



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

## **AGENDA**

### **REGULAR COUNCIL MEETING 2023-23 Tuesday**

**September 19, 2023 - 6:00 PM  
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

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

#### **INVOCATION:**

1. Pastor Chris Adams - Christian Life Church, Palm Bay.

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

#### **ROLL CALL:**

#### **AGENDA REVISIONS:**

1. Presentation of the American Flag to Keith Van Buren has been added as Item 2, under Proclamations and Recognitions.
2. The resolution for Item 6, under Consent Agenda (Resolution 2023-28), has been added to the agenda packet.
3. Two (2) requests regarding expenditures for Risk Management Services have been added as Items 1 and 2, under New Business.

#### **PROCLAMATIONS AND RECOGNITIONS:**

1. Proclamation: Hispanic Heritage Month - September 15 - October 15, 2023; Puerto Rican Day - September 30, 2023.
2. Recognition: Presentation of the American Flag - honoring the service of Keith Van Buren. (Mayor Medina)(AGENDA REVISION)

#### **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 2023-90, amending the Fiscal Year 2022-2023 budget by appropriating and

allocating certain monies (fourth budget amendment), final reading.

2. Ordinance 2023-38, providing for the annexation of certain real property located west of and adjacent to Minton Road, in the vicinities north of Palm Bay Road and south of Hield Road, into the City (2.11 acres) (Case A23-00002, Bruce Coffman/Affordable Trailer Service and Supply, Inc.), first reading. (CONTINUED FROM 08/17/23 RCM)
3. Ordinance 2023-60, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Minton Road, in the vicinities north of Palm Bay Road and south of Hield Road, from Community Commercial Use (Brevard County) to Commercial Use (City of Palm Bay) (2.11 acres) (CP23-00013, Bruce Coffman/Affordable Trailer Service and Supply, Inc.), only one reading required. (CONTINUED FROM 08/17/23 RCM)
4. Ordinance 2023-61, rezoning property located west of and adjacent to Minton Road, in the vicinities north of Palm Bay Road and south of Hield Road, from BU-1 (General Retail Commercial) (Brevard County) to CC (Community Commercial District) (City of Palm Bay) (2.11 acres) (Case CPZ23-00007, Bruce Coffman/Affordable Trailer Service and Supply, Inc.), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 08/17/23 RCM)
5. Ordinance 2023-37, providing for the annexation of certain real property located at the southwest corner of Hield Road and Minton Road, into the City (4.58 acres) (Case A23-00001, Cole Oliver/West Malabar Properties, LLC), first reading. (CONTINUED FROM 08/17/23 RCM)
6. Ordinance 2023-63, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southwest corner of Hield Road and Minton Road from Residential 2 Use (Brevard County) to Commercial Use (City of Palm Bay) (4.58 acres) (Case CP23-00010, Cole Oliver/West Malabar Properties, LLC), only one reading required. (CONTINUED FROM 08/17/23 RCM)
7. Ordinance 2023-64, rezoning property located at the southwest corner of Hield Road and Minton Road from RP (Resident Professional) (Brevard County) and AU (Agricultural Residential) (Brevard County) to CC (Community Commercial District) (City of Palm Bay) (4.58 acres) (Case CPZ23-00006, Cole Oliver/West Malabar Properties, LLC), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 08/17/23 RCM)
8. Ordinance 2023-91, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Eldron Boulevard, in the vicinities north of Bayside Lakes Boulevard and south of Devonwood Court, from Low-Density Residential Use and Commercial Use to Commercial Use (7.43 acres) (Case CP23-00014, KEW LLC), only one reading required.
9. Ordinance 2023-92, granting approval of a Final Development Plan to be known as 'Chaparral Amenity Center' within the Chaparral Planned Unit Development on property located south of and adjacent to Abilene Drive, in the vicinity south of Malabar Road and east of Flying U Lane (6.66 acres) (FD23-00007, Chaparral Properties LLC), first reading. (Quasi-Judicial Proceeding)
10. Request by DRP FL 6, LLC, for a final subdivision plat to be known as 'Timbers at Everlands Phase 1C' in PUD (Planned Unit Development) zoning (21.25 acres) (Case FS23-00007). (Quasi-Judicial Proceeding)
11. Request by DRP FL 6, LLC, for a final subdivision plat to be known as 'Timbers at Everlands Phase 2' in PUD (Planned Unit Development) zoning (107.05 acres) (Case FS23-00008). (Quasi-Judicial Proceeding)

12. Ordinance 2023-93, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapter 'Walls and Fences', by modifying provisions contained therein (Case T23-00023, City of Palm Bay), first reading.
13. Request by Florida Institute of Technology for a variance to allow three (3) proposed parking garage buildings to encroach twenty feet (20') into the 20-foot front-yard setback for accessory structures, as established by Section 185.058(F)(8)(e), Palm Bay Code of Ordinances (6.92 acres) (V23-00006). (CONTINUED TO 10/04/23 P&Z AND 10/05/23 RCM)
14. Request by Sunrise Plaza Enterprise, Inc., for a conditional use to allow retail automotive gasoline/fuel sales in NC (Neighborhood Commercial District) zoning on property located at the southwest corner of Glencove Avenue and Emerson Drive (3.00 acres) (CU23-00003). (CONTINUED TO 10/04/23 P&Z AND 11/02/23 RCM)

## **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 2023-21; September 6, 2023.
2. Contract: Superior Public Administration and Public Safety Software Maintenance and Support - Information Technology Department (Central Square (dba Superior) - \$246,050).
3. Miscellaneous: Clarifier 1 Drive mechanism repair, North Regional Wastewater Treatment Plant (emergency procurement) – Utilities Department (Evoqua - \$185,285).
4. Resolution 2023-26, amending Resolution 2022-51, as amended, adopting the Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay for Fiscal Year 2022-2023 (fourth amendment).
5. Resolution 2023-27, amending Resolution 2022-52, as amended, adopting the Five-Year Capital Improvements Program for Fiscal Years 2022-2023 through 2026-2027 (fourth amendment).
6. Resolution 2023-28, providing for the acceptance of the transfer of a portion of Capital Drive, Tracts PA-1 and PA-2 from the Cypress Bay Preserve Homeowner's Association Inc.
7. Consideration of a grant agreement with Florida Department of Law Enforcement for improvements to the memorial at Sacrifice Park (\$150,000).
8. Consideration of a grant agreement for the Victims of Crime Act grant program (\$59,910).
9. Consideration of accepting a grant award from the Florida Department of Law Enforcement for improvements to the Police Department's regional training grounds and gun range (\$1,250,000).
10. Consideration of participating in the Drug Recognition Expert (DRE) Call-Out Overtime Reimbursement Program Contract with the Florida Department of Transportation.
11. Consideration of a budget amendment appropriating funds from the Solid Waste Fund Undesignated Fund Balance to the Solid Waste Fund to cover the September 2023 invoice balance for Republic Services (\$578,000).
12. Consideration of travel and training for specified City Employee (Growth Management Department).
13. Consideration of travel and training for specified City employees (Police Department).

14. Consideration of travel and training for specified City employees (Police Department).
15. Acknowledgement of the City's monthly financial report for July 2023 (Unaudited).
16. Acknowledgement of the September 2023 GO Road Bond Paving Report.

#### **UNFINISHED AND OLD BUSINESS:**

1. Appointment of (1) member to the Melbourne-Tillman Water Control District.
1. Consideration of expenditures for Risk Insurance and Risk Management Services (\$1,460,813).(AGENDA REVISION)
2. Consideration of expenditures to meet the self-insured retention level and reimburse the third-party administrator for payment of claims.(AGENDA REVISION)

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

1. Committee/Council Reports

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

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

#### **ADJOURNMENT:**

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

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

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

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

**If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website or documents contained therein interferes with your ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and**

**your contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.**

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

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



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Larry Wojciechowski, Finance Director

**DATE:** 9/19/2023

**RE:** Ordinance 2023-90, amending the Fiscal Year 2022-2023 budget by appropriating and allocating certain monies (fourth budget amendment), final reading.

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

Summary of the proposed budget amendment:

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

#### **Revenues – Total (\$607,671)**

- Recognize COVID-19 FEMA Public Assistance (PA) Reimbursement - General Fund portion – \$21,203.
- Remove the estimated FY 2022 BCRA Unspent Fund Balance incoming transfer (City of Palm Bay portion), included in the FY 2023 Approved Budget – FY 2022 portion dedicated to the Road Maintenance CIP Fund (307); approved by City Council 07/20/2023 – (\$667,282).
- Record maximum transfer from the CDBG Fund (112) for the Crime Prevention Program hosted by the Police Department's Community Services Section; CDBG funding was approved by City Council on 04/20/2023; cash reimbursements (transfers) are to be made based on actual incurred expenditures; General Fund/Police portion approved by City Council 07/06/2023 – \$38,408.

#### **Expenditures – Total \$326,999**

- Appropriate COVID-19 FEMA Public Assistance (PA) Reimbursements to the COVID expenditure project (20EM01) – \$21,203.
- Transfer available funding, realized through budgeted savings from Consulting Services, from the General Government Department (001-9010) (\$13,700) to the Information Technology Department (001-2310) \$13,700 for annual subscription costs for DebtBooks, an Accounting software replacing the currently used EZ Lease software – Net Impact \$0.
- Reclassify and transfer one (1) Engineering Technician II (Public Works Department) (\$19,540) to a Planning Specialist (Growth Management Department) \$19,540; approved by City Council 07/06/2023 – Net Impact \$0.
- Appropriate funding for Growth Management equipment and operating supplies as follows: Folding Machine Lease \$729 for FY 2023 Quarter Four; two (2) laptops \$2,000 and seven (7) monitors \$6,650 for the Land Development Division; approved by City Council 07/06/2023 - \$9,379.

- Appropriate funding to purchase 20 rugged laptop setups, including a laptop, docking station, and charger, for police vehicles purchased in FY 2023; approved by City Council 08/03/2023 – \$65,000.
- Appropriate funding to purchase one (1) ¾ Ton Truck and two (2) Utility Tractors for the Parks & Facilities Department, Parks Division; approved by City Council 07/06/2023 – \$126,069.
- Appropriate incoming CDBG funding for the Crime Prevention Program (project 23CD17) hosted by the Police Department's Community Services Section; approved by City Council 07/06/2023 – \$38,408.
- Appropriate funding for increased AUE Staffing rates (Palm Bay Aquatic Center); approved by City Council 07/20/2023 – \$66,940.

#### **Law Enforcement Trust Fund (101)**

##### **Expenditures – Total \$55,000**

- LETF 23-04: Appropriate funding for a Crash Data Retrieval Tool; approved by City Council 07/06/2023 – \$55,000.

#### **CDBG Fund (112)**

##### **Expenditures – Total (\$95,000)**

- Budget Correction – Reverse Budget Amendment #3 entry for the Battalion Commander Vehicle (project 23FD05); previously approved by City Council on 03/16/2023; quotes were not received for the requested required timeframe and a vehicle could not be procured – (\$95,000).
- Utilize project savings from the FY 2022/2023 I am Ministries project (23CD17) (\$38,408) and establish a maximum transfer to the General Fund (001) \$38,408 for the Crime Prevention Program hosted by the Police Department's Community Services Section; CDBG funding was approved by City Council on 04/20/2023; cash reimbursements (transfers) are to be made based on actual incurred expenditures; General Fund/Police portion approved by City Council 07/06/2023 – Net Impact \$0.

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

##### **Expenditures – Total \$455,100**

- Remove the estimated FY 2022 BCRA Unspent Fund Balance outgoing transfer (City of Palm Bay portion), included in the FY 2023 Approved Budget – to the General Fund (001); approved by City Council 07/20/2023 – (\$667,282).
- Appropriate funding for actual FY 2022 BCRA Unspent Fund Balance outgoing transfer (City of Palm Bay portion) to the Road Maintenance CIP Fund (307); approved by City Council 07/20/2023 – \$1,002,311.
- Appropriate additional funding for actual FY 2022 BCRA Unspent Fund Balance reimbursements (Brevard County portion); an estimated amount of \$350,305 was included in the FY 2023 Approved Budget and a total amount of \$470,376 is needed; approved by City Council 07/20/2023 – \$120,071.

#### **Fire Impact Fee Fund – Nexus 32905 (187)**

##### **Expenditures – Total (\$52,948)**

- Budget Correction – Reverse Budget Amendment #3 entry for the fire safety equipment, including bunker gear, helmets, boots, gloves, and hoods for personnel at Fire Station #7; the Legislative Memo request for RCM 05/18/2023 was not approved and the budget was added in error – Total (\$52,948).

#### **Fire Impact Fee Fund – Nexus 32907 (188)**

##### **Expenditures – Total (\$54,800)**

- Budget Correction – Reverse Budget Amendment #3 entry for the fire safety equipment, including bunker gear,

helmets, boots, gloves, and hoods for personnel at Fire Station #7; the Legislative Memo request for RCM 05/18/2023 was not approved and the budget was added in error – Total (\$54,800).

### **Community Investment Fund (301)**

#### **Expenditures – Total (\$50)**

- Close the completed Turkey Creek Restoration Study project (20PW02) – (\$50).

### **Road Maintenance CIP Fund (307)**

#### **Revenues – Total \$1,002,311**

- Record incoming transfer from the BCRA Fund (181) for actual FY 2022 BCRA Unspent Fund Balance (City of Palm Bay portion); approved by City Council 07/20/2023 – \$1,002,311.

### **Utilities Operating Fund (421)**

#### **Revenues – Total \$8,693**

- Recognize COVID-19 FEMA Public Assistance (PA) Reimbursement – Utilities Operating Fund portion – \$8,693.

#### **Expenditures – Total \$135,693**

- Appropriate COVID-19 FEMA Public Assistance (PA) Reimbursements to the COVID expenditure project (20EM01) – \$8,693.
- Appropriate additional funding for Biosolids transportation and disposal; approved by City Council 07/06/2023 – \$127,000.

### **Utilities Connection Fee Fund (423)**

#### **Expenditures – Total \$650,000**

- Open and fund the SRWTP Expansion from 6MGD to 8MGD project (23WS20); approved by City Council 08/03/2023 – \$650,000.

### **Utilities Renewal & Replacement Fund (424)**

#### **Expenditures – Total \$120,397**

- Appropriate funding for the Reverse Osmosis Rehabilitation Engineering Master Plan – NRWTP Task Order 01-2019-007; approved by City Council on 07/06/2023 – \$120,397.

### **Stormwater Utility Fund (461)**

#### **Expenditures – Total \$50,000**

- Additional funding for the Unit 6 Pipe Replacement project (23SU02) for costs associated with surveying, engineering, advertising, and change orders; approved by City Council 07/06/2023 – \$50,000.

### **Fleet Services Fund (521)**

#### **Revenues – Total \$125,633**

- Record insurance claim revenue received for damages sustained to one (1) CAT Loader (Public Works Department) – \$110,458.
- Record insurance claim revenue received for damages sustained to the fuel tank of one (1) Dump Truck

(Public Works Department) – \$9,269.

- Record surplus/auction proceed revenues – \$5,906.

**Expenditures – Total \$125,633**

- Appropriate insurance claim revenue to purchase one (1) CAT Loader replacement (Public Works Department) – \$110,458.
- Appropriate insurance claim revenue for fuel tank repairs sustained to one (1) Dump Truck (Public Works Department) – \$9,269.
- Utilize surplus/auction proceed revenues towards the purchase of a Public Works Department Pool Vehicle – \$5,906

**REQUESTING DEPARTMENT:**

Finance

**FISCAL IMPACT:**

Please refer to Exhibit A for Fiscal Impact.

**RECOMMENDATION:**

Motion to adopt, by Ordinance, the FY 2023 Fourth Budget Amendment.

**ATTACHMENTS:**

**Description**

**Ordinance 2023-90**

**Exhibit A - FY 23 BA #4 Appropriations**

## **ORDINANCE 2023-90**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2022 BUDGET BY APPROPRIATING AND ALLOCATING FUNDS IDENTIFIED IN EXHIBIT 'A', CONSISTING OF THREE (3) PAGES AND INCORPORATED IN ITS ENTIRETY HEREIN; RECOGNIZING THAT SUCH APPROPRIATIONS MUST BE MADE PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF PALM BAY, CHAPTER 35; ADOPTING, RATIFYING, CONFIRMING, AND VALIDATING THE ALLOCATIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay recognizes that non-budgeted items must be appropriated and that such appropriation must be allocated by ordinance, and

**WHEREAS**, transfers between funds and departments must be approved by City Council, and

**WHEREAS**, Chapter 35, Finance, Budget, Section 35.035, of the City of Palm Bay Code of Ordinances, provides for the transfer of funds and appropriation of unbudgeted funds.

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

**SECTION 1.** The City Council, in accordance with the City of Palm Bay, Code of Ordinances, Chapter 35, Finance, Budget, Section 35.035, hereby appropriates the funds as identified in Exhibit 'A'.

**SECTION 2.** The City Council adopts, ratifies, and approves the appropriations as identified in Exhibit 'A'.

**SECTION 3.** The provisions within this ordinance shall take effect immediately upon the enactment date.

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

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

	Revenues	Expenditures
<b>General Fund (001)</b>		
COVID-19 FEMA Public Assistance (PA) Reimbursement (20EM01)	21,203	21,203
FY 2022 BCRA Unspent Fund Balance - Eliminate Incoming Transfer From the BCRA Fund (181)	(667,282)	
Crime Prevention Program (23CD17) - Allocate Maximum Transfer From the CDBG Fund (112)	38,408	38,408
Transfer Funds from from the General Government Department (\$13,700) to the Information Technology Department \$13,700 for DebtBooks		0
Reclassify & Transfer one (1) Engineering Technician II (\$19,540) to a Planning Specialist \$19,540		0
Growth Management Equipment & Operating Supplies: Folding Machine Lease; Two (2) Laptops & Seven (7) 20 Rugged Laptop Setups (Police Department)		9,379
One (1) <sup>3</sup> / <sub>4</sub> Ton Truck & Two (2) Utility Tractors (Parks & Facilities)		65,000
Increased AUE Staffing Rates (Palm Bay Aquatic Center)		126,069
Undesignated Fund Balance	934,670	66,940
<b>Fund Subtotal</b>	<b>326,999</b>	<b>326,999</b>
<b>Law Enforcement Trust Fund (101)</b>		
LETf 23-04: Crash Data Retrieval Tool		55,000
Undesignated Fund Balance	55,000	
<b>Fund Subtotal</b>	<b>55,000</b>	<b>55,000</b>
<b>CDBG Fund (112)</b>		
Budget Correction: Remove Battalion Commander Vehicle (23FD05)		(95,000)
Utilize I am Ministries Project (23CD17) Savings (\$38,408) for the Crime Prevention Program (23CD17) - Allocate Maximum Transfer to the General Fund (001) \$38,408		0
Undesignated Fund Balance	(95,000)	
<b>Fund Subtotal</b>	<b>(95,000)</b>	<b>(95,000)</b>
<b>Bayfront Community Redevelopment Fund (181)</b>		
FY 2022 BCRA Unspent Fund Balance - Eliminate Outgoing Transfer to the General Fund (001)		(667,282)
FY 2022 BCRA Unspent Fund Balance - Add Outgoing Transfer to the Road Maintenance CIP Fund (307)		1,002,311
FY 2022 BCRA Unspent Fund Balance - Allocate Remaining Brevard County Reimbursement Portion		120,071
Reserves		(455,100)
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>

	Revenues	Expenditures
<b>Fire Impact Fee Fund – Nexus 32905 (187)</b>		
Budget Correction: Remove Safety Equipment		(52,948)
Undesignated Fund Balance	(52,948)	
<b>Fund Subtotal</b>	<b>(52,948)</b>	<b>(52,948)</b>
<b>Fire Impact Fee Fund – Nexus 32907 (188)</b>		
Budget Correction: Remove Safety Equipment		(54,800)
Undesignated Fund Balance	(54,800)	
<b>Fund Subtotal</b>	<b>(54,800)</b>	<b>(54,800)</b>
<b>Community Investment Fund (301)</b>		
Close Turkey Creek Restoration Study project (20PW02)		(50)
Undesignated Fund Balance	(50)	
<b>Fund Subtotal</b>	<b>(50)</b>	<b>(50)</b>
<b>Road Maintenance CIP Fund (307)</b>		
FY 2022 BCRA Unspent Fund Balance - Incoming Transfer from the BCRA Fund (181)	1,002,311	
Undesignated Fund Balance	(1,002,311)	
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>Utilities Operating Fund (421)</b>		
COVID-19 FEMA Public Assistance (PA) Reimbursement (20EM01)	8,693	8,693
Additional Funding for Biosolids Transportation & Disposal		127,000
Undesignated Fund Balance	127,000	
<b>Fund Subtotal</b>	<b>135,693</b>	<b>135,693</b>
<b>Utilities Connection Fee Fund (423)</b>		
Open the SRWTP Expansion from 6MGD to 8MGD project (23WS20)		650,000
Undesignated Fund Balance	650,000	
<b>Fund Subtotal</b>	<b>650,000</b>	<b>650,000</b>
<b>Utilities Renewal &amp; Replacement Fund (424)</b>		
Reverse Osmosis Rehabilitation Engineering Master Plan – NRWTP Task Order 01-2019-007		120,397
Undesignated Fund Balance	120,397	
<b>Fund Subtotal</b>	<b>120,397</b>	<b>120,397</b>
<b>Stormwater Utility Fund (461)</b>		
Additional Funding for Unit 6 Pipe Replacement Project (23SU02)		50,000
Undesignated Fund Balance	50,000	
<b>Fund Subtotal</b>	<b>50,000</b>	<b>50,000</b>

	Revenues	Expenditures
<b>Fleet Services Fund (521)</b>		
Insurance Claim - Damages to One (1) CAT Loader (Public Works Department)	110,458	110,458
Insurance Claim - Fuel Tank Damages to One (1) Dump Truck (Public Works Department)	9,269	9,269
Surplus/Auction Proceeds - Public Works Department Pool Vehicle	5,906	5,906
<b>Fund Subtotal</b>	<b>125,633</b>	<b>125,633</b>
<b>Total</b>	<b>1,260,924</b>	<b>1,260,924</b>



## 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:** 9/19/2023

**RE:** Ordinance 2023-38, providing for the annexation of certain real property located west of and adjacent to Minton Road, in the vicinities north of Palm Bay Road and south of Hield Road, into the City (2.11 acres) (Case A23-00002, Bruce Coffman/Affordable Trailer Service and Supply, Inc.), first reading. (CONTINUED FROM 08/17/23 RCM)

As you may recall, the above request was scheduled for the July 20, 2023, regular Council meeting. Council voted to continue the request at the applicant's request.

The applicant is requesting City Council's acceptance of a Petition for Voluntary Annexation, to be followed separately by public hearings for Future Land Use and Zoning as previously heard by the Planning and Zoning Board at the regular meeting held on July 5, 2023 (CP23-00013 and CPZ23-00007). The applicant is requesting to annex parcel ID 28-36-24-FA-2-2.01 / tax account 2806116, totaling approximately 2.11 acres of land with a current Brevard County zoning of BU-1 General Retail Commercial and with a 'CC-Community Commercial' future land use property currently in unincorporated Brevard County.

The subject parcel is located in the vicinity west of and adjacent to Minton Road in the vicinity of Palm Bay Road NE. There is one parcel included in this request.

The Petition for annexation was filed by Bruce Coffman, Affordable Trailer Service and Supply, Inc. (Jeff Kuhn & Cole Oliver, Rep). This Petition seeks to have to ability to connect to City Utilities.

Section 171.044, Florida Statutes, permits the owners of property to petition the City for annexation provided the property is contiguous to the City, is reasonably compact, and no enclaves are created.

Staff research indicates that proper owner authorization has been provided for the annexation.

The proposed annexation parcel is located adjacent to the City and is contiguous to the City limits under the definitions in the Florida Statutes. The subject property abuts the City limits on the south property line. All property proposed for annexation is in a single area and reasonably compact as required by the Chapter 171, Florida Statutes. The annexation does not create any enclaves as confirmed by the City Attorney's Office. In addition, the annexation does not create finger or serpentine patterns as prohibited by the Florida Statutes. The property to be annexed meets all criteria established by Chapter 171.044, Florida Statutes, for voluntary

annexation. Annexation requests are not reviewed by the Planning and Zoning Board.

The Notice of Annexation was published in the Florida Today newspaper on July 6, 2023, and will be republished in the newspaper on July 13, 2023. Notice was also provided by FedEx and Certified U.S. Mail to the Brevard County Board of County Commissioners prior to publishing. Therefore, all notice requirements of Chapter 171, Florida Statutes have been met.

The attached Ordinance has been prepared for Council consideration.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Motion to to approve A23-00002, a Petition for Voluntary Annexation from applicant Affordable Trailer Service and Supply.

**ATTACHMENTS:**

**Description**

A23-00002 -- Survey

A23-00002 -- Staff Report

A23-00002 -- Petition

A23-00002 -- Deed

A23-00002 - Legal Ad

Continuance Request (08/17/23 RCM)

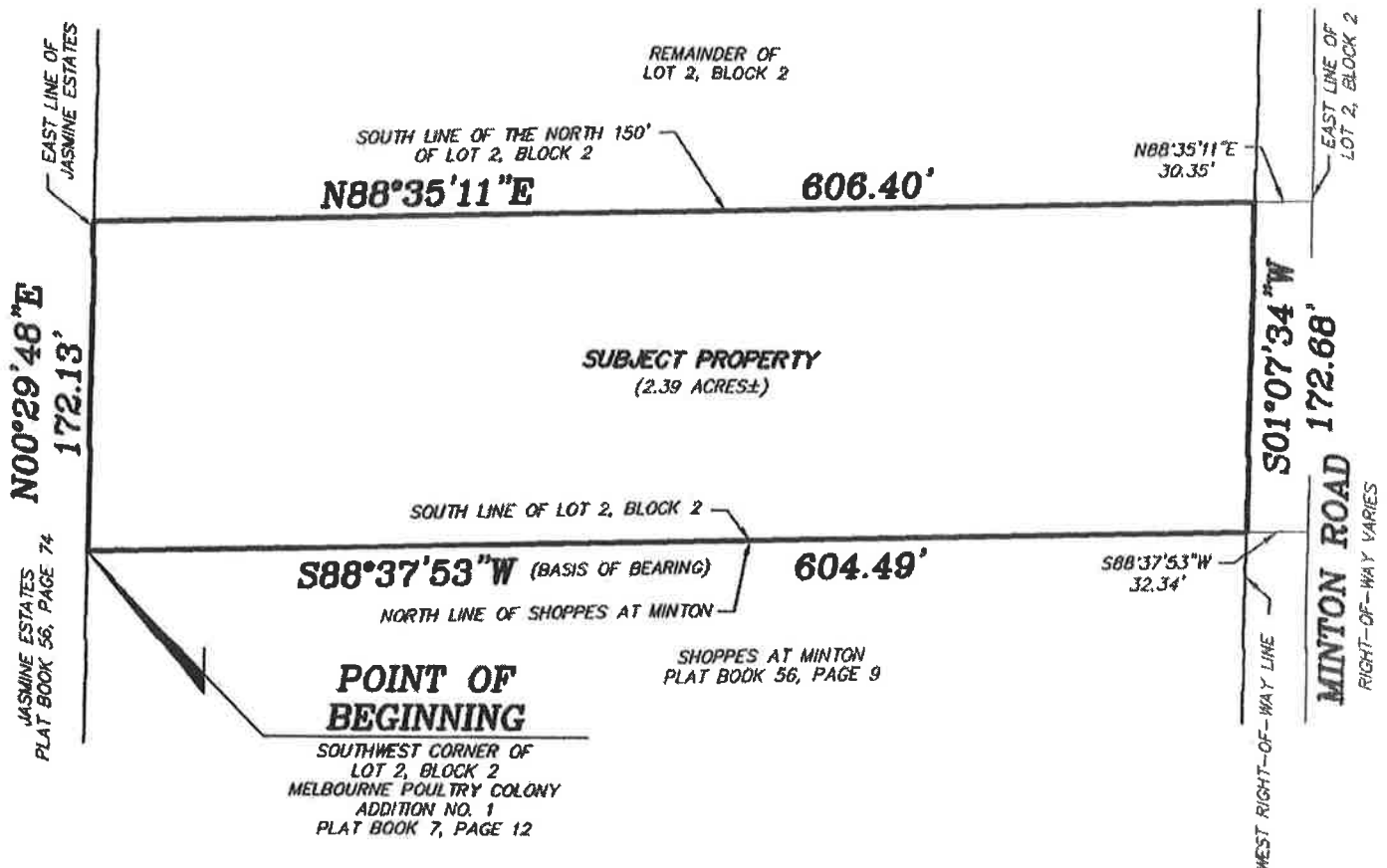
Correspondence (September 19, 2023, RCM)

Ordinance 2023-38

**DESCRIPTION:**

A PORTION OF LOT 2, BLOCK 2, MELBOURNE POULTRY COLONY ADDITION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 12, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 2, BLOCK 2; THENCE NORTH 00°29'48" EAST ALONG THE EAST LINE OF JASMINE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 12, A DISTANCE OF 172.13 FEET; THENCE NORTH 88°35'11" EAST ALONG THE SOUTH LINE OF THE NORTH 150 FEET OF SAID LOT 2, BLOCK 2, A DISTANCE OF 606.40 FEET; THENCE SOUTH 01°07'34" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF MINTON ROAD, A DISTANCE OF 172.68 FEET; THENCE SOUTH 88°37'53" WEST ALONG THE NORTH LINE OF SHOPPES AT MINTON, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGE 9, A DISTANCE OF 604.49 FEET TO THE POINT OF BEGINNING. CONTAINING 2.39 ACRES, MORE OR LESS.



SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

# AAL LAND SURVEYING SERVICES, INC.

SKETCH OF DESCRIPTION

JOB # 40761

DATE: 9-19-22  
SECTION 24, TOWNSHIP 28S, RANGE 36E

L.B. #6623

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 53-12, 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.

Prepared by  
Andrew W. Povshok  
Date: 9/22/22

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

SHEET 1 OF 1

SCALE: 1" = 100'





# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Alexandra Bernard, Principal Planner

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#### CASE NUMBER

A23-00002

#### CITY COUNCIL HEARING DATE

July 20, 2023

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#### PROPERTY OWNER & APPLICANT

Bruce Coffman, Affordable Trailer Service & Supply, Inc. (Jeff Kuhn and Cole Oliver, Reps.)

#### PROPERTY LOCATION/ADDRESS

Lot 2.01, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida; containing approximately 2.11 acres. Located west of and adjacent to Minton Rd, in the vicinity of Palm Bay Rd NE; Tax Account 2806116

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#### SUMMARY OF REQUEST

Voluntary Annexation

##### Existing Zoning

BU-1 General Retail Commercial (Brevard County)

##### Existing Land Use

CC Community Commercial (Brevard County)

##### Site Improvements

Office Building

##### Site Acreage

2.11 acres

---

#### SURROUNDING ZONING & USE OF LAND

##### North

RES 2, Residential 2 & NC Neighborhood Commercial (Brevard County); Single-Family Homes & Office Building

##### East

COM, Commercial (West Melbourne); Retail Plaza

##### South

COM, Commercial; Retail

##### West

AU (County), COM Commercial – Vacant

#### COMPREHENSIVE PLAN COMPATIBILITY

A Comprehensive Plan Future Land Use Map Amendment, Case CP23-00013 has been submitted in conjunction with this request.

---

**BACKGROUND:**

The subject parcel is located west of and adjacent to Minton Road, in the vicinity south of Hield Road. There is one parcel totaling 2.11 acres included in this request, which is comprised of one existing commercial retail building owned and occupied by the applicant, Affordable Trailer Service & Supply Inc.

The owners of the property have requested a voluntary annexation into the City of Palm Bay from unincorporated Brevard County. The petition states the purpose of the proposed annexation is for future Utilities connection.

**ANALYSIS:**

A petition for voluntary annexation into the City of Palm Bay must meet all criteria established by Chapter 171.044, Florida Statutes:

1. The Petition for annexation was filed by Bruce Coffman, Affordable Trailer Service and Supply, Inc. (Jeff Kuhn and Cole Oliver, Reps.) Staff research indicates that proper owner authorization has been provided for the annexation.
2. Section 171.044, Florida Statutes, permits the owners of property to petition the City for annexation provided the property is contiguous to the City, is reasonably compact, and no enclaves are created. The proposed annexation parcel is located adjacent to the City and is contiguous to the City limits under the definitions in the Florida Statutes. The subject property abuts the City Limits along the southern boundary of this parcel.
3. All properties proposed for annexation is in a single area and reasonably compact as required by the Florida Statutes. The annexation reduces current enclaves. In addition, the annexation does not create finger or serpentine patterns as prohibited by the Florida Statutes.
4. Chapter 171 does not permit an annexation that would result in the creation of an enclave. An enclave is a developed area of unincorporated county property surrounded by the City. The proposed annexation would not create any enclaves.
5. The property to be annexed meets all criteria established by Chapter 171.044, Florida Statutes, for voluntary annexation.
6. The Notice of Annexation was published in the Florida Today newspaper on July 6, 2023, and will be republished in the newspaper on July 13, 2023. Notice was also provided to the Brevard County Board of County Commissioners by Certified Mail on June 12, 2023. Therefore, all notice requirements of Chapter 171, Florida Statutes have been met.

**STAFF RECOMMENDATION:**

Motion to approve Case A23-00002



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



## **AERIAL LOCATION MAP CASE: CP23-00013 & CPZ23-00007**

### **Subject Property**

In the vicinity south of the southwest corner of Hield Road and Minton Road, specifically at 4180 Minton Road

# Project Details: A23-00002

## Project Type: Annexation

Project Location: **Palm Bay, FL**  
Milestone: **City Council**  
Created: **6/5/2023**  
Description: **4180 Minton Road**  
Assigned Planner: **Alexandra Bernard**

### Contacts

Contact	Information
Legal Representative	Kuhn, Jeff 1834 NW 32nd Place Cape Coral, FL 33993 (239) 766-9428 kuhncontracting@yahoo.com
Owner/Applicant	Bruce Coffman, Affordable Trailer Service & Supply, Inc. 4180 Minton Road Melbourne, FL 32904 (772) 205-7482 affordabletrailersupply@yahoo.com
Submitter	
Owner	Bruce Coffman 7040 U.S. Highway 1 Vero Beach, FL 32967 (772) 205-7482 affordabletrailersupply@yahoo.com
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907  alexandra.bernard@palmbayflorida.org

### Fields

Field Label	Value
Block	2
Lot	2.01
Section Township Range	24-28-36
Subdivision	FA

# Project Details: A23-00002

Year Built	
Use Code	
Use Code Desc	
LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	
Flu Description	
Flu Code	
Zoning Description	
Zoning Code	
Is Submitter the Representative?	False
Purpose for Seeking Petition	Annexation for utilities and future development
Parcel Numbers	28-36-24-FA-2-2.01
Preliminary Development Submitted?	False
Tax Account Numbers	2806116
Zoning Amendment Application Number	
Future Land Use Application Number	
Voluntary Annexation?	True
Total Acreage	
Preliminary Development App Number	
Zoning Amendment App Submitted?	False
Number of Properties	
Future Land Use App Submitted?	False

## Project Details: A23-00002

Ordinance Number	
DEO Submittal Date	
Legal Ad Date 3	
Legal Ad Date 2	
Legal Ad Date 1	
Routing Date	
County Ad Sent Date	
Subdivision Name	

Rec. # 18.50

D. S. 5,600.00

05,618.50

Prepared by and return to:

Bruce Barkett, Esq.

Collins Brown Barkett, Chartered

756 Beachland Boulevard

Vero Beach, FL 32963

772-231-4343

File Number: 18-334.001

Will Call No.:

Parcel Identification No. 23-36-24-FA-2-2.01

[Space Above This Line For Recording Data]

## Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

**This Indenture** made this 8<sup>th</sup> day of January, 2019 between **Larry R. McGuire, a single man,** whose post office address is **1770 S. John Rodes Blvd, Melbourne, Florida 32904** Grantor\*, and **Affordable Trailer Service and Supply, Inc., a Florida corporation,** whose post office address is **6240 73rd Ct., Vero Beach, FL 32967**, Grantee\*,

**Witnesseth** that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in **Brevard County, Florida**, to-wit:

**The South 172.2 feet of Lot 2, Melbourne Poultry Colony, Addition No. 1, as recorded in Plat Book 7, Page 12, of the Records of Brevard County, Florida; less and except Right of Way described as follows:**

**A portion of Lot 2, Block 2, Melbourne Poultry Colony Addition No. 1; thence run South 88°35'37" West along the South line of said Lot 2, Melbourne Poultry Colony Addition No. 1 a distance of 32.34 feet; thence departing the South line of said Lot 2, Melbourne Poultry Colony Addition No. 1 run North 1°7'34" East 172.57 feet to the South line of the North 150 feet of said Lot 2, Melbourne Poultry Colony Addition No. 1; thence run North 88°35'11" East along the South line of the North 150 feet of said Lot 2, Melbourne Poultry Colony Addition No. 1 a distance of 30.35 feet to the East line of said Lot 2, Melbourne Poultry Colony Addition No. 1, being the Westerly right of way line of Minton Road (as now established); thence run South 0°28'4" West along the East line of said Lot 2, Melbourne Poultry Colony Addition No. 1 and the Westerly right of way line of said Minton Road a distance of 172.50 feet to the Point of Beginning.**

**Subject to:** All restrictions, reservations and easements of record, if any, and taxes subsequent to the year 2018.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

\* "Grantor" and "Grantee" are used for singular or plural, as context requires.

(continued on Page 2)

**In Witness Whereof**, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

*[Signature]*  
Name Printed: Bryce Baggett

*Larry R. McGuire*  
Larry R. McGuire

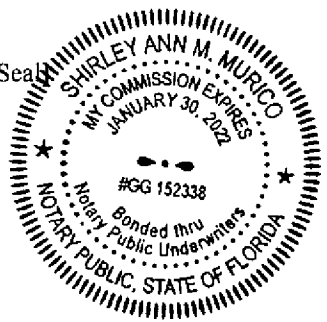
*Shirley Ann M. Murico*  
Name Printed: SHIRLEY ANN M. MURICO

State of Florida

County of Indian River

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of Jan, 2019 by Larry R. McGuire, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]



*Shirley Ann M. Murico*  
Notary Public

Printed Name: SHIRLEY ANN M. MURICO

My Commission Expires: \_\_\_\_\_



CITY OF PALM BAY  
120 MALABAR RD SE  
PALM BAY, FL 32907  
ATTN CHANDRA POWELL

STATE OF FLORIDA COUNTY OF BREVARD

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY** a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC NOTICE

as published in **FLORIDA TODAY** in the issue(s) of

9/5/2023, 9/12/2023

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 12TH DAY OF SEPTEMBER, 2023 by legal clerk who is personally known to me

*[Signature]*

Affiant

*[Signature of Denise Roberts]*

Notary State of Wisconsin County of Brown

*4-6-27*

My commission expires

DENISE ROBERTS  
Notary Public  
State of Wisconsin

PUBLICATION COST: \$1,245.20  
AD NO: GCI1101130  
CUSTOMER NO: 6CI213  
PO#: PUBLIC NOTICE - 230085/A23-00002

# CITY OF PALM BAY, FLORIDA NOTICE OF PUBLIC HEARING FOR VOLUNTARY ANNEXATION

Notice is hereby given that a public hearing will be held by the City Council on Thursday, September 19, 2023, to be held at 6:00 p.m., at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of hearing the following case.



The City of Palm Bay proposes to adopt an ordinance annexing 2.11-acres of property described below and identified on the map in this advertisement as Case A23-00002. The petitioner is Bruce Coffman, Affordable Trailer Service & Supply, Inc.

## ORDINANCE 2023-38

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY GENERALLY LOCATED IN THE VICINITY SOUTH OF THE SOUTHWEST CORNER OF MINTON ROAD AND HIELD ROAD, IN THE VICINITY NORTH OF PALM BAY ROAD NE, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR FILING A COPY OF THE ORDINANCE WITH THE BREVARD COUNTY CLERK OF THE CIRCUIT COURT, THE CHIEF ADMINISTRATIVE OFFICER OF BREVARD COUNTY, AND THE STATE OF FLORIDA, DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE.**

The complete legal description by metes and bounds and the proposed ordinance are available in the Office of the City Clerk.

All interested parties are invited to submit written communication and appear at this meeting.

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 a person must provide a method for recording the proceedings verbatim.

Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

Chandra Powell  
Planning Specialist

**From:** [Alexandra Bernard](#)  
**To:** [Terese Jones](#); [Terri Lefler](#)  
**Subject:** FW: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting  
**Date:** Friday, August 4, 2023 1:30:23 PM

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FYI...

---

**From:** Mindy Mason <MindyM@eksdevelopment.com>  
**Sent:** Friday, August 4, 2023 1:29 PM  
**To:** Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Cathy Green <Cathy.Green@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>  
**Subject:** Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

As the applicant for the potential annexation of the southwest corner of Hield and Minton Rd, which is scheduled to go before the August 17, 2023, Council Meeting, we respectfully request a continuance to September 21, 2023. I have listed the case numbers below.

A23-00001  
CP23-00013  
CPZ23-00007

A23-00002  
CP23-00010  
CPZ23-00006

Please let me know if anything else is needed. Thank you!

Respectfully,

*Mindy Mason*  
Operations Manager

EKS, Inc.  
516 Delannoy Ave  
Cocoa, FL 32922  
Email: [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)  
Direct: 321.632.4710 ext.208  
Fax: 321.635.8681

**From:** [Rob Medina](#)  
**To:** [Lisa Mills](#); [City Manager](#); [Land Development Web](#); [Patricia D. Smith](#); [Suzanne Sherman](#); [Terese Jones](#); [Alexandra Bernard](#); [Jesse Anderson](#); [Juliet Misconi](#); [Joan Junkala](#); [Carol Gerundo](#); [Chandra Powell](#); [Kevin Mills](#)  
**Subject:** Re: Hield-Minton Development, on agenda for Sept 2023 - CP23-00010, CPZ23-00006, A23-00001, CP23-00013, CPZ23-00007, A23-00002  
**Date:** Sunday, September 10, 2023 4:05:19 PM

---

Lisa & Kevin Mills,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me regarding Hield and Minton Rd.

Respectfully,

Rob Medina  
Mayor

---

**From:** Lisa Mills <lisafrills@gmail.com>  
**Sent:** Sunday, September 10, 2023 2:29 PM  
**To:** Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; Rob Medina <Rob.Medina@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Juliet Misconi <Juliet.Misconi@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Kevin Mills <kevinjmills5@gmail.com>  
**Subject:** Hield-Minton Development, on agenda for Sept 2023 - CP23-00010, CPZ23-00006, A23-00001, CP23-00013, CPZ23-00007, A23-00002

**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.

Dear City Council,

My name is Lisa Mills and I live at 3080 Hield Rd, Melbourne, FL 32904. I live within 500 feet of the proposed development which will be discussed at the upcoming meeting.

I am not here to fight the development. I loved the area so much, I moved here. It would be naive for me to expect that no other homeowners or commercial businesses would want to move here too. I welcome and support change, as it is inevitable.

I would just like to take a moment to explain my concerns to work toward the best arrangement possible for all involved.

Although I would prefer the second home on Hield to not be rezoned to commercial property as it brings noise and other aspects closer to my home than I anticipated when purchasing my property, I am sure there is little I can do to change this. Given that, I would like to focus on the biggest concern I have; traffic.

Currently, during peak hours, the intersection on Minton fills up with cars and keeps Hield residents unable to exit the street other than 1 or 2 cars per light. It may take several cycles to be able to exit Hield, which vacillates between a waste of time and a hazard. In an emergency, there is no way around this situation. In non-emergencies, there are accidents, road-rage incidents, and frustrated people putting everyone at risk. There is currently a lack of policing for blocking the intersection. Bringing more vehicles into the area is going to further inflame the situation and I fear increasing the hazardous conditions for both residents and non-residents alike.

I ask that you please make this letter part of the record in support of finding a viable solution for all involved.

Thank you,  
Lisa and Kevin Mills  
321-390-3891

**From:** [Angela Burak](#)  
**To:** [Terri Lefler](#); [Terese Jones](#)  
**Subject:** FW: Hield & Minton Roads - Community Meeting & Incorrect FL Today Annoucement  
**Date:** Wednesday, September 13, 2023 2:12:34 PM  
**Attachments:** [Hield Road Starbuck and Intersection Improvements.pdf](#)  
[image001.png](#)  
[Hield Road Starbuck and Intersection Improvements Rev 9-12-23 from Oliver.pdf](#)

---

**From:** Sue Shep <keepthefocus2003@yahoo.com>  
**Sent:** Wednesday, September 13, 2023 1:30 PM  
**To:** Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; Rob Medina <Rob.Medina@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>; Philip Weinberg <pawasa@bellsouth.net>  
**Subject:** Fw: Hield & Minton Roads - Community Meeting & Incorrect FL Today Annoucement

**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.

Hield/Minton Road Starbuck's Proposal  
City Council Meeting Scheduled for Tuesday, September. 19, 2023 at 6 p.m.  
Cole Oliver's Community Meeting Scheduled for Thursday, September 14, 2023 at 6 p.m.  
**Please make this letter of part of the record.**

Good Afternoon All~

Below, you will see two attachments.

\* Revised proposed site plan from Cole Oliver **emailed to us last night**, September 12, 2023 at 9:26 p.m.

\* Florida Today announcement showing City Council Meeting Scheduled for Thursday, September 19, 2023 at 6 p.m. The property highlighted in that diagram is ONLY representing one of the properties (The Trailer Business) next to Pizza Voila. This is very DECEPTIVE. Additionally, **please take note:** The **date** and **day** are **incorrect!** **The 19th is Tuesday!** I can only assume Mr. Oliver and/or his organization placed that announcement. If that be the case, this shows a pattern of Mr. Oliver's continued **impropriety** of trying to **confuse** the Community. Remember, Mr. Oliver's initial "required" Community Meeting held in May, 2023, he

scheduled a meeting place with an **incorrect address**. They needed to have a second Community Meeting with the correct address in June.

Mr. Oliver's email below states the following:

"Please note that we have already held the Community Meeting as required by Code with the requisite notices."

These meetings/notices he references to are those mentioned above in May and June. NOT this current revised site plan.

I will be resending, only, these two attachments in a separate email to all of you in case for some reason they got lost in these email strings.

What happened to a **"timely"** scheduled community meeting to allow enough time for the Hield Road residents and the City of Palm Bay to have the appropriate time to review his proposal and allow for all of us to study same and do our own research in order for all of us to present our questions and possible other alternative suggestions to the Developer?

A less than 48 hour notice clearly shows Mr. Oliver's LACK OF GOOD FAITH! Most of Hield Road residents, even those within the required "500 ft radius" residents work and have families. The 6:00 p.m. scheduled time will make it very difficult for those residents to attend with such SHORT notice. I am sure Mr. Oliver is counting on that! Additionally, the residents within the "500 ft radius" of the proposed properties **did not receive a letter** from Mr. Oliver advising of tomorrow night's meeting of September 14, 2023 at 6:00 p.m.

Once again, Mr. Oliver is showing his impropriety and manipulation of the Statutes by sending his meeting announcement to me and you at 9:26 p.m. on September 12th. Does he really think You and Hield Road residents are that ignorant to not recognize his ploy? Does he really think he is giving us 2 days notice? Does Mr. Oliver really think we will not be able to see through his "revised" proposal having the very same impacts to Hield Road and Minton Road vehicles? A "high-traffic" demanding business is not the answer.

Did you receive the proposed site plan and his meeting announcement the same time as I did?

**Did any of you receive a current traffic study?** We did not.

Within the volume of recent correspondences, the "traffic study" was one of the items Mr. Oliver was waiting on in addition to his "modifications" and "revisions". Anyone can see, especially during peak hours which are increasing in the a.m. and p.m. during the week, the increased volume of traffic southbound from Calvary Chapel to Palm Bay Road. The occupants are becoming more **aggressive** with each other. Windows go down, yelling expletives' out the their windows, shooting various finger digits at each

other and us. Near accident misses with many of us. With increased aggression, we know this can become a **potential volatile scenario** especially in today's times with "road rage", etc. Does the City of Palm Bay really want that? City of Palm Bay's crime is already increasing in and of itself!

Perhaps, Mr. Oliver is waiting to be able to "doctor" the traffic study and present that to all of us at the last minute!

If you have not read my letter to all of you from last, Friday, September 8, 2023, I respectfully ask you do so, in particular, to review my bullet points.

Mr. Oliver's email below states the following:

*"We are hosting this meeting as an effort to work with the community on a mutually agreeable solution."*

Mr. Oliver's actions/efforts as referenced above in this letter DOES NOT align with him working with the Community and the City of Palm Bay.

Can all of us really trust Mr. Oliver and staff? His manipulations, lack of good will and his actions of impropriety make it very difficult to do so.

Respectfully submitted,  
Susan Shepherd  
Em: keepthefocus2003@yahoo.com  
(c) 321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

----- Forwarded Message -----

**From:** J Cole Oliver <cole@eksdevelopment.com>

**To:** Sue Shep <keepthefocus2003@yahoo.com>; Mindy Mason <mindym@eksdevelopment.com>

**Cc:** Alexandra Bernard <alexandra.bernard@palmbayflorida.org>; Cathy Green <cathy.green@palmbayflorida.org>; Chaundra Powell <chandra.powell@palmbayflorida.org>; Angela Burak <angela.burak@palmbayflorida.org>; Suzanne Sherman <suzanne.sherman@palmbayflorida.org>; Juliet Misconi <citymanager@pbfl.org>; Terese Jones <terese.jones@palmbayflorida.org>; Mayor Rob Medina <mayorrobmedina@pbfl.org>

**Sent:** Tuesday, September 12, 2023 at 09:26:11 PM EDT

**Subject:** RE: Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Sue,

Apologies for the delay, but we received the revised proposed plan showing the proposed roadway improvements on Hield Road today. Please see attached. We have booked a meeting room from 6 PM at the Hyatt Place at Melbourne Airport (747 Air Terminal Parkway Melbourne, FL 32901) for this Thursday night (September 14<sup>th</sup>) to discuss with the proposed project with the Hield residents. Please note that we have already held the Community Meeting as required by Code with the requisite notices. We are hosting this meeting as an effort to work with the community on a mutually agreeable solution.

Regards,

Cole

---

**From:** Sue Shep <keepthefocus2003@yahoo.com>

**Sent:** Sunday, August 20, 2023 7:23 PM

**To:** J Cole Oliver <cole@eksdevelopment.com>; Mindy Mason <Mindym@eksdevelopment.com>

**Cc:** Alexandra Bernard <alexandra.bernard@palmbayflorida.org>; Cathy Green <cathy.green@palmbayflorida.org>; Chaundra powell <chandra.powell@palmbayflorida.org>; Angela Burak <angela.burak@palmbayflorida.org>; Suzanne Sherman <suzanne.sherman@palmbayflorida.org>; Juliet Misconi <citymanager@pbfl.org>; Terese Jones <terese.jones@palmbayflorida.org>; Mayor Rob Medina <mayorrobmedina@pbfl.org>

**Subject:** Re: Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Mr. Oliver,

Pursuant to our last City Council Meeting of August 17, 2023, our cases are to be continued to Tuesday, September 19, 2023.

We are in the same scenario as we were in July regarding the timely scheduling of a Community Meeting with you and the residents of Hield Road. Time is of the essence to have appropriate notice for the Community Meeting to enable the residents to make arrangements to attend this important meeting.

The residents of Hield Road are becoming more anxious and voicing their intent to have this meeting scheduled.

Please advise when and where the Community Meeting will be scheduled.

Thank you for your time and considerations.

Regards,

Susan Shepherd

Em: [keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)

( C ) 321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

On Monday, August 14, 2023 at 07:03:59 PM EDT, Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)> wrote:

Thank you!

Susan Shepherd

[Sent from Yahoo Mail on Android](#)

On Mon, Aug 14, 2023 at 5:33 PM, J Cole Oliver

<[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)> wrote:

We have not been able to set a date or time yet as we are waiting for the engineers. As soon as I have more, I will reach out.

Regards,

Cole

---

**From:** Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**Sent:** Monday, August 14, 2023 3:50 PM

**To:** J Cole Oliver <[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)>; Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Cc:** Alexandra Bernard <[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)>; Cathy Green <[cathy.green@palmbayflorida.org](mailto:cathy.green@palmbayflorida.org)>; Chaundra powell <[chandra.powell@palmbayflorida.org](mailto:chandra.powell@palmbayflorida.org)>; Angela Burak <[angela.burak@palmbayflorida.org](mailto:angela.burak@palmbayflorida.org)>; Suzanne Sherman <[suzanne.sherman@palmbayflorida.org](mailto:suzanne.sherman@palmbayflorida.org)>; Susan Shepherd <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**Subject:** Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Good Afternoon!

Hoping all had a good weekend!

Please advise if a date, time and place have been arranged for the Community Meeting?

I am being asked by several residents if I have received any information regarding the above question.

Thank you,

Susan Shepherd

Hield Road

[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)

321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

----- Forwarded Message -----

**From:** Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**To:** Alexandra Bernard <[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)>

**Sent:** Tuesday, August 8, 2023 at 04:23:57 PM EDT

**Subject:** Re: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

Hi Alix,

I appreciate your letting me know the Continuance Request to September 21, 2023.

Thank you!

Susan Shepherd

Hield Road

**Susan** □

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

On Tuesday, August 8, 2023 at 09:05:10 AM EDT, Alexandra Bernard  
<[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)> wrote:

Good Morning Sue,

Below is the formal email that we received requesting continuance of these cases.

All the Best,



---

**From:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Sent:** Friday, August 4, 2023 1:57 PM

**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman  
<[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela  
Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** RE: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for your confirmation.

Respectfully,

Mindy Mason

Operations Manager

**EKS, Inc.**

516 Delannoy Ave

Cocoa, FL 32922

**Email:** [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)

**Direct:** 321.632.4710 ext.208

**Fax:** 321.635.8681

---

**From:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>

**Sent:** Friday, August 4, 2023 1:43 PM

**To:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** RE: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

Hi Mindy,

Thank you for your email. We are in receipt of your request for a continuance to the September 21<sup>st</sup> City Council meeting.

All the Best,



---

**From:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Sent:** Friday, August 4, 2023 1:29 PM

**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

As the applicant for the potential annexation of the southwest corner of Hield and Minton Rd, which is scheduled to go before the August 17, 2023, Council Meeting, we respectfully request a continuance to September 21, 2023. I have listed the case numbers below.

A23-00001

CP23-00013

CPZ23-00007

A23-00002

CP23-00010

CPZ23-00006

Please let me know if anything else is needed. Thank you!

Respectfully,

**Mindy Mason**

Operations Manager

**EKS, Inc.**

516 Delannoy Ave

Cocoa, FL 32922

**Email:** [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)

**Direct:** 321.632.4710 ext.208

**Fax:** 321.635.8681

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## **ORDINANCE 2023-38**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF AND ADJACENT TO MINTON ROAD, IN THE VICINITIES NORTH OF PALM BAY ROAD AND SOUTH OF HIELD ROAD, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR FILING A COPY OF THE ORDINANCE WITH THE BREVARD COUNTY CLERK OF THE CIRCUIT COURT, THE CHIEF ADMINISTRATIVE OFFICER OF BREVARD COUNTY, AND THE STATE OF FLORIDA DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Bruce Coffman/Affordable Trailer Service and Supply, Inc., has petitioned the City Council of the City of Palm Bay to voluntarily annex the herein described property, and

**WHEREAS**, said property is situated in an unincorporated area of Brevard County and is contiguous to the present boundary of the City of Palm Bay, and

**WHEREAS**, said property is reasonably compact and annexation of it would not result in the creation of an enclave, and

**WHEREAS**, the City Council of the City of Palm Bay desires to annex said property into 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.** In accordance with the provisions of Section 171.044, Florida Statutes, the following described parcel of real property being situated in the County of Brevard, State of Florida, and being contiguous to the existing corporate limits and boundaries of the City of Palm Bay, and being reasonably compact, and creating no enclaves is hereby annexed, established, organized into and made a part of the City of Palm Bay:

A portion of Lot 2, Block 2, Melbourne Poultry Colony Addition No 1, according to the plat thereof, as recorded in Plat Book 7, Page 12, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Begin at the southwest corner of said Lot 2, Block 2; thence N 00°29'48" E along the east Line of Jasmine Estates, according to the plat thereof, as recorded in Plat Book 7, Page 12, A distance of 172.13 feet; thence N 88°35'11" E along the south line of the north 150 feet of said Lot 2, Block 2, a distance of 606.40 feet; thence S 01°07'34" W along the west right-of-way line of Minton Road, a distance of 172.68 feet; thence S 88°37'53" W along the north line of Shoppes at Minton, according to the plat thereof, as recorded in Plat Book 56, Page 9, a distance of 604.49 feet to the Point of Beginning; containing 2.39 acres, more or less.

**SECTION 2.** The corporate limits and boundary lines of the City of Palm Bay, Brevard County, Florida, shall be redefined so as to include therein the above-described parcel hereby annexed.

**SECTION 3.** The parcel of property to be annexed is hereby depicted on the attached map which, by reference, is incorporated herein as Exhibit 'A'.

**SECTION 4.** This ordinance of annexation has been noticed, by reference, once a week for two consecutive weeks in a newspaper of general circulation in the County of Brevard, Florida, prior to its adoption.

**SECTION 5.** The City Clerk shall file a copy of this ordinance with the Brevard County Clerk of the Circuit Court, the Chief Administrator of Brevard County, and the State of Florida Department of State.

**SECTION 6.** 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 7.** 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 8.** 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: Bruce Coffman/Affordable Trailer Service and Supply, Inc.  
Case: A23-00002

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

**DATE:** 9/19/2023

**RE:** Ordinance 2023-60, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Minton Road, in the vicinities north of Palm Bay Road and south of Hield Road, from Community Commercial Use (Brevard County) to Commercial Use (City of Palm Bay) (2.11 acres) (CP23-00013, Bruce Coffman/Affordable Trailer Service and Supply, Inc.), only one reading required. (CONTINUED FROM 08/17/23 RCM)

As you may recall, the above request was scheduled for the July 20, 2023, regular Council meeting. Council voted to continue the request at the applicant's request.

Bruce Coffman, Affordable Trailer Service and Supply, Inc. (Jeff Kuhn & Cole Oliver, Rep.) has submitted for a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change 2.11 acres of land from CC, Community Commercial (Brevard County) to Commercial (City of Palm Bay).

The applicant has stated that the desired Commercial land use is in alignment with his current business needs, as well as the surrounding area which is located at 4180 Minton Rd.

### **REQUESTING DEPARTMENT:**

Growth Management

### **RECOMMENDATION:**

Motion to approve Case CP23-00013.

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

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion to submit Case CP23-00013 to City Council for approval.

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

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

**Nay:** Good, McLeod, Warner.

**ATTACHMENTS:**

**Description**

CaseCP23-00013 -- Staff Report

CaseCP23-00013 -- Survey

Case CP23-00013 -- CPP report

Case CP23-00013 -- Application

Case CP23-00013 -- Letter of Authorization

Case CP23-00013 -- Legal Ad

Continuance Request (08/17/23 RCM)

Correspondence

Correspondence (September 19, 2023, RCM)

Ordinance 2023-60



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Alix Bernard, Principal Planner

---

#### CASE NUMBER

CP23-00013

#### PLANNING & ZONING BOARD HEARING DATE

July 5, 2023

---

#### PROPERTY OWNER & APPLICANT

Bruce Coffman, Affordable Trailer  
Service & Supply, Inc. (Jeff Kuhn, Rep)

#### PROPERTY LOCATION/ADDRESS

Lot 2.01, Melbourne Poultry Colony Addition 1, Section  
24, Township 28, Range 36, Brevard County, Florida;  
containing approximately 2.11 acres. Located west of  
and adjacent to Minton Rd, in the vicinity of Palm Bay  
Rd NE; Tax Account 2806116

---

#### SUMMARY OF REQUEST

The applicant is requesting a small scale Future Land Use map  
amendment from CC Community Commercial (Brevard County) to  
Commercial.

##### Existing Zoning

BU-1 General Retail Commercial (Brevard County)

##### Existing Land Use

CC Community Commercial (Brevard County)

##### Site Improvements

Office Building

##### Site Acreage

2.11 acres

---

#### SURROUNDING FUTURE LAND USE & USE OF LAND

##### North

RES 2, Residential 2 & NC Neighborhood Commercial (Brevard  
County); Single-Family Homes & Office Building

##### East

COM, Commercial (West Melbourne); Retail Plaza

##### South

COM, Commercial; Retail

##### West

RES 2, Residential 2 (Brevard County); Single-Family Homes

---

**BACKGROUND:**

The subject parcel is located west of and adjacent to Minton Road, in the vicinity south of Hield Road. There is one parcel totaling 2.11 acres included in this request, which is comprised of one existing commercial retail building owned and occupied by the applicant, Affordable Trailer Service & Supply Inc.

The applicant is requesting to change the Future Land Use of this property from CC Community Commercial (Brevard County) to Commercial (City of Palm Bay). This request is conjunction with a voluntary annexation request for the same parcel, which is scheduled to be heard at the July 20, 2023 Regular Council Meeting. **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.

Objective FLU-1.4 Provide and maintain FLUCs and zoning districts that would accommodate a diverse range of nonresidential activities of varying types and sizes.

The subject property is located west of and adjacent to Minton Rd, in the vicinity south of Hield Rd. There is one parcel for a total of 2.11 acres. This parcel currently has a Future Land Use of Community Commercial, which is a Brevard County Future Land Use Classification.

The request to change the Future Land Use from Community Commercial (Brevard County) to Commercial (City of Palm Bay) is in alignment with the objective FLU-1.4 of the Comprehensive Plan, as this would be compatible with the surrounding area, which is predominantly commercially.

Furthermore, the proposed Future Land Use change will allow the opportunity for more commercial in an already establish major commercial intersection. T

## 2. CONSERVATION ELEMENT

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

No protected species are known to inhabit the subject property. Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.6A.

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

## 3. HOUSING ELEMENT

The goal HSG -1 of the Housing element in the Comprehensive Plan is to cultivate a diverse, safe and affordable housing stock with meets the needs of all currently and future residents of Palm Bay.

The proposed FLU amendment will not have an impact the supply and variety of safe, decent, attractive, and affordable housing within the city as the request is for a commercial land use.

## 4. INFRASTRUCTURE ELEMENTS

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

**Utilities:** The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. This property is already developed and would retain its existing use.

**Drainage:** This property is already developed and would retain its existing use. The property already meets drainage requirements.

## 5. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The proposed FLU amendment to Commercial will not add the potential of any additional housing units. As such, a School Concurrency application is not required per the Interlocal Agreement with Brevard Public Schools.

## 6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment to Commercial will have a de minimis impact on the demand for recreation services.

## 7. TRANSPORTATION ELEMENT

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

## 8. PROPERTY RIGHTS ELEMENT

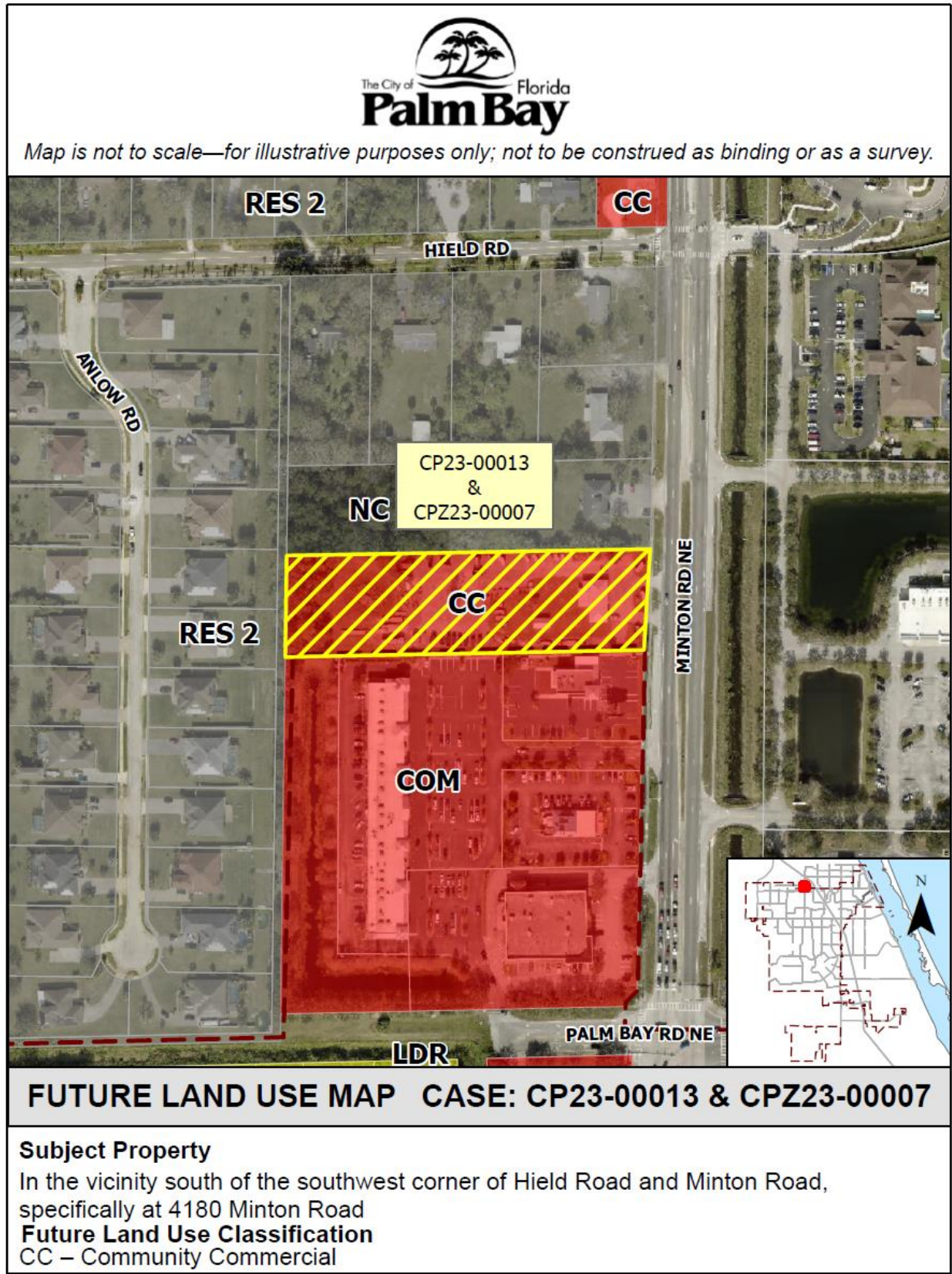
The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

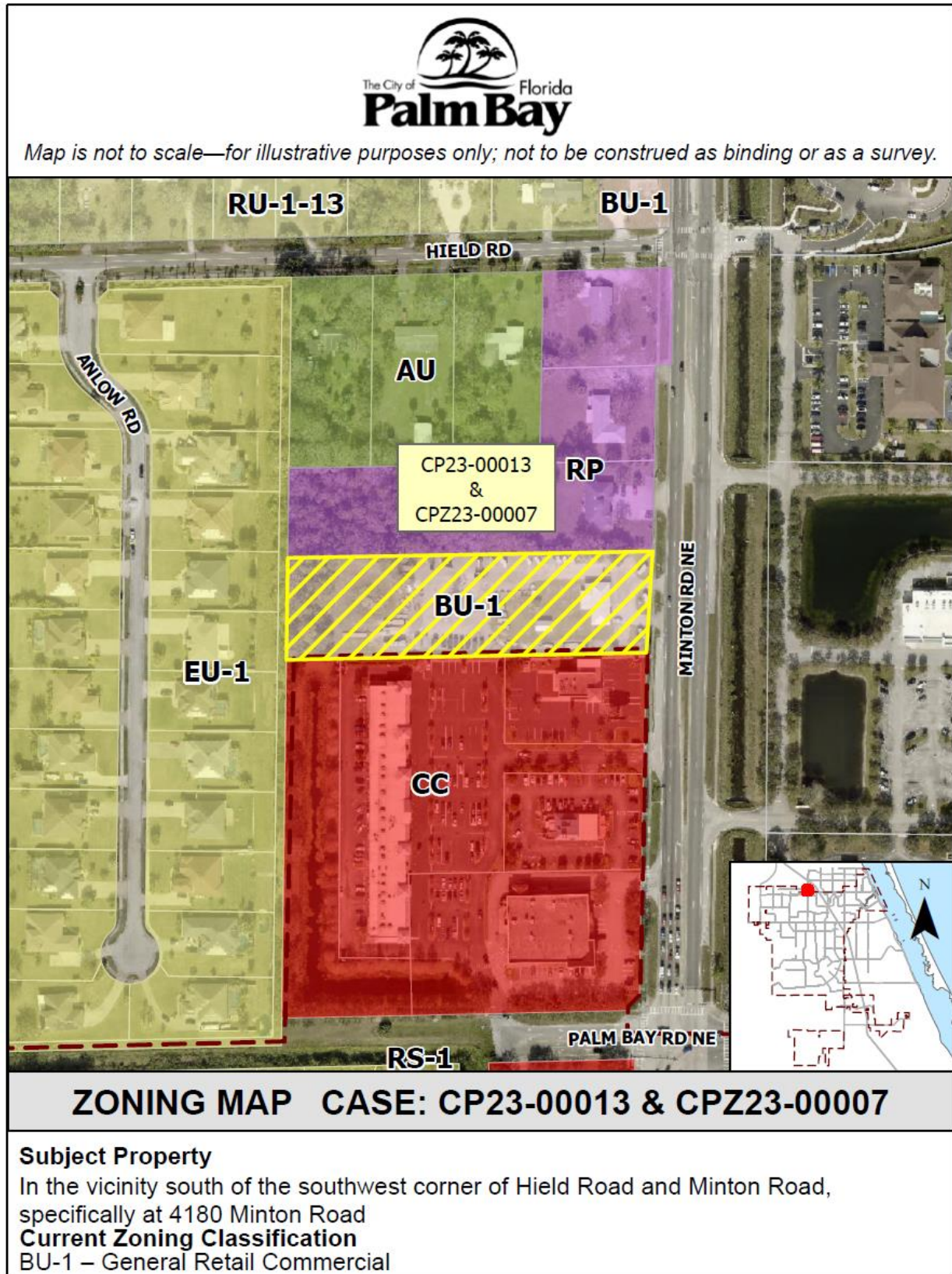
This proposed land-use change does not appear to infringe upon the property rights of the applicant.

