McKee Pay with P Card	Rate _____ # Nights 2	$0.00	Vendor #	Check # Date
Common Carrier (if applicable) Due Date _____ Hand Carry Y N			$0.00	Vendor #	Check # Date
Other Expenses Due Date _____ Hand Carry Y N			$0.00	Vendor #	Check # Date
Other Expenses Due Date _____ Hand Carry Y N			$0.00	Vendor #	Check # Date

PER DIEM ADVANCE: Advanced or Upon Return (circle one)

Refer to www.gsa.gov for rates - attach proof of rate

(Lodging prepaid - receipt required)

Breakfast	2	@	$13.00	=	$26.00
Lunch	2	@	$15.00	=	$30.00
Dinner	3	@	$26.00	=	$78.00
Incidentals	2	@	$5.00	=	$10.00

$144.00 | Vendor # | Check # | Date

TRAVEL APPROVALS

Department Head — Date: 24 July 23

Finance — Date

(if applicable)

City Manager — Date

(ATTACH TO EXPENSE REPORT UPON RETURN)

U.S. General Services Administration

Meals & Incidentals (M&IE) Breakdown

Primary Destination	County	M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & LastDay of Travel
Standard Rate	Applies for all locations without specified rates	$59	$13	$15	$26	$5	$44.25

CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control # _____
Request Date: _____
Contact/Ext _____

Name: Brandon McKee		**Destination:** Lithium Ion Battery Symposium, Ocala, FL		
			Departure	**Return**
Department/Division: Fire Rescue		**Date of:**	9/6/2023	9/8/2023
Account To Be Charged: 001-6012-522-4001 & 5501		**Time of:**	3pm	8pm
Account To Be Charged:		**Estimated Cost:** before mileage reimbursement		**$502.00**

Purpose of Travel (Specify Conference, School or Other Reason) - **ATTACH ITINERARY**

Attendance at Lithium Ion Battery Symposium @ Florida Fire College, Ocala, FL

Date Approved By Council: _____

Transportation: boldface or circle choice(s)

POV - Estimated Mileage _____ **City Vehicle**

Common Carrier (complete below)

PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration Due Date 8/10/2023 Hand Carry Y N	MyFloridaCFO Pay with P Card	Registration Fee	$100.00	Vendor #	Check # Date
Lodging Due Date _____ Hand Carry Y N	Pay with P Card	Rate $129.00 # Nights 2	$258.00	Vendor #	Check # Date
Common Carrier (if applicable) Due Date _____ Hand Carry Y N			$0.00	Vendor #	Check # Date
Other Expenses Due Date _____ Hand Carry Y N			$0.00	Vendor #	Check # Date
Other Expenses Due Date _____ Hand Carry Y N			$0.00	Vendor #	Check # Date

PER DIEM ADVANCE: Advanced or Upon Return (circle one)

Refer to www.gsa.gov for rates - attach proof of rate

(Lodging prepaid - receipt required)

Breakfast	2	@	$13.00	=	$26.00
Lunch	2	@	$15.00	=	$30.00
Dinner	3	@	$26.00	=	$78.00
Incidentals	2	@	$5.00	=	$10.00

$144.00 | Vendor # | Check # | Date

TRAVEL APPROVALS

Department Head — Date: 24 July 23

Finance — Date

(if applicable)

City Manager — Date

(ATTACH TO EXPENSE REPORT UPON RETURN)

U.S. General Services Administration

Meals & Incidentals (M&IE) Breakdown

Primary Destination	County	M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & LastDay of Travel
Standard Rate	Applies for all locations without specified rates	$59	$13	$15	$26	$5	$44.25

Karen Hallowell

From: no-reply@marriott.com
Sent: Monday, July 24, 2023 10:47 AM
To: Karen Hallowell
Subject: Hallowell Karen (KAREN.HALLOWELL@PALMBAYFLORIDA.ORG) sent you an email from www.marriott.com

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This Marriott.com reservation email has been forwarded to you by Hallowell Karen (KAREN.HALLOWELL@PALMBAYFLORIDA.ORG)

Courtyard Ocala

Guest name: Hallowell Karen
Confirmation Number: 91605520
Check-in: Wednesday, September 6, 2023
Check-out: Friday, September 8, 2023
Number of guests: 2
Number of rooms: 1

Room Preferences & Description
2 Queen(s)
Room 0:
No room preferences were selected.

This hotel has a smoke-free policy

Summary of Charges:

1room(s) for 2night(s)

Wednesday, September 6, 2023 - 129.00
Thursday, September 7, 2023 - 129.00

Total cash rate-258.00

Estimated government taxes and fees - 28.38

Total for stay in hotel's currency - 286.38 USD

Rate Rules:

Cancelling Your Reservation

You may cancel your reservation for no charge before 11:59 PM local hotel time on September 4, 2023 (1 day[s] before arrival). Please note that we will assess a fee of 143.19 USD if you must cancel after this deadline. If you have made a prepayment, we will retain all or part of your prepayment. If not, we will charge your credit card.

Modifying Your Reservation

Please note that a change in the length or dates of your reservation may result in a rate change.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Mariano Augello, Chief of Police**

DATE: **8/3/2023**

RE: **Consideration of travel and training for specified City employees (Police Department).**

The Police Department would like for Council to acknowledge and approve travel as noted below:

Consideration of change to previously approved FY23 travel:

The following travel requests will be replacing line items that were approved in the master spreadsheet of FY23 travel that was approved at the September 21, 2022, Regular Council Meeting. At the time of Council approval during the FY23 budget process, the conference locations were not published or the trainings were not yet listed. Therefore, the Police Department is requesting Council acknowledgement and approval for travel as noted below:

Lieutenant Thomas Ribnicky, Corporal Matthew Boggess, and Detective Ken Shedrick will be traveling to Oklahoma City, OK August 6-12, 2023 to attend the International Homicide Investigator's Association Symposium (IHIA). This symposium focuses on teaching participants evidence-informed theories, strategies, and skills to assist the homicide investigator. This symposium will be a vital networking tool to build connections with other homicide investigators and departments. The training will be held approximately 1,360 miles away. The Registration Cost is estimated at $1,785.00, the Lodging Cost is estimated at $1,184.30, the Airline/Baggage Cost is estimated at $1,789.20, the Transportation Cost is estimated at $120.00, and the per diem is estimated at $1,110.00. The approximate cost is estimated at $5,988.50. These costs will be paid from the Investigations Account (5013).

Corporal Zachery Morris will be traveling to Scottsdale, AZ August 14-19, 2023 to attend the Handler Instruction & Training Seminar (HITS). This seminar focuses on diverse K9 training with the mission to train for a better and safer K9 deployment. This training event will be a vital networking tool to build connections with other K9 Officers/teams and trainers. The training will be held approximately 2,224 miles away. The Registration Cost is estimated at $464.72, the Lodging Cost is estimated at $731.71, the Airline/Baggage Cost is estimated at $615.76, the Transportation Cost is estimated at $225.00, and the per diem is estimated at $404.00. The approximate cost is estimated at $2,441.19. These costs will be paid from the Uniform Services Division Account (5012).

Sergeant Shane Mertens and Sergeant Joshua Taylor will be traveling to Nashville, TN August 22-26, 2023 to attend the Law Enforcement Tactical Training Conference and Expo (TacOPS). This conference and training meeting focuses specifically on any training regarding leadership skills in the field and how to apply them during a critical incident. It focuses on recognizing and addressing mental stressors for both the officer and the community, to include the implementation of organizational strategies for educating and maintaining emotional health after a critical incident. The training will be held approximately 760 miles away. The Registration Cost is estimated at $899.98, the Lodging Cost is estimated at $858.24, the Airline/Baggage Cost is estimated at $1,140.00, and the per diem is estimated at $542.00. The approximate cost is estimated at $3,440.22. These costs will be paid from the Investigations Services Division Account (5013), the Support Services Division Account (5011), and the Donations Account (5070).

Officer Victoria Salazar will be traveling to Appomattox, VA from September 30, 2023 – October 7, 2023, to attend the Old Dominion K9 and Sumner County (TN) Emergency Management Seminar/Training. This training focuses on diverse K9 training to include trailing, tracking, air scent, and land/water cadaver searches with the mission to train for a better and safer K9 deployment. This training event will be a vital networking tool to build connections with other K9 Officers/teams and trainers. The training will be held approximately 766 miles away. The Space Coast K9 Foundation will be paying the Registration/Tuition cost for this training which includes the lodging while onsite at the 4H camp and the meals from Sunday dinner through Friday breakfast. FY23 costs will be the Registration Cost is estimated at $0.00, the Lodging Cost is estimated at $231.84 (for lodging while traveling to and from the training), and the per diem is estimated at $31.00. The approximate cost is estimated at $262.84. FY24 costs will be the Registration Cost is estimated at $0.00, the Lodging Cost is estimated at $231.84, and the per diem is estimated at $119.00. The approximate cost is estimated at $350.84. These costs will be paid from the Uniform Services Division Account (5013).

Requests for FY24 travel:

The following travel requests will be travel that is included on the master spreadsheet of FY24 travel that is currently under review and in the budget process with City Council but will not be approved until September 2023. The training and travel included would occur during the first quarter of FY24, October 2023 to December 2023, and would need City Council's approval prior to the approval of the FY24 Budget to register and book this travel. Therefore, the Police Department would like for Council to acknowledge and approve travel as noted below:

Project Specialist Alyssa Snedeker will be traveling to Ft Myers, FL from October 1-6, 2023 to attend the Florida Police Accreditation Coalition Week and Accreditation Hearing. This conference focuses specifically on any updates or new training that is available with the Florida Police Accreditation and the accreditation process. The training will be held approximately 191 miles away. The Registration Cost is estimated at $225.00, the Lodging Cost is estimated at $870.00, and the per diem is estimated at $349.00. The approximate cost is estimated at $1,444.00. These costs will be paid from the Executive Division Account (5010).

Two Investigations personnel to be determined at a later date will be traveling to Orlando, FL October 9-12, 2023, to attend the Coalition of Law Enforcement and Retail's (CLEAR) Conference. This conference focuses specifically on any updates or new training that is available for agencies specifically on property crimes, trends, investigative tactics, and legislative topics. This training will be held approximately 77 miles away. The Registration Cost is estimated at $598.00, the Lodging Cost is estimated at $1,032.00, the Parking Cost is estimated at $120.00, and the Per Diem is estimated at $552.00 with an approximate total of $2,302.00. This will be paid out of the Investigation Division Account (5013).

Chief Mariano Augello and Deputy Chief Lance Fisher will be traveling to San Diego, CA October 13-18, 2023,

to attend the International Association of Police Chiefs (IACP) Conference. This conference focuses specifically on any updates or new training that is available for agencies specifically on leadership, officer wellness programs, and new technologies available within the law enforcement communities. This training will be held approximately 2,503 miles away. The Registration Cost is estimated at $1,000.00, the Lodging Cost is estimated at $2,413.92, the Airline/Luggage Cost is estimated at $1,800.00, the Parking Cost is estimated at $300.00, the Transportation Cost is estimated at $150.00, and the Per Diem is estimated at $732.00 with an approximate total of $6,395.92. This will be paid out of the Executive Services Division Account (5010).

Corporal Ryan Austin, Community Resource Officer Matthew Harris, and Community Resource Officer Sharon Kurval will be traveling to Lake Buena Vista, FL October 15-20, 2023, to attend the Central Florida Crime Prevention Conference. This conference focuses specifically on any updates or new training that is available for agencies specifically on new laws, trends, and new technologies available within the law enforcement communities. This training will be held approximately 79.6 miles away. The Registration Cost is estimated at $1,155.00, the Lodging Cost is estimated at $1,740.00, the Parking Cost is estimated at $375.00, and the Per Diem is estimated at $702.00 with an approximate total of $3972.00. This will be paid out of the Community Resource Division Account (5018).

Crime Scene Technician II Ashlie Fisch and Crime Scene Technician Rachel Yost will be traveling to Lake Buena Vista, FL from October 29, 2023 – November 2, 2023, to attend the Florida Division International Association for Identification (FDIAI) Conference. This conference focuses specifically on any updates or new training that is available for agencies specifically on new laws, case studies, trends, management, professional development, and new technologies available within the law enforcement communities. This training will be held approximately 76 miles away. The Registration Cost is estimated at $940.00, the Lodging Cost is estimated at $516.00, and the Per Diem is estimated at $624.00 with an approximate total of $2,080.00. This will be paid out of the Investigations Division Account (5013).

Lieutenant Cliff Graves, eight officers to be determined will who are members of the Palm Bay Police Department SWAT team will be traveling to Orlando, FL November 5-10, 2023 to attend the 2023 SWAT Round-up Training and Competition. The SWAT Round-UP is an international training and competition for SWAT Teams around the world. The PBPD SWAT members will be attending training on 4 of the 5 days that they will be in attendance. The Registration Cost is estimated at $1,350.00, the Lodging Cost is estimated at $4,725.00 and the per diem is estimated at $2,583.00. This competition/training will be held approximately 67 miles away. The approximate cost is estimated at $8,658.00. These costs will be reimbursed/paid from the Police/SWAT Donations Account (funds raised by the SWAT Team - Acct 5070).

Detective Chad Kirk and Detective Carlos Sanchez will be traveling to Lake Mary, FL November 12-17 2023, to attend the National Homicide Investigators Association (NHIA) Conference. This conference focuses on teaching participants evidence-informed theories, strategies, and skills to assist the homicide investigator. This symposium will be a vital networking tool to build connections with other homicide investigators and departments. This training will be held approximately 92 miles away. The Registration Cost is estimated at $950.00, the Lodging Cost is estimated at $630.00, and the Per Diem is estimated at $642.00 with an approximate total of $2,222.00. This will be paid out of the Investigation Division Account (5013).

Corporal Matthew Boggess and Detective Carlos Sanchez will be traveling to Jacksonville, FL December 3-6 2023, to attend the Advanced Homicide Investigations course. This conference focuses specifically on any updates or new training that is available for agencies specifically on homicide investigations, trends, investigative tactics, and legislative topics. This training focuses on training the investigator to overcome issues specific to advanced forensic techniques, criminal profiling, abnormal psychology, classroom lecture, and “case analysis” exercises will be used to teach the proper steps to take during the investigation process. This training will be held approximately 173 miles away. The Registration Cost is estimated at $1,190.00, the Lodging Cost is

estimated at $357.00, and the Per Diem is estimated at $276.00 with an approximate total of $1,823.00. This will be paid out of the Investigation Division Account (5013).

REQUESTING DEPARTMENT:
Police Department

FISCAL IMPACT:
The total cost of travel for FY23 is estimated at $12,132.75 and is available in 001-5011-521-4001 ($841); and 001-5011-521-5501 ($449.99); 001-5012-521-4001 ($2,239.31); 001-5012-521-5501 ($464.72); 001-5013-521-4001 ($4,833.50); 001-5013-521-5501 ($2234.99); and 001-5070-521-4001 ($1,069.24).

The total cost of travel for FY24 is estimated at $29,247.76 and is available in 001-5010-521-4001 ($6,614.92); 001-5010-521-5501 ($1,225); 001-5012-521-4001 ($350.84); 001-5013-521-4001 ($4,749); 001-5013-521-5501 ($3,678); 001-5018-521-4001 ($2,817); and 001-5018-521-5501 ($1,155); 001-5070-521-4001 ($7,308); and 001-5070-521-5501 ($1,350).

RECOMMENDATION:
Motion to acknowledge and approve travel as mentioned above.

ATTACHMENTS:

Description

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Larry Wojciechowski, Finance Director**

DATE: **8/3/2023**

RE: **Acknowledgement of the City's travel expenses for the third quarter of Fiscal Year 2023 (April 2023 - June 2023).**

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 third quarter of Fiscal Year 23, April 2023 through June 2023, showing all of the travel that was conducted by staff.

REQUESTING DEPARTMENT:
Finance

FISCAL IMPACT:
All travel was previously approved in the Fiscal Year 2023 budget adoption or through Legislative Memos for travel not requested during the budget adoption process. There is no additional fiscal impact.

RECOMMENDATION:
Motion to acknowledge receipt of the Fiscal Year 2023 third quarter travel report.

ATTACHMENTS:

Description

3rd Quarter travel

City-wide Travel for April 1 through June 30, 2023

	Purpose of Travel	Staff	Dates	Location	Approval	Actual Cost	Adopted Budget	
City Managers Office	FCCMA 2023 Annual Conference	City Manager, Deputy City Manager	May 30 -June 2,223	Orlando, Florida	Adopted Budget	$2,530.00	$2,640.00	
	Florida League of Cities Legislative Action Days Conference	City Manager	April 2- 5, 2023	Tallahassee, Florida	Adopted Budget	$1,113.00	$1,242.00	
						$3,643.00	$3,882.00	
City Attorney's Office	46th Annual Local Government Law	City Attorney, Deputy City Attorney	April 27 - 29, 2023	Palm Coast, Florida	Adopted Budget	$2,881.78	$2,235.00	
	39th Annual Secion 1983 Civil Rights Litigation Conference	Deputy City Attorney	April 26 - 30, 2023	Chicago, Illinois	Adopted Budget	$1,169.26	$1,777.00	
						$4,051.04	$4,012.00	
Legislative Office	FACC 2023 Conference	City Clerk	June 17 - 21, 2023	St Petersburg, Florida	Adopted Budget	$1,403.00	$1,122.00	
						$1,403.00	$1,122.00	
Fire	Fire Dept Instructor's Conference	Customer Account Specialist	April 25 - 29, 2023	Indianapolis, Indiana	Adopted Budget	$7,749.51	$9,820.00	
						$7,749.51	$9,820.00	
CED	FABTO Education Conference	Customer Account Specialist	May 29 - June 2, 2023	Orlando, Florida	Adopted Budget	$1,173.46	$1,460.00	
						$1,173.46	$1,460.00	
Growth Management	F.A.C.E. Conference	Code Enforcement Supervisor	June 19 - 23, 2023	Cape Coral, Florida	Adopted Budget	$1,312.00	$1,600.00	
						$1,312.00	$1,600.00	
Public Works	F-6 EVT Training	2 Technicians	May 15-18, 2023	Ocala, Florida	Adopted Budget	$1,828.00	$5,600.00	
						$1,828.00	$5,600.00	
Building	IAEI Fl Chapter Meeting and Trade Show	Deputy Building Official	May 10-13, 2023	Stuart, Florida	Council approval February 16,2023	$1,105.94	$1,082.00	
	Building Officials Association of Florida Conference	Chief Building Official	June 11 - 15, 2023	Orlando, Florida	Adopted Budget	$1,416.00	$1,550.00	
						$2,521.94	$2,632.00	
Finance	FGFOA Annual Conference	Assistant Finance Director	June 24 - 28, 2023	Orlando, Florida	Adopted Budget	$1,450.00	$1,600.00	
	FGFOA Annual Conference	Chief Accountant	June 24 - 29, 2023	Orlando, Florida	Council approval April 6,2023	$1,554.00	$1,600.00	
						$3,004.00	$3,200.00	
Parks and Facilities	Certified Playground Safety Inspector Course	Parks Foreman	June 20-23, 2023	Tampa, Florida	Council approval May 18,2023	$1,112.00	$1,519.00	
						$1,112.00	$1,519.00	
Procurement	FAPPO Annual Conference	2 Procurement Agents	May 21-24, 2023	Orlando, Florida	Adopted Budget	$1,903.96	$2,300.00	
						$1,903.96	$2,300.00	
Information Technology	Empower 2023 Conference	App Analyst I and II	April 4 - 5, 2023	Orlando, Florida	Adopted Budget	$1,696.17	$7,320.00	
	CISCO Live Conference 2023	IT Director, Network Administrator, Network Ops Mag and Network Mgr	June 3 - 9, 2023	Las Vegas, NV	Adopted Budget and Council approval July 6,2023	$13,488.04	$13,552.10	
	KnowBe4 Conference	App Analyst II	April 24 - 26, 2023	Kissimmee, Florida	Adopted Budget	$940.00	$706.99	
						$16,124.21	$21,579.09	
Police Department	FBI LEEDA Annual Executive Training Conference	Deputy Chief, Commander and Lieutenant	April 23 - 27, 2023	Orlando, Florida	Adopted Budget	$3,969.00	$3,969.00	
	Echelon Extreme Leadership Muster Training	Lieutenant	April 3 - 6, 2023	Orlando, Florida	Adopted Budget	$1,729.00	$1,729.00	
	SWAT/Sniper Seminar	4 SWAT members	May 2 -6, 2023	St Petersburg, Florida	Adopted Budget	$3,916.00	$5,000.00	
	National Missing and Unidentified Persons Conference	1 Police Officer	May 8 - 11, 2023	Orlando, Florida	Adopted Budget	$989.00	$989.00	
	Fl Association of Public Safety Communications Officials	Communication Div Mgr, Communications Shift Supervisor	May 14-19, 2023	St Augustine, Florida	Adopted Budget	$2,632.00	$1,515.00	Funds being reimburse
	FBINAA Florida Executive Development Seminar	Deputy Chief	May 21 - 26, 2023	Lake Buena Vista, Florida	Adopted Budget and memo changing venue	$1,657.00	$1,657.00	
	Property & Evidence Association of FL Educational Conference	2 Material Management Techs	May 21 - 26, 2023	Daytona Beach, Florida	Adopted Budget	$1,852.00	$1,515.00	
	Underwater Police Science & Technology at Miami-Dade Public Safety	2 Police Officers	May 7 - 19, 2023	Miami, Florida	Adopted Budget	$6,558.00	$6,202.00	
	Fl Law Enforcement's Officers' Hall of Fame Induction	Chief, Deputy Chief, Police Sergeant, Office Manager	June 2 - 3 , 2023	Tallahassee, Florida	Adopted Budget and memo changing venue	$799.78	$800.00	
	Senior Management Institute for Police (SMIP)	Commander	June 3 - 22, 2023	Boston, Massachusetts	Adopted Budget	$10,879.62	$11,265.00	
	Basic Crime Prevention	Police Officer	June 18 - 23, 2023	Stuart, Florida	Adopted Budget	$1,294.00	$1,305.00	
	Crime Prevention Through Environmental Design (CPTED)	Police Officer	June 28 - 30, 2023	Tampa, Florida	Adopted Budget	$697.00	$1,991.00	
						$36,972.40	$37,937.00	
Utilities	FIPA Spring 2023 Training and Workshop	Compliance Inspector	April 25 27, 2023	Daytona Beach, Florida	Council approval April 6,2023	$738.00	$785.00	
						$738.00	$785.00	
					Total Travel for Third quarter of FY 2023	$83,536.52	$97,448.09	

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Larry Wojciechowski, Finance Director**

DATE: **8/3/2023**

RE: **Resolution 2023-22, supplementing Resolution 2018-63, by authorizing the issuance of not exceeding $50,000,000 in aggregate principal amount of City of Palm Bay General Obligation Bonds, Series 2023, in order to finance roadway improvements.**

On November 6, 2018, voters approved a referendum allowing for the issuance of up to $150 million in general obligation bonds by the City to finance roadway improvements. On December 6, 2018, City Council approved Resolution 2018-63 which authorized the issuance of general obligation bonds (pledging the City's full faith and credit and taxing power) in an aggregate amount not to exceed $150,000,000 to finance the cost of roadway improvements. The resolution provided for the issuance of the bonds in one or more series, maturing not later than 20-years from the date of issuance of such amounts, and with further details of the bonds to be approved by supplemental resolution.

Resolution 2018-63 further authorized the commencement of validation proceedings for the validation of these general obligation bonds. The general obligation bonds were validated by judgement on March 26, 2019. The first series of General Obligation Bonds, Series 2019 were issued in July 2019 at a par value of $50,000.000 and the second series of General Obligation bonds, Series 2021 were issued in February 2021 at a par value of $50,000,000.

A resolution supplementing Resolution Number 2018-63, is being presented to the City Council to authorize the issuance of the third and final series of general obligation bonds. This supplemental resolution provides for the issuance of General Obligation Bonds, Series 2023 in a principal amount not exceeding $50,000,000. The primary purpose of the Series 2023 Bonds will be financing the third group of road projects identified and approved by City Council.

The Series 2023 Bonds are being authorized to be sold at public sale by competitive bid. A Summary Notice of Sale is being authorized to be published at least ten (10) days prior to the date of sale. An Official Notice of Sale and a Preliminary Official Statement are being authorized to be used in connection with the sale of the Series 2023 Bonds. A Continuing Disclosure Certificate is also being authorized in connection with the Series 2023 Bonds issuance.

In approving this Supplemental Resolution, the City Manager is delegated the authority to award the Series 2023

Bonds to the responsive bidder offering to purchase the Bonds at the lowest true interest cost to the City, which in no event shall exceed five percent (5%) true interest cost, with a final maturity date of no later than July 1, 2043.

REQUESTING DEPARTMENT:
City Manager's Office, Finance, City Attorney's Office

FISCAL IMPACT:
Principal and interest payable to be based upon the award of bid and sale of the Series 2023 Bonds. Principal and interest to be paid from direct annual tax levied on all taxable property within the City beginning with the November 2024 tax bills.

RECOMMENDATION:
Motion to approve a supplemental Resolution authorizing the issuance of the General Obligation Bonds, Series 2023.

ATTACHMENTS:

Description

Summary NOS 1
Official NOS 3
Continuing Disclosure Statement
POS
Road Bond Paving Update
Resolution 2023-22

SUMMARY NOTICE OF SALE
$50,000,000*
City of Palm Bay, Florida
General Obligation Bonds, Series 2023

Bids for the above captioned bonds will be received by the City of Palm Bay, Florida (the "City") via Parity until 11:00 A.M. (the "Submittal Deadline"), Eastern time, _____, 2023 or such other date as may be established by the City Manager or Finance Director of the City or their respective designee no less than ten (10) days after the date of publication of this notice and communicated by Thomson Municipal Market Monitor not less than twenty (20) hours prior to the time bids are received (the "Bid Date").

Such bids are to be opened in public as soon as practical after the Submittal Deadline on said day for the purchase of the City of Palm Bay, Florida General Obligation Bonds, Series 2023 (the "2023 Bonds"). The 2023 Bonds will mature as specified in the Official Notice of Sale. Proceeds of the 2023 Bonds shall be used for the purpose of (i) financing certain roadway improvements within the City and (ii) paying the costs of issuing the 2023 Bonds.

The approving opinion of Nabors, Giblin & Nickerson, P.A., Tampa, Florida, Bond Counsel, will be furnished to the successful bidder at the expense of the City.