### **STAFF FINDINGS:**

Staff recommends Case CP23-00013 for approval.



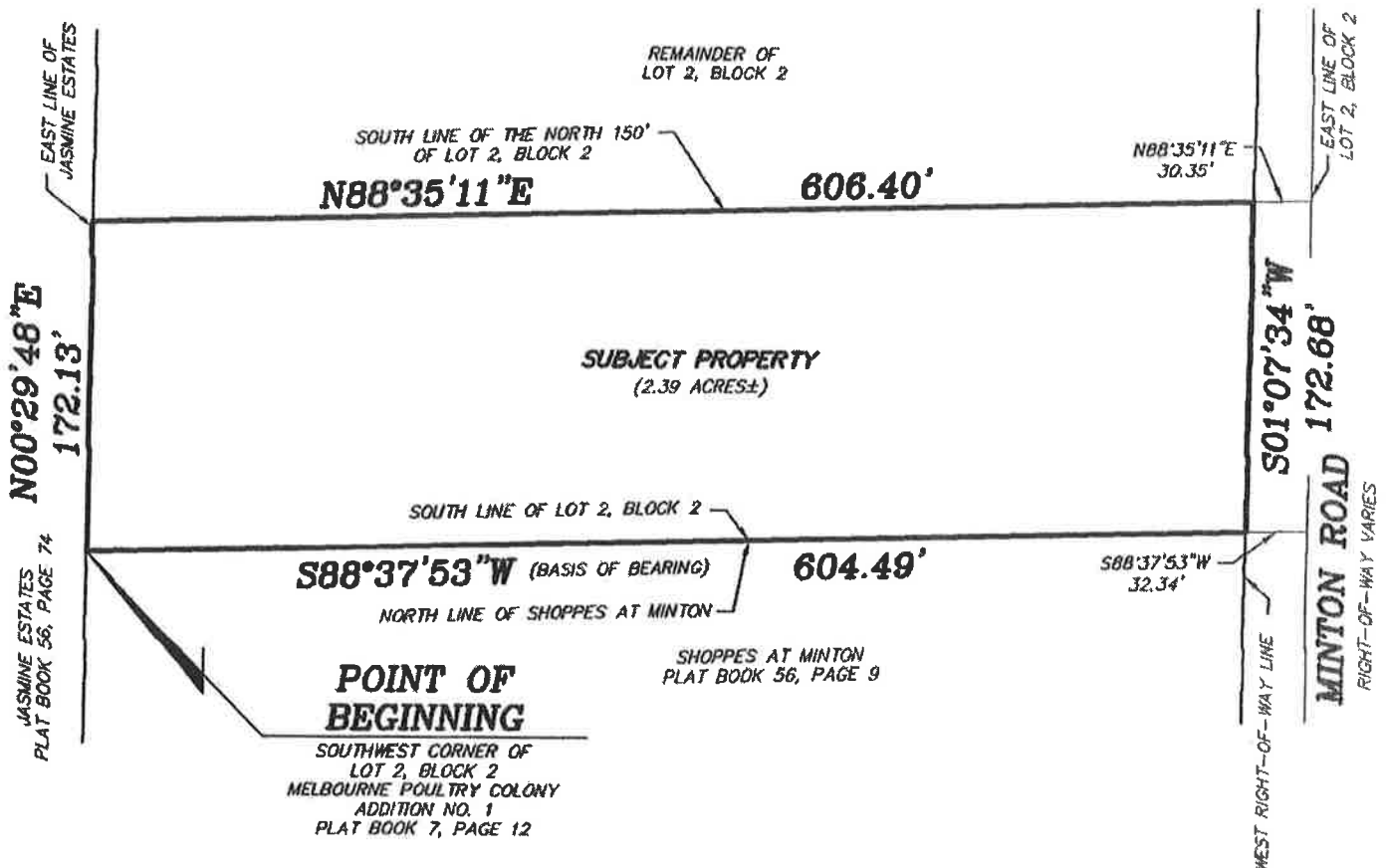




**DESCRIPTION:**

A PORTION OF LOT 2, BLOCK 2, MELBOURNE POULTRY COLONY ADDITION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 12, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 2, BLOCK 2; THENCE NORTH 00°29'48" EAST ALONG THE EAST LINE OF JASMINE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 12, A DISTANCE OF 172.13 FEET; THENCE NORTH 88°35'11" EAST ALONG THE SOUTH LINE OF THE NORTH 150 FEET OF SAID LOT 2, BLOCK 2, A DISTANCE OF 606.40 FEET; THENCE SOUTH 01°07'34" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF MINTON ROAD, A DISTANCE OF 172.68 FEET; THENCE SOUTH 88°37'53" WEST ALONG THE NORTH LINE OF SHOPPES AT MINTON, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGE 9, A DISTANCE OF 604.49 FEET TO THE POINT OF BEGINNING. CONTAINING 2.39 ACRES, MORE OR LESS.



SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

# AAL LAND SURVEYING SERVICES, INC.

SKETCH OF DESCRIPTION

JOB # 40761

DATE: 9-19-22  
SECTION 24, TOWNSHIP 28S, RANGE 36E

L.B. #6623

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 53-12, 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.

Prepared by  
Andrew W. Povshok  
Date: 9/22/22

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

SHEET 1 OF 1

SCALE: 1" = 100'





## CITIZEN PARTICIPATION PLAN REPORT

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

CASE DETAILS	
Applicant Name:	BRUCE COFFMAN AS DIRECTOR OF AFFORDABLE TRAILER SERVICE AND SUPPLY, INC.
Project Name:	" "
Case Type:	ANNEXATION INTO CITY OF PB
Case Description:	" "
Intended Month of Submission:	June 2023

### INFORMATION ON THE CITIZEN PARTICIPATION PLAN MEETING

Notice to the Public (Date):	MAY 1, 2023
Date CPP was Held:	MAY 8, 2023
Location of the Meeting:	HYATT PLACE PALM BAY
Number of Attendees:	0



**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:**

[illegible]



LIST OF ATTENDEES



Number	Name of attendee	Number	Name of attendee
1.		2.	
3.		4.	
5.		6.	
7.		8.	
9.		10.	
11.		12.	
13.		14.	
15.		16.	
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45.		46.	
47.		48.	
49.		50.	



**ADDITIONAL DOCUMENTS REQUIRED WITH CITIZEN PARTICIPATION PLAN REPORT SUBMISSION**

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

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

**Signature**

A handwritten signature in blue ink, appearing to read "J. Cole Oliver".

**Typed Name and Title**

J. Cole Oliver

**Date**

6/7/2023



516 Delannoy Avenue  
Cocoa, Florida 32922  
Telephone: 321-632-4710  
[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)

May 1, 2023

FIRST CLASS U.S. MAIL

RE: **Notice of Citizen Informational Meeting on Monday, May 8, 2023, at 6:00 PM**  
**Applicant:** Affordable Trailer Service and Supply, Inc.  
**Project Site Address:** 4180 Minton Road  
**Zoning Request:** Commercial (Continue existing use; zoning required in conjunction with annexation into the City of Palm Bay).

Dear Neighbor:

Affordable Trailer and Service and Supply, Inc. will submit a conditional use application requesting approval for Commercial (Continue existing use; zoning required in conjunction with annexation into the City of Palm Bay) no later than May 9, 2023, to the City of Palm Bay. On behalf of Affordable Trailer and Service and Supply, Inc., I am inviting you to an informational meeting to discuss the zoning request, answer any questions you may have, and record any feedback you may have to offer, which we will then present to City Staff, the Planning and Zoning Board, and City Commission as we move through the review and public hearing process for this request.

If you have any questions you wish to submit in advance of the meeting, we would appreciate the opportunity to review them in advance to be sure we bring the appropriate information to answer any of your questions or address your concerns at the meeting. The meeting is scheduled as follows:

DATE: May 8, 2023  
TIME: 6:00 PM-7:00 PM  
PLACE: Hyatt Place  
1435 Sportsman Lane NE  
Palm Bay, FL 32907

We hope to see you there. In the interim, please do not hesitate to contact me via email at [cole@eksdevelopment.com](mailto:cole@eksdevelopment.com).

Best regards,

A handwritten signature in black ink, appearing to read "Cole Oliver", written over a horizontal line.

Cole Oliver

Enclosures

# 4180 Minton Road



TAX PARCEL : 2806116

# Project Details: CP23-00013

## Project Type: Comprehensive Plan Future Land Use Map

Project Location: **Palm Bay, FL**  
Milestone: **Submitted**  
Created: **6/5/2023**  
Description: **4180 Minton Road**  
Assigned Planner: **Alexandra Bernard**

### Contacts

Contact	Information
Legal Representative	Kuhn, Jeff 1834 NW 32nd Place Cape Coral, FL 33993 (239) 766-9428 kuhncontracting@yahoo.com
Owner/Applicant	Bruce Coffman, Affordable Trailer Service & Supply, Inc. 4180 Minton Road Melbourne, FL 32904 (772) 205-7482 affordabletrailersupply@yahoo.com
Submitter	
Owner	Bruce Coffman 7040 U.S. Highway 1 Vero Beach, FL 32967 (772) 205-7482 affordabletrailersupply@yahoo.com
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907  alexandra.bernard@palmbayflorida.org

### Fields

Field Label	Value
Block	2
Lot	2.01
Section Township Range	24-28-36
Subdivision	FA

# Project Details: CP23-00013

Year Built	
Use Code	
Use Code Desc	
LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	
Flu Description	
Flu Code	
Zoning Description	
Zoning Code	
Is Submitter the Representative?	False
Parcel Number(s)	28-36-24-FA-2-2.01
Tax Account Number(s)	2806116
Present Use of Property	retail sales with office
Project Scale	Small Scale (50 acres or less)
Specific Use Intended for Property	continue existing use and future redevelopment
Development Submitted?	False
Rezoning Submitted?	False
List Structures	1800 sq. ft. office building
Structures On Property?	True
Proposed Land Use Classification	Commercial
Present Land Use Classification	CC county land use
Justification for Change	In conjunction with annexation

## Project Details: CP23-00013

Total Acreage	
Ordinance Number	
Subdivision Name	

June 15, 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID: 28-36-24-FA-2-2.01

I, Owner Name: Affordable Trailer Service & Supply, Inc.

Address: 4180 Minton Rd, Melbourne FL 32904

Telephone: 772-205-8904

Email: Affordable Trailer Supply at yahoo.com

hereby authorize:

Representative: Jeff Kuhn

Address: 1834 NW 32<sup>nd</sup> place Cape Coral, FL 33993

Telephone: 239-766-9428

Email: Kuhn Contracting @ yahoo.com

to represent the request(s) for:

Annexation and Zoning for Commercial Use AND Land Use Map Amendment Application

B. Cuff

(Property Owner Signature)

STATE OF Florida

COUNTY OF Indian River

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26 day of August, 2022 by

Bruce Cuffman, property owner.



J. HARDING EVANS  
Commission # GG 311018  
Expires March 14, 2023  
Rendezvous Budget Notary Services

J. H. Evans

J. HARDING EVANS

, Notary Public

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

FL Dr License



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

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005744465

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice

**Net Amount** 212.94

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 06/22/23

**Text of Ad:**

Ad#5744465 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 July 20, 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. FS23-00004 - DRP FL 6, LLC, Brian Clauson (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)

Final Plat approval to allow for a proposed 41-lot single-family residential subdivision called Timbers at Everlands Phase 1B

A replat of a portion of Tract FD.1 together with Tract FD.2, all in Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 10.47 acres. Located at the northeast corner of St. Johns Heritage Parkway NW and Pace Drive NW

2. CP23-00013 - Bruce Coffman, Affordable Trailer Service & Supply, Inc. (Jeff Kuhn, Rep.)

A Small-Scale Comprehensive Plan Future Land Use Map Amendment from CC, Community Commercial (Brevard County) to Commercial

Lot 2.01, Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 2.11 acres. Located west of and adjacent to Minton Road, in the vicinity of Palm Bay Road NE

3. \*\*CP23-00007 - Bruce Coffman, Affordable Trailer Service & Supply, Inc. (Jeff Kuhn, Rep.)

A Zoning Amendment from BU-1, General Retail Commercial (Brevard County) to a CC, Community Commercial District

Lot 2.01, Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 2.11 acres. Located west of and adjacent to Minton Road, in the vicinity of Palm Bay Road NE

4. CP23-00010 - Cole Oliver, West Malabar Properties, LLC

A Small-Scale Comprehensive Plan Future Land Use Map Amendment from RES 2 Residential 2 (Brevard County) to Commercial

Lots 1, 1.02, and 2 of Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 4.58 acres. Located west of adjacent to Minton Road, in the vicinity of Palm Bay Road NE

5. \*\*CP23-00006 - Cole Oliver, West Malabar Properties, LLC

A Zoning Amendment from RP, Residential Professional and AU, Agricultural Residential (Brevard County) to a CC, Community Commercial District

Lots 1, 1.02, and 2 of Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 4.58 acres. Located west of adjacent to Minton Road, in the vicinity of Palm Bay Road NE

\*\*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

**From:** [Alexandra Bernard](#)  
**To:** [Terese Jones](#); [Terri Lefler](#)  
**Subject:** FW: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting  
**Date:** Friday, August 4, 2023 1:30:23 PM

---

FYI...

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**From:** Mindy Mason <MindyM@eksdevelopment.com>  
**Sent:** Friday, August 4, 2023 1:29 PM  
**To:** Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Cathy Green <Cathy.Green@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>  
**Subject:** Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

As the applicant for the potential annexation of the southwest corner of Hield and Minton Rd, which is scheduled to go before the August 17, 2023, Council Meeting, we respectfully request a continuance to September 21, 2023. I have listed the case numbers below.

A23-00001  
CP23-00013  
CPZ23-00007

A23-00002  
CP23-00010  
CPZ23-00006

Please let me know if anything else is needed. Thank you!

Respectfully,

*Mindy Mason*  
Operations Manager

EKS, Inc.  
516 Delannoy Ave  
Cocoa, FL 32922  
Email: [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)  
Direct: 321.632.4710 ext.208  
Fax: 321.635.8681

Public Hearing**Cathy Green**

**From:** Rob Medina  
**Sent:** Wednesday, July 19, 2023 6:50 AM  
**To:** John Day; Terese Jones; Patricia D. Smith; Suzanne Sherman  
**Subject:** Re: Request for disapproval of Case CP23-00013

CP23-00013

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me. I have added our City Clerk, City Attorney and City Manager to this email for record keeping purposes. I also wanted to inform you that the applicant has submitted a request to continue the items on the Agenda for July 20th Council Meeting to the August 17th Council Meeting. Council will consider the request for the continuance early in the Meeting.

Respectfully,

Rob Medina  
 Mayor

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**From:** John Day <daymite@gmail.com>  
**Sent:** Monday, July 17, 2023 3:14 PM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>  
**Subject:** Request for disapproval of Case CP23-00013

**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.

John and Faye Day  
 1641 Willard Rd NW  
 Palm Bay, FL 32907

The Honorable Mayor Medina and Council Members  
 120 Malabar Rd.  
 Palm Bay, FL 32907

Dear Mayor Medina, Deputy Mayor Felix, Councilman Johnson and Councilman Foster:

We are writing to ask you to disapprove Case CP23-00013 in your council meeting on July 20, 2023.

**Ordinance 2023-60, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Minton Road, in the vicinities north of Palm Bay Road and south of Hield Road, from Community Commercial Use (Brevard County) to Commercial Use (City of Palm Bay) (2.11 acres) (CP23-00013, Bruce Coffman/Affordable Trailer Service and Supply, Inc.)**

My wife, Faye and I have lived in Palm Bay for 36 years. Throughout this time we have seen the city grow tremendously. Traffic has been a major problem in and out of the main thoroughfare of Minton Rd/Palm Bay Rd. The Minton Rd intersection of the proposal is located in a very congested intersection. During rush hour, Minton southbound backs up for a mile from Palm Bay Rd. while Palm Bay Rd westbound exit from I-95 backs up to Minton Rd all the way to I-95. It's very congested due to increasing traffic and stop lights on Emerson, Palm Bay Rd. and Hield Rd on Minton. It is really bad

now, and having another commercial venture like the proposed will turn a really congested road to a gridlock. We agree that development is good for the city, but we ask you to reconsider the welfare of the people who live in it. We invite you to visit the intersection in question, drive there during rush hour in the morning between 7:30-8:30am, and in the afternoon between 5-7pm. The additional traffic that will be created by the proposed venture will not only affect the people who live in Hield Rd/Minton Rd. intersection but all the residents of Palm Bay who drive south on Minton, or west on Palm Bay Rd from I-95.

We read the proposal of the applicant which states that "the desired Commercial land use is in alignment with his current business needs, as well as the surrounding area which is located at 4180 Minton Rd."

We understand the applicants' position that the proposal is in his best interests, but how did he know that it's also in the best interest of the surrounding area? Did he do a study, or interview the people in the community? With the people in the community attending the council meeting showing their unanimous disapproval of this proposal, can you honestly say that the proposed change is for the good of the community and the city as a whole?

We humbly ask your honorable office to disapprove this proposal, and please consider the best interest of the people in the community.

We thank you for your kind consideration.

John and Faye Day

The Honorable Deputy Mayor Donny Felix

The Honorable Councilman Kenny Johnson

The Honorable Councilman Randy Foster

**From:** [Rob Medina](#)  
**To:** [Lisa Mills](#); [City Manager](#); [Land Development Web](#); [Patricia D. Smith](#); [Suzanne Sherman](#); [Terese Jones](#); [Alexandra Bernard](#); [Jesse Anderson](#); [Juliet Misconi](#); [Joan Junkala](#); [Carol Gerundo](#); [Chandra Powell](#); [Kevin Mills](#)  
**Subject:** Re: Hield-Minton Development, on agenda for Sept 2023 - CP23-00010, CPZ23-00006, A23-00001, CP23-00013, CPZ23-00007, A23-00002  
**Date:** Sunday, September 10, 2023 4:05:19 PM

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Lisa & Kevin Mills,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me regarding Hield and Minton Rd.

Respectfully,

Rob Medina  
Mayor

---

**From:** Lisa Mills <lisafrills@gmail.com>  
**Sent:** Sunday, September 10, 2023 2:29 PM  
**To:** Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; Rob Medina <Rob.Medina@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Juliet Misconi <Juliet.Misconi@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Kevin Mills <kevinjmills5@gmail.com>  
**Subject:** Hield-Minton Development, on agenda for Sept 2023 - CP23-00010, CPZ23-00006, A23-00001, CP23-00013, CPZ23-00007, A23-00002

**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.

Dear City Council,

My name is Lisa Mills and I live at 3080 Hield Rd, Melbourne, FL 32904. I live within 500 feet of the proposed development which will be discussed at the upcoming meeting.

I am not here to fight the development. I loved the area so much, I moved here. It would be naive for me to expect that no other homeowners or commercial businesses would want to move here too. I welcome and support change, as it is inevitable.

I would just like to take a moment to explain my concerns to work toward the best arrangement possible for all involved.

Although I would prefer the second home on Hield to not be rezoned to commercial property as it brings noise and other aspects closer to my home than I anticipated when purchasing my property, I am sure there is little I can do to change this. Given that, I would like to focus on the biggest concern I have; traffic.

Currently, during peak hours, the intersection on Minton fills up with cars and keeps Hield residents unable to exit the street other than 1 or 2 cars per light. It may take several cycles to be able to exit Hield, which vacillates between a waste of time and a hazard. In an emergency, there is no way around this situation. In non-emergencies, there are accidents, road-rage incidents, and frustrated people putting everyone at risk. There is currently a lack of policing for blocking the intersection. Bringing more vehicles into the area is going to further inflame the situation and I fear increasing the hazardous conditions for both residents and non-residents alike.

I ask that you please make this letter part of the record in support of finding a viable solution for all involved.

Thank you,  
Lisa and Kevin Mills  
321-390-3891

**From:** [Angela Burak](#)  
**To:** [Terri Lefler](#); [Terese Jones](#)  
**Subject:** FW: Hield & Minton Roads - Community Meeting & Incorrect FL Today Annoucement  
**Date:** Wednesday, September 13, 2023 2:12:34 PM  
**Attachments:** [Hield Road Starbuck and Intersection Improvements.pdf](#)  
[image001.png](#)  
[Hield Road Starbuck and Intersection Improvements Rev 9-12-23 from Oliver.pdf](#)

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**From:** Sue Shep <keepthefocus2003@yahoo.com>  
**Sent:** Wednesday, September 13, 2023 1:30 PM  
**To:** Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; Rob Medina <Rob.Medina@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>; Philip Weinberg <pawasa@bellsouth.net>  
**Subject:** Fw: Hield & Minton Roads - Community Meeting & Incorrect FL Today Annoucement

**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.

Hield/Minton Road Starbuck's Proposal  
City Council Meeting Scheduled for Tuesday, September. 19, 2023 at 6 p.m.  
Cole Oliver's Community Meeting Scheduled for Thursday, September 14, 2023 at 6 p.m.  
**Please make this letter of part of the record.**

Good Afternoon All~

Below, you will see two attachments.

\* Revised proposed site plan from Cole Oliver **emailed to us last night**, September 12, 2023 at 9:26 p.m.

\* Florida Today announcement showing City Council Meeting Scheduled for Thursday, September 19, 2023 at 6 p.m. The property highlighted in that diagram is ONLY representing one of the properties (The Trailer Business) next to Pizza Voila. This is very DECEPTIVE. Additionally, **please take note:** The **date** and **day** are **incorrect!** **The 19th is Tuesday!** I can only assume Mr. Oliver and/or his organization placed that announcement. If that be the case, this shows a pattern of Mr. Oliver's continued **impropriety** of trying to **confuse** the Community. Remember, Mr. Oliver's initial "required" Community Meeting held in May, 2023, he

scheduled a meeting place with an **incorrect address**. They needed to have a second Community Meeting with the correct address in June.

Mr. Oliver's email below states the following:

"Please note that we have already held the Community Meeting as required by Code with the requisite notices."

These meetings/notices he references to are those mentioned above in May and June. NOT this current revised site plan.

I will be resending, only, these two attachments in a separate email to all of you in case for some reason they got lost in these email strings.

What happened to a **"timely"** scheduled community meeting to allow enough time for the Hield Road residents and the City of Palm Bay to have the appropriate time to review his proposal and allow for all of us to study same and do our own research in order for all of us to present our questions and possible other alternative suggestions to the Developer?

A less than 48 hour notice clearly shows Mr. Oliver's LACK OF GOOD FAITH! Most of Hield Road residents, even those within the required "500 ft radius" residents work and have families. The 6:00 p.m. scheduled time will make it very difficult for those residents to attend with such SHORT notice. I am sure Mr. Oliver is counting on that! Additionally, the residents within the "500 ft radius" of the proposed properties **did not receive a letter** from Mr. Oliver advising of tomorrow night's meeting of September 14, 2023 at 6:00 p.m.

Once again, Mr. Oliver is showing his impropriety and manipulation of the Statutes by sending his meeting announcement to me and you at 9:26 p.m. on September 12th. Does he really think You and Hield Road residents are that ignorant to not recognize his ploy? Does he really think he is giving us 2 days notice? Does Mr. Oliver really think we will not be able to see through his "revised" proposal having the very same impacts to Hield Road and Minton Road vehicles? A "high-traffic" demanding business is not the answer.

Did you receive the proposed site plan and his meeting announcement the same time as I did?

**Did any of you receive a current traffic study?** We did not.

Within the volume of recent correspondences, the "traffic study" was one of the items Mr. Oliver was waiting on in addition to his "modifications" and "revisions". Anyone can see, especially during peak hours which are increasing in the a.m. and p.m. during the week, the increased volume of traffic southbound from Calvary Chapel to Palm Bay Road. The occupants are becoming more **aggressive** with each other. Windows go down, yelling expletives' out the their windows, shooting various finger digits at each

other and us. Near accident misses with many of us. With increased aggression, we know this can become a **potential volatile scenario** especially in today's times with "road rage", etc. Does the City of Palm Bay really want that? City of Palm Bay's crime is already increasing in and of itself!

Perhaps, Mr. Oliver is waiting to be able to "doctor" the traffic study and present that to all of us at the last minute!

If you have not read my letter to all of you from last, Friday, September 8, 2023, I respectfully ask you do so, in particular, to review my bullet points.

Mr. Oliver's email below states the following:

*"We are hosting this meeting as an effort to work with the community on a mutually agreeable solution."*

Mr. Oliver's actions/efforts as referenced above in this letter DOES NOT align with him working with the Community and the City of Palm Bay.

Can all of us really trust Mr. Oliver and staff? His manipulations, lack of good will and his actions of impropriety make it very difficult to do so.

Respectfully submitted,  
Susan Shepherd  
Em: keepthefocus2003@yahoo.com  
(c) 321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

----- Forwarded Message -----

**From:** J Cole Oliver <cole@eksdevelopment.com>

**To:** Sue Shep <keepthefocus2003@yahoo.com>; Mindy Mason <mindym@eksdevelopment.com>

**Cc:** Alexandra Bernard <alexandra.bernard@palmbayflorida.org>; Cathy Green <cathy.green@palmbayflorida.org>; Chaundra Powell <chandra.powell@palmbayflorida.org>; Angela Burak <angela.burak@palmbayflorida.org>; Suzanne Sherman <suzanne.sherman@palmbayflorida.org>; Juliet Misconi <citymanager@pbfl.org>; Terese Jones <terese.jones@palmbayflorida.org>; Mayor Rob Medina <mayorrobmedina@pbfl.org>

**Sent:** Tuesday, September 12, 2023 at 09:26:11 PM EDT

**Subject:** RE: Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Sue,

Apologies for the delay, but we received the revised proposed plan showing the proposed roadway improvements on Hield Road today. Please see attached. We have booked a meeting room from 6 PM at the Hyatt Place at Melbourne Airport (747 Air Terminal Parkway Melbourne, FL 32901) for this Thursday night (September 14<sup>th</sup>) to discuss with the proposed project with the Hield residents. Please note that we have already held the Community Meeting as required by Code with the requisite notices. We are hosting this meeting as an effort to work with the community on a mutually agreeable solution.

Regards,

Cole

---

**From:** Sue Shep <keepthefocus2003@yahoo.com>

**Sent:** Sunday, August 20, 2023 7:23 PM

**To:** J Cole Oliver <cole@eksdevelopment.com>; Mindy Mason <Mindym@eksdevelopment.com>

**Cc:** Alexandra Bernard <alexandra.bernard@palmbayflorida.org>; Cathy Green <cathy.green@palmbayflorida.org>; Chaundra powell <chandra.powell@palmbayflorida.org>; Angela Burak <angela.burak@palmbayflorida.org>; Suzanne Sherman <suzanne.sherman@palmbayflorida.org>; Juliet Misconi <citymanager@pbfl.org>; Terese Jones <terese.jones@palmbayflorida.org>; Mayor Rob Medina <mayorrobmedina@pbfl.org>

**Subject:** Re: Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Mr. Oliver,

Pursuant to our last City Council Meeting of August 17, 2023, our cases are to be continued to Tuesday, September 19, 2023.

We are in the same scenario as we were in July regarding the timely scheduling of a Community Meeting with you and the residents of Hield Road. Time is of the essence to have appropriate notice for the Community Meeting to enable the residents to make arrangements to attend this important meeting.

The residents of Hield Road are becoming more anxious and voicing their intent to have this meeting scheduled.

Please advise when and where the Community Meeting will be scheduled.

Thank you for your time and considerations.

Regards,

Susan Shepherd

Em: [keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)

( C ) 321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

On Monday, August 14, 2023 at 07:03:59 PM EDT, Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)> wrote:

Thank you!

Susan Shepherd

[Sent from Yahoo Mail on Android](#)

On Mon, Aug 14, 2023 at 5:33 PM, J Cole Oliver

<[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)> wrote:

We have not been able to set a date or time yet as we are waiting for the engineers. As soon as I have more, I will reach out.

Regards,

Cole

---

**From:** Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**Sent:** Monday, August 14, 2023 3:50 PM

**To:** J Cole Oliver <[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)>; Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Cc:** Alexandra Bernard <[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)>; Cathy Green <[cathy.green@palmbayflorida.org](mailto:cathy.green@palmbayflorida.org)>; Chaundra powell <[chandra.powell@palmbayflorida.org](mailto:chandra.powell@palmbayflorida.org)>; Angela Burak <[angela.burak@palmbayflorida.org](mailto:angela.burak@palmbayflorida.org)>; Suzanne Sherman <[suzanne.sherman@palmbayflorida.org](mailto:suzanne.sherman@palmbayflorida.org)>; Susan Shepherd <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**Subject:** Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Good Afternoon!

Hoping all had a good weekend!

Please advise if a date, time and place have been arranged for the Community Meeting?

I am being asked by several residents if I have received any information regarding the above question.

Thank you,

Susan Shepherd

Hield Road

[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)

321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

----- Forwarded Message -----

**From:** Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**To:** Alexandra Bernard <[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)>

**Sent:** Tuesday, August 8, 2023 at 04:23:57 PM EDT

**Subject:** Re: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

Hi Alix,

I appreciate your letting me know the Continuance Request to September 21, 2023.

Thank you!

Susan Shepherd

Hield Road

**Susan** □

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

On Tuesday, August 8, 2023 at 09:05:10 AM EDT, Alexandra Bernard  
<[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)> wrote:

Good Morning Sue,

Below is the formal email that we received requesting continuance of these cases.

All the Best,



---

**From:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Sent:** Friday, August 4, 2023 1:57 PM

**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** RE: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for your confirmation.

Respectfully,

Mindy Mason

Operations Manager

**EKS, Inc.**

516 Delannoy Ave

Cocoa, FL 32922

**Email:** [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)

**Direct:** 321.632.4710 ext.208

**Fax:** 321.635.8681

---

**From:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>

**Sent:** Friday, August 4, 2023 1:43 PM

**To:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** RE: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

Hi Mindy,

Thank you for your email. We are in receipt of your request for a continuance to the September 21<sup>st</sup> City Council meeting.

All the Best,



---

**From:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Sent:** Friday, August 4, 2023 1:29 PM

**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

As the applicant for the potential annexation of the southwest corner of Hield and Minton Rd, which is scheduled to go before the August 17, 2023, Council Meeting, we respectfully request a continuance to September 21, 2023. I have listed the case numbers below.

A23-00001

CP23-00013

CPZ23-00007

A23-00002

CP23-00010

CPZ23-00006

Please let me know if anything else is needed. Thank you!

Respectfully,

**Mindy Mason**

Operations Manager

**EKS, Inc.**

516 Delannoy Ave

Cocoa, FL 32922

**Email:** [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)

**Direct:** 321.632.4710 ext.208

**Fax:** 321.635.8681

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## **ORDINANCE 2023-60**

**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 July 20, 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 Commercial Community Use (Brevard County) to Commercial Use (City of Palm Bay), which property is legally described as follows:

A portion of Lot 2, Block 2, Melbourne Poultry Colony Addition No 1, according to the plat thereof, as recorded in Plat Book 7, Page 12, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Begin at the southwest corner of said Lot 2, Block 2; thence N 00°29'48" E along the east Line of Jasmine Estates, according to the plat thereof, as recorded in Plat Book 7, Page 12, A distance of 172.13 feet; thence N 88°35'11" E along the south line of the north 150 feet of said Lot 2, Block 2, a distance of 606.40 feet; thence S 01°07'34" W along the west right-of-way line of Minton Road, a distance of 172.68 feet; thence S 88°37'53" W along the north line of Shoppes at Minton, according to the plat thereof, as recorded in Plat Book 56, Page 9, a distance of 604.49 feet to the Point of Beginning; containing 2.39 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: Bruce Coffman/Affordable Trailer Service and Supply, Inc.

Case: CP23-00013

cc: (date) Brevard County Property Appraiser

Applicant

Case File



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

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

**DATE:** 9/19/2023

**RE:** Ordinance 2023-61, rezoning property located west of and adjacent to Minton Road, in the vicinities north of Palm Bay Road and south of Hield Road, from BU-1 (General Retail Commercial) (Brevard County) to CC (Community Commercial District) (City of Palm Bay) (2.11 acres) (Case CPZ23-00007, Bruce Coffman/Affordable Trailer Service and Supply, Inc.), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 08/17/23 RCM)

As you may recall, the above request was scheduled for the July 20, 2023, regular Council meeting. Council voted to continue the request at the applicant's request.

**\*\*Quasi-Judicial Proceeding.** Bruce Coffman – Affordable Trailer Service and Supply, Inc. (Jeff Kuhn and Cole Oliver, Rep.) has submitted for a Rezoning from BU-1 General Retail Commercial (Brevard County) to CC, Community Commercial (City of Palm Bay). This 2.11 acre property is located west of and adjacent to Minton Rd, in the vicinity south of Hield Rd.

The applicant has stated that the desired Community Commercial zoning classification is in alignment with his current business needs, as well as the surrounding area which is located at 4180 Minton Rd.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Motion to approve Case CPZ23-00007.

**Planning and Zoning Board Recommendation:**

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:  
Motion to submit Case CPZ23-00007 to City Council for approval.

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

**Aye:** Jordan, Weinberg, Boerema, McLeod, Olszewski.

**Nay:** Good, Warner.

**ATTACHMENTS:**

**Description**

CPZ23-00007 -- Staff Report

CPZ23-00007 -- Survey

CPZ23-00007 -- CPP Report

CPZ23-00007 -- Application

CPZ23-00007 -- Letter of Authorization

CPZ23-00007 -- Legal Ad

Continuance Request (08/17/23 RCM)

Correspondence (September 19, 2023, RCM)

Ordinance 2023-61



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Alix Bernard, Principal Planner

---

#### CASE NUMBER

CPZ23-00007

#### PLANNING & ZONING BOARD HEARING DATE

July 5, 2023

---

#### PROPERTY OWNER & APPLICANT

Bruce Coffman, Affordable Trailer  
Service & Supply, Inc. (Jeff Kuhn, Rep)

#### PROPERTY LOCATION/ADDRESS

Lot 2.01, Melbourne Poultry Colony Addition 1, Section  
24, Township 28, Range 36, Brevard County, Florida;  
containing approximately 2.11 acres. Located west of  
and adjacent to Minton Rd, in the vicinity of Palm Bay  
Rd NE; Tax Account 2806116

---

#### SUMMARY OF REQUEST

The applicant is requesting a Rezoning from BU-1 General Retail  
Commercial (Brevard County) to CC, Community Commercial.

##### Existing Zoning

BU-1 General Retail Commercial (Brevard County)

##### Existing Land Use

CC Community Commercial (Brevard County)

##### Site Improvements

Retail Building

##### Site Acreage

2.11 acres

---

#### SURROUNDING ZONING & USE OF LAND

##### North

RP, Residential Professional (Brevard County); Office Building

##### East

C-1, Low Density Commercial (West Melbourne); Retail Plaza

##### South

CC, Community Commercial; Retail

##### West

EU-1 Estate Use Residential (Brevard County); Single-Family  
Homes

---

**BACKGROUND:**

The subject parcel is located west of and adjacent to Minton Road, in the vicinity south of Hield Road. There is one parcel totaling 2.11 acres included in this request, which is comprised of one existing commercial retail building owned and occupied by the applicant, Affordable Trailer Service & Supply Inc.

This request is for a rezoning from BU-1 General Retail Commercial (Brevard County) to Community Commercial. This request is in conjunction with a voluntary annexation request for the same parcel, which is scheduled to be heard at the July 20, 2023 Regular Council Meeting. .

No homes are proposed to be developed, therefore a school concurrency determination from the School Board of Brevard County is not required.

**ANALYSIS:**

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

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

The applicant states the justification for the change is ‘the proposed zoning classification will meet the current needs for the property’. Per the Land Development Code, the Community Commercial zoning district shall be in areas that are deemed to be uniquely suited for development. This area already has established commercial in the surrounding area and is located along a major roadway within the City and Brevard County, making it uniquely suitable for such rezoning.

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

The designation of the Community Commercial zoning district for the subject property is compatible with the surrounding area, and its already established commercial activity, and is consistent with the City’s desire and plan for the expansion of Commercial development.

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

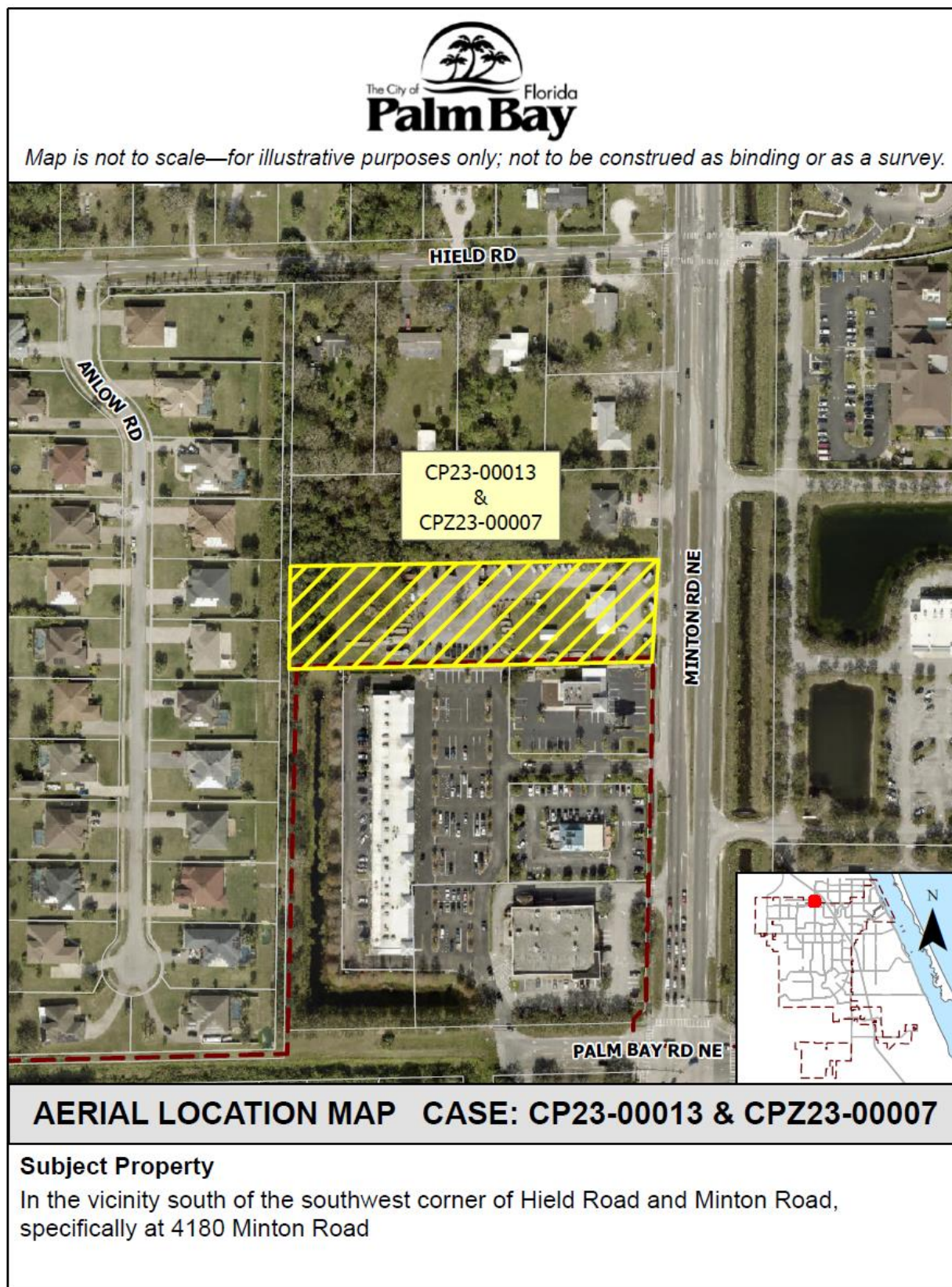
There are a few undeveloped lots with CC, Community Commercial zoning in the general area and throughout the city.

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

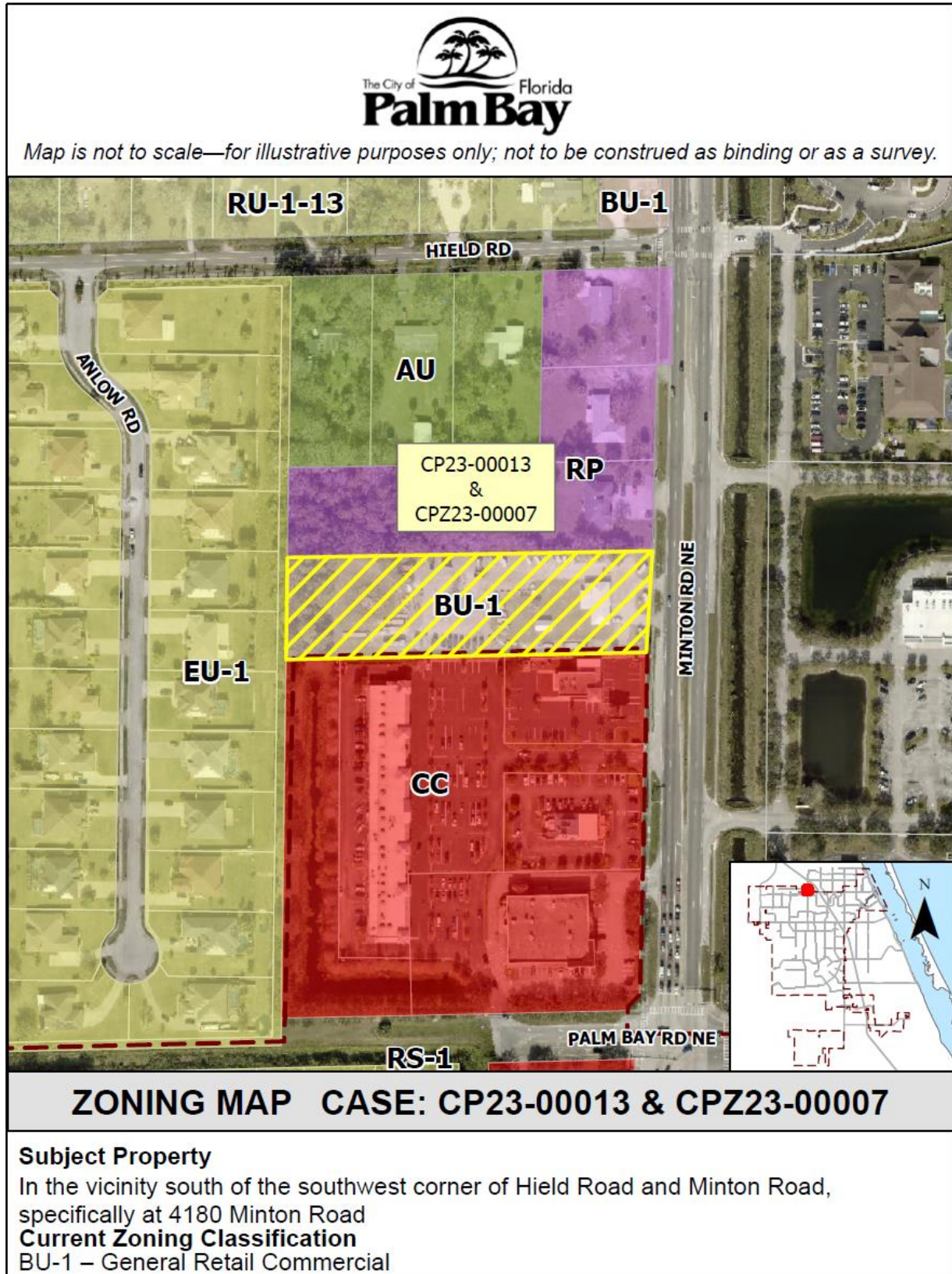
The proposed amendment will further the purposes of Chapter 185, the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Staff recommends Case CPZ23-00007 for approval.



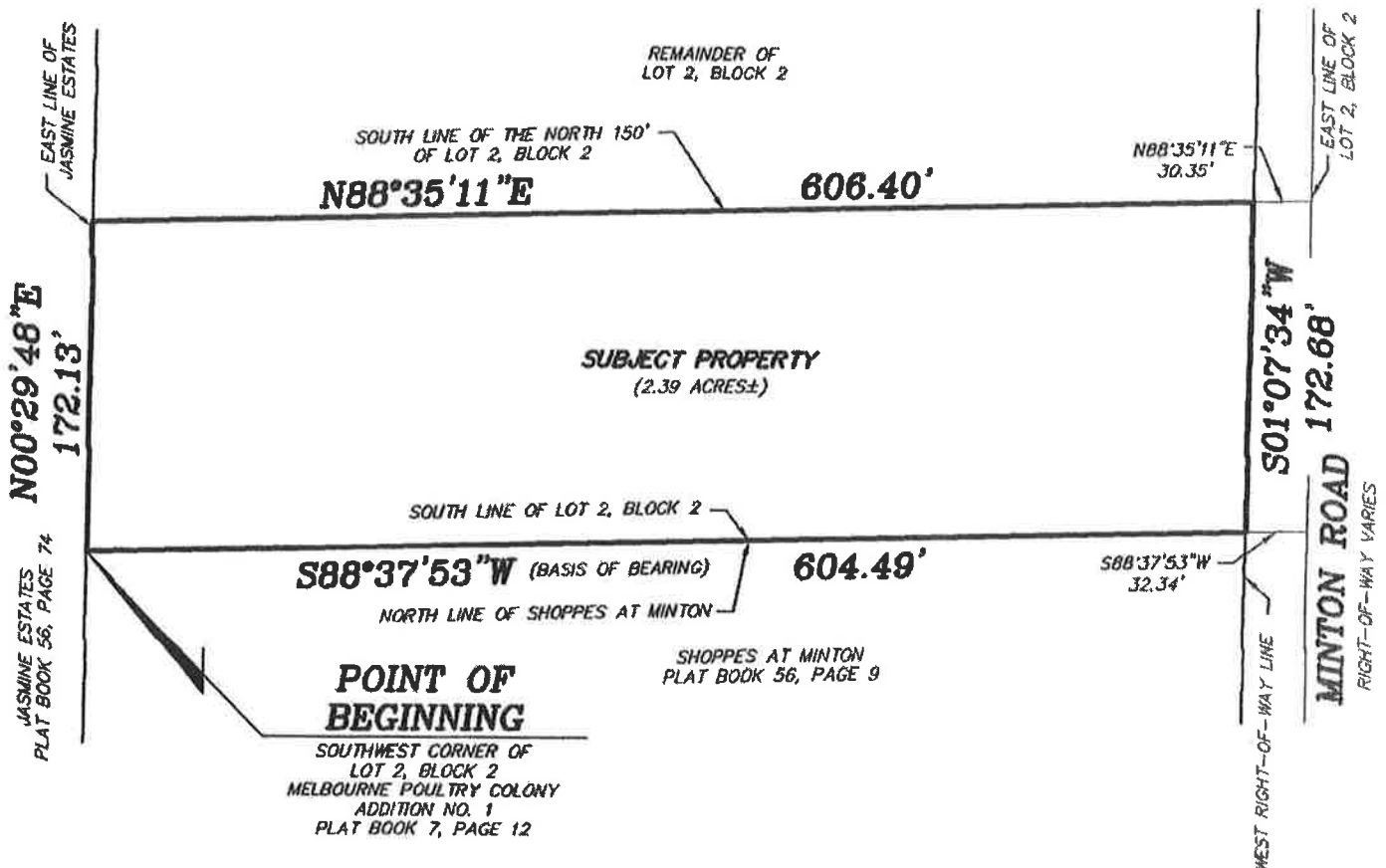




**DESCRIPTION:**

A PORTION OF LOT 2, BLOCK 2, MELBOURNE POULTRY COLONY ADDITION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 12, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 2, BLOCK 2; THENCE NORTH 00°29'48" EAST ALONG THE EAST LINE OF JASMINE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 12, A DISTANCE OF 172.13 FEET; THENCE NORTH 88°35'11" EAST ALONG THE SOUTH LINE OF THE NORTH 150 FEET OF SAID LOT 2, BLOCK 2, A DISTANCE OF 606.40 FEET; THENCE SOUTH 01°07'34" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF MINTON ROAD, A DISTANCE OF 172.68 FEET; THENCE SOUTH 88°37'53" WEST ALONG THE NORTH LINE OF SHOPPES AT MINTON, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGE 9, A DISTANCE OF 604.49 FEET TO THE POINT OF BEGINNING. CONTAINING 2.39 ACRES, MORE OR LESS.



SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

# AAL LAND SURVEYING SERVICES, INC.

SKETCH OF DESCRIPTION

JOB # 40761

DATE: 9-19-22  
SECTION 24, TOWNSHIP 28S, RANGE 36E

L.B. #6623

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 53-12, 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.

Prepared by  
Andrew W. Povshok  
Date: 9/22/22

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

SHEET 1 OF 1

SCALE: 1" = 100'





## CITIZEN PARTICIPATION PLAN REPORT

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

CASE DETAILS	
Applicant Name:	BRUCE COFFMAN AS DIRECTOR OF AFFORDABLE TRAILER SERVICE AND SUPPLY, INC.
Project Name:	" "
Case Type:	ANNEXATION INTO CITY OF PB
Case Description:	" "
Intended Month of Submission:	June 2023

### INFORMATION ON THE CITIZEN PARTICIPATION PLAN MEETING

Notice to the Public (Date):	MAY 1, 2023
Date CPP was Held:	MAY 8, 2023
Location of the Meeting:	HYATT PLACE PALM BAY
Number of Attendees:	0



**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:**

[illegible]



LIST OF ATTENDEES

Ø

Number	Name of attendee	Number	Name of attendee
1.		2.	
3.		4.	
5.		6.	
7.		8.	
9.		10.	
11.		12.	
13.		14.	
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43.		44.	
45.		46.	
47.		48.	
49.		50.	



**ADDITIONAL DOCUMENTS REQUIRED WITH CITIZEN PARTICIPATION PLAN REPORT SUBMISSION**

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

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

**Signature**

A handwritten signature in blue ink, appearing to read "J. Cole Oliver".

**Typed Name and Title**

J. Cole Oliver

**Date**

6/7/2023



516 Delannoy Avenue  
Cocoa, Florida 32922  
Telephone: 321-632-4710  
[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)

May 1, 2023

FIRST CLASS U.S. MAIL

RE: **Notice of Citizen Informational Meeting on Monday, May 8, 2023, at 6:00 PM**  
**Applicant:** Affordable Trailer Service and Supply, Inc.  
**Project Site Address:** 4180 Minton Road  
**Zoning Request:** Commercial (Continue existing use; zoning required in conjunction with annexation into the City of Palm Bay).

Dear Neighbor:

Affordable Trailer and Service and Supply, Inc. will submit a conditional use application requesting approval for Commercial (Continue existing use; zoning required in conjunction with annexation into the City of Palm Bay) no later than May 9, 2023, to the City of Palm Bay. On behalf of Affordable Trailer and Service and Supply, Inc., I am inviting you to an informational meeting to discuss the zoning request, answer any questions you may have, and record any feedback you may have to offer, which we will then present to City Staff, the Planning and Zoning Board, and City Commission as we move through the review and public hearing process for this request.

If you have any questions you wish to submit in advance of the meeting, we would appreciate the opportunity to review them in advance to be sure we bring the appropriate information to answer any of your questions or address your concerns at the meeting. The meeting is scheduled as follows:

DATE: May 8, 2023  
TIME: 6:00 PM-7:00 PM  
PLACE: Hyatt Place  
1435 Sportsman Lane NE  
Palm Bay, FL 32907

We hope to see you there. In the interim, please do not hesitate to contact me via email at [cole@eksdevelopment.com](mailto:cole@eksdevelopment.com).

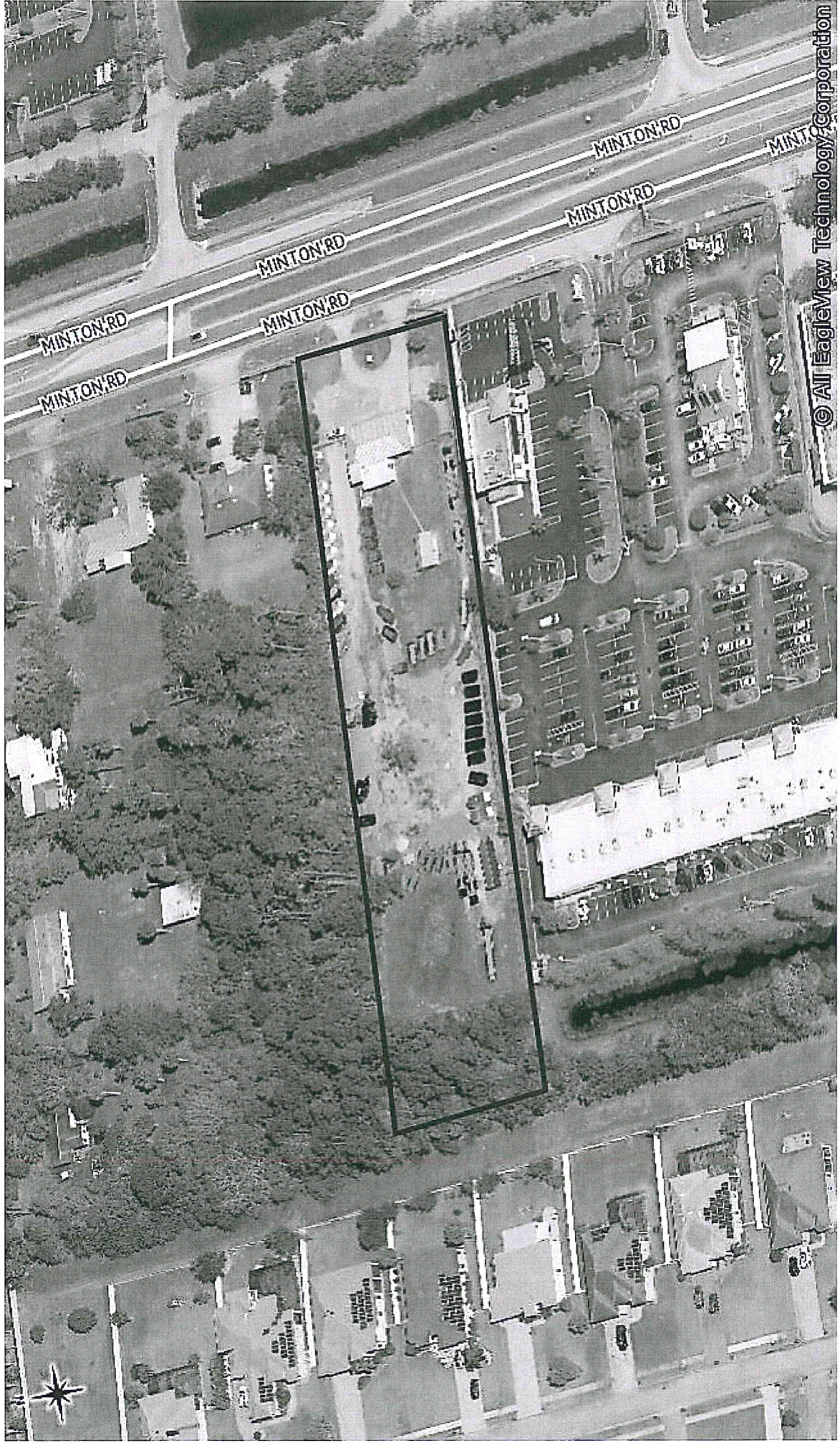
Best regards,

A handwritten signature in black ink, appearing to read "Cole Oliver", written over a horizontal line.

Cole Oliver

Enclosures

# 4180 Minton Road



TAX PARCEL : 2806116

# Project Details: CPZ23-00007

## Project Type: Rezoning Comprehensive Plan Zoning Amendment

Project Location: Palm Bay, FL  
Milestone: Submitted  
Created: 6/5/2023  
Description: 4180 Minton Road  
Assigned Planner: Alexandra Bernard

### Contacts

Contact	Information
Owner/Applicant	Bruce Coffman, Affordable Trailer Service & Supply, Inc. 4180 Minton Road Melbourne, FL 32904 (772) 205-7482 affordabletrailersupply@yahoo.com
Legal Representative	Kuhn, Jeff 1834 NW 32nd Place Cape Coral, FL 33993 (239) 766-9428 kuhncontracting@yahoo.com
Submitter	
Owner	Bruce Coffman 7040 U.S. Highway 1 Vero Beach, FL 32967 (772) 205-7482 affordabletrailersupply@yahoo.com
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907  alexandra.bernard@palmbayflorida.org

### Fields

Field Label	Value
Block	2
Lot	2.01
Section Township Range	24-28-36
Subdivision	FA

# Project Details: CPZ23-00007

Year Built	
Use Code	
Use Code Desc	
LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	
Flu Description	
Flu Code	
Zoning Description	
Zoning Code	
Size of Area (acres)	
Present Use of Property	retail sales and office space
Zoning Classification Desired	CC
Structures On Property?	True
Intended Use of Property	continue existing use
Justification for Change	in conjunction with annexation
Is Submitter the Representative?	False
Ordinance Number	
Subdivision Name	

June 15, 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID: 28-36-24-FA-2-2.01

I, Owner Name: Affordable Trailer Service & Supply, Inc.

Address: 4180 Minton Rd, Melbourne FL 32904

Telephone: 772-205-8904

Email: Affordable Trailer Supply at yahoo.com

hereby authorize:

Representative: Jeff Kuhn

Address: 1834 NW 32<sup>nd</sup> place Cape Coral, FL 33993

Telephone: 239-766-9428

Email: Kuhn Contracting @ yahoo.com

to represent the request(s) for:

Annexation and Zoning for Commercial Use AND Land Use Map Amendment Application

*[Signature]*

(Property Owner Signature)

STATE OF Florida

COUNTY OF Indian River

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26 day of August, 2022 by

Bruce Coffman, property owner.



J HARDING EVANS  
Commission # GG 311018  
Expires March 14, 2023  
Rendezvous Budget Notary Services

*[Signature]*

J. HARDING EVANS

, Notary Public

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

FL Dr License



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

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005744465

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice

**Net Amount** 212.94

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 06/22/23

**Text of Ad:**

Ad#5744465 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 July 20, 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. FS23-00004 - DRP FL 6, LLC, Brian Clauson (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)

Final Plat approval to allow for a proposed 41-lot single-family residential subdivision called Timbers at Everlands Phase 1B

A replat of a portion of Tract FD.1 together with Tract FD.2, all in Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 10.47 acres. Located at the northeast corner of St. Johns Heritage Parkway NW and Pace Drive NW

2. CP23-00013 - Bruce Coffman, Affordable Trailer Service & Supply, Inc. (Jeff Kuhn, Rep.)

A Small-Scale Comprehensive Plan Future Land Use Map Amendment from CC, Community Commercial (Brevard County) to Commercial

Lot 2.01, Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 2.11 acres. Located west of and adjacent to Minton Road, in the vicinity of Palm Bay Road NE

3. \*\*CP23-00007 - Bruce Coffman, Affordable Trailer Service & Supply, Inc. (Jeff Kuhn, Rep.)

A Zoning Amendment from BU-1, General Retail Commercial (Brevard County) to a CC, Community Commercial District

Lot 2.01, Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 2.11 acres. Located west of and adjacent to Minton Road, in the vicinity of Palm Bay Road NE

4. CP23-00010 - Cole Oliver, West Malabar Properties, LLC

A Small-Scale Comprehensive Plan Future Land Use Map Amendment from RES 2 Residential 2 (Brevard County) to Commercial

Lots 1, 1.02, and 2 of Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 4.58 acres. Located west of adjacent to Minton Road, in the vicinity of Palm Bay Road NE

5. \*\*CP23-00006 - Cole Oliver, West Malabar Properties, LLC

A Zoning Amendment from RP, Residential Professional and AU, Agricultural Residential (Brevard County) to a CC, Community Commercial District

Lots 1, 1.02, and 2 of Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 4.58 acres. Located west of adjacent to Minton Road, in the vicinity of Palm Bay Road NE

\*\*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

**From:** [Alexandra Bernard](#)  
**To:** [Terese Jones](#); [Terri Lefler](#)  
**Subject:** FW: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting  
**Date:** Friday, August 4, 2023 1:30:23 PM

---

FYI...

---

**From:** Mindy Mason <Mindym@eksdevelopment.com>  
**Sent:** Friday, August 4, 2023 1:29 PM  
**To:** Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Cathy Green <Cathy.Green@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>  
**Subject:** Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

As the applicant for the potential annexation of the southwest corner of Hield and Minton Rd, which is scheduled to go before the August 17, 2023, Council Meeting, we respectfully request a continuance to September 21, 2023. I have listed the case numbers below.

A23-00001  
CP23-00013  
CPZ23-00007

A23-00002  
CP23-00010  
CPZ23-00006

Please let me know if anything else is needed. Thank you!

Respectfully,

*Mindy Mason*  
Operations Manager

EKS, Inc.  
516 Delannoy Ave  
Cocoa, FL 32922  
Email: [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)  
Direct: 321.632.4710 ext.208  
Fax: 321.635.8681

**From:** [Rob Medina](#)  
**To:** [Lisa Mills](#); [City Manager](#); [Land Development Web](#); [Patricia D. Smith](#); [Suzanne Sherman](#); [Terese Jones](#); [Alexandra Bernard](#); [Jesse Anderson](#); [Juliet Misconi](#); [Joan Junkala](#); [Carol Gerundo](#); [Chandra Powell](#); [Kevin Mills](#)  
**Subject:** Re: Hield-Minton Development, on agenda for Sept 2023 - CP23-00010, CPZ23-00006, A23-00001, CP23-00013, CPZ23-00007, A23-00002  
**Date:** Sunday, September 10, 2023 4:05:19 PM

---

Lisa & Kevin Mills,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me regarding Hield and Minton Rd.

Respectfully,

Rob Medina  
Mayor

---

**From:** Lisa Mills <lisafrills@gmail.com>  
**Sent:** Sunday, September 10, 2023 2:29 PM  
**To:** Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; Rob Medina <Rob.Medina@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Juliet Misconi <Juliet.Misconi@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Kevin Mills <kevinjmills5@gmail.com>  
**Subject:** Hield-Minton Development, on agenda for Sept 2023 - CP23-00010, CPZ23-00006, A23-00001, CP23-00013, CPZ23-00007, A23-00002

**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.

Dear City Council,

My name is Lisa Mills and I live at 3080 Hield Rd, Melbourne, FL 32904. I live within 500 feet of the proposed development which will be discussed at the upcoming meeting.

I am not here to fight the development. I loved the area so much, I moved here. It would be naive for me to expect that no other homeowners or commercial businesses would want to move here too. I welcome and support change, as it is inevitable.

I would just like to take a moment to explain my concerns to work toward the best arrangement possible for all involved.

Although I would prefer the second home on Hield to not be rezoned to commercial property as it brings noise and other aspects closer to my home than I anticipated when purchasing my property, I am sure there is little I can do to change this. Given that, I would like to focus on the biggest concern I have; traffic.

Currently, during peak hours, the intersection on Minton fills up with cars and keeps Hield residents unable to exit the street other than 1 or 2 cars per light. It may take several cycles to be able to exit Hield, which vacillates between a waste of time and a hazard. In an emergency, there is no way around this situation. In non-emergencies, there are accidents, road-rage incidents, and frustrated people putting everyone at risk. There is currently a lack of policing for blocking the intersection. Bringing more vehicles into the area is going to further inflame the situation and I fear increasing the hazardous conditions for both residents and non-residents alike.

I ask that you please make this letter part of the record in support of finding a viable solution for all involved.

Thank you,  
Lisa and Kevin Mills  
321-390-3891

**From:** [Angela Burak](#)  
**To:** [Terri Lefler](#); [Terese Jones](#)  
**Subject:** FW: Hield & Minton Roads - Community Meeting & Incorrect FL Today Annoucement  
**Date:** Wednesday, September 13, 2023 2:12:34 PM  
**Attachments:** [Hield Road Starbuck and Intersection Improvements.pdf](#)  
[image001.png](#)  
[Hield Road Starbuck and Intersection Improvements Rev 9-12-23 from Oliver.pdf](#)

---

**From:** Sue Shep <keepthefocus2003@yahoo.com>  
**Sent:** Wednesday, September 13, 2023 1:30 PM  
**To:** Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; Rob Medina <Rob.Medina@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>; Philip Weinberg <pawasa@bellsouth.net>  
**Subject:** Fw: Hield & Minton Roads - Community Meeting & Incorrect FL Today Annoucement

**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.

Hield/Minton Road Starbuck's Proposal  
City Council Meeting Scheduled for Tuesday, September. 19, 2023 at 6 p.m.  
Cole Oliver's Community Meeting Scheduled for Thursday, September 14, 2023 at 6 p.m.  
**Please make this letter of part of the record.**

Good Afternoon All~

Below, you will see two attachments.

\* Revised proposed site plan from Cole Oliver **emailed to us last night**, September 12, 2023 at 9:26 p.m.

\* Florida Today announcement showing City Council Meeting Scheduled for Thursday, September 19, 2023 at 6 p.m. The property highlighted in that diagram is ONLY representing one of the properties (The Trailer Business) next to Pizza Voila. This is very DECEPTIVE. Additionally, **please take note:** The **date** and **day** are **incorrect!** **The 19th is Tuesday!** I can only assume Mr. Oliver and/or his organization placed that announcement. If that be the case, this shows a pattern of Mr. Oliver's continued **impropriety** of trying to **confuse** the Community. Remember, Mr. Oliver's initial "required" Community Meeting held in May, 2023, he

scheduled a meeting place with an **incorrect address**. They needed to have a second Community Meeting with the correct address in June.

Mr. Oliver's email below states the following:

"Please note that we have already held the Community Meeting as required by Code with the requisite notices."

These meetings/notices he references to are those mentioned above in May and June. NOT this current revised site plan.

I will be resending, only, these two attachments in a separate email to all of you in case for some reason they got lost in these email strings.

What happened to a **"timely"** scheduled community meeting to allow enough time for the Hield Road residents and the City of Palm Bay to have the appropriate time to review his proposal and allow for all of us to study same and do our own research in order for all of us to present our questions and possible other alternative suggestions to the Developer?

A less than 48 hour notice clearly shows Mr. Oliver's LACK OF GOOD FAITH! Most of Hield Road residents, even those within the required "500 ft radius" residents work and have families. The 6:00 p.m. scheduled time will make it very difficult for those residents to attend with such SHORT notice. I am sure Mr. Oliver is counting on that! Additionally, the residents within the "500 ft radius" of the proposed properties **did not receive a letter** from Mr. Oliver advising of tomorrow night's meeting of September 14, 2023 at 6:00 p.m.

Once again, Mr. Oliver is showing his impropriety and manipulation of the Statutes by sending his meeting announcement to me and you at 9:26 p.m. on September 12th. Does he really think You and Hield Road residents are that ignorant to not recognize his ploy? Does he really think he is giving us 2 days notice? Does Mr. Oliver really think we will not be able to see through his "revised" proposal having the very same impacts to Hield Road and Minton Road vehicles? A "high-traffic" demanding business is not the answer.

Did you receive the proposed site plan and his meeting announcement the same time as I did?

**Did any of you receive a current traffic study?** We did not.

Within the volume of recent correspondences, the "traffic study" was one of the items Mr. Oliver was waiting on in addition to his "modifications" and "revisions". Anyone can see, especially during peak hours which are increasing in the a.m. and p.m. during the week, the increased volume of traffic southbound from Calvary Chapel to Palm Bay Road. The occupants are becoming more **aggressive** with each other. Windows go down, yelling expletives' out the their windows, shooting various finger digits at each

other and us. Near accident misses with many of us. With increased aggression, we know this can become a **potential volatile scenario** especially in today's times with "road rage", etc. Does the City of Palm Bay really want that? City of Palm Bay's crime is already increasing in and of itself!

Perhaps, Mr. Oliver is waiting to be able to "doctor" the traffic study and present that to all of us at the last minute!

If you have not read my letter to all of you from last, Friday, September 8, 2023, I respectfully ask you do so, in particular, to review my bullet points.

Mr. Oliver's email below states the following:

*"We are hosting this meeting as an effort to work with the community on a mutually agreeable solution."*

Mr. Oliver's actions/efforts as referenced above in this letter DOES NOT align with him working with the Community and the City of Palm Bay.

Can all of us really trust Mr. Oliver and staff? His manipulations, lack of good will and his actions of impropriety make it very difficult to do so.

Respectfully submitted,  
Susan Shepherd  
Em: keepthefocus2003@yahoo.com  
(c) 321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

----- Forwarded Message -----

**From:** J Cole Oliver <cole@eksdevelopment.com>

**To:** Sue Shep <keepthefocus2003@yahoo.com>; Mindy Mason <mindym@eksdevelopment.com>

**Cc:** Alexandra Bernard <alexandra.bernard@palmbayflorida.org>; Cathy Green <cathy.green@palmbayflorida.org>; Chaundra Powell <chandra.powell@palmbayflorida.org>; Angela Burak <angela.burak@palmbayflorida.org>; Suzanne Sherman <suzanne.sherman@palmbayflorida.org>; Juliet Misconi <citymanager@pbfl.org>; Terese Jones <terese.jones@palmbayflorida.org>; Mayor Rob Medina <mayorrobmedina@pbfl.org>

**Sent:** Tuesday, September 12, 2023 at 09:26:11 PM EDT

**Subject:** RE: Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Sue,

Apologies for the delay, but we received the revised proposed plan showing the proposed roadway improvements on Hield Road today. Please see attached. We have booked a meeting room from 6 PM at the Hyatt Place at Melbourne Airport (747 Air Terminal Parkway Melbourne, FL 32901) for this Thursday night (September 14<sup>th</sup>) to discuss with the proposed project with the Hield residents. Please note that we have already held the Community Meeting as required by Code with the requisite notices. We are hosting this meeting as an effort to work with the community on a mutually agreeable solution.