Electronic copies of the Preliminary Official Statement and the Official Notice of Sale relating to the 2023 Bonds may be obtained at the website address www.munios.com. Printed, bound copies of the Preliminary Official Statement will be available on a limited basis from the City's Financial Advisor, Public Resources Advisory Group, Inc., 150 Second Avenue North, Suite 400, St. Petersburg, FL 33701, telephone 727/822-3339. For more information about the Parity electronic platform, potential bidders may call Parity at 212/849-5021.

City of Palm Bay, Florida
Suzanne Sherman
City Manager

Dated: _____, 2023

*Preliminary, subject to change.

OFFICIAL NOTICE OF SALE

$50,000,000*
CITY OF PALM BAY, FLORIDA
GENERAL OBLIGATION BONDS, SERIES 2023

The City of Palm Bay, Florida General Obligation Bonds, Series 2023 (the "2023 Bonds") are being offered for sale in accordance with this Official Notice of Sale. Notice is hereby given that bids will be received by the City of Palm Bay, Florida (the "Issuer" or the "City") for the purchase of the 2023 Bonds via the Parity Bid Submission System ("Parity") in the manner described below until 11:00 A.M., Eastern time, on _____, 2023, or on such other date and/or time as will be established by the City Manager or Finance Director of the City or their respective designee and communicated by Thomson Municipal Market Monitor not less than 20 hours prior to the time the bids are to be received. To the extent any instructions or directions set forth on Parity conflict with this Official Notice of Sale, the terms of this Official Notice of Sale shall control. For further information about Parity, and to subscribe in advance of the bid, potential bidders may contact Parity at (212) 849-5021. The use of Parity shall be at the bidder's risk and expense, and the Issuer shall have no liability with respect thereto.

BOND DETAILS

The description of the 2023 Bonds, the purpose thereof and the security therefor, as set forth in this Official Notice of Sale, is subject in its entirety to the disclosures made in the Preliminary Official Statement. See "DISCLOSURE INFORMATION" herein.

The 2023 Bonds will be issued as fully registered bonds, and when executed and delivered, will be registered in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository for the 2023 Bonds. Individual purchases of the 2023 Bonds may be made only in book-entry form in denominations of $5,000 or integral multiples thereof. Purchasers of the 2023 Bonds (the "Beneficial Owners") will not receive physical delivery of bond certificates. As long as Cede & Co. is the registered owner of the 2023 Bonds as nominee for DTC, payments of principal and interest with respect to the 2023 Bonds will be made directly to such registered owner who will in turn remit such principal and interest payments to DTC participants for subsequent disbursement to the Beneficial Owners. The Issuer will not be responsible for payments to Beneficial Owners.

The 2023 Bonds will be dated their date of delivery (expected to be _____, 2023) or such other date as may be communicated by Thomson Municipal Market Monitor not less than 20 hours prior to the time bids are to be received, and shall bear interest from such date and shall be payable semiannually commencing on July 1, 2024, and on each January 1 and July 1 thereafter until maturity at the rate or rates specified in such proposals as may be accepted. The proposed schedule of maturities and amounts are as follows:

* Preliminary, subject to change.

INITIAL MATURITY SCHEDULE FOR THE 2023 BONDS

Maturity (July 1)	Principal Amount*

* Preliminary; subject to change.
** Term Bond option as described herein.

NOTE: The Issuer reserves the right to modify the maturity schedule shown above. Any such modification will be communicated through the Thomson Municipal Market Monitor (See, "ADJUSTMENT OF PRINCIPAL AMOUNTS" below.)

PAYING AGENT AND REGISTRAR

The Paying Agent and Registrar for the 2023 Bonds will be Zions Bancorporation, Denver, Colorado.

ADJUSTMENT OF PRINCIPAL AMOUNTS

The schedule of maturities set forth above (the "Initial Maturity Schedule") represents an estimate of the principal amount and maturities of the 2023 Bonds that will be sold. The Issuer reserves the right to change the Initial Maturity Schedule by announcing any such change not later than 3:00 p.m., Eastern time, on the day immediately preceding the date set for receipt of bids,

through Thomson Municipal Market Monitor. If no such change is announced, the Initial Maturity Schedule will be deemed the schedule of maturities for submission of the bid.

Furthermore, if after final computation of the bids, the Issuer determines in its sole discretion that the funds necessary to accomplish the purpose of the 2023 Bonds is more or less than the proceeds of the sale of all of the 2023 Bonds, the Issuer reserves the right to increase or decrease the principal amount, by no more than 15% of the principal amount of the 2023 Bonds (to be rounded to the nearest $5,000) or by such other amount as approved by the winning bidder; provided, that the aggregate principal amount of the 2023 Bonds may not exceed $50,000,000.

In the event of any such adjustment, no rebidding or recalculation of the bids submitted will be required or permitted; and the 2023 Bonds of each maturity, as adjusted, will bear interest at the same rate and must have the same initial reoffering yield as specified immediately after award of the 2023 Bonds of that maturity, and the Underwriter's Discount on the 2023 Bonds as submitted by the successful bidder shall be held constant. The "Underwriter's Discount" shall be defined as the difference between the purchase price of the 2023 Bonds submitted by the bidder and the price at which the 2023 Bonds will be issued to the public, calculated from information provided by the bidder, divided by the par amount of the 2023 Bonds bid. However, the award will be made to the bidder whose bid produces the lowest True Interest Cost ("TIC"), calculated as specified herein, solely on the basis of the 2023 Bonds offered, without taking into account any adjustment in the amount of 2023 Bonds pursuant to this paragraph.

REDEMPTION PROVISIONS

The 2023 Bonds maturing on or after July 1, 2034 will be subject to optional redemption prior to maturity on and after January 1, 2033 at a redemption price of par plus accrued interest to the redemption date. The 2023 Bonds maturing prior to July 1, 2034 will not be subject to optional redemption prior to maturity.

TERM BONDS OPTIONS

Any bidder may, at its option, specify that the maturities of the 2023 Bonds maturing after July 1, 2033 will consist of term bonds which are subject to mandatory sinking fund redemption in consecutive years immediately preceding the maturity thereof (each a "Term Bond") as designated in the bid of such bidder. In the event that the bid of the successful bidder specifies that a permitted maturity of the 2023 Bonds will be a Term Bond, such Term Bond will be subject to mandatory sinking fund redemption on July 1, in each applicable year, in the principal amount for such year as set forth hereinbefore under the heading "INITIAL MATURITY SCHEDULE FOR THE 2023 Bonds," at a redemption price equal to the principal amount thereof to be redeemed together with accrued interest thereon to the redemption date, without premium.

AUTHORITY AND PURPOSE

The 2023 Bonds are being issued under the authority of the Florida Constitution, Chapter 166.021, Florida Statutes, and other applicable provisions of law (collectively, the "Act"), and

Resolution No. 2018-63, adopted by the City of Palm Bay City Council on December 6, 2018, as supplemented (the "Resolution").

The 2023 Bonds are being issued for the purpose of constructing roadway improvements in and for the Issuer.

SECURITY

The 2023 Bonds are secured by the full faith and credit of the City, which has covenanted to levy an ad valorem tax without limitation as to rate or amount to pay principal and interest on the 2023 Bonds.

MUNICIPAL BOND INSURANCE

The purchase of municipal bond insurance, if available, will be at the option and expense of the bidder. The successful bidder will be responsible for the payment of all costs associated with any such insurance, including the premium charged by the insurer. The bidder understands, by submission of its bid, that the bidder is solely responsible for the selection of any insurer and for all negotiations with the insurer as to the premium to be paid. If all or a portion of the Series 2023 Bonds are awarded on an insured basis, reference to the insurance policy will appear on the Series 2023 Bonds and in the Official Statement; however, the provisions of the financing documents will not be altered nor will the City consent to make additional representations, undertakings or warranties.

In addition, if the successful bidder is arranging for bond insurance for all or a portion of the Series 2023 Bonds, it also shall provide the amount of the premium to be paid and certification that the present value of the premium is less than the present value of the interest reasonably expected to be saved as a result of the insurance and that the premium does not exceed a reasonable arms-length charge for the transfer of credit risk accomplished through the bond insurance. Insured ratings with the use of bond insurance, if required, are to be applied for by the successful bidder, and costs incurred for such ratings must be paid at the successful bidder’s expense.

UNDERLYING RATINGS

S&P Global Ratings and Fitch Ratings, Inc. have assigned underlying municipal bond ratings of "AA-" (stable outlook) and "AA" (stable outlook)," respectively, to the 2023 Bonds.

TERMS OF BID AND BASIS OF AWARD

Proposals must be unconditional and for the purchase of all of the 2023 Bonds. The aggregate purchase price, inclusive of original issue discount ("OID"), original issue premium ("OIP") and underwriter’s discount may not be less than 98% of the principal amount of the 2023 Bonds.

The 2023 Bonds shall bear interest expressed in multiples of one-eighth (1/8) or one-twentieth (1/20) of one (1) per centum. The use of split or supplemental interest coupons will not

be considered and a zero rate or blank rate will not be permitted. All 2023 Bonds maturing on the same date shall bear the same rate of interest.

The 2023 Bonds will be awarded to the bidder offering to purchase the 2023 Bonds at the lowest annual interest cost computed on a TIC basis. The annual TIC will be determined by doubling the semi-annual interest rate necessary to discount the semi-annual debt service payments on the 2023 Bonds back to the Net Bond Proceeds (defined as the par amount of the 2023 Bonds, plus any OIP, less any OID and underwriters' discount on the 2023 Bonds, calculated on a 360 day year to the Closing Date, as defined below). The TIC must be calculated to four (4) decimal places. If more than one bid offers the same lowest TIC, the successful bid will be selected by lot from among all such bids. **NO BID SHALL BE ACCEPTED WITH A TIC GREATER THAN 6%.**

THE ISSUER RESERVES THE RIGHT TO REJECT ALL BIDS OR ANY BID NOT CONFORMING TO THIS OFFICIAL NOTICE OF SALE. THE ISSUER ALSO RESERVES THE RIGHT TO WAIVE, IF PERMITTED BY LAW, ANY IRREGULARITY OR INFORMALITY IN ANY PROPOSAL. THE ISSUER SHALL NOT REJECT ANY CONFORMING BID, UNLESS ALL CONFORMING BIDS ARE REJECTED.

GOOD FAITH DEPOSIT

If the City selects a winning bid, then the successful bidder must submit a "Good Faith Deposit" (the "Deposit") to the City in the form of a wire transfer in the amount of $500,000 not later than 5:00 p.m., Eastern time on the business day of the award. The Deposit of the successful bidder will be collected and the proceeds thereof retained by the Issuer to be applied as partial payment for the 2023 Bonds and no interest will be allowed or paid upon the amount thereof, but in the event the successful bidder shall fail to comply with the terms of the bid, the proceeds thereof will be retained as and for full liquidated damages.

STANDARD FILINGS, CHARGES AND CLOSING DOCUMENTS

The winning bidder will be required to make the standard filings and maintain the appropriate records routinely required pursuant to MSRB Rules G-8, G-11 and G-36. The winning bidder will be required to pay the standard MSRB charge for the 2023 Bonds purchased. In addition, those who are members of SIFMA will be required to pay SIFMA's standard charge per bond. The winning bidder will also be required to execute certain closing documents required by Florida law or required by Bond Counsel (as defined below) in connection with the delivery of its tax opinion. See "DISCLOSURE; AMENDMENTS TO NOTICE OF SALE; NOTIFICATION OBLIGATIONS OF PURCHASER" herein.

CUSIP NUMBERS

The Issuer will assume no obligation for the assignment of CUSIP numbers to the 2023 Bonds or for the correctness of any such numbers printed thereon, but the Issuer will permit such printing to be done at the expense of the purchaser, provided that such printing does not result in any delay of the date of delivery of the 2023 Bonds. Public Resources Advisory Group, Inc., (the

"Financial Advisor"), will request the assignment of CUSIP numbers prior to the sale of the 2023 Bonds.

DELIVERY OF THE 2023 BONDS

The Issuer will pay the cost of preparing the 2023 Bonds. The successful bidder is responsible for DTC eligibility and related DTC costs. Delivery of and payment for the 2023 Bonds will be via DTC Fast on or about _____, 2023 (the "Closing Date") in New York, New York, or such other time and place mutually acceptable to the successful bidder and the Issuer. Payment of the full purchase price, less the Deposit, shall be made to the Issuer not later than 12:00 P.M., Eastern time on the Closing Date, in Federal Reserve Funds of the United States of America, without cost to the Issuer.

The legal opinion of Nabors, Giblin & Nickerson, P.A. ("Bond Counsel") will be furnished without charge to the successful bidder at the time of delivery of the 2023 Bonds. For a further discussion of the content of that opinion and the proposed form of the approving opinion, see the Preliminary Official Statement for the 2023 Bonds.

There will also be furnished at the time of delivery of the 2023 Bonds, a certificate or certificates of the Issuer (which may be included in a consolidated closing certificate) relating to the accuracy and completeness of the Official Statement; and stating, among other things, that there is no litigation or administrative action or proceeding pending or, to the knowledge of the Issuer, threatened, at the time of delivery of the 2023 Bonds, (a) to restrain or enjoin or seeking to restrain or enjoin the issuance and delivery of the 2023 Bonds or (b) affecting the validity of the 2023 Bonds, and that the Preliminary Official Statement has been deemed by the Issuer to be a "final official statement" for purposes of SEC Rule 15c2-12(b)(3) and (4).

The successful bidder will be responsible for the clearance or exemption with respect to the status of the 2023 Bonds for sale under the securities or "Blue Sky" laws of the several states and the preparation of any surveys or memoranda in connection with such sale.

ESTABLISHMENT OF ISSUE PRICE

The winning bidder shall assist the Issuer in establishing the issue price of the 2023 Bonds and shall execute and deliver to the Issuer on or prior to the closing date for the 2023 Bonds an "issue price" or similar certificate setting forth the reasonably expected initial offering prices to the public or the actual sales price or prices of the 2023 Bonds, together with the supporting pricing wires or equivalent communications, substantially in the applicable form attached hereto as Exhibit A-2, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the Issuer and Bond Counsel.

The Issuer intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the 2023 Bonds) will apply to the initial sale of the 2023 Bonds ("competitive sale requirements") because:

(1) the Issuer has disseminated this Official Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;

(2) all bidders shall have an equal opportunity to bid;

(3) the Issuer may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and

(4) the Issuer anticipates awarding the sale of the 2023 Bonds to the bidder who submits a firm offer to purchase the 2023 Bonds at the lowest true interest cost, as set forth in this Official Notice of Sale.

Any bid submitted pursuant to this Official Notice of Sale shall be considered a firm offer for the purchase of the 2023 Bonds, as specified in the bid. BY SUBMITTING A BID FOR THE 2023 BONDS, A BIDDER REPRESENTS AND WARRANTS TO THE ISSUER THAT THE BIDDER HAS AN ESTABLISHED INDUSTRY REPUTATION FOR UNDERWRITING NEW ISSUANCES OF MUNICIPAL BONDS SUCH AS THE 2023 BONDS AND SUCH BIDDER'S BID IS SUBMITTED FOR AND ON BEHALF OF SUCH BIDDER BY AN OFFICER OR AGENT WHO IS DULY AUTHORIZED TO BIND THE BIDDER TO A LEGAL, VALID AND ENFORCEABLE CONTRACT FOR THE PURCHASE OF THE 2023 BONDS. Once the bids are communicated electronically via the Parity System to the Issuer, each bid will constitute an irrevocable offer to purchase the 2023 Bonds on the terms herein and therein provided.

In the event that the competitive sale requirements are not satisfied, the Issuer shall so advise the winning bidder. In such case, the Issuer shall treat the first price at which 10% of a maturity of the 2023 Bonds is sold to the public (the "10% test") as the issue price of that maturity, applied on a maturity-by-maturity basis. The winning bidder shall advise the Issuer if any maturity of the 2023 Bonds satisfies the 10% test as of the date and time of the award of the 2023 Bonds. The Issuer will not require bidders to comply with the "hold-the-offering-price rule" set forth in Treasury Regulation Section 1.148-1(f)(2)(ii) and therefore does not intend to use the initial offering price to the public as of the sale date of any maturity of the 2023 Bonds as the issue price of that maturity. Bids will <u>not</u> be subject to cancellation in the event that the competitive sale requirements are not satisfied. <u>Bidders should prepare their bids on the assumption that all of the maturities of the 2023 Bonds will be subject to the 10% test in order to establish the issue price of the 2023 Bonds</u>.

If the competitive sale requirements are not satisfied, then until the 10% test has been satisfied as to each maturity of the 2023 Bonds, the winning bidder agrees to promptly report to the Issuer the prices at which the unsold 2023 Bonds of each maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing date for the 2023 Bonds has occurred, until the 10% test has been satisfied for each maturity or until all 2023 Bonds of that maturity have been sold.

By submitting a bid and if the competitive sale requirements are not met, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the 2023 Bonds to the public, together with the related pricing wires, contains or will contain language obligating

each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to report the prices at which it sells to the public the unsold 2023 Bonds of each maturity allotted to it until it is notified by the winning bidder that either the 10% test has been satisfied as to the 2023 Bonds of that maturity or all 2023 Bonds of that maturity have been sold to the public, if and for so long as directed by the winning bidder and as set forth in the related pricing wires, and (ii) any agreement among underwriters relating to the initial sale of the 2023 Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the 2023 Bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to report the prices at which it sells to the public the unsold 2023 Bonds of each maturity allotted to it until it is notified by the winning bidder or such underwriter that either the 10% test has been satisfied as to the 2023 Bonds of that maturity or all 2023 Bonds of that maturity have been sold to the public, if and for so long as directed by the winning bidder or such underwriter and as set forth in the related pricing wires.

Sales of any 2023 Bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Official Notice of Sale. Further, for purposes of this Official Notice of Sale:

(i) "public" means any person other than an underwriter or a related party,

(ii) "underwriter" means (A) any person that agrees pursuant to a written contract (i.e. this Official Notice of Sale) with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the 2023 Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the 2023 Bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the 2023 Bonds to the public),

(iii) a purchaser of any of the 2023 Bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and

(iv) "sale date" means the date that the 2023 Bonds are awarded by the Issuer to the winning bidder.

DISCLOSURE; AMENDMENTS TO NOTICE OF SALE; NOTIFICATION OBLIGATIONS OF PURCHASER

This Official Notice of Sale is not intended as a disclosure document and bidders are required to obtain and carefully review the Preliminary Official Statement before submitting a bid.

This Official Notice of Sale may be amended from time to time after its initial publication by publication of amendments thereto not less than 20 hours prior to the bid date and time by Thomson Municipal Market Monitor. Each bidder will be charged with the responsibility of obtaining any such amendments and complying with the terms thereof.

Prior to delivery of the 2023 Bonds to the successful bidder, the successful bidder shall file with the Issuer a statement as described in Section 218.38(1)(c)2, Florida Statutes, containing the underwriting spread (including management fee, if any), and the amount of any fee, bonus or gratuity paid in connection with the 2023 Bonds to any person not regularly employed by the successful bidder. This statement shall be filed with the Issuer even if no such management fee or underwriting spread has been charged by the successful bidder or no such fee, bonus or gratuity has been paid by the successful bidder, and such filing shall be a condition precedent to the delivery of the 2023 Bonds by the Issuer to the successful bidder.

The successful bidder, by submitting its bid, agrees to furnish to the Issuer and Bond Counsel a certificate verifying information as to the bona fide initial offering prices or yields of the 2023 Bonds to the public and sales of the 2023 Bonds appropriate for determination of the issue price of, and the yield on, the 2023 Bonds under the Internal Revenue Code of 1986, as amended, in the form attached hereto as Exhibit A-2, and such other documentation as and at the time requested by Bond Counsel.

The successful bidder shall also verify its winning bid in writing to the Issuer by executing a printed copy of its winning bid as reported on Parity.

The winning bidder is required to provide a Truth in Bonding Statement pursuant to Section 218.385, Florida Statutes, and to disclose the payment of any "finder's fee" pursuant to Section 218.386, Florida Statutes, prior to the award of the 2023 Bonds, as set forth in Exhibit A-1 to this Official Notice of Sale.

OFFICIAL STATEMENT

The Issuer shall furnish at its expense within seven (7) business days after the 2023 Bonds have been awarded to the successful bidder, or at least five (5) business days before the Closing Date, whichever is earlier, a reasonable number of copies of the final Official Statement, which, in the judgment of the Financial Advisor to the City will permit the successful bidder to comply with applicable SEC and MSRB rules. The successful bidder may arrange for additional copies of the final Official Statement at its expense.

CONTINUING DISCLOSURE

In order to assist bidders in complying with SEC Rule 15c2-12, the Issuer will undertake to provide, or cause to be provided, certain financial information and operating data and to provide notices of certain events, if material. Such information will be filed with the Municipal Securities Rulemaking Board through its Electronic Municipal Market Access System (EMMA). Notices of material events will be filed with the Municipal Securities Rulemaking Board through EMMA. A summary of such undertaking is contained in the Preliminary Official Statement.

DISCLOSURE INFORMATION

Copies of the Preliminary Official Statement "deemed final" (except for permitted omissions) by the Issuer in accordance with SEC Rule 15c2-12 must be obtained from the Financial Advisor, Public Resources Advisory Group, Inc., 150 Second Avenue North, Suite 400, St. Petersburg, Florida 33701, (727) 822-3339 before a bid is submitted. The Issuer's Preliminary Official Statement and Official Notice of Sale are also available for viewing in electronic format at http://www.munios.com.

CHOICE OF LAW

Any litigation or claim arising out of any bid submitted (regardless of the means of submission) pursuant to this Official Notice of Bond Sale shall be governed by and construed in accordance with the laws of the State of Florida. The venue situs for any such action shall be the state courts of the Eighteenth Judicial Circuit in and for Brevard County, Florida.

NOTICE OF BIDDERS REGARDING PUBLIC ENTITY CRIMES

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

CITY OF PALM BAY, FLORIDA

By:/s/ Suzanne Sherman
City Manager

EXHIBIT A-1

TRUTH-IN-BONDING STATEMENT
AND DISCLOSURE

In compliance with Section 218.385, Florida Statutes, as amended, the undersigned bidder submits the following Truth-In-Bonding Statement with respect to the City of Palm Bay, Florida General Obligation Bonds, Series 2023 (the "Bonds") (NOTE: For information purposes only and not a part of the bid):

> The City of Palm Bay, Florida (the "Issuer") is proposing to issue $50,000,000* of the Bonds for the purpose of financing certain improvements to roadways within the City. The Bonds are expected to be repaid over a period of approximately ____ years. At a forecasted interest rate of _____%, total interest paid over the life of the Bonds will be $_____.
>
> The source of repayment or security for the Bonds is a pledge of the full faith and credit of the Issuer, as more fully described in the Preliminary Official Statement and Official Notice of Sale.

In compliance with Section 218.386, Florida Statutes, the undersigned, on behalf of itself and all other members of the underwriting group, if any, hereby certifies that neither it nor any member of the underwriting group have paid any "finder's fees" as defined in Section 218.386, Florida Statutes, or any bonus, fee or gratuity in connection with the sale of the Bonds, except as provided below:

Bidder's Name: _____
By: _____
Title: _____
Date: _____

* Preliminary, subject to change.

EXHIBIT A-2

CERTIFICATE WITH RESPECT TO "ISSUE PRICE"

The undersigned, on behalf of _____ ("_____"), hereby represents and warrants that it has an established industry reputation for underwriting new issuances of municipal bonds and certifies as set forth below with respect to the sale of the above-captioned obligations (the "Bonds").

[Alternate 1 - Competitive Safe Harbor Met]

[1. Reasonably Expected Initial Offering Price. (a) As of the Sale Date, the reasonably expected initial offering prices of the Bonds to the Public by _____ are the prices listed in Schedule A (the "Expected Offering Prices"). The Expected Offering Prices are the prices for the Maturities of the Bonds used by _____ in formulating its bid to purchase the Bonds. Attached as Schedule B are true and correct copies of the bid provided by _____ to purchase the Bonds and the pricing wire or equivalent communication for the Bonds.

(b) _____ was not given the opportunity to review other bids prior to submitting its bid.

(c) The bid submitted by _____ constituted a firm offer to purchase the Bonds.**]**

[Alternate 2 - Competitive Sale Requirements Not Met – General Rule to Apply]

[1. Sale of the Bonds. As of the date of this certificate, for each Maturity of the Bonds, the first price at which at least 10% of such Maturity of the Bonds was sold to the Public is the respective price listed in Schedule A. Each maturity of the Bonds of which at least 10% of such maturity has not yet been sold to the public (the "Unsold Bonds") is also identified in Schedule A. Attached as Schedule B are true and correct copies of the bid provided by _____ to purchase the Bonds, and the pricing wire or equivalent communication for the Bonds. _____ has and will comply with the requirements set forth under the heading "Establishment of Issue Price Certificate" in the Official Notice of Sale for the Bonds, including reporting on the sale prices of the Unsold Bonds after the date hereof as provided therein.**]**

2. Defined Terms. (a) *Issuer* means the City of Palm Bay, Florida.

(b) *Maturity* means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate Maturities.

(c) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term "related party" for purposes of this certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(d) *Sale Date* means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is _____, 2023.

(e) *Underwriter* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents _____'s interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Certificate as to Arbitrage and Certain Other Tax Matters relating to the Bonds and with respect to compliance with the federal income tax rules affecting the Bonds, and by Nabors, Giblin & Nickerson, P.A. in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the Issuer from time to time relating to the Bonds.

_____

By:_____
[Name]

Dated: _____, 2023

SCHEDULE 1

EXPECTED OFFERING PRICES
OR
PRICES OF SOLD AND UNSOLD BONDS

SCHEDULE 2

COPY OF UNDERWRITER'S BID AND PRICING WIRE

CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the "Disclosure Certificate") is executed and delivered by the City of Palm Bay, Florida (the "City") in connection with the issuance of its $_____ General Obligation Bonds, Series 2023 (the "Bonds"). The Bonds are being issued pursuant to Resolution No. 2018-63 adopted by the City Council of the City (the "Council") on December 6, 2018, as supplemented by Resolution No. _____ adopted on August 3, 2023 (collectively, the "Resolution").

SECTION 1. PURPOSE OF THE DISCLOSURE CERTIFICATE. This Disclosure Certificate is being executed and delivered by the City for the benefit of the holders and Beneficial Owners (defined below) of the Bonds and in order to assist the Participating Underwriter in complying with the continuing disclosure requirements of the Rule (defined below).