Regards,

Cole

---

**From:** Sue Shep <keepthefocus2003@yahoo.com>

**Sent:** Sunday, August 20, 2023 7:23 PM

**To:** J Cole Oliver <cole@eksdevelopment.com>; Mindy Mason <Mindym@eksdevelopment.com>

**Cc:** Alexandra Bernard <alexandra.bernard@palmbayflorida.org>; Cathy Green <cathy.green@palmbayflorida.org>; Chaundra powell <chandra.powell@palmbayflorida.org>; Angela Burak <angela.burak@palmbayflorida.org>; Suzanne Sherman <suzanne.sherman@palmbayflorida.org>; Juliet Misconi <citymanager@pbfl.org>; Terese Jones <terese.jones@palmbayflorida.org>; Mayor Rob Medina <mayorrobmedina@pbfl.org>

**Subject:** Re: Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Mr. Oliver,

Pursuant to our last City Council Meeting of August 17, 2023, our cases are to be continued to Tuesday, September 19, 2023.

We are in the same scenario as we were in July regarding the timely scheduling of a Community Meeting with you and the residents of Hield Road. Time is of the essence to have appropriate notice for the Community Meeting to enable the residents to make arrangements to attend this important meeting.

The residents of Hield Road are becoming more anxious and voicing their intent to have this meeting scheduled.

Please advise when and where the Community Meeting will be scheduled.

Thank you for your time and considerations.

Regards,

Susan Shepherd

Em: [keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)

( C ) 321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

On Monday, August 14, 2023 at 07:03:59 PM EDT, Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)> wrote:

Thank you!

Susan Shepherd

[Sent from Yahoo Mail on Android](#)

On Mon, Aug 14, 2023 at 5:33 PM, J Cole Oliver

<[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)> wrote:

We have not been able to set a date or time yet as we are waiting for the engineers. As soon as I have more, I will reach out.

Regards,

Cole

---

**From:** Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**Sent:** Monday, August 14, 2023 3:50 PM

**To:** J Cole Oliver <[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)>; Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Cc:** Alexandra Bernard <[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)>; Cathy Green <[cathy.green@palmbayflorida.org](mailto:cathy.green@palmbayflorida.org)>; Chaundra powell <[chandra.powell@palmbayflorida.org](mailto:chandra.powell@palmbayflorida.org)>; Angela Burak <[angela.burak@palmbayflorida.org](mailto:angela.burak@palmbayflorida.org)>; Suzanne Sherman <[suzanne.sherman@palmbayflorida.org](mailto:suzanne.sherman@palmbayflorida.org)>; Susan Shepherd <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**Subject:** Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Good Afternoon!

Hoping all had a good weekend!

Please advise if a date, time and place have been arranged for the Community Meeting?

I am being asked by several residents if I have received any information regarding the above question.

Thank you,

Susan Shepherd

Hield Road

[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)

321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

----- Forwarded Message -----

**From:** Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**To:** Alexandra Bernard <[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)>

**Sent:** Tuesday, August 8, 2023 at 04:23:57 PM EDT

**Subject:** Re: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

Hi Alix,

I appreciate your letting me know the Continuance Request to September 21, 2023.

Thank you!

Susan Shepherd

Hield Road

**Susan** □

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

On Tuesday, August 8, 2023 at 09:05:10 AM EDT, Alexandra Bernard  
<[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)> wrote:

Good Morning Sue,

Below is the formal email that we received requesting continuance of these cases.

All the Best,



---

**From:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Sent:** Friday, August 4, 2023 1:57 PM

**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman  
<[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela  
Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** RE: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

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Thank you for your confirmation.

Respectfully,

Mindy Mason

Operations Manager

**EKS, Inc.**

516 Delannoy Ave

Cocoa, FL 32922

**Email:** [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)

**Direct:** 321.632.4710 ext.208

**Fax:** 321.635.8681

---

**From:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>

**Sent:** Friday, August 4, 2023 1:43 PM

**To:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** RE: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

Hi Mindy,

Thank you for your email. We are in receipt of your request for a continuance to the September 21<sup>st</sup> City Council meeting.

All the Best,



---

**From:** Mindy Mason <[MindyM@eksdevelopment.com](mailto:MindyM@eksdevelopment.com)>

**Sent:** Friday, August 4, 2023 1:29 PM

**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

As the applicant for the potential annexation of the southwest corner of Hield and Minton Rd, which is scheduled to go before the August 17, 2023, Council Meeting, we respectfully request a continuance to September 21, 2023. I have listed the case numbers below.

A23-00001

CP23-00013

CPZ23-00007

A23-00002

CP23-00010

CPZ23-00006

Please let me know if anything else is needed. Thank you!

Respectfully,

**Mindy Mason**

Operations Manager

**EKS, Inc.**

516 Delannoy Ave

Cocoa, FL 32922

**Email:** [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)

**Direct:** 321.632.4710 ext.208

**Fax:** 321.635.8681

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## **ORDINANCE 2023-61**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM BU-1 (GENERAL RETAIL COMMERCIAL) (BREVARD COUNTY) TO CC (COMMUNITY COMMERCIAL DISTRICT); WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO MINTON ROAD, IN THE VICINITIES NORTH OF PALM BAY ROAD AND SOUTH OF HIELD ROAD, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1.** The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from BU-1 (General Retail Commercial) (Brevard County) to CC (Community Commercial District) (City of Palm Bay), being legally described as follows:

A portion of Lot 2, Block 2, Melbourne Poultry Colony Addition No 1, according to the plat thereof, as recorded in Plat Book 7, Page 12, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Begin at the southwest corner of said Lot 2, Block 2; thence N 00°29'48" E along the east Line of Jasmine Estates, according to the plat thereof, as recorded in Plat Book 7, Page 12, A distance of 172.13 feet; thence N 88°35'11" E along the south line of the north 150 feet of said Lot 2, Block 2, a distance of 606.40 feet; thence S 01°07'34" W along the west right-of-way line of Minton Road, a distance of 172.68 feet; thence S 88°37'53" W along the north line of Shoppes at Minton, according to the plat thereof, as recorded in Plat Book 56, Page 9, a distance of 604.49 feet to the Point of Beginning; containing 2.39 acres, more or less.

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

**SECTION 3.** The provisions within this ordinance shall take effect immediately upon the enactment of Ordinance 2023-62.

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

ATTEST:

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

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

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

Applicant: Bruce Coffman/Affordable Trailer Service and Supply, Inc.  
Case: CPZ23-00007

cc: (date) Applicant  
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:** 9/19/2023

**RE:** Ordinance 2023-37, providing for the annexation of certain real property located at the southwest corner of Hield Road and Minton Road, into the City (4.58 acres) (Case A23-00001, Cole Oliver/West Malabar Properties, LLC), first reading. (CONTINUED FROM 08/17/23 RCM)

As you may recall, the above request was scheduled for the July 20, 2023, regular Council meeting. Council voted to continue the request at the applicant's request.

The applicant is requesting City Council's acceptance of a Petition for Voluntary Annexation, to be followed separately by public hearings for Future Land Use and Zoning as previously heard by the Planning and Zoning Board at the regular meeting held on July 5, 2023 (CP23-00010 and CPZ23-00006). The applicant is requesting to annex parcel ID 28-36-24-FA-2-2; 28-36-24-FA-2-1.01; 28-36-24-FA-2-1; 28-36-24-FA-2-1.02 / tax account 2806115; 2806111; 2806110; 2806112, totaling approximately 4.58 acres of land with a current Brevard County zoning of RP, Residential Professional and AU, Agricultural Residential and with a 'RES-2, Residential 2 and NC, Neighborhood Commercial' future land use property currently in unincorporated Brevard County.

The subject parcel is located in the vicinity west of and adjacent to Minton Road in the vicinity of Palm Bay Road NE. There are four parcels included in this request.

The Petition for annexation was filed by Cole Oliver, West Malabar Properties, LLC. This Petition seeks to redevelop the parcels into a quick service restaurant.

Section 171.044, Florida Statutes, permits the owners of property to petition the City for annexation provided the property is contiguous to the City, is reasonably compact, and no enclaves are created.

Staff research indicates that proper owner authorization has been provided for the annexation.

The proposed annexation parcel is located adjacent to the City and is contiguous to the City limits under the definitions in the Florida Statutes. The subject property abuts the City limits on the south property line. All property proposed for annexation is in a single area and reasonably compact as required by Chapter 171, Florida Statutes. The annexation does not create any enclaves as confirmed by the City Attorney's Office. In addition,

the annexation does not create finger or serpentine patterns as prohibited by the Florida Statutes. The property to be annexed meets all criteria established by Chapter 171.044, Florida Statutes, for voluntary annexation. Annexation requests are not reviewed by the Planning and Zoning Board.

The Notice of Annexation was published in the Florida Today newspaper on July 6, 2023, and will be republished in the newspaper on July 13, 2023. Notice was also provided by FedEx and Certified U.S. Mail to the Brevard County Board of County Commissioners prior to publishing. Therefore, all notice requirements of Chapter 171, Florida Statutes have been met.

The attached Ordinance has been prepared for Council consideration.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Motion to approve Case A23-00001, a petition for Voluntary Annexation.

**ATTACHMENTS:**

**Description**

A23-00001 -- Staff Report

A23-00001 -- Survey

A23-00001 -- Deed

A23-00001 -- Petition

A23-00001 - Legal Ad

Continuance Request (08/17/23 RCM)

Correspondence (submitted for July 20, 2023, RCM)

Correspondence (August 17, 2023, RCM)

Correspondence (September 19, 2023, RCM)

Additional Correspondence

Ordinance 2023-37



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Alexandra Bernard, Principal Planner

**CASE  
NUMBER**  
A23-00001

**CITY COUNCIL HEARING DATE**  
July 20, 2023

**PROPERTY OWNER & APPLICANT B**  
Cole Oliver, West Malabar Properties,  
LLC

**PROPERTY LOCATION/ADDRESS**  
Lot 1; 1.02 & 2, Melbourne Poultry Colony Addition,  
Section 24, Township 28, Range 36, Brevard County,  
Florida; containing approximately 4.58 acres. Located  
west of adjacent to Minton Rd, in the vicinity of Palm  
Bay Rd NE; Tax Account 2806110, 2806111,  
2806112, 2806115

### SUMMARY OF REQUEST

Voluntary Annexation

**Existing Zoning**

RP, Residential Professional & AU Agricultural Residential (Brevard County)

**Existing Land Use**

RES-2 and NC (Brevard County)

**Site Improvements**

2 Office Buildings and 2 Single Family Homes

**Site Acreage**

4.58 acres

### SURROUNDING ZONING & USE OF LAND

**North**

RU 1-13, Single Family Residential & BU-1, General Retail  
Commercial(Brevard County); Single-Family Home

**East**

C-1, Low Density Commercial(West Melbourne); Retail Plaza

**South**

BU-1, General Retail Commercial; Trailer Service

**West**

AU & EU-1(Brevard County); Single-Family Homes

### COMPREHENSIVE PLAN COMPATIBILITY

A Comprehensive Plan Future Land Use Map Amendment, Case  
CP23-00010 has been submitted in conjunction with this request.

**BACKGROUND:**

The subject parcels are located west of and adjacent to Minton Rd, in the vicinity south of Hield Rd. There are four (4) parcels totaling 4.58 acres included in this request, which is comprised of two office buildings and two single family homes.

The owners of the property have requested a voluntary annexation into the City of Palm Bay from unincorporated Brevard County. The petition states the purpose of the proposed annexation is for redevelopment of these parcels into a quick service restaurant.

**ANALYSIS:**

A petition for voluntary annexation into the City of Palm Bay must meet all criteria established by Chapter 171.044, Florida Statutes:

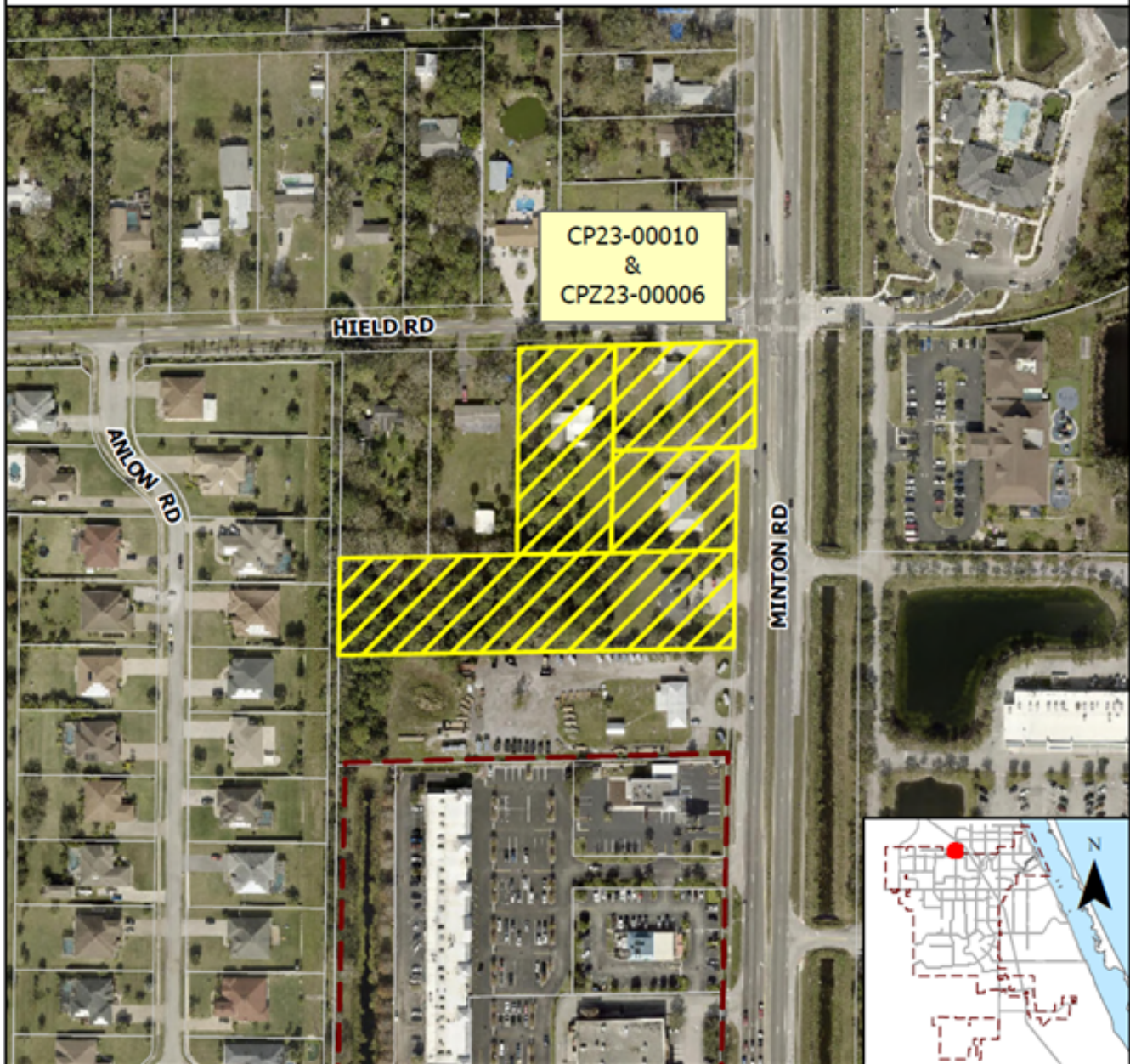
1. The Petition for annexation was filed by Cole Oliver, West Malabar Properties, LLC. Staff research indicates that proper owner authorization has been provided for the annexation.
2. Section 171.044, Florida Statutes, permits the owners of property to petition the City for annexation provided the property is contiguous to the City, is reasonably compact, and no enclaves are created. The proposed annexation parcel is located adjacent to the City and is contiguous to the City limits under the definitions in the Florida Statutes. The subject property abuts the City Limits along the southern boundary of this parcel.
3. All properties proposed for annexation is in a single area and reasonably compact as required by the Florida Statutes. The annexation reduces current enclaves. In addition, the annexation does not create finger or serpentine patterns as prohibited by the Florida Statutes.
4. Chapter 171 does not permit an annexation that would result in the creation of an enclave. An enclave is a developed area of unincorporated county property surrounded by the City. The proposed annexation would not create any enclaves.
5. The property to be annexed meets all criteria established by Chapter 171.044, Florida Statutes, for voluntary annexation.
6. The Notice of Annexation was published in the Florida Today newspaper on July 6, 2023, and will be republished in the newspaper on July 13, 2023. Notice was also provided to the Brevard County Board of County Commissioners by Certified Mail on June 12, 2023. Therefore, all notice requirements of Chapter 171, Florida Statutes have been met.

**STAFF RECOMMENDATION:**

Motion to approve Case A23-00001



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



## **AERIAL LOCATION MAP CASE: CP23-00010 & CPZ23-00006**

### **Subject Property**

Southwest corner of Hield Road and Minton Road



Prepared by and return to:

Rebecca F. Emmons

Attorney at Law

Rossway Swan Tierney Barry & Oliver, P.L.

1901 S. Harbor City Blvd Suite 500

Melbourne, FL 32901

772-231-4440

File Number: 100782-002

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made effective this 12th day of January, 2023, between Larry R. McGuire, a single man, individually and as Trustee therein to The Larry R. McGuire Revocable Living Trust, U.T.D. 11th day of March, 2021, whose post office address is 1770 S. John Rodes Blvd., Melbourne, FL 32904, Grantor, and West Malabar Properties, L.L.C., a Florida limited liability company, with a post office address of 516 Delannoy Avenue, Cocoa, FL 32922, Grantee:

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars and other valuable considerations, the receipt of which is hereby acknowledged, hereby grants, bargains, sells, alienates, remises, releases, conveys and confirms unto Grantee, all that certain land situate in **Brevard County, Florida**, to-wit:

The West 136 feet of the East 363 feet of Lot 1, Block 2, Melbourne Poultry Colony Addition No. 1, according to the map or plat thereof, as recorded in Plat Book 7, Page(s) 12, of the Public Records of Brevard County, Florida.

**Parcel Identification Number: 28-36-24-FA-2-1.02**

Subject to the following:

1. Taxes subsequent to December 31, 2022; and
2. Covenants, conditions, restrictions, easements, and limitations of record, without thereby reimposing the same, and all applicable zoning ordinances.

**And** the Grantor, subject to the foregoing, hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; that Grantor, subject to the foregoing, hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever; and that the Property is free of all encumbrances.

**And** Grantor warrants that at the time of this conveyance, the Property is the homestead property of Grantor, Larry R. McGuire, individually.

**In Witness Whereof**, Grantor has hereunto set Grantor's hand and seal on the dates below written.

Signed, sealed and delivered in our presence:

"Grantor"

[Signature]  
 Witness Name: J. L. C. Oliver  
Candi S. Fabiano  
 Witness Name: Candi S. Fabiano

[Signature] (Seal)  
 Larry R. McGuire, individually and as Trustee

State of Florida  
 County of Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 12<sup>th</sup> day of January, 2023 by Larry R. McGuire, individually and as Trustee therein to The Larry R. McGuire Revocable Living Trust, U.T.D. 11th day of March, 2021, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]



Candi S. Fabiano  
 Notary Public

Printed Name: Candi S. Fabiano

My Commission Expires: \_\_\_\_\_

Prepared by:  
Dale A. Dettmer, Esq.  
Krasny and Dettmer  
304 S. Harbor City Blvd., Suite 201  
Melbourne, FL 32901  
(321) 723-5646  
File No. 44815

Parcel Identification No. 28-36-24-FA-2-1.01 and  
Parcel Identification No. 28-36-24-FA-2-1  
Actual Consideration: \$1,100,000.00

(Space above this line reserved for recording office use only)

**TRUSTEE'S DEED**

**THIS INDENTURE**, made this 18<sup>th</sup> of November, 2022, between **PERRY J. COLEMAN, JR.** and **JUDITH A. COLEMAN**, individually, and as Trustees of (i) the **PERRY J. COLEMAN, JR. TRUST dated December 17, 2002, as amended**; and as Trustees of (ii) the **JUDITH A. COLEMAN TRUST dated December 17, 2002, as amended**, whose address is P.O. Box 033697, Indialantic, Florida 32903, Grantors, and **WEST MALABAR PROPERTIES, L.L.C.**, a Florida limited liability company, whose address is 516 Delannoy Avenue, Cocoa, Florida 32922, Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of trustees, corporations and partnerships.)

**WITNESSETH:**

Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other good and valuable considerations to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells aliens, remises, releases, conveys and confirms to Grantee, and Grantee's heirs and assigns forever, certain land, situate, lying and being in Brevard County, Florida, as more particularly described on Exhibit "A" (the "Property") attached hereto and by this referenced made a part hereof.

Together with all and singular the tenements, hereditaments and appurtenances belonging or in anywise appertaining to the Property.

To have and to hold the same in fee simple forever.

Perry J. Coleman and Judith A. Coleman are husband and wife; the Property is commercial property.

Grantors hereby covenant with Grantee that Grantors are lawfully seized of said land in fee simple in their fiduciary capacity as trustees; that Grantors have good right and lawful authority to convey said land; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2021.

IN WITNESS WHEREOF, Grantors have hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of:

[Signature]  
Print Name: Debra L Campos

[Signature]  
Print Name: Stacy Horan

[Signature]  
Print Name: Debra L Campos

[Signature]  
Print Name: Stacy Horan

**PERRY J. COLEMAN, JR. TRUST**  
**dated December 17, 2002, as amended**

By: [Signature]  
**Perry J. Coleman, Jr., Trustee**

By: [Signature]  
**Perry J. Coleman, Jr., individually**

By: [Signature]  
**Judith A. Coleman, Trustee**

By: [Signature]  
**Judith A. Coleman, individually**

**STATE OF FLORIDA**  
**COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 18<sup>th</sup> day of November, 2022 by **Perry J. Coleman, Jr. and Judith A. Coleman**, individually, and as Trustees of **The Perry J. Coleman, Jr. Trust dated December 17, 2002, as amended**, who ☒ are personally known to me or who ☐ have produced a Florida driver's license as identification.



[Signature]  
Print Name: \_\_\_\_\_  
Notary Public, State of Florida  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

IN WITNESS WHEREOF, Grantors have hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of:

**JUDITH A. COLEMAN TRUST**  
**dated December 17, 2002, as amended**

*Rebekah Campos*  
Print Name: Rebekah L Campos

By: *Judith A. Coleman*  
**Judith A. Coleman, Trustee**

*Stacy Horan*  
Print Name: Stacy Horan

By: *Judith A. Coleman*  
**Judith A. Coleman, individually**

*Rebekah Campos*  
Print Name: Rebekah L Campos

By: *Perry J. Coleman, Jr.*  
**Perry J. Coleman, Jr., Trustee**

*Stacy Horan*  
Print Name: Stacy Horan

By: *Perry J. Coleman, Jr.*  
**Perry J. Coleman, Jr., individually**

**STATE OF FLORIDA**  
**COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 18<sup>th</sup> day of November, 2022 by **Judith A. Coleman** and **Perry J. Coleman, Jr.**, individually, and as Trustees of the **Judith A. Coleman Trust dated December 17, 2002, as amended**, who (☒) are personally known to me or who (☐) have produced a Florida driver's license as identification.



*Stacy L. Horan*  
Print Name: \_\_\_\_\_  
Notary Public, State of Florida  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

## Exhibit "A"

### Legal Description

The North 161.50 feet of the East 227 feet of Lot 1, Block 2, MELBOURNE POULTRY COLONY ADDITION NO. 1, except the road right of way, according to the Plat thereof, as recorded in Plat Book 7, Page 12, in the Public Records of Brevard County, Florida.

AND

From the Northeast corner of Lot 1, Block 2, according to Plat of MELBOURNE POULTRY COLONY ADDITION NO. 1, as recorded in Plat Book 7, Page 12, current Public Records of Brevard County, Florida, the same being the intersection of Heild Road and Malabar Road, go thence southerly along the easterly boundary line of said Lot 1, the same being the westerly right of way of said Malabar Road, 161.5 feet to the point of beginning. For a first course continue thence southerly along said easterly boundary line of said Lot 1, 161 feet to the southeast corner of said Lot 1, for a second course go thence westerly along the south boundary line of said Lot 1, a distance of 227 feet to a point. For a third course go thence northerly on a line parallel to and 227 feet distance from the first course 161 feet to a point. For a fourth course go thence easterly on a line parallel to and 161 feet distance from the second course 227 feet to the point of beginning. Said parcel of land being rectangle fronting 161 feet on Malabar Road with depth of 227 feet.

LESS AND EXCEPT:

A portion of Lot 1, Block 2, MELBOURNE POULTRY COLONY, ADDITION NO 1, as recorded in Plat Book 7, Page 12, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Begin at the Southeast corner of said Lot 1, MELBOURNE POULTRY COLONY, ADDITION NO 1; thence run South 88 degrees 35'11" W along the South line of said Lot 1, MELBOURNE POULTRY COLONY, ADDITION NO. 1, a distance of 28.65 feet to a point on a curve concave westerly, having a radius of 37,940.00 feet and a central angle of 00 degrees 14'35"; thence departing the South line of said Lot 1, MELBOURNE POULTRY COLONY, ADDITION NO. 1, from a tangent bearing of North 01 degrees 03'53" E. run Northeasterly along the arc of said curve a distance of 161.04 feet through a chord bearing of North 00 degrees 56'35" E. to a point on said curve; thence departing said curve run North 88 degrees 34'45" E., 27.31 feet to the East line of said Lot 1, MELBOURNE POULTRY COLONY, ADDITION NO. 1 said point lying on the westerly right-of-way line of Minton Road (as now established); thence run South 00 degrees 28'04" W. along the East line of said Lot 1, MELBOURNE POULTRY COLONY, ADDITION NO. 1, and the westerly right-of-way line of said Minton Road, 160.99 feet to the point of beginning

Prepared by and return to:

**Rebecca F. Emmons**

**Attorney at Law**

**Rossway Swan Tierney Barry & Oliver, P.L.**

**1901 S. Harbor City Blvd Suite 500**

**Melbourne, FL 32901**

**772-231-4440**

**File Number: 100782-002**

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 12th day of January, 2023, between **Larry R. McGuire**, a single man, individually and as Trustee therein to **The Larry R. McGuire Revocable Living Trust, U.T.D. 11th day of March, 2021**, whose post office address is **1770 S. John Rodes Blvd., Melbourne, FL 32904**, Grantor, and **West Malabar Properties, L.L.C.**, a Florida limited liability company, with a post office address of **516 Delannoy Avenue, Cocoa, FL 32922**, Grantee:

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars and other valuable considerations, the receipt of which is hereby acknowledged, hereby grants, bargains, sells, alienates, remises, releases, conveys and confirms unto Grantee, all that certain land situate in **Brevard County, Florida**, to-wit:

**The North 150 feet of Lot 2, Block 2, Melbourne Poultry Colony Addition No. 1, according to the map or plat thereof, as recorded in Plat Book 7, Page(s) 12, of the Public Records of Brevard County, Florida, less and except lands described in Official Records Book 3120, page 972, Public Records of Brevard County, Florida.**

**Parcel Identification Number: 28-36-24-FA-2-2**

Subject to the following:

1. Taxes subsequent to December 31, 2022; and
2. Covenants, conditions, restrictions, easements, and limitations of record, without thereby reimposing the same, and all applicable zoning ordinances.

**And** the Grantor, subject to the foregoing, hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; that Grantor, subject to the foregoing, hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever; and that the Property is free of all encumbrances.

**And** Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida.

**In Witness Whereof**, Grantor has hereunto set Grantor's hand and seal on the dates below written.

Signed, sealed and delivered in our presence:

"Grantor"

[Signature]  
Witness Name: J. L. [Signature]

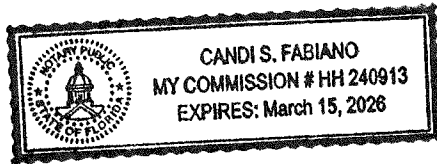
[Signature] (Seal)  
Larry R. McGuire, individually and as Trustee

[Signature]  
Witness Name: Candi S. Fabiano

State of Florida  
County of Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 12th day of January, 2023 by Larry R. McGuire, individually and as Trustee therein to The Larry R. McGuire Revocable Living Trust, U.D. 11th day of March, 2021, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]



[Signature]  
Notary Public

Printed Name: Candi S. Fabiano

My Commission Expires: \_\_\_\_\_

# Project Details: A23-00001

## Project Type: Annexation

Project Location: 100 Test Street Hield Melbourne, FL 32904  
Milestone: Submitted  
Created: 3/10/2023  
Description: West Malabar Properties  
Assigned Planner: Alexandra Bernard

### Contacts

Contact	Information
Owner/Applicant	Cole Oliver 516 Delannoy Ave Cocoa, FL 32922 (321) 632-4710 cole@eksdevelopment.com
Legal Representative	Cole Oliver 516 Delannoy Ave Cocoa, FL 32940 (321) 632-4710 cole@eksdevelopment.com
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907  alexandra.bernard@palmbayflorida.org
Submitter	Mindy Mason 516 Delannoy Ave Cocoa, FL 32940  mindym@eksdevelopment.com

### Fields

Field Label	Value
Is Submitter the Representative?	False
Purpose for Seeking Petition	City land use designation in conjunction with annexation
Parcel Numbers	28-36-24-FA-2-1.01, 28-36-24-FA-2-1, 28-36-24-FA-2-1.02, 28-36-24-FA-2-2
Preliminary Development Submitted?	False
Tax Account Numbers	2806111, 2806110, 2806112, 2806115
Zoning Amendment Application Number	CPZ23-00010

# Project Details: A23-00001

Future Land Use Application Number	CP23-00006
Voluntary Annexation?	True
Total Acreage	
Preliminary Development App Number	
Zoning Amendment App Submitted?	True
Number of Properties	
Future Land Use App Submitted?	True
Ordinance Number	
DEO Submittal Date	
Legal Ad Date 3	
Legal Ad Date 2	
Legal Ad Date 1	
Routing Date	05/26/2023
County Ad Sent Date	
Subdivision Name	



CITY OF PALM BAY  
120 MALABAR RD SE  
PALM BAY, FL 32907  
ATTN CHANDRA POWELL

STATE OF FLORIDA COUNTY OF BREVARD

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the FLORIDA TODAY a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC NOTICE

as published in FLORIDA TODAY in the issue(s) of

9/5/2023, 9/12/2023

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 12TH DAY OF SEPTEMBER, 2023 by legal clerk who is personally known to me

Affiant

A handwritten signature in cursive script, appearing to read "Denise Roberts".

Notary State of Wisconsin County of Brown

4-6-27

My commission expires

DENISE ROBERTS  
Notary Public  
State of Wisconsin

PUBLICATION COST: \$1,245.20

AD NO: GCI1101119

CUSTOMER NO: 6CI213

PO#: PUBLIC NOTICE - 230085/A23-00001

# CITY OF PALM BAY, FLORIDA NOTICE OF PUBLIC HEARING FOR VOLUNTARY ANNEXATION

Notice is hereby given that a public hearing will be held by the City Council on Thursday, September 19, 2023, to be held at 6:00 p.m., at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of hearing the following case.



The City of Palm Bay proposes to adopt an ordinance annexing 4.58-acres of property described below and identified on the map in this advertisement as Case A23-00001. The petitioner is Cole Oliver, West Malabar Properties, LLC.

## ORDINANCE 2023-37

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF MINTON ROAD AND HIELD ROAD, IN THE VICINITY NORTH OF PALM BAY ROAD NE, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR FILING A COPY OF THE ORDINANCE WITH THE BREVARD COUNTY CLERK OF THE CIRCUIT COURT, THE CHIEF ADMINISTRATIVE OFFICER OF BREVARD COUNTY, AND THE STATE OF FLORIDA, DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE.**

The complete legal description by metes and bounds and the proposed ordinance are available in the Office of the City Clerk.

All interested parties are invited to submit written communication and appear at this meeting.

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.

Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

Chandra Powell  
Planning Specialist

**From:** [Alexandra Bernard](#)  
**To:** [Terese Jones](#); [Terri Lefler](#)  
**Subject:** FW: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting  
**Date:** Friday, August 4, 2023 1:30:23 PM

---

FYI...

---

**From:** Mindy Mason <Mindym@eksdevelopment.com>  
**Sent:** Friday, August 4, 2023 1:29 PM  
**To:** Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Cathy Green <Cathy.Green@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>  
**Subject:** Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

As the applicant for the potential annexation of the southwest corner of Hield and Minton Rd, which is scheduled to go before the August 17, 2023, Council Meeting, we respectfully request a continuance to September 21, 2023. I have listed the case numbers below.

A23-00001  
CP23-00013  
CPZ23-00007

A23-00002  
CP23-00010  
CPZ23-00006

Please let me know if anything else is needed. Thank you!

Respectfully,

*Mindy Mason*  
Operations Manager

EKS, Inc.  
516 Delannoy Ave  
Cocoa, FL 32922  
Email: [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)  
Direct: 321.632.4710 ext.208  
Fax: 321.635.8681

Palm Bay Case No. CP23-00010 & CPZ23-00006 / SW Corner of Hield & Minton Roads

From: Sue Shep (keepthefocus2003@yahoo.com)

To: mayorrobmedina@pbfl.org

Date: Monday, July 3, 2023 at 01:43 AM EDT

Office of The

JUL 03 2023

City Clerk

**TO:** Mayor Rob Medina, City of Palm Bay  
**FROM:** Sarah (Susan) and Rick Shepherd  
4212 Hield Road, NW, Palm Bay, FL 32907 (NOT MAILING ADDRESS)  
Keepthefocus2003@yahoo.com  
**DATE:** June 30, 2023  
**RE:** Palm Bay Case No. CP23-00010 & CPZ23-00006  
Planning and Zoning Board Meeting on Wednesday, July 5, 2023

Properties to be annexed to City of Palm Bay and to have Zoning changes:

4100 Minton Rd., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-1

PROPERTY USE: OFFICE BUILDING – SINGLE TENANT

4120 Minton Rd., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-1.01

PROPERTY USE: SINGLE FAMILY RESIDENCE

4160 Minton Rd., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-2

PROPERTY USE: OFFICE BUILDING – SINGLE TENANT

**3045 HIELD RD., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-1.02**

**PROPERTY USE: SINGLE FAMILY RESIDENCE**

**This property is Residential and facing Hield Road.**

**Item 1:** We are writing you to express our **OBJECTIONS** to the Annexation and Zoning Change FROM RES 2 (Brevard County) TO Commercial Use and A Rezoning FROM RP & AU (Brevard County) TO CC (Community Commercial) for the **3045 Hield Road property referenced above.**

**Item 2:** We are **OBJECTING** to the proposed plan of building a Starbucks on that Corner. This information was provided to the residents within the 500 ft. radius of said property that attended the "Community Meeting" held with EKS/Engineers on behalf of West Malabar Properties, Owners. This informal meeting was held April 21, 2023 and again June 6, 2023 with those residents referenced in this paragraph. The remainder of Hield Road residents **WAS NOT MADE AWARE** of these proposals until approximately June 16, 2023.

**Item 3:** We are **OBJECTING** to the proposed access to these properties (also 4100 Minton property) from Hield Road.

**REASON FOR OBJECTIONS:**

\* **Item 1:** Said property is **residential**. It should stay residential. It **faces Hield Road**. Hield Road is a narrow two lane **residential road** that is **2 ¼ miles long from** Minton Road West to the Canal. Hield Road is unincorporated Melbourne (Brevard County) from Minton Road to Powell Road. From Powell Road West to the end (Canal) is in the City of Palm Bay. I have attached a Platt map from the Property Appraiser's office (June 2023) for your review. **THIS PROPERTY NEEDS TO REMAIN RESIDENTIAL** in order to continue with our RESIDENTIAL status within the community.

\* **Item 2:** We all know the volume of traffic Starbucks creates especially during peak times. This **ADDED** volume of traffic to this S.W. Corner of Hield and Minton will only **exacerbate** an already EXISTING traffic nightmare which is also causing this intersection to becoming a very dangerous intersection especially during peak times. Southbound traffic **repeatedly** blocks the intersection preventing proper and safe usage. Drivers **IGNORE** the "NO U TURN" SIGN by the left turn lane from

Minton. Many times, this illegal action causes intersection back-up. Remember, we now have that huge apartment complex directly across the street that contributes to increased traffic.

**\*\*** *I have almost been hit multiple times making a left on to Hield from Minton or making a left from Hield to go North on Minton. Drivers in general are becoming more aggressive!*

**\*** **Item 3:** WE MUST NOT ALLOW these properties to be accessed from Hield Road. As you can see from the attached reference Platt map, Hield Road is residential. Many of the larger properties have two or 3 homes. There are a lot of people living on Hield Road. Additionally, FPL has a sub-station West on Hield. They have their fleet of vehicles using Hield Road. Additionally, there is a very large nursery West on Hield Road. Again, their many trucks and vehicles use Hield Road often during peak times as well.

**\*** As you can see, Hield Road, as it is, is a well-traveled two-lane road. A dead-end road. One way in and out. No side streets to get out in case of emergency.

**\*** Hield Road residents are taxed heavily for the privilege of living on Hield Road in a rural-like environment with horses using the road, runners, and bicyclists as well. There are no sidewalks.

**\*** Due to increased growth in our surrounding community, Hield Road invites curious drivers to explore. There are times residents have had to call the police on suspicious individuals and vehicles lurking around.

**\*** Having Starbucks and/or any other establishment with increased commercialism on that corner will only beg for more suspicious and at times, unlawful incidents.

### **TRAFFIC STUDIES AND CONCERNS AND BREVARD COUNTY**

#### **Traffic Studies:**

**\*\*** The developer will need to provide a thorough traffic analysis as well as demonstrate that the entrances to this property/driveway would not cause major traffic impacts to Hield Road when they submit their right-of-way permit application to Brevard County.

**\*\*** Intersection traffic at Minton and Hield gets terribly backed-up due to the bottle neck of the Minton and Palm Bay Intersection. With that said, our intersection and residents should not be penalized and placed in jeopardy due to the overgrowth and lack of critical thinking from the City of Palm Bay, Engineers and the County. SOMETHING needs to be addressed and acted upon. We cannot afford to wait another year or two for anticipated road improvements that never get done, i.e. Ascent and Hammock Landing Development across the street.

#### **Concerns:**

**\*\*** Hield Road (County side) does not have soft swales for vehicles to move over to allow for **emergency vehicles** passage or any other type vehicle that needs to pass. There are only ditches.

**\*\*** There is a very big concern for **emergency vehicles not being able to enter or Exit Hield Road due the blocked intersection. Who will carry the liability for the life of the individual needing emergency care while precious minutes are passing by to save the life of the individual?**

**\*\*** Does Brevard County and the City of Palm Bay have the appropriate amount of **emergency support** (fire, accidents, transport to hospitals and policing to handle potential situations)?

I respectfully request you will consider our concerns and objections for the reasons stated. What is being proposed will ADVERSELY / NEGATIVELY impact Hield Road residents and their safety.

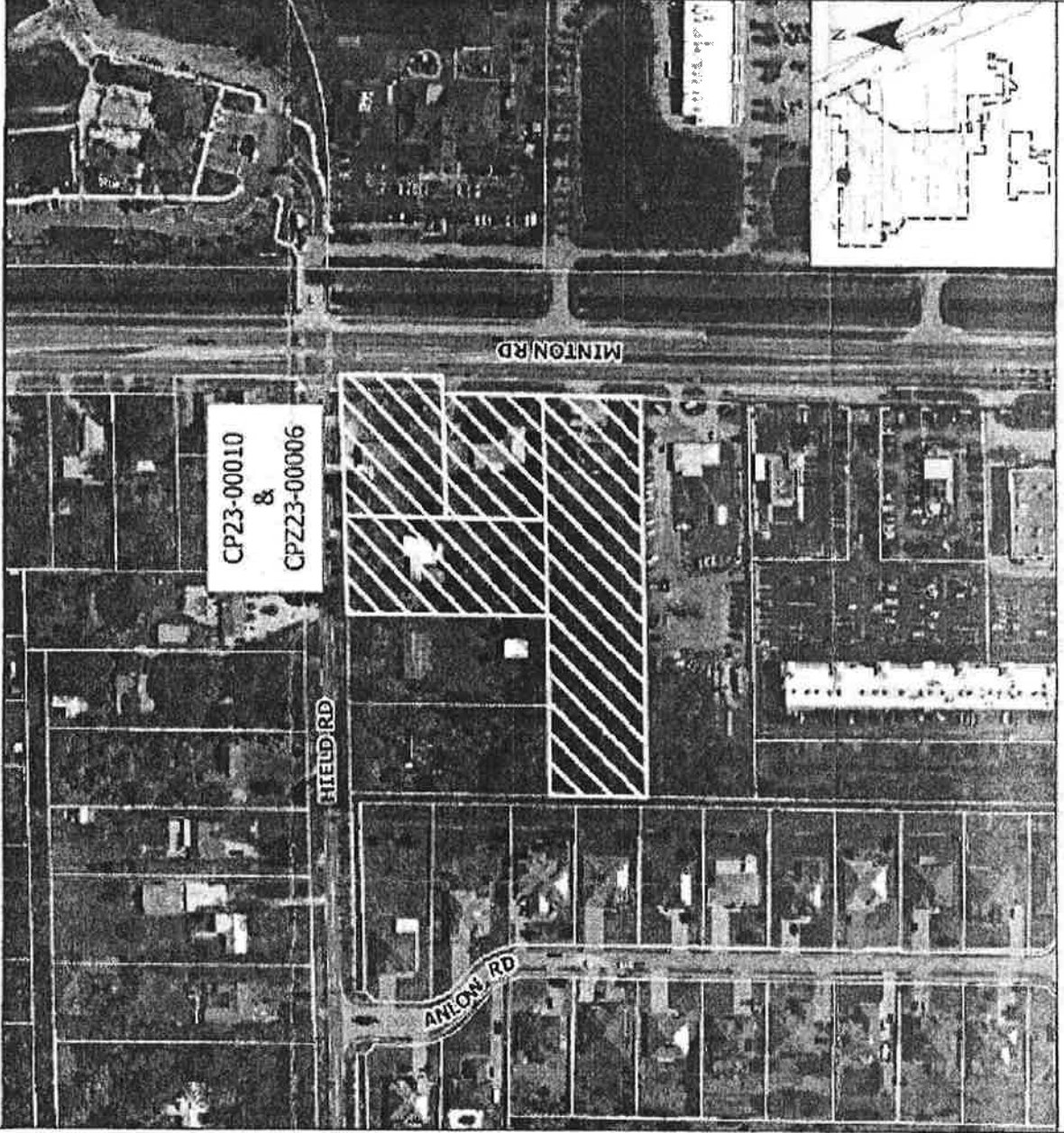
I also respectfully ask to make this letter a part of your records.

Thank you for your time and considerations.

*Sarah R. (Susan) Shepherd*  
Sarah and Rick Shepherd; Attachments: 3 Maps, Photo of Starbucks on Palm Bay Rd & Aldi's, Site Plan for Starbucks



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



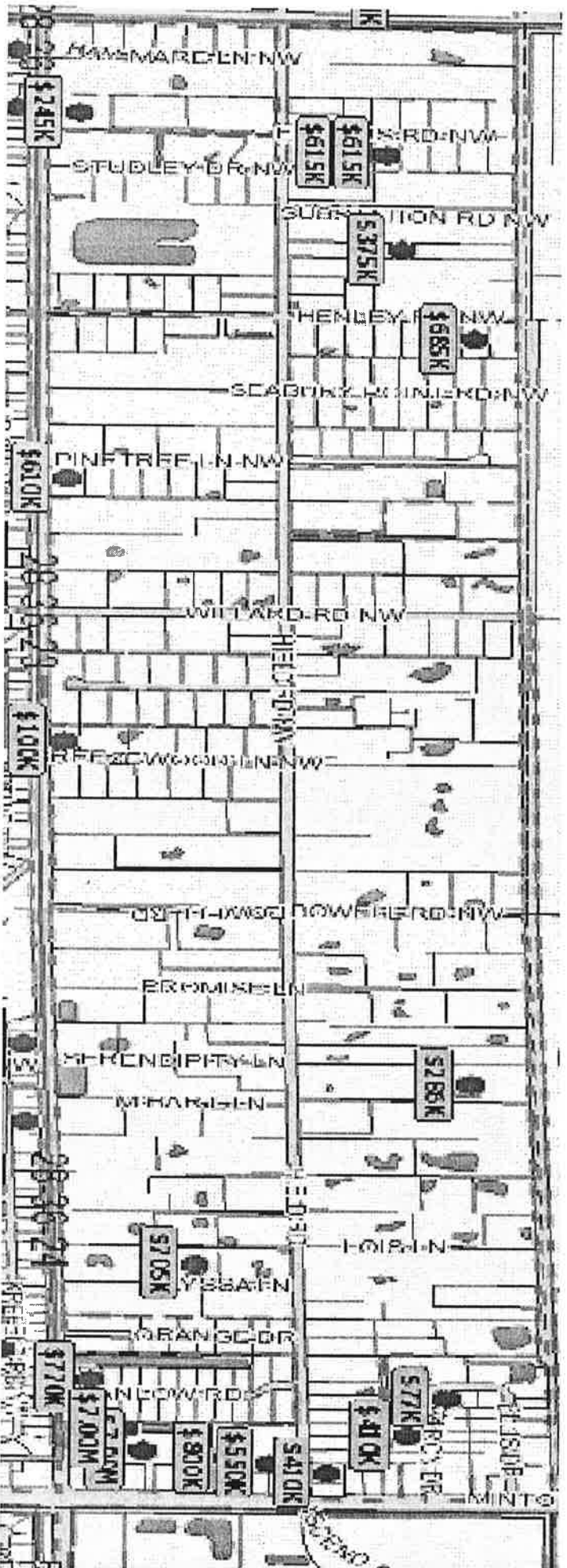
**AERIAL LOCATION MAP CASE: CP23-00010 & CP23-00006**

**Subject Property**

Southwest corner of Hield Road and Minton Road

Obtained from Property Appraiser's office 6/23/2023

HIELD ROAD WEST FROM MINTON ROAD (CTY RD 509) TO THE END OF HIELD TO BAY MARE APPROXIMATELY 2 1/2 MILES  
ONE WAY IN AND ONE WAY OUT. ALL SIDE STREETS AND HIELD ROAD ARE DEAD ENDS.





**TECHNICAL MEMORANDUM**  
Christy Fischer  
Corrina Gumm, P.E.  
July 19, 2021  
Page 2

These improvements were never accomplished.  
Who knows when they will?  
Adding Food Service industry with drive-through will add to an already un-safe intersection at Hield Road.

**BUILD-OUT CONDITIONS ANALYSIS**

Based on the January 2020 TIS, the signalized intersections shown in Table 2 were analyzed under 2021 build-out conditions to determine the operational level of service.

S.P. Shepherd  
6/30/2023

**Table 2**  
**2021 Build-Out PM Peak-Hour LOS – Signalized Intersections**  
**Ascend Hammock Landing**

Intersection	Adopted LOS	Build-Out Conditions					
		AM Peak-Hour			PM Peak-Hour		
		Delay (sec.)	LOS	V/C > 1.0	Delay (sec.)	LOS	V/C > 1.0
Minton Rd at Wingate Blvd	E	34.5	C	No	41.2	D	Yes
Minton Rd at Flanagan Ave	E	15.4	B	No	14.4	B	No
Minton Rd at Eber Blvd	E	20.1	C	No	33.0	C	Yes
Minton Rd at Norfolk Pkwy	E	27.4	C	No	43.2	D	No
Minton Rd at Hield Rd/Project Driveway	E	22.1	C	No	18.4	B	Yes
Minton Rd at Palm Bay Rd	E	109.7	F	Yes	145.2	F	Yes
Minton Rd at Emerson Dr	E	54.5	D	No	39.6	D	No
Palm Bay Rd at Athens Dr	E	34.9	C	No	22.5	C	No
Palm Bay Rd at Norfolk Pkwy	E	32.6	C	No	57.6	E	Yes
Palm Bay Rd at SB I-95	E	23.9	C	No	36.7	D	No
Palm Bay Rd at NB I-95	E	24.1	C	No	18.0	B	No
Palm Bay Rd at Hollywood Blvd	E	39.5	D	No	46.0	D	No
Minton Rd at Frontage Rd*	E	-	A	No	-	A	-

As indicated in the table above, the signalized intersections of Minton Road at Wingate Boulevard, Eber Boulevard, Hield Road, and Palm Bay Road and Palm Bay Road at Norfolk Parkway are anticipated to operate outside the adopted level of service and/or with a v/c ratio greater than 1.0. Based on the TIS submitted Revised July 2020, the following improvements were recommended:

**Minton Road at Wingate Boulevard:**

- Optimize signal timings

**Minton Road at Eber Boulevard:**

- Optimize signal timings

**Minton Road at Hield Road:**

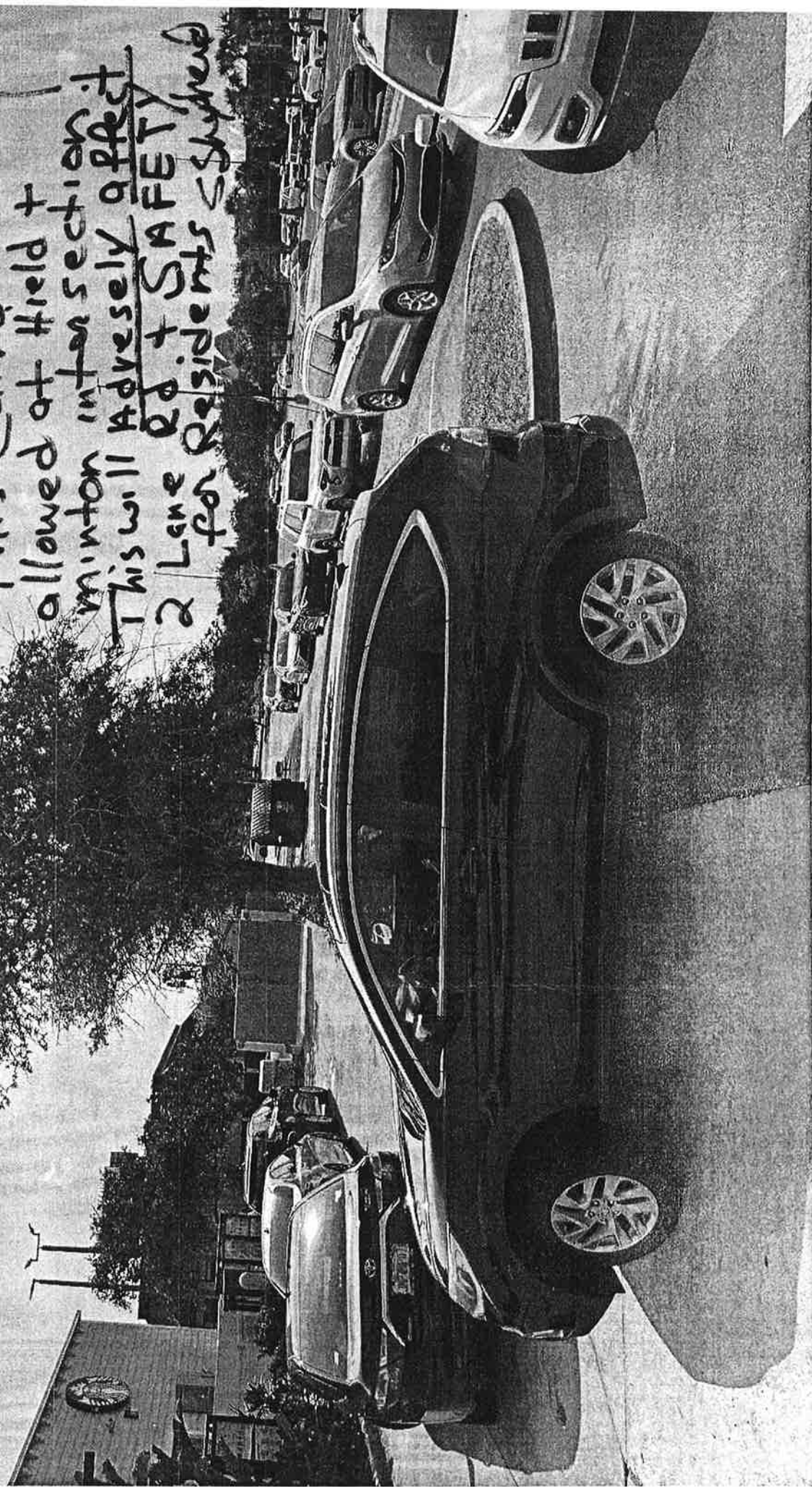
- Convert eastbound multi-directional lane into a left-turn lane
- Add eastbound through-right lane
- Add "DO NOT BLOCK" box pavement marking and signs at the Frontage Road/Project Driveway
- Optimize signal timings

**Minton Road at Palm Bay Road:**

- Restripe the westbound shared through/left-turn lane to a dedicated left-turn lane (triple dedicated lefts)
- Restripe the westbound right-turn lane to a shared through/right-turn lane
- Add an eastbound right-turn lane
- Remove split phasing
- Add a southbound left-turn lane (dual lefts)
- Optimize signal timings

6/2023

This Cannot be  
allowed at Hild +  
Minton intersection it  
This will Adversely affect  
2 Lane Rd + SAFETY  
for Residents < Shyred



## Terri Lefler

---

**From:** Terri Lefler  
**Sent:** Thursday, August 17, 2023 3:23 PM  
**To:** nanacat@cfl.rr.com  
**Cc:** Terese Jones; Carol Gerundo; Chandra Powell; Alexandra Bernard; Suzanne Sherman; Cathy Green  
**Subject:** FW: HIELD ROAD

Good afternoon, Cathy,

Hope all is well!

This email will be printed and placed at each of the Council Members' seats for tonight's Council meeting. It will also be included in each of the case files relating to Hield Road.

Thank you,



**From:** Cathy <[nanacat@cfl.rr.com](mailto:nanacat@cfl.rr.com)>  
**Sent:** Thursday, August 17, 2023 12:17 PM  
**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Rob Medina <[Rob.Medina@palmbayflorida.org](mailto:Rob.Medina@palmbayflorida.org)>; Donny Felix <[Donny.Felix@palmbayflorida.org](mailto:Donny.Felix@palmbayflorida.org)>; Kenny Johnson <[Kenny.Johnson@palmbayflorida.org](mailto:Kenny.Johnson@palmbayflorida.org)>; Randy Foster <[Randy.Foster@palmbayflorida.org](mailto:Randy.Foster@palmbayflorida.org)>  
**Cc:** Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>; City Council <[CityCouncil@palmbayflorida.org](mailto:CityCouncil@palmbayflorida.org)>; [D5.Commissioner@brevardcounty.us](mailto:D5.Commissioner@brevardcounty.us)  
**Subject:** FW: HIELD ROAD

**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.

The email below was previously sent on July 3, 2023. I reviewed the Agenda from July 20, 2023 & did not see it in any Correspondence with the proposed Cases. Perhaps this is an oversight on my part due to incorrect email addresses, but I would appreciate it to be included in any correspondence and Objections to this issue of Hield Road. Its probably too late for tonight's meeting, so I plan to send another objection for the meeting in September should it get extended again.

Thanking you in advance,  
Cathy Sallade  
1550 Studley Dr., NW  
Palm Bay, FL 32907

**From:** Cathy <[nanacat@cfl.rr.com](mailto:nanacat@cfl.rr.com)>  
**Sent:** Monday, July 3, 2023 10:10 AM  
**To:** 'citycouncil@pbfl.org' <[citycouncil@pbfl.org](mailto:citycouncil@pbfl.org)>  
**Cc:** 'landdevelopmentweb@palmbayflorida.org' <[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)>  
**Subject:** HIELD ROAD

Refer to Cases CP23-00010 and CPZ23-00006

As a resident whose property is accessed only by HIELD ROAD, I want to join my neighbors in expressing the concerns as listed below for the proposed rezoning of Cases CP23-00010 and CPZ23-00006 properties. Cole Oliver, West Melbourne Properties, LLC is proposing a STARBUCKS BE BUILT with the access off of HIELD ROAD. We DO NOT WANT this approved.

**TRAFFIC CONGESTION:** Hield Road is a narrow road with NO STREET LIGHTS AND NO SIDEWALKS. To exit Hield Road onto Minton is a time-consuming wait for ever 4 or 5 cars. And a dangerous one with all the construction currently exploding on Minton Road. There is no end in sight. We have pictures of the traffic congestion at the STARBUCKS on Palm Bay Road.

Hield Road was designed for residential traffic – not business traffic.

**SAFETY:** We are a family community, our children ride & walk along the street. Families walk on the street in the early evening with our pets and friends. Early morning traffic going into STARBUCKS WILL make for a very dangerous situation. i.e.: about 2 months ago a resident held an estate SALE at their property – the police had to be called because those going to the estate sale thought our road was a parking lot. The traffic entering & leaving any business located at this proposed site is going to back up traffic on Minton Road horribly.

**NOISE and STENCH:** Sound & GARBAGE travels; we can hear the garbage truck when it a ¼ mile down the street. And with any business built at this location not only the noise for those surrounding this property but the smell from the garbage dumpsters; AND FUMES FROM the lines of cars entering into Starbucks (off of Hield Road). I purchased my home for the serenity that we are afforded living in our community.

Please take responsibility for not approving this request.

Thank you,  
Cathy Sallade  
1550 Studley Dr. NW  
Palm Bay, FL 32907

Public Hearings

**Cathy Green**

**From:** Terri Lefler  
**Sent:** Thursday, July 20, 2023 9:18 AM  
**To:** Cathy Green  
**Cc:** Terese Jones  
**Subject:** FW: Case: CP23-00010 & CPZ23-00006  
**Attachments:** 20230719\_175327.jpg; 20230719\_173352.jpg

1723-00001  
 0P23-00010  
 CPZ 23-00006

I have sent this email to Council. Please print and place a copy at each of the Councils' seats for the July 20<sup>th</sup> meeting. Thank you!

**From:** Terri Lefler  
**Sent:** Thursday, July 20, 2023 9:17 AM  
**To:** City Council <CityCouncil@palmbayflorida.org>  
**Cc:** Terese Jones <Terese.Jones@palmbayflorida.org>  
**Subject:** FW: Case: CP23-00010 & CPZ23-00006

Honorable Mayor and Members of City Council,

Please see the below/attached correspondence as it relates to Items 23, 24, and 25, under Public Hearings, on tonight's agenda.

Thank you,



Terri Lefler | Deputy City Clerk

Down to Earth And Up To Great Things

321.952.3414 or ext. 3209

Legislative Department  
 120 Malabar Road SE, Suite 310  
 Palm Bay, FL 32907

Fax: 321-953-8971  
 Email: [terri.lefler@pbfl.org](mailto:terri.lefler@pbfl.org)  
 Web: [www.palmbayflorida.org](http://www.palmbayflorida.org)

**From:** Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>  
**Sent:** Thursday, July 20, 2023 8:41 AM  
**To:** Terese Jones <Terese.Jones@palmbayflorida.org>; Terri Lefler <Terri.Lefler@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Juliet Misconi <Juliet.Misconi@palmbayflorida.org>  
**Cc:** Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>  
**Subject:** FW: Case: CP23-00010 & CPZ23-00006

FYI...



Alix Bernard  
Principal Planner

*Down to Earth* And Up to Great Things™

☎ 321.733.3042 or ext. 5747

**From:** no worries <[tinab614@gmail.com](mailto:tinab614@gmail.com)>

**Sent:** Thursday, July 20, 2023 7:07 AM

**To:** [D5.Commissioner@brevardfl.com](mailto:D5.Commissioner@brevardfl.com)

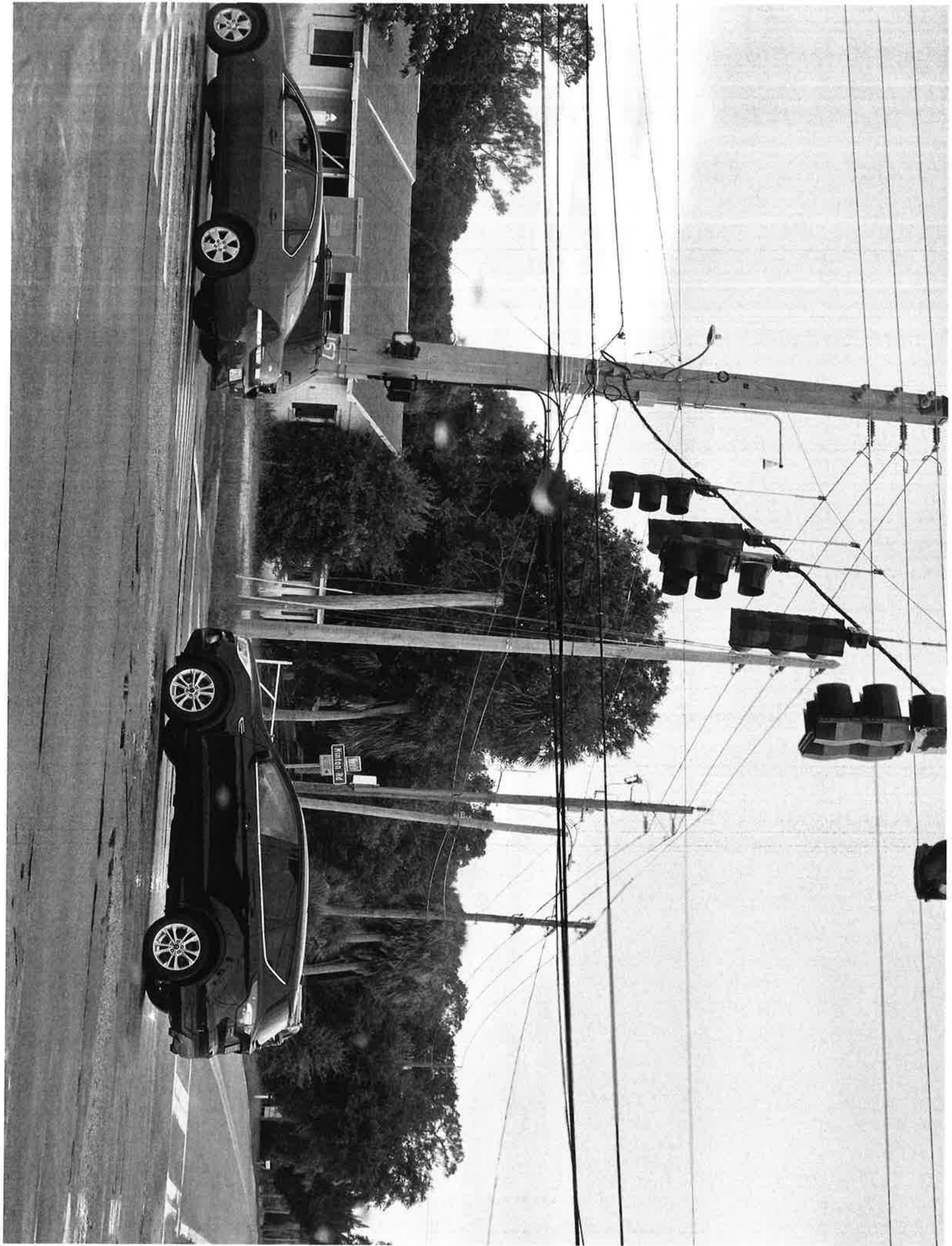
**Cc:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; [wpr686@hotmail.com](mailto:wpr686@hotmail.com); Rob Medina <[Rob.Medina@palmbayflorida.org](mailto:Rob.Medina@palmbayflorida.org)>

**Subject:** Case: CP23-00010 & CP23-00006

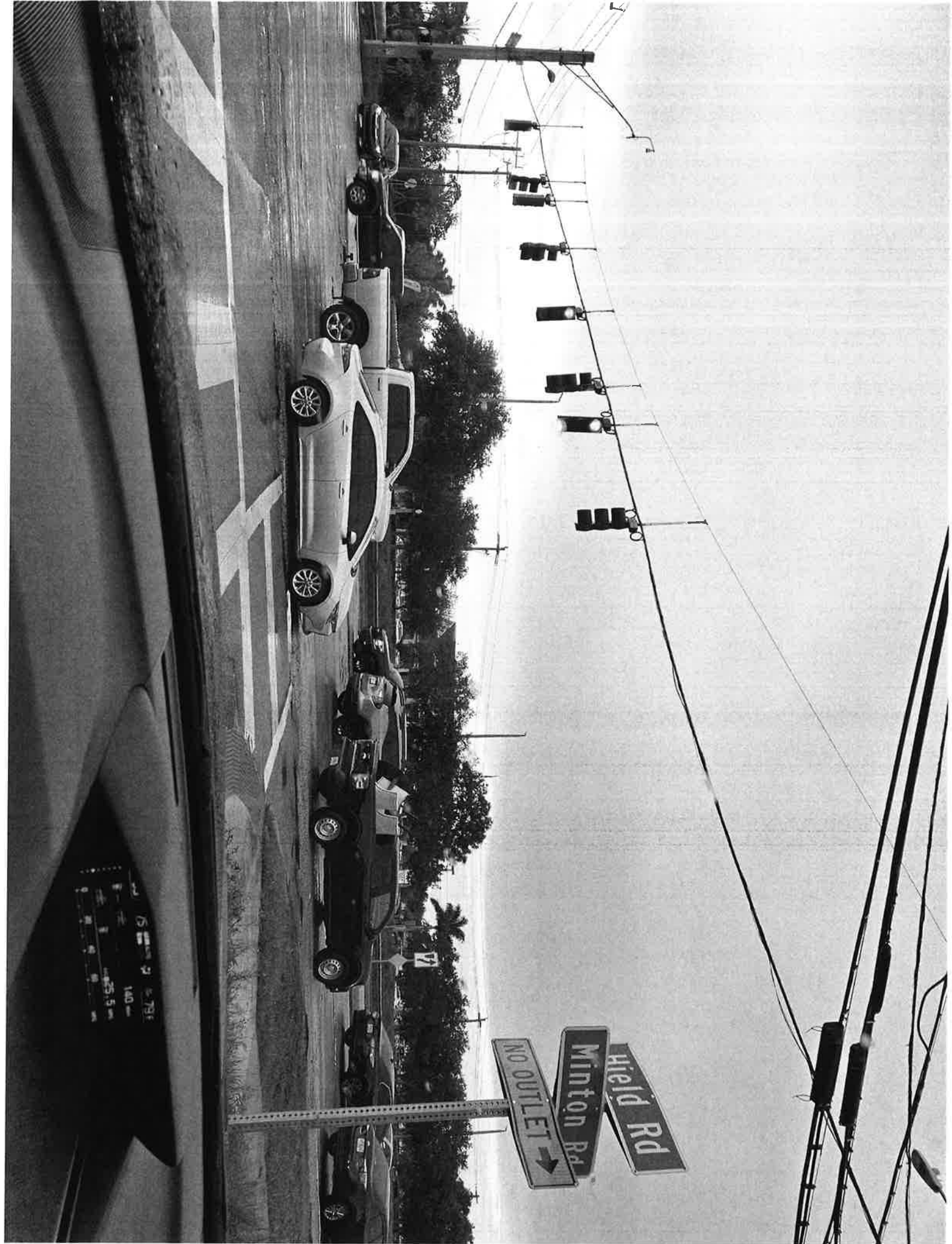
**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My husband and I reject the proposed planning for an entrance to be constructed on the southwest corner of Hield Rd. and Minton Rd. This is residential area and we do not want the influx of additional traffic. Please see the attached pictures from yesterday afternoon at that intersection after 5 pm. Intersection blocked and no law enforcement around totally acceptable. The entrance to proposed Starbucks should be at Palm Bay Rd behind Walgreens and All the shopping stores there now they can go in the back which that was suggested by a resident on the meeting of July 5th. We appreciate your help and voting in favor of the residents.

Thank you,  
Tina & Patrick Bresnahan







Public Hearings

Cathy Green

**From:** Rob Medina  
**Sent:** Wednesday, July 19, 2023 6:30 AM  
**To:** Kenneth D. Williams; Terese Jones; Suzanne Sherman; Patricia D. Smith  
**Subject:** Re: Annexation on Minton Road

A23-00001  
 CP23-00010  
 CP23-00004

Mr. & Mrs. Williams,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me. I have added our City Clerk, City Attorney and City Manager to this email for record keeping purposes. I also wanted to inform you that the applicant has submitted a request to continue the items on the Agenda for July 20th Council Meeting to the August 17th Council Meeting. Council will consider the request for the continuance early in the Meeting.

Respectfully,

Rob Medina  
 Mayor

**From:** Kenneth D. Williams <kwilliams538@cfl.rr.com>  
**Sent:** Tuesday, July 18, 2023 12:00 PM  
**To:** City Council <CityCouncil@palmbayflorida.org>  
**Subject:** Annexation on Minton Road

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: City Councilman of Palm Bay

**Subject: Proposed Annexing of the Southwest Corner of Minton and Hield Roads**

(Palm Bay Case No. CP23-00010 & CP223-00006)

We are to express our **OBJECTIONS** to the Annexation and Zoning Change FROM RES 2 (Brevard County) TO Commercial Use and A Rezoning FROM RP & AU (Brevard County) TO CC (Community Commercial) for the **3045 Hield Road property referenced above.**

We are with the majority of residents in the Hield Road neighborhood who **strongly** object. If you have never experienced the traffic snarls every weekday on Minton and the mess this creates for Hield Road residents, you must experience it yourself before annexing. Go in and out of Hield between 5:00 PM and 5:15PM on any weekday. A Starbucks is especially objectionable, as they are known for the long lines that spill out on public roads and cause major gridlock.

This is a direct quote from CNN

( <https://www.cnn.com/2023/06/24/business/drive-thru-fast-food-chick-fil-a-urban-planning/index.html#:~:text=Minneapolis%3B%20Fair%20Haven%2C%20New%20Jersey,temporary%20moratoriums%20blocking%20new%20developments> )

Drive-thrus promise hungry drivers ease, convenience and a juicy burger.

But long lines of cars waiting for orders spill out into US roads in every state from chains like Chick-fil-A, McDonald's, Starbucks and Dunkin'. And city

officials, urban planners and critics say the model is failing modern cities.