SECTION 2. DEFINITIONS. In addition to the definitions set forth in the Resolution which apply to any capitalized term used in this Disclosure Certificate, unless otherwise defined herein, the following capitalized terms shall have the following meanings:

"Annual Report" shall mean any Annual Report provided by the City pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

"Beneficial Owner" shall mean any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

"Dissemination Agent" shall mean the HTS Continuing Disclosure Services, a Division of Hilltop Securities Inc., or any successor Dissemination Agent designated in writing by the City and which has filed with the City a written acceptance of such designation.

"EMMA" shall mean the Electronic Municipal Market Access web portal of the MSRB, located at http://www.emma.msrb.org.

"Event of Bankruptcy" shall be considered to have occurred when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an Obligated Person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governing authority has assumed jurisdiction over substantially all of the assets or business of the Obligated Person, or if such jurisdiction has been assumed by leaving the existing governmental body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Obligated Person.

"Listed Events" shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

"MSRB" shall mean the Municipal Securities Rulemaking Board.

"Obligated Person" shall mean any person, including the City, who is either generally or through an enterprise, fund, or account of such person committed by contract or other arrangement to support

payment of all, or part of the obligations on the Bonds (other than providers of municipal bond insurance, letters of credit, or other liquidity or credit facilities).

"Participating Underwriter" shall mean the original underwriters of the Bonds required to comply with the Rule in connection with offering of the Bonds.

"Repository" shall mean each entity authorized and approved by the Securities and Exchange Council from time to time to act as a repository for purposes of complying with the Rule. As of the date hereof, the Repository recognized by the Securities and Exchange Council for such purpose is the MSRB, which currently accepts continuing disclosure submissions through EMMA.

"Rule" shall mean the continuing disclosure requirements of Rule 15c2-12 adopted by the Securities and Exchange Council under the Securities Exchange Act of 1934, as the same may be amended from time to time.

"State" shall mean the State of Florida.

SECTION 3. PROVISION OF ANNUAL REPORTS.

(a) The City shall, or shall cause the Dissemination Agent to, by not later than June 30th following the end of the prior fiscal year, beginning with the fiscal year ending September 30, 2023 with respect to the report for the fiscal year ending September 30, 2023, provide to any Repository, in electronic format as prescribed by such Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the audited financial statements of the City may be submitted separately from the balance of the Annual Report and later than the date required above for the filing of the Annual Report if they are not available by that date provided, further, in such event unaudited financial statements are required to be delivered as part of the Annual Report in accordance with Section 4(a) below and the audited financial statements shall be filed in the same manner as the Annual Report when they become available. If the City's fiscal year changes, it shall give notice of such change in the same manner as for a Listed Event under Section 5.

(b) If on the fifteenth (15th) day prior to the annual filing date, the Dissemination Agent has not received a copy of the Annual Report, the Dissemination Agent shall contact the City by telephone and in writing (which may be by e-mail) to remind the City of its undertaking to provide the Annual Report pursuant to Section 3(a). Upon such reminder, the City shall either (i) provide the Dissemination Agent with an electronic copy of the Annual Report no later than two (2) business days prior to the annual filing date, or (ii) instruct the Dissemination Agent in writing that the City will not be able to file the Annual Report within the time required under this Agreement, state the date by which the Annual Report for such year will be provided and instruct the Dissemination Agent that a failure to file has occurred and to immediately send a notice to the Repository in substantially the form attached as Exhibit A, accompanied by a cover sheet completed by the Dissemination Agent in the form set forth in Exhibit B.

(c) The Dissemination Agent shall:

(i) determine each year prior to the date for providing the Annual Report the name and address of any Repository;

(ii) if the Dissemination Agent is other than the City, file a report with the City certifying that the Annual Report has been provided pursuant to this Disclosure Certificate, stating the date it was provided and listing any Repository to which it was provided; and

(iii) if the Dissemination Agent has not received an Annual Report by 6:00 p.m. Eastern time on the annual filing date (or, if such annual filing date falls on a Saturday, Sunday or holiday, then the first business day thereafter) for the Annual Report, a failure to file shall have occurred and the City irrevocably directs the Dissemination Agent to immediately send a notice to the Repository in substantially the form attached as Exhibit A without reference to the anticipated filing date for the Annual Report, accompanied by a cover sheet completed by the Dissemination Agent in the form set forth in Exhibit B.

SECTION 4. CONTENT OF ANNUAL REPORTS. The City's Annual Report shall contain or include by reference the following:

(a) the audited financial statements of the City for the prior fiscal year, prepared in accordance with generally accepted accounting principles as promulgated to apply to governmental entities from time to time by the Governmental Accounting Standards Board. If the City's audited financial statements are not available by the time the Annual Report is required to be filed pursuant to Section 3(a), the Annual Report shall contain unaudited financial statements in a format similar to the financial statements contained in the final Official Statement dated _____, 2023 (the "Official Statement"), and the audited financial statements shall be filed in the same manner as the Annual Report when they become available; and

(b) updates of the historical financial and operating data set forth in the Official Statement in tables under the captions:

(i) Assessed Value and Estimated Actual Value of Taxable Property;

(ii) Property Tax Levies and Collections;

(iii) Property Tax Rates - Direct and Overlapping Governments; and

(iv) Principal Property Taxpayers.

The information provided under Section 4(b) may be included by specific reference to documents, including official statements of debt issues of the City or related public entities, which are available to the public on the Repository's website or filed with the Securities and Exchange Commission.

The City reserves the right to modify from time to time the specific types of information provided in its Annual Report or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the City; provided that the City agrees that any such modification will be done in a manner consistent with the Rule.

SECTION 5. REPORTING OF SIGNIFICANT EVENTS.

(a) Pursuant to the provisions of this Section 5, the City shall give, or cause to be given, notice of the occurrence of any of the following events with respect to the Bonds. Such notice shall be given

in a timely manner not in excess of ten (10) business days after the occurrence of the event, with the exception of the event described in number 17 below, which notice shall be given in a timely manner:

1. principal and interest payment delinquencies;

2. non-payment related defaults, if material;

3. unscheduled draws on debt service reserves reflecting financial difficulties;

4. unscheduled draws on credit enhancements reflecting financial difficulties;

5. substitution of credit or liquidity providers, or their failure to perform;

6. adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701 TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

7. modifications to rights of the holders of the Bonds, if material;

8. Bond calls, if material, and tender offers;

9. defeasances;

10. release, substitution, or sale of property securing repayment of the Bonds, if material;

11. rating changes;

12. an Event of Bankruptcy or similar event of an Obligated Person;

13. the consummation of a merger, consolidation, or acquisition involving an Obligated Person or the sale of all or substantially all of the assets of the Obligated Person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

14. appointment of a successor or additional trustee or the change of name of a trustee, if material;

15. incurrence of a financial obligation of the issuer or obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the issuer or obligated person, any of which affect security holders, if material;

16. default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the financial obligation of the issuer or obligated person, any of which reflect financial difficulties; and

17. notice of any failure on the part of the City to meet the requirements of Section 3 hereof.

(b) (i) The term "financial obligation" as used in subsections 5(a)(15) and (16) herein means a:

(A) debt obligation;

(B) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or

(C) guarantee of paragraph (5)(b)(i)(A) or (B).

(ii) The term financial obligation shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with this rule.

(c) The notice required to be given in paragraph 5(a) above shall be filed with any Repository, in electronic format as prescribed by such Repository.

SECTION 6. IDENTIFYING INFORMATION. In accordance with the Rule, all disclosure filings submitted pursuant to this Disclosure Certificate to any Repository must be accompanied by identifying information as prescribed by the Repository. Such information may include, but not be limited to:

(a) the category of information being provided;

(b) the period covered by any annual financial information, financial statement or other financial information or operation data;

(c) the issues or specific securities to which such documents are related (including CUSIPs, City name, state, issue description/securities name, dated date, maturity date, and/or coupon rate);

(d) the name of any Obligated Person other than the City;

(e) the name and date of the document being submitted; and

(f) contact information for the submitter.

SECTION 7. TERMINATION OF REPORTING OBLIGATION. The City's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds, so long as there is no remaining liability of the City, or if the Rule is repealed or no longer in effect. If such termination occurs prior to the final maturity of the Bonds, the City shall give notice of such termination in the same manner as for a Listed Event under Section 5.

SECTION 8. DISSEMINATION AGENT. The City may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Dissemination Agent, with or without appointing a successor Dissemination Agent. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report

prepared by the City pursuant to this Disclosure Certificate. The initial Dissemination Agent shall be the HTS Continuing Disclosure Services, a Division of Hilltop Securities Inc.

SECTION 9. AMENDMENT; WAIVER. Notwithstanding any other provision of this Disclosure Certificate, the City may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, provided that the following conditions are satisfied:

(a) If the amendment or waiver relates to the provisions of Sections 3(a), 4, or 5(a), it may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of the City, or the type of business conducted;

(b) The undertaking, as amended or taking into account such waiver, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the original issuance of the Bonds, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and

(c) The amendment or waiver either (i) is approved by the holders or Beneficial Owners of the Bonds in the same manner as provided in the Resolution for amendments to the Resolution with the consent of holders or Beneficial Owners, or (ii) does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the holders or Beneficial Owners of the Bonds.

Notwithstanding the foregoing, the City shall have the right to adopt amendments to this Disclosure Certificate necessary to comply with modifications to and interpretations of the provisions of the Rule as announced by the Securities and Exchange Commission from time to time.

In the event of any amendment or waiver of a provision of this Disclosure Certificate, the City shall describe such amendment in the next Annual Report, and shall include, as applicable, a narrative explanation of the reason for the amendment or waiver and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the City. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (i) notice of such change shall be given in the same manner as for a Listed Event under Section 5, and (ii) the Annual Report for the year in which the change is made should present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

SECTION 10. ADDITIONAL INFORMATION. Nothing in this Disclosure Certificate shall be deemed to prevent the City from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the City chooses to include any information in any Annual Report or notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Certificate, the City shall have no obligation under this Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 11. DEFAULT. The continuing disclosure obligations of the City set forth herein constitute a contract with the holders of the Bonds. In the event of a failure of the City to comply with any provision of this Disclosure Certificate, any holder or Beneficial Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this Disclosure Certificate; provided, however, the sole remedy under this Disclosure Certificate in the event of any failure of the City to comply with the provisions of this Disclosure Certificate shall be an action to compel performance. A default under this Disclosure Certificate shall not be deemed an Event of Default under the Resolution.

SECTION 12. DUTIES, IMMUNITIES AND LIABILITIES OF DISSEMINATION AGENT. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the City agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder, including the costs and expenses (including attorneys fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the City under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds.

SECTION 13. BENEFICIARIES. This Disclosure Certificate shall inure solely to the benefit of the City, the Dissemination Agent, the Participating Underwriter and holders and Beneficial Owners from time to time of the Bonds, and shall create no rights in any other person or entity.

Dated as of _____, 2023.

CITY OF PALM BAY, FLORIDA

By: _____
Mayor

ATTEST:

_____
City Clerk

EXHIBIT A

NOTICE TO REPOSITORY OF FAILURE TO FILE ANNUAL REPORT

Obligated Person:	City of Palm Bay, Florida
Name of Bond Issue:	City of Palm Bay, Florida General Obligation Bonds, Series 2023
Date of Issuance:	_____, 2023
Date of Disclosure Agreement:	_____, 2023

CUSIP Number:

NOTICE IS HEREBY GIVEN that the City has not provided an Annual Report with respect to the above-named Bonds as required by the Continuing Disclosure Certificate of the City. [The City has notified the Dissemination Agent that it anticipates that the Annual Report will be filed by_____].

Dated:_____

CITY OF PALM BAY, FLORIDA

_____

cc:

EXHIBIT B
EVENT NOTICE COVER SHEET

This cover sheet and accompanying "event notice" will be sent to the MSRB, pursuant to Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C) and (D).

City's and/or Other Obligated Person's Name:

_____

City's Six-Digit CUSIP Number:

_____

_____

or Nine-Digit CUSIP Number(s) of the bonds to which this event notice relates:

_____

Number of pages attached: _____

____ Description of Notice Events (Check One):

1._____"Principal and interest payment delinquencies;"
2._____"Non-payment related defaults, if material;"
3._____"Unscheduled draws on debt service reserves reflecting financial difficulties;"
4._____"Unscheduled draws on credit enhancements reflecting financial difficulties;"
5._____"Substitution of credit or liquidity providers, or their failure to perform;"
6._____"Adverse tax opinions, IRS notices or events affecting the tax status of the security;"
7._____"Modifications to rights of holders of bonds, if material;"
8._____"Bond calls, if material;"
9._____"Defeasances;"
10._____"Release, substitution, or sale of property securing repayment of the securities, if material;"
11._____"Rating changes;"
12._____"Bankruptcy, insolvency, receivership or similar event of the obligated person;"
13._____"Merger, consolidation, or acquisition of the obligated person, if material;"
14._____"Appointment of a successor or additional trustee, or the change of name of a trustee, if material;"
15. ____ "Incurrence of a financial obligation of the issuer or obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the issuer or obligated person, any of which affect security holders, if material;"
16. ____"Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the financial obligation of the issuer or obligated person, any of which reflect financial difficulties;" and
17._____"Notice of any failure on the part of the City to meet the requirements of Section 3 hereof."

____ Failure to provide annual financial information as required.

I hereby represent that I am authorized by the City or its agent to distribute this information publicly:

Signature:

_____

Name: _____Title: _____

Date:

BMO Draft #2
7/13/2023

PRELIMINARY OFFICIAL STATEMENT DATED JULY ___, 2023

NEW ISSUE - FULL BOOK-ENTRY **See "RATINGS" herein**

In the opinion of Nabors, Giblin & Nickerson, P.A., Tampa, Florida, Bond Counsel, under existing statutes, regulations, rulings and court decisions, interest on the Bonds is (a) excluded from gross income for federal income tax purposes (except as described under the caption "TAX EXEMPTION" herein) and (b) not an item of tax preference for purposes of the federal alternative minimum tax. However, for tax years beginning after December 31, 2022, interest on the Bonds that is included in the "adjusted financial statement income" of certain corporations is not excluded from the federal corporate alternative minimum tax. See "TAX EXEMPTION" herein.

$_____*
CITY OF PALM BAY, FLORIDA
GENERAL OBLIGATION BONDS, SERIES 2023

Dated: Date of Delivery Due: July 1, as shown on inside cover page

The City of Palm Bay, Florida (the "City") is issuing its General Obligation Bonds, Series 2023, in the principal amount of $_____* (the "Bonds") as fully registered bonds in denominations of $5,000 and integral multiples thereof. Interest on the Bonds is due semiannually on each January 1 and July 1, commencing July 1, 2024, and such, subject to the provisions of the following paragraph, interest will be paid by check or draft of Zions Bancorporation, National Association, Denver, Colorado, as Paying Agent to the registered holders. In lieu of payment by check or draft, at the request and expense of a registered holder of $1,000,000 or more in aggregate principal amount of Bonds, payment may be made by bank wire transfer.

Upon initial issuance, the Bonds will be registered in the name of and held by Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"), an automated depository for securities and clearinghouse for securities transactions. So long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of, premium, if any, and interest on the Bonds will be mailed directly to DTC or its nominee, Cede & Co., which is to remit such payments to the DTC Participants (as defined herein), which in turn are to remit such payments to the Beneficial Owners (as defined herein) of the Bonds. See "DESCRIPTION OF THE BONDS - Book-Entry Only System" herein.

Certain of the Bonds are subject to redemption prior to their stated maturity as set forth herein.

The Bonds are being issued pursuant to Resolution No. 2018-63, adopted by the City on December 6, 2018, as supplemented by Resolution No. _____ adopted by the City on August 3, 2023 (collectively, the "Resolution") for the purpose of (i) financing the acquisition and construction of roadway improvements within the City, (ii) funding capitalized interest, and (iii) paying certain costs and expenses relating to the issuance of the Bonds. See "THE PROJECT" herein.

The Bonds are general obligations of the City, which means that the ad valorem taxing power of the City is pledged for the full and prompt payment of the principal of, redemption premium, if any, and interest on the Bonds. A direct annual tax, without limitation as to rate or amount, will be levied upon all taxable property within the City to make such payments. Provision will be included and made in the City's annual budget and tax levy for the levy of such taxes. Such ad valorem taxes will be levied and collected at the same time, and in the same manner, as other ad valorem taxes of the City are assessed, levied and collected.

The Bonds have been validated by a Final Judgment of the Circuit Court of the 18th Judicial Circuit in and for Brevard County, Florida. See "VALIDATION" herein.

This cover page contains certain information for quick reference only. It is not a summary of this issue. Investors must read the entire Official Statement to obtain information essential to the making of an informed investment decision.

Electronic bids for the Bonds will be received through the IHS Markit's Parity/BIDComp competitive bidding system as described in the related Official Notice of Sale.

The scheduled payment of principal of and interest on all, some or none of the Bonds when due may be guaranteed under a municipal bond insurance policy. *The winning bidder will make the determination whether to utilize such policy to insure all, some or none of the Bonds, if any, at the time the Bonds are purchased.*

The Bonds are offered when, as and if issued and received by the Purchasers, subject to the unqualified opinion on certain legal matters as to their issuance by Nabors, Giblin & Nickerson, P.A., Tampa, Florida, Bond Counsel. Certain legal matters will be passed on for the City by Patricia Smith, Esquire, City Attorney, and Bryant Miller Olive P.A., Orlando, Florida, Disclosure Counsel. Public Resources Advisory Group, Inc., St. Petersburg, Florida, is serving as Financial Advisor to the City. It is expected that the Bonds in definitive form will be available for delivery through the facilities of DTC in New York, New York on or about _____, 2023.

Dated: _____, 2023

_____

*Preliminary, subject to change.

$_____*
CITY OF PALM BAY, FLORIDA
GENERAL OBLIGATION BONDS,
SERIES 2023

MATURITIES, AMOUNTS, INTEREST RATES, PRICES, YIELDS
AND INITIAL CUSIP NUMBERS

Maturity (July 1)	Amount	Interest Rate	Price	Yield	Initial CUSIP Number**

* Preliminary; subject to change.

** CUSIP is a registered trademark of the American Bankers Association. CUSIP data herein is provided by CUSIP Global Services, managed by FactSet Research Systems Inc., on behalf of The American Bankers Association. This data is not intended to create a database and does not serve in any way as a substitute for the CUSIP Services. CUSIP numbers are included herein solely for the convenience of the purchasers of the Bonds. Neither the City nor the Purchasers shall be responsible for the selection or correctness of the CUSIP numbers set forth herein.

RED HERRING LANGUAGE:

This Preliminary Official Statement and the information contained herein are subject to completion or amendment. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or a solicitation of an offer to buy, nor shall there be any sale of the Bonds in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration, qualification or exemption under the securities laws of such jurisdiction. The City has deemed this Preliminary Official Statement "final," except for certain permitted omissions, within the contemplation of Rule 15c2-12 promulgated by the Securities and Exchange Commission.

CITY OF PALM BAY, FLORIDA
120 Malabar Road Southeast
Palm Bay, Florida 32907

City Council
Rob Medina, Mayor
Donny Felix, Deputy Mayor
Randy Foster
Kenny Johnson

City Manager
Suzanne Sherman

Finance Director
Larry Wojciechowski

City Clerk
Terese Jones

City Attorney
Patricia Smith, Esq.

Bond Counsel
Nabors, Giblin & Nickerson, P.A.
Tampa, Florida

Disclosure Counsel
Bryant Miller Olive P.A.
Orlando, Florida

Financial Advisor
Public Resources Advisory Group, Inc.
St. Petersburg, Florida

No dealer, broker, salesman or other person has been authorized by the City to give any information or to make any representations in connection with the Bonds other than as contained in this Official Statement, and, if given or made, such information or representations must not be relied upon as having been authorized by the City. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been obtained from the City, DTC and other sources which are believed to be reliable. The information and expressions of opinion stated herein are subject to change, and neither the delivery of this Official Statement nor any sale made hereunder shall create, under any circumstances, any implication that there has been no change in the matters described herein since the date hereof.

All summaries herein of documents and agreements are qualified in their entirety by reference to such documents and agreements, and all summaries herein of the Bonds are qualified in their entirety by reference to the form thereof included in the aforesaid documents and agreements.

References to website addresses presented in this Official Statement are for informational purposes only and may be in the form of a hyperlink solely for the reader's convenience. Unless specified otherwise, such websites and the information or links contained therein are not incorporated into, and are not part of, this Official Statement.

NO REGISTRATION STATEMENT RELATING TO THE BONDS HAS BEEN FILED WITH THE SECURITIES AND EXCHANGE COMMISSION (THE "SEC") OR WITH ANY STATE SECURITIES COMMISSION. IN MAKING ANY INVESTMENT DECISION, INVESTORS MUST RELY ON THEIR OWN EXAMINATIONS OF THE CITY AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND RISKS INVOLVED. THE BONDS HAVE NOT BEEN APPROVED OR DISAPPROVED BY THE SEC OR ANY STATE SECURITIES COMMISSION OR REGULATORY AUTHORITY. THE FOREGOING AUTHORITIES HAVE NOT PASSED UPON THE ACCURACY OR ADEQUACY OF THIS OFFICIAL STATEMENT. ANY REPRESENTATION TO THE CONTRARY MAY BE A CRIMINAL OFFENSE.

CERTAIN STATEMENTS INCLUDED OR INCORPORATED BY REFERENCE IN THIS OFFICIAL STATEMENT CONSTITUTE "FORWARD LOOKING STATEMENTS." SUCH STATEMENTS GENERALLY ARE IDENTIFIABLE BY THE TERMINOLOGY USED, SUCH AS "PLAN," "EXPECT," "ESTIMATE," "BUDGET" OR OTHER SIMILAR WORDS. THE ACHIEVEMENT OF CERTAIN RESULTS OR OTHER EXPECTATIONS CONTAINED IN SUCH FORWARD LOOKING STATEMENTS INVOLVE KNOWN AND UNKNOWN RISKS, UNCERTAINTIES AND OTHER FACTORS THAT MAY CAUSE ACTUAL RESULTS, PERFORMANCE OR ACHIEVEMENTS DESCRIBED TO BE MATERIALLY DIFFERENT FROM ANY FUTURE RESULTS, PERFORMANCE OR ACHIEVEMENTS EXPRESSED OR IMPLIED BY SUCH FORWARD LOOKING STATEMENTS. THE CITY DOES NOT PLAN TO ISSUE ANY UPDATES OR REVISIONS TO THOSE FORWARD LOOKING STATEMENTS IF OR WHEN ITS EXPECTATIONS OR EVENTS, CONDITIONS OR CIRCUMSTANCES ON WHICH SUCH STATEMENTS ARE BASED OCCUR, SUBJECT TO ANY CONTRACTUAL OR LEGAL RESPONSIBILITIES TO THE CONTRARY.

THIS OFFICIAL STATEMENT DOES NOT CONSTITUTE A CONTRACT BETWEEN THE CITY AND ANY ONE OR MORE OF THE OWNERS OF THE BONDS.

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OFFICIAL STATEMENT
relating to
$_____*
CITY OF PALM BAY, FLORIDA
GENERAL OBLIGATION BONDS,
SERIES 2023

INTRODUCTION

The purpose of this Official Statement, which includes the cover page and appendices attached hereto, is to furnish information with respect to the issuance and sale by the City of Palm Bay, Florida (the "City") of $_____* aggregate principal amount of its General Obligation Bonds, Series 2023 (the "Bonds").

The Bonds are being issued under the authority of, and in full compliance with Chapter 166, Part II, Florida Statutes, Section 12, Article VII, of the Florida Constitution and other applicable provisions of law (collectively referred to as the "Act"), and pursuant to the terms and conditions of Resolution No. 2018-63, adopted by the City on December 6, 2018, as supplemented by Resolution No. 2023-____ adopted by the City on August 3, 2023 (collectively, the "Resolution") for the purpose of (i) financing the acquisition and construction of roadway improvements within the City (the "Project"), (ii) funding capitalized interest, and (iii) paying certain costs and expenses relating to the issuance of the Bonds.

An election was called pursuant to Resolution No. 2018-33, adopted on August 14, 2018 (the "Bond Referendum Resolution") and an election was held on November 6, 2018, whereby electors of the City approved the issuance of not exceeding $150,000,000 of general obligation bonds of the City for the purpose of financing the cost of the Project, such bonds being payable from ad valorem taxes on all of the taxable property (excluding homestead exemptions and other exemptions as heretofore or hereafter provided by applicable law) within the City (the "Bond Referendum"). The Bond Referendum was duly held and conducted in all respects according to law, and a majority of electors casting a ballot voted in favor of the issuance of such bonds for such purpose.

The Bonds are general obligations of the City, which means that the ad valorem taxing power of the City is pledged for the full and prompt payment of the principal of, redemption premium, if any, and interest on the Bonds. A direct annual tax, without limitation as to rate or amount, will be levied upon all taxable property within the City to make such payments. Provision will be included and made in the City's annual budget and tax levy for the levy of such taxes (the "Ad Valorem Taxes," as more particularly described herein). Such Ad Valorem Taxes will be levied and collected at the same time, and in the same manner, as other ad valorem taxes of the City are assessed, levied and collected. See "SECURITY FOR THE BONDS" herein.

The City has covenanted in the Resolution to provide certain continuing disclosure information pursuant to Rule 15c2-12 of the Securities and Exchange Commission relating to the Bonds. See "CONTINUING DISCLOSURE" herein.

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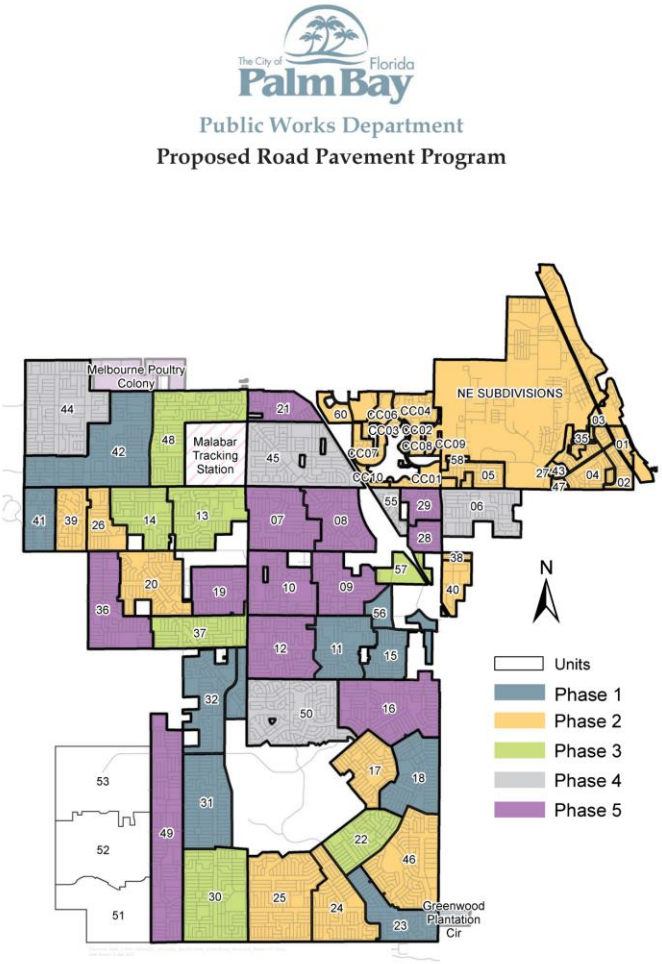
*Preliminary, subject to change.