**If you wish to fail the citizens you represent, just remember that most of us vote and we will know who not to vote for.**

Sincerely,

Kenneth D. Williams

Elizabeth A. Williams

4096 Hield Rd. NW

Palm Bay, FL 32907

## AGENDA ITEM

Public Hearings

**Cathy Green**

**From:** Terri Lefler  
**Sent:** Wednesday, July 19, 2023 10:45 AM  
**To:** Cathy Green  
**Cc:** Terese Jones  
**Subject:** FW: The annexation of properties at the intersection of Hield Road

A23-00001  
CP23-00010  
CP23-01000

This email has been sent to Council. Please print and place a copy at each of the Councils' seats for the July 20<sup>th</sup> meeting.

**From:** Rob Medina <Rob.Medina@palmbayflorida.org>  
**Sent:** Wednesday, July 19, 2023 6:23 AM  
**To:** Eric Kennard <ericskennard@msn.com>; Terese Jones <Terese.Jones@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terri Lefler <Terri.Lefler@palmbayflorida.org>  
**Subject:** Re: The annexation of properties at the intersection of Hield Road

Mr. Kennard,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me. I have added our City Clerk, City Attorney and City Manager to this email for record keeping purposes.

I also wanted to inform you that the applicant has submitted a request to continue the items on the Agenda for July 20th Council Meeting to the August 17th Council Meeting. Council will consider the request for the continuance early in the Meeting.

Respectfully,

Rob Medina  
Mayor

---

**From:** Eric Kennard <ericskennard@msn.com>  
**Sent:** Tuesday, July 18, 2023 3:36 PM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Peter Filiberto <Peter.Filiberto@palmbayflorida.org>; d5.commissioner@brevardfl.gov <d5.commissioner@brevardfl.gov>  
**Subject:** The annexation of properties at the intersection of Hield Road

**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.

***Eric S. & Cynthia P. Kennard***  
***1511 Pinetree Lane NW***  
***Palm Bay, FL 32907***  
***321-312-6499***

July 17, 2023

Honorable Rob Medina, Mayor Palm Bay, Florida

Esteemed Members of Palm Bay City Council

CC: The Honorable Jason Steele, Brevard County Commissioner

Dear Mayor Medina and City Council,

It has come to our attention that there comes before you a motion to annex in the area on the south-west corner of the intersection of Hield Road and Minton Road. The Zoning for this area is to be zoned commercial. This is all well and good and may provide taxing income for the City of Palm Bay.

I respectfully request you not consider approving a high-volume commercial business or one with a drive-through for this location.

Our concern is the acceptance of placing a Starbucks Café at this corner. This business or any business that has a drive through at this location will cause a traffic nightmare. Certainly, you are aware of the congestion of this intersection during the times of 7AM to 9AM and 4PM until 6PM daily. The addition of a drive through business at this intersection will severely hamper access to Hield Road by emergency vehicles. I was a law enforcement officer in Brevard County for 31 years. Trust me when I tell you that even with lights and sirens there is no way to navigate through a traffic jam safely and efficiently.

The current timing of the traffic signal at this intersection only allows five vehicles to exit Hield Road at each light interval. The trigger that changes the signal when vehicles are sitting on Hield Road waiting for the light to change has a significant delay. Any business placed in this location will seriously impede the flow of traffic through the intersection even if there were no entrance from Hield Road. This intersection is already overwhelmed since the addition of the Ascend Hammock Landing Apartments now located at the northeast corner of the intersection. During peak hours turning onto Hield from Minton is treacherous. Vehicles usually block the intersection with no regard to traffic trying to enter or exit Hield Road. Adding a high-volume business will impede southbound Minton traffic even more. There have been numerous accidents at this intersection already, many with fatalities. How do you propose to increase safety for the users of this intersection?

In 2021 There was an engineering study completed by LTG Engineering and planning to examine the impact of traffic caused by the Ascend Hammock Landing Apartments. This plan was submitted to the City of West Melbourne and Brevard County. There were several suggestions to facilitate better traffic flow through the area. These included the following changes to the intersection of Hield Road and Minton Road;

- Convert Eastbound multi directional lane into a left turn lane
- Add Eastbound through right lane

- Add "Do Not Block" pavement markings and signs at the intersection
- Optimize signal timings

This plan was actually an agreement signed on December 2, 2021, by the Brevard County Commission, the City of West Melbourne, and DHIC Hammock Landing, LLC. None of the above were ever accomplished as of July 17, 2023, with the possible exception of signal timing changes. The timing is still not adequate.

In an email dated June 28, 2023, from Ms. Corina Gumm Brevard County Traffic Operations Manager to Danielle Stern, Chief of Staff for Brevard County Commissioner Jason Steele, Ms. Gumm stated that DHIC Hammock Landing were going to make suggested improvements but were unable to because of "conflicts with utilities." This will require a major design change of the intersection. I must assume that if Palm Bay annexes this into the City that Palm Bay will have to assist in payment for the major improvements, if they so choose.

As you may be aware, Hield Road is a two-lane road. There is no other access out of the neighborhood. Adding additional lanes to Hield Road at the intersection would be an extremely expensive proposition. There is no extra road frontage to accommodate those lanes. I assume Brevard County, the City of West Melbourne, and the City of Palm Bay would have to incur these changes as clearly DHIC Hammock Landing has not. So in order to get a few more commercial businesses installed, the City of Palm Bay is going to incur expenses in roadway development.

I certainly do not propose adding any additional access to Hield road from either Jupiter to the south or Glencove Ave NW to the West. Either of those access points would require the City of Palm Bay to build bridges over the canals. That would be another expense. Honestly, I don't want to open Hield Road up to that traffic.

There are numerous residences along Hield with at least an acre or more of grounds making our neighborhood a premier location. We truly enjoy country living in a residential area. Obviously, the taxes from these properties provide significant income for both Brevard County and the City of Palm Bay.

Please add this into the official record.

Yours truly,

Eric S. Kennard

**From:** [Rob Medina](#)  
**To:** [Lisa Mills](#); [City Manager](#); [Land Development Web](#); [Patricia D. Smith](#); [Suzanne Sherman](#); [Terese Jones](#); [Alexandra Bernard](#); [Jesse Anderson](#); [Juliet Misconi](#); [Joan Junkala](#); [Carol Gerundo](#); [Chandra Powell](#); [Kevin Mills](#)  
**Subject:** Re: Hield-Minton Development, on agenda for Sept 2023 - CP23-00010, CPZ23-00006, A23-00001, CP23-00013, CPZ23-00007, A23-00002  
**Date:** Sunday, September 10, 2023 4:05:19 PM

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Lisa & Kevin Mills,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me regarding Hield and Minton Rd.

Respectfully,

Rob Medina  
Mayor

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**From:** Lisa Mills <lisafrills@gmail.com>  
**Sent:** Sunday, September 10, 2023 2:29 PM  
**To:** Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; Rob Medina <Rob.Medina@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Juliet Misconi <Juliet.Misconi@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Kevin Mills <kevinjmills5@gmail.com>  
**Subject:** Hield-Minton Development, on agenda for Sept 2023 - CP23-00010, CPZ23-00006, A23-00001, CP23-00013, CPZ23-00007, A23-00002

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Dear City Council,

My name is Lisa Mills and I live at 3080 Hield Rd, Melbourne, FL 32904. I live within 500 feet of the proposed development which will be discussed at the upcoming meeting.

I am not here to fight the development. I loved the area so much, I moved here. It would be naive for me to expect that no other homeowners or commercial businesses would want to move here too. I welcome and support change, as it is inevitable.

I would just like to take a moment to explain my concerns to work toward the best arrangement possible for all involved.

Although I would prefer the second home on Hield to not be rezoned to commercial property as it brings noise and other aspects closer to my home than I anticipated when purchasing my property, I am sure there is little I can do to change this. Given that, I would like to focus on the biggest concern I have; traffic.

Currently, during peak hours, the intersection on Minton fills up with cars and keeps Hield residents unable to exit the street other than 1 or 2 cars per light. It may take several cycles to be able to exit Hield, which vacillates between a waste of time and a hazard. In an emergency, there is no way around this situation. In non-emergencies, there are accidents, road-rage incidents, and frustrated people putting everyone at risk. There is currently a lack of policing for blocking the intersection. Bringing more vehicles into the area is going to further inflame the situation and I fear increasing the hazardous conditions for both residents and non-residents alike.

I ask that you please make this letter part of the record in support of finding a viable solution for all involved.

Thank you,  
Lisa and Kevin Mills  
321-390-3891

**From:** [Angela Burak](#)  
**To:** [Terri Lefler](#); [Terese Jones](#)  
**Subject:** FW: Hield & Minton Roads - Community Meeting & Incorrect FL Today Annoucement  
**Date:** Wednesday, September 13, 2023 2:12:34 PM  
**Attachments:** [Hield Road Starbuck and Intersection Improvements.pdf](#)  
[image001.png](#)  
[Hield Road Starbuck and Intersection Improvements Rev 9-12-23 from Oliver.pdf](#)

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**From:** Sue Shep <keepthefocus2003@yahoo.com>  
**Sent:** Wednesday, September 13, 2023 1:30 PM  
**To:** Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; Rob Medina <Rob.Medina@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>; Philip Weinberg <pawasa@bellsouth.net>  
**Subject:** Fw: Hield & Minton Roads - Community Meeting & Incorrect FL Today Annoucement

**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.

Hield/Minton Road Starbuck's Proposal  
City Council Meeting Scheduled for Tuesday, September. 19, 2023 at 6 p.m.  
Cole Oliver's Community Meeting Scheduled for Thursday, September 14, 2023 at 6 p.m.  
**Please make this letter of part of the record.**

Good Afternoon All~

Below, you will see two attachments.

\* Revised proposed site plan from Cole Oliver **emailed to us last night**, September 12, 2023 at 9:26 p.m.

\* Florida Today announcement showing City Council Meeting Scheduled for Thursday, September 19, 2023 at 6 p.m. The property highlighted in that diagram is ONLY representing one of the properties (The Trailer Business) next to Pizza Voila. This is very DECEPTIVE. Additionally, **please take note:** The **date** and **day** are **incorrect!** **The 19th is Tuesday!** I can only assume Mr. Oliver and/or his organization placed that announcement. If that be the case, this shows a pattern of Mr. Oliver's continued **impropriety** of trying to **confuse** the Community. Remember, Mr. Oliver's initial "required" Community Meeting held in May, 2023, he

scheduled a meeting place with an **incorrect address**. They needed to have a second Community Meeting with the correct address in June.

Mr. Oliver's email below states the following:

"Please note that we have already held the Community Meeting as required by Code with the requisite notices."

These meetings/notices he references to are those mentioned above in May and June. NOT this current revised site plan.

I will be resending, only, these two attachments in a separate email to all of you in case for some reason they got lost in these email strings.

What happened to a **"timely"** scheduled community meeting to allow enough time for the Hield Road residents and the City of Palm Bay to have the appropriate time to review his proposal and allow for all of us to study same and do our own research in order for all of us to present our questions and possible other alternative suggestions to the Developer?

A less than 48 hour notice clearly shows Mr. Oliver's LACK OF GOOD FAITH! Most of Hield Road residents, even those within the required "500 ft radius" residents work and have families. The 6:00 p.m. scheduled time will make it very difficult for those residents to attend with such SHORT notice. I am sure Mr. Oliver is counting on that! Additionally, the residents within the "500 ft radius" of the proposed properties **did not receive a letter** from Mr. Oliver advising of tomorrow night's meeting of September 14, 2023 at 6:00 p.m.

Once again, Mr. Oliver is showing his impropriety and manipulation of the Statutes by sending his meeting announcement to me and you at 9:26 p.m. on September 12th. Does he really think You and Hield Road residents are that ignorant to not recognize his ploy? Does he really think he is giving us 2 days notice? Does Mr. Oliver really think we will not be able to see through his "revised" proposal having the very same impacts to Hield Road and Minton Road vehicles? A "high-traffic" demanding business is not the answer.

Did you receive the proposed site plan and his meeting announcement the same time as I did?

**Did any of you receive a current traffic study?** We did not.

Within the volume of recent correspondences, the "traffic study" was one of the items Mr. Oliver was waiting on in addition to his "modifications" and "revisions". Anyone can see, especially during peak hours which are increasing in the a.m. and p.m. during the week, the increased volume of traffic southbound from Calvary Chapel to Palm Bay Road. The occupants are becoming more **aggressive** with each other. Windows go down, yelling expletives' out the their windows, shooting various finger digits at each

other and us. Near accident misses with many of us. With increased aggression, we know this can become a **potential volatile scenario** especially in today's times with "road rage", etc. Does the City of Palm Bay really want that? City of Palm Bay's crime is already increasing in and of itself!

Perhaps, Mr. Oliver is waiting to be able to "doctor" the traffic study and present that to all of us at the last minute!

If you have not read my letter to all of you from last, Friday, September 8, 2023, I respectfully ask you do so, in particular, to review my bullet points.

Mr. Oliver's email below states the following:

*"We are hosting this meeting as an effort to work with the community on a mutually agreeable solution."*

Mr. Oliver's actions/efforts as referenced above in this letter DOES NOT align with him working with the Community and the City of Palm Bay.

Can all of us really trust Mr. Oliver and staff? His manipulations, lack of good will and his actions of impropriety make it very difficult to do so.

Respectfully submitted,  
Susan Shepherd  
Em: keepthefocus2003@yahoo.com  
(c) 321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

----- Forwarded Message -----

**From:** J Cole Oliver <cole@eksdevelopment.com>

**To:** Sue Shep <keepthefocus2003@yahoo.com>; Mindy Mason <mindym@eksdevelopment.com>

**Cc:** Alexandra Bernard <alexandra.bernard@palmbayflorida.org>; Cathy Green <cathy.green@palmbayflorida.org>; Chaundra Powell <chandra.powell@palmbayflorida.org>; Angela Burak <angela.burak@palmbayflorida.org>; Suzanne Sherman <suzanne.sherman@palmbayflorida.org>; Juliet Misconi <citymanager@pbfl.org>; Terese Jones <terese.jones@palmbayflorida.org>; Mayor Rob Medina <mayorrobmedina@pbfl.org>

**Sent:** Tuesday, September 12, 2023 at 09:26:11 PM EDT

**Subject:** RE: Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Sue,

Apologies for the delay, but we received the revised proposed plan showing the proposed roadway improvements on Hield Road today. Please see attached. We have booked a meeting room from 6 PM at the Hyatt Place at Melbourne Airport (747 Air Terminal Parkway Melbourne, FL 32901) for this Thursday night (September 14<sup>th</sup>) to discuss with the proposed project with the Hield residents. Please note that we have already held the Community Meeting as required by Code with the requisite notices. We are hosting this meeting as an effort to work with the community on a mutually agreeable solution.

Regards,

Cole

---

**From:** Sue Shep <keepthefocus2003@yahoo.com>

**Sent:** Sunday, August 20, 2023 7:23 PM

**To:** J Cole Oliver <cole@eksdevelopment.com>; Mindy Mason <Mindym@eksdevelopment.com>

**Cc:** Alexandra Bernard <alexandra.bernard@palmbayflorida.org>; Cathy Green <cathy.green@palmbayflorida.org>; Chaundra powell <chandra.powell@palmbayflorida.org>; Angela Burak <angela.burak@palmbayflorida.org>; Suzanne Sherman <suzanne.sherman@palmbayflorida.org>; Juliet Misconi <citymanager@pbfl.org>; Terese Jones <terese.jones@palmbayflorida.org>; Mayor Rob Medina <mayorrobmedina@pbfl.org>

**Subject:** Re: Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Mr. Oliver,

Pursuant to our last City Council Meeting of August 17, 2023, our cases are to be continued to Tuesday, September 19, 2023.

We are in the same scenario as we were in July regarding the timely scheduling of a Community Meeting with you and the residents of Hield Road. Time is of the essence to have appropriate notice for the Community Meeting to enable the residents to make arrangements to attend this important meeting.

The residents of Hield Road are becoming more anxious and voicing their intent to have this meeting scheduled.

Please advise when and where the Community Meeting will be scheduled.

Thank you for your time and considerations.

Regards,

Susan Shepherd

Em: [keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)

( C ) 321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

On Monday, August 14, 2023 at 07:03:59 PM EDT, Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)> wrote:

Thank you!

Susan Shepherd

[Sent from Yahoo Mail on Android](#)

On Mon, Aug 14, 2023 at 5:33 PM, J Cole Oliver

<[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)> wrote:

We have not been able to set a date or time yet as we are waiting for the engineers. As soon as I have more, I will reach out.

Regards,

Cole

---

**From:** Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**Sent:** Monday, August 14, 2023 3:50 PM

**To:** J Cole Oliver <[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)>; Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Cc:** Alexandra Bernard <[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)>; Cathy Green <[cathy.green@palmbayflorida.org](mailto:cathy.green@palmbayflorida.org)>; Chaundra powell <[chandra.powell@palmbayflorida.org](mailto:chandra.powell@palmbayflorida.org)>; Angela Burak <[angela.burak@palmbayflorida.org](mailto:angela.burak@palmbayflorida.org)>; Suzanne Sherman

<[suzanne.sherman@palmbayflorida.org](mailto:suzanne.sherman@palmbayflorida.org)>; Susan Shepherd <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**Subject:** Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Good Afternoon!

Hoping all had a good weekend!

Please advise if a date, time and place have been arranged for the Community Meeting?

I am being asked by several residents if I have received any information regarding the above question.

Thank you,

Susan Shepherd

Hield Road

[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)

321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

----- Forwarded Message -----

**From:** Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**To:** Alexandra Bernard <[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)>

**Sent:** Tuesday, August 8, 2023 at 04:23:57 PM EDT

**Subject:** Re: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

Hi Alix,

I appreciate your letting me know the Continuance Request to September 21, 2023.

Thank you!

Susan Shepherd

Hield Road

**Susan** □

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

On Tuesday, August 8, 2023 at 09:05:10 AM EDT, Alexandra Bernard  
<[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)> wrote:

Good Morning Sue,

Below is the formal email that we received requesting continuance of these cases.

All the Best,



---

**From:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Sent:** Friday, August 4, 2023 1:57 PM

**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman  
<[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela  
Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** RE: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

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Thank you for your confirmation.

Respectfully,

Mindy Mason

Operations Manager

**EKS, Inc.**

516 Delannoy Ave

Cocoa, FL 32922

**Email:** [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)

**Direct:** 321.632.4710 ext.208

**Fax:** 321.635.8681

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**From:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>

**Sent:** Friday, August 4, 2023 1:43 PM

**To:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** RE: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

Hi Mindy,

Thank you for your email. We are in receipt of your request for a continuance to the September 21<sup>st</sup> City Council meeting.

All the Best,



---

**From:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Sent:** Friday, August 4, 2023 1:29 PM

**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

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Hello,

As the applicant for the potential annexation of the southwest corner of Hield and Minton Rd, which is scheduled to go before the August 17, 2023, Council Meeting, we respectfully request a continuance to September 21, 2023. I have listed the case numbers below.

A23-00001

CP23-00013

CPZ23-00007

A23-00002

CP23-00010

CPZ23-00006

Please let me know if anything else is needed. Thank you!

Respectfully,

**Mindy Mason**

Operations Manager

**EKS, Inc.**

516 Delannoy Ave

Cocoa, FL 32922

**Email:** [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)

**Direct:** 321.632.4710 ext.208

**Fax:** 321.635.8681

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Virus-free. [www.avg.com](http://www.avg.com)

**Alexandra Bernard**

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**From:** Sue Shep <keepthefocus2003@yahoo.com>  
**Sent:** Friday, June 23, 2023 1:12 PM  
**To:** Susan Shepherd  
**Cc:** Sshep12  
**Subject:** HIELD ROAD UPDATE ON DATES AND CONTACT INFORMATION  
**Attachments:** PB Planning & Zoning Member List 3-23.pdf; WEBSITES 6-2023.docx

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**All meetings begin at 6 p.m. at the Palm Bay City Council Chamber**

All,

I contacted Alexandra Bernard, Palm Bay Principal Planner, this morning to confirm the additional Council Meeting date of August 3, 2023 I referenced in previous emails. She did confirm the date as being the "second and final" council meeting. The posting of this date is not required to be on the sign now posted on said property.

I have attached an additional contact list for Hield Road residents to write and voice their concerns. In addition to the contact information below, the list also contains the contact information of the Board Members for the Planning and Zoning Board. I am attaching again the contact information for the Mayor and Council members and Brevard County representative.

- \* **July 5th**, is Planning and Zoning Meeting, they make the recommendations.
- \* **July 20th**, is very important to attend as the Council bases a lot of their decisions on their recommendations.
- \* **August 3rd**, is the second and final meeting.

We are objecting to any entrance and exit on to and from Hield Road. IF there are any road improvements to Hield, it will be minimal. Access to and from Hield Road will still be very much hindered. Even for emergency vehicles that assists Hield Road residents especially during peak hours.

Keep in mind, when the apartments (at Ascend Circle / Hammock Landing) were approved and developed across the street from Hield Road, there was supposed to be road improvement at that time for our intersection at Hield and Minton. Minton Road is a County Road. \*\*\* We all can attest nothing has been done nor has there been any improvement with the light sequence that was said to happen!

Regarding July 5, 2023 meeting, I am unable to attend this important meeting. I am praying someone will be able to attend on my behalf as well as theirs.

**P. B. PLANNING AND ZONING BOARD CITY COUNCIL**  
**AND LAND DEVELOPMENT DIVISION**

**Assistant Growth Management Director: Jesse Anderson / EM: [jesse.anderson@palmbayflorida.org](mailto:jesse.anderson@palmbayflorida.org)**

**CITY OF P.B. Deputy Manager: Joan Junkala / EM: [joan.junkala@palmbayflorida.org](mailto:joan.junkala@palmbayflorida.org)**

**P.B. PRINCIPAL PLANNER: Alexandra Bernard / EM: [Alexandra.bernard@palmbayflorida.org](mailto:Alexandra.bernard@palmbayflorida.org)**

\*\*\*\*\*

Thank you!

**Susan** 

We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19

## Alexandra Bernard

---

**From:** Joan Junkala  
**Sent:** Friday, June 23, 2023 10:30 AM  
**To:** Rob Medina; Gjbarden077; Terese Jones; Terri Lefler; Patricia D. Smith; Suzanne Sherman  
**Cc:** Jesse Anderson; Alexandra Bernard  
**Subject:** RE: Case A23-00001 Annexation

Ms. Barden,

Thank you for your email. You're input is noted and will be forwarded to the assigned planner.



Joan A. Junkala-Brown  
Deputy City Manager

*Down to Earth* And Up To Great Things™

☎ 321.726.2601 or ext. 5370

**From:** Rob Medina <Rob.Medina@palmbayflorida.org>  
**Sent:** Thursday, June 22, 2023 8:45 PM  
**To:** Gjbarden077 <gjbarden077@aol.com>; Terese Jones <Terese.Jones@palmbayflorida.org>; Terri Lefler <Terri.Lefler@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>  
**Subject:** Re: Case A23-00001 Annexation

Ms Barden,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me. I have added our City Management Team, City Clerk, City Attorney to this email for review and record keeping purposes.

Again, thank you for all you do for our community.

Respectfully,

Rob Medina  
Mayor

---

**From:** Gjbarden077 <gjbarden077@aol.com>  
**Sent:** Thursday, June 22, 2023 5:36:49 PM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; chadra.powell@pbfl.org <chadra.powell@pbfl.org>  
**Subject:** Case A23-00001 Annexation

**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.**

Mayor Medina, City Council, Planning & Zoning and City Manager Suzanne Sherman,

I am in hopes you will take into consideration my concerns about the possible annexation of the property on the corner of Minton Rd. & Hield Rd. I am unable to attend the P & Z meeting and would like my concerns heard. Or at least I hope they are heard and taken into consideration

Respectfully

Juanita Barden City of Palm Bay Resident

To Mayor Medina, City Council, Planning & Zoning board & City Manager Suzanne Sherman,

Regarding Case # A23-00001 Property to Annex into Palm Bay.

I want to voice my concern on the possible Annexation of the property on the corner of Minton Rd & Hield Rd. for a strip type shopping plaza. I am very much against this annexation as it will only bring more of a nightmare to our area. In the notes it states the road issues will be handled by a traffic study. Where was the traffic study done when the housing tracts went up along Minton Rd on the East Side and West Side near Carriage Gate. As well with the apartment complex that has gone up next to Pineapple Cove. That small portion of tax money that would be coming to the city is it worth it. I have lived off Hield Rd for over 30 years and there is nothing that the city does for the Palm Bay residents on Hield Rd so far. With the Go Road bond money that section of paving is either the last or next to the last slot to be paved. In the 30 years I have been out there Palm Bay has never paved that section of road or maintained anything other than mowing the roadside. At my request I had reflective road tape put down because what was there is gone and worn causing a MAJOR safety hazard. It was going to be a year or so before the road was paved. The residents have tried numerous times to get police to handle the traffic issues at this light. People make a U-turns there on a regular basis. Along with blocking the intersection so residence can't enter Hield Rd. from the Publix Plaza or make the left turn to go down Hield rd. With the answers in the possible annexation is there "will be a traffic study preformed". Where is the traffic study with the current issues that can't get resolved. I am in hopes that you as our elected officials will take this into consideration. Heck I even voted to put some of you in place. **Think for a minute why are they wanting to annex into Palm Bay. Could it be they can't get it approved by the agency they currently reside in. So why not try to annex into Palm Bay and get it approved.**

Respectfully

Juanita Barden concerned Resident of Palm Bay

02 July 2023

Dear Mr. Anderson –

Re: Palm Bay Case No. CP23-00010 & CP23-00006  
Planning and Zoning Board Meeting on Wednesday, July 5, 2023  
Properties to be annexed to City of Palm Bay and to have zoning changes:  
4100 Minton Rd, Melbourne, FL 32904; PARCEL ID: 28-36-24-FA-2-1  
PROPERTY USE: OFFICE BUILDING – SINGLE TENANT  
4120 Minton Rd, Melbourne, FL 32904; PARCEL ID: 28-36-24-FA-2-1.01  
PROPERTY USE: SINGLE FAMILY RESIDENCE  
4160 Minto Rd, Melbourne, FL 32904; PARCEL ID: 28-36-24-FA-2-2  
PROPERTY USE: OFFICE BUILDING – SINGLE TENANT  
3045 HIELD RD., Melbourne, FL 32904; PARCEL ID: 28-36-24-FA-2-1.02  
PROPERTY USE: SINGLE FAMILY RESIDENCE  
This property is Residential and facing Hield Road.

**Item 1:** My name is Judith Kuhman, and I am writing to you on behalf of myself and my husband, James. We are residents of Palm Bay residing at 1680 Willard RD NW just off Hield Rd. We are writing to express our **OBJECTIONS** to the Annexation and Zoning Change FROM RES 2 (Brevard County) TO Commercial Use and A Rezoning FROM RP & AU (Brevard County) TO CC (Community Commercial) for the **3045 Hield Road property referenced above.**

**Item 2:** We are **OBJECTING** to the proposed plan of building a Starbucks on that Corner. This information was provided to the residents within the 500 ft. radius of said property that attended the "Community Meeting" held with EKS/Engineers on behalf of West Malabar Properties, Owners. This informal meeting was held April 21, 2023, and again June 6, 2023, with those residents referenced in this paragraph. The remainder of Hield Road residents **WAS NOT MADE AWARE** of these proposals until approximately June 16, 2023. This is disrespectful to residents of Palm Bay when this will adversely affect the residents of Palm Bay and not just the residents in the 500 ft. radius of properties.

**Item 3:** We are **OBJECTING** to the proposed access to these properties (also 4100 Minton property) from Hield Road.

#### **REASONS FOR OBJECTIONS:**

**Item 1:** Said property is residential. It should stay residential. It **faces Hield Road**. Hield Road is a narrow two-lane residential road that is 2 ¼ miles long from Minton Road West to the Canal. Hield Road is unincorporated Melbourne (Brevard County) from Minton Road to Powell Road. From Powell Road West to the end (Canal) is in the City of Palm Bay. **THIS PROPERTY NEEDS TO REMAIN RESIDENTIAL** in order to continue with our RESIDENTIAL community.

**Item 2:** We all know the volume of traffic Starbucks creates especially during peak times. This **ADDED** volume of traffic to this S.W. Corner of Hield and Minton will **only exacerbate** an already **EXISTING** traffic nightmare which is also causing this intersection to be becoming a very dangerous intersection especially during peak times. Southbound traffic repeatedly blocks the intersection preventing proper and safe usage. Drivers **IGNORE** the "NO U TURN" SIGN by the left turn lane from Minton. Many times, this illegal action causes intersection back-up. Remember, we now have that huge apartment complex directly across the street that contributes to increased traffic. Drivers are becoming more aggressive!

**Item 3:** WE MUST NOT ALLOW these properties to be accessed from Hield Road. Hield Road is residential. Many of the larger properties have two or three homes. We bought our property for the serenity the area provides with abundant wildlife and having an area where neighbors did not have to live on top of one another. Over the years, due to progress wildlife has been continually pushed out of their own habitat by more apartments, zero lot line residential housing, and retail businesses.

There are a lot of people living on Hield Road. Additionally, FPL has a substation West on Hield. They have their fleet of vehicles using Hield Road. Additionally, there is a very large nursery West on Hield Road. Again, there are many trucks and vehicles using Hield Road often during peak times as well.

- Hield Road, as it is, is a well-traveled two-lane road.
- Hield Road residents are taxed heavily for the privilege of living on Hield Road in a rural –like environment with horses using the road, runners, and bicyclists as well. There are no sidewalks.
- Due to increased growth in our surrounding community, Hield Road invites curious drivers to explore. There are times residents have had to call the police on suspicious individuals and vehicles lurking around.
- Having Starbucks and increased commercialism on that corner will only beg for more suspicious and at times, unlawful incidents.

## **TRAFFIC STUDIES AND CONCERNS AND BREVARD COUNTY**

### **Traffic Studies:**

1. The developer will need to provide a thorough traffic analysis as well as demonstrate that the entrances to this property/driveway would not cause major traffic impacts to Hield Road when they submit their right-of-way permit application to Brevard County.
2. Intersection traffic at Minton and Hield gets terribly backed-up due to the bottle neck of the Minton and Palm Bay Intersection. With that said, our intersection and residents should not be penalized and placed in jeopardy due to the overgrowth and lack of critical thinking from the City of Palm Bay, Engineers, and the County. SOMETHING needs to be addressed and acted upon. We cannot afford to wait another year or two for anticipated road improvements that never get done, i.e., Ascent and Hammock Landing Development across the street.

### **Concerns:**

1. Hield Road (County side) does not have soft swales for vehicles to move over to allow for emergency vehicles passage or any other types of vehicles that need to pass. There are only ditches.
2. There is a very big concern about emergency vehicles not being able to enter Hield Road due to the blocked intersection.
3. Does Brevard County and the City of Palm Bay have the appropriate amount of emergency support (fire, accidents, transport to hospitals and crime) to handle potential situations?

We are respectfully asking you to please consider our concerns and objections for the reasons stated. What is being proposed will **ADVERSELY / NEGATIVELY** impact Hield Road residents and their safety.

I also respectfully ask to make this letter a part of your records.

Very Respectfully –

James and Judith Kuhman

Palm Bay Case No. CP23-00010 & CP23-00006 / SW Corner of Hield and Minton Roads

From: Sue Shep (keepthefocus2003@yahoo.com)

To: leeta.jordan@palmbayflorida.org

Date: Monday, July 3, 2023 at 12:51 AM EDT

**TO:** Leeta Sue Jordan, Chair Person, Planning and Zoning Department  
**FROM:** Sarah (Susan) and Rick Shepherd  
4212 Hield Road, NW, Palm Bay, FL 32907 (NOT MAILING ADDRESS)  
Keepthefocus2003@yahoo.com  
**DATE:** June 30, 2023  
**RE:** Palm Bay Case No. CP23-00010 & CP23-00006  
Planning and Zoning Board Meeting on Wednesday, July 5, 2023

Properties to be annexed to City of Palm Bay and to have Zoning changes:

4100 Minton Rd., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-1

PROPERTY USE: OFFICE BUILDING – SINGLE TENANT

4120 Minton Rd., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-1.01

PROPERTY USE: SINGLE FAMILY RESIDENCE

4160 Minton Rd., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-2

PROPERTY USE: OFFICE BUILDING – SINGLE TENANT

**3045 HIELD RD., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-1.02**

**PROPERTY USE: SINGLE FAMILY RESIDENCE**

**This property is Residential and facing Hield Road.**

**Item 1:** We are writing you to express our **OBJECTIONS** to the Annexation and Zoning Change FROM RES 2 (Brevard County) TO Commercial Use and A Rezoning FROM RP & AU (Brevard County) TO CC (Community Commercial) for the **3045 Hield Road property referenced above.**

**Item 2:** We are **OBJECTING** to the proposed plan of building a Starbucks on that Corner. This information was provided to the residents within the 500 ft. radius of said property that attended the "Community Meeting" held with EKS/Engineers on behalf of West Malabar Properties, Owners. This informal meeting was held April 21, 2023 and again June 6, 2023 with those residents referenced in this paragraph. The remainder of Hield Road residents **WAS NOT MADE AWARE** of these proposals until approximately June 16, 2023.

**Item 3:** We are **OBJECTING** to the proposed access to these properties (also 4100 Minton property) from Hield Road.

**REASON FOR OBJECTIONS:**

\* **Item 1:** Said property is **residential**. It should stay residential. It **faces Hield Road**. Hield Road is a narrow two lane **residential road** that is **2 ¼ miles long from** Minton Road West to the Canal. Hield Road is unincorporated Melbourne (Brevard County) from Minton Road to Powell Road. From Powell Road West to the end (Canal) is in the City of Palm Bay. I have attached a Platt map from the Property Appraiser's office (June 2023) for your review. **THIS PROPERTY NEEDS TO REMAIN RESIDENTIAL** in order to continue with our RESIDENTIAL status within the community.

\* **Item 2:** We all know the volume of traffic Starbucks creates especially during peak times. This **ADDED** volume of traffic to this S.W. Corner of Hield and Minton will only **exacerbate** an already EXISTING traffic nightmare which is also causing this intersection to becoming a very dangerous intersection especially during peak times. Southbound traffic **repeatedly** blocks the intersection preventing proper and safe usage. Drivers **IGNORE** the "NO U TURN" SIGN by the left turn lane from

Minton. Many times, this illegal action causes intersection back-up. Remember, we now have that huge apartment complex directly across the street that contributes to increased traffic.

**\*\*** *I have almost been hit multiple times making a left on to Hield from Minton or making a left from Hield to go North on Minton. Drivers in general are becoming more aggressive!*

**\*** **Item 3:** WE MUST NOT ALLOW these properties to be accessed from Hield Road. As you can see from the attached reference Platt map, Hield Road is residential. Many of the larger properties have two or three homes. There are a lot of people living on Hield Road. Additionally, FPL has a sub-station West on Hield. They have their fleet of vehicles using Hield Road. Additionally, there is a very large nursery West on Hield Road. Again, their many trucks and vehicles use Hield Road often during peak times as well.

**\*** As you can see, Hield Road, as it is, is a well-traveled two-lane road. A dead-end road. One way in and out. No side streets to get out in case of emergency.

**\*** Hield Road residents are taxed heavily for the privilege of living on Hield Road in a rural-like environment with horses using the road, runners, and bicyclists as well. There are no sidewalks.

**\*** Due to increased growth in our surrounding community, Hield Road invites curious drivers to explore. There are times residents have had to call the police on suspicious individuals and vehicles lurking around.

**\*** Having Starbucks and/or any other establishment with increased commercialism on that corner will only beg for more suspicious and at times, unlawful incidents.

### **TRAFFIC STUDIES AND CONCERNS AND BREVARD COUNTY**

#### **Traffic Studies:**

**\*\*** The developer will need to provide a thorough traffic analysis as well as demonstrate that the entrances to this property/driveway would not cause major traffic impacts to Hield Road when they submit their right-of-way permit application to Brevard County.

**\*\*** Intersection traffic at Minton and Hield gets terribly backed-up due to the bottle neck of the Minton and Palm Bay Intersection. With that said, our intersection and residents should not be penalized and placed in jeopardy due to the overgrowth and lack of critical thinking from the City of Palm Bay, Engineers and the County. SOMETHING needs to be addressed and acted upon. We cannot afford to wait another year or two for anticipated road improvements that never get done, i.e. Ascent and Hammock Landing Development across the street.

#### **Concerns:**

**\*\*** Hield Road (County side) does not have soft swales for vehicles to move over to allow for **emergency vehicles** passage or any other type vehicle that needs to pass. There are only ditches.

**\*\*** There is a very big concern for **emergency vehicles not being able to enter or Exit Hield Road due to the blocked intersection. Who will carry the liability for the life of the individual needing emergency care while precious minutes are passing by to save the life of the individual?**

**\*\*** Does Brevard County and the City of Palm Bay have the appropriate amount of **emergency support** (fire, accidents, transport to hospitals and policing to handle potential situations)?

I respectfully request you will consider our concerns and objections for the reasons stated. What is being proposed will ADVERSELY / NEGATIVELY impact Hield Road residents and their safety.

I also respectfully ask to make this letter a part of your records.

Thank you for your time and considerations.

*Sarah (Susan) R. Shepherd*  
Sarah and Rick Shepherd; Attachments: 3 Maps, Photo of Starbucks on Palm Bay Rd & Aldi's, Site Plan for Starbucks

(c) 321-698-6803

**Susan**

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**



Hield Road 2023 from Property Appraiser snip 3.pdf  
430.3kB



Black White Marked Sold Properties.JPG  
149kB



EKS First Letter of Community Meeting 2.pdf  
543kB



Starbucks Photo 2 6-29-2023 IMG\_7844.JPEG  
3.3MB



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

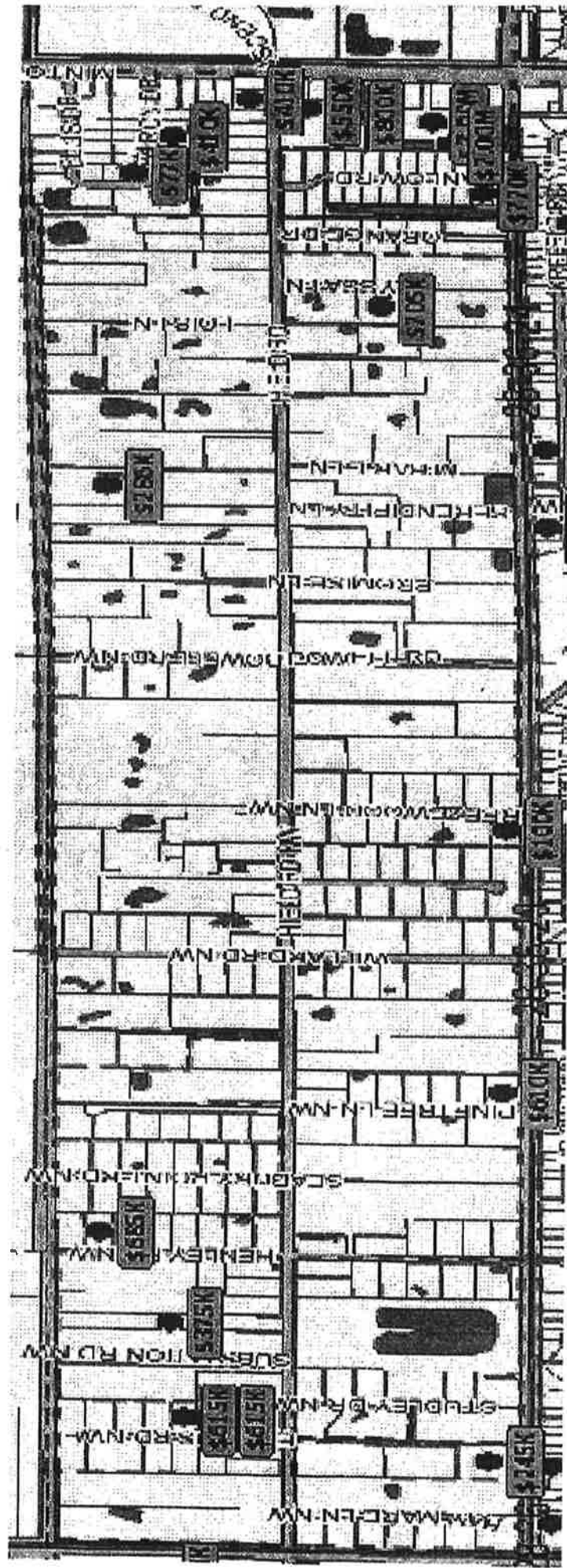


**AERIAL LOCATION MAP CASE: CP23-00010 & CP23-00006**

**Subject Property**

Southwest corner of Hield Road and Minton Road

**HIELD ROAD WEST FROM MINTON ROAD (CTY RD 509) TO THE END OF HIELD TO BAY MARE APPROXIMATELY 2 ¼ MILES  
ONE WAY IN AND ONE WAY OUT. ALL SIDE STREETS AND HIELD ROAD ARE DEAD ENDS.**





TECHNICAL MEMORANDUM  
Christy Fischer  
Corrina Gumm, P.E.  
July 19, 2021  
Page 2

# BUILD-OUT CONDITIONS ANALYSIS

Based on the January 2020 TIS, the signalized intersections shown in Table 2 were analyzed under 2021 build-out conditions to determine the operational level of service.

Table 2  
2021 Build-Out PM Peak-Hour LOS – Signalized Intersections  
Ascend Hammock Landing

Intersection	Adopted LOS	Build-Out Conditions					
		AM Peak-Hour			PM Peak-Hour		
		Delay (sec.)	LOS	V/C > 1.0	Delay (sec.)	LOS	V/C > 1.0
Minton Rd at Wingate Blvd	E	34.5	C	No	41.2	D	Yes
Minton Rd at Flanagan Ave	E	15.4	B	No	14.4	B	No
Minton Rd at Eber Blvd	E	20.1	C	No	33.0	C	Yes
Minton Rd at Norfolk Pkwy	E	27.4	C	No	43.2	D	No
Minton Rd at Hield Rd/Prolect Driveway	E	22.1	C	No	18.4	B	Yes
Minton Rd at Palm Bay Rd	E	109.7	F	Yes	145.2	F	Yes
Minton Rd at Emerson Dr	E	54.5	D	No	39.6	D	No
Palm Bay Rd at Athens Dr	E	34.9	C	No	22.5	C	No
Palm Bay Rd at Norfolk Pkwy	E	32.6	C	No	57.6	E	Yes
Palm Bay Rd at SB I-95	E	23.9	C	No	38.7	D	No
Palm Bay Rd at NB I-95	E	24.1	C	No	18.0	B	No
Palm Bay Rd at Hollywood Blvd	E	39.5	D	No	46.0	D	No
Minton Rd at Frontage Rd*	E	-	A	No	-	A	-

As indicated in the table above, the signalized intersections of Minton Road at Wingate Boulevard, Eber Boulevard, Hield Road, and Palm Bay Road and Palm Bay Road at Norfolk Parkway are anticipated to operate outside the adopted level of service and/or with a v/c ratio greater than 1.0. Based on the TIS submitted Revised July 2020, the following improvements were recommended:

## Minton Road at Wingate Boulevard:

- Optimize signal timings

## Minton Road at Eber Boulevard:

- Optimize signal timings

## Minton Road at Hield Road:

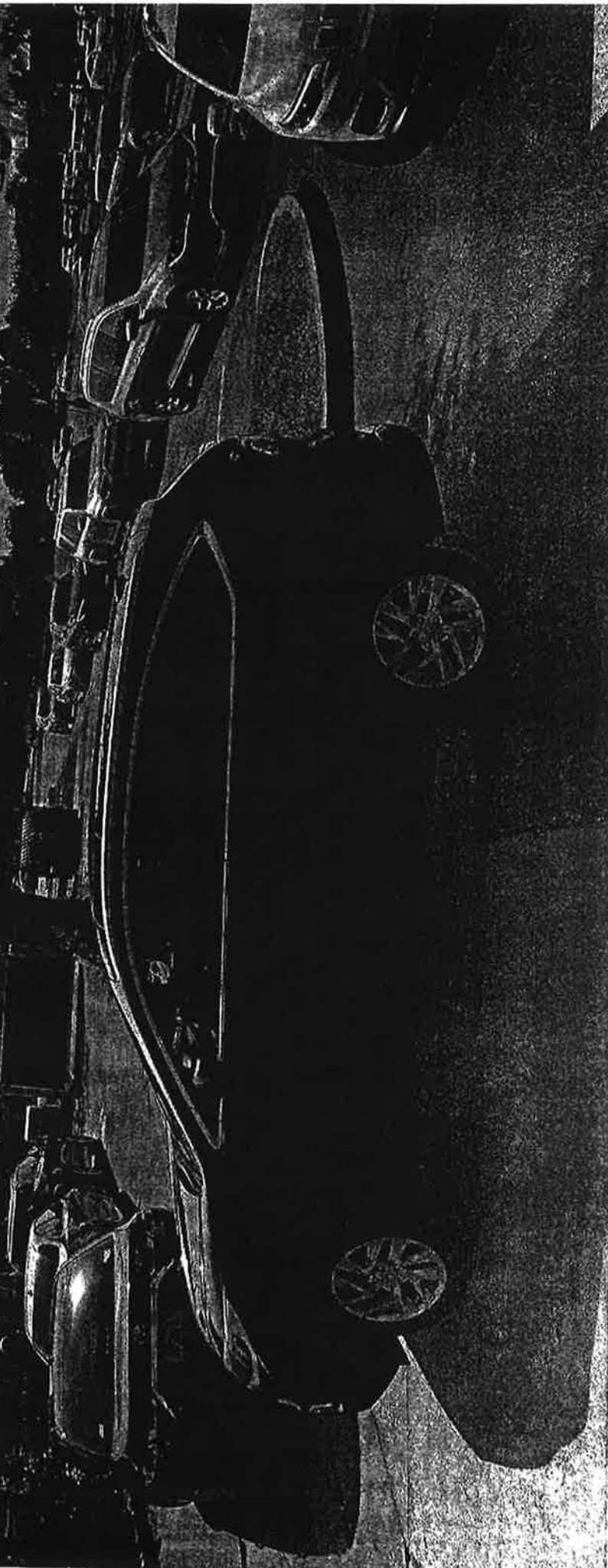
- Convert eastbound multi-directional lane into a left-turn lane
- Add eastbound through-right lane
- Add "DO NOT BLOCK" box pavement marking and signs at the Frontage Road/Project Driveway
- Optimize signal timings

## Minton Road at Palm Bay Road:

- Restripe the westbound shared through/left-turn lane to a dedicated left-turn lane (triple dedicated lefts)
- Restripe the westbound right-turn lane to a shared through/right-turn lane
- Add an eastbound right-turn lane
- Remove split phasing
- Add a southbound left-turn lane (dual lefts)
- Optimize signal timings

6/2023

This Cannot be  
allowed at Hield +  
Minton intersection  
This will Adversely affect  
2 Lane Rd + SAFETY  
for Residents



## Chandra Powell

**From:** Cynthia Kennard <ckennard61@gmail.com>  
**Sent:** Tuesday, July 4, 2023 3:05 PM  
**To:** Cynthia Kennard; Chandra Powell; Rob Medina; Kenny Johnson; Randy Foster; Donny Felix; Suzanne Sherman; Land Development Web  
**Subject:** Minton/Hield Road Development Case #A23-00001 Property to Annex in to Palm Bay

**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.

We are writing to voice our concerns regarding the proposed annexation of the land on the corner of Minton Road and Hield Road. We understand that when the city of West Melbourne was approached about allowing this area to be rezoned as commercial property, they rejected the proposal because of the issues with the traffic. Now the developer would like the city of Palm Bay to allow the property to be annexed, with the hopes that Palm Bay will disregard all prior concerns.

As a resident of Palm Bay who lives in the city part of Hield Road, we are against this proposal. We have many concerns.

The traffic at this intersection already is very bad. Cars make illegal U-turns on Minton Road all of the time. Between 7 and 9 in the morning and 3:30 til 6 in the evening, cars traveling on Minton always block Hield Road, making it impossible to turn left onto Hield or to cross through the intersection when leaving the Publix plaza. These things do not happen occasionally, they occur all of the time, every day. We have yet to see Law Enforcement at this intersection attempting to control this issue. Having cars attempting to turn into Starbucks, or any of the other businesses that will be added to the strip mall the developer wants to put in, will make Hield Road impassable, whether entering or exiting the community. It will be a traffic nightmare. Making the area inaccessible will not only be inconvenient, but it will be a safety hazard, a matter of life or death to some. How will emergency vehicles get through? Will they have to wait until all of the people blocking the road get their lattes, and finally clear the road? We hope that the ambulance is not carrying one of our loved ones as it attempts to exit on Hield Road, or the fire truck is not trying to get to one of our houses.

We understand a traffic study will be done to address the Minton Road issues. Why has a study not been done before this time to try to alleviate the current issues? Is it sensible to allow annexing this property to create a greater, more dangerous, issue?

There is a lot of new development on Heritage Parkway. Would that not be a safer, more practical place to build additional strip malls?

We strongly are against the idea of Palm Bay annexing this property. Please listen to why West Melbourne would not allow this land to be zoned commercial, and take into account the serious safety issues allowing this to go forth will create.

Respectfully,

Eric and Cynthia Kennard  
Pinetree Lane  
Palm Bay, FL

## Carol Gerundo

---

**From:** Alexandra Bernard  
**Sent:** Wednesday, July 5, 2023 8:34 AM  
**To:** Chandra Powell; Carol Gerundo  
**Subject:** FW: Hield Road Zoning Change Proposal

FYI...

**From:** Liz.Nielsen@L3Harris.com <Liz.Nielsen@L3Harris.com>  
**Sent:** Wednesday, July 5, 2023 8:13 AM  
**To:** Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>  
**Cc:** karin.liz.nielsen@gmail.com; danasmithbrevard@gmail.com  
**Subject:** Hield Road Zoning Change Proposal

**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.

Ms. Bernard,

We are unable to attend this evening's meeting regarding the proposed plan in work to rezone part of or all of Hield Rd to accommodate more commercial business on the adjacent Minton Rd thoroughfare. The impact to our community would be substantial and we need to ask that our voices be heard and given more weight than those requesting the change.

We have lived in the Hield community almost 30 years, as have the majority of our neighbors. We chose this location due to its rural nature. For many years we have endured more vehicle traffic on Minton Rd. causing long wait times to enter and depart the Hield Rd area. The addition of the apartment community traffic into this intersection placed additional strain for which the city did nothing to ease the traffic congestion for existing Hield Rd residents. Wait times at this intersection can be horrendous. The intersection is dangerous as north bound drivers repeatedly ignore the do not U turn signage. Adding a shopping center/Starbucks to this very intersection would be intolerable – and we will not sit by and let this occur now that we have learned of the plan in advance. The zoning change must come with a plan to assess the impact to Hield Rd. traffic and funds to address reasonable intersection modifications to accommodate the additional traffic.

We urge you to hear our voices and lead the way to find and implement a solution that supports the Hield Rd. community not just commercial growth.

Respectfully,

Karin and Gary Nielsen  
1640 Willard Rd. NW  
Palm Bay, FL, 32907  
321-223-9914

Changing the zoning now would increase traffic

K. Liz Nielsen  
Principal Program Manager  
SPACE & AIRBORNE SYSTEMS / L3HARRIS TECHNOLOGIES  
Office: 321.309.7739 or Mobile: 321.223.9914  
L3Harris.com / [liz.nielsen@L3Harris.com](mailto:liz.nielsen@L3Harris.com)  
P.O Box 37/M/S R5-22E/Melbourne, FL 32902-0037/USA



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## Carol Gerundo

---

**From:** Jesse Anderson  
**Sent:** Thursday, July 6, 2023 10:32 AM  
**To:** Chandra Powell; Carol Gerundo  
**Cc:** Alexandra Bernard  
**Subject:** FW: Just say NO to Starbucks!

Good morning,

Please add this to the case file correspondence.

Thank you!

Best,



Jesse D. Anderson, Ph.D  
Assistant Growth Management  
Director

*Down to Earth And Up To Great Things™*

 ext. 5310

[Participate in the Palm Bay Comprehensive Plan Update Here!](#)

**From:** Kendra Somberg <mrssomberg@gmail.com>

**Sent:** Wednesday, July 5, 2023 4:47 PM

**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Leeta Jordan <Leeta.Jordan@palmbayflorida.org>

**Subject:** Just say NO to Starbucks!

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom this may concern:

I was hoping to be present at tonight's meeting regarding the proposed building of a Starbucks on the SW corner of Minton Rd and Hield Rd. But, unfortunately i am unable to attend. I do however hope this email will be able to not fall on deaf ears.

As a resident who lives off Hield road my husband and I are very much opposed to the proposed building of another unneeded Starbucks. The intersection this is proposed for is already extremely congested and overwhelming at all times of the day due to the traffic from the Ascend apartment complex and Pineapple Cove Academy. Adding a Starbucks with

the entrance on Hield rd and all of it's insane traffic is only going to add to what is already a nightmare. It is hard for me to understand why there is even a proposal for a Starbucks at this location when there are two other Starbucks within 2.7 miles of this location. Why do we need another one?

This city is growing at an alarmingly fast rate. Our roads cannot keep up. Our schools are overcrowded. Yet let's build another Starbucks, Dollar General or car wash....? Doesn't make a lot of sense. Please help protect what is left of our intersection and just say NO to Starbucks!!

Sincerely,

Kendra Somberg

## Chandra Powell

---

**From:** Gjbarden077 <gjbarden077@aol.com>  
**Sent:** Tuesday, July 11, 2023 12:44 PM  
**To:** Rob Medina; Donny Felix; Randy Foster; Kenny Johnson; Suzanne Sherman; Chandra Powell; Land Development Web  
**Subject:** sw corner Hield Rd annexation  
**Attachments:** City council\_2\_heild\_rd.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**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.

---

City Council, Mayor Medina, City Manager Suzanne Sherman, Land Dev. & P & Z,

I am writing again to voice my concern about the annexation & rezoning of the SW corner of Hield Rd. P & Z has approved this process to continue as they are only volunteers for the board. They aren't paid to make the tough calls. But you as OUR elected officials are paid to make these calls. So I am asking again to NOT approve this annexation and rezoning this property in the SW corner of Hield Rd. I realize it's all Brevard County's problem with the road but if this process goes forward you will be allowing this nightmare to continue. I am asking for you to consider the impact it will have on the residents of Hield Rd. Some of which ARE Palm Bay residents.

Thank you for your time and I am in hopes you will visit this intersection before the next council meeting where this annexation and rezoning is to take place and see what we deal with on a daily basis. During this time there are no schools open so the traffic is a little less but not by much.

Concerned Hield Rd Resident of Palm Bay

Juanita Barden

City council, City Manager & Planning Zoning,

I would like to thank the Planning & Zoning board for them doing their job, plus to point a few things on moving this process of rezoning & annexation of the property on the SW corner of Hield Rd.

1. The board pointed out the road and the intersection belong to Brevard County to maintain and monitor the traffic issues of illegal U turns and vehicles sitting under the light so NO traffic can pass on or off Hield Rd during peak traffic times. The illegal "U" turns they are done every day all day long.
2. It's not Palm Bay's problem to correct the road or traffic issues you must complain to the County. Well, many of the Hield Rd residents have done this for years and nothing happens. Yet you're willing to annex this piece of property into Palm Bay and not worry about the road problems and traffic issues because that's the county's problem. WAY TO GO Planning & Zoning board. Again, you're not worried about the residents of Palm Bay just the possibility of more commercial taxes.
3. Bill Batten pointed out when the speed limit was to be raised on Hield Rd only (1) one person was there to fight against it. But there were over 100 people there against this rezoning & annexation and the board approved it. Raising the speed limit didn't affect hundreds of residents daily impact of getting in and out of Hield Rd. This possible annexation & rezoning WILL impact us.
4. Quiet a few years ago the Palm Bay Colony residents came to the council to assist them with their flooding issues. They have an HOA and were unable to finance the work that needed to be done to alleviate their flooding issues. So, they asked the city council for help. There must have been 40 residents or more at the council meeting asking for help and it was approved. The city did a bid awarded it for assisting Palm Bay Colony in their flooding issues for approximately \$38K. The residents of Hield Rd are not asking for any money we just don't want the traffic issues at the entrance of our road. If 100 plus people showing their support isn't enough for attention, I am not sure what does. These are the same people that elected some of you into office in hopes that when we needed your help you are there to assist us.
5. The Planning & Zoning board are only volunteers they aren't paid to make the hard decisions. That's why we have YOU the City Council & Mayor. So now step up to the plate and deny this annexation & rezoning of the SW corner of Hield Rd. All of the property that is on the agenda for annexation & rezoning commercial DENY IT!!

So again, I am asking you not to approve this annexation and rezoning of the SW corner of Hield Rd into Palm Bay. I also invite each council member, Mayor, city Manager and the Planning & Zoning members to sit there at the entrance of Hield Rd during evening traffic 3:30 to approximately 6pm and watch the cluster we deal with every day. You all will attend a groundbreaking, ribbon cutting ceremony, new park opening, pool reopening kodak moment, so I invite you to sit at Hield Rd sometime between now and the next council meeting. Of course, the traffic isn't as bad now as it is when school is in session so it's not a truly accurate account of our daily cluster. Then if you make this annexation & rezoning real just imagine what you're going to approve BUT WAIT it's NOT Palm Bay's problem it's BREVARD COUNTY'S!!!

Ask yourself why after all these years does this property want to be annexed into Palm Bay. MAYBE JUST MAYBE THE AGENCY THEY ARE IN WON'T APPROVE THEIR PLAN!!! Did anyone ask this question??

Concerned Resident of Hield Rd.

Juanita Barden

## Chandra Powell

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**From:** Angela Burak  
**Sent:** Monday, July 17, 2023 8:43 AM  
**To:** Chandra Powell; Carol Gerundo  
**Subject:** FW: Annexation of and zoning change of SW corner of Minton and Hield Road

Fyi also

**From:** Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>  
**Sent:** Friday, July 14, 2023 12:06 PM  
**To:** Dennis Foster <dennisf703@gmail.com>; Rob Medina <Rob.Medina@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>  
**Cc:** Terri Rines <terrirines@gmail.com>; Terese Jones <Terese.Jones@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>  
**Subject:** RE: Annexation of and zoning change of SW corner of Minton and Hield Road

Good afternoon,

Thank you for reaching out to us regarding your concerns. I know this will be a significant discussion for all of us, and we appreciate your input.

I also wanted to let you know, in case you are not already aware, that the applicant has submitted a request to continue these items from the July 20<sup>th</sup> Council meeting to the August 17<sup>th</sup> Council meeting. Procedurally, the items will all remain on the agenda for the July 20<sup>th</sup> meeting, and early on in the meeting, City Council will consider whether to grant the request for continuance.

Thank you,

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

**From:** Dennis Foster <dennisf703@gmail.com>  
**Sent:** Friday, July 14, 2023 11:58 AM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>  
**Cc:** Terri Rines <terrirines@gmail.com>  
**Subject:** Annexation of and zoning change of SW corner of Minton and Hield Road

**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.

Dennis Foster and Terri Rines  
4366 Hield Road NW  
Palm Bay, FL 32907

Ref: Ordinance 2023-59 thru 62 on this weeks July 20, 2023 City Council Meeting Agenda

Dear Rob, Randy, Donnie, Kenny and Suzanne,

As I'm sure you are aware, there is a plan underway to develop the SW corner of Minton and Hield road adding a future potential shopping center (unknown exactly what) and a drive thru Starbucks Coffee Shop directly on that corner. The developer wants Palm Bay to annex that entire property so that he can get access to Palm Bay City water and sewer and then to build the complex on that corner. He currently has a contract with Starbucks to provide a turn-key property on that corner if approved where a Starbucks drive through would be built.

**We want to go on record as being completely against this proposal for the following reasons:**

1. That intersection is already a traffic nightmare. The backup during peak rush hour has been studied previously and is already operating outside its level of service. The recent addition of the new apartment complex on the NE corner of that intersection (West Melbourne) has made it much worse. Adding a drive thru Starbucks coffee on that corner is just a bad idea traffic and safety wise. Drive through Starbucks generates hundreds of cars per day (up to 80 cars per hour average for the whole day - up to 2X that volume during peak morning coffee rush hour). If you have ever driven up to a Starbucks during peak hours the traffic usually is around the building and spilling out into the street. There are already two Starbucks coffee shops within 1/2 mile of this location (one inside of the Target store and one on Palm Bay road east of I95 overpass).
2. Safety of all Hield road residents both in the county and in Palm Bay. A traffic backup at that intersection can prevent emergency vehicles access to all the residents (there is only one entrance to Hield Road). Morning school buses will be delayed. Pedestrian and bicycle traffic will be extremely dangerous.
3. We object to the rezoning to commercial of the second house just west of the house on the corner. Hield road is a rural residential zoning. If you allow commercial rezoning creep westward on Hield road where will it end? What would stop the next one or two houses from being rezoned to commercial? How long is it going to be before we get a car wash or Dollar General on Hield Rd? All the residents that live on Hield, both country and Palm Bay residents, bought property there because of the rural residential nature. We reject soundly the encroachment of commercial businesses into our neighborhood.

The July 3rd P & Z Board Meeting approved this whole thing with the recommendation of NO entry / exit on Hield. **This is the absolute minimum response we expect of council.** Please do not allow a driveway entrance onto a primarily residential street from this property. An entrance or exit onto Hield road from the Starbucks would bring traffic to a complete stop.

Folks, We beg of you to do the right thing for the residents of Palm Bay on Hield Road. This corner has to be one of the worst locations for a Starbucks coffee drive through in the area. Please do not allow the annexation and zoning changes to take place on this corner.

Vote Nay on Ordinance 2023-59 thru 62 on this weeks July 20, 2023 City Council Meeting Agenda.

I expect the public response at this weeks council meeting to be substantial. All the folks in the audience wearing orange ribbons are opposed to this proposal.

Thank you,  
Dennis Foster and Terri Rines

## **ORDINANCE 2023-37**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HIELD ROAD AND MINTON ROAD, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR FILING A COPY OF THE ORDINANCE WITH THE BREVARD COUNTY CLERK OF THE CIRCUIT COURT, THE CHIEF ADMINISTRATIVE OFFICER OF BREVARD COUNTY, AND THE STATE OF FLORIDA DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Cole Oliver/West Malabar Properties, LLC, has petitioned the City Council of the City of Palm Bay to voluntarily annex the herein described property, and

**WHEREAS**, said property is situated in an unincorporated area of Brevard County and is contiguous to the present boundary of the City of Palm Bay, and

**WHEREAS**, said property is reasonably compact and annexation of it would not result in the creation of an enclave, and

**WHEREAS**, the City Council of the City of Palm Bay desires to annex said property into 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.** In accordance with the provisions of Section 171.044, Florida Statutes, the following described parcel of real property being situated in the County of Brevard, State of Florida, and being contiguous to the existing corporate limits and boundaries of the City of Palm Bay, and being reasonably compact, and creating no enclaves is hereby annexed, established, organized into and made a part of the City of Palm Bay:

A parcel of land lying withing Section 24, Township 26S, Range 36E, and being a portion of Lots 1 and 2, Block 2, Plat of the Melbourne Poultry Colony Addition No 1, as recorded in Plat Book 7, Page 12, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commence at the northeast corner of said Lot 1, Block 2, thence run S 88°34'45" W, along the south right-of-way line of Hield Road (66' R/W) a distance of 26.66 feet to a point on a curve concave westerly having a radius of 37940.00 feet, a central angle of 00°32'55" and the point of beginning; thence from a radial bearing on N 89°25'21" W, run southerly along the arc of said curve and the westerly right-of-way line of Minton Road, a distance of 363.30 feet to the point of tangency thereof; thence S 01°07'34" W, a distance of 109.50 feet; thence S 88°35'11" W, a distance of 606.96 feet; thence N 00°31'45" E, along the west line of said Lot 2, Block 2, a distance of 149.66 feet; thence N 88°32'52" E, along the north line of said Lot 2, a distance of 274.66 feet; thence N 00°27'06" E, a distance of 322.78 feet to the south right-of-way line of Hield Road; thence N 88°34'45" E, along Hield Road, a distance of 335.94 feet to the point of beginning; containing 4.57 acres, more or less.

**SECTION 2.** The corporate limits and boundary lines of the City of Palm Bay, Brevard County, Florida, shall be redefined so as to include therein the above-described parcel hereby annexed.

**SECTION 3.** The parcel of property to be annexed is hereby depicted on the attached map which, by reference, is incorporated herein as Exhibit 'A'.

**SECTION 4.** This ordinance of annexation has been noticed, by reference, once a week for two consecutive weeks in a newspaper of general circulation in the County of Brevard, Florida, prior to its adoption.

**SECTION 5.** The City Clerk shall file a copy of this ordinance with the Brevard County Clerk of the Circuit Court, the Chief Administrator of Brevard County, and the State of Florida Department of State.

**SECTION 6.** 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 7.** 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 8.** 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.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

Applicant: Cole Oliver/West Malabar Properties, LLC  
Case: A23-00001

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

**DATE:** 9/19/2023

**RE:** Ordinance 2023-63, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southwest corner of Hield Road and Minton Road from Residential 2 Use (Brevard County) to Commercial Use (City of Palm Bay) (4.58 acres) (Case CP23-00010, Cole Oliver/West Malabar Properties, LLC), only one reading required. (CONTINUED FROM 08/17/23 RCM)

As you may recall, the above request was scheduled for the July 20, 2023, regular Council meeting. Council voted to continue the request at the applicant's request.

Cole Oliver, West Malabar Properties, LLC has submitted for a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change 4.58 acres of land from Residential 2 and Neighborhood Commercial (Brevard County) to Commercial (City of Palm Bay).

The subject parcels are located west of and adjacent to Minton Rd in the vicinity south of Hield Rd. There are four parcels included in this request which are comprised of two office buildings and two single family homes.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Motion to approve Case CP23-00010.

**Planning and Zoning Board Recommendation:**

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion to submit Case CP23-00010 to City Council for approval.

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

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

**Nay:** Good, McLeod, Warner.

**ATTACHMENTS:**

**Description**

CP23-00010 -- Staff Report

CP23-00010 -- Survey

CP23-00010 -- Citizen Participation Plan Report

CP23-00010 -- Application

CP23-00010 -- Legal Acknowledgement

CP23-00010 -- Legal Ad

Continuance Request (08/17/23 RCM)

CP23-00010 -- Correspondence

CP23-00010 -- Correspondence - 07-06-2023

Correspondence (submitted for July 20, 2023, RCM)

Correspondence (August 17, 2023, RCM)

Correspondence (September 19, 2023, RCM)

Additional Correspondence

Ordinance 2023-63



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

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

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

#### Prepared by

Alix Bernard, Principal Planner

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#### CASE NUMBER

CP23-00010

#### PLANNING & ZONING BOARD HEARING DATE

July 5, 2023

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#### PROPERTY OWNER & APPLICANT

Cole Oliver, West Malabar Properties,  
LLC

#### PROPERTY LOCATION/ADDRESS

Lot 1; 1.02 & 2, Melbourne Poultry Colony Addition,  
Section 24, Township 28, Range 36, Brevard County,  
Florida; containing approximately 4.58 acres. Located  
west of adjacent to Minton Rd, in the vicinity of Palm  
Bay Rd NE; Tax Account 2806110, 2806111, 2806112,  
2806115

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#### SUMMARY OF REQUEST

The applicant is requesting a small scale Future Land Use map amendment from RES-2 Residential 2 (Brevard County) to Commercial.

##### Existing Zoning

RP Residential Professional & AU Agricultural Residential (Brevard County)

##### Existing Land Use

RES-2 Residential 2 (Brevard County)

##### Site Improvements

2 office buildings and 2 single family homes

##### Site Acreage

4.58 acres

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#### SURROUNDING FUTURE LAND USE & USE OF LAND

##### North

RES 2, Residential 2 (Brevard County); Single-Family Homes

##### East

COM, Commercial (West Melbourne); Charter School and Retail Plaza

##### South

CC, Community Commercial (Brevard County); Trailer Service

##### West

RES 2, Residential 2 (Brevard County); Single-Family Homes

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**BACKGROUND:**

The subject parcels are located west of and adjacent to Minton Rd, in the vicinity south of Hield Rd. There are four (4) parcels totaling 4.58 acres included in this request, which is comprised of two office buildings and two single family homes.

The applicant is requesting to change the future land use of this property from RES 2 Residential 2 (Brevard County) to Commercial (City of Palm Bay). This request is conjunction with a voluntary annexation request for the same parcels as well as 4180 Minton Road, a parcel immediately south of these parcels and abutting property within Palm Bay city limits, both of which are scheduled to be heard at the July 20, 2023 Regular Council Meeting.

**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.

Objective FLU-1.4 Provide and maintain FLUCs and zoning districts that would accommodate a diverse range of nonresidential activities of varying types and sizes.

The subject properties are located west of and adjacent to Minton Road, in the vicinity south of Hield Road. There are (4) four parcels totaling 4.58 acres included in this request. Currently, all four parcel have a Future Land Use of Residential 2, which is a Brevard County Future Land Use Classification.

The request to change the future land use from RES 2 (Brevard County) to Commercial (City of Palm Bay) is in alignment with the objective FLU-1.4 of the Comprehensive Plan, as this would be compatible with the surrounding area, which is predominantly commercially.. Furthermore, the proposed Future Land Use change will allow the opportunity for more commercial in an already established major commercial intersection.

## 2. CONSERVATION ELEMENT

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

No protected species are known to inhabit the subject property. Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.6A.

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

## 3. HOUSING ELEMENT

The goal HSG -1 of the Housing element in the Comprehensive Plan is to cultivate a diverse, safe and affordable housing stock with meets the needs of all currently and future residents of Palm Bay.

The proposed FLU amendment will not have a significant impact the supply and variety of safe, decent, attractive, and affordable housing within the City as the request is for a commercial land use.

## 4. INFRASTRUCTURE ELEMENTS

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

**Utilities:** The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. If developed water and sewer lines will have to be run to this site.

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

## 5. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The proposed FLU amendment to Commercial will not add the potential of any additional housing units. As such, a School Concurrency application is not required per the Interlocal Agreement with Brevard Public Schools.

## 6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment to Commercial will have a De minimis impact on the demand for recreation services.

## 7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that adequately serves the needs of all residents and visitors of Palm Bay. If developed, a traffic impact analysis may be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the site plan review/approval process.