Capitalized terms used but not defined herein have the same meaning as when used in the Resolution unless the context clearly indicates otherwise. The Resolution is included as "APPENDIX C – Resolution" attached hereto. The descriptions of the Bonds, the documents authorizing the same and securing the same, and the information from various reports and statements contained herein are not comprehensive or definitive. All references herein to such documents, reports and statements are qualified by the entire, actual content of such documents, reports and statements. Copies of such documents, reports and statements referred to herein that are not included in their entirety in this Official Statement may be obtained from the City at 120 Malabar Road Southeast, Palm Bay, Florida 32907, Attention: City Clerk. The attached Appendices are integral parts of the Official Statement and must be read together with all the statements contained herein.

THE PROJECT

The "Project," will consist of financing the cost of acquisition and construction of roadway improvements within the City, all as provided in the Bond Referendum Resolution and the Bond Referendum. The City has drawn a total of $100,000,000 of the original approved referendum of $150,000,000. Of the 791 miles of paving approved, the City has completed 343 miles and an additional 163 miles are in various stages of construction.



DESCRIPTION OF THE BONDS

Terms and Form

The Bonds will be dated their date of delivery, issuable in fully registered form in denominations of $5,000 and integral multiples thereof, and will bear interest at the rates per annum, and mature on the dates and in the principal amounts, as set forth on the cover page of this Official Statement. Interest on the Bonds is payable semiannually on each January 1 and July 1 until maturity or redemption prior to maturity, commencing July 1, 2024, by check or draft mailed to the persons in whose names such Bonds shall be registered on the registration books maintained by Zions Bancorporation, National Association, Denver, Colorado, the Paying Agent and Registrar, or any successor thereto, at the close of business on the fifteenth day (whether or not a business day) of the calendar month next preceding the month in which such interest payment is due. When due, the principal of the Bonds is payable upon presentation and surrender of the Bonds at the office of the Registrar. Notwithstanding the foregoing, payment of principal and interest on the Bonds will be governed under a book-entry system of registration with The Depository Trust Company. See " – Book-Entry Only System" herein.

Book-Entry Only System

THE FOLLOWING INFORMATION CONCERNING DTC AND DTC'S BOOK-ENTRY ONLY SYSTEM HAS BEEN OBTAINED FROM SOURCES THAT THE CITY BELIEVES TO BE RELIABLE. THE CITY TAKES NO RESPONSIBILITY FOR THE ACCURACY THEREOF.

SO LONG AS CEDE & CO. IS THE REGISTERED OWNER OF THE BONDS, AS NOMINEE OF DTC, CERTAIN REFERENCES IN THIS OFFICIAL STATEMENT TO THE BONDHOLDERS OR REGISTERED OWNERS OF THE BONDS SHALL MEAN CEDE & CO. AND WILL NOT MEAN THE BENEFICIAL OWNERS OF THE BONDS. THE DESCRIPTION WHICH FOLLOWS OF THE PROCEDURES AND RECORD KEEPING WITH RESPECT TO BENEFICIAL OWNERSHIP INTERESTS IN THE BONDS, PAYMENT OF INTEREST AND PRINCIPAL ON THE BONDS TO DIRECT PARTICIPANTS (AS HEREINAFTER DEFINED) OR BENEFICIAL OWNERS OF THE BONDS, CONFIRMATION AND TRANSFER OF BENEFICIAL OWNERSHIP INTERESTS IN THE BONDS, AND OTHER RELATED TRANSACTIONS BY AND BETWEEN DTC, THE DIRECT PARTICIPANTS AND BENEFICIAL OWNERS OF THE BONDS IS BASED SOLELY ON INFORMATION FURNISHED BY DTC. ACCORDINGLY, THE CITY DOES NOT MAKE ANY REPRESENTATIONS CONCERNING THESE MATTERS.

DTC will act as securities depository for the Bonds. The Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Bond certificate will be issued for each maturity of the Bonds as set forth in the inside cover of this Official Statement, each in the aggregate principal amount of such maturity, and will be deposited with DTC.

DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over

3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments from over 100 countries that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others, such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). The Direct Participants and the Indirect Participants are collectively referred to herein as the "DTC Participants." DTC has an S&P Global Inc. ("S&P") rating of AA+. The DTC Rules applicable to its DTC Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

Purchases of Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC's records. The ownership interest of each actual purchaser of each Bond ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in the Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of the Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

Redemption notices shall be sent to DTC. If less than all of the Bonds within a series or maturity of a series are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such series or maturity to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the Bonds unless authorized by a Direct Participant in accordance with DTC's MMI procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the City as soon as possible after the record date.

The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Redemption proceeds, distributions, and dividend payments, as applicable, on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the City or the Registrar and Paying Agent on the payment date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC nor its nominee, the City, or the Registrar and Paying Agent, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the City and/or the Registrar and Paying Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the Bonds at any time by giving reasonable notice to the City or paying agent. Under such circumstances, in the event that a successor depository is not obtained, the Bond certificates are required to be printed and delivered.

The City may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, the Bond certificates will be printed and delivered to DTC.

No Assurance Regarding DTC Practices

The foregoing information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the City believes to be reliable, but the City, the Purchaser and the Registrar take no responsibility for the accuracy thereof.

So long as Cede & Co. is the registered owner of the Bonds as nominee of DTC, references herein to the holders or registered owners of the Bonds will mean Cede & Co. and will not mean the Beneficial Owners of the Bonds.

Neither the City, the Registrar nor the Purchaser will have any responsibility or obligation to the Participants, DTC or the persons for whom they act with respect to (i) the accuracy of any records maintained by DTC or by any Direct or Indirect Participant of DTC, (ii) payments or the providing of notice to the Direct Participants, the Indirect Participants or the Beneficial Owners, (iii) the selection by DTC or by any Direct or Indirect Participant of any Beneficial Owner to receive payment in the event of a partial redemption of the Bonds or (iv) any other action taken by DTC or its partnership nominee as owner of the Bonds.

Registration, Transfer and Exchange

Subject to the provisions described above under "–Book Entry-Only System" while the Bonds are held under a book entry system of registration, the Bonds will be and have all the qualities and incidents

of negotiable instruments under the Uniform Commercial Code – Investment Securities Laws of the State of Florida, subject to the DTC Book Entry-Only System and to the provisions for registration, exchange and transfer contained in the Resolution and in the Bonds. The Bonds will be transferable only upon the registration books maintained for such purpose at the corporate trust office of the Registrar. So long as any of the Bonds remain outstanding, the Registrar must maintain and keep books for the registration of the Bonds.

All Bonds presented for transfer, exchange, or payment (if so required by the City or the Registrar) must be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and with guaranty of signature satisfactory to the City or the Registrar, duly executed by the Registered Owner or by his or her duly authorized attorney.

The Registrar or the City may require payment from the Registered Owner or transferee of a sum sufficient to cover any tax, fee or other governmental charge that may be imposed in connection with any exchange or transfer of the Bonds. Such charges and expenses shall be paid before any new Bonds shall be delivered.

The Registrar is not required to issue, transfer or exchange any Bonds between the Record Date and the related Interest Payment Date of such Bonds or, in the case of any proposed redemption of Bonds, after any such Bonds or any portion thereof has been selected for redemption.

New Bonds delivered upon any transfer or exchange will be valid obligations of the City, evidencing the same debt as the Bonds surrendered, will be secured by the Resolution, and will be entitled to all of the security and benefits of the Resolution to the same extent as the Bonds surrendered.

The City and the Registrar may treat the Registered Owner of any Bond as the absolute owner thereof for all purposes, whether or not such Bond is overdue, and will not be bound by any notice to the contrary.

Redemption Provisions

The Bonds are subject to redemption prior to their stated dates of maturity as follows:

Optional Redemption.

The Bonds are subject to redemption at the option of the City prior to their stated dates of maturity, on or after July 1, _____, in whole or in part at any time, at a redemption price equal to the principal amount to be redeemed plus accrued interest to the Redemption Date.

Provisions for Redemption.

Notice of redemption will be mailed first class, postage prepaid, by the Registrar on behalf of the City, not less than thirty (30) nor more than sixty (60) days prior to the redemption date to the registered Holder of each Bond to be redeemed at the address shown on the registration books as of the fifth (5th) business day prior to such mailing. Failure to give any such notice by mailing as aforesaid or any defect therein, will not affect the validity of any proceedings for the redemption of Bonds as to Holders for which no such failure or defect has occurred.

Any such notice of redemption and the redemption of Bonds pursuant thereto may be conditioned upon the deposit with the Paying Agent on or prior to the date set for such redemption of funds sufficient to effect such redemption on the designated date.

For purposes of any redemption of less than all of the Outstanding Bonds of a single maturity, the particular Bonds or portions of Bonds to be redeemed will be selected not more than sixty (60) days prior to the redemption date by the Registrar, from the Outstanding Bonds of the maturity or maturities designated by the City by such method as the Registrar will deem fair and appropriate and which may provide for the selection for redemption of Bonds or portions of Bonds in principal amounts of $5,000 and integral multiples thereof. If less than all of the Outstanding Bonds of a single maturity are to be redeemed, the Registrar will promptly notify the City and Paying Agent in writing of the Bonds or portions of Bonds selected for redemption and, in the case of any Bond selected for partial redemption, the principal amount thereof to be redeemed.

Notice of redemption having been given substantially as aforesaid, the Bonds or portions of Bonds so to be redeemed will, on the redemption date, become due and payable at the Redemption Price therein specified, and from and after such date (unless the City will default in the payment thereof) such Bonds or portions of Bonds will cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds will be paid by the Paying Agent at the Redemption Price, plus accrued interest, if any. Each check or other transfer of funds issued by the Paying Agent for the purpose of the payment of the Bonds being redeemed will bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer. Installments of interest due on or prior to the redemption date will be payable as provided in the Resolution for payment of interest. All Bonds which have been redeemed will be transferred to the Registrar, who will cancel and destroy such Bonds and who will furnish a certificate of such destruction to the City.

Any Bond which is to be redeemed only in part will be surrendered at any place of payment specified in the notice of redemption (with due endorsement by, or written instrument of transfer in form satisfactory to the Registrar duly executed by the Holder thereof or his attorney duly authorized in writing) and the City will execute and cause to be authenticated, if necessary, and delivered to the Holder of such Bond without service charge, a new Bond or Bonds, of any authorized denomination as requested by such Holder in an aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bonds so surrendered.

SECURITY FOR THE BONDS

Pledge of Ad Valorem Taxes

On November 6, 2018, a majority of the electors voting at a referendum within the City approved the issuance of general obligation bonds in a principal amount of not exceeding $150,000,000 for purposes of improving local roadways. This is the third issue of bonds pursuant to such authorization. On July 15, 2019, the City issued its $50,000,000 General Obligation Bonds, Series 2019, which are currently outstanding in the amount of $43,115,000, and on February 4, 2021, the City issued its $50,000,000 General Obligation Bonds, Series 2021, which are currently outstanding in the amount of $46,965,000.

Pursuant to the Resolution, the ad valorem taxing power of the City is pledged for the full and prompt payment of the principal of, redemption premium, if any, and interest on the Bonds. A direct

annual tax, without limitation as to rate or amount, will be levied upon all taxable property within the City to make such payments (the "Ad Valorem Taxes"). See "AD VALOREM TAXATION" herein.

Provision will be included and made in the City's annual budget and tax levy for the levy of the Ad Valorem Taxes. Whenever the City shall, in any year, have irrevocably deposited in the Debt Service Fund for the Bonds any moneys derived from sources other than the aforementioned property tax, said property tax may be correspondingly diminished; but any such diminution must leave available an amount of such taxes, after allowance for anticipated delinquencies in collection, fully sufficient, with such moneys so deposited from other sources, to assure the prompt payment of the principal of, redemption premium, if any, and interest on the Bonds falling due prior to the time that the proceeds of the next annual property tax levy will be available. Such Ad Valorem Taxes shall be levied and collected at the same time, and in the same manner, as other ad valorem taxes of the City are assessed, levied and collected. Pursuant to the Resolution, the City has irrevocably pledged such Ad Valorem Taxes to the payment of the Bonds. See "APPENDIX A – GENERAL INFORMATION REGARDING THE CITY OF PALM BAY, FLORIDA", for additional information, including property tax levies and collections and the assessed value of taxable property within the City.

Debt Service Fund. The City has covenanted and agreed to establish a special fund to be designated the "Debt Service Fund." All Ad Valorem Taxes levied and collected as provided in the Resolution will be deposited into the Debt Service Fund. Moneys in the Debt Service Fund will be disbursed for (i) the payment of the interest on the Bonds as such interest falls due, (ii) the payment of the principal of the Serial Bonds at their respective maturities, (iii) the payment of the Amortization Installments of the Term Bonds as the same shall become due, and (iv) the payment of the necessary charges for paying Bonds and interest thereon and for all other services relating to the investment of funds established under the Resolution or relating to the Rebate Fund. The City, in its discretion, may use moneys in the Debt Service Fund to purchase or redeem Bonds coming due on the next principal payment date, provided such purchase or redemption does not adversely affect the City's ability to pay the principal or interest coming due on such principal payment date on the Bonds not so purchased or redeemed.

The portion of the Series 2023 Bonds which will finance capitalized interest shall be deposited to the Debt Service Fund and used to pay interest coming due during the construction period.

Project Fund. The City has covenanted and agreed in the Resolution to establish a special fund to be designated the "Project Fund". The City is required to deposit certain of the funds from the proceeds of the sale of the Bonds into the Project Fund, which shall be used only for payment of the Costs of the Project. Moneys in the Project Fund, until applied in payment of any item of the Costs of the Project in the manner provided in the Resolution, will be held in trust by the City and are subject to a lien and charge in favor of the Holders of the Bonds and for the further security of such Holders. Promptly after the date of the completion of the Project, and after paying or making provisions for the payment of all unpaid items of the Cost of the Project, the City will deposit any balance of moneys remaining in the Project Fund into the Debt Service Fund and redeem or purchase Bonds at the earliest possible date, or, provided the City has first received an opinion of Bond Counsel to the effect that such use shall not cause interest on the Bonds to be included in gross income for purposes of federal income taxation or be in violation of the Act, such moneys may be used in such other manner as shall be determined by the City.

Investments. The Project Fund and the Debt Service Fund shall be trust funds for the purposes provided in the Resolution and are subject to a lien and charge in favor of the Holders of the Bonds and for the further security for such Holders. Such Funds will be continuously secured in the manner by

which the deposit of public funds are authorized to be secured by the laws of the State of Florida. Moneys on deposit in the Project Fund and the Debt Service Fund may be invested and reinvested, to the extent lawful, in Authorized Investments maturing not later than the date on which the moneys therein will be needed. Any and all income received by the City from the investment of moneys in the Project Fund and in the Debt Service Fund will be retained in such respective fund.

Separate Accounts. The moneys required to be accounted for in each of the foregoing funds established in the Resolution may be deposited in a single bank account, and funds allocated to the various funds established in the Resolution may be invested in a common investment pool, provided that adequate accounting records are maintained to reflect and control the restricted allocation of the moneys on deposit therein and such investments for the various purposes of such funds as provided in the Resolution.

No Reserve Funding

The City has not established a reserve fund or account under the Resolution to secure the Bonds.

AD VALOREM TAXATION

Procedure for Property Assessment

General. Ad valorem taxes may be levied only by counties, school districts, municipalities and certain special districts (railroad properties are centrally assessed at the State level). No State ad valorem taxes are levied upon real estate or tangible personal property. State law requires that all ad valorem taxation be assessed at a uniform rate within each taxing unit and, with certain exceptions, that real and personal property subject to ad valorem taxation be assessed at 100% of its just value. See "- *Limitation on Increase in Assessed Value of Property"* below. The following property is generally subject to taxation in the manner provided by law: (1) all real and personal property in the State and all personal property belonging to persons residing in the State; and (2) all leasehold interests in property of the United States, of the State, or any political subdivision, municipality, agency, authority, or other public body corporate of the State. Pursuant to the State Constitution and State law, certain of such property may be exempt from ad valorem taxation. See "- Exemptions from Ad Valorem Taxation" below.

The City is located within Brevard County. Taxpayers pay ad valorem taxes to the County. Ad valorem taxes are collected by the County and then distributed to the City. See "—Tax Collection and Distribution by County Tax Collector" below.

Determination of Property Valuation. The Property Appraiser of the County (the "Property Appraiser") determines property valuation on real and tangible personal property subject to ad valorem taxation as of January 1 of each year. By July 1 of each year, the Property Appraiser notifies the County, each municipality, and each other legally constituted special taxing district as to its just valuation, the legal adjustments and exemptions, and the taxable valuation. The taxable valuation is then used by each taxing body to calculate its ad valorem millage for the budget year. See "- Millage Set by Local Governing Body" and "- *Limitation on Increase in Assessed Value of Property"* below for limitations on increases in assessed value of property.

Limitation in Increase in Assessed Value of Property. The State Constitution limits the increases in assessed just value of homestead property to the lower of (1) three percent of the assessment for the prior year or (2) the percentage change in the Consumer Price Index for all urban consumers, U.S. City

Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics. The accumulated difference between the assessed value and the just value is known as the "Save Our Homes Benefit." Upon any change of ownership of homestead property or upon termination of homestead status such property shall be reassessed at just value as of January 1 of the year following the year of sale or change of status; new homestead property shall be assessed at just value as of January 1 of the year following the establishment of the homestead; and changes, additions, reductions or improvements to the homestead shall initially be assessed as provided for by general law.

Owners of homestead property may transfer up to $500,000 of their Save Our Homes Benefit to a new homestead property purchased within three years of the sale of their previous homestead property to which such benefit applied if the just value of the new homestead is greater than or is equal to the just value of the prior homestead. If the just value of the new homestead is less than the just value of the prior homestead, then owners of homestead property may transfer a proportional amount of their Save Our Homes Benefit, such proportional amount equaling the just value of the new homestead divided by the just value of the prior homestead multiplied by the assessed value of the prior homestead.

For all levies other than school district levies, assessment increases for specified nonhomestead real property may not exceed ten percent (10%) of the assessment for the prior year. See "Legislation Relating to Ad Valorem Taxation - Recent Amendments Relating to Ad Valorem Taxation" below.

Preparation of Tax Roll. The Property Appraiser applies the final certified millage of each taxing body to the assessed valuation on each item of real and tangible personal property, and prepares the final tax roll which is certified to the County Tax Collector (the "Tax Collector") by October 1. This permits the printing of tax bills for delivery on November 1 of each year. The tax bills contain all of the overlapping and underlying millages set by the various taxing bodies. All ad valorem taxes are collected by the Tax Collector and distributed to the various taxing bodies. See "- Tax Collection and Distribution by County Tax Collector" below.

Appealing Property Valuation. Concurrently with notification to the various taxing bodies, the Property Appraiser notifies each property owner of the proposed valuation and the proposed millage on his or her property. If the individual property owner believes that his or her property has not been appraised at just value, the owner may (1) request an informal conference with the Property Appraiser to resolve the issue, or (2) file a petition with the clerk of the County value adjustment board (the "Adjustment Board"), or (3) appeal to the Circuit Court within 60 days of the certification for collection of the tax roll or within 60 days of the issuance of a final decision by the Adjustment Board. A petition to the Adjustment Board must be signed by the taxpayer or be accompanied at the time of filing by the taxpayer's written authorization for representation by a qualified person. A taxpayer receives notice of the hearing and is required to provide the Property Appraiser with a list of evidence, copies of documentation, and summaries of testimony prior to the hearing before the Adjustment Board. The Adjustment Board holds public hearings on such petitions and may make adjustments to the valuations made by the Property Appraiser if such valuations are found not to be fair and at market value. The Adjustment Board must complete all required hearings and certify its decision with regard to all petitions and certify to the Property Appraiser the valuation to be used by June 1 following the tax year in which the assessments were made. The June 1 requirement shall be extended until December 1 in each year in which the number of petitions filed with the Adjustment Board increased by more than 10 percent (10%) over the previous year. These changes are then made to the final tax roll.

Property owners appealing the assessed value or assigned classification of their property must make a required partial payment of taxes (generally equal to 75% of the ad valorem taxes due, less the applicable statutory discount, if any) with respect to the properties that will have a petition pending on or after the delinquency date (normally April 1). A property owner's failure to make the required partial payment before the delinquency date will result in the denial of the property owner's petition.

Millage Set by Local Governing Body

General. The State Constitution provides that ad valorem taxes, exclusive of taxes levied for the payment of voter-approved general obligation bonds (such as the Bonds), shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills; for water management purposes for the northwest portion of the State lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the State, 1.0 mill; and for all other special districts a millage authorized by law approved by voters.

There is no limit under the State Constitution or statutory law on the amount of ad valorem taxes a local government may levy for the payment of debt service on voter-approved general obligation bonds (such as the Bonds).

As described above, the Property Appraiser is required to certify to each taxing authority the aggregate taxable value of all non-exempt property within the jurisdiction of the taxing authority, as well as the prior year's tax revenues, for use in connection with the determination of the forthcoming budget and millage levy. The form on which such certification is made by the Property Appraiser is required to include instructions to each taxing authority describing the proper method of computing a millage rate, which, exclusive of new construction, additions to structures, deletions and property added due to geographic boundary changes, will provide the same ad valorem tax revenues for each taxing authority as was levied during the prior Fiscal Year. See "- *Millage Rollback Legislation*" below.

Each respective millage rate, except as limited by law, is set on the basis of estimates of revenue needs and the total taxable property valuation within the taxing authority's respective jurisdiction. Ad valorem taxes are not levied in excess of actual budget requirements. By law, budget expenditures cannot exceed 95% of estimated revenues except for cash carry forward amounts. In adopting an annual budget, the taxing authority must first adopt tentative millage rates within 35 days of receipt from the Property Appraiser of the preliminary certificate of taxable value. A notice of the impact of the tentative millage rates adopted by each taxing authority on the proposed tax statement for each taxpayer is then mailed to each individual taxpayer. Next, the taxing authority must hold a public hearing to adopt a tentative budget with the tentative millage rate. A second public hearing is held to adopt a final budget and millage rate.

Millage Rollback Legislation. In 2007, the State Legislature adopted a property tax plan which significantly impacted ad valorem tax collections for State local governments (the "Millage Rollback Legislation"). One component of the Millage Rollback Legislation required counties, cities and special districts to rollback their millage rates for the 2007-2008 Fiscal Year to a level that, with certain adjustments and exceptions, would generate the same level of ad valorem tax revenue as in Fiscal Year 2006-2007; provided, however, depending upon the relative growth of each local government's own ad valorem tax revenues from 2001 to 2006, such rolled back millage rates were determined after first reducing 2006-2007 ad valorem tax revenues by zero to nine percent (0% to 9%). In addition, the Rollback Legislation also limited how much the aggregate amount of ad valorem tax revenues may increase in

future Fiscal Years. A local government may override certain portions of these requirements by a supermajority, and for certain requirements, a unanimous vote of its governing body.

Truth in Millage. The governing bodies of taxing authorities are required to fix the millage rate and assess all property at one hundred percent (100%) of its just value. Section 200.071, Florida Statutes, and Section 200.091, Florida Statutes, prohibit the millage for taxing authorities from being set by referendum, except as provided in the State Constitution.

City Charter Limitation on Increase in Millage. In 2016, the electors of the City approved an amendment to the City Charter preventing the City Council from imposing an ad valorem tax for City purposes at a millage rate which causes the budgeted revenue therefrom to increase over the budgeted ad valorem revenue for the previous fiscal year by more than 3%. However, the City Council may impose an ad valorem tax rate for City purposes at a rate which exceeds such limitation if a supermajority of the City Council concurs in a finding that such an excess is necessary because of emergency or critical need.

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

This limitation does not apply to any millage necessary to the payment of general obligation bonds in accordance with all bond covenants or to any other millage approved by referendum of the electors, whether before or after the effective of date of such amendment, including the Bonds and the Ad Valorem Taxes.

Tax Collection and Distribution by County Tax Collector

General. All real and tangible personal property taxes are based on assessed values as certified and delivered to the Tax Collector by the Property Appraiser as described above. The Tax Collector mails to each property owner on the tax roll a tax bill for the taxes levied by the various taxing authorities in the County. Taxes may be paid upon receipt of such notice with discounts at the rate of four percent (4%) if paid in the month of November, three percent (3%) if paid in the month of December, two percent (2%) if paid in the month of January and one percent (1%) if paid in the month of February. Taxes paid during the month of March are without discount. Because several taxpayers pay taxes in the months where a discount is applicable, taxes collected will likely never be 100% of the tax levy.

The Tax Collector is required to distribute the taxes collected to each governmental unit levying the tax. Such distribution is to be made four times during the first two months after the tax roll comes into its possession, and once per month thereafter.

Delinquent Taxes. Delinquent real property taxes bear interest at the rate of 18% per year from April 1 until a tax certificate is sold at auction, from which time the interest rate shall be as bid by the buyer of the tax certificate. Delinquent tangible personal property taxes also bear interest at the rate of 18% per year from April 1 until paid. Delinquent personal property taxes must be advertised within 45 days after delinquency, and after May 1, the property is subject to warrant, levy, seizure and sale.

Tax Certificates and Tax Deeds. On or before June 1 or the sixtieth day after the date of delinquency, whichever is later, the Tax Collector must advertise once each week for three weeks and must sell tax

certificates on all real property that is the subject of delinquent taxes. The tax certificates are sold to those bidding the lowest interest rate. Such certificates include the amount of delinquent taxes, the penalty interest accrued thereon and the cost of advertising. Delinquent tax certificates not sold at auction become the property of the County. State law provides that real property tax liens and certain other governmental charges and assessment liens are superior to all other liens, except prior Internal Revenue Service liens.

At any time after two years have elapsed since April 1 of the year of the issuance of a tax certificate and before the expiration of seven years, the holder of the tax certificate may apply for a tax deed with respect to any tax certificate it holds. Two years after such April 1, the County may make application for a tax deed with respect to any tax certificate it holds. Upon receipt of such applications, a public sale is advertised and held (unless the property is redeemed), and the highest bidder at such sale receives a tax deed for the property. Provisions are also made for the collection of delinquent tangible personal property taxes, but in a different manner which includes the possible seizure of the tangible personal property.

Redemption of Land by Owners. To redeem a tax certificate, the owner of the property must pay all delinquent taxes, the interest that accrued prior to the date of the sale of the tax certificate, charges incurred in connection with the sale of the tax certificate, omitted taxes, if any, and interest at the rate shown on the tax certificate (or interest at the rate of 5%, whichever is higher) from the date of the sale of the tax certificate to the date of redemption. If such tax certificates or liens are not redeemed by the property owner within two years, the holder of the tax certificates can cause the property to be sold to pay off the outstanding certificates and the interest thereon. Provisions are also made for the collection of delinquent tangible personal property taxes, but in a different manner which includes the possible seizure of the tangible personal property.

Disposition of Tax Collections. Upon receipt, the monies representing debt service are to be credited to the Debt Service Fund, a special accounting fund created and maintained pursuant to the Resolution. Debt service millage over and above millage limitations fixed by the State Constitution is authorized only for the payment of general obligation bonds (such as the Bonds), and any diversion of such tax collections to a purpose other than payment of the voted general obligation bonds would violate the State Constitution. Consistent with the above, the Resolution provides that the proceeds of all such taxes levied for the payment of the principal of and interest on the Bonds shall be deposited by the City in the Debt Service Fund and used solely for the payment of principal and interest on the Bonds.

Exemptions from Ad Valorem Taxation

General. State law provides for numerous exemptions and limitations on ad valorem taxation of real property and tangible personal property. Real property used for the following purposes is generally exempt from ad valorem taxation: religious, educational, literary, charitable, scientific, and governmental uses. Certain additional exemptions and limitations are described below. This description does not purport to describe all exemptions available to property owners in the State, and reference is made to the State Constitution and Chapter 196, Florida Statutes, for a full description of such exemptions. In addition, State law allows for, but does not mandate, the imposition of some exemptions by local governments by ordinance. Where applicable, it is noted where the City has imposed such optional exemptions or limitations. Certain recent amendments to existing provisions relating to ad valorem tax exemptions are described under "Legislation Regarding Ad Valorem Taxes - *Recent Amendments Relating to Ad Valorem Taxation*" below.

Constitutional Exemptions.

Exempt Entities/Exempt Purposes. The State Constitution provides that all property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes (exempt purposes) may be exempted by general law from taxation. State law provides that all property owned by an exempt entity, including educational institutions, and used exclusively for exempt purposes shall be totally exempt from ad valorem taxation and all property owned by an exempt entity, including educational institutions, and used predominantly for exempt purposes (at least 50%) shall be exempted from ad valorem taxation to the extent of the ratio that such predominant use bears to the nonexempt use.

Household Goods and Personal Effects. The State Constitution provides that there shall be exempt from taxation, cumulatively, to every head of a family residing in the State, household goods and personal effects to the value fixed by general law, not less than one thousand dollars and to every widow or widower or person who is blind or totally and permanently disabled, property not less than five hundred dollars. State law exempts from taxation to every person residing and making his or her permanent home in the State, all household goods and personal effects. Also, property up to the value of $5,000 of every widow, widower, blind person, or totally and permanently disabled person who is a resident of the State is exempt under State law.

Economic Development. The State Constitution provides that any county or municipality may, for the purpose of its respective tax levy and subject to the State Constitution and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to enact such ordinance. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law (up to 100% in certain circumstances) and the period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. State law provides that the authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law and that exemptions may be granted for up to 10 or 20 years depending on the use of the applicable facility. This exemption does not apply to the levy of taxes for the payment of bonds (such as the Bonds). **The City has not enacted an ordinance granting the exemption described in this paragraph.**

Historic Preservation. The State Constitution provides that any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of the State Constitution and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. State law provides that such exemption may be for an amount up to 50% of the assessed value of the property. The period of time for which this exemption may be granted may continue until the ordinance is repealed or the property no longer qualifies for the exemption. This exemption does not apply to the

levy of taxes for the payment of bonds (such as the Bonds). **The City has not enacted an ordinance granting the exemption described in this paragraph.**

Tangible Personal Property and Solar Devices. The State Constitution provides that by general law and subject to conditions specified therein, $25,000 of the assessed value of property subject to tangible personal property tax shall be exempt from ad valorem taxation. Effective January 1, 2018 through December 31, 2037, the assessed value of solar devices or renewable energy source devices subject to tangible personal property tax may be exempt from ad valorem taxation, subject to limitations provided by general law.

Property Dedicated In Perpetuity for Conservation. The State Constitution provides that there shall be granted an ad valorem tax exemption for certain real property dedicated in perpetuity for conservation purposes, including real property encumbered by perpetual conservation easements or by other perpetual conservation protections, as defined by general law.

Homestead Exemption. In addition to the exemptions described above, the State Constitution also provides for a homestead exemption. Every person who has the legal title or beneficial title in equity to real property in the State and who resides thereon and in good faith makes the same his or her permanent residence or the permanent residence of others legally or naturally dependent upon such person is eligible to receive a homestead exemption of up to $50,000. The first $25,000 applies to all property taxes, including school district taxes. The additional exemption, up to $25,000, applicable to the assessed value of the property between $50,000 and $75,000, applies to all levies other than school district levies. A person who is receiving or claiming the benefit of an ad valorem tax exemption or a tax credit in another state where permanent residency, or residency of another legally or naturally dependent upon the owner, is required as a basis for the granting of that ad valorem tax exemption or tax credit is not entitled to the homestead exemption.

In addition to the general homestead exemption described in the paragraph above, the following additional homestead exemptions are authorized by State law:

Certain Persons 65 or Older (Qualifying Senior Citizens). The Florida Statutes allows an additional homestead exemption equal to (i) of up to $50,000 for persons age 65 or older with household income that does not exceed the statutory income limitation of $20,000 (as increased by the percentage increase in the average cost of living index each year since 2001) or (ii) the assessed value of the property with a just value less than $250,000, as determined the first tax year that the owner applies and is approved, for any person 65 or older who has maintained the residence as his or her permanent residence for not less than 25 years and whose household income does not exceed the statutory income. **The City enacted Ordinance No. 2018-7 on November 7, 2018, granting the exemption described in this paragraph.**

Disabled Veterans. The State Constitution allows veterans 65 or older who are partially or totally permanently disabled to receive a discount from tax on homestead property if the disability was combat related and the veteran was honorably discharged upon separation from military service. The discount is a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veteran's Affairs. The discount would carry over to the benefit of the veteran's spouse, if the veteran predeceases his or her spouse, if certain other conditions are met.

Deployed Military Personnel. The State Constitution provides that by general law and subject to certain conditions specified therein, each person who receives a homestead exemption; who was a member of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard; and who was deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature shall receive an additional exemption equal to a percentage of the taxable value of his or her homestead property. The applicable percentage shall be calculated as the number of days during the preceding calendar year the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature divided by the number of days in that year.

Certain Active Duty Military and Veterans. A military veteran who was honorably discharged, is a resident of the State, and who is disabled to a degree of 10% or more because of misfortune or while serving during wartime may be entitled to a $5,000 reduction in the assessed value of his or her property. This exemption is not limited to homestead property. A military veteran who was honorably discharged with a service-related total and permanent disability may be eligible for a total exemption from taxes on homestead property. A similar exemption is available to disabled veterans confined to wheelchairs. Under certain circumstances, the veteran's surviving spouse may be entitled to carry over these exemptions.

Certain Totally and Permanently Disabled Persons. Real estate used and owned as a homestead by a quadriplegic, less any portion used for commercial purposes, is exempt from all ad valorem taxation. Real estate used and owned as a homestead by a paraplegic, hemiplegic, or other totally and permanently disabled person, who must use a wheelchair for mobility or who is legally blind, is exempt from taxation if the gross household income is below statutory limits.

Survivors of First Responders. Any real estate that is owned and used as a homestead by the surviving spouse of a first responder (law enforcement officer, correctional officer, firefighter, emergency medical technician or paramedic), who died in the line of duty may be granted a total exemption on homestead property if the first responder and his or her surviving spouse were permanent residents of the State on January 1 of the year in which the first responder died.

Other Exemptions. Other exemptions include, but are not limited to, nonprofit homes for the aged (subject to income limits for residents), proprietary continuing care facilities, not for profit sewer, water/wastewater systems, certain hospital facilities and nursing homes for special services, charter schools, certain historic property used for commercial purposes and certain tangible personal property.

Legislation Relating to Ad Valorem Taxation

Historically, various legislative proposals and constitutional amendments relating to ad valorem taxation have been introduced in each session of the State legislature. Many of these proposals have provided for new or increased exemptions to ad valorem taxation and limited increases in assessed valuation of certain types of property or otherwise restricted the ability of local governments in the State to levy ad valorem taxes at current levels. There can be no assurance that similar or additional legislative or other proposals will not be introduced or enacted in the future that would have a material adverse effect upon the collection of ad valorem taxes by the City, the City's finances in general or the City's ad valorem taxing power.

2023 Legislative Session Legislation. The Florida Legislature passed CS/SB 102 during its 2023 session which went into effect on July 1, 2023. Among other things, CS/SB 102 provides an exemption from ad valorem taxation for property that is used to provide affordable housing to low-income persons meeting the limits specified in CS/SB102, if certain criteria are met; and authorizes local governments to adopt ordinances to exempt from ad valorem taxation those portions of property used to provide affordable housing meeting certain requirements. The City does not believe CS/SB 102 will have an adverse impact on its ability to pay debt service on the Bonds.

Assessed Value and Property Tax Levies and Collection

The following three tables show the historical Property Tax Rates - Direct and Overlapping Governments of the City, Assessed Value and Estimated Actual Value of Taxable Property, Property Tax Levies and Collections, and Comparison of Historical November and December Property Tax Collections.

Property Tax Rates – Direct and Overlapping Property Tax Rates

	City of Palm Bay Direct Rates			Overlapping Rates Brevard County			Total Direct and Overlapping Rates
Fiscal Year	Operating Millage	Debt Service Millage	Total Direct Rates	County Millage	School District	Special Districts	
2023	7.5995	1.0931	8.6926	4.1716	5.4950	0.3067	$18.6659
2022	7.5995	1.3424	8.9419	4.7864	5.8500	0.3274	19.9057
2021	7.8378	0.7516	8.5894	4.9681	5.9420	0.3403	19.8398
2020	8.1379	0.8296	8.9675	5.1891	6.0860	0.3565	20.5991
2019	8.4500	-	8.4500	5.3540	6.2990	0.3759	20.4789
2018	8.4500	-	8.4500	5.6025	6.5680	0.3981	21.0186
2017	8.4500	-	8.4500	5.8548	6.9160	0.4212	21.6420
2016	8.5000	-	8.5000	6.0692	7.2750	0.4412	22.2854
2015	8.6326	-	8.6326	6.2310	7.3390	0.4633	22.6659
2014	8.6326	-	8.6326	6.3979	7.6060	0.4752	23.1117
2013	9.0000	-	9.0000	6.5199	8.0960	0.4782	24.0941

Source: Annual Comprehensive Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

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Assessed Value and Estimated Actual Value of Taxable Property

Fiscal Year Ended Sept. 30	Centrally Assessed	Real Property	Personal Property	Total Estimated Actual Value	Less: Tax Exempt Property	Total Taxable Assessed Value	Total Direct Tax Rate
2023	$4,839,099	$13,152,889,710	$480,564,785	$13,638,293,594	$7,043,863,083	$6,594,430,511	8.6926
2022	4,477,825	9,585,586,520	389,560,748	9,979,625,093	4,620,984,302	5,358,640,791	8.9419
2021	4,381,074	8,710,327,220	356,690,043	9,071,398,337	4,227,618,210	4,843,780,127	8.5894
2020	4,432,723	8,101,501,430	319,025,182	8,424,959,335	4,039,232,345	4,385,716,990	8.9675
2019	4,439,296	7,351,414,300	307,274,133	7,663,127,729	3,675,352,667	3,987,775,062	8.4500
2018	4,286,855	6,557,914,630	292,093,163	6,854,294,648	3,257,123,697	3,597,170,951	8.4500
2017	4,043,730	5,826,201,100	302,075,674	6,132,320,504	2,864,512,704	3,267,807,800	8.4500
2016	3,680,327	5,004,843,870	285,414,593	5,293,938,790	2,325,206,127	2,968,732,663	8.5000
2015	2,770,508	4,482,050,210	305,316,609	4,790,137,327	1,994,187,604	2,794,652,213	8.6326
2014	2,339,055	3,974,742,930	302,825,423	4,279,907,408	1,640,796,077	2,639,111,331	8.6326
2013	2,845,608	3,742,718,710	299,963,912	4,045,528,230	1,531,359,937	2,514,168,293	9.0000

Source: Annual Comprehensive Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

Property Tax Levies and Collections

Fiscal Year Ended Sept. 30	Total Tax Levy for Fiscal Year	Collected within the Fiscal Year of the Levy		Collections in Subsequent Years	Total Collections to Date	
		Amount	% of Levy		Amount	% of levy
2022	$48,006,978	$46,898,514	97.7%	$29,085	$46,927,599	97.8%
2021	41,312,042	40,592,718	97.4	116,366	40,709,084	97.7
2020	39,385,383	38,517,192	97.8	151,615	38,668,807	98.2
2019	33,696,699	32,987,945	97.9	93,814	33,081,759	98.2
2018	30,396,095	29,713,617	97.8	179,673	29,893,290	98.3
2017	27,612,976	26,938,819	97.6	111,738	27,050,557	98.0
2016	25,234,228	24,629,466	97.6	99,651	24,729,117	98.0
2015	24,125,115	23,528,650	97.5	128,673	23,657,323	98.1
2014	22,782,392	22,130,096	97.1	127,699	22,257,795	97.7
2013	22,627,515	21,817,153	96.4	430,539	22,247,692	98.3

Source: Annual Comprehensive Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2021; City of Palm Bay, Florida for 2022 and 2023.

Principal Taxpayers

The following table shows the principal property taxpayers located within the City for fiscal year ended September 30, 2022.

Taxpayers	Taxes Assessed	Percentage of Total Taxes Levied
L3Harris Technologies Inc.	$331,386	0.7%
Braxton AL LP	260,724	0.5%
FKH SFR Propco	184,274	0.4%
IH Borrow LP	156,796	0.3%
BAF Assets LLC	151,235	0.3%
AD1 Urban	146,358	0.3%
WE Lighthouse Pointe Owner LLC	143,015	0.3%
WRH Madalyn Landing LLLP	139,071	0.3%
Pavilions Property Owner LLC	132,224	0.3%
Renesas Electronics America Inc	131,994	0.3%
Palm Bay City Investments FH LLC	117,792	0.2%
Palm Bay West LLC	108,375	0.2%
Rivera Terrace Properties LLC	105,011	0.2%
HF Partnership LLP	100,972	0.2%
Wal-Mart Stores East LP	100,719	0.2%
Sutton Properties of Palm Bay	100,364	0.2%
CAPE, LLC	93,498	0.2%
WSL Glenbrook Investors V LLC	85,606	0.2%
Mogra Circle LLC	77,885	0.2%
Malabar Associates, Ltd	74,762	0.2%
Total	$2,742,061	5.9%

Source: Annual Comprehensive Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

ESTIMATED SOURCES AND USES OF FUNDS

The proceeds to be received from the sale of the Bonds are expected to be applied as follows:

SOURCES:	
Par Amount of the Bonds	$
[Plus][Less] Original Issue [Premium][Discount]	
TOTAL SOURCES	$
USES:	
Deposit to Project Fund	$
Deposit to Capitalized Interest Fund	
Costs of Issuance[1]	
TOTAL USES	$

[1] Includes legal and financial advisory fees and expenses, Purchaser's discount and other costs associated with the issuance of the Bonds.

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DEBT SERVICE SCHEDULE

The following table sets forth the annual debt service schedule for the Bonds:

Bond Year Ending July 1	Principal	Interest	Total Debt Service
2024			
2025			
2026			
2027			
2028			
2029			
2030			
2031			
2032			
2033			
2034			
2035			
2036			
2037			
2038			
2039			
2040			
2041			
2042			
2043			
TOTAL			

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RISK FACTORS

Climate Change

The State is naturally susceptible to the effects of extreme weather events and natural disasters including floods, droughts, and hurricanes, which could result in negative economic impacts on communities, particularly coastal communities like the City. Such effects can be exacerbated by a longer-term shift in the climate over several decades (commonly referred to as climate change), including increasing global temperatures, rainfall intensification and rising sea levels. The occurrence of such extreme weather events could damage the local infrastructure that provides essential services to the City. The economic impacts resulting from such extreme weather events could include a loss of property values, a decline in revenue base, and escalated recovery costs. No assurance can be given as to whether future extreme weather events will occur that could materially impair the financial condition of the City.

However, to mitigate against such potential impacts, the City has prioritized several action steps, including increasing the amount of General Fund reserves to better position the City to allocate financial resources to respond to a significant weather or natural disaster event. Additionally, the City is working with the East Central Florida Regional Planning Council to conduct a Vulnerability Assessment funded through a State of Florida resiliency grant. This study is well underway and is evaluating the City's vulnerability to sea level rise and similar threats. The results of the study will be used to prioritize the replacement or hardening of critical infrastructure. In the past four years, the City has also been investing heavily in stormwater infrastructure renewal and replacement as well.

Cybersecurity

The City, like many other governmental entities, relies on a technology environment to conduct its operations. As such, it may face multiple cybersecurity threats including but not limited to, hacking, viruses, malware and other attacks on computer or other sensitive digital systems and networks. There can be no assurance that any security and operational control measures implemented by the City will be completely successful to guard against and prevent cyber threats and attacks. The result of any such attack could impact operations and/or digital networks and the costs of remedying any such damage could be significant.

The City takes a proactive approach to cybersecurity by following industry standards that focus on patch management, reviewing logs, actively monitoring threats, and educating users. The City uses a combination of software and hardware to monitor and prevent malware, viruses, phishing campaigns, and other cyberattacks. The City's external facing network is frequently penetration tested to ensure there are no vulnerabilities. Included as part of its security measures, the City participates in tested backup and recovery, security logging and event management, enterprise-wide security education campaign, web application vulnerability scanning, and public safety multifactor authentication. The City maintains insurance for cyberattacks including business interruption due to a cyberattack.

CERTAIN FINANCIAL MATTERS

Certain matters relating to the City's Investment Policy, Risk Management, Other Post Employment Benefit Plan, and participation on the Florida Retirement System pension plan can be found

in "APPENDIX A – General Information Regarding the City of Palm Bay, Florida" and in "APPENDIX B – Annual Comprehensive Financial Report for the Fiscal Year Ended September 30, 2022" attached hereto.

THE CITY

The City of Palm Bay, Florida is a municipal corporation incorporated as a city within the State of Florida in 1960. It is now the largest city in the County, the 2nd largest in Central Florida and the 15th largest in Florida, with more than 122,000 residents in 88 square miles. The City is located centrally on Florida's east coast, midway between Jacksonville and Miami. Port Canaveral and Kennedy Space Center, the nation's premiere spaceport, are nearby.

The City provides a full range of government services as directed by its charter including police and fire protection, street construction and maintenance, planning and development services, parks and recreation, water and sewer services, and other traditional support services.

The City operates under the Council-Manager form of government. The governing body of the City is the City Council, which formulates policies for the administration of the City. The City Council is composed of a Mayor and four Council Members elected at-large for four-year terms. One Council Member seat is currently vacant.

Name	Title	End of Current Term
Rob Medina	Mayor	November 2024
Donny Felix	Deputy Mayor	November 2024
Randy Foster	Councilman	November 2024
Kenny Johnson	Councilman	November 2026

City Management

The City Manager is appointed by majority vote of all members of the City Council. The City Manager is the chief executive and administrative officer of the City. The City Manager shall be responsible to the City Council for the administration of all City affairs placed in the City Manager's charge by or under the charter.

Suzanne Sherman became City Manager on _____. Suzanne Sherman has served as the City Manager for the City of Palm Bay since July 2020 and has served in professional local government positions in Brevard County, Florida for nearly 20 years. Ms. Sherman earned a Bachelor of Science in Political Science from Florida Institute of Technology and her Master's in Public Administration from the University of Central Florida. Ms. Sherman is a Certified Public Manager and is an ICMA Credentialed Manager Candidate.

Legal services are provided to the City by the Office of the City Attorney. The City Attorney is appointed by the City Council. The City Attorney, supported by a staff of Assistant City Attorneys, Staff Attorneys, administrative personnel, and specialized outside counsel, as necessary, represents the City Council and all other departments, divisions, boards and offices in all legal matters affecting the City.

Patricia Smith, Esq. was appointed as the City Attorney on _____. Patricia Smith is double board certified in State and Federal Government and Administrative Practice and City, County and Local Government. Ms. Smith has over 12 years of local government experience. She specializes in planning and zoning, civil rights litigation and appellate advocacy. Ms. Smith earned a Bachelor of Science in Political Science from Florida State University and her Juris Doctorate from the Shepard Broad Law Center at Nova Southeastern University.

Financial Services

The Finance Department provides financial management and policy support and financial information to the City Manager, departments, the public and other agencies. Finance Administration oversees the administrative and financial affairs of the city including accounting, budget and revenue.

Larry Wojciechowski is the Finance Director for the City. Larry Wojciechowski is the Finance Director for the City of Palm Bay with over 30 years of governmental finance/budget experience. He earned a Bachelor of Science in Economics with a minor in Accounting from Rollins College. Mr. Wojciechowski also served in the United States Air Force in finance for 11 years.

For more information on the City, see APPENDIX A- GENERAL INFORMATION REGARDING THE CITY OF PALM BAY, FLORIDA.

LEGAL MATTERS

Certain legal matters in connection with the issuance of the Bonds are subject to the approval of Nabors, Giblin & Nickerson, P.A., Tampa, Florida, whose approving opinion will be available at the time of delivery of the Bonds. Certain legal matters will be passed upon for the City by Patricia Smith, Esquire, City Attorney, and by Bryant Miller Olive P.A., Orlando, Florida, Disclosure Counsel.

The proposed form of the opinion of Bond Counsel is set forth as "APPENDIX D – Form of Bond Counsel Opinion" attached hereto and reference is made to such form of opinion for the complete text thereof. The actual legal opinion to be delivered may vary from that text if necessary to reflect facts and law on the date of delivery. The opinion will speak only as of its date, and subsequent distribution of it by recirculation of the Official Statement or otherwise shall create no implication that Bond Counsel has reviewed or expresses any opinion concerning any of the matters referenced in such opinion subsequent to its date.

TAX EXEMPTION

Opinion of Bond Counsel

In the opinion of the Bond Counsel (see APPENDIX D), the interest on the Bonds is (a) excluded from gross income for federal income tax purposes and (b) is not an item of tax preference for purposes of the federal alternative minimum tax. For tax years beginning after December 31, 2022, interest on the Bonds that is included in the "adjusted financial statement income" of certain corporations is not excluded from the federal corporate alternative minimum tax. Failure by the City to comply subsequent to the issuance of the Bonds with certain requirements of the Internal Revenue Code of 1986, as amended (the "Code") regarding the use, expenditure and investment of bond proceeds and the timely payment of certain investment earnings to the Treasury of the United States may cause interest on the Bonds to become includable in gross income for federal income tax purposes retroactive to their date of issue. The City has covenanted in the Resolution to comply with all provisions of the Code necessary to, among other things, maintain the exclusion from gross income of interest on the Bonds for purposes of federal income taxation. In rendering its opinion, Bond Counsel has assumed continuing compliance with such covenants.

Internal Revenue Code of 1986

The Code contains a number of provisions that apply to the Bonds, including, among other things, restrictions relating to the use of investment of the proceeds of the Bonds and the payment of certain arbitrage earnings in excess of the "yield" on the Bonds to the Treasury of the United States. Noncompliance with such provisions may result in interest on the Bonds being included in gross income for federal income tax purposes retroactive to their date of issue.

Collateral Tax Consequences

Except as described above, Bond Counsel will express no opinion regarding the federal income tax consequences resulting from the ownership of, receipt or accrual of interest on, or disposition of, the Bonds. Prospective purchasers of the Bonds should be aware that the ownership of the Bonds may result in other collateral federal tax consequences. For example, ownership of the Bonds may result in collateral tax consequences to various types of corporations relating to (1) denial of interest deduction to purchase or carry such Bonds, (2) the branch profits tax, and (3) the inclusion of interest on the Bonds in passive income for certain Subchapter S corporations. In addition, the interest on the Bonds may be included in gross income by recipients of certain Social Security and Railroad Retirement benefits.

PURCHASE, OWNERSHIP, SALE OR DISPOSTION OF THE BONDS AND THE RECEIPT OR ACCRUAL OF THE INTEREST THEREON MAY HAVE ADVERSE FEDERAL TAX CONSEQUENCES FOR CERTAIN INDIVIDUAL OR CORPORATE BONDHOLDERS, INCLUDING, BUT NOT LIMITED TO, THE CONSEQUENCES DESCRIBED ABOVE. PROSPECTIVE BONDHOLDERS SHOULD CONSULT WITH THEIR TAX SPECIALISTS FOR INFORMATION IN THAT REGARD.

Other Tax Matters

INTEREST ON THE BONDS MAY BE SUBJECT TO STATE OR LOCAL INCOME TAXATION UNDER APPLICABLE STATE OR LOCAL LAWS IN OTHER JURISDICTIONS.

PURCHASERS OF THE BONDS SHOULD CONSULT THEIR TAX ADVISORS AS TO THE INCOME TAX STATUS OF INTEREST ON THE BONDS IN THEIR PARTICULAR STATE OR LOCAL JURISDICTIONS.

During recent years legislative proposals have been introduced in Congress, and in some cases enacted, that altered certain federal tax consequences resulting from the ownership of obligations that are similar to the Bonds. In some cases these proposals have contained provisions that altered these consequences on a retroactive basis. Such alteration of federal tax consequences may have affected the market value of obligations similar to the Bonds. From time to time, legislative proposals are pending which could have an effect on both the federal tax consequences resulting from ownership of the Bonds and their market value. No assurance can be given that additional legislative proposals will not be introduced or enacted that would or might apply to, or have an adverse effect upon, the Bonds. For example, proposals have been discussed in connection with deficit spending reduction, job creation and other tax reform efforts that could significantly reduce the benefit of, or otherwise affect the exclusion from gross income of, interest on obligations such as the Bonds. The further introduction or enactment of one or more of such proposals could affect the market price or marketability of the Bonds.