## 8. PROPERTY RIGHTS ELEMENT

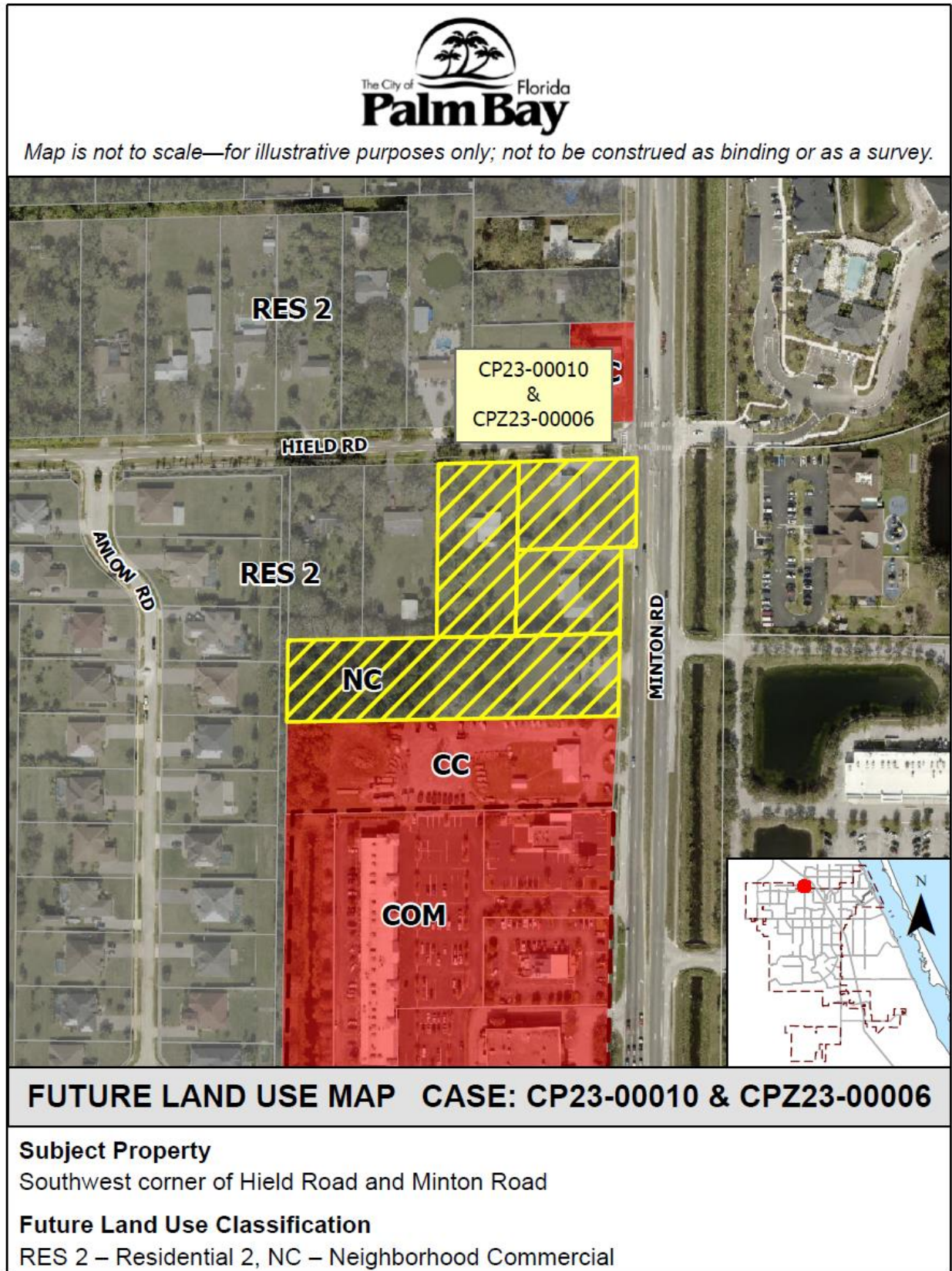
The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

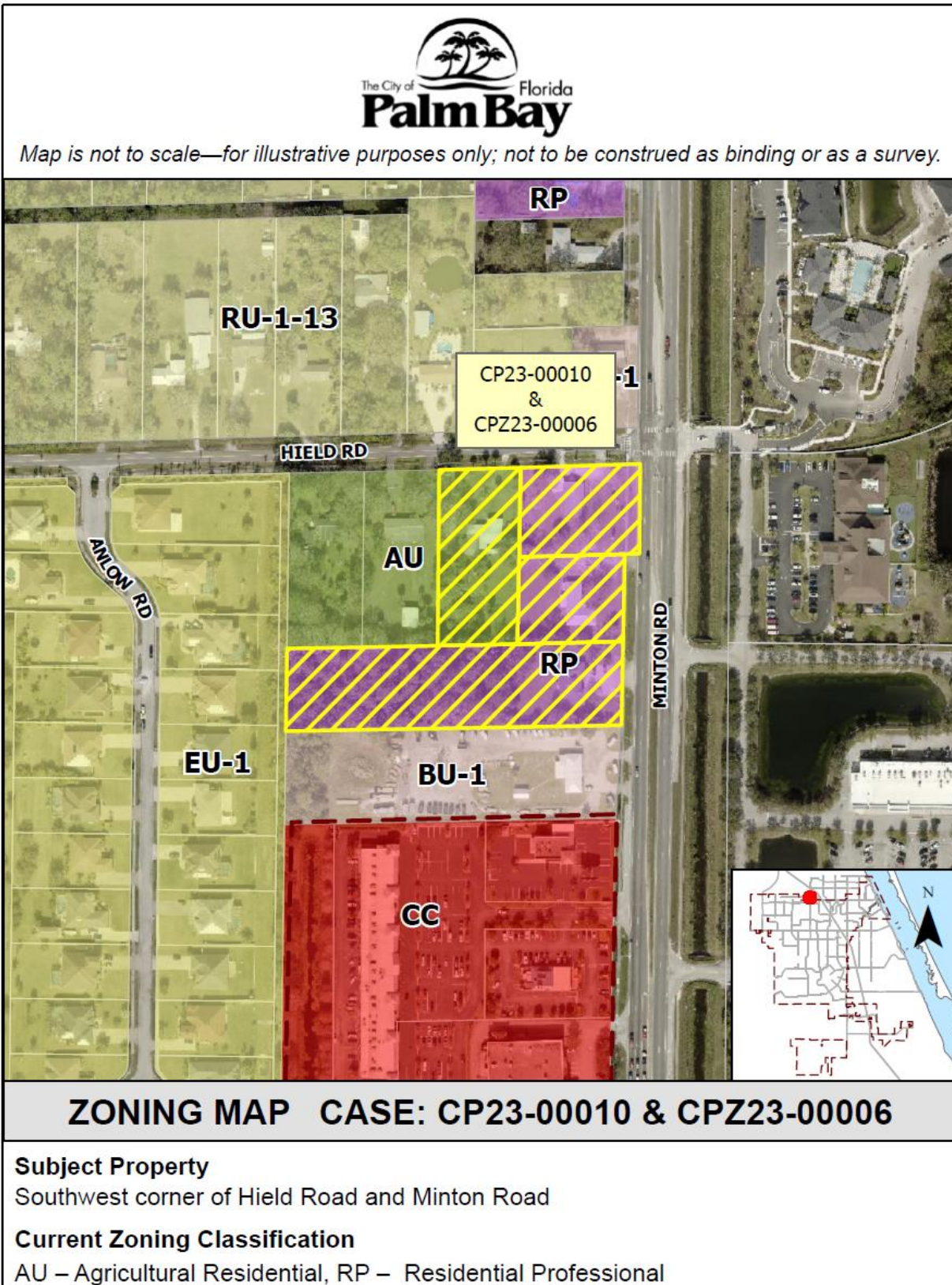
This proposed land-use change does not appear to infringe upon the property rights of the applicant.

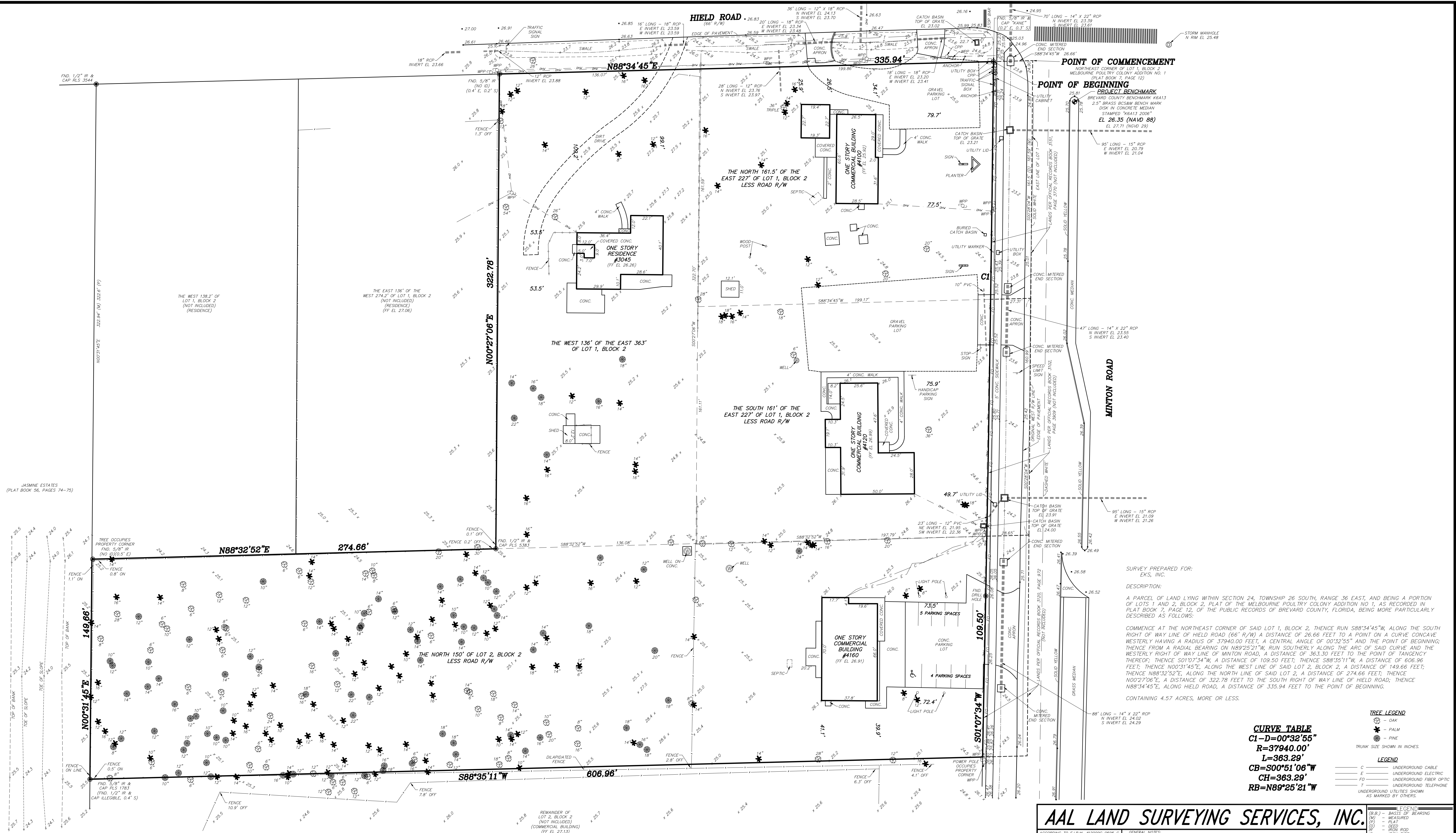
### **STAFF FINDINGS:**

Staff recommends Case CP23-00010 for approval.









## AAL LAND SURVEYING SERVICES, INC.

<b>GENERAL NOTES:</b> 1. THIS SURVEY 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 63-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 475.027, FLORIDA STATUTES. 2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED HEREON AND SHOULD NOT BE RELED UPON BY ANY OTHER ENTITY AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES. 3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE SEAL OF THE FLORIDA LICENSED SURVEYOR AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN. 4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR. 5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED. 6. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS. 7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN. 8. ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED. 9. NO WELLS AND NO SEPTICS ARE DEFINITIVE TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND SEPTICS, HOWEVER NONE WERE FOUND USING STANDARD SURVEY LOCATING EQUIPMENT.		<b>LEGEND:</b> (B.B.) - BASIS OF BEARING (M) - MEASURED (S) - PLAT (D) - DEED (R) - ROAD (P) - POWER POLE (N) - NAIL AND TIN TAB (C.M.) - CONCRETE MONUMENT (P.M.) - PERMANENT REFERENCE MARKER (C.W.) - CODE OF WATER (C.B.) - CHORD BEARING (S.L.) - SLOPE (R) - RADIAL BEARING (O.V.) - OVERHEAD WIRE (E.P.) - EDGE OF PAVEMENT (P.U.) - PUBLIC UTILITY EASEMENT (D.E.) - DRAINAGE EASEMENT (E) - ELEVATION (C) - CONCRETE (R.C.P.) - REINFORCED CONCRETE PIPE (C.M.P.) - CORRUGATED METAL PIPE (S) - CENTERLINE (L.B.) - LICENSED BUSINESS (P.L.S.) - PROFESSIONAL LAND SURVEYOR
<b>BOUNDARY SURVEY</b> SCALE: 1" = 30' NORTH REVISION: _____ REVISION: _____ REVISION: _____ REVISION: _____ REVISION: _____ REVISION: _____ FIELD DATE: 04-05-23 SECTION 24, TOWNSHIP 28 SOUTH, RANGE 36 EAST PROJECT #47133		<b>CURVE TABLE</b> C1-D=00°32'55" R=37940.00' L=363.29' CB=S00°51'06"W CH=363.29' RB=N89°25'21"W
3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B.#5823 PHONE: (321)768-8110 FAX: (321)852-9771 E-MAIL: frontdesk@atsurvey.com ANDREW W. POWSHOK P.L.S. No. 5383		DANIEL D. GARNER P.L.S. No. 6189



## **CITIZEN PARTICIPATION REPORT**

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

### **CASE DETAILS**

Applicant Name	Cole Oliver
Project Name	West Malabar Properties, L.L.C.
Case Type	Preliminary Development Plan-Annexation into the City of PB
Case Description	Commercial Redevelopment
Intended Month of Submission	May 2023

### **INFORMATION ON THE CITIZEN PARTICIPATION MEETING**

Notice to the Public (Date)	4/7/2023
Date of CPP	4/21/2023
Location of the Meeting	Comfort Suites Palm Bay
Number of Attendees	16



**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:**

	<b>Comments</b>	<b>Resolution</b>	<b>Justification if the applicant is unable or unwilling to address the issue</b>
	Attendee-The entrance to Hield Road is the only way in or out of the Hield Road Neighborhood. This will cause traffic congestion and make it a catastrophic safety hazard for emergency vehicles to get in and out of the neighborhood. Also, it will make it difficult to just get out of the neighborhood. This can be resolved by 1) Not doing developing 2) Move it down to another plat 3) Eliminate the entrance that is located on Hield Road. If an accident happens at this intersection, we are trapped in the neighborhood. Eliminate Hield Road entrance and put a left turn lane south of the proposed locations for Minton's north bound traffic.	There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.	Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments.
	1) Currently Hield Road is a 2 lane road (east and west). An additional east and an additional west lane will be required to accommodate emergency vehicles (fire truck and ambulance vehicles). 2) Hundreds of residents live west of Minton on Hield Road. Hield road is the only entry and exit for the hundreds of people. Safety is the is the biggest concern.	There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.	Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments



	<p>The project does not provide a solution to the additional traffic construction that will be added to Hield Road. There also is no room in the existing ROW on Hield Road for 3 lanes and sidewalk. The minimum lanes needed on Hield is at least 4 lanes.</p>	<p>There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>
	<p>I recommend NO entrance on Hield Road due to horrible traffic issue that will not allow cars to get down Hield Road. There is only one lane going west on Hield Road and there is no way to get around if someone is turning left into Starbucks. If an ambulance has to get by it cannot. This is a safety issue. Lanes going East bound, there is no room to put 2 turning lanes and a sidewalk. If you do put it should have a left/straight turn lane and a right only turn lane.</p>	<p>There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>
	<p>This project is a traffic nightmare, as the only entrance from northbound Minton is onto Hield Road, then into Starbucks. Currently during the periods 7-9am and 4-6pm exiting Hield backs traffic up several hundred feet, which will effectively block the entrance to Starbucks. One care that wishes to turn will completely block west-bound Hield. This will be bad.</p>	<p>There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>
	<p>The main concern with a Starbucks is traffic we have such an issue already with our neighborhood getting in and out of Hield Road. Many residents feel there is not</p>	<p>There may be a possibility that your comments or suggestions will be taken into consideration please</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>



	<p>enough room, lanes, entrances already. You cannot add a particular restaurant to this spot. We don't feel safe for EMS to come in and cannot get to work or home with all the additional traffic.</p>	<p>provide feedback on the comment cards provided.</p>	
	<p>The main concern with adding this project is the traffic issues. If a traffic study is done there is no doubt that it will make a horrible situation 10 times worse. Hield Road is literally the only entrance to hundreds of homes. The road is narrow and cannot support that much traffic.</p>	<p>There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>
	<p>If it's a huge issue for us to have the entrance and exit of project right on Hield Road. 1) Safety issue 2) Traffic issue etc. Also, the two trash binds right across the street from my house is not right at all.</p>	<p>Dumpsters will be encapsulated by concrete barriers and landscaping. There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>
	<p>Traffic Control going out to Minton Road. Driveway into site from Hield Road.</p>	<p>There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>



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## LIST OF ATTENDEES


Number	Name of attendee	Number	Name of attendee
1.	Daniel McKee	2.	David Richards
3.	Gwendolyn Mapp	4.	Tony Masone
5.	Rick Wiedenhoeft	6.	Kevin Ward
7.	Natalie Ward	8.	Audie Carter
9.	Judi Carter	10.	Ellen Moorehead
11.	Tina Winchode	12.	Bobbi Jo Micheis
13.	Cody Lafferty	14.	Carmen Castillo
15.	Deborah Kaufman	16.	Michael Bramleti
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.

 as manager  
\_\_\_\_\_  
Signature,

J. Cole Oliver, as Manager of West Malabar Properties, LLC

5/12/2023

Typed Name and Title:

Date :

# Project Details: CP23-00010

## Project Type: Comprehensive Plan Future Land Use Map

Project Location: 120 MALABAR RD SE # CITYHL Palm Bay, FL 32907  
Milestone: Submitted  
Created: 4/25/2023  
Description: West Malabar Properties (Hield Road)  
Assigned Planner: Alexandra Bernard

### Contacts

Contact	Information
Owner/Applicant	Cole Oliver, West Malabar Properties, LLC 516 Delannoy Ave Cocoa, FL 32922 (321) 632-4710 cole@eksdevelopment.com
Legal Representative	516 Delannoy Ave Cocoa, FL 32940
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907  alexandra.bernard@palmbayflorida.org
Submitter	Mindy Mason 516 Delannoy Ave Cocoa, FL 32940  mindym@eksdevelopment.com

### Fields

Field Label	Value
Total Acreage	
Present Land Use Classification	CC RP AU Mixed
Proposed Land Use Classification	Commercial
Structures On Property?	True
List Structures	Office Building
Rezoning Submitted?	True
Development Submitted?	False

# Project Details: CP23-00010

Justification for Change	City land use designation in conjunction with annexation.
Specific Use Intended for Property	Commercial Redevelopment
Project Scale	Small Scale (50 acres or less)
Present Use of Property	Office
Is Submitter the Representative?	False
Ordinance Number	
Block	A
Lot	
Section Township Range	06-29-37
Subdivision	GK
Year Built	Multiple
Use Code	8910
Use Code Desc	MUNICIPALLY OWNED LAND - IMPROVED
LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2925038
Flu Description	Public Semi-Public
Flu Code	PSP
Zoning Description	Institutional Use
Zoning Code	IU
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:**

Mindy Mason

**On:**

5/15/2023 2:47:07 PM

☒ CP23-00010

Select Language ▼



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

**Customer:** CITY OF PALM BAY  
**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Ad No.:** 0005744465  
**Pymt Method** Invoice  
**Net Amount** 212.94

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 06/22/23

**Text of Ad:**

Ad#5744465 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 July 20, 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. FS23-00004 - DRP FL 6, LLC, Brian Clauson (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)**

Final Plat approval to allow for a proposed 41-lot single-family residential subdivision called Timbers at Everlands Phase 1B

A replat of a portion of Tract FD.1 together with Tract FD.2, all in Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 10.47 acres. Located at the northeast corner of St. Johns Heritage Parkway NW and Pace Drive NW

**2. CP23-00013 - Bruce Coffman, Affordable Trailer Service & Supply, Inc. (Jeff Kuhn, Rep.)**

A Small-Scale Comprehensive Plan Future Land Use Map Amendment from CC, Community Commercial (Brevard County) to Commercial

Lot 2.01, Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 2.11 acres. Located west of and adjacent to Minton Road, in the vicinity of Palm Bay Road NE

**3. \*\*CP23-00007 - Bruce Coffman, Affordable Trailer Service & Supply, Inc. (Jeff Kuhn, Rep.)**

A Zoning Amendment from BU-1, General Retail Commercial (Brevard County) to a CC, Community Commercial District

Lot 2.01, Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 2.11 acres. Located west of and adjacent to Minton Road, in the vicinity of Palm Bay Road NE

**4. CP23-00010 - Cole Oliver, West Malabar Properties, LLC**

A Small-Scale Comprehensive Plan Future Land Use Map Amendment from RES 2 Residential 2 (Brevard County) to Commercial

Lots 1, 1.02, and 2 of Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 4.58 acres. Located west of adjacent to Minton Road, in the vicinity of Palm Bay Road NE

**5. \*\*CP23-00006 - Cole Oliver, West Malabar Properties, LLC**

A Zoning Amendment from RP, Residential Professional and AU, Agricultural Residential (Brevard County) to a CC, Community Commercial District

Lots 1, 1.02, and 2 of Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 4.58 acres. Located west of adjacent to Minton Road, in the vicinity of Palm Bay Road NE

\*\*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

**From:** [Alexandra Bernard](#)  
**To:** [Terese Jones](#); [Terri Lefler](#)  
**Subject:** FW: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting  
**Date:** Friday, August 4, 2023 1:30:23 PM

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FYI...

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**From:** Mindy Mason <MindyM@eksdevelopment.com>  
**Sent:** Friday, August 4, 2023 1:29 PM  
**To:** Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Cathy Green <Cathy.Green@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>  
**Subject:** Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

As the applicant for the potential annexation of the southwest corner of Hield and Minton Rd, which is scheduled to go before the August 17, 2023, Council Meeting, we respectfully request a continuance to September 21, 2023. I have listed the case numbers below.

A23-00001  
CP23-00013  
CPZ23-00007

A23-00002  
CP23-00010  
CPZ23-00006

Please let me know if anything else is needed. Thank you!

Respectfully,

*Mindy Mason*  
Operations Manager

EKS, Inc.  
516 Delannoy Ave  
Cocoa, FL 32922  
Email: [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)  
Direct: 321.632.4710 ext.208  
Fax: 321.635.8681

## Alexandra Bernard

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**From:** Sue Shep <keepthefocus2003@yahoo.com>  
**Sent:** Friday, June 23, 2023 1:12 PM  
**To:** Susan Shepherd  
**Cc:** Sshep12  
**Subject:** HIELD ROAD UPDATE ON DATES AND CONTACT INFORMATION  
**Attachments:** PB Planning & Zoning Member List 3-23.pdf; WEBSITES 6-2023.docx

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

### **All meetings begin at 6 p.m. at the Palm Bay City Council Chamber**

All,

I contacted Alexandra Bernard, Palm Bay Principal Planner, this morning to confirm the additional Council Meeting date of August 3, 2023 I referenced in previous emails. She did confirm the date as being the "second and final" council meeting. The posting of this date is not required to be on the sign now posted on said property.

I have attached an additional contact list for Hield Road residents to write and voice their concerns. In addition to the contact information below, the list also contains the contact information of the Board Members for the Planning and Zoning Board. I am attaching again the contact information for the Mayor and Council members and Brevard County representative.

- \* **July 5th**, is Planning and Zoning Meeting, they make the recommendations.
- \* **July 20th**, is very important to attend as the Council bases a lot of their decisions on their recommendations.
- \* **August 3rd, is the second and final meeting.**

We are objecting to any entrance and exit on to and from Hield Road. IF there are any road improvements to Hield, it will be minimal. Access to and from Hield Road will still be very much hindered. Even for emergency vehicles that assists Hield Road residents especially during peak hours.

Keep in mind, when the apartments (at Ascend Circle / Hammock Landing) were approved and developed across the street from Hield Road, there was supposed to be road improvement at that time for our intersection at Hield and Minton. Minton Road is a County Road. \*\*\* We all can attest nothing has been done nor has there been any improvement with the light sequence that was said to happen!

Regarding July 5, 2023 meeting, I am unable to attend this important meeting, I am praying someone will be able to attend on my behalf as well as theirs.

**P. B. PLANNING AND ZONING BOARD CITY COUNCIL**  
**AND LAND DEVELOPMENT DIVISION**

**Assistant Growth Management Director: Jesse Anderson / EM: [jesse.anderson@palmbayflorida.org](mailto:jesse.anderson@palmbayflorida.org)**

**CITY OF P.B. Deputy Manager: Joan Junkala / EM: [joan.junkala@palmbayflorida.org](mailto:joan.junkala@palmbayflorida.org)**

**P.B. PRINCIPAL PLANNER: Alexandra Bernard / EM: [Alexandra.bernard@palmbayflorida.org](mailto:Alexandra.bernard@palmbayflorida.org)**

\*\*\*\*\*

Thank you!

Susan 

We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19

## Alexandra Bernard

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**From:** Joan Junkala  
**Sent:** Friday, June 23, 2023 10:30 AM  
**To:** Rob Medina; Gjbarden077; Terese Jones; Terri Lefler; Patricia D. Smith; Suzanne Sherman  
**Cc:** Jesse Anderson; Alexandra Bernard  
**Subject:** RE: Case A23-00001 Annexation

Ms. Barden,

Thank you for your email. You're input is noted and will be forwarded to the assigned planner.



Joan A. Junkala-Brown  
Deputy City Manager

*Down to Earth And Up To Great Things™*

321.726.2601 or ext. 5370

---

**From:** Rob Medina <Rob.Medina@palmbayflorida.org>  
**Sent:** Thursday, June 22, 2023 8:45 PM  
**To:** Gjbarden077 <gjbarden077@aol.com>; Terese Jones <Terese.Jones@palmbayflorida.org>; Terri Lefler <Terri.Lefler@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>  
**Subject:** Re: Case A23-00001 Annexation

Ms Barden,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me. I have added our City Management Team, City Clerk, City Attorney to this email for review and record keeping purposes.

Again, thank you for all you do for our community.

Respectfully,

Rob Medina  
Mayor

---

**From:** Gjbarden077 <gjbarden077@aol.com>  
**Sent:** Thursday, June 22, 2023 5:36:49 PM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; chadra.powell@pbfl.org <chadra.powell@pbfl.org>  
**Subject:** Case A23-00001 Annexation

**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.

Mayor Medina, City Council, Planning & Zoning and City Manager Suzanne Sherman,

I am in hopes you will take into consideration my concerns about the possible annexation of the property on the corner of Minton Rd. & Hield Rd. I am unable to attend the P & Z meeting and would like my concerns heard. Or at least I hope they are heard and taken into consideration

Respectfully

Juanita Barden City of Palm Bay Resident

To Mayor Medina, City Council, Planning & Zoning board & City Manager Suzanne Sherman,

Regarding Case # A23-00001 Property to Annex into Palm Bay.

I want to voice my concern on the possible Annexation of the property on the corner of Minton Rd & Hield Rd. for a strip type shopping plaza. I am very much against this annexation as it will only bring more of a nightmare to our area. In the notes it states the road issues will be handled by a traffic study. Where was the traffic study done when the housing tracts went up along Minton Rd on the East Side and West Side near Carriage Gate. As well with the apartment complex that has gone up next to Pineapple Cove. That small portion of tax money that would be coming to the city is it worth it. I have lived off Hield Rd for over 30 years and there is nothing that the city does for the Palm Bay residents on Hield Rd so far. With the Go Road bond money that section of paving is either the last or next to the last slot to be paved. In the 30 years I have been out their Palm Bay has never paved that section of road or maintained anything other than mowing the roadside. At my request I had reflective road tape put down because what was there is gone and worn causing a MAJOR safety hazard. It was going to be a year or so before the road was paved. The residents have tried numerous times to get police to handle the traffic issues at this light. People make a U-turns there on a regular basis. Along with blocking the intersection so residence can't enter Hield Rd. from the Publix Plaza or make the left turn to go down Hield rd. With the answers in the possible annexation is there "will be a traffic study preformed". Where is the traffic study with the current issues that can't get resolved. I am in hopes that you as our elected officials will take this into consideration. Heck I even voted to put some of you in place. **Think for a minute why are they wanting to annex into Palm Bay. Could it be they can't get it approved by the agency they currently reside in. So why not try to annex into Palm Bay and get it approved.**

Respectfully

Juanita Barden concerned Resident of Palm Bay

# **CASES**

## **CP23-00010 & CPZ23-00006**

Received after Planning and Zoning Board Packet was published

02 July 2023

Dear Mr. Anderson –

Re: Palm Bay Case No. CP23-00010 & CP23-00006  
Planning and Zoning Board Meeting on Wednesday, July 5, 2023  
Properties to be annexed to City of Palm Bay and to have zoning changes:  
4100 Minton Rd, Melbourne, FL 32904; PARCEL ID: 28-36-24-FA-2-1  
PROPERTY USE: OFFICE BUILDING – SINGLE TENANT  
4120 Minton Rd, Melbourne, FL 32904; PARCEL ID: 28-36-24-FA-2-1.01  
PROPERTY USE: SINGLE FAMILY RESIDENCE  
4160 Minto Rd, Melbourne, FL 32904; PARCLE ID: 28-36-24-FA-2-2  
PROPERTY USE: OFFICE BUILDING – SINGLE TENANT  
3045 HIELD RD., Melbourne, FL 32904; PARCLE ID: 28-36-24-FA-2-1.02  
PROPERTY USE: SINGLE FAMILY RESIDENCE  
This property is Residential and facing Hield Road.

**Item 1:** My name is Judith Kuhman, and I am writing to you on behalf of myself and my husband, James. We are residents of Palm Bay residing at 1680 Willard RD NW just off Hield Rd. We are writing to express our **OBJECTIONS** to the Annexation and Zoning Change FROM RES 2 (Brevard County) TO Commercial Use and A Rezoning FROM RP & AU (Brevard County) TO CC (Community Commercial) for the **3045 Hield Road property referenced above.**

**Item 2:** We are **OBJECTING** to the proposed plan of building a Starbucks on that Corner. This information was provided to the residents within the 500 ft. radius of said property that attended the “Community Meeting” held with EKS/Engineers on behalf of West Malabar Properties, Owners. This informal meeting was held April 21, 2023, and again June 6, 2023, with those residents referenced in this paragraph. The remainder of Hield Road residents **WAS NOT MADE AWARE** of these proposals until approximately June 16, 2023. This is disrespectful to residents of Palm Bay when this will adversely affect the residents of Palm Bay and not just the residents in the 500 ft. radius of properties.

**Item 3:** We are **OBJECTING** to the proposed access to these properties (also 4100 Minton property) from Hield Road.

#### **REASONS FOR OBJECTIONS:**

**Item 1:** Said property is residential. It should stay residential. It **faces Hield Road**. Hield Road is a narrow two-lane residential road that is 2 ¼ miles long from Minton Road West to the Canal. Hield Road is unincorporated Melbourne (Brevard County) from Minton Road to Powell Road. From Powell Road West to the end (Canal) is in the City of Palm Bay. THIS PROPERTY NEEDS TO REMAIN RESIDENTIAL in order to continue with our RESIDENTIAL community.

**Item 2:** We all know the volume of traffic Starbucks creates especially during peak times. This **ADDED** volume of traffic to this S.W. Corner of Hield and Minton will **only exacerbate** an already **EXISTING** traffic nightmare which is also causing this intersection to be becoming a very dangerous intersection especially during peak times. Southbound traffic repeatedly blocks the intersection preventing proper and safe usage. Drivers **IGNORE** the “NO U TURN” SIGN by the left turn lane from Minton. Many times, this illegal action causes intersection back-up. Remember, we now have that huge apartment complex directly across the street that contributes to increased traffic. Drivers are becoming more aggressive!

**Item3:** WE MUST NOT ALLOW these properties to be accessed from Hield Road. Hield Road is residential. Many of the larger properties have two or 3 homes. We bought our property for the serenity the area provides with abundant wildlife and having an area where neighbors did not have to live on top of one and other. Over the years, due to progress wildlife has been continually pushed out of their own habitat by more apartments, zero lot line residential housing, and retail businesses.

There are a lot of people living on Hield Road. Additionally, FPL has a substation West on Hield. They have their fleet of vehicles using Hield Road. Additionally, there is a very large nursery West on Hield Road. Again, there are many trucks and vehicles using Hield Road often during peak times as well.

- Hield Road, as it is, is a well-traveled two-lane road.
- Hield Road residents are taxed heavily for the privilege of living on Hield Road in a rural –like environment with horses using the road, runners, and bicyclists as well. There are no sidewalks.
- Due to increased growth in our surrounding community, Hield Road invites curious drivers to explore. There are times residents have had to call the police on suspicious individuals and vehicles lurking around.
- Having Starbucks and increased commercialism on that corner will only beg for more suspicious and at times, unlawful incidents.

## **TRAFFIC STUDIES AND CONCERNS AND BREVARD COUNTY**

### **Traffic Studies:**

1. The developer will need to provide a thorough traffic analysis as well as demonstrate that the entrances to this property/driveway would not cause major traffic impacts to Hield Road when they submit their right-of-way permit application to Brevard County.
2. Intersection traffic at Minton and Hield gets terribly backed-up due to the bottle neck of the Minton and Palm Bay Intersection. With that said, our intersection and residents should not be penalized and placed in jeopardy due to the overgrowth and lack of critical thinking from the City of Palm Bay, Engineers, and the County. SOMETHING needs to be addressed and acted upon. We cannot afford to wait another year or two for anticipated road improvements that never get done, i.e., Ascent and Hammock Landing Development across the street.

### **Concerns:**

1. Hield Road (County side) does not have soft swales for vehicles to move over to allow for emergency vehicles passage or any other types of vehicles that need to pass. There are only ditches.
2. There is a very big concern about emergency vehicles not being able to enter Hield Road due to the blocked intersection.
3. Does Brevard County and the City of Palm Bay have the appropriate amount of emergency support (fire, accidents, transport to hospitals and crime) to handle potential situations?

We are respectfully asking you to please consider our concerns and objections for the reasons stated. What is being proposed will **ADVERSELY / NEGATIVELY** impact Hield Road residents and their safety.

I also respectfully ask to make this letter a part of your records.

Very Respectfully –

James and Judith Kuhman

Palm Bay Case No. CP23-00010 & CPZ23-00006 / SW Corner of Hield and Minton Roads

From: Sue Shep (keepthefocus2003@yahoo.com)

To: leeta.jordan@palmbayflorida.org

Date: Monday, July 3, 2023 at 12:51 AM EDT

**TO:** Leeta Sue Jordan, Chair Person, Planning and Zoning Department  
**FROM:** Sarah (Susan) and Rick Shepherd  
4212 Hield Road, NW, Palm Bay, FL 32907 (NOT MAILING ADDRESS)  
Keepthefocus2003@yahoo.com  
**DATE:** June 30, 2023  
**RE:** Palm Bay Case No. CP23-00010 & CPZ23-00006  
Planning and Zoning Board Meeting on Wednesday, July 5, 2023

Properties to be annexed to City of Palm Bay and to have Zoning changes:

4100 Minton Rd., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-1

PROPERTY USE: OFFICE BUILDING – SINGLE TENANT

4120 Minton Rd., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-1.01

PROPERTY USE: SINGLE FAMILY RESIDENCE

4160 Minton Rd., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-2

PROPERTY USE: OFFICE BUILDING – SINGLE TENANT

**3045 HIELD RD., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-1.02**

**PROPERTY USE: SINGLE FAMILY RESIDENCE**

**This property is Residential and facing Hield Road.**

**Item 1:** We are writing you to express our **OBJECTIONS** to the Annexation and Zoning Change FROM RES 2 (Brevard County) TO Commercial Use and A Rezoning FROM RP & AU (Brevard County) TO CC (Community Commercial) for the **3045 Hield Road property referenced above.**

**Item 2:** We are **OBJECTING** to the proposed plan of building a Starbucks on that Corner. This information was provided to the residents within the 500 ft. radius of said property that attended the "Community Meeting" held with EKS/Engineers on behalf of West Malabar Properties, Owners. This informal meeting was held April 21, 2023 and again June 6, 2023 with those residents referenced in this paragraph. The remainder of Hield Road residents **WAS NOT MADE AWARE** of these proposals until approximately June 16, 2023.

**Item 3:** We are **OBJECTING** to the proposed access to these properties (also 4100 Minton property) from Hield Road.

**REASON FOR OBJECTIONS:**

\* **Item 1:** Said property is **residential**. It should stay residential. It **faces Hield Road**. Hield Road is a narrow two lane **residential road** that is **2 ¼ miles long from** Minton Road West to the Canal. Hield Road is unincorporated Melbourne (Brevard County) from Minton Road to Powell Road. From Powell Road West to the end (Canal) is in the City of Palm Bay. I have attached a Platt map from the Property Appraiser's office (June 2023) for your review. **THIS PROPERTY NEEDS TO REMAIN RESIDENTIAL** in order to continue with our RESIDENTIAL status within the community.

\* **Item 2:** We all know the volume of traffic Starbucks creates especially during peak times. This **ADDED** volume of traffic to this S.W. Corner of Hield and Minton will only **exacerbate** an already EXISTING traffic nightmare which is also causing this intersection to becoming a very dangerous intersection especially during peak times. Southbound traffic **repeatedly** blocks the intersection preventing proper and safe usage. Drivers **IGNORE** the "NO U TURN" SIGN by the left turn lane from

Minton. Many times, this illegal action causes intersection back-up. Remember, we now have that huge apartment complex directly across the street that contributes to increased traffic.

**\*\*** *I have almost been hit multiple times making a left on to Hield from Minton or making a left from Hield to go North on Minton. Drivers in general are becoming more aggressive!*

**\*** **Item 3:** WE MUST NOT ALLOW these properties to be accessed from Hield Road. As you can see from the attached reference Platt map, Hield Road is residential. Many of the larger properties have two or three homes. There are a lot of people living on Hield Road. Additionally, FPL has a sub-station West on Hield. They have their fleet of vehicles using Hield Road. Additionally, there is a very large nursery West on Hield Road. Again, their many trucks and vehicles use Hield Road often during peak times as well.

**\*** As you can see, Hield Road, as it is, is a well-traveled two-lane road. A dead-end road. One way in and out. No side streets to get out in case of emergency.

**\*** Hield Road residents are taxed heavily for the privilege of living on Hield Road in a rural-like environment with horses using the road, runners, and bicyclists as well. There are no sidewalks.

**\*** Due to increased growth in our surrounding community, Hield Road invites curious drivers to explore. There are times residents have had to call the police on suspicious individuals and vehicles lurking around.

**\*** Having Starbucks and/or any other establishment with increased commercialism on that corner will only beg for more suspicious and at times, unlawful incidents.

### **TRAFFIC STUDIES AND CONCERNS AND BREVARD COUNTY**

#### **Traffic Studies:**

**\*\*** The developer will need to provide a thorough traffic analysis as well as demonstrate that the entrances to this property/driveway would not cause major traffic impacts to Hield Road when they submit their right-of-way permit application to Brevard County.

**\*\*** Intersection traffic at Minton and Hield gets terribly backed-up due to the bottle neck of the Minton and Palm Bay Intersection. With that said, our intersection and residents should not be penalized and placed in jeopardy due to the overgrowth and lack of critical thinking from the City of Palm Bay, Engineers and the County. SOMETHING needs to be addressed and acted upon. We cannot afford to wait another year or two for anticipated road improvements that never get done, i.e. Ascent and Hammock Landing Development across the street.

#### **Concerns:**

**\*\*** Hield Road (County side) does not have soft swales for vehicles to move over to allow for **emergency vehicles** passage or any other type vehicle that needs to pass. There are only ditches.

**\*\*** There is a very big concern for **emergency vehicles not being able to enter or Exit Hield Road due the blocked intersection. Who will carry the liability for the life of the individual needing emergency care while precious minutes are passing by to save the life of the individual?**

**\*\*** Does Brevard County and the City of Palm Bay have the appropriate amount of **emergency support** (fire, accidents, transport to hospitals and policing to handle potential situations)?

I respectfully request you will consider our concerns and objections for the reasons stated. What is being proposed will ADVERSELY / NEGATIVELY impact Hield Road residents and their safety.

I also respectfully ask to make this letter a part of your records.

Thank you for your time and considerations.

*Sarah (Susan) R. Shepherd*  
Sarah and Rick Shepherd; Attachments: 3 Maps, Photo of Starbucks on Palm Bay Rd & Aldi's, Site Plan for Starbucks

(c) 321-698-6803

**Success**

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**



Hield Road 2023 from Property Appraiser snip 3.pdf  
430.3kB



Black White Marked Sold Properties.JPG  
149kB



EKS First Letter of Community Meeting 2.pdf  
543kB



Starbucks Photo 2 6-29-2023 IMG\_7844.JPEG  
3.3MB



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



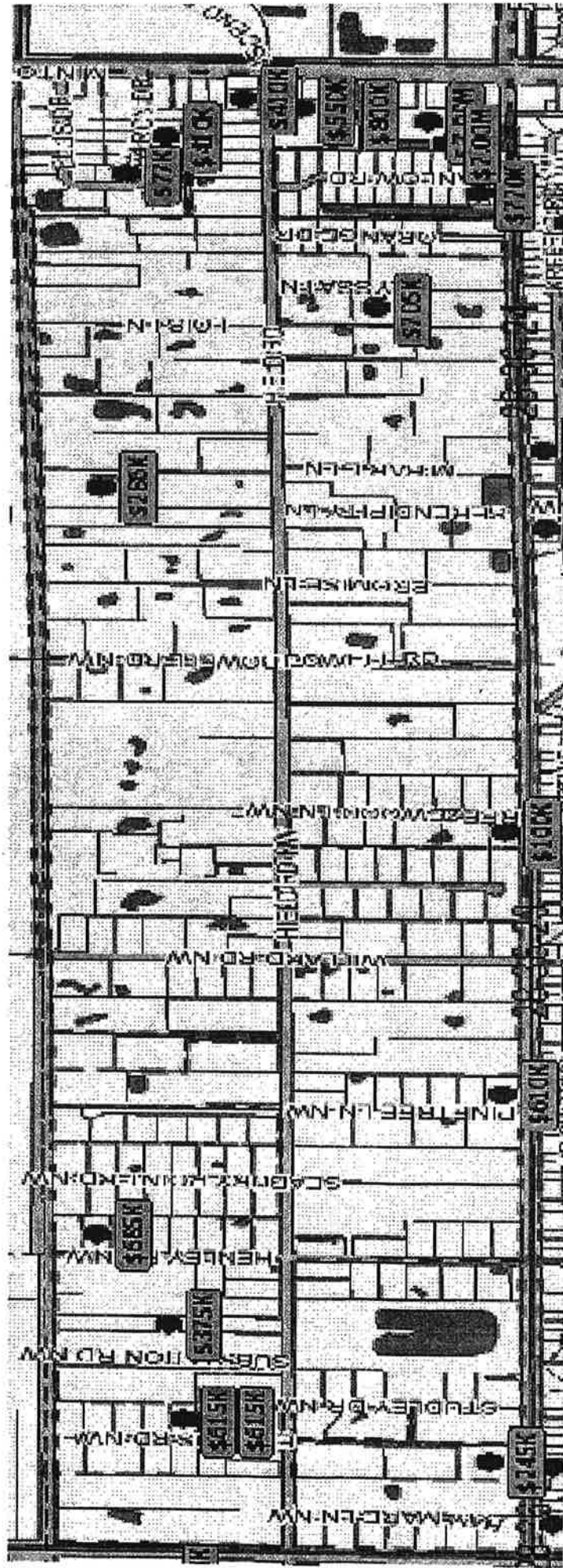
**AERIAL LOCATION MAP CASE: CP23-00010 & CP23-00006**

**Subject Property**

Southwest corner of Hield Road and Minton Road

Obtained from Property Appraiser's office 6/23/2023

HIELD ROAD WEST FROM MINTON ROAD (CTY RD 509) TO THE END OF HIELD TO BAY MARE APPROXIMATELY 2 1/4 MILES  
ONE WAY IN AND ONE WAY OUT. ALL SIDE STREETS AND HIELD ROAD ARE DEAD ENDS.





**TECHNICAL MEMORANDUM**  
Christy Fischer  
Corina Gumm, P.E.  
July 19, 2021  
Page 2

These improvements were never accomplished.  
Who knows when they will?  
Adding Food Service industry with drive-through will add to an already un-safe intersection at Hield Road.

SP Shepherd  
a/30/2023

**BUILD-OUT CONDITIONS ANALYSIS**

Based on the January 2020 TIS, the signalized intersections shown in Table 2 were analyzed under 2021 build-out conditions to determine the operational level of service.

**Table 2**  
**2021 Build-Out PM Peak-Hour LOS – Signalized Intersections**  
**Ascend Hammock Landing**

Intersection	Adopted LOS	Build-Out Conditions					
		AM Peak-Hour			PM Peak-Hour		
		Delay (sec.)	LOS	V/C > 1.0	Delay (sec.)	LOS	V/C > 1.0
Minton Rd at Wingate Blvd	E	34.5	C	No	41.2	D	Yes
Minton Rd at Flanagan Ave	E	15.4	B	No	14.4	B	No
Minton Rd at Eber Blvd	E	20.1	C	No	33.0	C	Yes
Minton Rd at Norfolk Pkwy	E	27.4	C	No	43.2	D	No
Minton Rd at Hield Rd/Project Driveway	E	22.1	C	No	18.4	B	Yes
Minton Rd at Palm Bay Rd	E	109.7	F	Yes	145.2	F	Yes
Minton Rd at Emerson Dr	E	54.5	D	No	39.6	D	No
Palm Bay Rd at Athens Dr	E	34.9	C	No	22.5	C	No
Palm Bay Rd at Norfolk Pkwy	E	32.8	C	No	57.8	E	Yes
Palm Bay Rd at SB I-95	E	23.9	C	No	36.7	D	No
Palm Bay Rd at NB I-95	E	24.1	C	No	18.0	B	No
Palm Bay Rd at Hollywood Blvd	E	39.5	D	No	46.0	D	No
Minton Rd at Frontage Rd*	E	-	A	No	-	A	-

As indicated in the table above, the signalized intersections of Minton Road at Wingate Boulevard, Eber Boulevard, Hield Road, and Palm Bay Road and Palm Bay Road at Norfolk Parkway are anticipated to operate outside the adopted level of service and/or with a v/c ratio greater than 1.0. Based on the TIS submitted Revised July 2020, the following improvements were recommended:

**Minton Road at Wingate Boulevard:**

- Optimize signal timings

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- Optimize signal timings

**Minton Road at Hield Road:**

- Convert eastbound multi-directional lane into a left-turn lane
- Add eastbound through-right lane
- Add "DO NOT BLOCK" box pavement marking and signs at the Frontage Road/Project Driveway
- Optimize signal timings

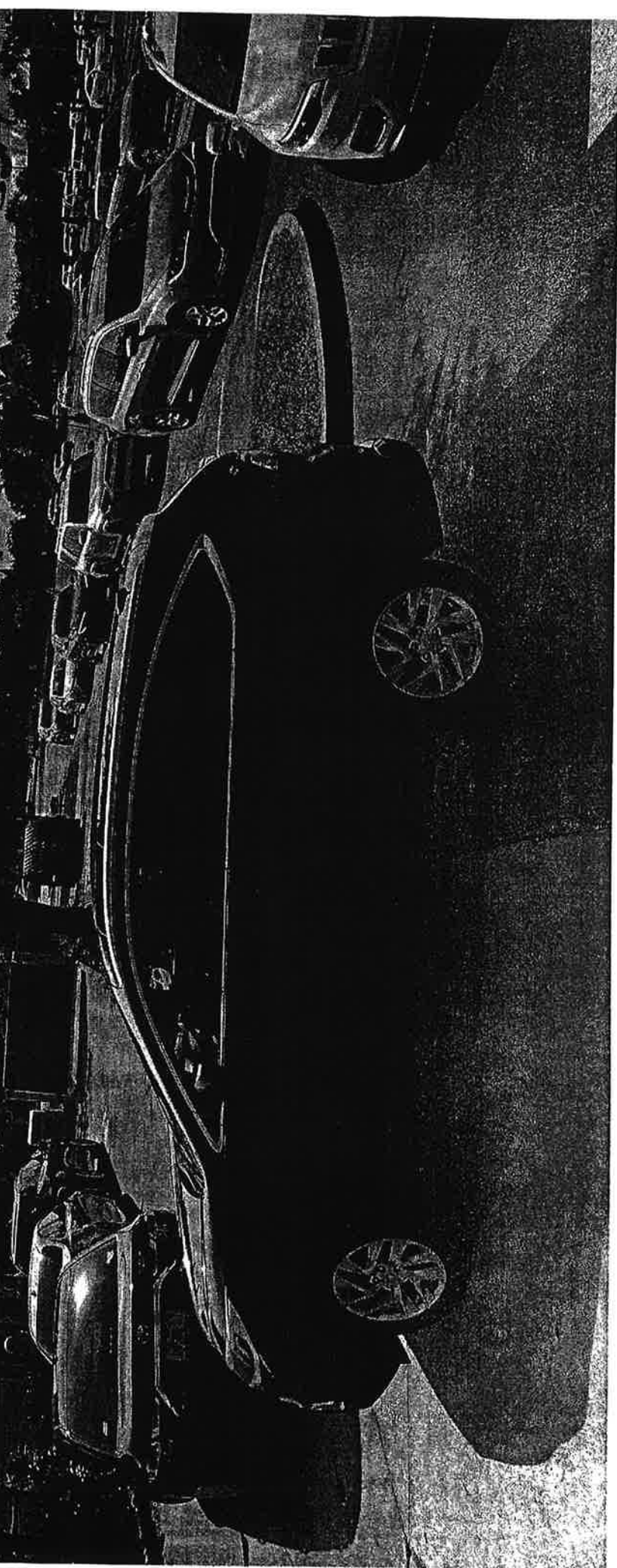
**Minton Road at Palm Bay Road:**

- Restripe the westbound shared through/left-turn lane to a dedicated left-turn lane (triple dedicated lefts)
- Restripe the westbound right-turn lane to a shared through/right-turn lane
- Add an eastbound right-turn lane
- Remove split phasing
- Add a southbound left-turn lane (dual lefts)
- Optimize signal timings

6/2023

This Cannot be  
allowed at Hield +  
Minton intersection

This will Adversely affect  
2 Lane Rd + SAFETY  
for Residents



## Chandra Powell

---

**From:** Cynthia Kennard <ckennard61@gmail.com>  
**Sent:** Tuesday, July 4, 2023 3:05 PM  
**To:** Cynthia Kennard; Chandra Powell; Rob Medina; Kenny Johnson; Randy Foster; Donny Felix; Suzanne Sherman; Land Development Web  
**Subject:** Minton/Hield Road Development Case #A23-00001 Property to Annex in to Palm Bay

**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.

We are writing to voice our concerns regarding the proposed annexation of the land on the corner of Minton Road and Hield Road. We understand that when the city of West Melbourne was approached about allowing this area to be rezoned as commercial property, they rejected the proposal because of the issues with the traffic. Now the developer would like the city of Palm Bay to allow the property to be annexed, with the hopes that Palm Bay will disregard all prior concerns.

As a resident of Palm Bay who lives in the city part of Hield Road, we are against this proposal. We have many concerns.

The traffic at this intersection already is very bad. Cars make illegal U-turns on Minton Road all of the time. Between 7 and 9 in the morning and 3:30 til 6 in the evening, cars traveling on Minton always block Hield Road, making it impossible to turn left onto Hield or to cross through the intersection when leaving the Publix plaza. These things do not happen occasionally, they occur all of the time, every day. We have yet to see Law Enforcement at this intersection attempting to control this issue. Having cars attempting to turn into Starbucks, or any of the other businesses that will be added to the strip mall the developer wants to put in, will make Hield Road impassable, whether entering or exiting the community. It will be a traffic nightmare. Making the area inaccessible will not only be inconvenient, but it will be a safety hazard, a matter of life or death to some. How will emergency vehicles get through? Will they have to wait until all of the people blocking the road get their lattes, and finally clear the road? We hope that the ambulance is not carrying one of our loved ones as it attempts to exit on Hield Road, or the fire truck is not trying to get to one of our houses.

We understand a traffic study will be done to address the Minton Road issues. Why has a study not been done before this time to try to alleviate the current issues? Is it sensible to allow annexing this property to create a greater, more dangerous, issue?

There is a lot of new development on Heritage Parkway. Would that not be a safer, more practical place to build additional strip malls?

We strongly are against the idea of Palm Bay annexing this property. Please listen to why West Melbourne would not allow this land to be zoned commercial, and take into account the serious safety issues allowing this to go forth will create.

Respectfully,

Eric and Cynthia Kennard  
Pinetree Lane  
Palm Bay, FL

## Carol Gerundo

---

**From:** Alexandra Bernard  
**Sent:** Wednesday, July 5, 2023 8:34 AM  
**To:** Chandra Powell; Carol Gerundo  
**Subject:** FW: Hield Road Zoning Change Proposal

FYI...

**From:** Liz.Nielsen@L3Harris.com <Liz.Nielsen@L3Harris.com>  
**Sent:** Wednesday, July 5, 2023 8:13 AM  
**To:** Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>  
**Cc:** karin.liz.nielsen@gmail.com; danasmithbrevard@gmail.com  
**Subject:** Hield Road Zoning Change Proposal

**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.

Ms. Bernard,

We are unable to attend this evening's meeting regarding the proposed plan in work to rezone part of or all of Hield Rd to accommodate more commercial business on the adjacent Minton Rd thoroughfare. The impact to our community would be substantial and we need to ask that our voices be heard and given more weight than those requesting the change.

We have lived in the Hield community almost 30 years, as have the majority of our neighbors. We chose this location due to its rural nature. For many years we have endured more vehicle traffic on Minton Rd. causing long wait times to enter and depart the Hield Rd area. The addition of the apartment community traffic into this intersection placed additional strain for which the city did nothing to ease the traffic congestion for existing Hield Rd residents. Wait times at this intersection can be horrendous. The intersection is dangerous as north bound drivers repeatedly ignore the do not U turn signage. Adding a shopping center/Starbucks to this very intersection would be intolerable – and we will not sit by and let this occur now that we have learned of the plan in advance. The zoning change must come with a plan to assess the impact to Hield Rd. traffic and funds to address reasonable intersection modifications to accommodate the additional traffic.

We urge you to hear our voices and lead the way to find and implement a solution that supports the Hield Rd. community not just commercial growth.

Respectfully,

Karin and Gary Nielsen  
1640 Willard Rd. NW  
Palm Bay, FL, 32907  
321-223-9914

Changing the zoning now would increase traffic

K. Liz Nielsen  
Principal Program Manager  
SPACE & AIRBORNE SYSTEMS / L3HARRIS TECHNOLOGIES  
Office: 321.309.7739 or Mobile: 321.223.9914  
L3Harris.com / [liz.nielsen@L3Harris.com](mailto:liz.nielsen@L3Harris.com)  
P.O Box 37/M/S R5-22E/Melbourne, FL 32902-0037/USA



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# **CASE CP23-00010**

Received during July 5, 2023 Planning and Zoning Board Meeting

CASE CP23-00010

SUBMITTED BY JOHN ZIMAK - PAGE 1072

AT 7/5/2023 P&Z MEETING





# **CASES**

## **CP23-00010 & CPZ23-00006**

Received after July 5, 2023 Planning and Zoning Board Meeting

## Carol Gerundo

---

**From:** Jesse Anderson  
**Sent:** Thursday, July 6, 2023 10:32 AM  
**To:** Chandra Powell; Carol Gerundo  
**Cc:** Alexandra Bernard  
**Subject:** FW: Just say NO to Starbucks!

Good morning,

Please add this to the case file correspondence.

Thank you!

Best,



Jesse D. Anderson, Ph.D  
Assistant Growth Management  
Director

*Down to Earth* And Up To Great Things™

 ext. 5310

[Participate in the Palm Bay Comprehensive Plan Update Here!](#)

**From:** Kendra Somberg <mrssomberg@gmail.com>  
**Sent:** Wednesday, July 5, 2023 4:47 PM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Leeta Jordan <Leeta.Jordan@palmbayflorida.org>  
**Subject:** Just say NO to Starbucks!

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom this may concern:

I was hoping to be present at tonight's meeting regarding the proposed building of a Starbucks on the SW corner of Minton Rd and Hield Rd. But, unfortunately i am unable to attend. I do however hope this email will be able to not fall on deaf ears.

As a resident who lives off Hield road my husband and I are very much opposed to the proposed building of another unneeded Starbucks. The intersection this is proposed for is already extremely congested and overwhelming at all times of the day due to the traffic from the Ascend apartment complex and Pineapple Cove Academy. Adding a Starbucks with

the entrance on Hield rd and all of it's insane traffic is only going to add to what is already a nightmare. It is hard for me to understand why there is even a proposal for a Starbucks at this location when there are two other Starbucks within 2.7 miles of this location. Why do we need another one?

This city is growing at an alarmingly fast rate. Our roads cannot keep up. Our schools are overcrowded. Yet let's build another Starbucks, Dollar General or car wash....? Doesn't make a lot of sense. Please help protect what is left of our intersection and just say NO to Starbucks!!

Sincerely,

Kendra Somberg

Palm Bay Case No. CP23-00010 & CPZ23-00006 / SW Corner of Hield & Minton Roads

From: Sue Shep (keepthefocus2003@yahoo.com)

To: mayorrobmedina@pbfl.org

Date: Monday, July 3, 2023 at 01:43 AM EDT

Office of The

JUL 03 2023

City Clerk

**TO:** Mayor Rob Medina, City of Palm Bay  
**FROM:** Sarah (Susan) and Rick Shepherd  
4212 Hield Road, NW, Palm Bay, FL 32907 (NOT MAILING ADDRESS)  
Keepthefocus2003@yahoo.com  
**DATE:** June 30, 2023  
**RE:** Palm Bay Case No. CP23-00010 & CPZ23-00006  
Planning and Zoning Board Meeting on Wednesday, July 5, 2023

Properties to be annexed to City of Palm Bay and to have Zoning changes:

4100 Minton Rd., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-1

PROPERTY USE: OFFICE BUILDING – SINGLE TENANT

4120 Minton Rd., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-1.01

PROPERTY USE: SINGLE FAMILY RESIDENCE

4160 Minton Rd., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-2

PROPERTY USE: OFFICE BUILDING – SINGLE TENANT

**3045 HIELD RD., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-1.02**

**PROPERTY USE: SINGLE FAMILY RESIDENCE**

**This property is Residential and facing Hield Road.**

**Item 1:** We are writing you to express our **OBJECTIONS** to the Annexation and Zoning Change FROM RES 2 (Brevard County) TO Commercial Use and A Rezoning FROM RP & AU (Brevard County) TO CC (Community Commercial) for the **3045 Hield Road property referenced above.**

**Item 2:** We are **OBJECTING** to the proposed plan of building a Starbucks on that Corner. This information was provided to the residents within the 500 ft. radius of said property that attended the "Community Meeting" held with EKS/Engineers on behalf of West Malabar Properties, Owners. This informal meeting was held April 21, 2023 and again June 6, 2023 with those residents referenced in this paragraph. The remainder of Hield Road residents **WAS NOT MADE AWARE** of these proposals until approximately June 16, 2023.

**Item 3:** We are **OBJECTING** to the proposed access to these properties (also 4100 Minton property) from Hield Road.

**REASON FOR OBJECTIONS:**

\* **Item 1:** Said property is **residential**. It should stay residential. It **faces Hield Road**. Hield Road is a narrow two lane **residential road** that is **2 ¼ miles long from** Minton Road West to the Canal. Hield Road is unincorporated Melbourne (Brevard County) from Minton Road to Powell Road. From Powell Road West to the end (Canal) is in the City of Palm Bay. I have attached a Platt map from the Property Appraiser's office (June 2023) for your review. **THIS PROPERTY NEEDS TO REMAIN RESIDENTIAL** in order to continue with our RESIDENTIAL status within the community.

\* **Item 2:** We all know the volume of traffic Starbucks creates especially during peak times. This **ADDED** volume of traffic to this S.W. Corner of Hield and Minton will only **exacerbate** an already EXISTING traffic nightmare which is also causing this intersection to becoming a very dangerous intersection especially during peak times. Southbound traffic **repeatedly** blocks the intersection preventing proper and safe usage. Drivers **IGNORE** the "NO U TURN" SIGN by the left turn lane from

Minton. Many times, this illegal action causes intersection back-up. Remember, we now have that huge apartment complex directly across the street that contributes to increased traffic.

**\*\*** *I have almost been hit multiple times making a left on to Hield from Minton or making a left from Hield to go North on Minton. Drivers in general are becoming more aggressive!*

**\*** **Item 3:** WE MUST NOT ALLOW these properties to be accessed from Hield Road. As you can see from the attached reference Platt map, Hield Road is residential. Many of the larger properties have two or 3 homes. There are a lot of people living on Hield Road. Additionally, FPL has a sub-station West on Hield. They have their fleet of vehicles using Hield Road. Additionally, there is a very large nursery West on Hield Road. Again, their many trucks and vehicles use Hield Road often during peak times as well.

**\*** As you can see, Hield Road, as it is, is a well-traveled two-lane road. A dead-end road. One way in and out. No side streets to get out in case of emergency.

**\*** Hield Road residents are taxed heavily for the privilege of living on Hield Road in a rural-like environment with horses using the road, runners, and bicyclists as well. There are no sidewalks.

**\*** Due to increased growth in our surrounding community, Hield Road invites curious drivers to explore. There are times residents have had to call the police on suspicious individuals and vehicles lurking around.

**\*** Having Starbucks and/or any other establishment with increased commercialism on that corner will only beg for more suspicious and at times, unlawful incidents.

### **TRAFFIC STUDIES AND CONCERNS AND BREVARD COUNTY**

#### **Traffic Studies:**

**\*\*** The developer will need to provide a thorough traffic analysis as well as demonstrate that the entrances to this property/driveway would not cause major traffic impacts to Hield Road when they submit their right-of-way permit application to Brevard County.

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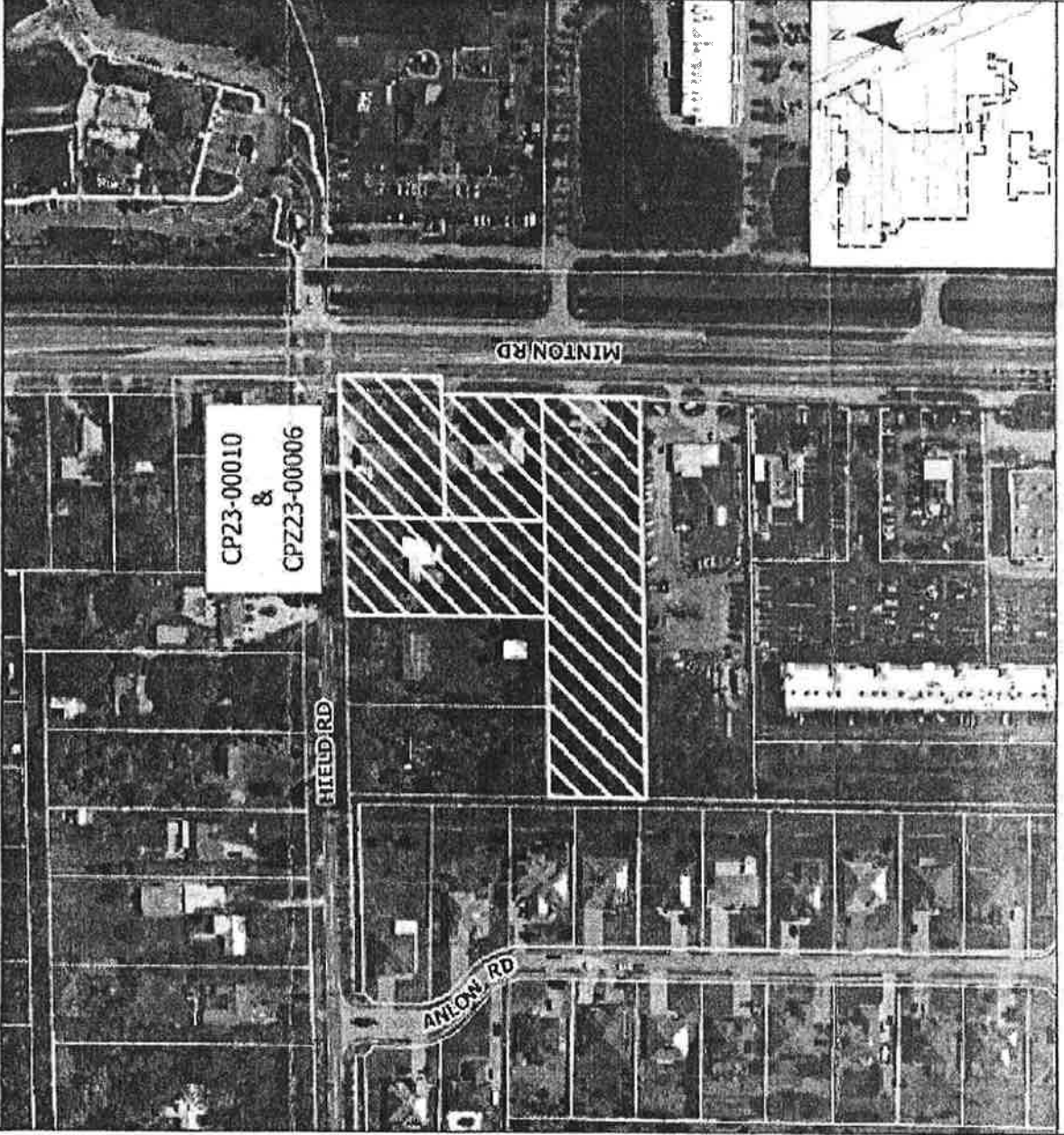
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Thank you for your time and considerations.