Discount Bonds

Under the Code, the difference between the principal amount of the Bonds maturing in the years ____ through and including _____ (the "Discount Bonds"), and the initial offering price to the public, excluding bond houses and brokers, at which price a substantial amount of the Discount Bonds of the same maturity was sold, constitutes "original issue discount". Original issue discount on the Discount Bonds represents interest which is not includable in gross income. A portion of such interest that accrues to the owner of such Bonds in a year, as described below, is, however, included in the calculation of a corporate taxpayer's alternative minimum tax and environmental tax and may result in other collateral federal tax consequences although the owner may not have received cash in such year. Original issue discount on such Discount Bonds will accrue actuarially over the term of a Discount Bond at a constant interest rate. A purchaser who acquires Discount Bonds at an issue price equal to the initial offering price thereof as set forth on the inside cover page of this Official Statement will be treated as receiving an amount of interest excluded from gross income for federal income tax purposes equal to the original issue discount accruing during the period such purchaser holds such Discount Bonds and will increase its adjusted basis in such Discount Bonds by the amount of such accruing discount for purposes of determining taxable gain or loss on the sale or the disposition of such Discount Bonds. The federal income tax consequences of the purchase, ownership and redemption, sale or price may be determined according to rules which differ from those described above. Holders of Discount Bonds should consult their own tax advisors with respect to the consequences of owning Discount Bonds, including the effect of such ownership under applicable state and local loans.

Bond Premium

The difference between the principal amount of the Bonds maturing in the years ____ through and including ____ (the "Premium Bonds") and the initial offering price to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at which price a substantial amount of such Premium Bonds of the same maturity was sold constitutes to an initial purchaser amortizable bond premium which is not deductible from gross income for federal income tax purposes. The amount of amortizable bond premium for a taxable year is determined

actuarially on a constant interest rate basis over the term of each Premium Bond which ends on the earlier of the maturity or call date for each of the Premium Bonds which minimizes the yield on such Premium Bonds to the purchaser. For purposes of determining gain or loss on the sale or other disposition of a Premium Bond, an initial purchaser who acquires such obligation in the initial offering to the public at the initial offering price is required to decrease such purchaser's adjusted basis in such Premium Bond annually by the amount of amortizable bond premium for the taxable year. The amortization of bond premium may be taken into account as a reduction in the amount of tax-exempt income for purposes of determining various other tax consequences of owning such Bonds. Owners of the Premium Bonds are advised that they should consult with their own advisors with respect to the state and local tax consequences of owning such Premium Bonds.

FINANCIAL ADVISOR

Public Resources Advisory Group, Inc., St. Petersburg, Florida is serving as Financial Advisor to the City with respect to the sale of the Bonds. The Financial Advisor assisted in the preparation of this Official Statement and in other matters relating to the planning, structuring and issuance of the Bonds and provided other advice. The Financial Advisor is not obligated to undertake and has not undertaken to make an independent verification of or to assume responsibility for the accuracy, completeness or fairness of the information in this Official Statement and is not obligated to review or ensure compliance with the undertaking by the City to provide continuing secondary market disclosure.

LITIGATION

There is no pending or, to the knowledge of the City, any threatened litigation against the City which in any way questions or affects the validity of the Bonds, or any proceedings or transactions relating to their issuance, sale or delivery, or the enactment of the Resolution, or which may materially adversely affect the imposition, collection and pledge of ad valorem taxes of the City. Neither the creation, organization or existence, nor the title of the present members of the City Council, or other officers of the City is being contested.

The City experiences routine litigation and claims incidental to the conduct of its affairs. In the opinion of the City Attorney, there are no actions presently pending or to the knowledge of the City threatened, the adverse outcome of which would have a material adverse effect on the financial condition of the City. From time to time, the City is party to other various legal proceedings which individually are not expected to have a material impact thereon. However, in the opinion of the City Attorney, the City and/or its insurance carrier will either successfully defend such actions or otherwise resolve such matters without experiencing a material adverse effect on the financial condition of the City.

CONTINUING DISCLOSURE

The City has covenanted for the benefit of the Bondholders to provide certain financial information and operating data relating to the City and the Bonds in each year, and to provide notices of the occurrence of certain enumerated material events. The City has agreed to file annual financial information and operating data and the audited financial statements with each entity authorized and approved by the SEC to act as a repository (each a "Repository") for purposes of complying with Rule 15c2-12 adopted by the SEC under the Securities Exchange Act of 1934 (the "Rule") either itself or through its dissemination agent. Effective July 1, 2009, the sole Repository is the Municipal Securities Rulemaking

Board. The City has agreed to file notices of certain enumerated events, when and if they occur, with the Repository either itself or through its dissemination agent.

The specific nature of the financial information, operating data, and of the type of events which trigger a disclosure obligation, and other details of the undertaking are described in "APPENDIX E - Form of Continuing Disclosure Certificate" attached hereto. The Continuing Disclosure Certificate shall be executed by the City upon the issuance of the Bonds. These covenants have been made in order to assist the Purchaser in complying with the continuing disclosure requirements of the Rule.

With respect to the Bonds, no party other than the City is obligated to provide, nor is expected to provide, any continuing disclosure information with respect to the Rule.

DISCLOSURE REQUIRED BY FLORIDA BLUE SKY REGULATIONS

Section 517.051, Florida Statutes, and the regulations promulgated thereunder, require that the City make full and fair disclosure of any bonds or other debt obligations of such entities that have been in default as to payment of principal or interest at any time after December 31, 1975. The City is not and has not, since December 31, 1975, been in default as to payment of principal and interest on its bonds or other debt obligations.

The City has not undertaken an independent review or investigation to determine whether any defaults have occurred with respect to bonds or other debt obligations as to which it has served only as a conduit issuer. The City does not believe that any information about any default would be considered material by a reasonable investor in the Bonds because the City was not liable to pay the principal of or interest on any such bonds except from payments made to it by the private companies on whose behalf such bonds were issued and no funds of the City were pledged to pay such bonds or the interest thereon.

CONTINGENT FEES

The City has retained Bond Counsel, Disclosure Counsel and the Financial Advisor with respect to the authorization, sale, execution and delivery of the Bonds. Payment of the fees of such professionals and an underwriting discount to the Purchaser are contingent upon the issuance of the Bonds.

RATINGS

S&P Global Ratings (“S&P”) and Fitch Ratings, Inc. ("Fitch"), have assigned ratings of "AA-" (stable outlook) and "AA" (stable outlook), respectively, to the Bonds. Such ratings reflect only the views of such organizations and any desired explanation of the significance of such ratings should be obtained from the rating agency furnishing the same, at the following addresses: S&P Global Ratings, 25 Broadway, New York, New York 10004; or Fitch Ratings, One State Street Plaza, New York, New York 10004. Generally, a rating agency bases its rating on the information and materials furnished to it and on investigations, studies and assumptions of its own. There is no assurance such ratings will continue for any given period of time or that such ratings will not be revised downward or withdrawn entirely by the rating agencies, if in the judgment of such rating agencies, circumstances so warrant. Any such downward revision or withdrawal of such ratings may have an adverse effect on the market price of the Bonds.

VALIDATION

The Bonds were validated by judgment of the Circuit Court of the 18th Judicial Circuit of the State of Florida, Case No. 2018-CA-058984, in and for Brevard County, Florida rendered on March 26, 2019. The period for filing an appeal to such judgment has expired and no appeal has been filed.

COMPETITIVE SALE

The Bonds are being purchased at competitive sale by _____ (the "Purchaser") at a purchase price equal to $_____ (taking into account net original issue [premium][discount] on the Bonds of $_____ and a Purchaser's discount of $_____). The Purchaser's obligations are subject to certain conditions precedent described in the Official Notice of Sale, and it will be obligated to purchase all of the Bonds if any Bonds are purchased. The yields shown on the inside cover page of this Official Statement were furnished by the Purchaser. All other information concerning the nature and terms of any re-offering should be obtained from the Purchaser and not the City.

AUDITED FINANCIAL STATEMENTS

The financial statements included in the Annual Comprehensive Financial Report for the Fiscal Year Ended September 30, 2022, included in this Official Statement as APPENDIX B, have been audited by Moore Stephens Lovelace, P.A., Orlando, Florida, independent certified public accountants, auditors for the City (the "Auditor"). Such statements speak only as of September 30, 2022. The audited financial statements of the City have been included herein as a publicly available document. Consent of the Auditor was not requested, and the Auditor was not requested nor did it perform any procedures with respect to the preparation of this Official Statement or the information presented herein.

MANAGEMENT DISCUSSION OF BUDGET

The City's original Fiscal Year 2022-2023 Budget ("Fiscal Year 2023 Budget") was adopted on September 21, 2022. The original Fiscal Year 2023 Budget for the General Fund was $93,375,216 which reflected an overall increase of $_____ million or 12.2% from the Fiscal Year 2022 Budget for the General Fund. Property tax revenue is budgeted at $46,381,681, an increase of $10,809,351 or 30.4% over the Fiscal Year 2021 actual receipts. Ad valorem taxes are the largest, and most flexible, revenue source for the General Fund. These revenues will support the increased health insurance benefit allocation costs, increased Police and Fire Pension expenditures, contractual obligated pay increases for all union employees, a 3.0% compensation increase for General employees and City Council, and $2,543,676 in capital investments effective October 1, 2022.

In January 2021, the City Council approved a new fund balance policy for the General Fund via Resolution 2021-03, requiring that the Fund shall establish an Unrestricted Fund Balance equivalent to a minimum of two months of regular budgetary General Fund operating expenditures (excluding capital and transfers). This policy went into effect October 1, 2021 beginning in Fiscal Year 2022. All prior fiscal years required a balance equivalent to a minimum of ten percent (10.00%) of the subsequent fiscal year's budgeted expenditures less capital outlay and transfers out as originally adopted by ordinance in September.

The minimum required fund balance, based on the new fund balance policy outlined above, for Fiscal Year 2023 Budget is $13,838,672. The Fiscal Year 2022 estimated ending General Fund Balance (unaudited as of October 11, 2022), reflects a total fund balance of $27,323,087, or 39.12%.

On the expenditure side, the total Fiscal Year 2023 Budget of $93,375,216 (including transfers) are $9,319,589, or 11.09%, higher than the Fiscal Year 2022 estimated year-end expenditures. Meanwhile, Fiscal Year 2022 estimated year-end expenditures of $84,055,627 are $6,632,367, or 8.6%, higher than Fiscal Year 2021 Actuals.

ENFORCEABILITY OF REMEDIES

The remedies available to the owners of the Bonds upon an Event of Default under the Resolution are in many respects dependent upon judicial actions, which are often subject to discretion and delay. Under existing constitutional and statutory law and judicial decisions, including specifically Title 11 of the United States Code, the remedies specified by the Federal Bankruptcy Code, the Resolution and the Bonds may not be readily available or may be limited. The various legal opinions to be delivered concurrently with the delivery of the Bonds (including Bond Counsel's approving opinion) will be qualified, as to the enforceability of the various legal instruments, by limitations imposed by bankruptcy, reorganization, insolvency or other similar laws affecting the rights of creditors enacted before or after such delivery.

ACCURACY AND COMPLETENESS OF OFFICIAL STATEMENT

The references, excerpts, and summaries of all documents, statutes, and information concerning the City and certain reports and statistical data referred to herein do not purport to be complete, comprehensive and definitive and each such summary and reference is qualified in its entirety by reference to each such document for full and complete statements of all matters of fact relating to the Bonds, the security for the payment of the Bonds and the rights and obligations of the owners thereof and to each such statute, report or instrument.

Any statements made in this Official Statement involving matters of opinion or of estimates, whether or not so expressly stated are set forth as such and not as representations of fact, and no representation is made that any of the estimates will be realized. Neither this Official Statement nor any statement that may have been made verbally or in writing is to be construed as a contract with the owners of the Bonds.

The appendices attached hereto are integral parts of this Official Statement and must be read in their entirety together with all foregoing statements.

AUTHORIZATION OF OFFICIAL STATEMENT

The execution and delivery of this Official Statement has been duly authorized and approved by the City. At the time of delivery of the Bonds, the City will furnish a certificate to the effect that nothing has come to its attention which would lead it to believe that the Official Statement (other than information herein related to DTC, the book-entry only system of registration and the information contained under the caption "TAX EXEMPTION" as to which no such certification shall be made), as of its

date and as of the date of delivery of the Bonds, contains an untrue statement of a material fact or omits to state a material fact which should be included therein for the purposes for which the Official Statement is intended to be used, or which is necessary to make the statements contained therein, in the light of the circumstances under which they were made, not misleading.

CITY OF PALM BAY, FLORIDA

By:_____
Mayor

By:_____
City Manager

APPENDIX A

GENERAL INFORMATION REGARDING THE CITY OF PALM BAY, FLORIDA

APPENDIX A

GENERAL INFORMATION CONCERNING CITY OF PALM BAY, FLORIDA

PROFILE OF THE CITY OF PALM BAY

The City of Palm Bay, Florida (the "City") is the largest city in Brevard County (the "County") with approximately 119,760 residents in approximately 100 square miles. The City is located centrally on Florida's east coast, midway between Jacksonville and Miami. Port Canaveral and Kennedy Space Center are nearby.

The following information concerning the City has been derived from the statistical section of the City's Comprehensive Annual Financial Report for its fiscal year ended September 30, 2022, as updated by the City, and is included only for purposes of supplying general information regarding the City. Certain information concerning the County building permits was obtained from the United States Census Bureau, United States Department of Commerce.

GOVERNMENT AND ADMINISTRATION

The City is a political subdivision incorporated on January 1, 1960 in the State of Florida and located in the County. The City operates under the Council-Manager form of government. The governing body of the City is the City Council which formulates policies for the administration of the City. The Council is the principal legislative and governing body of the City. The City Council is composed of a Mayor and four Council Members elected at large for four-year terms. The City Council (the "Council") appoints the City Manager, who serves as the City's Chief Executive Officer and is responsible for the day-to-day administration of the City and the implementation of the policies established by the Council.

The present Council members and the year in which their terms expire are as follows:

Council Member	Term Expires
Rob Medina, Mayor	11/2024
Donny Felix, Deputy Mayor	11/2024
Randy Foster	11/2024
Kenny Johnson	11/2026

The Board meets at the City Hall Council Chambers in the City of Palm Bay on the 1st and 3rd Thursdays of every month at 7:00 p.m. to take official action.

On January 8, 2021, the City appointed Suzanne Sherman as its City Manager. Ms. Sherman was previously Acting City Manager since July 2, 2020 and Deputy City Manager prior to this appointment.

ECONOMIC CONDITION AND OUTLOOK

The City of Palm Bay experienced strong growth in new single-family infill, subdivisions, multi-family development, and commercial redevelopment in 2021, despite the Coronavirus pandemic. This growth pattern is a result in part of the citywide G.O. Roads bond paving program and is anticipated to continue for the length of the road paving program. The City's increased efforts to foster a more open-for-business environment will result in new development and redevelopment of key commercial corridors.

Home values in Palm Bay continue to rise year-over-year. Single-family homes' taxable values steadily increased as reported by the Brevard County Property Appraiser's assessed values. In 2021, Palm

Bay average single-family home values increased by 23.6 percent due to the demand for homes in Palm Bay. The City of Palm Bay's taxable assessed value for tax year 2021 increased by 6% from 2020. New construction, which represents improvement to real property that were not on the tax roll in the prior year, added $208,130,764 to the tax roll. This is the seventh year in a row that the assessed valuations have shown steady growth.

Over the past fiscal year, the City of Palm Bay's commercial growth has been strong. New commercial development projects planned and underway point to favorable prospects for continued growth in the City's tax base. Major projects completed in 2021 include a $52.97 million mixed use development containing a 320-unit multi-family apartment complex.

The Evan's Center was completed in 2019; a $1.5 million project funded in part by the City's Bayfront CRA, Florida Community Loan Fund, Corporate Property Group, Community Foundation of Brevard, and the Space Coast Health Foundation as well as many other private and non-profit donors. The CRA provided funding assistance in the amount of $250,000 for the construction of the Center, which features a multi-purpose room for classes and community gatherings, a health clinic in collaboration with the Brevard Health Alliance and a full-service market and deli serving an area of the community which was once designated by the U.S. Department of Agriculture as a "food desert."

Additionally, the Center for Advance Manufacturing and Innovative Design (CAMID) of Florida Technical College was recently completed. CAMID is a 100,000 square foot facility featuring the latest digital modeling, simulation and visual technology, cutting edge computer-driven manufacturing equipment, 3-D metal and other material printing, to name a few. This initiative was made possible through collaboration between the City, Florida Tech, and the U.S. Economic Development Administration.

The City, in coordination with the Florida Department of Transportation, has completed the construction of a new 1-95 interchange in the southern area of Palm Bay, as well as the new St. John's Heritage Parkway connector road at the interchange. Together, this opened approximately 24 square miles of vacant land for mixed-use development.

Further, Northshore Development, LLC Phase I (Aqua Apartments) received certificate of occupancy for 320-rental units on Robert J. Conlan Blvd. Estimated private capital investment for Phase I is $32.9 million.

As of April 2022, the city has completed paving 267 miles or 34% of the 791 miles of roadway as part of the Road Bond Paving. City Council recently awarded construction of Phase 2 Unit 20 (16.6 miles) and Phase 3 Unit 48 (23.0 miles) and Emerson Drive from the C-1 canal to Fairhaven.

A 2016 voter-approved city charter amendment limits City Council's ability to impose millage rates. The City Council is now restricted from setting millage rates at a level that would result in total ad valorem revenue growth exceeding the prior year ad valorem revenue by more than three percent, unless approved by a supermajority vote when an emergency or critical need exists. Even with this change, rate increases within the statutory limit remain in the city's independent legal control. For the FY 21 budget, Council did impose the three percent cap, while lowering the millage rate from 8.4500 to 7.8378, the lowest rate since FY 11.

[Remainder of page intentionally left blank]

City of Palm Bay, Florida

Ratios of Outstanding Debt by Type Last Ten Fiscal Years

Fiscal Year	Municipal Service Tax Bonds	Local Option Gas Tax Bonds	Taxable Special Obligation Bonds	Sales Tax Revenue Bonds	2013 TSO Refunding Bonds	2019 TSO Refunding Bonds	Sales Tax Refunding Bonds*	General Obligation Bonds	Capital Leases	BCRA Notes Payable	PST Loan Payable	LOGT Refunding Notes
2022	$ -	$ -	$275,035	$ -	$3,945,000	$50,770,000	$12,440,099	$103,430,494	$5,133,570	$ -	$ -	$7,221,000
2021	-	-	340,936		5,195,000	51,385,000	13,061,178	106,870,853	5,531,622	342,000	-	7,778,000
2020	4,850,000	-	402,345	-	5,760,000	51,670,000	13,657,257	52,672,929	5,913,753	752,000	-	8,944,000
2019	5,015,000	-	462,065	-	50,320,000		14,233,336	54,568,370	4,231,728	1,142,000	-	10,086,000
2018	5,175,000	-	519,121	-	50,855,000		14,789,415	-	4,624,767	2,505,000	-	10,846,000
2017	5,330,000	-	573,305	-	50,855,000		15,330,494	-	793,941	2,865,000	-	2,446,000
2016	5,485,000	-	4,652,695	-	50,855,000		15,896,573	-	1,382,836	3,210,000	-	3,041,000
2015	5,485,000	-	4,784,387	15,853,121	50,855,000		-	-	965,385	3,545,000	761,000	3,625,000
2014	5,485,000	-	4,917,880	15,890,000	50,855,000		-	-	379,686	3,865,000	1,519,000	3,885,000
2013	5,485,000	4,455,000	42,999,258	16,285,000	-		-	-	606,146	4,170,000	2,268,000	-

Fiscal Year	2015 Franchise Fee Revenue Notes	2020 Special Revenue Refunding Notes	Utility Revenue Bonds	Utility Notes	Capital Leases	Total Primary Government	% of Personal Income	Per Capita
2022	$5,233,000	$4,010,000	$4,007,963	$16,073,000	$500,678	$213,039,839	5.74 %	1,681
2021	5,904,000	4,258,000	4,597,582	22,007,000	-	227,271,171	7.54	1,851
2020	6,547,000	-	5,728,475	16,807,000	-	173,704,759	5.85	1,455
2019	7,165,000	-	6,580,885	21,932,000	273,247	176,009,631	6.47	1,526
2018	3,873,000	-	7,459,667	26,957,000	561,614	128,165,584	5.16	1,137
2017	4,313,000	-	8,373,342	31,935,000	840,174	123,665,256	5.34	1,118
2016	4,744,000	-	9,953,729	37,200,000	1,109,260	137,530,093	6.04	1,260
2015	4,744,000	-	26,940,143	28,000,000	1,369,194	146,927,230	6.46	1,367
2014	-	-	29,197,731	31,590,000	1,620,288	149,204,585	7.03	1,410
2013	-	-	63,561,079	-	-	139,829,483	6.56	1,336

The City does not have a legal debt limit.
*Includes unamortized premium
**Includes unamortized premium/discount
Source: City of Palm Bay Finance Department

City of Palm Bay, Florida
Principal Employers in the City of Palm Bay, Florida

	As of September 30, 2022		
Employer	Number of Employees	Rank	% of Total Employment
3LHarris Corporation	3,450	1	6.00%
Brevard County School Board	1,334	2	2.32
City of Palm Bay	859	3	1.49
Palm Bay Hospital	610	4	1.06
Publix (3 of 3 locations reported)	532	5	0.93
Wal-Mart	400	6	0.70
Renesas (Formerly Intersil)	370	7	0.64
Winn Dixie (2 locations)	200	8	0.35
Home Depot	196	9	0.34
Eastern Florida State College	175	10	0.30
Totals	8,126		14.13%

Note: Number of employees listed are employed in the City of Palm Bay.
Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

DEMOGRAPHIC AND ECONOMIC STATISTICS
Last Ten Years

Year	Population	Personal Income (thousands)	Per Capita Income	Median Age	Education Level in Years of Schooling	School Enrollment	Unemployment Rate
2022	126,748	$3,710,294	$29,273	41.2	14.3	14,376	2.8%
2021	122,765	3,012,800	25,011	41.6	14.2	13,731	3.9
2020	119,530	2,968,746	24,954	41.2	14.3	14,595	5.7
2019	115,322	2,718,947	23,577	41.2	14.1	14,587	3.1
2018	112,703	2,483,072	22,032	40.8	14.1	14,587	3.1
2017	110,623	2,316,335	20,939	43.0	14.1	14,711	3.8
2016	109,162	2,277,447	20,863	40.7	14.1	14,661	5.4
2015	107,481	2,276,018	21,176	40.6	14.0	14,896	5.9
2014	105,815	2,121,273	20,047	40.3	14.0	14,618	6.5
2013	104,693	2,130,607	20,351	39.9	14.0	14,386	7.4

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

PENSION AND OTHER POST-EMPLOYMENT BENEFITS

Pension

All City full-time employees participate in one of two retirement plans offered by the City. Full-time employees participate in either the Palm Bay Defined Contribution Retirement Plan or the Palm Bay Defined Benefit Police and Firefighters Retirement System. In addition, the City offers its elected officials membership in the Florida Retirement System.

For more information about the City's retirement plans, see "APPENDIX B – Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2022."

Defined Contribution Retirement Plan.

The City's general employees' retirement plan is a defined contribution plan administered and maintained by ICMA Retirement Corporation. The City has no fiduciary responsibility for this plan and the assets of the plan are not reported as a pension trust fund. In a defined contribution plan, benefits depend solely on amounts contributed to the plan plus investment earnings. All full-time general employees are eligible to participate upon employment. Effective May 1, 2001, an executive plan was established which includes the City Manager, Deputy City Managers, City Clerk, City Attorney, Deputy City Attorney and all department heads except the police and fire department chiefs who are covered under the defined benefit plan. Employer contributions are vested according to the following schedule: 20% after one year of service and 20% per year thereafter until fully vested. Contributions under the plan were established by the Plan & Trust adoption agreement with ICMA Retirement Corporation and may be amended at the City's discretion.

As of December 2010, the City's contribution for members covered under the executive plan (executive) and general employees (general) were modified. The City contributes a base of 3.75% for executive and 3% for general, to each individual's retirement account. The employee may elect to contribute an additional percentage of their salary, between 0%-9.75% and 0%-6%, for executive and general respectively. The City will match the employee contribution.

As of August 2010, the City's contribution for NAGE Blue and White employees was modified. The employer contributes a base of 3% to each individual's retirement account. The employee may elect zero to six percent (0-6%) to contribute to their account and the City will match the employee contribution.

In fiscal year 2021, employer and employee contributions to the ICMA defined contributions plan were $2,001,031 and $,1481,168 respectively.

Defined Benefit Retirement Plan.

Plan Description. The City maintains a single-employer defined benefit pension plan, which covers general employees, police officers and firefighters (the "Plan"). The Plan is closed to new general employees and that classification consists of retirees only. Coverage for firefighters and police officers is administered by the Board of Trustees of the City of Palm Bay Police and Firefighters Retirement System. The Plan provides retirement, disability, and death benefits to Plan members and beneficiaries. Benefits under the Plan are established in accordance with City Ordinance No. 74-9, as amended and certain

provisions of Chapters 185, Florida Statutes (Police Officers), and Chapter 175, Florida Statutes (Firefighters).

Benefits Provided. All regular full-time certified police officers and firefighters are eligible to participate in the Plan.

Police officer members. Normal retirement shall be the earlier of attainment of (1) age 55, (2) completion of 30 years credited service regardless of age, (3) age 52 with 25 years of credited service, (4) for police officers who are employed on or after October 1, 2006 and retire after that date, 28 years of credited service, regardless of age, or (5) for police officers who are employed on or after April 5, 2012, completion of 25 years of credited service, regardless of age. Average Final Compensation ("AFC") is one and a half times the average of the highest five years of the last ten years of credited service. Payments for used leave are not included in AFC.

Each police officer member with less than 20 years of credited service will have a monthly normal retirement benefit in an amount equal to 2% of the member's AFC multiplied by the member's credited service preformed prior to June 1, 1992 and 2.5% of the member's AFC multiplied by the member's credited service performed on and after June 1, 1992. For members who have completed 20 years of credited service as sworn police officers, instead of the amount described in the previous sentence, the member's monthly normal retirement benefit shall be an amount equal to 3% of the member's AFC multiplied by the member's credited service plus 5% of AFC for service after 20 years to a maximum of 100% of the AFC upon completion of 28 years of service. For police officers hired after October 1, 2016, the maximum normal retirement benefit shall be 85% of average final compensation.