*Sarah R. (Susan) Shepherd*  
Sarah and Rick Shepherd; Attachments: 3 Maps, Photo of Starbucks on Palm Bay Rd & Aldi's, Site Plan for Starbucks



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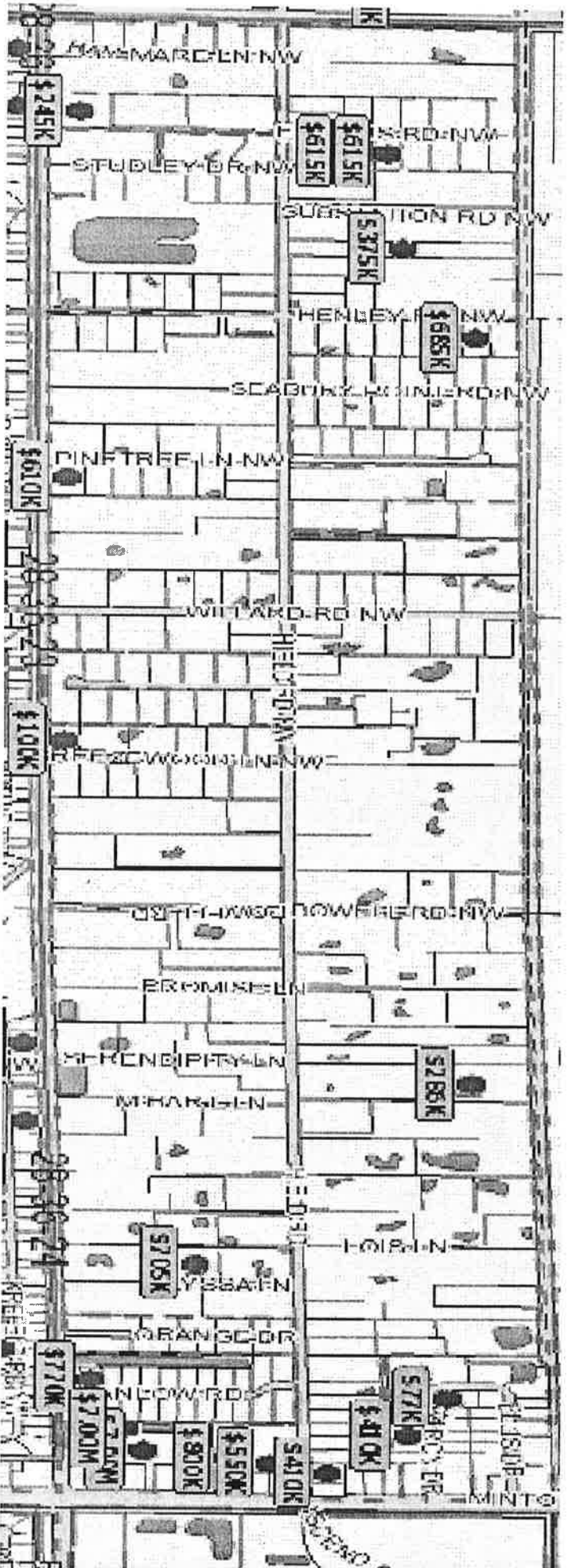
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**TECHNICAL MEMORANDUM**  
Christy Fischer  
Corrina Gumm, P.E.  
July 19, 2021  
Page 2

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**BUILD-OUT CONDITIONS ANALYSIS**

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S.P. Shepherd  
6/30/2023

**Table 2**  
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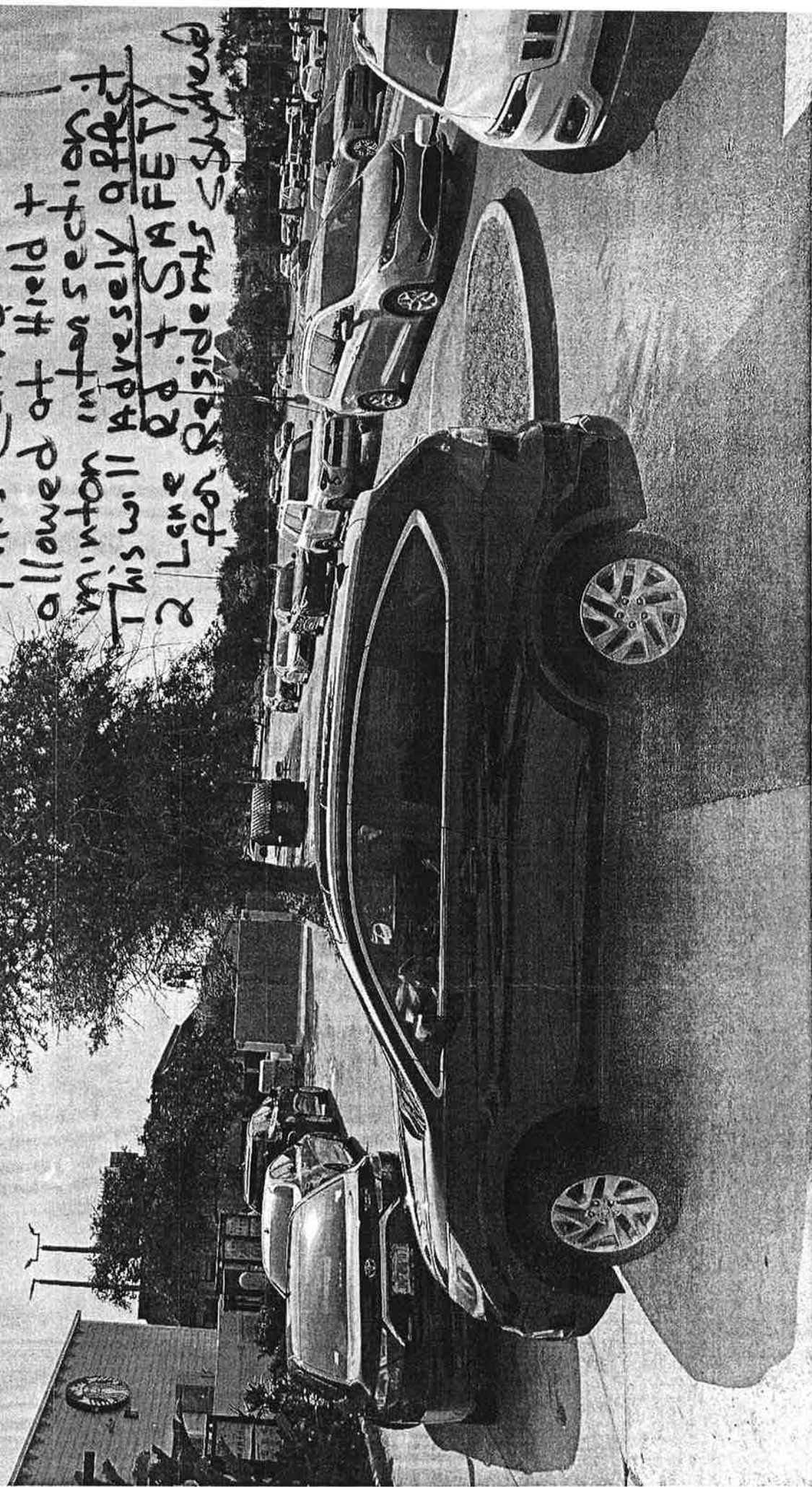
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- Optimize signal timings

6/2023

This Cannot be  
allowed at Hild +  
minton intersection  
This will Adversely affect  
2 Lane Rd + SAFETY  
for Residents & Shoppers



## Terri Lefler

---

**From:** Terri Lefler  
**Sent:** Thursday, August 17, 2023 3:23 PM  
**To:** nanacat@cfl.rr.com  
**Cc:** Terese Jones; Carol Gerundo; Chandra Powell; Alexandra Bernard; Suzanne Sherman; Cathy Green  
**Subject:** FW: HIELD ROAD

Good afternoon, Cathy,

Hope all is well!

This email will be printed and placed at each of the Council Members' seats for tonight's Council meeting. It will also be included in each of the case files relating to Hield Road.

Thank you,



**From:** Cathy <[nanacat@cfl.rr.com](mailto:nanacat@cfl.rr.com)>  
**Sent:** Thursday, August 17, 2023 12:17 PM  
**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Rob Medina <[Rob.Medina@palmbayflorida.org](mailto:Rob.Medina@palmbayflorida.org)>; Donny Felix <[Donny.Felix@palmbayflorida.org](mailto:Donny.Felix@palmbayflorida.org)>; Kenny Johnson <[Kenny.Johnson@palmbayflorida.org](mailto:Kenny.Johnson@palmbayflorida.org)>; Randy Foster <[Randy.Foster@palmbayflorida.org](mailto:Randy.Foster@palmbayflorida.org)>  
**Cc:** Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>; City Council <[CityCouncil@palmbayflorida.org](mailto:CityCouncil@palmbayflorida.org)>; [D5.Commissioner@brevardcounty.us](mailto:D5.Commissioner@brevardcounty.us)  
**Subject:** FW: HIELD ROAD

**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.

The email below was previously sent on July 3, 2023. I reviewed the Agenda from July 20, 2023 & did not see it in any Correspondence with the proposed Cases. Perhaps this is an oversight on my part due to incorrect email addresses, but I would appreciate it to be included in any correspondence and Objections to this issue of Hield Road. Its probably too late for tonight's meeting, so I plan to send another objection for the meeting in September should it get extended again.

Thanking you in advance,  
Cathy Sallade  
1550 Studley Dr., NW  
Palm Bay, FL 32907

**From:** Cathy <[nanacat@cfl.rr.com](mailto:nanacat@cfl.rr.com)>  
**Sent:** Monday, July 3, 2023 10:10 AM  
**To:** 'citycouncil@pbfl.org' <[citycouncil@pbfl.org](mailto:citycouncil@pbfl.org)>  
**Cc:** 'landdevelopmentweb@palmbayflorida.org' <[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)>  
**Subject:** HIELD ROAD

Refer to Cases CP23-00010 and CPZ23-00006

As a resident whose property is accessed only by HIELD ROAD, I want to join my neighbors in expressing the concerns as listed below for the proposed rezoning of Cases CP23-00010 and CPZ23-00006 properties. Cole Oliver, West Melbourne Properties, LLC is proposing a STARBUCKS BE BUILT with the access off of HIELD ROAD. We DO NOT WANT this approved.

**TRAFFIC CONGESTION:** Hield Road is a narrow road with NO STREET LIGHTS AND NO SIDEWALKS. To exit Hield Road onto Minton is a time-consuming wait for ever 4 or 5 cars. And a dangerous one with all the construction currently exploding on Minton Road. There is no end in sight. We have pictures of the traffic congestion at the STARBUCKS on Palm Bay Road.

Hield Road was designed for residential traffic – not business traffic.

**SAFETY:** We are a family community, our children ride & walk along the street. Families walk on the street in the early evening with our pets and friends. Early morning traffic going into STARBUCKS WILL make for a very dangerous situation. i.e.: about 2 months ago a resident held an estate SALE at their property – the police had to be called because those going to the estate sale thought our road was a parking lot. The traffic entering & leaving any business located at this proposed site is going to back up traffic on Minton Road horribly.

**NOISE and STENCH:** Sound & GARBAGE travels; we can hear the garbage truck when it a ¼ mile down the street. And with any business built at this location not only the noise for those surrounding this property but the smell from the garbage dumpsters; AND FUMES FROM the lines of cars entering into Starbucks (off of Hield Road). I purchased my home for the serenity that we are afforded living in our community.

Please take responsibility for not approving this request.

Thank you,  
Cathy Sallade  
1550 Studley Dr. NW  
Palm Bay, FL 32907

Public Hearings

**Cathy Green**

**From:** Terri Lefler  
**Sent:** Thursday, July 20, 2023 9:18 AM  
**To:** Cathy Green  
**Cc:** Terese Jones  
**Subject:** FW: Case: CP23-00010 & CPZ23-00006  
**Attachments:** 20230719\_175327.jpg; 20230719\_173352.jpg

A23-00001  
 CP23-00010  
 CPZ23-00006

I have sent this email to Council. Please print and place a copy at each of the Councils' seats for the July 20<sup>th</sup> meeting. Thank you!

**From:** Terri Lefler  
**Sent:** Thursday, July 20, 2023 9:17 AM  
**To:** City Council <CityCouncil@palmbayflorida.org>  
**Cc:** Terese Jones <Terese.Jones@palmbayflorida.org>  
**Subject:** FW: Case: CP23-00010 & CPZ23-00006

Honorable Mayor and Members of City Council,

Please see the below/attached correspondence as it relates to Items 23, 24, and 25, under Public Hearings, on tonight's agenda.

Thank you,



Terri Lefler | Deputy City Clerk

Down to Earth And Up To Great Things

321.952.3414 or ext. 3209

Legislative Department  
 120 Malabar Road SE, Suite 310  
 Palm Bay, FL 32907

Fax: 321-953-8971  
 Email: [terri.lefler@pbfl.org](mailto:terri.lefler@pbfl.org)  
 Web: [www.palmbayflorida.org](http://www.palmbayflorida.org)

**From:** Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>  
**Sent:** Thursday, July 20, 2023 8:41 AM  
**To:** Terese Jones <Terese.Jones@palmbayflorida.org>; Terri Lefler <Terri.Lefler@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Juliet Misconi <Juliet.Misconi@palmbayflorida.org>  
**Cc:** Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>  
**Subject:** FW: Case: CP23-00010 & CPZ23-00006

FYI...



Alix Bernard  
Principal Planner

*Down to Earth* And Up to Great Things™

☎ 321.733.3042 or ext. 5747

**From:** no worries <[tinab614@gmail.com](mailto:tinab614@gmail.com)>

**Sent:** Thursday, July 20, 2023 7:07 AM

**To:** [D5.Commissioner@brevardfl.com](mailto:D5.Commissioner@brevardfl.com)

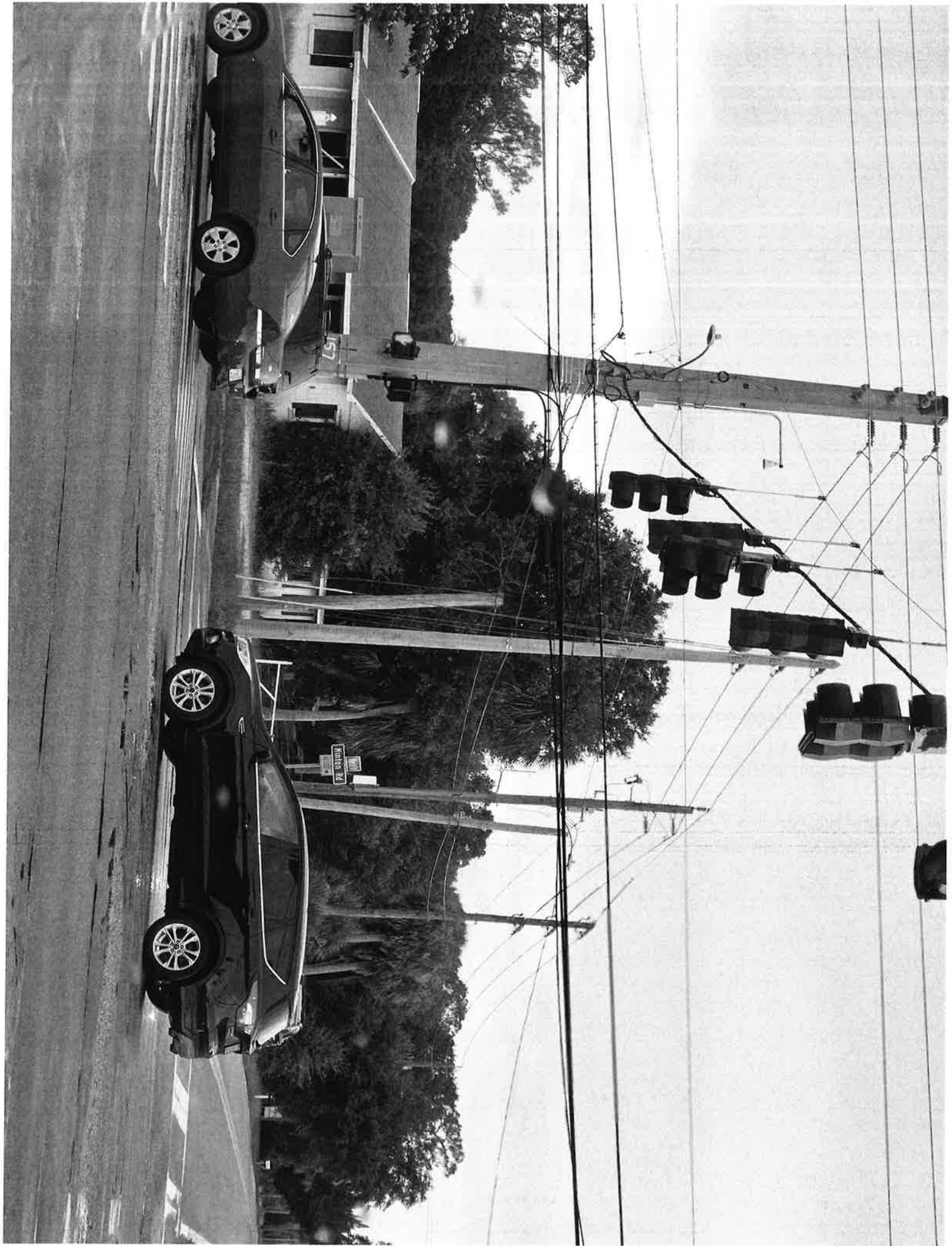
**Cc:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; [wpr686@hotmail.com](mailto:wpr686@hotmail.com); Rob Medina <[Rob.Medina@palmbayflorida.org](mailto:Rob.Medina@palmbayflorida.org)>

**Subject:** Case: CP23-00010 & CP23-00006

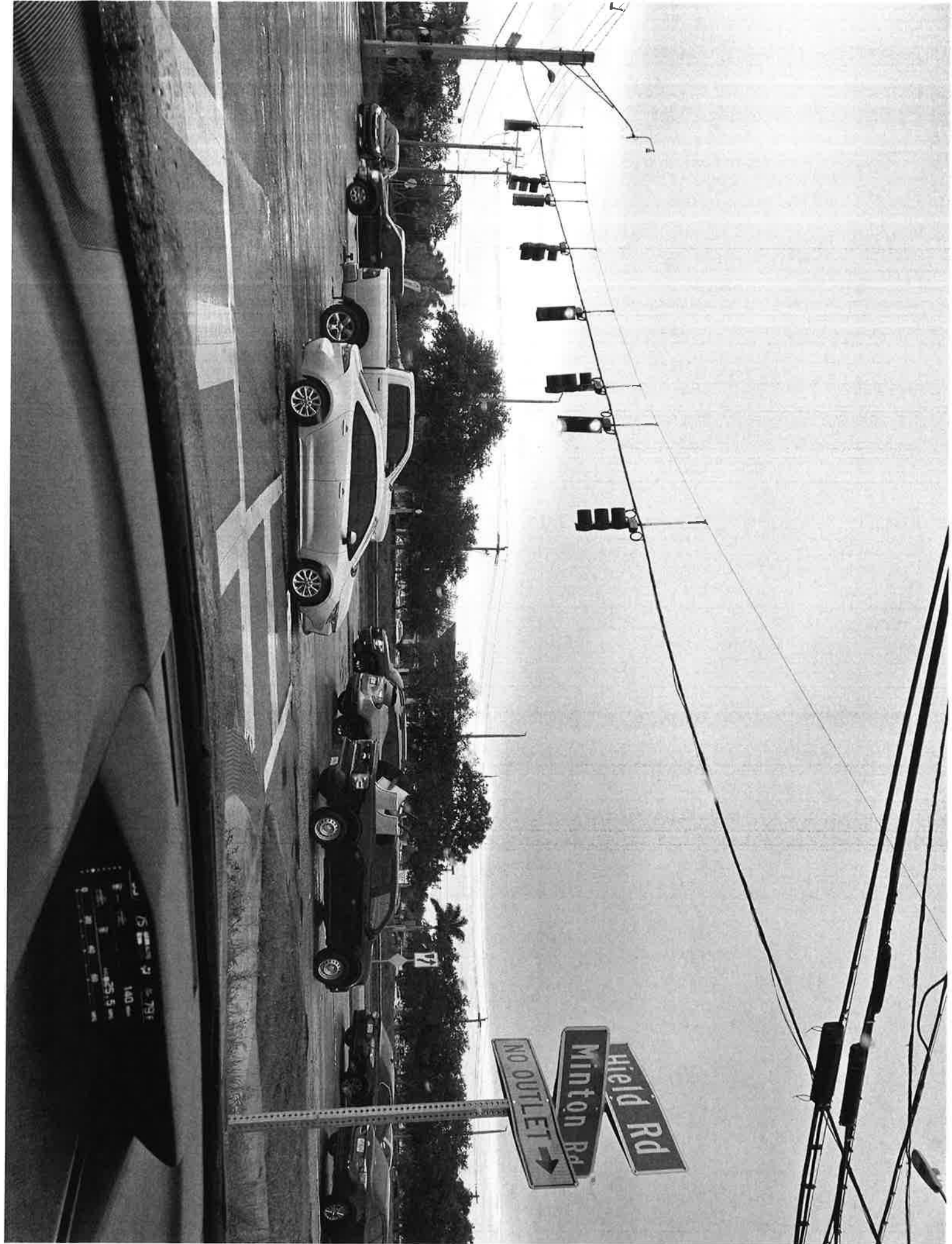
**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My husband and I reject the proposed planning for an entrance to be constructed on the southwest corner of Hield Rd. and Minton Rd. This is residential area and we do not want the influx of additional traffic. Please see the attached pictures from yesterday afternoon at that intersection after 5 pm. Intersection blocked and no law enforcement around totally acceptable. The entrance to proposed Starbucks should be at Palm Bay Rd behind Walgreens and All the shopping stores there now they can go in the back which that was suggested by a resident on the meeting of July 5th. We appreciate your help and voting in favor of the residents.

Thank you,  
Tina & Patrick Bresnahan







Public Hearings

Cathy Green

**From:** Rob Medina  
**Sent:** Wednesday, July 19, 2023 6:30 AM  
**To:** Kenneth D. Williams; Terese Jones; Suzanne Sherman; Patricia D. Smith  
**Subject:** Re: Annexation on Minton Road

A23-00001  
 CP23-00010  
 CP23-00004

Mr. & Mrs. Williams,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me. I have added our City Clerk, City Attorney and City Manager to this email for record keeping purposes. I also wanted to inform you that the applicant has submitted a request to continue the items on the Agenda for July 20th Council Meeting to the August 17th Council Meeting. Council will consider the request for the continuance early in the Meeting.

Respectfully,

Rob Medina  
 Mayor

**From:** Kenneth D. Williams <kwilliams538@cfl.rr.com>  
**Sent:** Tuesday, July 18, 2023 12:00 PM  
**To:** City Council <CityCouncil@palmbayflorida.org>  
**Subject:** Annexation on Minton Road

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: City Councilman of Palm Bay

**Subject: Proposed Annexing of the Southwest Corner of Minton and Hield Roads**

(Palm Bay Case No. CP23-00010 & CP223-00006)

We are to express our **OBJECTIONS** to the Annexation and Zoning Change FROM RES 2 (Brevard County) TO Commercial Use and A Rezoning FROM RP & AU (Brevard County) TO CC (Community Commercial) for the **3045 Hield Road property referenced above.**

We are with the majority of residents in the Hield Road neighborhood who **strongly** object. If you have never experienced the traffic snarls every weekday on Minton and the mess this creates for Hield Road residents, you must experience it yourself before annexing. Go in and out of Hield between 5:00 PM and 5:15PM on any weekday. A Starbucks is especially objectionable, as they are known for the long lines that spill out on public roads and cause major gridlock.

This is a direct quote from CNN

( <https://www.cnn.com/2023/06/24/business/drive-thru-fast-food-chick-fil-a-urban-planning/index.html#:~:text=Minneapolis%3B%20Fair%20Haven%2C%20New%20Jersey,temporary%20moratoriums%20blocking%20new%20developments> )

Drive-thrus promise hungry drivers ease, convenience and a juicy burger.

But long lines of cars waiting for orders spill out into US roads in every state from chains like Chick-fil-A, McDonald's, Starbucks and Dunkin. And city

officials, urban planners and critics say the model is failing modern cities.

**If you wish to fail the citizens you represent, just remember that most of us vote and we will know who not to vote for.**

Sincerely,

Kenneth D. Williams

Elizabeth A. Williams

4096 Hield Rd. NW

Palm Bay, FL 32907

## AGENDA ITEM

Public Hearings

**Cathy Green**

**From:** Terri Lefler  
**Sent:** Wednesday, July 19, 2023 10:45 AM  
**To:** Cathy Green  
**Cc:** Terese Jones  
**Subject:** FW: The annexation of properties at the intersection of Hield Road

A23-00001  
CP23-00010  
CP23-01000

This email has been sent to Council. Please print and place a copy at each of the Councils' seats for the July 20<sup>th</sup> meeting.

**From:** Rob Medina <Rob.Medina@palmbayflorida.org>  
**Sent:** Wednesday, July 19, 2023 6:23 AM  
**To:** Eric Kennard <ericskennard@msn.com>; Terese Jones <Terese.Jones@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terri Lefler <Terri.Lefler@palmbayflorida.org>  
**Subject:** Re: The annexation of properties at the intersection of Hield Road

Mr. Kennard,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me. I have added our City Clerk, City Attorney and City Manager to this email for record keeping purposes.

I also wanted to inform you that the applicant has submitted a request to continue the items on the Agenda for July 20th Council Meeting to the August 17th Council Meeting. Council will consider the request for the continuance early in the Meeting.

Respectfully,

Rob Medina  
Mayor

---

**From:** Eric Kennard <ericskennard@msn.com>  
**Sent:** Tuesday, July 18, 2023 3:36 PM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Peter Filiberto <Peter.Filiberto@palmbayflorida.org>; d5.commissioner@brevardfl.gov <d5.commissioner@brevardfl.gov>  
**Subject:** The annexation of properties at the intersection of Hield Road

**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.

***Eric S. & Cynthia P. Kennard***  
***1511 Pinetree Lane NW***  
***Palm Bay, FL 32907***  
***321-312-6499***

July 17, 2023

Honorable Rob Medina, Mayor Palm Bay, Florida

Esteemed Members of Palm Bay City Council

CC: The Honorable Jason Steele, Brevard County Commissioner

Dear Mayor Medina and City Council,

It has come to our attention that there comes before you a motion to annex in the area on the south-west corner of the intersection of Hield Road and Minton Road. The Zoning for this area is to be zoned commercial. This is all well and good and may provide taxing income for the City of Palm Bay.

I respectfully request you not consider approving a high-volume commercial business or one with a drive-through for this location.

Our concern is the acceptance of placing a Starbucks Café at this corner. This business or any business that has a drive through at this location will cause a traffic nightmare. Certainly, you are aware of the congestion of this intersection during the times of 7AM to 9AM and 4PM until 6PM daily. The addition of a drive through business at this intersection will severely hamper access to Hield Road by emergency vehicles. I was a law enforcement officer in Brevard County for 31 years. Trust me when I tell you that even with lights and sirens there is no way to navigate through a traffic jam safely and efficiently.

The current timing of the traffic signal at this intersection only allows five vehicles to exit Hield Road at each light interval. The trigger that changes the signal when vehicles are sitting on Hield Road waiting for the light to change has a significant delay. Any business placed in this location will seriously impede the flow of traffic through the intersection even if there were no entrance from Hield Road. This intersection is already overwhelmed since the addition of the Ascend Hammock Landing Apartments now located at the northeast corner of the intersection. During peak hours turning onto Hield from Minton is treacherous. Vehicles usually block the intersection with no regard to traffic trying to enter or exit Hield Road. Adding a high-volume business will impede southbound Minton traffic even more. There have been numerous accidents at this intersection already, many with fatalities. How do you propose to increase safety for the users of this intersection?

In 2021 There was an engineering study completed by LTG Engineering and planning to examine the impact of traffic caused by the Ascend Hammock Landing Apartments. This plan was submitted to the City of West Melbourne and Brevard County. There were several suggestions to facilitate better traffic flow through the area. These included the following changes to the intersection of Hield Road and Minton Road;

- Convert Eastbound multi directional lane into a left turn lane
- Add Eastbound through right lane

- Add "Do Not Block" pavement markings and signs at the intersection
- Optimize signal timings

This plan was actually an agreement signed on December 2, 2021, by the Brevard County Commission, the City of West Melbourne, and DHIC Hammock Landing, LLC. None of the above were ever accomplished as of July 17, 2023, with the possible exception of signal timing changes. The timing is still not adequate.

In an email dated June 28, 2023, from Ms. Corina Gumm Brevard County Traffic Operations Manager to Danielle Stern, Chief of Staff for Brevard County Commissioner Jason Steele, Ms. Gumm stated that DHIC Hammock Landing were going to make suggested improvements but were unable to because of "conflicts with utilities." This will require a major design change of the intersection. I must assume that if Palm Bay annexes this into the City that Palm Bay will have to assist in payment for the major improvements, if they so choose.

As you may be aware, Hield Road is a two-lane road. There is no other access out of the neighborhood. Adding additional lanes to Hield Road at the intersection would be an extremely expensive proposition. There is no extra road frontage to accommodate those lanes. I assume Brevard County, the City of West Melbourne, and the City of Palm Bay would have to incur these changes as clearly DHIC Hammock Landing has not. So in order to get a few more commercial businesses installed, the City of Palm Bay is going to incur expenses in roadway development.

I certainly do not propose adding any additional access to Hield road from either Jupiter to the south or Glencove Ave NW to the West. Either of those access points would require the City of Palm Bay to build bridges over the canals. That would be another expense. Honestly, I don't want to open Hield Road up to that traffic.

There are numerous residences along Hield with at least an acre or more of grounds making our neighborhood a premier location. We truly enjoy country living in a residential area. Obviously, the taxes from these properties provide significant income for both Brevard County and the City of Palm Bay.

Please add this into the official record.

Yours truly,

Eric S. Kennard

**From:** [Rob Medina](#)  
**To:** [Lisa Mills](#); [City Manager](#); [Land Development Web](#); [Patricia D. Smith](#); [Suzanne Sherman](#); [Terese Jones](#); [Alexandra Bernard](#); [Jesse Anderson](#); [Juliet Misconi](#); [Joan Junkala](#); [Carol Gerundo](#); [Chandra Powell](#); [Kevin Mills](#)  
**Subject:** Re: Hield-Minton Development, on agenda for Sept 2023 - CP23-00010, CPZ23-00006, A23-00001, CP23-00013, CPZ23-00007, A23-00002  
**Date:** Sunday, September 10, 2023 4:05:19 PM

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Lisa & Kevin Mills,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me regarding Hield and Minton Rd.

Respectfully,

Rob Medina  
Mayor

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**From:** Lisa Mills <lisafrills@gmail.com>  
**Sent:** Sunday, September 10, 2023 2:29 PM  
**To:** Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; Rob Medina <Rob.Medina@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Juliet Misconi <Juliet.Misconi@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Kevin Mills <kevinjills5@gmail.com>  
**Subject:** Hield-Minton Development, on agenda for Sept 2023 - CP23-00010, CPZ23-00006, A23-00001, CP23-00013, CPZ23-00007, A23-00002

**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.

Dear City Council,

My name is Lisa Mills and I live at 3080 Hield Rd, Melbourne, FL 32904. I live within 500 feet of the proposed development which will be discussed at the upcoming meeting.

I am not here to fight the development. I loved the area so much, I moved here. It would be naive for me to expect that no other homeowners or commercial businesses would want to move here too. I welcome and support change, as it is inevitable.

I would just like to take a moment to explain my concerns to work toward the best arrangement possible for all involved.

Although I would prefer the second home on Hield to not be rezoned to commercial property as it brings noise and other aspects closer to my home than I anticipated when purchasing my property, I am sure there is little I can do to change this. Given that, I would like to focus on the biggest concern I have; traffic.

Currently, during peak hours, the intersection on Minton fills up with cars and keeps Hield residents unable to exit the street other than 1 or 2 cars per light. It may take several cycles to be able to exit Hield, which vacillates between a waste of time and a hazard. In an emergency, there is no way around this situation. In non-emergencies, there are accidents, road-rage incidents, and frustrated people putting everyone at risk. There is currently a lack of policing for blocking the intersection. Bringing more vehicles into the area is going to further inflame the situation and I fear increasing the hazardous conditions for both residents and non-residents alike.

I ask that you please make this letter part of the record in support of finding a viable solution for all involved.

Thank you,  
Lisa and Kevin Mills  
321-390-3891

**From:** [Angela Burak](#)  
**To:** [Terri Lefler](#); [Terese Jones](#)  
**Subject:** FW: Hield & Minton Roads - Community Meeting & Incorrect FL Today Annoucement  
**Date:** Wednesday, September 13, 2023 2:12:34 PM  
**Attachments:** [Hield Road Starbuck and Intersection Improvements.pdf](#)  
[image001.png](#)  
[Hield Road Starbuck and Intersection Improvements Rev 9-12-23 from Oliver.pdf](#)

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**From:** Sue Shep <keepthefocus2003@yahoo.com>  
**Sent:** Wednesday, September 13, 2023 1:30 PM  
**To:** Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; Rob Medina <Rob.Medina@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>; Philip Weinberg <pawasa@bellsouth.net>  
**Subject:** Fw: Hield & Minton Roads - Community Meeting & Incorrect FL Today Annoucement

**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.

Hield/Minton Road Starbuck's Proposal

City Council Meeting Scheduled for Tuesday, September. 19, 2023 at 6 p.m.

Cole Oliver's Community Meeting Scheduled for Thursday, September 14, 2023 at 6 p.m.

**Please make this letter of part of the record.**

Good Afternoon All~

Below, you will see two attachments.

\* Revised proposed site plan from Cole Oliver **emailed to us last night**, September 12, 2023 at 9:26 p.m.

\* Florida Today announcement showing City Council Meeting Scheduled for Thursday, September 19, 2023 at 6 p.m. The property highlighted in that diagram is ONLY representing one of the properties (The Trailer Business) next to Pizza Voila. This is very DECEPTIVE. Additionally, **please take note:** The **date** and **day** are **incorrect!** **The 19th is Tuesday!** I can only assume Mr. Oliver and/or his organization placed that announcement. If that be the case, this shows a pattern of Mr. Oliver's continued **impropriety** of trying to **confuse** the Community. Remember, Mr. Oliver's initial "required" Community Meeting held in May, 2023, he

scheduled a meeting place with an **incorrect address**. They needed to have a second Community Meeting with the correct address in June.

Mr. Oliver's email below states the following:

"Please note that we have already held the Community Meeting as required by Code with the requisite notices."

These meetings/notices he references to are those mentioned above in May and June. NOT this current revised site plan.

I will be resending, only, these two attachments in a separate email to all of you in case for some reason they got lost in these email strings.

What happened to a **"timely"** scheduled community meeting to allow enough time for the Hield Road residents and the City of Palm Bay to have the appropriate time to review his proposal and allow for all of us to study same and do our own research in order for all of us to present our questions and possible other alternative suggestions to the Developer?

A less than 48 hour notice clearly shows Mr. Oliver's LACK OF GOOD FAITH! Most of Hield Road residents, even those within the required "500 ft radius" residents work and have families. The 6:00 p.m. scheduled time will make it very difficult for those residents to attend with such SHORT notice. I am sure Mr. Oliver is counting on that! Additionally, the residents within the "500 ft radius" of the proposed properties **did not receive a letter** from Mr. Oliver advising of tomorrow night's meeting of September 14, 2023 at 6:00 p.m.

Once again, Mr. Oliver is showing his impropriety and manipulation of the Statutes by sending his meeting announcement to me and you at 9:26 p.m. on September 12th. Does he really think You and Hield Road residents are that ignorant to not recognize his ploy? Does he really think he is giving us 2 days notice? Does Mr. Oliver really think we will not be able to see through his "revised" proposal having the very same impacts to Hield Road and Minton Road vehicles? A "high-traffic" demanding business is not the answer.

Did you receive the proposed site plan and his meeting announcement the same time as I did?

**Did any of you receive a current traffic study?** We did not.

Within the volume of recent correspondences, the "traffic study" was one of the items Mr. Oliver was waiting on in addition to his "modifications" and "revisions". Anyone can see, especially during peak hours which are increasing in the a.m. and p.m. during the week, the increased volume of traffic southbound from Calvary Chapel to Palm Bay Road. The occupants are becoming more **aggressive** with each other. Windows go down, yelling expletives' out the their windows, shooting various finger digits at each

other and us. Near accident misses with many of us. With increased aggression, we know this can become a **potential volatile scenario** especially in today's times with "road rage", etc. Does the City of Palm Bay really want that? City of Palm Bay's crime is already increasing in and of itself!

Perhaps, Mr. Oliver is waiting to be able to "doctor" the traffic study and present that to all of us at the last minute!

If you have not read my letter to all of you from last, Friday, September 8, 2023, I respectfully ask you do so, in particular, to review my bullet points.

Mr. Oliver's email below states the following:

*"We are hosting this meeting as an effort to work with the community on a mutually agreeable solution."*

Mr. Oliver's actions/efforts as referenced above in this letter DOES NOT align with him working with the Community and the City of Palm Bay.

Can all of us really trust Mr. Oliver and staff? His manipulations, lack of good will and his actions of impropriety make it very difficult to do so.

Respectfully submitted,  
Susan Shepherd  
Em: keepthefocus2003@yahoo.com  
(c) 321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

----- Forwarded Message -----

**From:** J Cole Oliver <cole@eksdevelopment.com>

**To:** Sue Shep <keepthefocus2003@yahoo.com>; Mindy Mason <mindym@eksdevelopment.com>

**Cc:** Alexandra Bernard <alexandra.bernard@palmbayflorida.org>; Cathy Green <cathy.green@palmbayflorida.org>; Chaundra Powell <chandra.powell@palmbayflorida.org>; Angela Burak <angela.burak@palmbayflorida.org>; Suzanne Sherman <suzanne.sherman@palmbayflorida.org>; Juliet Misconi <citymanager@pbfl.org>; Terese Jones <terese.jones@palmbayflorida.org>; Mayor Rob Medina <mayorrobmedina@pbfl.org>

**Sent:** Tuesday, September 12, 2023 at 09:26:11 PM EDT

**Subject:** RE: Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Sue,

Apologies for the delay, but we received the revised proposed plan showing the proposed roadway improvements on Hield Road today. Please see attached. We have booked a meeting room from 6 PM at the Hyatt Place at Melbourne Airport (747 Air Terminal Parkway Melbourne, FL 32901) for this Thursday night (September 14<sup>th</sup>) to discuss with the proposed project with the Hield residents. Please note that we have already held the Community Meeting as required by Code with the requisite notices. We are hosting this meeting as an effort to work with the community on a mutually agreeable solution.

Regards,

Cole

---

**From:** Sue Shep <keepthefocus2003@yahoo.com>

**Sent:** Sunday, August 20, 2023 7:23 PM

**To:** J Cole Oliver <cole@eksdevelopment.com>; Mindy Mason <Mindym@eksdevelopment.com>

**Cc:** Alexandra Bernard <alexandra.bernard@palmbayflorida.org>; Cathy Green <cathy.green@palmbayflorida.org>; Chaundra powell <chandra.powell@palmbayflorida.org>; Angela Burak <angela.burak@palmbayflorida.org>; Suzanne Sherman <suzanne.sherman@palmbayflorida.org>; Juliet Misconi <citymanager@pbfl.org>; Terese Jones <terese.jones@palmbayflorida.org>; Mayor Rob Medina <mayorrobmedina@pbfl.org>

**Subject:** Re: Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Mr. Oliver,

Pursuant to our last City Council Meeting of August 17, 2023, our cases are to be continued to Tuesday, September 19, 2023.

We are in the same scenario as we were in July regarding the timely scheduling of a Community Meeting with you and the residents of Hield Road. Time is of the essence to have appropriate notice for the Community Meeting to enable the residents to make arrangements to attend this important meeting.

The residents of Hield Road are becoming more anxious and voicing their intent to have this meeting scheduled.

Please advise when and where the Community Meeting will be scheduled.

Thank you for your time and considerations.

Regards,

Susan Shepherd

Em: [keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)

( C ) 321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

On Monday, August 14, 2023 at 07:03:59 PM EDT, Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)> wrote:

Thank you!

Susan Shepherd

[Sent from Yahoo Mail on Android](#)

On Mon, Aug 14, 2023 at 5:33 PM, J Cole Oliver

<[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)> wrote:

We have not been able to set a date or time yet as we are waiting for the engineers. As soon as I have more, I will reach out.

Regards,

Cole

---

**From:** Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**Sent:** Monday, August 14, 2023 3:50 PM

**To:** J Cole Oliver <[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)>; Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Cc:** Alexandra Bernard <[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)>; Cathy Green <[cathy.green@palmbayflorida.org](mailto:cathy.green@palmbayflorida.org)>; Chaundra powell <[chandra.powell@palmbayflorida.org](mailto:chandra.powell@palmbayflorida.org)>; Angela Burak <[angela.burak@palmbayflorida.org](mailto:angela.burak@palmbayflorida.org)>; Suzanne Sherman <[suzanne.sherman@palmbayflorida.org](mailto:suzanne.sherman@palmbayflorida.org)>; Susan Shepherd <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**Subject:** Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Good Afternoon!

Hoping all had a good weekend!

Please advise if a date, time and place have been arranged for the Community Meeting?

I am being asked by several residents if I have received any information regarding the above question.

Thank you,

Susan Shepherd

Hield Road

[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)

321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

----- Forwarded Message -----

**From:** Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**To:** Alexandra Bernard <[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)>

**Sent:** Tuesday, August 8, 2023 at 04:23:57 PM EDT

**Subject:** Re: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

Hi Alix,

I appreciate your letting me know the Continuance Request to September 21, 2023.

Thank you!

Susan Shepherd

Hield Road

**Susan** □

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

On Tuesday, August 8, 2023 at 09:05:10 AM EDT, Alexandra Bernard  
<[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)> wrote:

Good Morning Sue,

Below is the formal email that we received requesting continuance of these cases.

All the Best,



---

**From:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Sent:** Friday, August 4, 2023 1:57 PM

**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman  
<[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela  
Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** RE: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

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Thank you for your confirmation.

Respectfully,

Mindy Mason

Operations Manager

**EKS, Inc.**

516 Delannoy Ave

Cocoa, FL 32922

**Email:** [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)

**Direct:** 321.632.4710 ext.208

**Fax:** 321.635.8681

---

**From:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>

**Sent:** Friday, August 4, 2023 1:43 PM

**To:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** RE: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

Hi Mindy,

Thank you for your email. We are in receipt of your request for a continuance to the September 21<sup>st</sup> City Council meeting.

All the Best,



---

**From:** Mindy Mason <[MindyM@eksdevelopment.com](mailto:MindyM@eksdevelopment.com)>

**Sent:** Friday, August 4, 2023 1:29 PM

**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

As the applicant for the potential annexation of the southwest corner of Hield and Minton Rd, which is scheduled to go before the August 17, 2023, Council Meeting, we respectfully request a continuance to September 21, 2023. I have listed the case numbers below.

A23-00001

CP23-00013

CPZ23-00007

A23-00002

CP23-00010

CPZ23-00006

Please let me know if anything else is needed. Thank you!

Respectfully,

**Mindy Mason**

Operations Manager

**EKS, Inc.**

516 Delannoy Ave

Cocoa, FL 32922

**Email:** [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)

**Direct:** 321.632.4710 ext.208

**Fax:** 321.635.8681

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## Carol Gerundo

---

**From:** Jesse Anderson  
**Sent:** Thursday, July 6, 2023 10:32 AM  
**To:** Chandra Powell; Carol Gerundo  
**Cc:** Alexandra Bernard  
**Subject:** FW: Just say NO to Starbucks!

Good morning,

Please add this to the case file correspondence.

Thank you!

Best,



Jesse D. Anderson, Ph.D  
Assistant Growth Management  
Director

*Down to Earth And Up To Great Things™*

ext. 5310

[Participate in the Palm Bay Comprehensive Plan Update Here!](#)

**From:** Kendra Somberg <mrssomberg@gmail.com>  
**Sent:** Wednesday, July 5, 2023 4:47 PM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Leeta Jordan <Leeta.Jordan@palmbayflorida.org>  
**Subject:** Just say NO to Starbucks!

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom this may concern:

I was hoping to be present at tonight's meeting regarding the proposed building of a Starbucks on the SW corner of Minton Rd and Hield Rd. But, unfortunately i am unable to attend. I do however hope this email will be able to not fall on deaf ears.

As a resident who lives off Hield road my husband and I are very much opposed to the proposed building of another unneeded Starbucks. The intersection this is proposed for is already extremely congested and overwhelming at all times of the day due to the traffic from the Ascend apartment complex and Pineapple Cove Academy. Adding a Starbucks with

the entrance on Hield rd and all of it's insane traffic is only going to add to what is already a nightmare. It is hard for me to understand why there is even a proposal for a Starbucks at this location when there are two other Starbucks within 2.7 miles of this location. Why do we need another one?

This city is growing at an alarmingly fast rate. Our roads cannot keep up. Our schools are overcrowded. Yet let's build another Starbucks, Dollar General or car wash....? Doesn't make a lot of sense. Please help protect what is left of our intersection and just say NO to Starbucks!!

Sincerely,

Kendra Somberg

## Chandra Powell

---

**From:** Gjbarden077 <gjbarden077@aol.com>  
**Sent:** Tuesday, July 11, 2023 12:44 PM  
**To:** Rob Medina; Donny Felix; Randy Foster; Kenny Johnson; Suzanne Sherman; Chandra Powell; Land Development Web  
**Subject:** sw corner Hield Rd annexation  
**Attachments:** City council\_2\_heild\_rd.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

City Council, Mayor Medina, City Manager Suzanne Sherman, Land Dev. & P & Z,

I am writing again to voice my concern about the annexation & rezoning of the SW corner of Hield Rd. P & Z has approved this process to continue as they are only volunteers for the board. They aren't paid to make the tough calls. But you as OUR elected officials are paid to make these calls. So I am asking again to NOT approve this annexation and rezoning this property in the SW corner of Hield Rd. I realize it's all Brevard County's problem with the road but if this process goes forward you will be allowing this nightmare to continue. I am asking for you to consider the impact it will have on the residents of Hield Rd. Some of which ARE Palm Bay residents.

Thank you for your time and I am in hopes you will visit this intersection before the next council meeting where this annexation and rezoning is to take place and see what we deal with on a daily basis. During this time there are no schools open so the traffic is a little less but not by much.

Concerned Hield Rd Resident of Palm Bay

Juanita Barden

City council, City Manager & Planning Zoning,

I would like to thank the Planning & Zoning board for them doing their job, plus to point a few things on moving this process of rezoning & annexation of the property on the SW corner of Hield Rd.

1. The board pointed out the road and the intersection belong to Brevard County to maintain and monitor the traffic issues of illegal U turns and vehicles sitting under the light so NO traffic can pass on or off Hield Rd during peak traffic times. The illegal "U" turns they are done every day all day long.
2. It's not Palm Bay's problem to correct the road or traffic issues you must complain to the County. Well, many of the Hield Rd residents have done this for years and nothing happens. Yet you're willing to annex this piece of property into Palm Bay and not worry about the road problems and traffic issues because that's the county's problem. WAY TO GO Planning & Zoning board. Again, you're not worried about the residents of Palm Bay just the possibility of more commercial taxes.
3. Bill Batten pointed out when the speed limit was to be raised on Hield Rd only (1) one person was there to fight against it. But there were over 100 people there against this rezoning & annexation and the board approved it. Raising the speed limit didn't affect hundreds of residents daily impact of getting in and out of Hield Rd. This possible annexation & rezoning WILL impact us.
4. Quiet a few years ago the Palm Bay Colony residents came to the council to assist them with their flooding issues. They have an HOA and were unable to finance the work that needed to be done to alleviate their flooding issues. So, they asked the city council for help. There must have been 40 residents or more at the council meeting asking for help and it was approved. The city did a bid awarded it for assisting Palm Bay Colony in their flooding issues for approximately \$38K. The residents of Hield Rd are not asking for any money we just don't want the traffic issues at the entrance of our road. If 100 plus people showing their support isn't enough for attention, I am not sure what does. These are the same people that elected some of you into office in hopes that when we needed your help you are there to assist us.
5. The Planning & Zoning board are only volunteers they aren't paid to make the hard decisions. That's why we have YOU the City Council & Mayor. So now step up to the plate and deny this annexation & rezoning of the SW corner of Hield Rd. All of the property that is on the agenda for annexation & rezoning commercial DENY IT!!

So again, I am asking you not to approve this annexation and rezoning of the SW corner of Hield Rd into Palm Bay. I also invite each council member, Mayor, city Manager and the Planning & Zoning members to sit there at the entrance of Hield Rd during evening traffic 3:30 to approximately 6pm and watch the cluster we deal with every day. You all will attend a groundbreaking, ribbon cutting ceremony, new park opening, pool reopening kodak moment, so I invite you to sit at Hield Rd sometime between now and the next council meeting. Of course, the traffic isn't as bad now as it is when school is in session so it's not a truly accurate account of our daily cluster. Then if you make this annexation & rezoning real just imagine what you're going to approve BUT WAIT it's NOT Palm Bay's problem it's BREVARD COUNTY'S!!!

Ask yourself why after all these years does this property want to be annexed into Palm Bay. MAYBE JUST MAYBE THE AGENCY THEY ARE IN WON'T APPROVE THEIR PLAN!!! Did anyone ask this question??

Concerned Resident of Hield Rd.

Juanita Barden

## Chandra Powell

---

**From:** Angela Burak  
**Sent:** Monday, July 17, 2023 8:43 AM  
**To:** Chandra Powell; Carol Gerundo  
**Subject:** FW: Annexation of and zoning change of SW corner of Minton and Hield Road

Fyi also

---

**From:** Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>  
**Sent:** Friday, July 14, 2023 12:06 PM  
**To:** Dennis Foster <dennisf703@gmail.com>; Rob Medina <Rob.Medina@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>  
**Cc:** Terri Rines <terrirines@gmail.com>; Terese Jones <Terese.Jones@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>  
**Subject:** RE: Annexation of and zoning change of SW corner of Minton and Hield Road

Good afternoon,

Thank you for reaching out to us regarding your concerns. I know this will be a significant discussion for all of us, and we appreciate your input.

I also wanted to let you know, in case you are not already aware, that the applicant has submitted a request to continue these items from the July 20<sup>th</sup> Council meeting to the August 17<sup>th</sup> Council meeting. Procedurally, the items will all remain on the agenda for the July 20<sup>th</sup> meeting, and early on in the meeting, City Council will consider whether to grant the request for continuance.

Thank you,

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

---

**From:** Dennis Foster <dennisf703@gmail.com>  
**Sent:** Friday, July 14, 2023 11:58 AM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>  
**Cc:** Terri Rines <terrirines@gmail.com>  
**Subject:** Annexation of and zoning change of SW corner of Minton and Hield Road

**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.

Dennis Foster and Terri Rines  
4366 Hield Road NW  
Palm Bay, FL 32907

Ref: Ordinance 2023-59 thru 62 on this weeks July 20, 2023 City Council Meeting Agenda

Dear Rob, Randy, Donnie, Kenny and Suzanne,

As I'm sure you are aware, there is a plan underway to develop the SW corner of Minton and Hield road adding a future potential shopping center (unknown exactly what) and a drive thru Starbucks Coffee Shop directly on that corner. The developer wants Palm Bay to annex that entire property so that he can get access to Palm Bay City water and sewer and then to build the complex on that corner. He currently has a contract with Starbucks to provide a turn-key property on that corner if approved where a Starbucks drive through would be built.

**We want to go on record as being completely against this proposal for the following reasons:**

1. That intersection is already a traffic nightmare. The backup during peak rush hour has been studied previously and is already operating outside its level of service. The recent addition of the new apartment complex on the NE corner of that intersection (West Melbourne) has made it much worse. Adding a drive thru Starbucks coffee on that corner is just a bad idea traffic and safety wise. Drive through Starbucks generates hundreds of cars per day (up to 80 cars per hour average for the whole day - up to 2X that volume during peak morning coffee rush hour). If you have ever driven up to a Starbucks during peak hours the traffic usually is around the building and spilling out into the street. There are already two Starbucks coffee shops within 1/2 mile of this location (one inside of the Target store and one on Palm Bay road east of I95 overpass).
2. Safety of all Hield road residents both in the county and in Palm Bay. A traffic backup at that intersection can prevent emergency vehicles access to all the residents (there is only one entrance to Hield Road). Morning school buses will be delayed. Pedestrian and bicycle traffic will be extremely dangerous.
3. We object to the rezoning to commercial of the second house just west of the house on the corner. Hield road is a rural residential zoning. If you allow commercial rezoning creep westward on Hield road where will it end? What would stop the next one or two houses from being rezoned to commercial? How long is it going to be before we get a car wash or Dollar General on Hield Rd? All the residents that live on Hield, both country and Palm Bay residents, bought property there because of the rural residential nature. We reject soundly the encroachment of commercial businesses into our neighborhood.

The July 3rd P & Z Board Meeting approved this whole thing with the recommendation of NO entry / exit on Hield. **This is the absolute minimum response we expect of council.** Please do not allow a driveway entrance onto a primarily residential street from this property. An entrance or exit onto Hield road from the Starbucks would bring traffic to a complete stop.

Folks, We beg of you to do the right thing for the residents of Palm Bay on Hield Road. This corner has to be one of the worst locations for a Starbucks coffee drive through in the area. Please do not allow the annexation and zoning changes to take place on this corner.

Vote Nay on Ordinance 2023-59 thru 62 on this weeks July 20, 2023 City Council Meeting Agenda.

I expect the public response at this weeks council meeting to be substantial. All the folks in the audience wearing orange ribbons are opposed to this proposal.

Thank you,  
Dennis Foster and Terri Rines

## **ORDINANCE 2023-63**

**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 July 20, 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 Residential 2 Use (Brevard County) to Commercial Use (City of Palm Bay), which property is legally described as follows:

A parcel of land lying withing Section 24, Township 26S, Range 36E, and being a portion of Lots 1 and 2, Block 2, Plat of the Melbourne Poultry Colony Addition No 1, as recorded in Plat Book 7, Page 12, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commence at the northeast corner of said Lot 1, Block 2, thence run S 88°34'45" W, along the south right-of-way line of Hield Road (66' R/W) a distance of 26.66 feet to a point on a curve concave westerly having a radius of 37940.00

feet, a central angle of 00°32'55" and the point of beginning; thence from a radial bearing on N 89°25'21" W, run southerly along the arc of said curve and the westerly right-of-way line of Minton Road, a distance of 363.30 feet to the point of tangency thereof; thence S 01°07'34" W, a distance of 109.50 feet; thence S 88°35'11" W, a distance of 606.96 feet; thence N 00°31'45" E, along the west line of said Lot 2, Block 2, a distance of 149.66 feet; thence N 88°32'52" E, along the north line of said Lot 2, a distance of 274.66 feet; thence N 00°27'06" E, a distance of 322.78 feet to the south right-of-way line of Hield Road; thence N 88°34'45" E, along Hield Road, a distance of 335.94 feet to the point of beginning; containing 4.57 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: Cole Oliver/West Malabar Properties, LLC

Case: CP23-00010

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



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

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

**DATE:** 9/19/2023

**RE:** Ordinance 2023-64, rezoning property located at the southwest corner of Hield Road and Minton Road from RP (Resident Professional) (Brevard County) and AU (Agricultural Residential) (Brevard County) to CC (Community Commercial District) (City of Palm Bay) (4.58 acres) (Case CPZ23-00006, Cole Oliver/West Malabar Properties, LLC), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 08/17/23 RCM)

As you may recall, the above request was scheduled for the July 20, 2023, regular Council meeting. Council voted to continue the request at the applicant's request.

**\*\*Quasi-Judicial Proceeding.** Cole Oliver, West Malabar Properties, LLC has submitted for a Rezoning from RP Residential Professional and AU, Agricultural Residential (Brevard County) to CC, Community Commercial (City of Palm Bay). These 4.58 acres are located west of and adjacent to Minton Road, in the vicinity south of Hield Rd.

The request for the rezoning to Community Commercial is in alignment with the surrounding area as Commercial zoning classifications to the North, East and South of these parcels.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Motion to approve Case CPZ23-00006.

**Planning and Zoning Board Recommendation:**

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion to submit Case CPZ23-00006 to City Council for approval subject to the condition that no ingress/egress be allowed on Hield Road NW.

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

**Aye:** Jordan, Weinberg, Boerema, Good, McLeod, Olszewski, Warner.

**ATTACHMENTS:**

**Description**

CPZ23-00006 -- Staff Report

CPZ23-00006 -- Survey

CPZ23-00006 -- Citizen Participation Plan Report

CPZ23-00006 -- Application

CPZ23-00006 -- Legal Acknowledgement

CPZ23-00006 -- Legal Ad

Continuance Request (08/17/23 RCM)

CPZ23-00006 -- Correspondence

CPZ23-00006 -- Correspondence - 07-06-2023

Correspondence (submitted for July 20, 2023, RCM)

Correspondence (August 17, 2023, RCM)

Correspondence (September 19, 2023, RCM)

Additional Correspondence

Ordinance 2023-64



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Alix Bernard, Principal Planner

---

#### CASE NUMBER

CPZ23-00006

#### PLANNING & ZONING BOARD HEARING DATE

July 5, 2023

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#### PROPERTY OWNER & APPLICANT

Cole Oliver, West Malabar Properties,  
LLC

#### PROPERTY LOCATION/ADDRESS

Lot 1; 1.02 & 2, Melbourne Poultry Colony Addition,  
Section 24, Township 28, Range 36, Brevard County,  
Florida; containing approximately 4.58 acres. Located  
west of adjacent to Minton Rd, in the vicinity of Palm  
Bay Rd NE; Tax Account 2806110, 28061111,  
2806112, 2806115

---

#### SUMMARY OF REQUEST

The applicant is requesting a Rezoning from RP Residential Professional and AU Agricultural Residential (Brevard County) to CC, Community Commercial.

##### Existing Zoning

RP Residential Professional; AU Agricultural Residential (Brevard County)

##### Existing Land Use

Residential 2 (Brevard County)

##### Site Improvements

Two office buildings and two single family homes

##### Site Acreage

4.58 acres

---

#### SURROUNDING ZONING & USE OF LAND

##### North

RU1-13, Single Family Residential & BU-1, General Retail Commercial (Brevard County); Single-Family Home

##### East

C-1, Low Density Commercial (West Melbourne); Retail Plaza

##### South

BU-1, General Retail Commercial; Trailer Service

##### West

AU, Agricultural Residential & EU-1 Estate Use Residential (Brevard County); Single-Family Homes

---

**BACKGROUND:**

The subject parcels are located west of and adjacent to Minton Rd, in the vicinity south of Hield Rd. There are four parcels for a total of 4.58 acres included in this request, which is comprised of two office buildings and two single family homes.

This request is for a rezoning from RP Residential Professional and AU Agricultural Residential (Brevard County) to Community Commercial, ), and proposes a 2,500 SF quick service drive-thru restaurant on the southwest corner of Hield and Minton Roads, two additional commercial pads and a shared stormwater pond.. This request is in conjunction with a voluntary annexation request for the same parcels as well as 4180 Minton Road, a parcel immediately south of these parcels and abutting property within Palm Bay city limits, both of which are scheduled to be heard at the July 20, 2023 Regular Council Meeting.

No homes are proposed to be developed therefore a school concurrency determination from the School Board of Brevard County is not required.

**ANALYSIS:**

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

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

The applicant states the justification for the change is 'the proposed zoning classification will meet the needs of future vision for the property'. Per the Land Development Code, the Community Commercial zoning district shall be in areas that are deemed to be uniquely suited for development. This area already has established commercial in the surrounding area and is located along a major roadway within the City and Brevard County, making it uniquely suitable for such rezoning.

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

The designation of the Community Commercial zoning district for the subject property is compatible with the surrounding area, and its already established commercial activity, and is consistent with the City's desire and plan for the expansion of Commercial development.

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

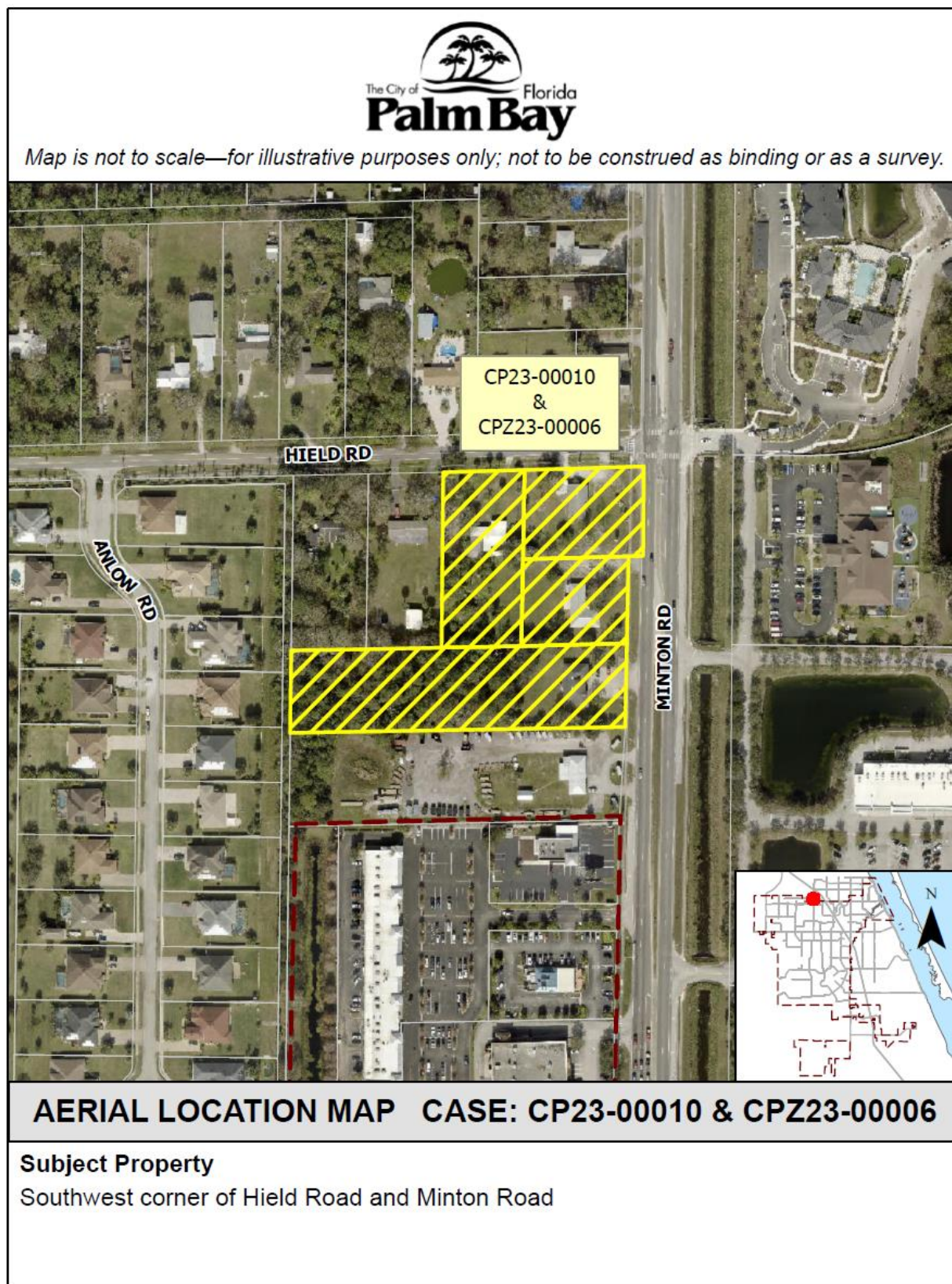
There are a few undeveloped lots with CC, Community Commercial zoning in the general area and throughout the city.

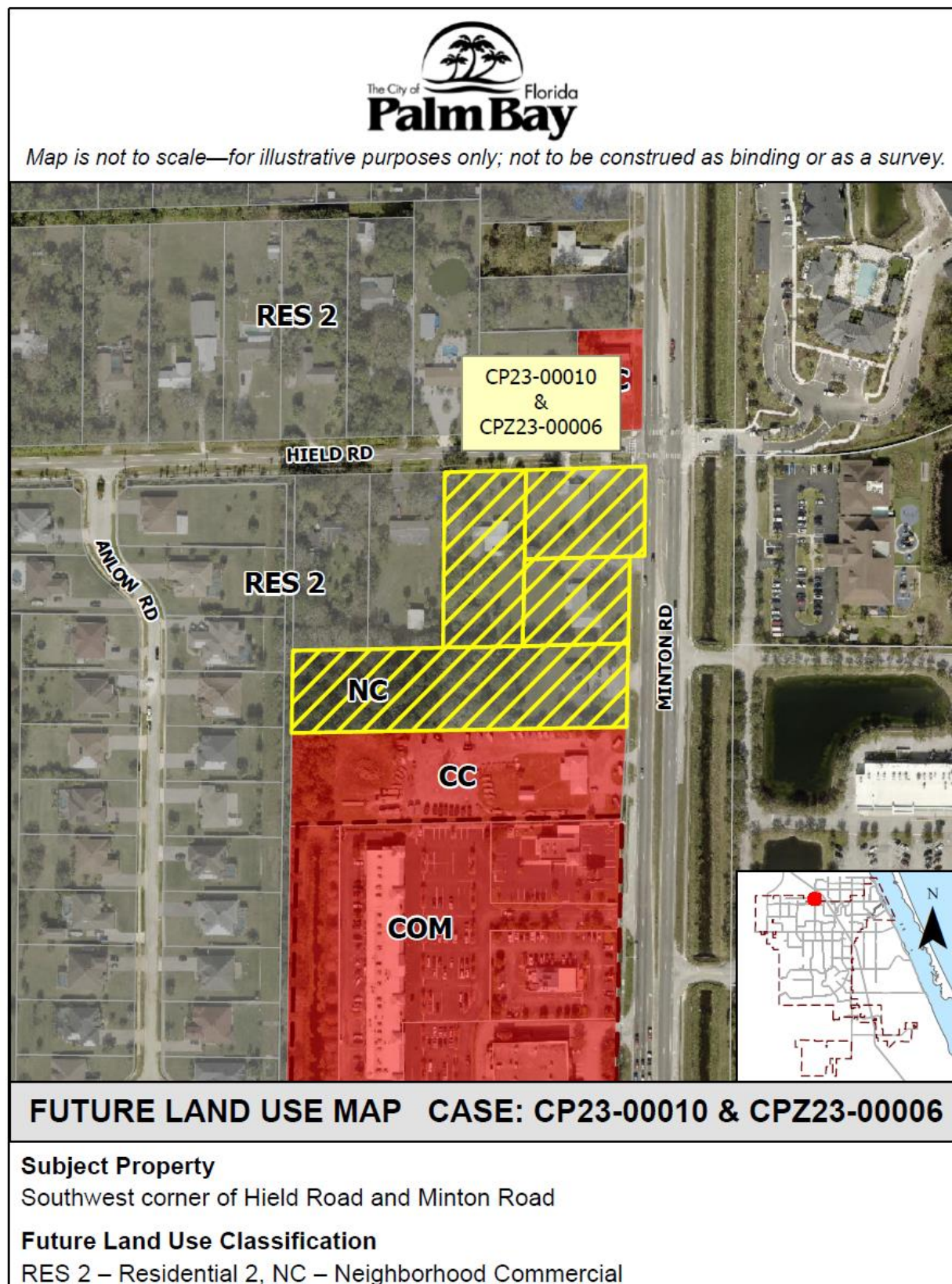
**Item 4** - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

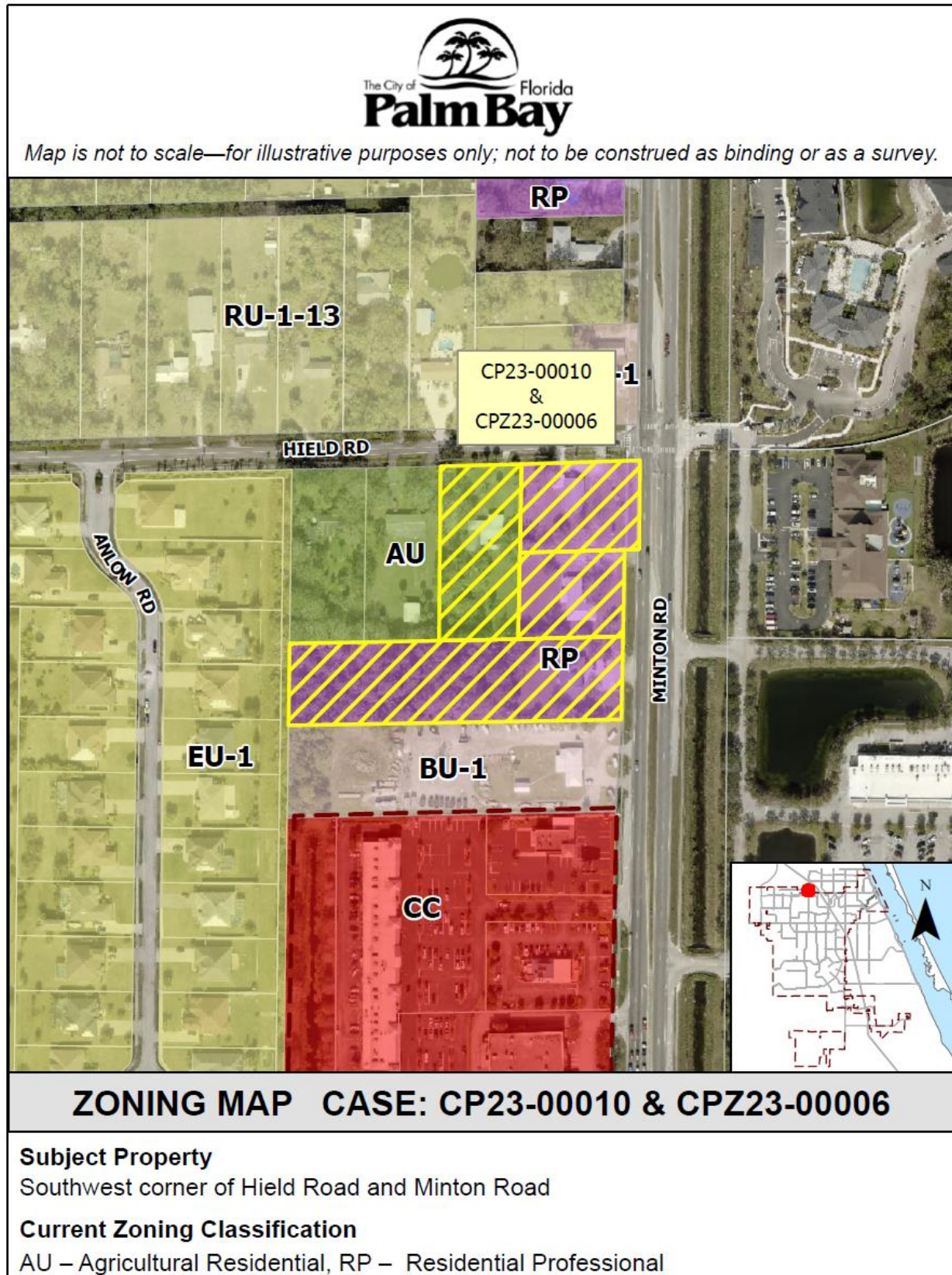
The proposed amendment will further the purposes of Chapter 185, the Comprehensive Plan.

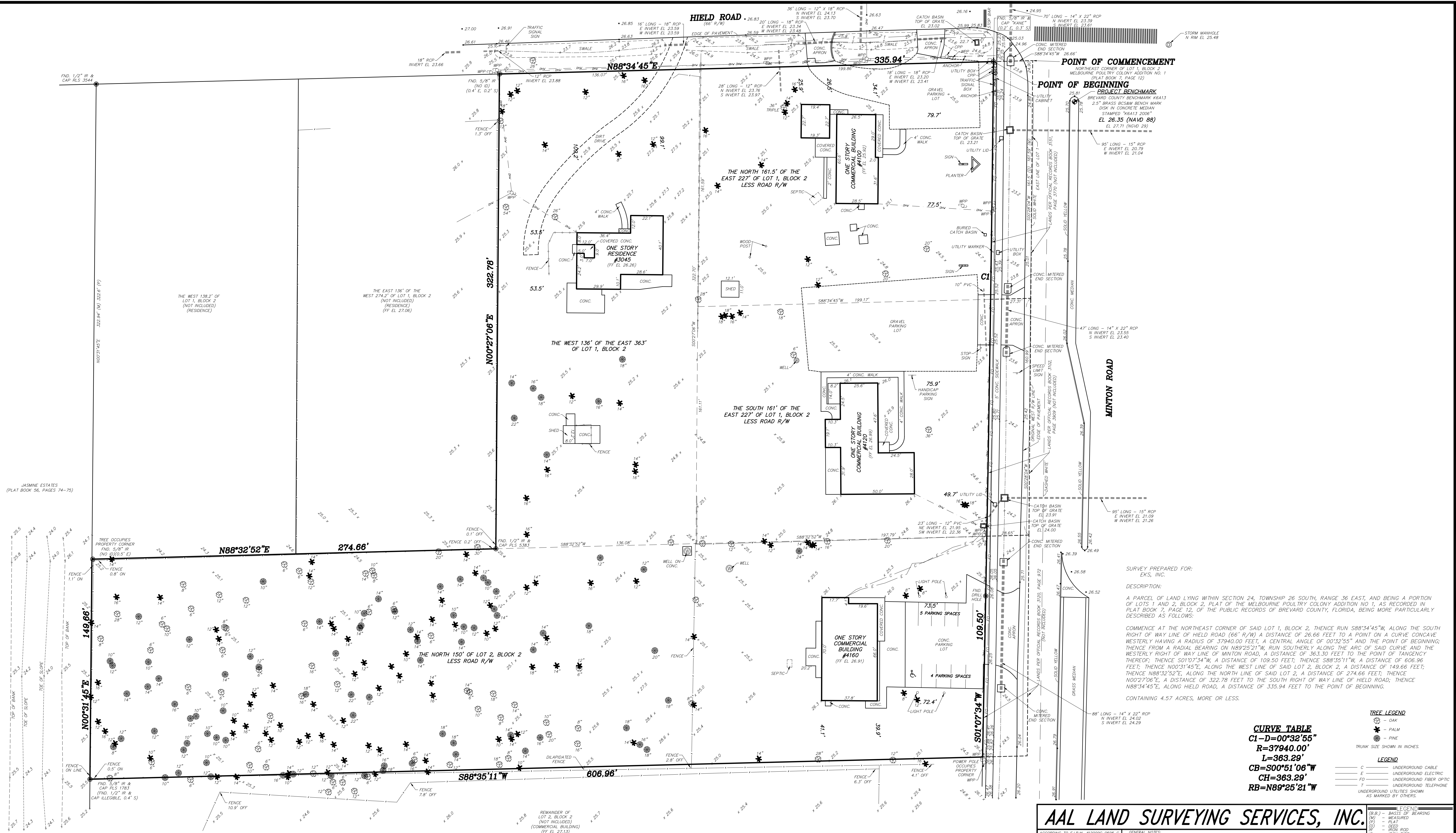
**STAFF RECOMMENDATION:**

Staff recommends Case CPZ23-00006 for approval.









SURVEY PREPARED FOR:  
EKS, INC.

DESCRIPTION:  
A PARCEL OF LAND LYING WITHIN SECTION 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST, AND BEING A PORTION OF LOTS 1 AND 2, BLOCK 2, PLAT OF THE MELBOURNE POULTRY COLONY ADDITION NO. 1, AS RECORDED IN PLAT BOOK 7, PAGE 12, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 2, THENCE RUN S88°34'45"W, ALONG THE SOUTH RIGHT OF WAY LINE OF HIELD ROAD (66' R/W) A DISTANCE OF 26.66 FEET TO A POINT ON A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 37940.00 FEET, A CENTRAL ANGLE OF 00°32'55" AND THE POINT OF BEGINNING; THENCE FROM A RADIAL BEARING ON N89°29'21"W, RUN SOUTHERLY ALONG THE ARC OF SAID CURVE AND THE WESTERLY RIGHT OF WAY LINE OF MINTON ROAD, A DISTANCE OF 363.30 FEET TO THE POINT OF TANGENCY THEREOF; THENCE S01°07'34"W, A DISTANCE OF 109.50 FEET; THENCE S88°35'11"W, A DISTANCE OF 606.96 FEET; THENCE N00°31'45"E, ALONG THE WEST LINE OF SAID LOT 2, BLOCK 2, A DISTANCE OF 149.66 FEET; THENCE N88°32'52"E, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 274.66 FEET; THENCE N00°27'06"E, A DISTANCE OF 322.78 FEET TO THE SOUTH RIGHT OF WAY LINE OF HIELD ROAD; THENCE N88°34'45"E, ALONG HIELD ROAD, A DISTANCE OF 335.94 FEET TO THE POINT OF BEGINNING.  
CONTAINING 4.57 ACRES, MORE OR LESS.

**CURVE TABLE**

C1-D=00°32'55"
R=37940.00'
L=363.29'
CB=S00°51'06"W
CH=363.29'
RB=N89°25'21"W

- TREE LEGEND**
- OAK
  - ★ PALM
  - PINE
- TRUNK SIZE SHOWN IN INCHES.
- LEGEND**
- C UNDERGROUND CABLE
  - E UNDERGROUND ELECTRIC
  - FO UNDERGROUND FIBER OPTIC
  - T UNDERGROUND TELEPHONE
  - UNDERGROUND UTILITIES SHOWN AS MARKED BY OTHERS

# AAL LAND SURVEYING SERVICES, INC.

3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B.#5823  
PHONE: (321)768-8110 FAX: (321)852-9771 E-MAIL: frontdesk@atsurvey.com

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

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

- LEGEND**
- (B.B.) - BASIS OF BEARING
  - (M) - MEASURED
  - (S) - SET
  - (D) - DEED
  - (R) - ROAD
  - (P) - PAVEMENT
  - (N) - NAIL AND DISC
  - (M) - MARK AND TIE TAG
  - (C) - CONCRETE MONUMENT
  - (P) - PERMANENT REFERENCE MARKER
  - (W) - WOOD
  - (B) - BENCH MARK
  - (C) - CHORD BEARING
  - (L) - LENGTH
  - (R) - RADIUS
  - (E) - ELEVATION
  - (G) - GRADE
  - (O.B.) - POINT OF BEGINNING
  - (P.T.) - POINT OF TANGENCY
  - (I.C.) - POINT OF INTERSECTION
  - (P.C.) - POINT OF REVERSE CURVE
  - (C.W.) - CHORD BEARING
  - (R.B.) - RADIAL BEARING
  - (O.W.) - OVERHEAD WIRE
  - (E.P.) - EDGE OF PAVEMENT
  - (P.U.) - PUBLIC UTILITY EASEMENT
  - (D.E.) - DRAINAGE EASEMENT
  - (E) - ELEVATION
  - (F) - FENCE
  - (C) - CONCRETE
  - (R.C.P.) - REINFORCED CONCRETE PIPE
  - (C.M.P.) - CORRUGATED METAL PIPE
  - (S) - CENTERLINE
  - (L.B.) - LICENSED BUSINESS
  - (P.L.S.) - PROFESSIONAL LAND SURVEYOR



## **CITIZEN PARTICIPATION REPORT**

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

### **CASE DETAILS**

Applicant Name	Cole Oliver
Project Name	West Malabar Properties, L.L.C.
Case Type	Preliminary Development Plan-Annexation into the City of PB
Case Description	Commercial Redevelopment
Intended Month of Submission	May 2023

### **INFORMATION ON THE CITIZEN PARTICIPATION MEETING**

Notice to the Public (Date)	4/7/2023
Date of CPP	4/21/2023
Location of the Meeting	Comfort Suites Palm Bay
Number of Attendees	16



**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:**

	<b>Comments</b>	<b>Resolution</b>	<b>Justification if the applicant is unable or unwilling to address the issue</b>
	Attendee-The entrance to Hield Road is the only way in or out of the Hield Road Neighborhood. This will cause traffic congestion and make it a catastrophic safety hazard for emergency vehicles to get in and out of the neighborhood. Also, it will make it difficult to just get out of the neighborhood. This can be resolved by 1) Not doing developing 2) Move it down to another plat 3) Eliminate the entrance that is located on Hield Road. If an accident happens at this intersection, we are trapped in the neighborhood. Eliminate Hield Road entrance and put a left turn lane south of the proposed locations for Minton's north bound traffic.	There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.	Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments.
	1) Currently Hield Road is a 2 lane road (east and west). An additional east and an additional west lane will be required to accommodate emergency vehicles (fire truck and ambulance vehicles). 2) Hundreds of residents live west of Minton on Hield Road. Hield road is the only entry and exit for the hundreds of people. Safety is the is the biggest concern.	There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.	Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments



	<p>The project does not provide a solution to the additional traffic construction that will be added to Hield Road. There also is no room in the existing ROW on Hield Road for 3 lanes and sidewalk. The minimum lanes needed on Hield is at least 4 lanes.</p>	<p>There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>
	<p>I recommend NO entrance on Hield Road due to horrible traffic issue that will not allow cars to get down Hield Road. There is only one lane going west on Hield Road and there is no way to get around if someone is turning left into Starbucks. If an ambulance has to get by it cannot. This is a safety issue. Lanes going East bound, there is no room to put 2 turning lanes and a sidewalk. If you do put it should have a left/straight turn lane and a right only turn lane.</p>	<p>There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>
	<p>This project is a traffic nightmare, as the only entrance from northbound Minton is onto Hield Road, then into Starbucks. Currently during the periods 7-9am and 4-6pm exiting Hield backs traffic up several hundred feet, which will effectively block the entrance to Starbucks. One care that wishes to turn will completely block west-bound Hield. This will be bad.</p>	<p>There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>
	<p>The main concern with a Starbucks is traffic we have such an issue already with our neighborhood getting in and out of Hield Road. Many residents feel there is not</p>	<p>There may be a possibility that your comments or suggestions will be taken into consideration please</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>



	<p>enough room, lanes, entrances already. You cannot add a particular restaurant to this spot. We don't feel safe for EMS to come in and cannot get to work or home with all the additional traffic.</p>	<p>provide feedback on the comment cards provided.</p>	
	<p>The main concern with adding this project is the traffic issues. If a traffic study is done there is no doubt that it will make a horrible situation 10 times worse. Hield Road is literally the only entrance to hundreds of homes. The road is narrow and cannot support that much traffic.</p>	<p>There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>
	<p>If it's a huge issue for us to have the entrance and exit of project right on Hield Road. 1) Safety issue 2) Traffic issue etc. Also, the two trash binds right across the street from my house is not right at all.</p>	<p>Dumpsters will be encapsulated by concrete barriers and landscaping. There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>
	<p>Traffic Control going out to Minton Road. Driveway into site from Hield Road.</p>	<p>There may be a possibility that your comments or suggestions will be taken into consideration please provide feedback on the comment cards provided.</p>	<p>Traffic Studies and analysis will be conducted in the later stages. The applicant will meet local requirements but cannot take into account for impacts from prior developments</p>



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## LIST OF ATTENDEES


Number	Name of attendee	Number	Name of attendee
1.	Daniel McKee	2.	David Richards
3.	Gwendolyn Mapp	4.	Tony Masone
5.	Rick Wiedenhoeft	6.	Kevin Ward
7.	Natalie Ward	8.	Audie Carter
9.	Judi Carter	10.	Ellen Moorehead
11.	Tina Winchode	12.	Bobbi Jo Micheis
13.	Cody Lafferty	14.	Carmen Castillo
15.	Deborah Kaufman	16.	Michael Bramleti
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.

 as manager  
\_\_\_\_\_  
Signature,

J. Cole Oliver, as Manager of West Malabar Properties, LLC  
\_\_\_\_\_  
Typed Name and Title:

5/12/2023  
\_\_\_\_\_  
Date :

# Project Details: CPZ23-00006

## Project Type: Rezoning Comprehensive Plan Zoning Amendment

Project Location: 120 MALABAR RD SE # CITYHL Palm Bay, FL 32907  
Milestone: Submitted  
Created: 4/25/2023  
Description: West Malabar Properties (Hield Road)  
Assigned Planner: Alexandra Bernard

### Contacts

Contact	Information
Owner/Applicant	Cole Oliver, West Malabar Properties, LLC 516 Delannoy Ave Cocoa, FL 32922 (321) 632-4710 cole@eksdevelopment.com
Legal Representative	516 Delannoy Ave Cocoa, FL 32922
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907  alexandra.bernard@palmbayflorida.org
Submitter	Mindy Mason 516 Delannoy Ave Cocoa, FL 32940  mindym@eksdevelopment.com

### Fields

Field Label	Value
Size of Area (acres)	
Present Use of Property	Commercial Office
Zoning Classification Desired	CC
Structures On Property?	True
Intended Use of Property	Continue existing use, zoning required in conjunction with annexation into city
Justification for Change	Continue existing use, zoning required in conjunction with annexation into city

# Project Details: CPZ23-00006

Is Submitter the Representative?	False
Ordinance Number	
Block	A
Lot	
Section Township Range	06-29-37
Subdivision	GK
Year Built	Multiple
Use Code	8910
Use Code Desc	MUNICIPALLY OWNED LAND - IMPROVED
LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2925038
Flu Description	Public Semi-Public
Flu Code	PSP
Zoning Description	Institutional Use
Zoning Code	IU
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:**

Mindy Mason

**On:**

5/15/2023 2:45:03 PM

☒ CPZ23-00006

Select Language ▼



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

**Customer:** CITY OF PALM BAY  
**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Ad No.:** 0005744465  
**Pymt Method** Invoice  
**Net Amount** 212.94

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 06/22/23

**Text of Ad:**

Ad#5744465 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 July 20, 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. FS23-00004 - DRP FL 6, LLC, Brian Clauson (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)**

Final Plat approval to allow for a proposed 41-lot single-family residential subdivision called Timbers at Everlands Phase 1B

A replat of a portion of Tract FD.1 together with Tract FD.2, all in Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 10.47 acres. Located at the northeast corner of St. Johns Heritage Parkway NW and Pace Drive NW

**2. CP23-00013 - Bruce Coffman, Affordable Trailer Service & Supply, Inc. (Jeff Kuhn, Rep.)**

A Small-Scale Comprehensive Plan Future Land Use Map Amendment from CC, Community Commercial (Brevard County) to Commercial

Lot 2.01, Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 2.11 acres. Located west of and adjacent to Minton Road, in the vicinity of Palm Bay Road NE

**3. \*\*CP23-00007 - Bruce Coffman, Affordable Trailer Service & Supply, Inc. (Jeff Kuhn, Rep.)**

A Zoning Amendment from BU-1, General Retail Commercial (Brevard County) to a CC, Community Commercial District

Lot 2.01, Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 2.11 acres. Located west of and adjacent to Minton Road, in the vicinity of Palm Bay Road NE

**4. CP23-00010 - Cole Oliver, West Malabar Properties, LLC**

A Small-Scale Comprehensive Plan Future Land Use Map Amendment from RES 2 Residential 2 (Brevard County) to Commercial

Lots 1, 1.02, and 2 of Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 4.58 acres. Located west of adjacent to Minton Road, in the vicinity of Palm Bay Road NE

**5. \*\*CP23-00006 - Cole Oliver, West Malabar Properties, LLC**

A Zoning Amendment from RP, Residential Professional and AU, Agricultural Residential (Brevard County) to a CC, Community Commercial District

Lots 1, 1.02, and 2 of Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 4.58 acres. Located west of adjacent to Minton Road, in the vicinity of Palm Bay Road NE

\*\*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

**From:** [Alexandra Bernard](#)  
**To:** [Terese Jones](#); [Terri Lefler](#)  
**Subject:** FW: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting  
**Date:** Friday, August 4, 2023 1:30:23 PM

---

FYI...

---

**From:** Mindy Mason <MindyM@eksdevelopment.com>  
**Sent:** Friday, August 4, 2023 1:29 PM  
**To:** Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Cathy Green <Cathy.Green@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>  
**Subject:** Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

As the applicant for the potential annexation of the southwest corner of Hield and Minton Rd, which is scheduled to go before the August 17, 2023, Council Meeting, we respectfully request a continuance to September 21, 2023. I have listed the case numbers below.

A23-00001  
CP23-00013  
CPZ23-00007

A23-00002  
CP23-00010  
CPZ23-00006

Please let me know if anything else is needed. Thank you!

Respectfully,

*Mindy Mason*  
Operations Manager

EKS, Inc.  
516 Delannoy Ave  
Cocoa, FL 32922  
Email: [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)  
Direct: 321.632.4710 ext.208  
Fax: 321.635.8681

## Alexandra Bernard

---

**From:** Sue Shep <keepthefocus2003@yahoo.com>  
**Sent:** Friday, June 23, 2023 1:12 PM  
**To:** Susan Shepherd  
**Cc:** Sshep12  
**Subject:** HIELD ROAD UPDATE ON DATES AND CONTACT INFORMATION  
**Attachments:** PB Planning & Zoning Member List 3-23.pdf; WEBSITES 6-2023.docx

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

### **All meetings begin at 6 p.m. at the Palm Bay City Council Chamber**

All,

I contacted Alexandra Bernard, Palm Bay Principal Planner, this morning to confirm the additional Council Meeting date of August 3, 2023 I referenced in previous emails. She did confirm the date as being the "second and final" council meeting. The posting of this date is not required to be on the sign now posted on said property.

I have attached an additional contact list for Hield Road residents to write and voice their concerns. In addition to the contact information below, the list also contains the contact information of the Board Members for the Planning and Zoning Board. I am attaching again the contact information for the Mayor and Council members and Brevard County representative.

- \* **July 5th**, is Planning and Zoning Meeting, they make the recommendations.
- \* **July 20th**, is very important to attend as the Council bases a lot of their decisions on their recommendations.
- \* **August 3rd, is the second and final meeting.**

We are objecting to any entrance and exit on to and from Hield Road. IF there are any road improvements to Hield, it will be minimal. Access to and from Hield Road will still be very much hindered. Even for emergency vehicles that assists Hield Road residents especially during peak hours.

Keep in mind, when the apartments (at Ascend Circle / Hammock Landing) were approved and developed across the street from Hield Road, there was supposed to be road improvement at that time for our intersection at Hield and Minton. Minton Road is a County Road. \*\*\* We all can attest nothing has been done nor has there been any improvement with the light sequence that was said to happen!

Regarding July 5, 2023 meeting, I am unable to attend this important meeting, I am praying someone will be able to attend on my behalf as well as theirs.

**P. B. PLANNING AND ZONING BOARD CITY COUNCIL**  
**AND LAND DEVELOPMENT DIVISION**

**Assistant Growth Management Director: Jesse Anderson / EM: [jesse.anderson@palmbayflorida.org](mailto:jesse.anderson@palmbayflorida.org)**

**CITY OF P.B. Deputy Manager: Joan Junkala / EM: [joan.junkala@palmbayflorida.org](mailto:joan.junkala@palmbayflorida.org)**

**P.B. PRINCIPAL PLANNER: Alexandra Bernard / EM: [Alexandra.bernard@palmbayflorida.org](mailto:Alexandra.bernard@palmbayflorida.org)**

\*\*\*\*\*

Thank you!

Susan 

We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19

## Alexandra Bernard

---

**From:** Joan Junkala  
**Sent:** Friday, June 23, 2023 10:30 AM  
**To:** Rob Medina; Gjbarden077; Terese Jones; Terri Lefler; Patricia D. Smith; Suzanne Sherman  
**Cc:** Jesse Anderson; Alexandra Bernard  
**Subject:** RE: Case A23-00001 Annexation

Ms. Barden,

Thank you for your email. You're input is noted and will be forwarded to the assigned planner.



Joan A. Junkala-Brown  
Deputy City Manager

*Down to Earth And Up To Great Things™*

321.726.2601 or ext. 5370

---

**From:** Rob Medina <Rob.Medina@palmbayflorida.org>  
**Sent:** Thursday, June 22, 2023 8:45 PM  
**To:** Gjbarden077 <gjbarden077@aol.com>; Terese Jones <Terese.Jones@palmbayflorida.org>; Terri Lefler <Terri.Lefler@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>  
**Subject:** Re: Case A23-00001 Annexation

Ms Barden,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me. I have added our City Management Team, City Clerk, City Attorney to this email for review and record keeping purposes.

Again, thank you for all you do for our community.

Respectfully,

Rob Medina  
Mayor

---

**From:** Gjbarden077 <gjbarden077@aol.com>  
**Sent:** Thursday, June 22, 2023 5:36:49 PM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; chadra.powell@pbfl.org <chadra.powell@pbfl.org>  
**Subject:** Case A23-00001 Annexation

**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.

Mayor Medina, City Council, Planning & Zoning and City Manager Suzanne Sherman,

I am in hopes you will take into consideration my concerns about the possible annexation of the property on the corner of Minton Rd. & Hield Rd. I am unable to attend the P & Z meeting and would like my concerns heard. Or at least I hope they are heard and taken into consideration

Respectfully

Juanita Barden City of Palm Bay Resident

To Mayor Medina, City Council, Planning & Zoning board & City Manager Suzanne Sherman,

Regarding Case # A23-00001 Property to Annex into Palm Bay.

I want to voice my concern on the possible Annexation of the property on the corner of Minton Rd & Hield Rd. for a strip type shopping plaza. I am very much against this annexation as it will only bring more of a nightmare to our area. In the notes it states the road issues will be handled by a traffic study. Where was the traffic study done when the housing tracts went up along Minton Rd on the East Side and West Side near Carriage Gate. As well with the apartment complex that has gone up next to Pineapple Cove. That small portion of tax money that would be coming to the city is it worth it. I have lived off Hield Rd for over 30 years and there is nothing that the city does for the Palm Bay residents on Hield Rd so far. With the Go Road bond money that section of paving is either the last or next to the last slot to be paved. In the 30 years I have been out their Palm Bay has never paved that section of road or maintained anything other than mowing the roadside. At my request I had reflective road tape put down because what was there is gone and worn causing a MAJOR safety hazard. It was going to be a year or so before the road was paved. The residents have tried numerous times to get police to handle the traffic issues at this light. People make a U-turns there on a regular basis. Along with blocking the intersection so residence can't enter Hield Rd. from the Publix Plaza or make the left turn to go down Hield rd. With the answers in the possible annexation is there "will be a traffic study preformed". Where is the traffic study with the current issues that can't get resolved. I am in hopes that you as our elected officials will take this into consideration. Heck I even voted to put some of you in place. **Think for a minute why are they wanting to annex into Palm Bay. Could it be they can't get it approved by the agency they currently reside in. So why not try to annex into Palm Bay and get it approved.**

Respectfully

Juanita Barden concerned Resident of Palm Bay

# **CASES**

## **CP23-00010 & CPZ23-00006**

Received after Planning and Zoning Board Packet was published

02 July 2023

Dear Mr. Anderson –

Re: Palm Bay Case No. CP23-00010 & CP23-00006  
Planning and Zoning Board Meeting on Wednesday, July 5, 2023  
Properties to be annexed to City of Palm Bay and to have zoning changes:  
4100 Minton Rd, Melbourne, FL 32904; PARCEL ID: 28-36-24-FA-2-1  
PROPERTY USE: OFFICE BUILDING – SINGLE TENANT  
4120 Minton Rd, Melbourne, FL 32904; PARCEL ID: 28-36-24-FA-2-1.01  
PROPERTY USE: SINGLE FAMILY RESIDENCE  
4160 Minto Rd, Melbourne, FL 32904; PARCLE ID: 28-36-24-FA-2-2  
PROPERTY USE: OFFICE BUILDING – SINGLE TENANT  
3045 HIELD RD., Melbourne, FL 32904; PARCLE ID: 28-36-24-FA-2-1.02  
PROPERTY USE: SINGLE FAMILY RESIDENCE  
This property is Residential and facing Hield Road.

**Item 1:** My name is Judith Kuhman, and I am writing to you on behalf of myself and my husband, James. We are residents of Palm Bay residing at 1680 Willard RD NW just off Hield Rd. We are writing to express our **OBJECTIONS** to the Annexation and Zoning Change FROM RES 2 (Brevard County) TO Commercial Use and A Rezoning FROM RP & AU (Brevard County) TO CC (Community Commercial) for the **3045 Hield Road property referenced above.**

**Item 2:** We are **OBJECTING** to the proposed plan of building a Starbucks on that Corner. This information was provided to the residents within the 500 ft. radius of said property that attended the "Community Meeting" held with EKS/Engineers on behalf of West Malabar Properties, Owners. This informal meeting was held April 21, 2023, and again June 6, 2023, with those residents referenced in this paragraph. The remainder of Hield Road residents **WAS NOT MADE AWARE** of these proposals until approximately June 16, 2023. This is disrespectful to residents of Palm Bay when this will adversely affect the residents of Palm Bay and not just the residents in the 500 ft. radius of properties.

**Item 3:** We are **OBJECTING** to the proposed access to these properties (also 4100 Minton property) from Hield Road.

#### **REASONS FOR OBJECTIONS:**

**Item 1:** Said property is **residential**. It should stay residential. It **faces Hield Road**. Hield Road is a narrow two-lane **residential road** that is **2 ¼ miles long** from Minton Road West to the Canal. Hield Road is unincorporated Melbourne (Brevard County) from Minton Road to Powell Road. From Powell Road West to the end (Canal) is in the City of Palm Bay. **THIS PROPERTY NEEDS TO REMAIN RESIDENTIAL** in order to continue with our **RESIDENTIAL** community.

**Item 2:** We all know the volume of traffic Starbucks creates especially during peak times. This **ADDED** volume of traffic to this S.W. Corner of Hield and Minton will **only exacerbate** an already **EXISTING** traffic nightmare which is also causing this intersection to be becoming a very dangerous intersection especially during peak times. Southbound traffic repeatedly blocks the intersection preventing proper and safe usage. Drivers **IGNORE** the **"NO U TURN" SIGN** by the left turn lane from Minton. Many times, this illegal action causes intersection back-up. Remember, we now have that huge apartment complex directly across the street that contributes to increased traffic. Drivers are becoming more aggressive!

**Item 3:** WE MUST NOT ALLOW these properties to be accessed from Hield Road. Hield Road is residential. Many of the larger properties have two or 3 homes. We bought our property for the serenity the area provides with abundant wildlife and having an area where neighbors did not have to live on top of one and other. Over the years, due to progress wildlife has been continually pushed out of their own habitat by more apartments, zero lot line residential housing, and retail businesses.

There are a lot of people living on Hield Road. Additionally, FPL has a substation West on Hield. They have their fleet of vehicles using Hield Road. Additionally, there is a very large nursery West on Hield Road. Again, there are many trucks and vehicles using Hield Road often during peak times as well.

- Hield Road, as it is, is a well-traveled two-lane road.
- Hield Road residents are taxed heavily for the privilege of living on Hield Road in a rural –like environment with horses using the road, runners, and bicyclists as well. There are no sidewalks.
- Due to increased growth in our surrounding community, Hield Road invites curious drivers to explore. There are times residents have had to call the police on suspicious individuals and vehicles lurking around.
- Having Starbucks and increased commercialism on that corner will only beg for more suspicious and at times, unlawful incidents.

## **TRAFFIC STUDIES AND CONCERNS AND BREVARD COUNTY**

### **Traffic Studies:**

1. The developer will need to provide a thorough traffic analysis as well as demonstrate that the entrances to this property/driveway would not cause major traffic impacts to Hield Road when they submit their right-of-way permit application to Brevard County.
2. Intersection traffic at Minton and Hield gets terribly backed-up due to the bottle neck of the Minton and Palm Bay Intersection. With that said, our intersection and residents should not be penalized and placed in jeopardy due to the overgrowth and lack of critical thinking from the City of Palm Bay, Engineers, and the County. SOMETHING needs to be addressed and acted upon. We cannot afford to wait another year or two for anticipated road improvements that never get done, i.e., Ascent and Hammock Landing Development across the street.

### **Concerns:**

1. Hield Road (County side) does not have soft swales for vehicles to move over to allow for emergency vehicles passage or any other types of vehicles that need to pass. There are only ditches.
2. There is a very big concern about emergency vehicles not being able to enter Hield Road due to the blocked intersection.
3. Does Brevard County and the City of Palm Bay have the appropriate amount of emergency support (fire, accidents, transport to hospitals and crime) to handle potential situations?

We are respectfully asking you to please consider our concerns and objections for the reasons stated. What is being proposed will **ADVERSELY / NEGATIVELY** impact Hield Road residents and their safety.

I also respectfully ask to make this letter a part of your records.

Very Respectfully –

James and Judith Kuhman

Palm Bay Case No. CP23-00010 & CP23-00006 / SW Corner of Hield and Minton Roads

From: Sue Shep (keepthefocus2003@yahoo.com)

To: leeta.jordan@palmabayflorida.org

Date: Monday, July 3, 2023 at 12:51 AM EDT

**TO:** Leeta Sue Jordan, Chair Person, Planning and Zoning Department  
**FROM:** Sarah (Susan) and Rick Shepherd  
4212 Hield Road, NW, Palm Bay, FL 32907 (NOT MAILING ADDRESS)  
Keepthefocus2003@yahoo.com  
**DATE:** June 30, 2023  
**RE:** Palm Bay Case No. CP23-00010 & CP23-00006  
Planning and Zoning Board Meeting on Wednesday, July 5, 2023

Properties to be annexed to City of Palm Bay and to have Zoning changes:

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PROPERTY USE: OFFICE BUILDING – SINGLE TENANT

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**3045 HIELD RD., Melbourne, FL 32904 ; PARCEL ID: 28-36-24-FA-2-1.02**

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**Item 3:** We are **OBJECTING** to the proposed access to these properties (also 4100 Minton property) from Hield Road.

**REASON FOR OBJECTIONS:**

\* **Item 1:** Said property is **residential**. It should stay residential. It **faces Hield Road**. Hield Road is a narrow two lane **residential road** that is **2 ¼ miles long from** Minton Road West to the Canal. Hield Road is unincorporated Melbourne (Brevard County) from Minton Road to Powell Road. From Powell Road West to the end (Canal) is in the City of Palm Bay. I have attached a Platt map from the Property Appraiser's office (June 2023) for your review. **THIS PROPERTY NEEDS TO REMAIN RESIDENTIAL** in order to continue with our RESIDENTIAL status within the community.

\* **Item 2:** We all know the volume of traffic Starbucks creates especially during peak times. This **ADDED** volume of traffic to this S.W. Corner of Hield and Minton will only **exacerbate** an already EXISTING traffic nightmare which is also causing this intersection to becoming a very dangerous intersection especially during peak times. Southbound traffic **repeatedly** blocks the intersection preventing proper and safe usage. Drivers **IGNORE** the "NO U TURN" SIGN by the left turn lane from

Minton. Many times, this illegal action causes intersection back-up. Remember, we now have that huge apartment complex directly across the street that contributes to increased traffic.

**\*\*** *I have almost been hit multiple times making a left on to Hield from Minton or making a left from Hield to go North on Minton. Drivers in general are becoming more aggressive!*

**\*** **Item 3:** WE MUST NOT ALLOW these properties to be accessed from Hield Road. As you can see from the attached reference Platt map, Hield Road is residential. Many of the larger properties have two or three homes. There are a lot of people living on Hield Road. Additionally, FPL has a sub-station West on Hield. They have their fleet of vehicles using Hield Road. Additionally, there is a very large nursery West on Hield Road. Again, their many trucks and vehicles use Hield Road often during peak times as well.

**\*** As you can see, Hield Road, as it is, is a well-traveled two-lane road. A dead-end road. One way in and out. No side streets to get out in case of emergency.

**\*** Hield Road residents are taxed heavily for the privilege of living on Hield Road in a rural-like environment with horses using the road, runners, and bicyclists as well. There are no sidewalks.

**\*** Due to increased growth in our surrounding community, Hield Road invites curious drivers to explore. There are times residents have had to call the police on suspicious individuals and vehicles lurking around.

**\*** Having Starbucks and/or any other establishment with increased commercialism on that corner will only beg for more suspicious and at times, unlawful incidents.

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#### **Traffic Studies:**

**\*\*** The developer will need to provide a thorough traffic analysis as well as demonstrate that the entrances to this property/driveway would not cause major traffic impacts to Hield Road when they submit their right-of-way permit application to Brevard County.

**\*\*** Intersection traffic at Minton and Hield gets terribly backed-up due to the bottle neck of the Minton and Palm Bay Intersection. With that said, our intersection and residents should not be penalized and placed in jeopardy due to the overgrowth and lack of critical thinking from the City of Palm Bay, Engineers and the County. SOMETHING needs to be addressed and acted upon. We cannot afford to wait another year or two for anticipated road improvements that never get done, i.e. Ascent and Hammock Landing Development across the street.

#### **Concerns:**

**\*\*** Hield Road (County side) does not have soft swales for vehicles to move over to allow for **emergency vehicles** passage or any other type vehicle that needs to pass. There are only ditches.

**\*\*** There is a very big concern for **emergency vehicles not being able to enter or Exit Hield Road due the blocked intersection. Who will carry the liability for the life of the individual needing emergency care while precious minutes are passing by to save the life of the individual?**

**\*\*** Does Brevard County and the City of Palm Bay have the appropriate amount of **emergency support** (fire, accidents, transport to hospitals and policing to handle potential situations)?

I respectfully request you will consider our concerns and objections for the reasons stated. What is being proposed will ADVERSELY / NEGATIVELY impact Hield Road residents and their safety.

I also respectfully ask to make this letter a part of your records.

Thank you for your time and considerations.

*Sarah (Susan) R. Shepherd*  
Sarah and Rick Shepherd; Attachments: 3 Maps, Photo of Starbucks on Palm Bay Rd & Aldi's, Site Plan for Starbucks

(c) 321-698-6803

**Success** 🌟

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**



Hield Road 2023 from Property Appraiser snip 3.pdf  
430.3kB



Black White Marked Sold Properties.JPG  
149kB



EKS First Letter of Community Meeting 2.pdf  
543kB



Starbucks Photo 2 6-29-2023 IMG\_7844.JPEG  
3.3MB



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



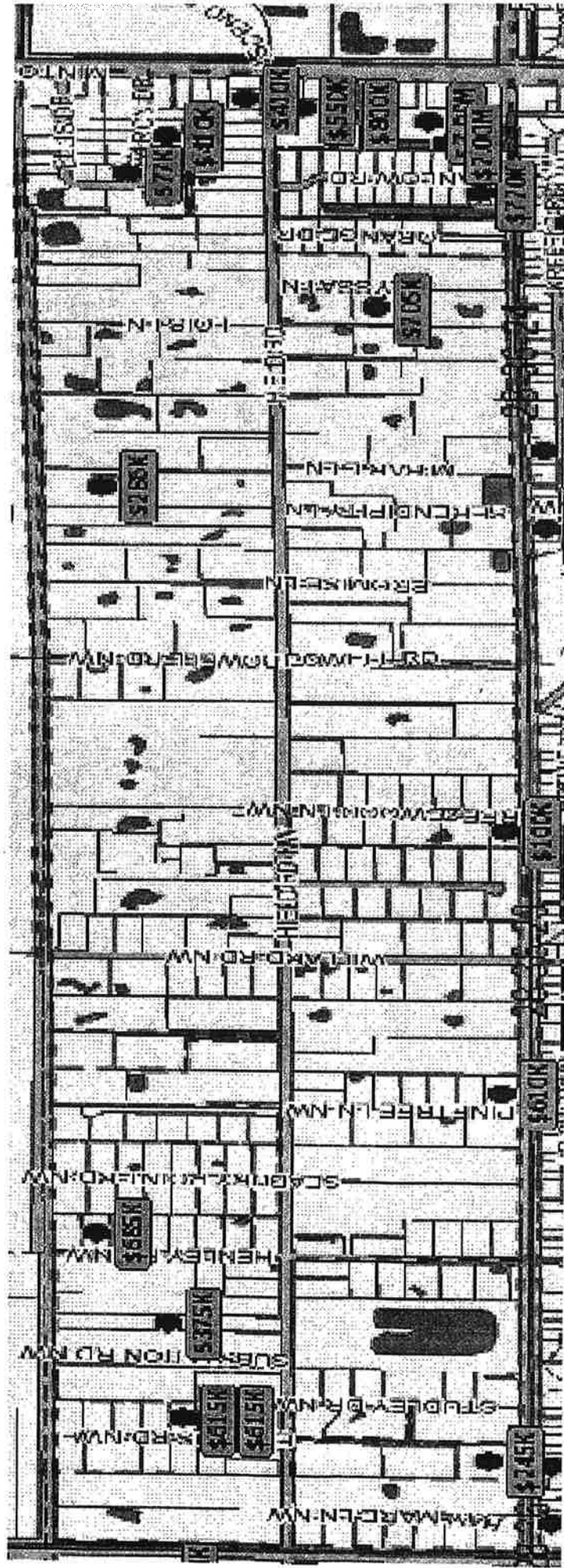
**AERIAL LOCATION MAP CASE: CP23-00010 & CP23-00006**

**Subject Property**

Southwest corner of Hield Road and Minton Road

Obtained from Property Appraiser's office 6/23/2023

HIELD ROAD WEST FROM MINTON ROAD (CTY RD 509) TO THE END OF HIELD TO BAY MARE APPROXIMATELY 2 ¼ MILES  
ONE WAY IN AND ONE WAY OUT. ALL SIDE STREETS AND HIELD ROAD ARE DEAD ENDS.





**TECHNICAL MEMORANDUM**  
 Christy Fischer  
 Corina Gumm, P.E.  
 July 19, 2021  
 Page 2

These improvements were never accomplished.  
 Who knows when they will?  
 Adding Food Service industry with drive-through will add to an already un-safe intersection at Hield Road.

**BUILD-OUT CONDITIONS ANALYSIS**

Based on the January 2020 TIS, the signalized intersections shown in Table 2 were analyzed under 2021 build-out conditions to determine the operational level of service.

S.P. Shepherd  
 8/30/2023

**Table 2**  
**2021 Build-Out PM Peak-Hour LOS – Signalized Intersections**  
**Ascend Hammock Landing**

Intersection	Adopted LOS	Build-Out Conditions					
		AM Peak-Hour			PM Peak-Hour		
		Delay (sec.)	LOS	V/C > 1.0	Delay (sec.)	LOS	V/C > 1.0
Minton Rd at Wingate Blvd	E	34.5	C	No	41.2	D	Yes
Minton Rd at Flanagan Ave	E	15.4	B	No	14.4	B	No
Minton Rd at Eber Blvd	E	20.1	C	No	33.0	C	Yes
Minton Rd at Norfolk Pkwy	E	27.4	C	No	43.2	D	No
Minton Rd at Hield Rd/Project Driveway	E	22.1	C	No	18.4	B	Yes
Minton Rd at Palm Bay Rd	E	108.7	F	Yes	145.2	F	Yes
Minton Rd at Emerson Dr	E	54.5	D	No	39.6	D	No
Palm Bay Rd at Athens Dr	E	34.9	C	No	22.5	C	No
Palm Bay Rd at Norfolk Pkwy	E	32.8	C	No	57.8	E	Yes
Palm Bay Rd at SB I-95	E	23.9	C	No	38.7	D	No
Palm Bay Rd at NB I-95	E	24.1	C	No	18.0	B	No
Palm Bay Rd at Hollywood Blvd	E	39.5	D	No	48.0	D	No
Minton Rd at Frontage Rd*	E	-	A	No	-	A	-

As indicated in the table above, the signalized intersections of Minton Road at Wingate Boulevard, Eber Boulevard, Hield Road, and Palm Bay Road and Palm Bay Road at Norfolk Parkway are anticipated to operate outside the adopted level of service and/or with a v/c ratio greater than 1.0. Based on the TIS submitted Revised July 2020, the following improvements were recommended:

**Minton Road at Wingate Boulevard:**

- Optimize signal timings

**Minton Road at Eber Boulevard:**

- Optimize signal timings

**Minton Road at Hield Road:**

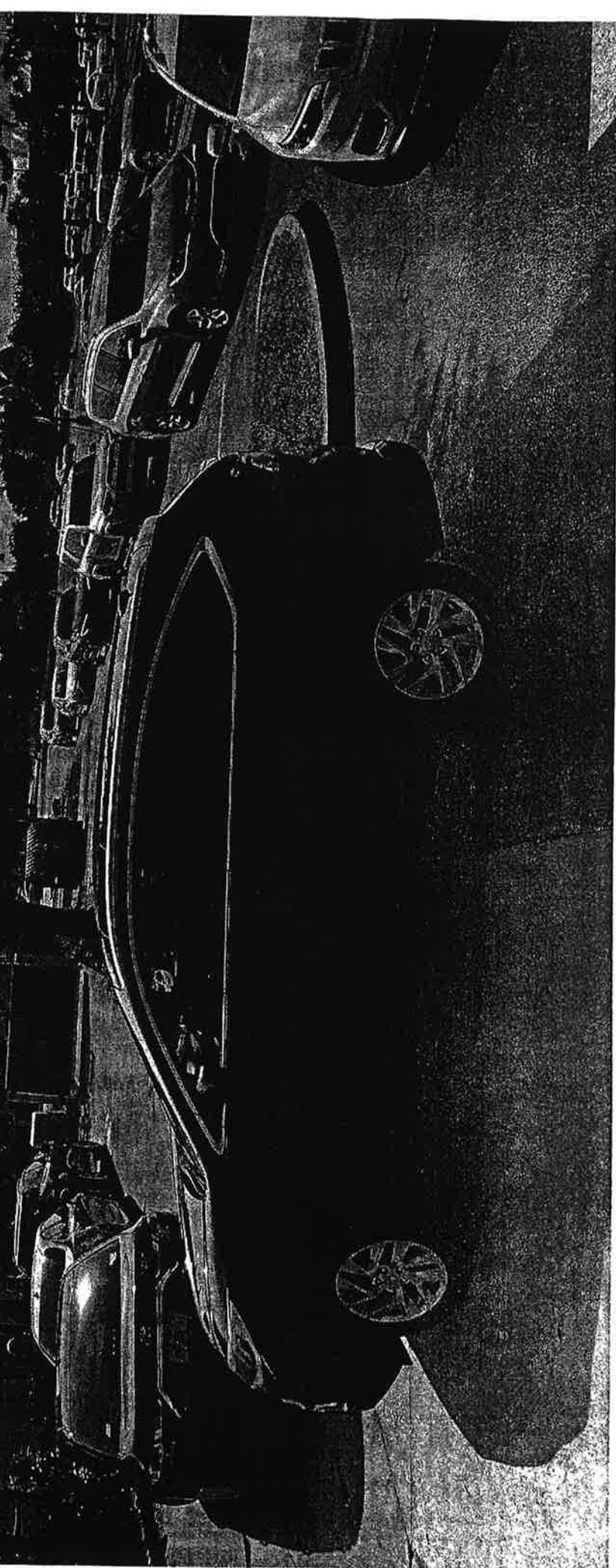
- Convert eastbound multi-directional lane into a left-turn lane
- Add eastbound through-right lane
- Add "DO NOT BLOCK" box pavement marking and signs at the Frontage Road/Project Driveway
- Optimize signal timings

**Minton Road at Palm Bay Road:**

- Restripe the westbound shared through/left-turn lane to a dedicated left-turn lane (triple dedicated lefts)
- Restripe the westbound right-turn lane to a shared through/right-turn lane
- Add an eastbound right-turn lane
- Remove split phasing
- Add a southbound left-turn lane (dual lefts)
- Optimize signal timings

6/2023

This Cannot be  
allowed at Hield +  
Minton intersection.  
This will Adversely affect  
2 Lane Rd + SAFETY  
for Residents - signed



## Chandra Powell

---

**From:** Cynthia Kennard <ckennard61@gmail.com>  
**Sent:** Tuesday, July 4, 2023 3:05 PM  
**To:** Cynthia Kennard; Chandra Powell; Rob Medina; Kenny Johnson; Randy Foster; Donny Felix; Suzanne Sherman; Land Development Web  
**Subject:** Minton/Hield Road Development Case #A23-00001 Property to Annex in to Palm Bay

**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.

We are writing to voice our concerns regarding the proposed annexation of the land on the corner of Minton Road and Hield Road. We understand that when the city of West Melbourne was approached about allowing this area to be rezoned as commercial property, they rejected the proposal because of the issues with the traffic. Now the developer would like the city of Palm Bay to allow the property to be annexed, with the hopes that Palm Bay will disregard all prior concerns.

As a resident of Palm Bay who lives in the city part of Hield Road, we are against this proposal. We have many concerns.

The traffic at this intersection already is very bad. Cars make illegal U-turns on Minton Road all of the time. Between 7 and 9 in the morning and 3:30 til 6 in the evening, cars traveling on Minton always block Hield Road, making it impossible to turn left onto Hield or to cross through the intersection when leaving the Publix plaza. These things do not happen occasionally, they occur all of the time, every day. We have yet to see Law Enforcement at this intersection attempting to control this issue. Having cars attempting to turn into Starbucks, or any of the other businesses that will be added to the strip mall the developer wants to put in, will make Hield Road impassable, whether entering or exiting the community. It will be a traffic nightmare. Making the area inaccessible will not only be inconvenient, but it will be a safety hazard, a matter of life or death to some. How will emergency vehicles get through? Will they have to wait until all of the people blocking the road get their lattes, and finally clear the road? We hope that the ambulance is not carrying one of our loved ones as it attempts to exit on Hield Road, or the fire truck is not trying to get to one of our houses.

We understand a traffic study will be done to address the Minton Road issues. Why has a study not been done before this time to try to alleviate the current issues? Is it sensible to allow annexing this property to create a greater, more dangerous, issue?

There is a lot of new development on Heritage Parkway. Would that not be a safer, more practical place to build additional strip malls?

We strongly are against the idea of Palm Bay annexing this property. Please listen to why West Melbourne would not allow this land to be zoned commercial, and take into account the serious safety issues allowing this to go forth will create.

Respectfully,

Eric and Cynthia Kennard  
Pinetree Lane  
Palm Bay, FL

## Carol Gerundo

---

**From:** Alexandra Bernard  
**Sent:** Wednesday, July 5, 2023 8:34 AM  
**To:** Chandra Powell; Carol Gerundo  
**Subject:** FW: Hield Road Zoning Change Proposal

FYI...

**From:** Liz.Nielsen@L3Harris.com <Liz.Nielsen@L3Harris.com>  
**Sent:** Wednesday, July 5, 2023 8:13 AM  
**To:** Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>  
**Cc:** karin.liz.nielsen@gmail.com; danasmithbrevard@gmail.com  
**Subject:** Hield Road Zoning Change Proposal

**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.

Ms. Bernard,

We are unable to attend this evening's meeting regarding the proposed plan in work to rezone part of or all of Hield Rd to accommodate more commercial business on the adjacent Minton Rd thoroughfare. The impact to our community would be substantial and we need to ask that our voices be heard and given more weight than those requesting the change.

We have lived in the Hield community almost 30 years, as have the majority of our neighbors. We chose this location due to its rural nature. For many years we have endured more vehicle traffic on Minton Rd. causing long wait times to enter and depart the Hield Rd area. The addition of the apartment community traffic into this intersection placed additional strain for which the city did nothing to ease the traffic congestion for existing Hield Rd residents. Wait times at this intersection can be horrendous. The intersection is dangerous as north bound drivers repeatedly ignore the do not U turn signage. Adding a shopping center/Starbucks to this very intersection would be intolerable – and we will not sit by and let this occur now that we have learned of the plan in advance. The zoning change must come with a plan to assess the impact to Hield Rd. traffic and funds to address reasonable intersection modifications to accommodate the additional traffic.

We urge you to hear our voices and lead the way to find and implement a solution that supports the Hield Rd. community not just commercial growth.

Respectfully,

Karin and Gary Nielsen  
1640 Willard Rd. NW  
Palm Bay, FL, 32907  
321-223-9914

Changing the zoning now would increase traffic

K. Liz Nielsen  
Principal Program Manager  
SPACE & AIRBORNE SYSTEMS / L3HARRIS TECHNOLOGIES  
Office: 321.309.7739 or Mobile: 321.223.9914  
L3Harris.com / [liz.nielsen@L3Harris.com](mailto:liz.nielsen@L3Harris.com)  
P.O Box 37/M/S R5-22E/Melbourne, FL 32902-0037/USA



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# **CASE CPZ23-00006**

Received during July 5, 2023 Planning and Zoning Board Meeting



There is already a cross traffic left  
when going South.  
Add a cross traffic left  
going North. Just south of the  
existing.

CP223-00006  
SUBMITTED BY JOHN ZIMAK AT  
7/5/2023 P22 MEETING - PAGE 1 OF 2

2 Cross Traffic Turns  
No Light

Light



CP223-00006  
Page 2072

# **CASES**

## **CP23-00010 & CPZ23-00006**

Received after July 5, 2023 Planning and Zoning Board Meeting

## Carol Gerundo

---

**From:** Jesse Anderson  
**Sent:** Thursday, July 6, 2023 10:32 AM  
**To:** Chandra Powell; Carol Gerundo  
**Cc:** Alexandra Bernard  
**Subject:** FW: Just say NO to Starbucks!

Good morning,

Please add this to the case file correspondence.

Thank you!

Best,



Jesse D. Anderson, Ph.D  
Assistant Growth Management  
Director

*Down to Earth* And Up To Great Things™

ext. 5310

[Participate in the Palm Bay Comprehensive Plan Update Here!](#)

**From:** Kendra Somberg <mrssomberg@gmail.com>  
**Sent:** Wednesday, July 5, 2023 4:47 PM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Leeta Jordan <Leeta.Jordan@palmbayflorida.org>  
**Subject:** Just say NO to Starbucks!

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To whom this may concern:

I was hoping to be present at tonight's meeting regarding the proposed building of a Starbucks on the SW corner of Minton Rd and Hield Rd. But, unfortunately i am unable to attend. I do however hope this email will be able to not fall on deaf ears.

As a resident who lives off Hield road my husband and I are very much opposed to the proposed building of another unneeded Starbucks. The intersection this is proposed for is already extremely congested and overwhelming at all times of the day due to the traffic from the Ascend apartment complex and Pineapple Cove Academy. Adding a Starbucks with

the entrance on Hield rd and all of it's insane traffic is only going to add to what is already a nightmare. It is hard for me to understand why there is even a proposal for a Starbucks at this location when there are two other Starbucks within 2.7 miles of this location. Why do we need another one?

This city is growing at an alarmingly fast rate. Our roads cannot keep up. Our schools are overcrowded. Yet let's build another Starbucks, Dollar General or car wash....? Doesn't make a lot of sense. Please help protect what is left of our intersection and just say NO to Starbucks!!

Sincerely,

Kendra Somberg

Palm Bay Case No. CP23-00010 & CPZ23-00006 / SW Corner of Hield & Minton Roads

From: Sue Shep (keepthefocus2003@yahoo.com)

To: mayorrobmedina@pbfl.org

Date: Monday, July 3, 2023 at 01:43 AM EDT

Office of The

JUL 03 2023

City Clerk

**TO:** Mayor Rob Medina, City of Palm Bay  
**FROM:** Sarah (Susan) and Rick Shepherd  
4212 Hield Road, NW, Palm Bay, FL 32907 (NOT MAILING ADDRESS)  
Keepthefocus2003@yahoo.com  
**DATE:** June 30, 2023  
**RE:** Palm Bay Case No. CP23-00010 & CPZ23-00006  
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**Item 2:** We are **OBJECTING** to the proposed plan of building a Starbucks on that Corner. This information was provided to the residents within the 500 ft. radius of said property that attended the "Community Meeting" held with EKS/Engineers on behalf of West Malabar Properties, Owners. This informal meeting was held April 21, 2023 and again June 6, 2023 with those residents referenced in this paragraph. The remainder of Hield Road residents **WAS NOT MADE AWARE** of these proposals until approximately June 16, 2023.

**Item 3:** We are **OBJECTING** to the proposed access to these properties (also 4100 Minton property) from Hield Road.

**REASON FOR OBJECTIONS:**

\* **Item 1:** Said property is **residential**. It should stay residential. It **faces Hield Road**. Hield Road is a narrow two lane **residential road** that is **2 ¼ miles long from** Minton Road West to the Canal. Hield Road is unincorporated Melbourne (Brevard County) from Minton Road to Powell Road. From Powell Road West to the end (Canal) is in the City of Palm Bay. I have attached a Platt map from the Property Appraiser's office (June 2023) for your review. **THIS PROPERTY NEEDS TO REMAIN RESIDENTIAL** in order to continue with our RESIDENTIAL status within the community.

\* **Item 2:** We all know the volume of traffic Starbucks creates especially during peak times. This **ADDED** volume of traffic to this S.W. Corner of Hield and Minton will only **exacerbate** an already EXISTING traffic nightmare which is also causing this intersection to becoming a very dangerous intersection especially during peak times. Southbound traffic **repeatedly** blocks the intersection preventing proper and safe usage. Drivers **IGNORE** the "NO U TURN" SIGN by the left turn lane from

Minton. Many times, this illegal action causes intersection back-up. Remember, we now have that huge apartment complex directly across the street that contributes to increased traffic.

**\*\* I have almost been hit multiple times making a left on to Hield from Minton or making a left from Hield to go North on Minton. Drivers in general are becoming more aggressive!**

\* **Item 3:** WE MUST NOT ALLOW these properties to be accessed from Hield Road. As you can see from the attached reference Platt map, Hield Road is residential. Many of the larger properties have two or three homes. There are a lot of people living on Hield Road. Additionally, FPL has a sub-station West on Hield. They have their fleet of vehicles using Hield Road. Additionally, there is a very large nursery West on Hield Road. Again, their many trucks and vehicles use Hield Road often during peak times as well.

\* As you can see, Hield Road, as it is, is a well-traveled two-lane road. A dead-end road. One way in and out. No side streets to get out in case of emergency.

\* Hield Road residents are taxed heavily for the privilege of living on Hield Road in a rural-like environment with horses using the road, runners, and bicyclists as well. There are no sidewalks.

\* Due to increased growth in our surrounding community, Hield Road invites curious drivers to explore. There are times residents have had to call the police on suspicious individuals and vehicles lurking around.

\* Having Starbucks and/or any other establishment with increased commercialism on that corner will only beg for more suspicious and at times, unlawful incidents.

### **TRAFFIC STUDIES AND CONCERNS AND BREVARD COUNTY**

#### **Traffic Studies:**

**\*\* The developer will need to provide a thorough traffic analysis as well as demonstrate that the entrances to this property/driveway would not cause major traffic impacts to Hield Road when they submit their right-of-way permit application to Brevard County.**

**\*\* Intersection traffic at Minton and Hield gets terribly backed-up due to the bottle neck of the Minton and Palm Bay Intersection. With that said, our intersection and residents should not be penalized and placed in jeopardy due to the overgrowth and lack of critical thinking from the City of Palm Bay, Engineers and the County. SOMETHING needs to be addressed and acted upon. We cannot afford to wait another year or two for anticipated road improvements that never get done, i.e. Ascent and Hammock Landing Development across the street.**

#### **Concerns:**

**\*\* Hield Road (County side) does not have soft swales for vehicles to move over to allow for **emergency vehicles** passage or any other type vehicle that needs to pass. There are only ditches.**

**\*\* There is a very big concern for **emergency vehicles not being able to enter or Exit Hield Road due the blocked intersection. Who will carry the liability for the life of the individual needing emergency care while precious minutes are passing by to save the life of the individual?****

**\*\* Does Brevard County and the City of Palm Bay have the appropriate amount of **emergency support** (fire, accidents, transport to hospitals and policing to handle potential situations)?**

I respectfully request you will consider our concerns and objections for the reasons stated. What is being proposed will ADVERSELY / NEGATIVELY impact Hield Road residents and their safety.

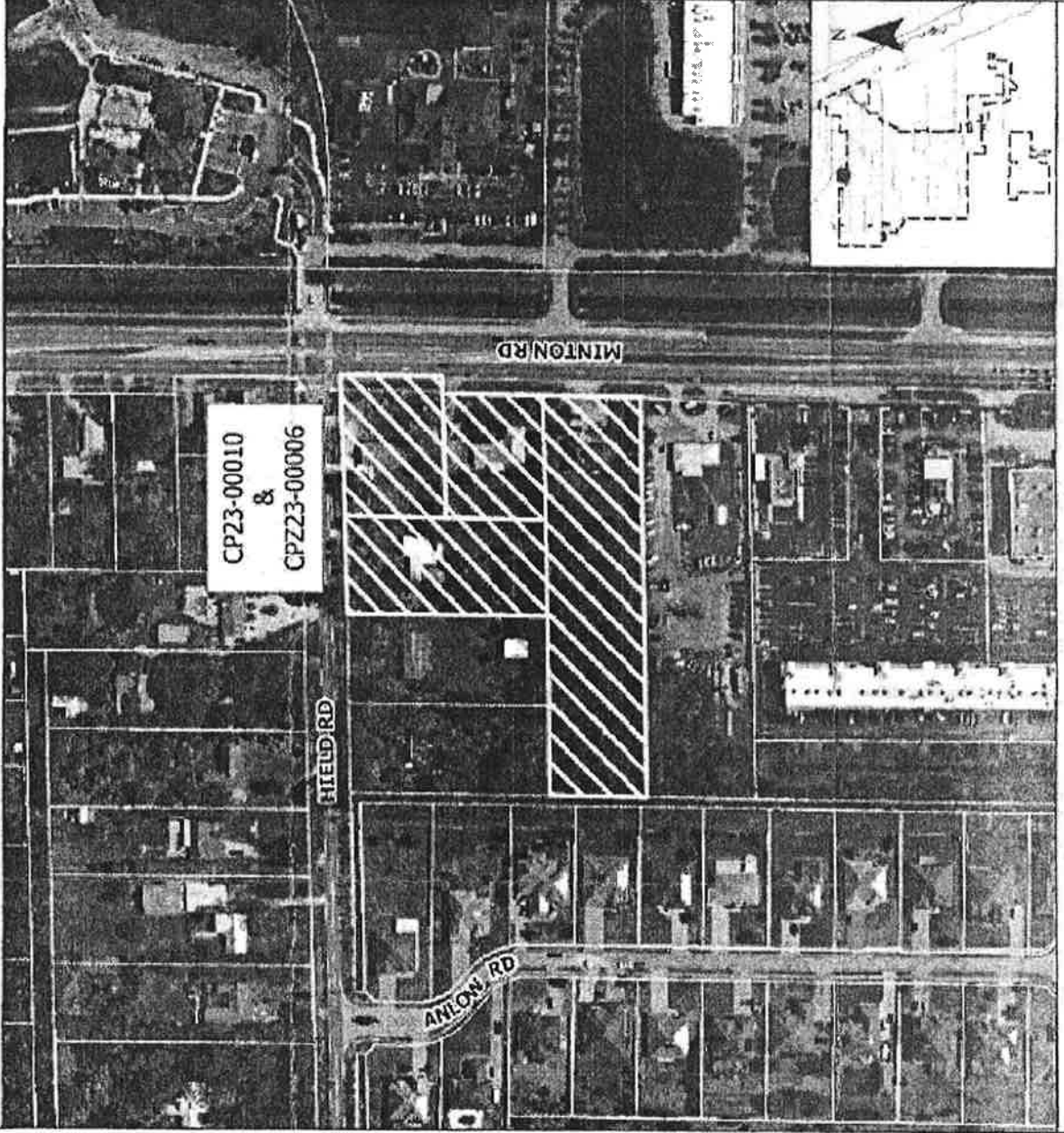
I also respectfully ask to make this letter a part of your records.

Thank you for your time and considerations.

*Sarah R. (Susan) Shepherd*  
Sarah and Rick Shepherd; Attachments: 3 Maps, Photo of Starbucks on Palm Bay Rd & Aldi's, Site Plan for Starbucks



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



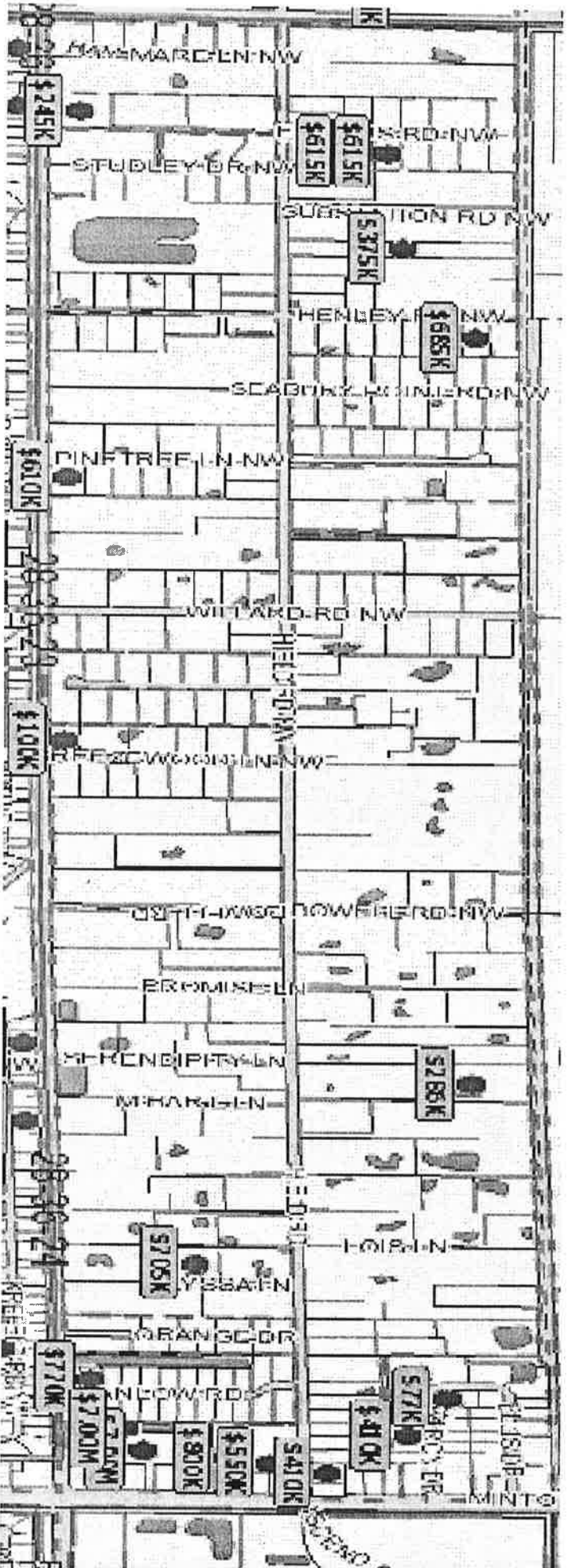
**AERIAL LOCATION MAP CASE: CP23-00010 & CP23-00006**

**Subject Property**

Southwest corner of Hield Road and Minton Road

Obtained from Property Appraiser's office 6/23/2023

HIELD ROAD WEST FROM MINTON ROAD (CTY RD 509) TO THE END OF HIELD TO BAY MARE APPROXIMATELY 2 1/2 MILES  
ONE WAY IN AND ONE WAY OUT. ALL SIDE STREETS AND HIELD ROAD ARE DEAD ENDS.





**TECHNICAL MEMORANDUM**  
Christy Fischer  
Corrina Gumm, P.E.  
July 19, 2021  
Page 2

These improvements  
were never accomplished.  
Who knows when they will?  
Adding Food Service industry with  
drive-through will add to an already  
un-safe intersection at Hield Road.

**BUILD-OUT CONDITIONS ANALYSIS**

Based on the January 2020 TIS, the signalized intersections shown in Table 2 were analyzed under 2021 build-out conditions to determine the operational level of service.

S.P. Shepherd  
6/30/2023

**Table 2**  
**2021 Build-Out PM Peak-Hour LOS – Signalized Intersections**  
**Ascend Hammock Landing**

Intersection	Adopted LOS	Build-Out Conditions					
		AM Peak-Hour			PM Peak-Hour		
		Delay (sec.)	LOS	V/C > 1.0	Delay (sec.)	LOS	V/C > 1.0
Minton Rd at Wingate Blvd	E	34.5	C	No	41.2	D	Yes
Minton Rd at Flanagan Ave	E	15.4	B	No	14.4	B	No
Minton Rd at Eber Blvd	E	20.1	C	No	33.0	C	Yes
Minton Rd at Norfolk Pkwy	E	27.4	C	No	43.2	D	No
Minton Rd at Hield Rd/Project Driveway	E	22.1	C	No	18.4	B	Yes
Minton Rd at Palm Bay Rd	E	109.7	F	Yes	145.2	F	Yes
Minton Rd at Emerson Dr	E	54.5	D	No	39.6	D	No
Palm Bay Rd at Athens Dr	E	34.9	C	No	22.5	C	No
Palm Bay Rd at Norfolk Pkwy	E	32.6	C	No	57.6	E	Yes
Palm Bay Rd at SB I-95	E	23.9	C	No	36.7	D	No
Palm Bay Rd at NB I-95	E	24.1	C	No	18.0	B	No
Palm Bay Rd at Hollywood Blvd	E	39.5	D	No	46.0	D	No
Minton Rd at Frontage Rd*	E	-	A	No	-	A	-

As indicated in the table above, the signalized intersections of Minton Road at Wingate Boulevard, Eber Boulevard, Hield Road, and Palm Bay Road and Palm Bay Road at Norfolk Parkway are anticipated to operate outside the adopted level of service and/or with a v/c ratio greater than 1.0. Based on the TIS submitted Revised July 2020, the following improvements were recommended:

**Minton Road at Wingate Boulevard:**

- Optimize signal timings

**Minton Road at Eber Boulevard:**

- Optimize signal timings

**Minton Road at Hield Road:**

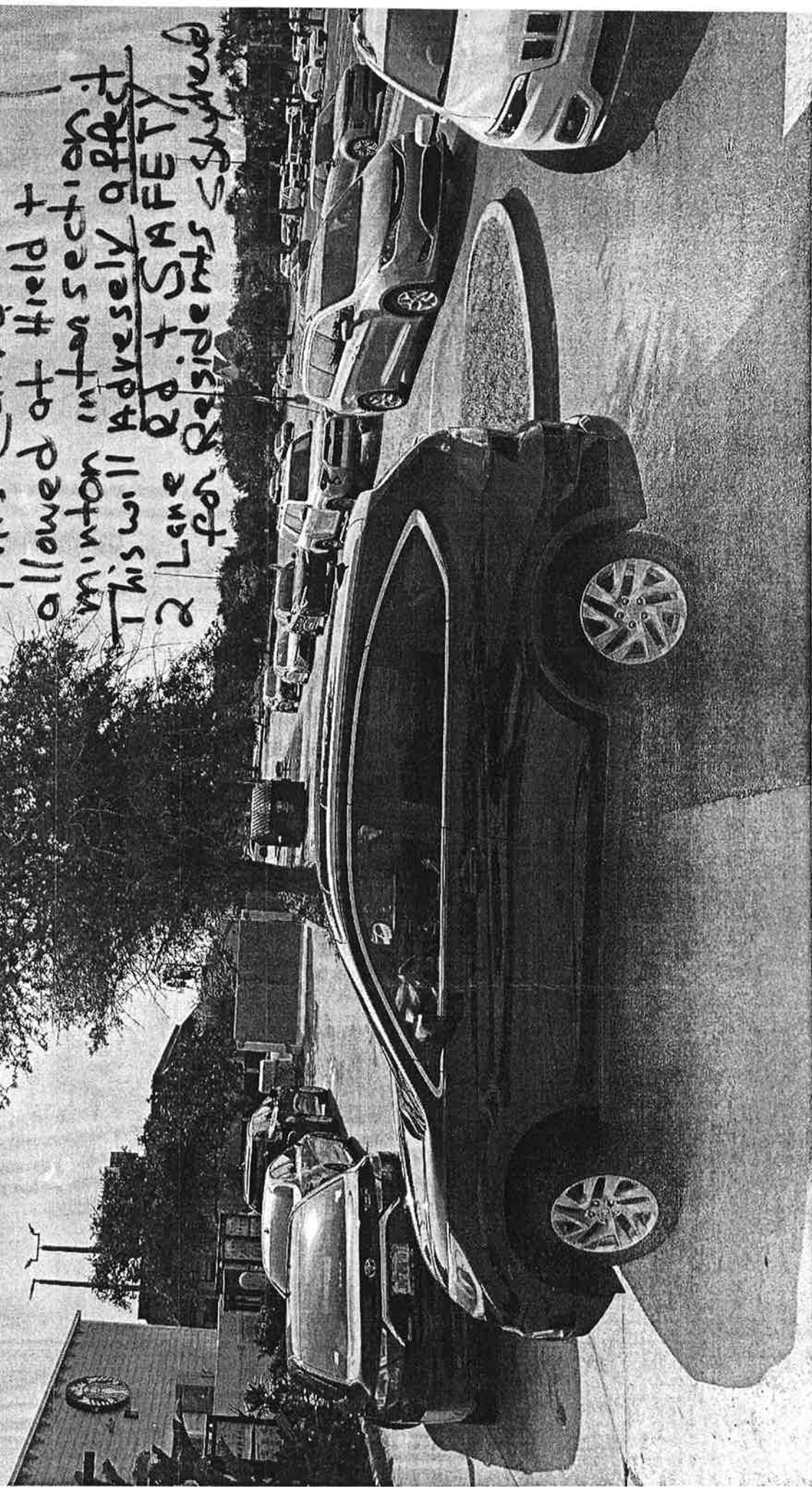
- Convert eastbound multi-directional lane into a left-turn lane
- Add eastbound through-right lane
- Add "DO NOT BLOCK" box pavement marking and signs at the Frontage Road/Project Driveway
- Optimize signal timings

**Minton Road at Palm Bay Road:**

- Restripe the westbound shared through/left-turn lane to a dedicated left-turn lane (triple dedicated lefts)
- Restripe the westbound right-turn lane to a shared through/right-turn lane
- Add an eastbound right-turn lane
- Remove split phasing
- Add a southbound left-turn lane (dual lefts)
- Optimize signal timings

6/2023

This Cannot be  
allowed at Hild +  
Minton intersection it  
This will Adversely affect  
2 Lane Rd + SAFETY  
for Residents & Shoppers



## Terri Lefler

---

**From:** Terri Lefler  
**Sent:** Thursday, August 17, 2023 3:23 PM  
**To:** nanacat@cfl.rr.com  
**Cc:** Terese Jones; Carol Gerundo; Chandra Powell; Alexandra Bernard; Suzanne Sherman; Cathy Green  
**Subject:** FW: HIELD ROAD

Good afternoon, Cathy,

Hope all is well!

This email will be printed and placed at each of the Council Members' seats for tonight's Council meeting. It will also be included in each of the case files relating to Hield Road.

Thank you,



**From:** Cathy <[nanacat@cfl.rr.com](mailto:nanacat@cfl.rr.com)>  
**Sent:** Thursday, August 17, 2023 12:17 PM  
**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Rob Medina <[Rob.Medina@palmbayflorida.org](mailto:Rob.Medina@palmbayflorida.org)>; Donny Felix <[Donny.Felix@palmbayflorida.org](mailto:Donny.Felix@palmbayflorida.org)>; Kenny Johnson <[Kenny.Johnson@palmbayflorida.org](mailto:Kenny.Johnson@palmbayflorida.org)>; Randy Foster <[Randy.Foster@palmbayflorida.org](mailto:Randy.Foster@palmbayflorida.org)>  
**Cc:** Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>; City Council <[CityCouncil@palmbayflorida.org](mailto:CityCouncil@palmbayflorida.org)>; [D5.Commissioner@brevardcounty.us](mailto:D5.Commissioner@brevardcounty.us)  
**Subject:** FW: HIELD ROAD

**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.

The email below was previously sent on July 3, 2023. I reviewed the Agenda from July 20, 2023 & did not see it in any Correspondence with the proposed Cases. Perhaps this is an oversight on my part due to incorrect email addresses, but I would appreciate it to be included in any correspondence and Objections to this issue of Hield Road. Its probably too late for tonight's meeting, so I plan to send another objection for the meeting in September should it get extended again.