Firefighter members.

Tier One members – Firefighters hired prior to March 15, 2012. Normal retirement shall be the earlier of attainment of (1) age 55, (2) completion of 25 years of credited service at 85% of AFC or 28 years regardless of age, or (3) age 52 with 25 years of credited service effective September 30, 2002. AFC is one and a half times the average of the highest five years of the last ten years of credited service. Payments for used leave are not included in AFC.

Each firefighter member with less than 20 years of credited service will have a monthly normal retirement benefit in an amount equal to 2% of the member's AFC multiplied by the member's credited service performed prior to October 1, 1991, and 2.5% of the member's AFC multiplied by the member's credited service performed on and after October 1, 1991. For members who have completed 20 years of credited service as a firefighter, instead of the amount described in the previous sentence, the member's monthly normal retirement benefit shall be an amount equal to 3% of the member's AFC multiplied by the member's credited service plus 5% of AFC for service after 20 years to a maximum of 100% of the AFC upon completion of 28 years of service.

Tier Two members – Firefighters hired on or after March 12, 2012. Normal retirement shall be the first day of the month coincident with or next following the completion of 25 years of credited regardless of age. Provided, however that a vested member who terminates prior to attaining 25 years of credited service shall be eligible for normal retirement benefits upon reaching age 55. AFC is one and a half times the average of the highest five years of the last ten years of credited service. Payments for unused leave are not included in AFC.

Each firefighter with less than 20 years of credited service will have a monthly normal retirement benefit in an amount equal to 2% of the member's AFC multiplied by the member's credited service. For members who have completed 20 years of credited service as a firefighter, instead of the amount

described in the previous sentence, the member's monthly normal retirement benefit shall be an amount equal to 3.2% of AFC for service after 20 years to a maximum of 90% of the AFC, excluding supplemental benefits.

Deferred Retirement Option Plan (DROP). Effective September 30, 2000 for police officers and September 30, 2001 for firefighters, members who continue in employment past the normal retirement date may either accrue larger pensions or freeze their accrued benefit and enter the DROP. Each participant in the DROP has an account credited monthly with benefits not received and quarterly with investment earnings net of expenses based on the Plan's earnings. The DROP is administered by the Board of Trustees. Participation in the DROP is limited to 60 months.

Supplemental Benefits.

Police officer members. Police officers who retire after October 1, 2006 receive a Supplemental Benefit equal to $25 per month, times completed years of Credited Service. The benefit shall cease upon the retiree reaching age 65. Members approved for disability retirement are ineligible for the supplemental retirement benefit.

Firefighter members.

Tier One members. Firefighters receive a Supplemental Benefit of $189 per month payable over the life of the retiree only. Firefighters who retire on or after October 1, 2006, receive $458 per month, instead of $189. Firefighters who terminate after October 1, 2007, receive a Supplemental Benefit equal to $25 per month times years of credited service earned prior to March 15, 2012. Effective March 15, 2012, firefighters who have not attained age 55 with 10 or more years of credited service or 25 years of credited service regardless of age on that date who either terminate while vested or terminate upon reaching normal or early retirement shall receive a supplemental benefit of $12 per month for each year of credited service. The benefit shall cease upon the retiree reaching the age of Medicare eligibility and members approved for disability retirement are ineligible for the supplemental retirement benefit.

Tier Two members. Firefighters are eligible to receive a Supplemental Benefit of $12 per month for each year of credited service. The benefit shall commence upon entry into the DROP or upon receipt of a retirement benefit and separation from the City. This benefit shall only be payable over the life of the member, will cease upon the member reaching the age of Medicare eligibility and members approved for disability retirement are ineligible for the supplemental retirement benefit.

Cost of Living Adjustment.

Police officer members. The Plan provides for cost-of-living adjustment to police officers who retire or enter the DROP on or after September 30, 2000. The retirement benefits will increase by 3% each year commencing with the September 30th following three years of retirement.

Firefighter members.

Tier One members. The Plan provides for cost-of-living adjustment to firefighters who retire or enter the DROP on or after September 30, 2001. The retirement benefits will increase by 2% each year commencing with the September 30th following six years of retirement.

Tier Two members. The cost-of-living adjustment will increase by 3% commencing with September 30th following six years of retirement.

Contributions. Chapters 175 and 185, Florida Statutes, require members to contribute not less than 0.5% of their annual salary. The Plan, as approved by the City Council, requires member police officers and firefighters to contribute 8.76% of their base annual salary. Funding contributions are determined annually on an actuarial basis as of October 1. The City is required to contribute at an actuarially determined amount necessary to finance current costs and amortized unfunded past service cost as provided by Chapter 112, Florida Statute. The City made contributions of $5,326,712 in fiscal year 2022.

Municipalities that have established pension plans complying with the provisions of Chapters 175 and 185, Florida Statutes, and that have enacted appropriate taxing legislation are eligible to receive revenues generated from excise taxes on gross receipts of certain insurance premiums from policyholders covering property within the City limits. These are the Firefighters' Pension Fund Excise Tax imposed on the gross receipts of property insurance policy premiums and the Police Officers' Pension Fund Excise Tax imposed on the gross receipts of casualty insurance policy premiums. The City recognized as revenues and expenditures on-behalf of payment relating to pension contributions for its public safety employees by the State. These contributions from excise tax totaled $1,600,193.

Net Pension Liability (Asset). The City's net pension liability (asset) for the Plan is measured as the total pension liability less the pension fiduciary net position. The total pension liability, net pension liability (asset) and certain sensitivity information for each of the Plan classification is measured as of October 1, 2021. The total pension liability was rolled forward from each valuation date to the Plan's fiscal year ending September 30, 2022 using generally accepted actuarial principles.

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SCHEDULE OF CHANGES IN NET PENSION LIABILITY AND RELATED RATIOS
September 30, 2022

	Police				
Total Pension Liability	**2022**	**2021**	**2020**	**2019**	**2018**
Service Cost	$1,804,281	$1,748,826	$1,690,596	$1,563,897	$1,590,256
Interest	10,710,139	10,225,054	9,666,537	9,100,104	8,659,017
Change in Excess State Money	-	-	-	-	(82,053)
Shared Plan Allocation	249,643	200,154	187,202	160,785	136,496
Changes of Benefit Terms	-	756,379	-		
Difference between expected & actual experience	264,507	878,416	(1,033,005)	2,401,146	1,385,775
Changes in assumptions	2,678,105	-	3,966,069	-	-
Contributions Buy Back	25,096	14,123	40,406	60,141	17,077
Benefit payments, including refunds of member contributions	(6,912,117)	(6,610,618)	(6,152,166)	(6,055,760)	(6,085,882)
Net Change in Total Pension Liability	**8,819,654**	**7,212,334**	**8,365,639**	**7,230,313**	**5,620,686**
Total Pension Liability - Beginning	**14,653,598**	**134,480,630**	**126,114,991**	**118,884,678**	**113,263,992**
Total Pension Liability - Ending (a)	**150,473,252**	**141,692,965**	**126,114,991**	**126,114,991**	**118,884,678**
Plan Fiduciary Net Position					
Contributions - Employer	2,177,619	1,825,661	1,906,845	1,920,794	1,697,726
Contributions - State	1,020,019	921,042	895,138	842,305	793,726
Contributions - Employee	832,048	713,687	690,308	670,948	638,421
Contributions - Buy Back	25,096	14,123	40,406	60,141	17,077
Net Investment (loss) income	(28,677,347)	24,565,999	13,728,562	4,905,418	9,688,752
Benefit payments, including refunds of contributions	(6,912,117)	(6,610,618)	(6,152,166)	(6,055,760)	(6,085,882)
Administrative Expenses	(288,795)	(294,671)	(292,328)	(299,073)	(306,350)
Net Change in Plan Fiduciary Net Pension	**(31,823,477)**	**21,135,223**	**10,816,765**	**2,044,773**	**6,443,470**
Plan Fiduciary Net Position - Beginning	**145,064,213**	**123,968,356**	**113,100,885**	**111,056,112**	**104,612,642**
Plan Fiduciary Net Position - Ending (b)	**113,240,736**	**145,103,**	**123,917,650**	**113,100,885**	**111,056,112**
Net Pension Liability - Ending (a) - (b)	**$37,232,516$**	**$(3,410,615)**	**$10,562,980**	**$13,014,106**	**$7,828,566**
Plan fiduciary net position as a percentage of the total pension liability	75.26%	102.41%	92.15%	89.68%	93.41%
Covered Payroll[1]	$9,498,262	$8,133,762	$7,648,804	$7,648,804	N/A
Net pension liability as a percentage of covered payroll	391.99%	-41.93%	138.10%	170.15%	N/A

[1] The Covered Payroll numbers shown are in compliance with GASB 82. For fiscal years 2015 to 2018, the information was not available.

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

	Fire				
Total Pension Liability	**2022**	**2021**	**2020**	**2019**	**2018**
Service Cost	1,805,670	$1,784,228	$1,725,051	$1,623,517	$1,563,954
Interest	9,039,979	8,638,064	8,112,876	7,785,426	7,439,387
Change in Excess State Money	-	-	-	-	
Changes of Benefit Terms	488,588	-	-	(23,176)	
Shared Plan Allocation	-	-	-	-	
Difference between expected & actual experience	686,968	320,532	695,678	752,209	1,124,857
Changes in assumptions	2,154,613	-	3,825,109	-	-
Contributions Buy Back	34,001	45,543	-	-	-
Benefit payments, including refunds of member contributions	(6,340,073)	(5,749,141)	(6,619,446)	(5,455,603)	(5,943,601)
Net Change in Total Pension Liability	**7,869,746**	**5,039,226**	**7,739,268**	**4,682,373**	**4,184,597**
Total Pension Liability - Beginning	**119,045,437**	**114,006,211**	**106,266,943**	**101,584,913**	**97,399,943**
Total Pension Liability - Ending (a)	**126,915,183**	**119,045,437**	**114,006,211**	**106,266,913**	**101,584,540**
Plan Fiduciary Net Position					
Contributions - Employer	3,51,077	2,784,081	2,699,071	2,535,686	2,463,758
Contributions - State	580,174	549,529	526,141	497,478	522,880
Contributions - Employee	638,908	547,792	555,414	533,821	520,927
Contributions - Buy Back	34,001	45,543	-	--	-
Net Investment (loss) income	20,538,465	18,973,828	9,801,388	3,422,083	6,785,112
Benefit payments, including refunds of contributions	(6,340,073)	(5,749,141)	(6,619,446)	(5,455,603)	(5,943,601)
Administrative Expenses	(233,218)	(242,641)	(233,632)	(244,302)	(245,013)
Net Change in Plan Fiduciary Net Pension	**(22,707,596)**	**16,908,991**	**6,728,936**	**1,309,163**	**4,104,063**
Plan Fiduciary Net Position - Beginning	**111,352,937**	**94,443,946**	**87,715,010**	**86,405,847**	**82,301,784**
Plan Fiduciary Net Position - Ending (b)	**88,645,341**	**111,352,937**	**94,443,946**	**87,715,010**	**86,405,847**
Net Pension Liability - Ending (a) - (b)	**38,269,842**	**7,692,500**	**19,562,265**	**$18,551,903**	**$15,178,693**
Plan fiduciary net position as a percentage of the total pension liability	69.85%	93.54%	82.84%	82.54%	85.06%
Covered Payroll[1]	$7,293,480	$6,253,060	$6,338,780	$6,093,853	N/A
Net pension liability as a percentage of covered payroll	524.71%	123.02%	308.61%	304.44%	N/A

[1] The Covered Payroll numbers shown are in compliance with GASB 82. For fiscal years 2015 to 2018, the information was not available.

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

	General				
Total Pension Liability	**2022**	**2021**	**2020**	**2019**	**2018**
Service Cost	$-	$-	$	$-	$-
Interest	1,200	1,165	1,277	1,353	1,431
Difference between expected & actual experience	(4,414)	1,957	1,871	1,775	1,680
Changes in assumptions	-	-	(937)	-	-
Benefit payments, including refunds of member contributions	(2,532)	(2,796)	(4,115)	(4,115)	(4,115)
Net Change in Total Pension Liability	**(5,746)**	**326**	**(1,904)**	**(987)**	**(1,004)**
Total Pension Liability - Beginning	**16,952**	**16,626**	**18,530**	**19,517**	**20,521**
Total Pension Liability - Ending (a)	**11,206**	**16,952**	**16,626**	**18,530**	**19,517**
Plan Fiduciary Net Position					
Net Investment (loss) income	(38,418)	41,208	22,036	10,497	18,604
Benefit payments, including refunds of contributions	(2,532)	(2,796)	(4,115)	(4,115)	(4,115)
Administrative Expenses	(2,533)	(4,448)	(4,359)	(4,315)	(4,692)
Net Change in Plan Fiduciary Net Pension	**(43,483)**	**33,964**	**13,562**	**2,067**	**9,797**
Plan Fiduciary Net Position – Beginning	**248,692**	**214,728**	**201,166**	**199,099**	**189,302**
Plan Fiduciary Net Position - Ending (b)	**205,209**	**248,692**	**214,728**	**201,166**	**199,099**
Net Pension Liability - Ending (a) - (b)	**$(194,003)**	**$(231,740)**	**$(198,102)**	**$(182,636)**	**$(179,582)**
Plan fiduciary net position as a percentage of the total pension liability		1467.04%	1291.52%	1085.62%	1020.13%
Covered Payroll		N/A	N/A	N/A	N/A
Net pension liability as a percentage of covered payroll		N/A	N/A	N/A	N/A

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

Actuarial Assumptions. The total pension liabilities were determined by an actuarial valuation as of October 1, 2020 updated to September 30, 2022 using the following assumptions:

		Police Officers	Fire Fighters	General Employees
Valuation Date		October 1, 2020	October 1, 2020	October 1, 2020
Measurement Date		September 30, 2022	September 30, 2022	September 30, 2022
Actuarial Cost Method		Entry Age Normal Cost	Entry Age Normal Cost	Entry Age Normal Cost
Actuarial Assumptions				
	Discount Rate	7.50%	7.50%	7.65%
	Inflation	2.70%	2.70%	2.70%
	Payroll Growth	0.00%	0.00%	N/A
	Projected Salary Increase	Varies by age	Varies by age	N/A
	Investment Rate of Return	7.50%	7.50%	7.65%
	Mortality	PubS.H-2010 Improvement Scale MP-2018	PubS.H-2010 Improvement Scale MP-2018	PubS.H-2010 Improvement Scale MP-2018
	Service Retirement	Members will retire at a rate of 5% per year prior to normal retirement		

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

Mortality rates were based on the RP-2000 Mortality Table (combined) and based on a study of over 650 public safety funds. The table reflects a 10.00% margin for future mortality improvements,

75.00% of deaths are assumed to be service related. The actuarial assumptions used in the October 1, 2018 valuation were based on the results of an actuarial experience study for the period 2005-2014.

Discount Rate. The long-term expected rate of return on pension plan investments were determined using a building block method which best estimates ranges of expected future real rates of return (expected returns, net of pension investment expenses and inflation) are developed for each major asset. These ranges are combined to produce the long term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the Plan's target asset allocation as of September 30, 2022 are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Real Rate of Return
Domestic Equity	35%	7.10%
Fixed Income	25%	3.10
Real Estate	10%	6.40
International Equity	15%	3.10
Convertible Security	10	6.40
Master Limited Partnership	5%	5.60
	100%	

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

The discount rate used to measure the total pension liability was 7.50%. The projection of cash flows used to determine the discount rate assumed the Plan member's contributions will be made at the current contribution rates and that contributions from the City will be made at statutorily required rates as actuarially determined. Based on those assumptions, the Plan's fiduciary Net Position was projected to be available to make all projected future benefit payments of current Plan members. Therefore, the long term expected rate of return on pension Plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the Net Pension Liability (Asset) to Changes in the Discount Rate. The following presents the net pension liability (asset) of the Plan as of September 30, 2022, calculated using the discount rate of 7.65% as well as what the City's net pension liability would be if it were calculated using a discount rate that is 1-percent-point lower (6.50%) or 1-percent-point higher (8.50%) than the current rate. General employees discount rate 1-percent-point lower (6.65%) or 1-percent-point higher (8.65%) than the current rate.

	Discount Rate - 1% 6.50%	Current Discount 7.50%	Discount Rate + 1% 8.50%
Police Officers	$57,328,660	$37,170,078	$20,763,172
Fire Fighters	$54,377,978	$38,215,807	$25,004,225

	Discount Rate - 1% 6.65%	Current Discount 7.65%	Discount Rate + 1% 8.50%
General Employees	$(193,591)	$(194,006)	$(194,392)

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

Pension Expense and Deferred Outflows/Inflows of Resources Related to Pensions. For the year ended September 30, 2022 the City recognized pension expense of $(1,823). At September 2022, the City reported deferred outflows of resources of $61,560 and deferred inflows of resources of $74,588 related to pensions.

Payable to the Pension Plan. At September 30, 2022, the City reported a payable of $7,200 for the outstanding contributions to the pension plan for the year ended September 30, 2022.

Florida Retirement System.

On June 5, 2008, the City passed Resolution 2008-55, authorizing participation of its elected officials in the Florida Retirement System ("FRS") administered by the State of Florida. Also approved was Resolution 2008-56 providing for membership in the FRS and authorizing execution of all necessary agreements with the administrator of the FRS for extending benefits to elected officials of the City pursuant to Chapters 112 and 121, Florida Statutes.

Plan Description. The FRS is a multiple employer cost sharing public employee retirement system, administered by the Florida Legislature. FRS is available to governmental units within Florida and provides a Deferred Retirement Option Program (DROP) for eligible employees. The FRS affords retirement and disability benefits, annual cost-of-living adjustments and death benefits to plan members and beneficiaries. In addition to the aforementioned benefits, members of the FRS are afforded benefits through the Retiree Health Insurance Subsidy ("HIS") Program. HIS was established and is administered in accordance with section 112.363, Florida Statutes.

Benefits Provided. Benefits under the FRS are computed on the basis of age, average final compensation, and service credit. For FRS members enrolled before July 1, 2011, Regular class members who retire at or after age 62 with at least six years of credited service or 30 years of service regardless of age are entitled to a retirement benefit payable monthly for life, equal to 1.6% of their final average compensation based on the five highest years of salary, for each year of credited service. Vested members with less than 30 years of service may retire before age 62 and receive reduced retirement benefits. Special Risk Administrative Support class members who retire at or after age 55 with at least six years of credited service or 25 years of service regardless of age are entitled to a retirement benefit payable monthly for life, equal to 1.6% of their final average compensation based on the five highest years of salary, for each year of credited service. Special Risk class members (sworn law enforcement officers, firefighters, and correctional officers) who retire at or after age 55 with at least six years of credited service, or with 25 years of service regardless of age, are entitled to a retirement benefit payable monthly, equal to 3.0% of their final average compensation based on the five highest years of salary for each year of credited service. Senior Management Service class members who retire at or after age 62 with at least six years of credited service or 30 years of service regardless of age are entitled to a retirement benefit payable monthly for life, equal to 2.0% of their final average compensation based on the five highest years of salary for each year of credited service. Elected Officers' class members who retire at or after age 62 with at least six years of credited service or 30 years of service regardless of age are entitled to a retirement benefit payable monthly for life, equal to 3.0% of their final average compensation based on the five highest years of salary for each year of credited service.

For FRS members enrolled on or after July 1, 2011, the vesting requirement is extended to eight years of credited service for all these members and increasing normal retirement to age 65 or 33 years of service, regardless of age for Elected Officers' class members. The final average compensation for these members will be based on the eight highest years of salary.

As provided in Section 121.101, Florida Statutes, if the member is initially enrolled in the FRS before July 1, 2011, and all service credit was accrued before July 1, 2011, the annual cost-of-living

adjustment is a proportion of 3.0% determined by dividing the sum of the pre-July 2011 service credit by the total service credit at retirement multiplied by 3.0%. FRS members initially enrolled on or after July 1, 2011, will not have a cost-of-living adjustment after retirement.

In addition to the above benefits, the DROP program allows eligible members to defer receipt of monthly retirement benefit payments while continuing employment with a FRS employer for a period not to exceed 60 months after electing to participate. Deferred monthly benefits are held in the FRS trust fund and accrue interest. There are no required contributions by DROP participants.

HIS membership is available to all members within the FRS. The benefit is a monthly payment to assist retirees of the state-administered retirement system in paying their health insurance costs. Eligible retirees and beneficiaries receive a monthly HIS payment equal to the number of years of service credited at retirement multiplied by $5. The minimum payment is $30 and the maximum payment is $160 per month. To be eligible to receive a HIS benefit, a retiree under a state-administered retirement system must provide proof of eligible health insurance coverage, which includes Medicare.

Contributions. Effective July 1, 2011, all enrolled members of the FRS, other than DROP participants, are required to contribute 3.0% percent of their salary to the FRS. In addition to member contributions, governmental employers are required to make contributions to the FRS based on state-wide contributions rates established by the Florida Legislature. These rates are updated as of July 1 each year. The employer contribution rates for elected officials for the periods October 1, 2021 through June 30, 2022 and from July 1, 2021 through September 30, 2022, were 49.18% and 51.42%, respectively. These percentages include a 1.66% contribution rate for HIS.

Article X, Section 14 of the State Constitution and Part VII, Chapter 112 of the Florida Statutes provide the authority to amend the contribution rates and obligations.

The City's contributions recognized during the fiscal year ended September 30, 2022 by FRS and HIS were $20,516 and $1,070 respectively.

Net Pension Liability.

SCHEDULE OF PROPORTIONATE SHARE OF NET PENSION LIABILITY
FLORIDA RETIREMENT SYSTEM

	2022	2021	2020	2019	2018
City's proportion of the net pension liability (asset)	0.000004808%	0.000599208%	0.000811617%	0.000850780%	0.000840355%
City's proportionate share of the net pension liability (asset)	$178,894	$45,263	$351,767	$292,997	$253,119
City's covered payroll	$74,805	81,392	80,542	79,251	$74,676
City's proportionate share of the net pension liability (asset) as a percentage of its covered payroll	239.15%	55.61%	436.75%	369.71%	338.96%
Plan fiduciary net position as a percentage of the total pension liability	82.89%	96.40%	78.85%	82.61%	84.26%

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

SCHEDULE OF PROPORTIONATE SHARE OF NET PENSION LIABILITY
HEALTH INSURANCE SUBSIDY

	2022	2021	2020	2019	2018
City's proportion of the net pension liability (asset)	0.000017688%	0.000196991%	0.000199291%	0.000202312%	0.002029130%
City's proportionate share of the net pension liability (asset)	$18,735	$24,164	$24,333	$22,715	$21,477
City's covered payroll	$74,805	81,392	80,542	79,251	$74,676
City's proportionate share of the net pension liability (asset) as a percentage of its covered payroll	25.05%	29.69%	30.21%	28.66%	28.76%
Plan fiduciary net position as a percentage of the total pension liability	4.84%	3.56%	3.00%	2.63%	2.15%

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

For the fiscal year ended September 30, 2022, the City recognized pension expense of $8,404,363. In addition, the City reported deferred outflows of resources of $61,560 for the FRS and $4,763 for the HIS and deferred inflows of resources of $74,588 for the FRS and $5,324 for the HIS.

The deferred outflows of resources related to the FRS, totaling $66,323 represents City contributions to the FRS subsequent to the measurement date. This amount is recognized as a reduction of the net pension liability in the fiscal year ending September 30, 2022.

Actuarial Assumptions. Actuarial assumptions for both cost-sharing defined benefit plans were reviewed by the Florida Retirement System Actuarial Assumptions Conference. The FRS Pension Plan has a valuation performed annually. The HIS Program has a valuation performed biennially that is updated for GASB reporting in the year a valuation is not performed. Because the HIS Program is funded on a pay-as-you-go basis, no experience study was completed for that program. The actuarial assumptions used to determine the total pension liability for the HIS Program were based on certain results of the most recent experience study for the FRS Pension Plan.

The total pension liability for FRS and HIS on the July 1, 2021 actuarial valuation was determined using the following assumptions:

	FRS	HIS
Valuation Date	July 1, 2022	July 1, 2022
Measurement Date	June 30, 2022	June 30, 2022
Actuarial Cost Method	Individual Entry Age	Individual Entry Age
Actuarial Assumptions		
Discount Rate		
Inflation		
Projected Salary Increase		
Investment Rate of Return		
Mortality		

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

The actuarial assumptions used in the July 1, 2021 valuation was based on the results of an actuarial experience study for the period July 1, 2013 through June 20, 2018.

The following changes in key actuarial assumptions occurred in 2022:

FRS: The long-term expected rate of return and the discount rate used to determine the total pension liability of 6.70% did not change from the prior year.

HIS: The municipal bond index rate and the discount rate used to determine the total pension liability decreased from 2.16% to 3.54%.

The long-term expected rate of return on FRS investments were based on forward-looking capital market economic model. The allocation policy's description of each asset class was used to map the target allocation to the asset classes shown below. Each asset class assumption is based on a consistent set of underlying assumptions and includes an adjustment for inflation assumption. Best estimates of arithmetic real rates of return for each major asset class included in the pension plan's target asset allocation are summarized in the following table:

Asset Class	Target Allocation	Annual Arithmetic Return	Compound Annual (Geometric Return)
Cash	1.00%	2.60%	2.60%
Fixed Income	19.80	4.40	4.40
Global Equity	54.00	8.80	7.30
Real Estate	10.30	7.40	6.30
Private Equity	11.10	12.00	8.90
Strategic Investments	3.80%	6.20	5.90
	100.00%		

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

Discount Rate. The discount rate used to measure the total pension liability was 6.70%. The FRS's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the discount rate for calculation of the total pension liability is equal to the long-term expected rate of return. However, because the HIS program uses a pay-as-you-go funding structure, a municipal bond rate of 3.54% was used to determine the total pension liability for the program (Bond Buyer General Obligation 20-Bond Municipal Bond Index).

Sensitivity of the City's Proportionate Share of the Net Pension Liability to Changes in the Discount Rate. The following represents the City's proportionate share of the net pension liability as of June 30, 2022 calculated using the discount rate, as well as what the City's proportionate share of the net pension liability would be if it were calculated using a discount rate that is one percentage point lower or one percentage point higher than the current rate.

	FRS Net Pension Liability			**HIS Net Pension Liability**		
	1% Decrease (5.70%)	Current Discount Rate (6.70%)	1% Increase (7.70%)	1% Decrease (2.54%)	Current Discount Rate (3.54%)	1% Increase (4.54%)
Employer's proportionate share of the net pension liability	$309,386	$178,894	$69,788	$21,434	$18,735	$16,501

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

Other Post-Employment Benefits Other Than Pensions (OPEB).

The City follows Governmental Accounting Standards Board Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions* ("OPEB"), for certain postemployment healthcare benefits provided by the City.

Plan Description. The City administers an employee group medical insurance plan (the "OPEB"), a single-employer plan that provides medical insurance benefits to its employees and their eligible dependents. In accordance with Section 112.0801, Florida Statutes, because the City provides a medical plan to active employees and their eligible dependents, the City is also required to provide retirees with the opportunity to participate in the OPEB. Benefit provisions for the OPEB are established and may be amended by the City Council. The retirees pay the full group premium amount for health insurance with no explicit subsidy from the City. The Plan does not issue a publicly available financial report.

Funding Policy. Contribution rates for the OPEB are established on an annual basis. Eligible retirees and their covered dependents receiving benefits contribute 100% of their premium costs for medical insurance. While the City does not directly contribute towards the costs of retiree premiums via an explicit subsidy, the ability of retirees to obtain health insurance coverage at a group rate which includes active employees constitutes a significant economic benefit to retirees, or an "implicit" subsidy. This implicit subsidy is an Other Post Employment Benefit (OPEB) obligation of the City and is funded by general assets on a pay-as-you-go basis since there is no Trust Fund or equivalent arrangement into which the City makes contributions. For the year ended September 30, 2022, the City estimated its subsidized contributions towards medical cost on behalf of retirees and their covered dependents to be 327,577.

Total OPEB Liability. The City's total OPEB liability of $12,987,375 was measured as of October 1, 2021 and was determined by an actuarial valuation as of September 30, 2022. The beginning OPEB liability for the year ended September 30, 2022 was adjusted to reflect the change in mortality recognized as of October 1, 2017.

Significant Actuarial Assumptions and other Inputs/ The total OPEB Liability determined in the September 30, 2022 actuarial valuation used the following significant actuarial assumptions and other inputs:

Inflation	5.00%
Payroll Growth	4.00%
Discount Rate	3.75%
Healthcare Trend Rate	5.00%

Retirement Age - 100% at Normal Retirement Eligibility Date

Mortality - Florida Retirement System Mortality Table RP-2000

General (non-special risk) – For female lives, 100% of the Combined Healthy White-Collar table was used. For male lives, a 50% Combined Healthy White-Collar table, 50% Healthy Blue-Collar table blend was used.

Police & Fire (special risk) - For female lives, 100% of the Combined Healthy White-Collar table was used. For male lives, a 10% Annuitant White-Collar table, 90% Annuitant Blue-Collar table blend was used.

All tables include fully generational adjustments for mortality improvements using improvement scale BB.

Discount Rate – Given the City's decision not to fund the OPEB plan, all future benefit payments were discounted using a high-quality bond rate of 3.75%.

Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment and termination, mortality, and the healthcare cost trends.

Projection of benefits for financial reporting purposes are based on the substantive plan provisions, as understood by the employer and participating members, and include the type of benefits provided at the time of each valuation and the historical pattern of sharing benefit costs between the employer and participating members. The actuarial methods and assumptions used include techniques that are designed to reduce the effect of short-term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long-term perspective of the calculations.

Changes in Total OPEB Liability

SCHEDULE OF CHANGES IN THE TOTAL OPEB LIABILITY AND RELATED RATIOS

Reporting Period Ending	9/30/2022
Measurement Date	10/1//2021
Total OPEB Liability	
Service Cost	$543,281
Interest for 2 years	455,707
Differences Between Expected and Actual Experiences	-
Changes of Assumptions	-
Benefits Payments	(327,577)
Net Change in Total OPEB Liability	671,411
Total OPEB Liability – Beginning (as Restated)	12,315,964
Total OPEB Liability – Ending	$12,987,375
Covered-Employee Payroll	$34,774,162
Total OPEB Liability as a Percentage of Covered-Employee Payroll	37.35%

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

Sensitivity of the Total OPEB liability to Changes in the Discount Rate.

	1% Decrease 2.75%	Current Discount Rate 3.75%	1% Increase 4.75%
Total OPEB Liability	$11,058,586	$12,987,375	$15,432,737

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

Sensitivity of the Total OPEB liability to Changes in the Healthcare Cost Trend Rates.

		Healthcare Costs Trend Rate 3.75%	
	1% Decrease 2.75%		1% Increase 4.75%
Total OPEB Liability	$11,058,586	$12,987,375	$15,432,737

Source: Comprehensive Annual Financial Report of the City of Palm Bay, Florida for the Fiscal Year Ended September 30, 2022.

OPEB Expenses and Deferred Outflows of Resources and Deferred Inflows of Resources. OPEB expense for the fiscal year ended September 30, 2022 was $1,308,008. On September 30, 2022, the City reported deferred outflows of resources of $2,035,761 and deferred inflows of resources of $1,142,232 related to OPEB.

APPENDIX B

ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022

APPENDIX C

RESOLUTION

APPENDIX D

FORM OF BOND COUNSEL OPINION

APPENDIX E

FORM OF CONTINUING DISCLOSURE CERTIFICATE

Road Bond Paving Update – July 2023

The City has 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:

- The table below provides a summary completed (blue), in construction (orange) and planned (red) projects for Road Paving Phases 1 through 5.
- Total miles completed is 343 miles or 43% of the 791 miles of Road Paving Program.
- Unit 30 is substantially complete.
- Knecht Road and Pt. Malabar Blvd from Babcock to US1 is substantially complete.
- NE Area Miscellaneous Road Paving is approximately 10% complete.
- On July 31, 2023, a presentation will be made to the Infrastructure Advisory Oversight Board on the new 6% polymer Micro Surfacing

Locations	Phase	Miles	Cost	Status
Unit 41 and Eldron	1	11.21	$3,074,559	Completed
Unit 31 & 32	1	41.47	$10,269,206	Completed
Unit 42 and Garvey Road	1	33.51	$7,727,462	Completed
Unit 11, 15, 18, 23 & 56	1	56.63	$10,020,962	Completed
Pt Malabar Rd from Palm Bay to Babcock St	2	1.66	$996,582	Completed
Emerson Dr from Minton Rd to C-1	2	2.55	$1,118,119	Completed
Unit 17	2	13.16	$1,464,995	Completed
Unit 46	2	23.96	$2,062,216	Completed
Unit 5	2	6.49	$926,775	Completed
Unit 1,2,3,4,27,35,43 & 47	2	24.13	$3,617,733	Completed
Unit 24 & 25	2	45.37	$7,861,369	Completed
Palm Bay Colony & Kirby Industrial	2	6.09	$1,138,314	Completed
Driskell Heights/Florida/Farview	2	4.75	$1,104,798	Completed
Unit 20	2	16.57	$2,666,361	Close-out
Unit 48 & Emerson from C-1 to Fairhaven	3	22.97	$5,074,200	Close-out
Emerson from Amador Ave to Jupiter Blvd	2	1.96	$1,166,061	Close-out
Unit 30	3	30.1	$11,923,113	Punch List
Knecht RD & Pt Malabar from Babcock to US 1	2	9.49	$4,431,232	Punch List
Northeast Area Misc.	2	17.68	$6,423,885	NTP 5/15/23
Units 13, 14 and Madden and Osmosis	3	34.16	$10,945,848	NTP 5/22/23
Country Club 1-10	2	20.9	$8,028,695	Re-Design
Units 22, 37 and Waco	3	27.18	$9,026,981	Waiting on Pipes
Unit 57	3	2.13	$2,944,138	Waiting on Pipes
Units 26, 38, 39 & 40	2	19.39	$1,654,963	Design
Unit 6	4	14.12	$3,422,657	Phase 4 Estimates
Unit 44	4	29.96	$10,085,930	Phase 4 Estimates
Unit 45	4	23.62	$8,617,501	Phase 4 Estimates

Locations	Phase	Miles	Cost	Status
Unit 50, Emerson and Bayside	4	30.61	$9,398,586	Phase 4 Estimates
Unit 55	4	2.83	$948,024	Phase 4 Estimates
Unit 7	5	18.6	$5,568,393	Phase 5 Estimates
Unit 8	5	15.7	$4,700,203	Phase 5 Estimates
Unit 9	5	15.1	$4,520,578	Phase 5 Estimates
Unit 10	5	15.3	$4,580,453	Phase 5 Estimates
Unit 12	5	20.6	$6,167,146	Phase 5 Estimates
Unit 16	5	25.6	$7,484,400	Phase 5 Estimates
Unit 19	5	13.6	$3,891,888	Phase 5 Estimates
Unit 21	5	7.9	$2,365,070	Phase 5 Estimates
Unit 28	5	4.9	$1,629,936	Phase 5 Estimates
Unit 29	5	4.8	$1,596,672	Phase 5 Estimates
Unit 36	5	18.9	$5,658,206	Phase 5 Estimates
Malabar Road	5	4.95	$6,818,918	Phase 5 Estimates
Jupiter from Garvey to San Filippo	5	3.47	$1,142,718	Phase 5 Estimates
Melbourne Poultry Colony	5	4.13	$1,030,352	Phase 5 Estimates
Unit 49	5	28.4	$11,021,472	Phase 5 Estimates

Projects Complete or Under Contract	$94,013,790
Estimated Future Projects	$122,303,880
Total Expected Expenditures	$216,317,670
Difference Between Estimates/Costs and Bond	-$66,317,670

RESOLUTION 2023-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, SUPPLEMENTING RESOLUTION 2018-63; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING $50,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF THE CITY OF PALM BAY, FLORIDA, GENERAL OBLIGATION BONDS, SERIES 2023, IN ORDER TO FINANCE ROADWAY IMPROVEMENTS; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; PROVIDING CERTAIN TERMS AND DETAILS OF SUCH BONDS; AUTHORIZING THE CITY MANAGER OR THE FINANCE DIRECTOR OF THE CITY TO PUBLISH A SUMMARY NOTICE OF SALE AND TO RECEIVE BIDS PURSUANT TO A COMPETITIVE SALE OF SAID BONDS AND AWARD THE SALE OF SAID BONDS TO THE RESPONSIVE BIDDER OR BIDDERS OFFERING THE LOWEST TRUE INTEREST COST TO THE CITY, WHICH SHALL NOT EXCEED SIX PERCENT (6%); AUTHORIZING THE EXECUTION AND DELIVERY OF SAID BONDS; APPOINTING THE PAYING AGENT AND REGISTRAR WITH RESPECT TO SAID BONDS; APPROVING THE PREPARATION AND USE OF A SUMMARY NOTICE OF SALE, AN OFFICIAL NOTICE OF SALE, A PRELIMINARY OFFICIAL STATEMENT AND FINAL OFFICIAL STATEMENT; AUTHORIZING THE ELECTRONIC DISSEMINATION OF THE PRELIMINARY OFFICIAL STATEMENT AND OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, FLORIDA, as follows:

SECTION 1. **FINDINGS.** It is hereby found and determined that:

(A) On December 16, 2018, the City Council of the City of Palm Bay, Florida (the "City" or "Issuer") duly adopted Resolution No. 2018-63 (the "Original Resolution"). All capitalized terms not otherwise defined herein shall have the meanings set forth in the Original Resolution.

(B) The Original Resolution, as previously supplemented and as supplemented hereby, is referred to herein as the "Bond Resolution."

(C) The Original Resolution provides for the issuance of bonds thereunder, upon meeting the requirements set forth in the Original Resolution.

(D) The City deems it to be in the best interests of its citizens and taxpayers to issue its General Obligation Bonds, Series 2023 (the "Bonds") for the purpose of financing certain roadway improvements within the City, as identified by resolution of the City (the "Project," as described in the Original Resolution).

(E) The principal of and interest on the Bonds and all required sinking fund, reserve and other payments shall be general obligations of the City, secured by the full faith and credit of the City and the Ad Valorem Taxes, as provided in the Bond Resolution.

(F) The City deems it necessary: (i) to fix the date, denominations, amount and maturities of the Bonds, (ii) to authorize the publication of a Summary Notice of Sale in The Bond Buyer or such other publication as directed by the City Manager, (iii) to approve the form and authorize the use of an Official Notice of Sale, Preliminary Official Statement and a final Official Statement, (iv) to authorize the City Manager or the Finance Director of the City to award the Bonds to the best bidder or bidders upon the terms and conditions and subject to the limitations set forth herein and the Official Notice of Bond Sale, (v) to appoint a Bond Registrar and Paying Agent, and (vi) to approve the form of a continuing disclosure undertaking.

(G) The Original Resolution provides that the Bonds shall mature on such dates and in such amounts, shall bear such rates of interest, shall be payable in such places and shall be subject to such redemption provisions as shall be determined by Supplemental Resolution adopted by the City; and it is now appropriate that the City determine parameters for such terms and details.

SECTION 2. **AUTHORITY FOR THIS SUPPLEMENTAL RESOLUTION.** This Supplemental Resolution is adopted pursuant to Articles II and V of the Original Resolution, the provisions of the Act (as defined in the Original Resolution) and other applicable provisions of law.

SECTION 3. **AUTHORIZATION AND DESCRIPTION OF THE BONDS.** The City hereby determines to issue a series of Bonds in an aggregate principal amount not exceeding $50,000,000, the exact principal amount to be as authorized by the Official Notice of Sale, to be known as its "General Obligation Bonds, Series 2023," for the principal purpose of financing the Cost of the Project.

The Bonds shall be dated as of their date of delivery, shall be issued as fully registered Bonds, numbered consecutively from one upward in order of maturity with the prefix "R"; shall bear interest from their date of delivery, payable semi-annually, on (except as otherwise established by the City Manager based on advice of the City's Financial Advisor) January 1 and July 1 of each year, commencing on July 1, 2024, at such rates and maturing in such amounts on July 1 of such years (except as otherwise established by the City Manager based on advice of the City's Financial Advisor) as to be set forth in the Official Notice of Sale. The Bonds shall be issued in denominations of $5,000 and any integral multiple thereof.

The Bonds shall be subject to redemption prior to maturity as set forth below:

The Bonds maturing on July 1, 2034, and thereafter are redeemable at the option of the City from any legally available source, in whole or in part and if in part, in any order of maturity selected by the City, at its discretion, and by lot within a maturity if less than an entire maturity is to be redeemed, on July 1, 2033, or at any time thereafter, at a redemption price equal to the principal amount of the Bonds to be redeemed, together with accrued interest to the date fixed for redemption.

Notwithstanding the foregoing, if the City's Financial Advisor, upon consultation with the Finance Director of the City, determines that market conditions require different or no optional redemption provisions for the Bonds or for certain maturities of the Bonds, such different optional redemption provisions or the exclusion of certain or all maturities of the Bonds from such optional redemption provisions will be deemed approved by the City so long as the maximum redemption premium does not exceed 1% and the first optional redemption period, if any, is not more than eleven (11) years from the date of issuance of the Bonds if the Bonds are to be subject to optional redemption.

Any bonds which are designated as Term Bonds in accordance with the Official Notice of Sale shall also be subject to mandatory redemption prior to maturity by lot, in such manner as the Registrar may deem appropriate, on July 1, in such years, at a price of par plus accrued interest to the date of redemption, in the annual amounts established by the winning bidder in consultation with the City's Finance Director and Financial Advisor.

The Bonds shall be subject to a book-entry system of registration described in the Official Statement referenced below.

SECTION 4. **AUTHORIZATION OF THE PROJECT.** The acquisition and construction of the Project (including the reimbursement to the Issuer of certain costs incurred with respect thereto), is hereby authorized by the Issuer.

SECTION 5. **SALE OF THE BONDS.** The City Manager and/or Finance Director is hereby authorized and directed to sell the Bonds at public sale by competitive bid and to publish the Summary Notice of Sale in the form attached hereto as Exhibit A in The Bond Buyer or such other publication as directed by the City Manager at least ten (10) days prior to the date of sale, which date of sale shall be determined by the Finance Director, in consultation with the City's Financial Advisor, in an effort to achieve the lowest interest cost for the City.

The Official Notice of Sale attached hereto as Exhibit B and the Preliminary Official Statement attached hereto as Exhibit C are each hereby approved and authorized to be used in connection with the sale of the Bonds. The Preliminary Official Statement, upon advice of the City Manager, is hereby deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"). The Preliminary Official Statement and Official Statement (as defined below) are authorized to be made available by electronic means. The Preliminary Official Statement, as amended on the date of sale of the Bonds to delete the preliminary language and as further amended to reflect the actual interest rates and reoffering terms and any changes of maturities or amounts and with such additional correcting and conforming changes as shall be approved by the City Manager, is hereinafter referred to as the "Official Statement," and as promptly as possible following the sale and within seven (7) business days of the date of sale of the Bonds, the City agrees to make available to the Underwriters of the Bonds a sufficient number of copies of the Official Statement as necessary to enable such purchasers to comply with the Rule. The City Manager is authorized to execute the Official Statement on behalf of the City with such changes, completions and amendments as they shall determine are necessary or desirable.

The City Manager is hereby delegated the authority to award the Bonds to the responsive bidder offering to purchase the Bonds at the lowest true interest cost to the City, which in no event shall exceed six percent (6%), calculated as provided in the Official Notice of Bond Sale, and with a final maturity date of no later than July 1, 2043.

SECTION 6. **CONTINUING DISCLOSURE CERTIFICATE.** In order to enable the Underwriters to comply with the provisions of the Rule relating to secondary market disclosure, the City Manager is hereby authorized and directed to execute and deliver the Continuing Disclosure Certificate in the name and on behalf of the City substantially in the form attached hereto as Exhibit D, with such changes, amendments, omissions and

additions as shall be approved by the Mayor, his execution and delivery thereof being conclusive evidence of such approval.

SECTION 7. **APPOINTMENT OF REGISTRAR AND PAYING AGENT.** Zions Bancorporation, National Association, Denver, Colorado, is hereby designated Registrar and Paying Agent for the Bonds. The Mayor and the City Clerk are hereby authorized to enter into any agreement which may be necessary to effect the transactions contemplated by this Section 7.

SECTION 8. **GENERAL AUTHORITY.** The members of the City Council of the City and the officers, attorneys and other agents or employees of the City are hereby authorized to do all acts and things required of them by this Supplemental Resolution or the Original Resolution, or desirable or consistent with the requirements hereof or the Original Resolution, including the execution of such documents necessary to establish a book-entry system of registration with respect to the Bonds, for the full punctual and complete performance hereof or thereof. Each member, employee, attorney and officer of the City is hereby authorized and directed to execute and deliver any and all papers and instruments and to be and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated hereunder. The City Manager and/or the City Clerk are hereby authorized to execute such tax forms or agreements as shall be necessary to effect the transactions contemplated hereby, including designating Bond Counsel to assist or act as agent with respect thereto.

SECTION 9. **ORIGINAL RESOLUTION TO CONTINUE IN FORCE.** Except as herein expressly provided, the Original Resolution and all the terms and provisions thereof, including the covenants contained therein, are and shall remain in full force and effect.

SECTION 10. **SEVERABILITY AND INVALID PROVISIONS.** If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, even though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way affect the validity of any of the other covenants, agreements or provisions hereof or the Bonds issued hereunder.

SECTION 11. **EFFECTIVE DATE.** This Supplemental Resolution shall become effective immediately upon the enactment date.

This resolution was duly enacted at Meeting 2023-XX, of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2023.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

EXHIBIT A

FORM OF SUMMARY NOTICE OF SALE

EXHIBIT B

FORM OF OFFICIAL NOTICE OF SALE

EXHIBIT C

FORM OF OFFICIAL STATEMENT

EXHIBIT D

FORM OF CONTINUING DISCLOSURE CERTIFICATE

ORDINANCE 2023-73

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

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

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

"~~**CITIZENS' BUDGET ADVISORY BOARD**~~

~~**§ 52.330 ESTABLISHMENT.**~~

~~The City Council of the City of Palm Bay, Florida hereby establishes and creates the "Citizens' Budget Advisory Board" (CBAB); hereinafter referred to as the "Board."~~

~~**§ 52.331 PURPOSE AND INTENT.**~~

~~The purpose of the Citizens' Budget Advisory Board is to provide impartial and independent overview, analysis and advice to the City Council regarding the City's budget and to assist the City Council in maintaining fiscal responsibility by ensuring efficient and effective spending practices. The Board fulfills this purpose by reviewing and making recommendations to City Council regarding proposed budgets or budget amendments submitted by the City Manager, or the City Manager's designee, to the City Council.~~

~~**§ 52.332 COMPOSITION.**~~

~~(A) The Board shall consist of seven (7) members appointed by the City Council. The City Manager and Finance Director or their respective designees shall serve as ex-officio members who shall only have voting rights in the event of a vacancy.~~

~~(B) *Appointment.* One (1) appointment by each councilmember, and (2) at-large appointments by a majority of Council. The members shall be selected by using the City Council's process for filling board positions.~~

~~(C) *Terms and term limits.* The initial term, and subsequent terms for the two (2) at-large members shall be four (4) years. The remaining five (5) members shall serve staggered terms coinciding with the term of the councilmember who made the appointment. The initial term shall begin January 1, 2018. The members appointed by Councilmembers in Seats 1, 2 and 3 shall serve until November 2020 when the Mayor and Councilmembers' seats come up for re-election; members appointed by Councilmembers in Seats 4 and 5 shall serve until November 2018 when the Councilmembers' seats come up for re-election. Thereafter, all subsequent terms shall convene with the appointing Councilmember's term of election.~~

~~(D) *Vacancies.* Vacancies for unexpired terms shall be filled in the manner in which the original appointments are required to be made. City Council shall fill the vacancy within thirty (30) days after the vacancy occurs. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term.~~

~~(E) *Qualifications.* The following backgrounds are of primary importance: budgeting, accounting, finance, auditing, business ownership or related experience and training.~~

~~(F) *Residential requirements.* Members must be a resident of the City of Palm Bay for at least one (1) year and/or be the owner of a business located within the City of Palm Bay for at least one (1) year with a valid business tax receipt. A member must remain a City of Palm Bay resident and/or the owner of a business located within the City of Palm Bay throughout the term of the member's appointment.~~

~~(G) *Registered voter.* Board members must be registered to vote in Florida.~~

~~(H) *Mandatory training.* The Board members shall attend mandatory trainings regarding the budget process, basic governmental accounting practices, review of budgeting policies and the Government in- the Sunshine and Public Records Laws of the State of Florida.~~

~~(I) *Compensation.* The members of the board shall serve without compensation.~~

~~§ 52.333 RULES OF PROCEDURE.~~

~~(A) *Officers.* The Board shall select its own Chairperson and Vice Chairperson. Elections shall be held at the first regularly scheduled meeting, or as~~

~~soon thereafter as practical, after appointment of the Board. The elected Chairperson shall preside and conduct meetings of the Board. The elected Vice Chairperson shall act in the absence of the Chairperson. The Chairperson and Vice Chairperson shall serve for a term of two (2) years. The Vice Chairperson shall automatically succeed the chairperson. Any vacancy in the office of Chairperson or Vice Chairperson shall be filled at the earliest possible date by the Board through an election of one of its members to fill the unexpired term of the vacant position.~~

~~(B) *Meetings.*~~

~~(1) Regular meetings may be held once per month or less frequently if the Board determines there is insufficient business to warrant a meeting. However, the Board shall have at least one regular meeting per year. Special meetings may be called by a majority vote of members of the Board or as requested by the City Council. Meetings shall be noticed and open to the public.~~

~~(2) Special or workshop meetings may be called by the Chairperson, a majority of the members of the Board or a majority of the City Council.~~

~~(3) Any meeting date may be changed but only by a majority vote at a regularly scheduled meeting.~~

~~(C) *Quorum.* A majority of the appointed Board members shall constitute a quorum for the transaction of business. Neither the City Manager nor the Finance Director count towards the quorum requirement. No official action shall be taken by the Board without the concurring vote of a majority of all members present or via teleconference at such meeting.~~

~~(D) *By-laws.* The Board shall make and adopt such bylaws, rules, and regulations for its own guidance as it may deem expedient and not inconsistent with law.~~

~~(E) *Absences.* Members who fail to attend three (3) consecutive regular meetings or a total of five (5) meetings of any type within a twelve (12) month period, shall automatically forfeit their appointments. The Chairperson shall notify the Office of the City Clerk of any vacancy, at which time the process to fill the vacancy shall be implemented.~~

~~(F) *Removal.* Members of the Board may be removed at any time without cause by a majority vote of the City Council. Any vacancy shall be filled in accordance with § 52.332(B).~~

~~(G) *Reports.* The Board shall submit to the City Council, within an appropriate time frame, an agenda of the upcoming meeting and the minutes of~~

~~the previous meeting. The Board shall submit other reports from time to time as directed by the City Council.~~

~~(H) The Board shall comply with the "Government in the Sunshine Law" and "Public Records Act", pursuant to Florida Statutes. City staff shall be responsible for recording the minutes of all meetings of the Budget Advisory Board. Minutes of the meeting and records shall be filed in the appropriate office of the City and shall constitute public records.~~

~~**§ 52.334 DUTIES AND RESPONSIBILITIES.**~~

~~(A) Provide input to the City Council on improving transparency and communication of the budget to the public;~~

~~(B) Provide recommendations to the City Council regarding the development of the annual budget;~~

~~(C) Advise the City Council on service levels, priorities, critical needs and emergencies;~~

~~(D) Review the City Manager's proposed budget, capital improvement plan, budget amendments and budget update after the City Manager or his designee presents the item to City Council. The Board's review of the proposed budget item should focus on the following:~~

~~(1) Any adverse effect on the availability of professional or occupational services to the public;~~

~~(2) How the proposed budget affects economic development, job creation or retention; and,~~

~~(3) Potential for cost savings and revenue-generating opportunities.~~

~~(E) Recommendations submitted to the City Council shall be in writing.~~

~~(1) Recommendations shall be submitted no later than fourteen (14) calendar days after distribution of the proposed budget to City Council of each year regarding the budget for the upcoming fiscal year.~~

~~(2) The Chairperson or a member selected by the Board may give a presentation to the City Council during the first Public Budget Workshop.~~"

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

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

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

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

Read in title only at Meeting 2023-XX, held on , 2022; and read in title only and duly enacted at Meeting 2023-XX, held on , 2022.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

~~Strikethrough~~ words shall be deleted; highlighted words that will 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.