Thanking you in advance,  
Cathy Sallade  
1550 Studley Dr., NW  
Palm Bay, FL 32907

**From:** Cathy <[nanacat@cfl.rr.com](mailto:nanacat@cfl.rr.com)>  
**Sent:** Monday, July 3, 2023 10:10 AM  
**To:** 'citycouncil@pbfl.org' <[citycouncil@pbfl.org](mailto:citycouncil@pbfl.org)>  
**Cc:** 'landdevelopmentweb@palmbayflorida.org' <[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)>  
**Subject:** HIELD ROAD

Refer to Cases CP23-00010 and CPZ23-00006

As a resident whose property is accessed only by HIELD ROAD, I want to join my neighbors in expressing the concerns as listed below for the proposed rezoning of Cases CP23-00010 and CPZ23-00006 properties. Cole Oliver, West Melbourne Properties, LLC is proposing a STARBUCKS BE BUILT with the access off of HIELD ROAD. We DO NOT WANT this approved.

**TRAFFIC CONGESTION:** Hield Road is a narrow road with NO STREET LIGHTS AND NO SIDEWALKS. To exit Hield Road onto Minton is a time-consuming wait for ever 4 or 5 cars. And a dangerous one with all the construction currently exploding on Minton Road. There is no end in sight. We have pictures of the traffic congestion at the STARBUCKS on Palm Bay Road.

Hield Road was designed for residential traffic – not business traffic.

**SAFETY:** We are a family community, our children ride & walk along the street. Families walk on the street in the early evening with our pets and friends. Early morning traffic going into STARBUCKS WILL make for a very dangerous situation. i.e.: about 2 months ago a resident held an estate SALE at their property – the police had to be called because those going to the estate sale thought our road was a parking lot. The traffic entering & leaving any business located at this proposed site is going to back up traffic on Minton Road horribly.

**NOISE and STENCH:** Sound & GARBAGE travels; we can hear the garbage truck when it a ¼ mile down the street. And with any business built at this location not only the noise for those surrounding this property but the smell from the garbage dumpsters; AND FUMES FROM the lines of cars entering into Starbucks (off of Hield Road). I purchased my home for the serenity that we are afforded living in our community.

Please take responsibility for not approving this request.

Thank you,  
Cathy Sallade  
1550 Studley Dr. NW  
Palm Bay, FL 32907

Public Hearings

**Cathy Green**

**From:** Terri Lefler  
**Sent:** Thursday, July 20, 2023 9:18 AM  
**To:** Cathy Green  
**Cc:** Terese Jones  
**Subject:** FW: Case: CP23-00010 & CPZ23-00006  
**Attachments:** 20230719\_175327.jpg; 20230719\_173352.jpg

1723-00001  
 0P23-00010  
 CPZ 23-00006

I have sent this email to Council. Please print and place a copy at each of the Councils' seats for the July 20<sup>th</sup> meeting. Thank you!

**From:** Terri Lefler  
**Sent:** Thursday, July 20, 2023 9:17 AM  
**To:** City Council <CityCouncil@palmbayflorida.org>  
**Cc:** Terese Jones <Terese.Jones@palmbayflorida.org>  
**Subject:** FW: Case: CP23-00010 & CPZ23-00006

Honorable Mayor and Members of City Council,

Please see the below/attached correspondence as it relates to Items 23, 24, and 25, under Public Hearings, on tonight's agenda.

Thank you,



Terri Lefler | Deputy City Clerk

Down to Earth And Up To Great Things

321.952.3414 or ext. 3209

Legislative Department  
 120 Malabar Road SE, Suite 310  
 Palm Bay, FL 32907

Fax: 321-953-8971  
 Email: [terri.lefler@pbfl.org](mailto:terri.lefler@pbfl.org)  
 Web: [www.palmbayflorida.org](http://www.palmbayflorida.org)

**From:** Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>  
**Sent:** Thursday, July 20, 2023 8:41 AM  
**To:** Terese Jones <Terese.Jones@palmbayflorida.org>; Terri Lefler <Terri.Lefler@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Juliet Misconi <Juliet.Misconi@palmbayflorida.org>  
**Cc:** Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>  
**Subject:** FW: Case: CP23-00010 & CPZ23-00006

FYI...



Alix Bernard  
Principal Planner

*Down to Earth* And Up to Great Things™

☎ 321.733.3042 or ext. 5747

**From:** no worries <[tinab614@gmail.com](mailto:tinab614@gmail.com)>

**Sent:** Thursday, July 20, 2023 7:07 AM

**To:** [D5.Commissioner@brevardfl.com](mailto:D5.Commissioner@brevardfl.com)

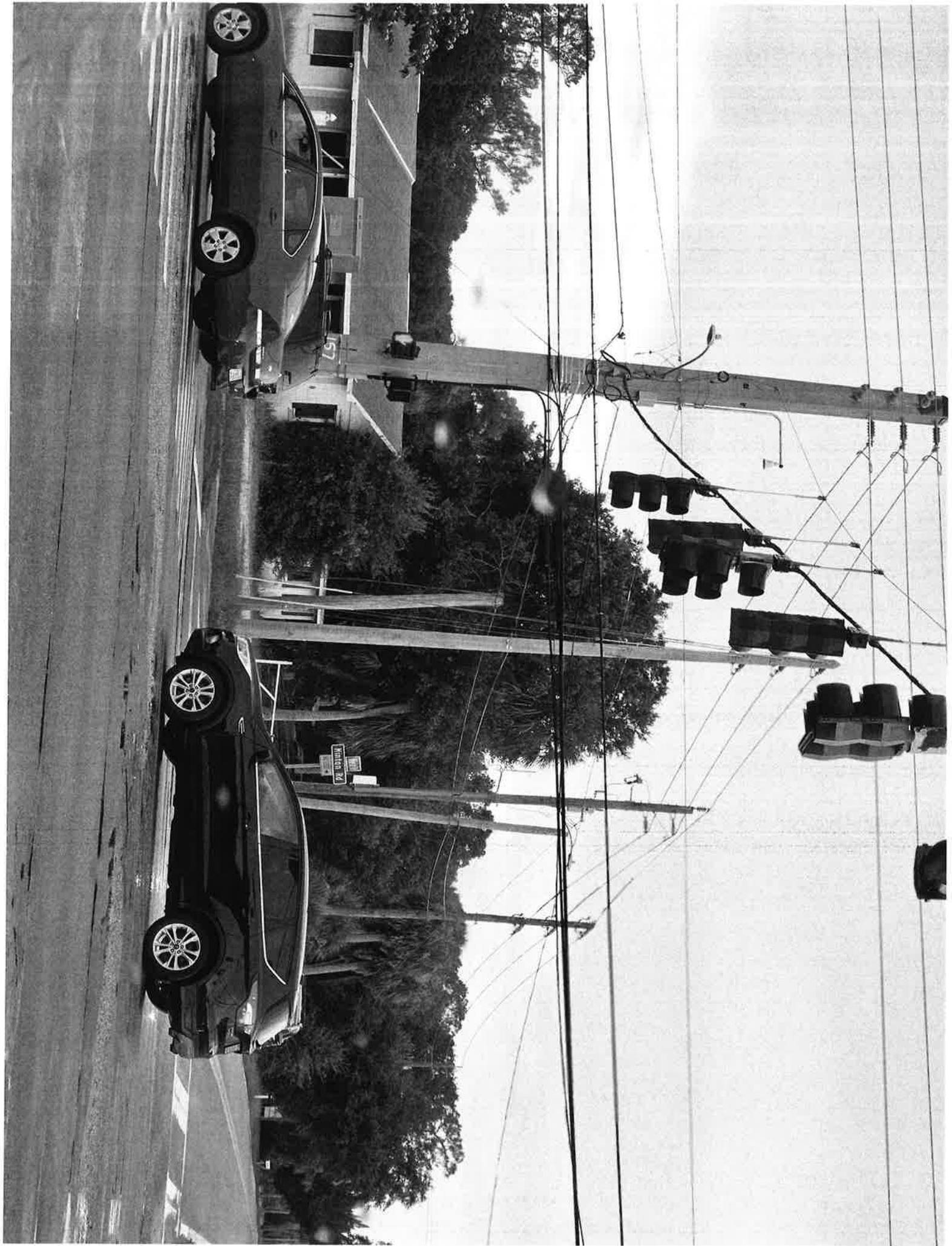
**Cc:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; [wpr686@hotmail.com](mailto:wpr686@hotmail.com); Rob Medina <[Rob.Medina@palmbayflorida.org](mailto:Rob.Medina@palmbayflorida.org)>

**Subject:** Case: CP23-00010 & CP23-00006

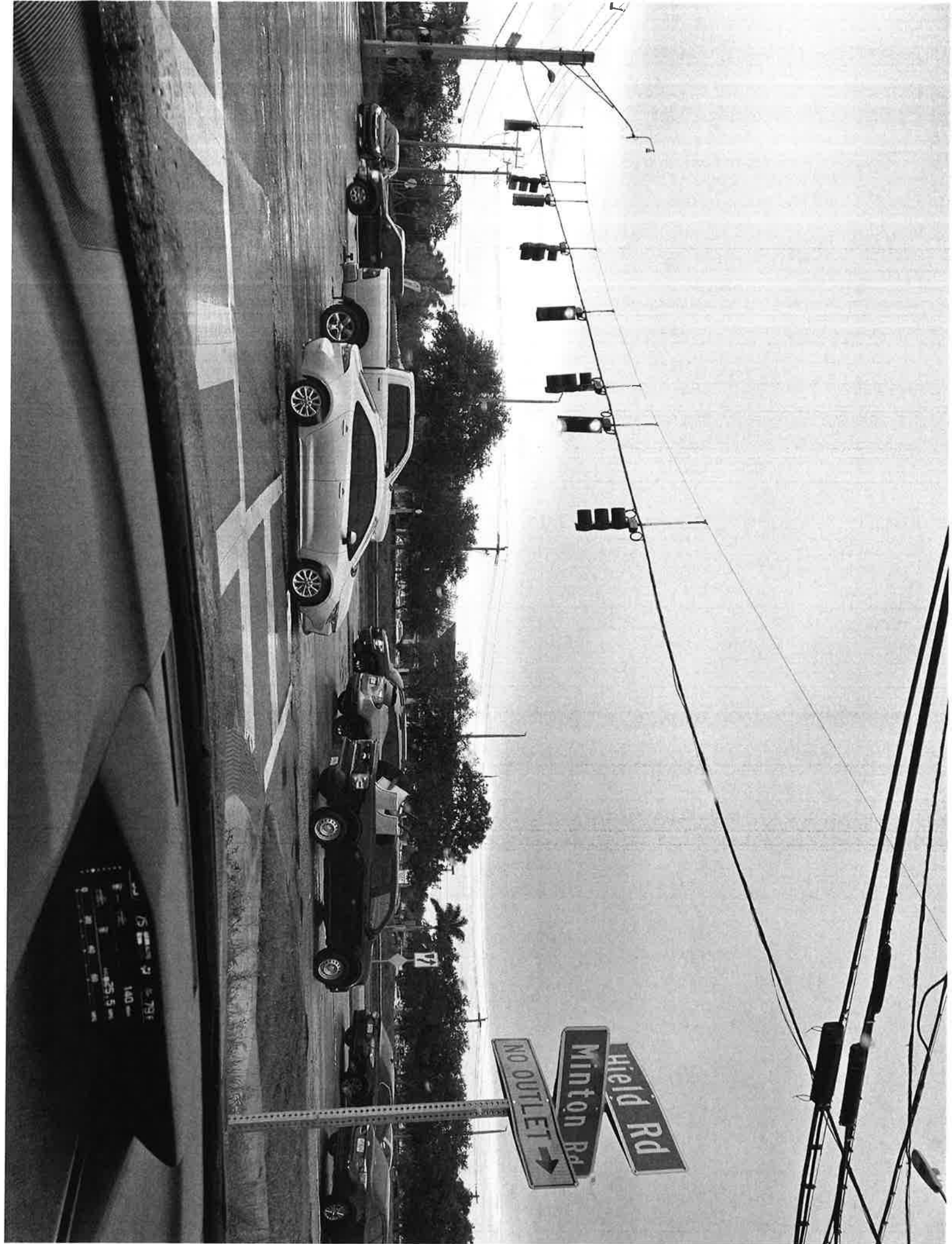
**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My husband and I reject the proposed planning for an entrance to be constructed on the southwest corner of Hield Rd. and Minton Rd. This is residential area and we do not want the influx of additional traffic. Please see the attached pictures from yesterday afternoon at that intersection after 5 pm. Intersection blocked and no law enforcement around totally acceptable. The entrance to proposed Starbucks should be at Palm Bay Rd behind Walgreens and All the shopping stores there now they can go in the back which that was suggested by a resident on the meeting of July 5th. We appreciate your help and voting in favor of the residents.

Thank you,  
Tina & Patrick Bresnahan







Public Hearings

Cathy Green

**From:** Rob Medina  
**Sent:** Wednesday, July 19, 2023 6:30 AM  
**To:** Kenneth D. Williams; Terese Jones; Suzanne Sherman; Patricia D. Smith  
**Subject:** Re: Annexation on Minton Road

A23-00001  
 CP23-00010  
 CP23-00004

Mr. & Mrs. Williams,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me. I have added our City Clerk, City Attorney and City Manager to this email for record keeping purposes. I also wanted to inform you that the applicant has submitted a request to continue the items on the Agenda for July 20th Council Meeting to the August 17th Council Meeting. Council will consider the request for the continuance early in the Meeting.

Respectfully,

Rob Medina  
 Mayor

**From:** Kenneth D. Williams <kwilliams538@cfl.rr.com>  
**Sent:** Tuesday, July 18, 2023 12:00 PM  
**To:** City Council <CityCouncil@palmbayflorida.org>  
**Subject:** Annexation on Minton Road

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: City Councilman of Palm Bay

**Subject: Proposed Annexing of the Southwest Corner of Minton and Hield Roads**

(Palm Bay Case No. CP23-00010 & CP223-00006)

We are to express our **OBJECTIONS** to the Annexation and Zoning Change FROM RES 2 (Brevard County) TO Commercial Use and A Rezoning FROM RP & AU (Brevard County) TO CC (Community Commercial) for the **3045 Hield Road property referenced above.**

We are with the majority of residents in the Hield Road neighborhood who **strongly** object. If you have never experienced the traffic snarls every weekday on Minton and the mess this creates for Hield Road residents, you must experience it yourself before annexing. Go in and out of Hield between 5:00 PM and 5:15PM on any weekday. A Starbucks is especially objectionable, as they are known for the long lines that spill out on public roads and cause major gridlock.

This is a direct quote from CNN

( <https://www.cnn.com/2023/06/24/business/drive-thru-fast-food-chick-fil-a-urban-planning/index.html#:~:text=Minneapolis%3B%20Fair%20Haven%2C%20New%20Jersey,temporary%20moratoriums%20blocking%20new%20developments> )

Drive-thrus promise hungry drivers ease, convenience and a juicy burger.

But long lines of cars waiting for orders spill out into US roads in every state from chains like Chick-fil-A, McDonald's, Starbucks and Dunkin. And city

officials, urban planners and critics say the model is failing modern cities.

**If you wish to fail the citizens you represent, just remember that most of us vote and we will know who not to vote for.**

Sincerely,

Kenneth D. Williams

Elizabeth A. Williams

4096 Hield Rd. NW

Palm Bay, FL 32907

## AGENDA ITEM

Public Hearings

**Cathy Green**

**From:** Terri Lefler  
**Sent:** Wednesday, July 19, 2023 10:45 AM  
**To:** Cathy Green  
**Cc:** Terese Jones  
**Subject:** FW: The annexation of properties at the intersection of Hield Road

A23-00001  
CP23-00010  
CP23-01000

This email has been sent to Council. Please print and place a copy at each of the Councils' seats for the July 20<sup>th</sup> meeting.

**From:** Rob Medina <Rob.Medina@palmbayflorida.org>  
**Sent:** Wednesday, July 19, 2023 6:23 AM  
**To:** Eric Kennard <ericskennard@msn.com>; Terese Jones <Terese.Jones@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terri Lefler <Terri.Lefler@palmbayflorida.org>  
**Subject:** Re: The annexation of properties at the intersection of Hield Road

Mr. Kennard,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me. I have added our City Clerk, City Attorney and City Manager to this email for record keeping purposes.

I also wanted to inform you that the applicant has submitted a request to continue the items on the Agenda for July 20th Council Meeting to the August 17th Council Meeting. Council will consider the request for the continuance early in the Meeting.

Respectfully,

Rob Medina  
Mayor

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**From:** Eric Kennard <ericskennard@msn.com>  
**Sent:** Tuesday, July 18, 2023 3:36 PM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Peter Filiberto <Peter.Filiberto@palmbayflorida.org>; d5.commissioner@brevardfl.gov <d5.commissioner@brevardfl.gov>  
**Subject:** The annexation of properties at the intersection of Hield Road

**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.

***Eric S. & Cynthia P. Kennard***  
***1511 Pinetree Lane NW***  
***Palm Bay, FL 32907***  
***321-312-6499***

July 17, 2023

Honorable Rob Medina, Mayor Palm Bay, Florida

Esteemed Members of Palm Bay City Council

CC: The Honorable Jason Steele, Brevard County Commissioner

Dear Mayor Medina and City Council,

It has come to our attention that there comes before you a motion to annex in the area on the south-west corner of the intersection of Hield Road and Minton Road. The Zoning for this area is to be zoned commercial. This is all well and good and may provide taxing income for the City of Palm Bay.

I respectfully request you not consider approving a high-volume commercial business or one with a drive-through for this location.

Our concern is the acceptance of placing a Starbucks Café at this corner. This business or any business that has a drive through at this location will cause a traffic nightmare. Certainly, you are aware of the congestion of this intersection during the times of 7AM to 9AM and 4PM until 6PM daily. The addition of a drive through business at this intersection will severely hamper access to Hield Road by emergency vehicles. I was a law enforcement officer in Brevard County for 31 years. Trust me when I tell you that even with lights and sirens there is no way to navigate through a traffic jam safely and efficiently.

The current timing of the traffic signal at this intersection only allows five vehicles to exit Hield Road at each light interval. The trigger that changes the signal when vehicles are sitting on Hield Road waiting for the light to change has a significant delay. Any business placed in this location will seriously impede the flow of traffic through the intersection even if there were no entrance from Hield Road. This intersection is already overwhelmed since the addition of the Ascend Hammock Landing Apartments now located at the northeast corner of the intersection. During peak hours turning onto Hield from Minton is treacherous. Vehicles usually block the intersection with no regard to traffic trying to enter or exit Hield Road. Adding a high-volume business will impede southbound Minton traffic even more. There have been numerous accidents at this intersection already, many with fatalities. How do you propose to increase safety for the users of this intersection?

In 2021 There was an engineering study completed by LTG Engineering and planning to examine the impact of traffic caused by the Ascend Hammock Landing Apartments. This plan was submitted to the City of West Melbourne and Brevard County. There were several suggestions to facilitate better traffic flow through the area. These included the following changes to the intersection of Hield Road and Minton Road;

- Convert Eastbound multi directional lane into a left turn lane
- Add Eastbound through right lane

- Add "Do Not Block" pavement markings and signs at the intersection
- Optimize signal timings

This plan was actually an agreement signed on December 2, 2021, by the Brevard County Commission, the City of West Melbourne, and DHIC Hammock Landing, LLC. None of the above were ever accomplished as of July 17, 2023, with the possible exception of signal timing changes. The timing is still not adequate.

In an email dated June 28, 2023, from Ms. Corina Gumm Brevard County Traffic Operations Manager to Danielle Stern, Chief of Staff for Brevard County Commissioner Jason Steele, Ms. Gumm stated that DHIC Hammock Landing were going to make suggested improvements but were unable to because of "conflicts with utilities." This will require a major design change of the intersection. I must assume that if Palm Bay annexes this into the City that Palm Bay will have to assist in payment for the major improvements, if they so choose.

As you may be aware, Hield Road is a two-lane road. There is no other access out of the neighborhood. Adding additional lanes to Hield Road at the intersection would be an extremely expensive proposition. There is no extra road frontage to accommodate those lanes. I assume Brevard County, the City of West Melbourne, and the City of Palm Bay would have to incur these changes as clearly DHIC Hammock Landing has not. So in order to get a few more commercial businesses installed, the City of Palm Bay is going to incur expenses in roadway development.

I certainly do not propose adding any additional access to Hield road from either Jupiter to the south or Glencove Ave NW to the West. Either of those access points would require the City of Palm Bay to build bridges over the canals. That would be another expense. Honestly, I don't want to open Hield Road up to that traffic.

There are numerous residences along Hield with at least an acre or more of grounds making our neighborhood a premier location. We truly enjoy country living in a residential area. Obviously, the taxes from these properties provide significant income for both Brevard County and the City of Palm Bay.

Please add this into the official record.

Yours truly,

Eric S. Kennard

**From:** [Rob Medina](#)  
**To:** [Lisa Mills](#); [City Manager](#); [Land Development Web](#); [Patricia D. Smith](#); [Suzanne Sherman](#); [Terese Jones](#); [Alexandra Bernard](#); [Jesse Anderson](#); [Juliet Misconi](#); [Joan Junkala](#); [Carol Gerundo](#); [Chandra Powell](#); [Kevin Mills](#)  
**Subject:** Re: Hield-Minton Development, on agenda for Sept 2023 - CP23-00010, CPZ23-00006, A23-00001, CP23-00013, CPZ23-00007, A23-00002  
**Date:** Sunday, September 10, 2023 4:05:19 PM

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Lisa & Kevin Mills,

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me regarding Hield and Minton Rd.

Respectfully,

Rob Medina  
Mayor

---

**From:** Lisa Mills <lisafrills@gmail.com>  
**Sent:** Sunday, September 10, 2023 2:29 PM  
**To:** Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; Rob Medina <Rob.Medina@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Juliet Misconi <Juliet.Misconi@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Kevin Mills <kevinjills5@gmail.com>  
**Subject:** Hield-Minton Development, on agenda for Sept 2023 - CP23-00010, CPZ23-00006, A23-00001, CP23-00013, CPZ23-00007, A23-00002

**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.

Dear City Council,

My name is Lisa Mills and I live at 3080 Hield Rd, Melbourne, FL 32904. I live within 500 feet of the proposed development which will be discussed at the upcoming meeting.

I am not here to fight the development. I loved the area so much, I moved here. It would be naive for me to expect that no other homeowners or commercial businesses would want to move here too. I welcome and support change, as it is inevitable.

I would just like to take a moment to explain my concerns to work toward the best arrangement possible for all involved.

Although I would prefer the second home on Hield to not be rezoned to commercial property as it brings noise and other aspects closer to my home than I anticipated when purchasing my property, I am sure there is little I can do to change this. Given that, I would like to focus on the biggest concern I have; traffic.

Currently, during peak hours, the intersection on Minton fills up with cars and keeps Hield residents unable to exit the street other than 1 or 2 cars per light. It may take several cycles to be able to exit Hield, which vacillates between a waste of time and a hazard. In an emergency, there is no way around this situation. In non-emergencies, there are accidents, road-rage incidents, and frustrated people putting everyone at risk. There is currently a lack of policing for blocking the intersection. Bringing more vehicles into the area is going to further inflame the situation and I fear increasing the hazardous conditions for both residents and non-residents alike.

I ask that you please make this letter part of the record in support of finding a viable solution for all involved.

Thank you,  
Lisa and Kevin Mills  
321-390-3891

**From:** [Angela Burak](#)  
**To:** [Terri Lefler](#); [Terese Jones](#)  
**Subject:** FW: Hield & Minton Roads - Community Meeting & Incorrect FL Today Annoucement  
**Date:** Wednesday, September 13, 2023 2:12:34 PM  
**Attachments:** [Hield Road Starbuck and Intersection Improvements.pdf](#)  
[image001.png](#)  
[Hield Road Starbuck and Intersection Improvements Rev 9-12-23 from Oliver.pdf](#)

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**From:** Sue Shep <keepthefocus2003@yahoo.com>  
**Sent:** Wednesday, September 13, 2023 1:30 PM  
**To:** Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>; Land Development Web <LandDevelopmentWeb@palmbayflorida.org>; Rob Medina <Rob.Medina@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Chandra Powell <Chandra.Powell@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>; Carol Gerundo <Carol.Gerundo@palmbayflorida.org>; Philip Weinberg <pawasa@bellsouth.net>  
**Subject:** Fw: Hield & Minton Roads - Community Meeting & Incorrect FL Today Annoucement

**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.

Hield/Minton Road Starbuck's Proposal  
City Council Meeting Scheduled for Tuesday, September. 19, 2023 at 6 p.m.  
Cole Oliver's Community Meeting Scheduled for Thursday, September 14, 2023 at 6 p.m.  
**Please make this letter of part of the record.**

Good Afternoon All~

Below, you will see two attachments.

\* Revised proposed site plan from Cole Oliver **emailed to us last night**, September 12, 2023 at 9:26 p.m.

\* Florida Today announcement showing City Council Meeting Scheduled for Thursday, September 19, 2023 at 6 p.m. The property highlighted in that diagram is ONLY representing one of the properties (The Trailer Business) next to Pizza Voila. This is very DECEPTIVE. Additionally, **please take note:** The **date** and **day** are **incorrect!** **The 19th is Tuesday!** I can only assume Mr. Oliver and/or his organization placed that announcement. If that be the case, this shows a pattern of Mr. Oliver's continued **impropriety** of trying to **confuse** the Community. Remember, Mr. Oliver's initial "required" Community Meeting held in May, 2023, he

scheduled a meeting place with an **incorrect address**. They needed to have a second Community Meeting with the correct address in June.

Mr. Oliver's email below states the following:

"Please note that we have already held the Community Meeting as required by Code with the requisite notices."

These meetings/notices he references to are those mentioned above in May and June. NOT this current revised site plan.

I will be resending, only, these two attachments in a separate email to all of you in case for some reason they got lost in these email strings.

What happened to a **"timely"** scheduled community meeting to allow enough time for the Hield Road residents and the City of Palm Bay to have the appropriate time to review his proposal and allow for all of us to study same and do our own research in order for all of us to present our questions and possible other alternative suggestions to the Developer?

A less than 48 hour notice clearly shows Mr. Oliver's LACK OF GOOD FAITH! Most of Hield Road residents, even those within the required "500 ft radius" residents work and have families. The 6:00 p.m. scheduled time will make it very difficult for those residents to attend with such SHORT notice. I am sure Mr. Oliver is counting on that! Additionally, the residents within the "500 ft radius" of the proposed properties **did not receive a letter** from Mr. Oliver advising of tomorrow night's meeting of September 14, 2023 at 6:00 p.m.

Once again, Mr. Oliver is showing his impropriety and manipulation of the Statutes by sending his meeting announcement to me and you at 9:26 p.m. on September 12th. Does he really think You and Hield Road residents are that ignorant to not recognize his ploy? Does he really think he is giving us 2 days notice? Does Mr. Oliver really think we will not be able to see through his "revised" proposal having the very same impacts to Hield Road and Minton Road vehicles? A "high-traffic" demanding business is not the answer.

Did you receive the proposed site plan and his meeting announcement the same time as I did?

**Did any of you receive a current traffic study?** We did not.

Within the volume of recent correspondences, the "traffic study" was one of the items Mr. Oliver was waiting on in addition to his "modifications" and "revisions". Anyone can see, especially during peak hours which are increasing in the a.m. and p.m. during the week, the increased volume of traffic southbound from Calvary Chapel to Palm Bay Road. The occupants are becoming more **aggressive** with each other. Windows go down, yelling expletives' out the their windows, shooting various finger digits at each

other and us. Near accident misses with many of us. With increased aggression, we know this can become a **potential volatile scenario** especially in today's times with "road rage", etc. Does the City of Palm Bay really want that? City of Palm Bay's crime is already increasing in and of itself!

Perhaps, Mr. Oliver is waiting to be able to "doctor" the traffic study and present that to all of us at the last minute!

If you have not read my letter to all of you from last, Friday, September 8, 2023, I respectfully ask you do so, in particular, to review my bullet points.

Mr. Oliver's email below states the following:

*"We are hosting this meeting as an effort to work with the community on a mutually agreeable solution."*

Mr. Oliver's actions/efforts as referenced above in this letter DOES NOT align with him working with the Community and the City of Palm Bay.

Can all of us really trust Mr. Oliver and staff? His manipulations, lack of good will and his actions of impropriety make it very difficult to do so.

Respectfully submitted,  
Susan Shepherd  
Em: keepthefocus2003@yahoo.com  
(c) 321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

----- Forwarded Message -----

**From:** J Cole Oliver <cole@eksdevelopment.com>

**To:** Sue Shep <keepthefocus2003@yahoo.com>; Mindy Mason <mindym@eksdevelopment.com>

**Cc:** Alexandra Bernard <alexandra.bernard@palmbayflorida.org>; Cathy Green <cathy.green@palmbayflorida.org>; Chaundra Powell <chandra.powell@palmbayflorida.org>; Angela Burak <angela.burak@palmbayflorida.org>; Suzanne Sherman <suzanne.sherman@palmbayflorida.org>; Juliet Misconi <citymanager@pbfl.org>; Terese Jones <terese.jones@palmbayflorida.org>; Mayor Rob Medina <mayorrobmedina@pbfl.org>

**Sent:** Tuesday, September 12, 2023 at 09:26:11 PM EDT

**Subject:** RE: Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Sue,

Apologies for the delay, but we received the revised proposed plan showing the proposed roadway improvements on Hield Road today. Please see attached. We have booked a meeting room from 6 PM at the Hyatt Place at Melbourne Airport (747 Air Terminal Parkway Melbourne, FL 32901) for this Thursday night (September 14<sup>th</sup>) to discuss with the proposed project with the Hield residents. Please note that we have already held the Community Meeting as required by Code with the requisite notices. We are hosting this meeting as an effort to work with the community on a mutually agreeable solution.

Regards,

Cole

---

**From:** Sue Shep <keepthefocus2003@yahoo.com>

**Sent:** Sunday, August 20, 2023 7:23 PM

**To:** J Cole Oliver <cole@eksdevelopment.com>; Mindy Mason <Mindym@eksdevelopment.com>

**Cc:** Alexandra Bernard <alexandra.bernard@palmbayflorida.org>; Cathy Green <cathy.green@palmbayflorida.org>; Chaundra powell <chandra.powell@palmbayflorida.org>; Angela Burak <angela.burak@palmbayflorida.org>; Suzanne Sherman <suzanne.sherman@palmbayflorida.org>; Juliet Misconi <citymanager@pbfl.org>; Terese Jones <terese.jones@palmbayflorida.org>; Mayor Rob Medina <mayorrobmedina@pbfl.org>

**Subject:** Re: Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Mr. Oliver,

Pursuant to our last City Council Meeting of August 17, 2023, our cases are to be continued to Tuesday, September 19, 2023.

We are in the same scenario as we were in July regarding the timely scheduling of a Community Meeting with you and the residents of Hield Road. Time is of the essence to have appropriate notice for the Community Meeting to enable the residents to make arrangements to attend this important meeting.

The residents of Hield Road are becoming more anxious and voicing their intent to have this meeting scheduled.

Please advise when and where the Community Meeting will be scheduled.

Thank you for your time and considerations.

Regards,

Susan Shepherd

Em: [keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)

( C ) 321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

On Monday, August 14, 2023 at 07:03:59 PM EDT, Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)> wrote:

Thank you!

Susan Shepherd

[Sent from Yahoo Mail on Android](#)

On Mon, Aug 14, 2023 at 5:33 PM, J Cole Oliver

<[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)> wrote:

We have not been able to set a date or time yet as we are waiting for the engineers. As soon as I have more, I will reach out.

Regards,

Cole

---

**From:** Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**Sent:** Monday, August 14, 2023 3:50 PM

**To:** J Cole Oliver <[cole@eksdevelopment.com](mailto:cole@eksdevelopment.com)>; Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Cc:** Alexandra Bernard <[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)>; Cathy Green <[cathy.green@palmbayflorida.org](mailto:cathy.green@palmbayflorida.org)>; Chaundra powell <[chandra.powell@palmbayflorida.org](mailto:chandra.powell@palmbayflorida.org)>; Angela Burak <[angela.burak@palmbayflorida.org](mailto:angela.burak@palmbayflorida.org)>; Suzanne Sherman <[suzanne.sherman@palmbayflorida.org](mailto:suzanne.sherman@palmbayflorida.org)>; Susan Shepherd <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**Subject:** Corner of Hield & Minton Roads - Community Meeting Scheduled (?)

Good Afternoon!

Hoping all had a good weekend!

Please advise if a date, time and place have been arranged for the Community Meeting?

I am being asked by several residents if I have received any information regarding the above question.

Thank you,

Susan Shepherd

Hield Road

[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)

321-698-6803

**Susan** 

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

----- Forwarded Message -----

**From:** Sue Shep <[keepthefocus2003@yahoo.com](mailto:keepthefocus2003@yahoo.com)>

**To:** Alexandra Bernard <[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)>

**Sent:** Tuesday, August 8, 2023 at 04:23:57 PM EDT

**Subject:** Re: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

Hi Alix,

I appreciate your letting me know the Continuance Request to September 21, 2023.

Thank you!

Susan Shepherd

Hield Road

**Susan** □

**We have this hope as an anchor for the soul, firm and secure. ---Hebrews 6:19**

On Tuesday, August 8, 2023 at 09:05:10 AM EDT, Alexandra Bernard  
<[alexandra.bernard@palmbayflorida.org](mailto:alexandra.bernard@palmbayflorida.org)> wrote:

Good Morning Sue,

Below is the formal email that we received requesting continuance of these cases.

All the Best,



---

**From:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Sent:** Friday, August 4, 2023 1:57 PM

**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman  
<[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela  
Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** RE: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

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Thank you for your confirmation.

Respectfully,

Mindy Mason

Operations Manager

**EKS, Inc.**

516 Delannoy Ave

Cocoa, FL 32922

**Email:** [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)

**Direct:** 321.632.4710 ext.208

**Fax:** 321.635.8681

---

**From:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>

**Sent:** Friday, August 4, 2023 1:43 PM

**To:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** RE: Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

Hi Mindy,

Thank you for your email. We are in receipt of your request for a continuance to the September 21<sup>st</sup> City Council meeting.

All the Best,



---

**From:** Mindy Mason <[Mindym@eksdevelopment.com](mailto:Mindym@eksdevelopment.com)>

**Sent:** Friday, August 4, 2023 1:29 PM

**To:** Alexandra Bernard <[Alexandra.Bernard@palmbayflorida.org](mailto:Alexandra.Bernard@palmbayflorida.org)>; Suzanne Sherman <[Suzanne.Sherman@palmbayflorida.org](mailto:Suzanne.Sherman@palmbayflorida.org)>; Cathy Green <[Cathy.Green@palmbayflorida.org](mailto:Cathy.Green@palmbayflorida.org)>; Angela Burak <[Angela.Burak@palmbayflorida.org](mailto:Angela.Burak@palmbayflorida.org)>

**Subject:** Corner of Hield & Minton Roads - Applicant Cole Oliver-City Council Meeting

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Hello,

As the applicant for the potential annexation of the southwest corner of Hield and Minton Rd, which is scheduled to go before the August 17, 2023, Council Meeting, we respectfully request a continuance to September 21, 2023. I have listed the case numbers below.

A23-00001

CP23-00013

CPZ23-00007

A23-00002

CP23-00010

CPZ23-00006

Please let me know if anything else is needed. Thank you!

Respectfully,

**Mindy Mason**

Operations Manager

**EKS, Inc.**

516 Delannoy Ave

Cocoa, FL 32922

**Email:** [mindym@eksdevelopment.com](mailto:mindym@eksdevelopment.com)

**Direct:** 321.632.4710 ext.208

**Fax:** 321.635.8681

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## Carol Gerundo

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**From:** Jesse Anderson  
**Sent:** Thursday, July 6, 2023 10:32 AM  
**To:** Chandra Powell; Carol Gerundo  
**Cc:** Alexandra Bernard  
**Subject:** FW: Just say NO to Starbucks!

Good morning,

Please add this to the case file correspondence.

Thank you!

Best,



Jesse D. Anderson, Ph.D  
Assistant Growth Management  
Director

*Down to Earth And Up To Great Things™*

ext. 5310

[Participate in the Palm Bay Comprehensive Plan Update Here!](#)

**From:** Kendra Somberg <mrssomberg@gmail.com>  
**Sent:** Wednesday, July 5, 2023 4:47 PM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Leeta Jordan <Leeta.Jordan@palmbayflorida.org>  
**Subject:** Just say NO to Starbucks!

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom this may concern:

I was hoping to be present at tonight's meeting regarding the proposed building of a Starbucks on the SW corner of Minton Rd and Hield Rd. But, unfortunately i am unable to attend. I do however hope this email will be able to not fall on deaf ears.

As a resident who lives off Hield road my husband and I are very much opposed to the proposed building of another unneeded Starbucks. The intersection this is proposed for is already extremely congested and overwhelming at all times of the day due to the traffic from the Ascend apartment complex and Pineapple Cove Academy. Adding a Starbucks with

the entrance on Hield rd and all of it's insane traffic is only going to add to what is already a nightmare. It is hard for me to understand why there is even a proposal for a Starbucks at this location when there are two other Starbucks within 2.7 miles of this location. Why do we need another one?

This city is growing at an alarmingly fast rate. Our roads cannot keep up. Our schools are overcrowded. Yet let's build another Starbucks, Dollar General or car wash....? Doesn't make a lot of sense. Please help protect what is left of our intersection and just say NO to Starbucks!!

Sincerely,

Kendra Somberg

## Chandra Powell

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**From:** Gjbarden077 <gjbarden077@aol.com>  
**Sent:** Tuesday, July 11, 2023 12:44 PM  
**To:** Rob Medina; Donny Felix; Randy Foster; Kenny Johnson; Suzanne Sherman; Chandra Powell; Land Development Web  
**Subject:** sw corner Hield Rd annexation  
**Attachments:** City council\_2\_heild\_rd.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

City Council, Mayor Medina, City Manager Suzanne Sherman, Land Dev. & P & Z,

I am writing again to voice my concern about the annexation & rezoning of the SW corner of Hield Rd. P & Z has approved this process to continue as they are only volunteers for the board. They aren't paid to make the tough calls. But you as OUR elected officials are paid to make these calls. So I am asking again to NOT approve this annexation and rezoning this property in the SW corner of Hield Rd. I realize it's all Brevard County's problem with the road but if this process goes forward you will be allowing this nightmare to continue. I am asking for you to consider the impact it will have on the residents of Hield Rd. Some of which ARE Palm Bay residents.

Thank you for your time and I am in hopes you will visit this intersection before the next council meeting where this annexation and rezoning is to take place and see what we deal with on a daily basis. During this time there are no schools open so the traffic is a little less but not by much.

Concerned Hield Rd Resident of Palm Bay

Juanita Barden

City council, City Manager & Planning Zoning,

I would like to thank the Planning & Zoning board for them doing their job, plus to point a few things on moving this process of rezoning & annexation of the property on the SW corner of Hield Rd.

1. The board pointed out the road and the intersection belong to Brevard County to maintain and monitor the traffic issues of illegal U turns and vehicles sitting under the light so NO traffic can pass on or off Hield Rd during peak traffic times. The illegal "U" turns they are done every day all day long.
2. It's not Palm Bay's problem to correct the road or traffic issues you must complain to the County. Well, many of the Hield Rd residents have done this for years and nothing happens. Yet you're willing to annex this piece of property into Palm Bay and not worry about the road problems and traffic issues because that's the county's problem. WAY TO GO Planning & Zoning board. Again, you're not worried about the residents of Palm Bay just the possibility of more commercial taxes.
3. Bill Batten pointed out when the speed limit was to be raised on Hield Rd only (1) one person was there to fight against it. But there were over 100 people there against this rezoning & annexation and the board approved it. Raising the speed limit didn't affect hundreds of residents daily impact of getting in and out of Hield Rd. This possible annexation & rezoning WILL impact us.
4. Quiet a few years ago the Palm Bay Colony residents came to the council to assist them with their flooding issues. They have an HOA and were unable to finance the work that needed to be done to alleviate their flooding issues. So, they asked the city council for help. There must have been 40 residents or more at the council meeting asking for help and it was approved. The city did a bid awarded it for assisting Palm Bay Colony in their flooding issues for approximately \$38K. The residents of Hield Rd are not asking for any money we just don't want the traffic issues at the entrance of our road. If 100 plus people showing their support isn't enough for attention, I am not sure what does. These are the same people that elected some of you into office in hopes that when we needed your help you are there to assist us.
5. The Planning & Zoning board are only volunteers they aren't paid to make the hard decisions. That's why we have YOU the City Council & Mayor. So now step up to the plate and deny this annexation & rezoning of the SW corner of Hield Rd. All of the property that is on the agenda for annexation & rezoning commercial DENY IT!!

So again, I am asking you not to approve this annexation and rezoning of the SW corner of Hield Rd into Palm Bay. I also invite each council member, Mayor, city Manager and the Planning & Zoning members to sit there at the entrance of Hield Rd during evening traffic 3:30 to approximately 6pm and watch the cluster we deal with every day. You all will attend a groundbreaking, ribbon cutting ceremony, new park opening, pool reopening kodak moment, so I invite you to sit at Hield Rd sometime between now and the next council meeting. Of course, the traffic isn't as bad now as it is when school is in session so it's not a truly accurate account of our daily cluster. Then if you make this annexation & rezoning real just imagine what you're going to approve BUT WAIT it's NOT Palm Bay's problem it's BREVARD COUNTY'S!!!

Ask yourself why after all these years does this property want to be annexed into Palm Bay. MAYBE JUST MAYBE THE AGENCY THEY ARE IN WON'T APPROVE THEIR PLAN!!! Did anyone ask this question??

Concerned Resident of Hield Rd.

Juanita Barden

## Chandra Powell

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**From:** Angela Burak  
**Sent:** Monday, July 17, 2023 8:43 AM  
**To:** Chandra Powell; Carol Gerundo  
**Subject:** FW: Annexation of and zoning change of SW corner of Minton and Hield Road

Fyi also

---

**From:** Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>  
**Sent:** Friday, July 14, 2023 12:06 PM  
**To:** Dennis Foster <dennisf703@gmail.com>; Rob Medina <Rob.Medina@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>  
**Cc:** Terri Rines <terrirines@gmail.com>; Terese Jones <Terese.Jones@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>  
**Subject:** RE: Annexation of and zoning change of SW corner of Minton and Hield Road

Good afternoon,

Thank you for reaching out to us regarding your concerns. I know this will be a significant discussion for all of us, and we appreciate your input.

I also wanted to let you know, in case you are not already aware, that the applicant has submitted a request to continue these items from the July 20<sup>th</sup> Council meeting to the August 17<sup>th</sup> Council meeting. Procedurally, the items will all remain on the agenda for the July 20<sup>th</sup> meeting, and early on in the meeting, City Council will consider whether to grant the request for continuance.

Thank you,

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

---

**From:** Dennis Foster <dennisf703@gmail.com>  
**Sent:** Friday, July 14, 2023 11:58 AM  
**To:** Rob Medina <Rob.Medina@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; City Manager <citymanager@palmbayflorida.org>  
**Cc:** Terri Rines <terrirines@gmail.com>  
**Subject:** Annexation of and zoning change of SW corner of Minton and Hield Road

**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.

Dennis Foster and Terri Rines  
4366 Hield Road NW  
Palm Bay, FL 32907

Ref: Ordinance 2023-59 thru 62 on this weeks July 20, 2023 City Council Meeting Agenda

Dear Rob, Randy, Donnie, Kenny and Suzanne,

As I'm sure you are aware, there is a plan underway to develop the SW corner of Minton and Hield road adding a future potential shopping center (unknown exactly what) and a drive thru Starbucks Coffee Shop directly on that corner. The developer wants Palm Bay to annex that entire property so that he can get access to Palm Bay City water and sewer and then to build the complex on that corner. He currently has a contract with Starbucks to provide a turn-key property on that corner if approved where a Starbucks drive through would be built.

**We want to go on record as being completely against this proposal for the following reasons:**

1. That intersection is already a traffic nightmare. The backup during peak rush hour has been studied previously and is already operating outside its level of service. The recent addition of the new apartment complex on the NE corner of that intersection (West Melbourne) has made it much worse. Adding a drive thru Starbucks coffee on that corner is just a bad idea traffic and safety wise. Drive through Starbucks generates hundreds of cars per day (up to 80 cars per hour average for the whole day - up to 2X that volume during peak morning coffee rush hour). If you have ever driven up to a Starbucks during peak hours the traffic usually is around the building and spilling out into the street. There are already two Starbucks coffee shops within 1/2 mile of this location (one inside of the Target store and one on Palm Bay road east of I95 overpass).
2. Safety of all Hield road residents both in the county and in Palm Bay. A traffic backup at that intersection can prevent emergency vehicles access to all the residents (there is only one entrance to Hield Road). Morning school buses will be delayed. Pedestrian and bicycle traffic will be extremely dangerous.
3. We object to the rezoning to commercial of the second house just west of the house on the corner. Hield road is a rural residential zoning. If you allow commercial rezoning creep westward on Hield road where will it end? What would stop the next one or two houses from being rezoned to commercial? How long is it going to be before we get a car wash or Dollar General on Hield Rd? All the residents that live on Hield, both country and Palm Bay residents, bought property there because of the rural residential nature. We reject soundly the encroachment of commercial businesses into our neighborhood.

The July 3rd P & Z Board Meeting approved this whole thing with the recommendation of NO entry / exit on Hield. **This is the absolute minimum response we expect of council.** Please do not allow a driveway entrance onto a primarily residential street from this property. An entrance or exit onto Hield road from the Starbucks would bring traffic to a complete stop.

Folks, We beg of you to do the right thing for the residents of Palm Bay on Hield Road. This corner has to be one of the worst locations for a Starbucks coffee drive through in the area. Please do not allow the annexation and zoning changes to take place on this corner.

Vote Nay on Ordinance 2023-59 thru 62 on this weeks July 20, 2023 City Council Meeting Agenda.

I expect the public response at this weeks council meeting to be substantial. All the folks in the audience wearing orange ribbons are opposed to this proposal.

Thank you,  
Dennis Foster and Terri Rines

## **ORDINANCE 2023-64**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM RP (RESIDENT PROFESSIONAL) (BREVARD COUNTY) AND AU (AGRICULTURAL RESIDENTIAL) (BREVARD COUNTY) TO CC (COMMUNITY COMMERCIAL DISTRICT); WHICH PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF HIELD ROAD AND MINTON ROAD, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.**

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

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

A parcel of land lying withing Section 24, Township 26S, Range 36E, and being a portion of Lots 1 and 2, Block 2, Plat of the Melbourne Poultry Colony Addition No 1, as recorded in Plat Book 7, Page 12, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commence at the northeast corner of said Lot 1, Block 2, thence run S 88°34'45" W, along the south right-of-way line of Hield Road (66' R/W) a distance of 26.66 feet to a point on a curve concave westerly having a radius of 37940.00 feet, a central angle of 00°32'55" and the point of beginning; thence from a radial bearing on N 89°25'21" W, run southerly along the arc of said curve and the westerly right-of-way line of Minton Road, a distance of 363.30 feet to the point of tangency thereof; thence S 01°07'34" W, a distance of 109.50 feet; thence S 88°35'11" W, a distance of 606.96 feet; thence N 00°31'45" E, along the west line of said Lot 2, Block 2, a distance of 149.66 feet; thence N 88°32'52" E, along the north line of said Lot 2, a distance of 274.66 feet; thence N 00°27'06" E, a distance of 322.78 feet to the south right-of-way line of Hield Road; thence N 88°34'45" E, along Hield Road, a distance of 335.94 feet to the point of beginning; containing 4.57 acres, more or less.

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

**SECTION 3.** The provisions within this ordinance shall take effect immediately upon the enactment of Ordinance 2023-63.

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

ATTEST:

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Rob Medina, MAYOR

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Terese M. Jones, CITY CLERK

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

Applicant: Cole Oliver/West Malabar Properties, LLC

Case: CPZ23-00006

cc: (date) Applicant  
Case File



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

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

**DATE:** 9/19/2023

**RE:** Ordinance 2023-91, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Eldron Boulevard, in the vicinities north of Bayside Lakes Boulevard and south of Devonwood Court, from Low-Density Residential Use and Commercial Use to Commercial Use (7.43 acres) (Case CP23-00014, KEW LLC), only one reading required.

Michael Erdman, Managing Member, KEW LLC (Kim Rezanka and Lacey Lyons Rezanka, Rep.) has submitted for a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change 7.43 acres of land from Commercial and Low-Density Residential to Commercial.

The subject parcel is located west of Eldron Blvd. SE, north of the intersection of Eldron Blvd. SE and Bayside Lakes Blvd. SE, and southwest of Odyssey Charter School. While the entire parcel is depicted to be Low-Density Residential in the City's GIS mapping software, only the western portion of the parcel (approximately 3.94 acres) has a Future Land Use (FLU) of Low-Density Residential. The eastern 3.49 acres of the parcel was granted a Future Land Use amendment to Commercial in 2005 by Ordinance 2005-82 but has since remained undeveloped. This amendment seeks to apply Commercial future land use to the entire parcel totaling 7.43 acres.

The applicant intends to construct an indoor self-storage business on the parcel, which requires that the parcel have a unified Commercial Future Land Use.

The applicant has demonstrated compliance with the Citizen Participation Plan as outlined in section 169.0005 of the Land Development Code and the community meeting was held on March 30, 2023.

### REQUESTING DEPARTMENT:

Growth Management

### RECOMMENDATION:

Motion to Motion to approve Ordinance 2023-## changing the Future Land Use from Low-Density Residential and Commercial to Commercial.

### Planning and Zoning Board Recommendation:

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion to submit Case CP23-00014 to City Council for approval.

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

**Aye:** Jordan, Weinberg, Boerema, McLeod, Olszewski.

**ATTACHMENTS:**

**Description**

CP23-00014 - Staff Report

CP23-00014 - Site Sketch

CP23-00014 - Citizen Participation Meeting Report

CP23-00014 - Application

CP23-00014 - Letter of Authorization

CP23-00014 - Legal Acknowledgement

CP23-00014 - Legal Ad

CP23-00014 - Applicant Handout

CP23-00014 - Correspondence - 09-06-2023

Ordinance 2023-91



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Kimberly Haigler, GIS Planner

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#### CASE NUMBER

CP23-00014

#### PLANNING & ZONING BOARD HEARING DATE

September 5, 2023

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#### PROPERTY OWNER & APPLICANT

Michael Erdman, Managing Member,  
KEW LLC (Kim Rezanka and Lacey  
Lyons Rezanka, Rep.)

#### PROPERTY LOCATION/ADDRESS

Tract I-3, Block 13, Bayside Lakes Commercial Center  
Phase 2, Section 19, Township 29, Range 37, Brevard  
County, Florida; Located west of Eldron Blvd. SE, north  
of the intersection of Eldron Blvd. SE and Bayside  
Lakes Blvd. SE, southwest of Odyssey Charter School;  
Tax Account 2962315

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#### SUMMARY OF REQUEST

The applicant is requesting a Small-Scale Comprehensive Plan  
Future Land Use Map Amendment for approximately 7.43 acres of  
split Commercial and Low Density Residential to Commercial.

##### Existing Zoning

PUD - Planned Unit Development

##### Existing Land Use

LDR - Low Density Residential

##### Site Improvements

Undeveloped

##### Site Acreage

7.43 acres

---

#### SURROUNDING FUTURE LAND USE & USE OF LAND

##### North

LDR - Low Density Residential & ROS - Recreation & Open Space

##### East

LDR - Low Density Residential & ROS - Recreation & Open Space

##### South

COM – Commercial & ROS - Recreation & Open Space

##### West

ROS - Recreation & Open Space

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**BACKGROUND:**

The subject parcel is located west of Eldron Blvd. SE, north of the intersection of Eldron Blvd. SE and Bayside Lakes Blvd. SE, and southwest of Odyssey Charter School. Only the western portion of the parcel, approximately 3.94 acres is included in this request. The eastern 3.49 acres of the parcel was granted a Future Land Use of Commercial in 2005 (O-2005-82) and has since remained undeveloped.

The applicant intends to construct an indoor self-storage business on the parcel, which requires that the parcel have a unified Commercial Future Land Use.

The applicant has demonstrated compliance with the Citizen Participation Plan as outlined in section 169.0005 of the Land Development Code and the community meeting was held on March 30, 2023.

**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.

Objective FLU-1.4 Provide and maintain FLUCs and zoning districts that would accommodate a diverse range of nonresidential activities of varying types and sizes.

The subject property is located within Bayside Lakes Commercial Center Phase 2, along the northern border of a commercially developed center at the intersection of Eldron Blvd SE and Bayside Lakes Blvd SE.

The request to change the Future Land Use from Low Density Residential and Commercial to Commercial is in alignment with the objective FLU-1.4 of the Comprehensive Plan, as it will allow the opportunity for expanded commercial development in an already established major commercial intersection. Although this property does abut an established neighborhood, the plat for this parcel requires a 50-foot wide “preservation buffer”, which will provide a compatible transition between the established neighborhood and established commercial corridor.

## 2. CONSERVATION ELEMENT

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

No protected species are known to inhabit the subject property. Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.6A.

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

## 3. HOUSING ELEMENT

The goal HSG -1 of the Housing element in the Comprehensive Plan is to cultivate a diverse, safe and affordable housing stock which meets the needs of all current and future residents of Palm Bay.

The proposed FLU amendment will not have a significant impact the supply and variety of safe, decent, attractive, and affordable housing within the City as the request is for a commercial land use.

## 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 proposed FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for utilities. Water and sewer lines run to this site and will be connected to.

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

## 5. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The proposed FLU amendment to Commercial will not add the potential of any additional housing units. As such, a School Concurrency application is not required per the Interlocal Agreement with Brevard Public Schools.

## 6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment to Commercial will have a De minimis impact on the demand for recreation services.

## 7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that adequately serves the needs of all residents and visitors of Palm Bay. If the site is developed, a traffic impact analysis may be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the site plan review/approval process.

## 8. PROPERTY RIGHTS ELEMENT

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

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

### **STAFF FINDINGS:**

Staff recommends Case CP23-00014 for approval.



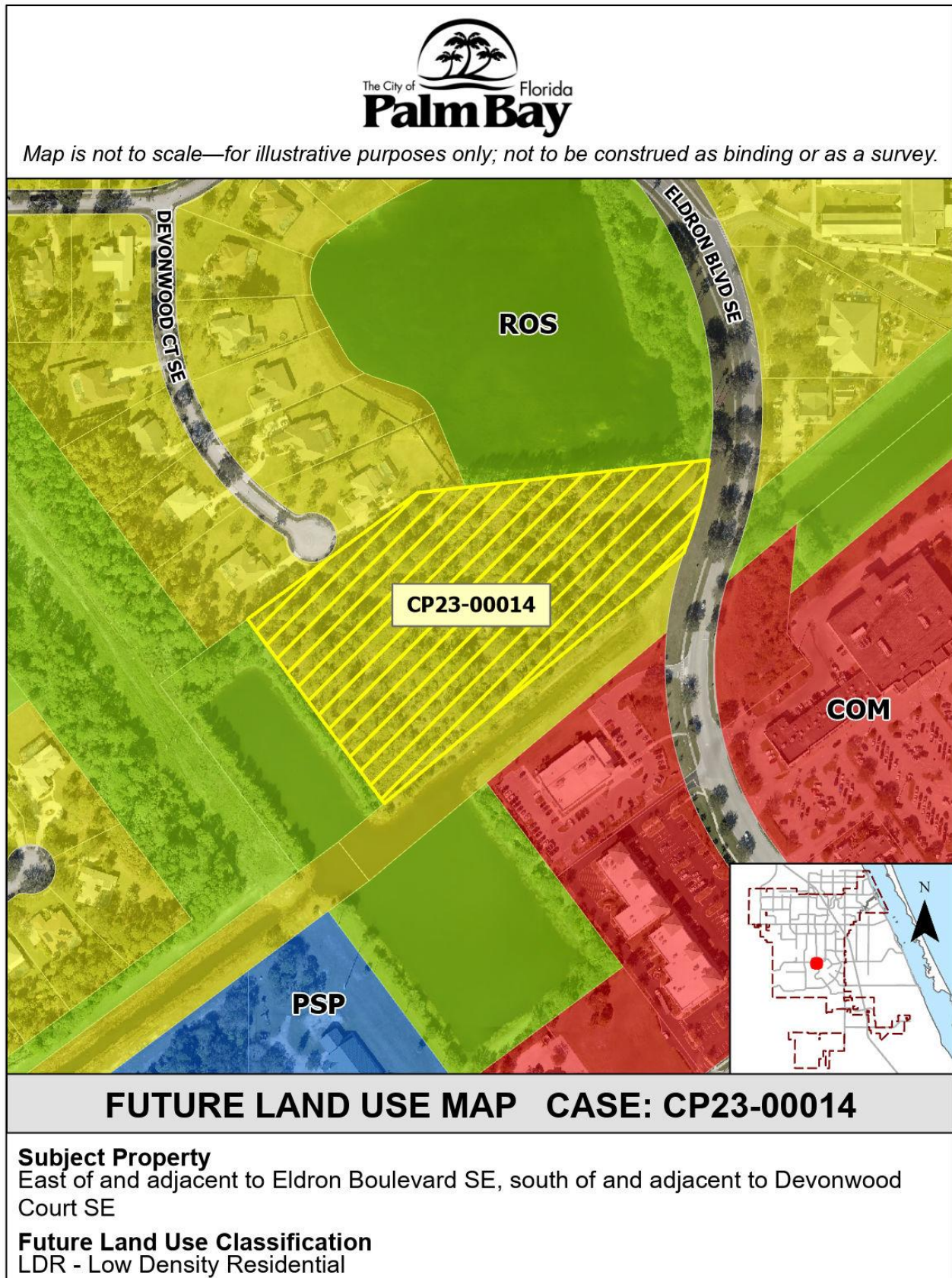
*Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.*



## AERIAL LOCATION MAP CASE: CP23-00014

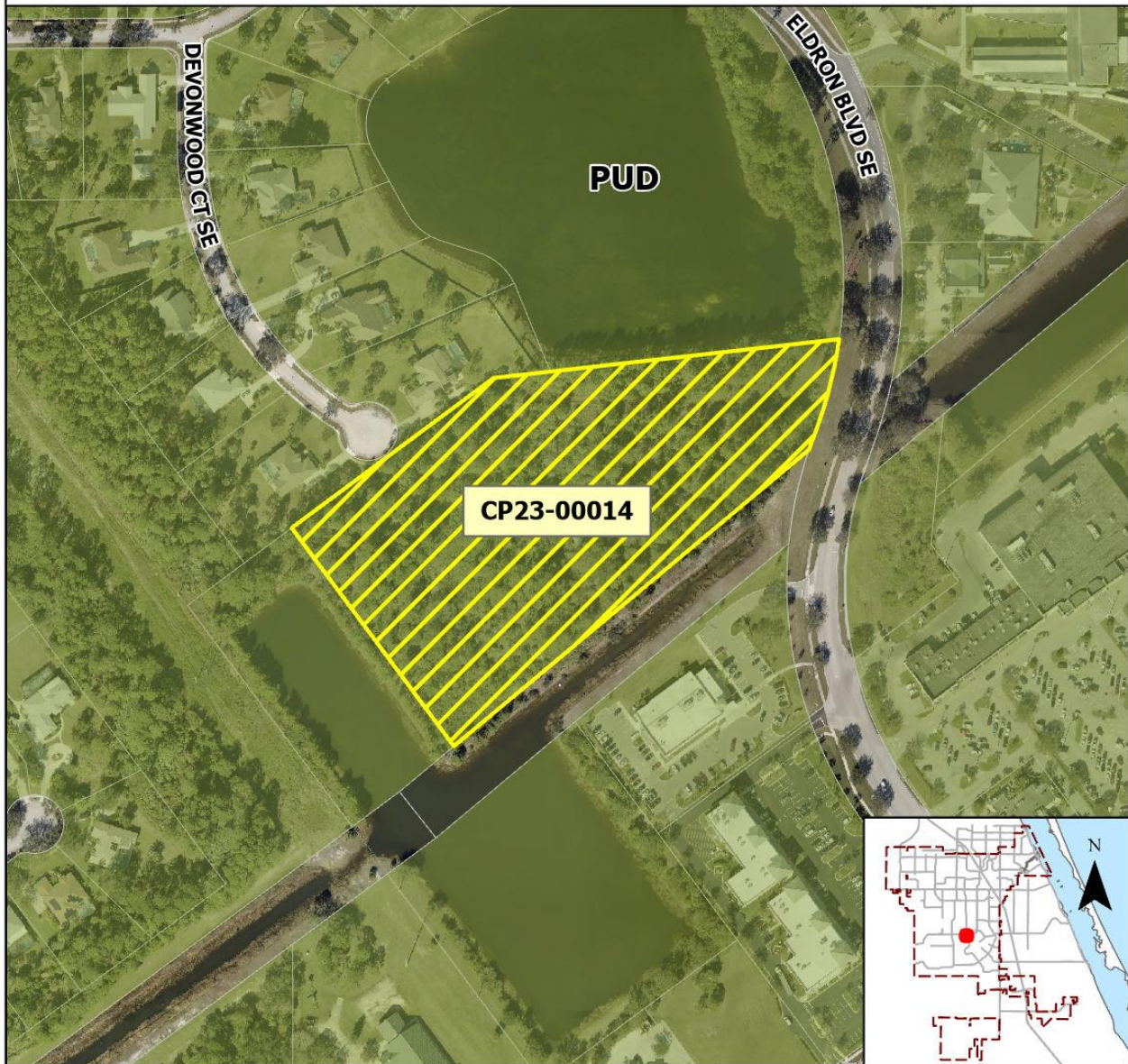
### Subject Property

East of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE





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



## ZONING MAP CASE: CP23-00014

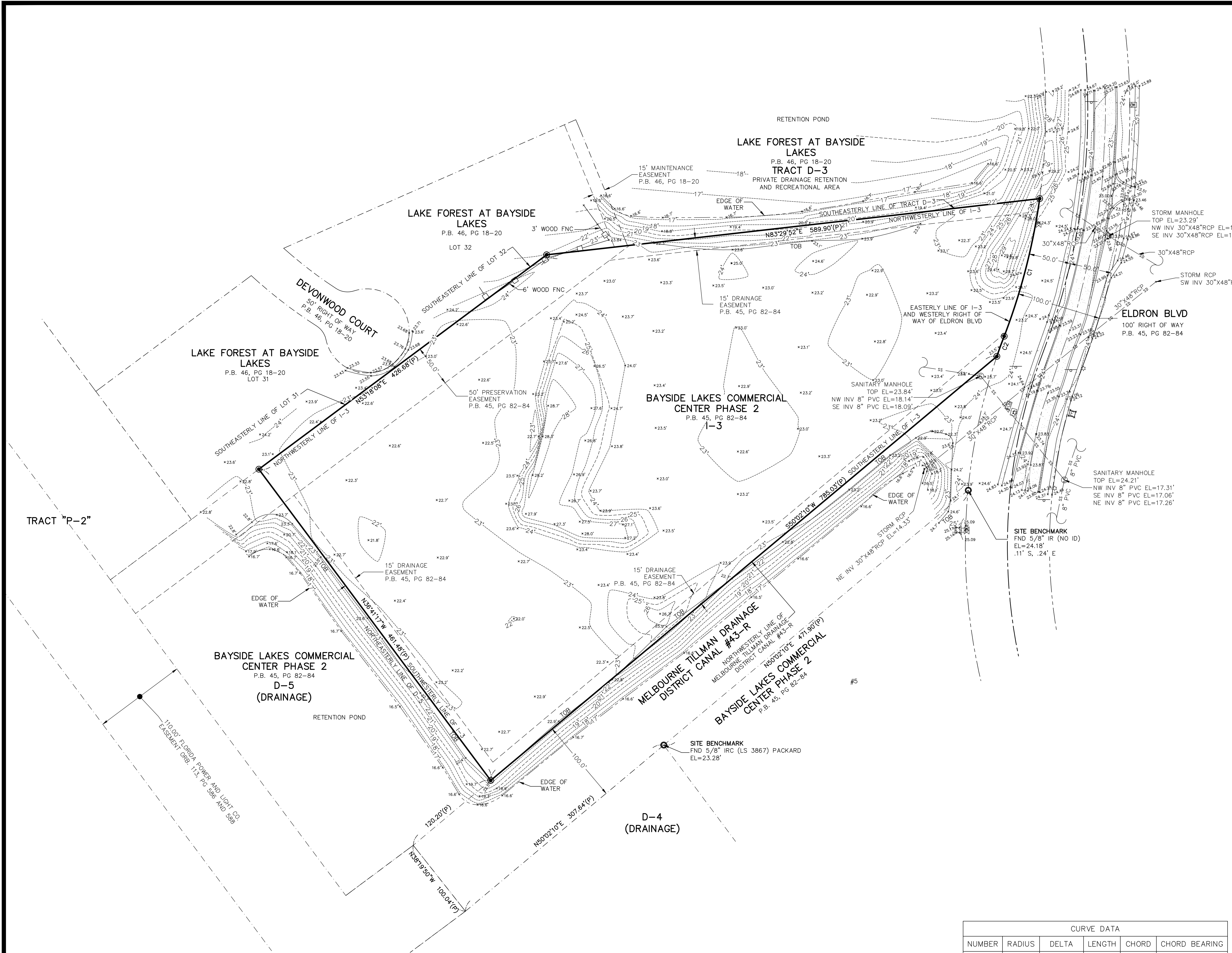
**Subject Property**

East of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE

**Current Zoning Classification**

PUD - Planned Unit Development

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CURVE DATA					
NUMBER	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1(C)	750.00'	12°56'32"	169.41'	169.05'	S14°26'48"W
C1(P)	750.00'	12°56'27"	169.40'	169.04'	N14°26'50"E
C2(C)	700.00'	02°04'49"	25.42'	25.41'	S19°52'40"W
C2(P)	700.00'	02°04'57"	25.44'	25.44'	N19°52'36"E

LEGEND

	ASPHALT SURFACE	CM	CONCRETE MONUMENT
	CONCRETE SURFACE	IRC	IRON ROD & CAP
	FOUND MONUMENT AS NOTED	ORB	OFFICIAL RECORDS BOOK
	FOUND CM AS NOTED	PB	PLAT BOOK
	SET 1/2" IRON ROD & CAP	POB	POINT OF BEGINNING
	LB#593	POC	POINT OF COMMENCEMENT
	CURB STORM INLET	PG	PAGE(S)
	ELECTRIC BOX	SQ.FT.	SQUARE FEET
	LIGHT POLE	(P)	PLATED DATA
	STORM MANHOLE	RCP	REINFORCED CONCRETE PIPE
	BACK FLOW PREVENTER	INV	INVERT
	FIRE HYDRANT	EL	ELEVATION
	FIBER OPTIC BOX	PG	PAGE(S)
	SANITARY MANHOLE	FOUND	FOUND
	WATER METER	TOB	TOP OF BANK
	WATER VALVE	—	WOOD FENCE
	PULL BOX	—	SANITARY SEWER LINE
	SIGN	—	STORM SEWER LINE
		—	CENTERLINE
		—	ADJACENT PROPERTY
		—	RIGHT OF WAY LINE

DESCRIPTION

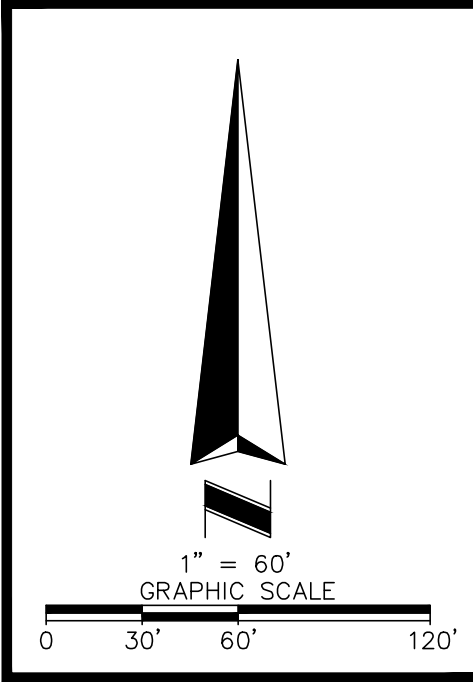
TRACT 1-3 OF THE PLAT OF BAYSIDE LAKES COMMERCIAL CENTER PHASE 2 AS RECORDED IN PLAT BOOK 45, PAGE 82-84, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

SURVEYOR'S NOTES

- BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHEASTERLY LINE OF 1-3 OF THE PLAT OF BAYSIDE LAKES COMMERCIAL CENTER PHASE 2, WHICH BEARS S50°02'10"W, PER PLAT BOOK 45, PAGE 82-84.
- ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO: UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, PARKING, EASEMENTS, SERVITUDES, AND ENCROACHMENTS ARE BASED SOLELY ON INSPECTION AND LOCATION OF ABOVE-GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
- BUILDING TIES SHOULD NOT BE USED TO RE-ESTABLISH BOUNDARY LINES.
- THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT-OF-WAY OR RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF LAND, NOR WAS ANY TITLE WORK PROVIDED TO THIS SURVEYOR BY THE CLIENT.
- NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER PER F.S. 472.025 OR THE CERTIFIED ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER PER F.A.C. 5J-17.062(2) AND 5J17.062(3).
- NO REVISIONS MAY BE MADE TO THIS BOUNDARY WITHOUT THE WRITTEN, EXPRESSED CONSENT OF THE SIGNING SURVEYOR.
- ALL RECORDING INFORMATION SHOWN HEREON REFERS TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- VERTICAL INFORMATION BASED ON: BENCHMARK 99-19-652-0 HAVING A PUBLISHED ELEVATION OF 23.668' (NAVD 88) DESCRIBED AS: 4"x4" PRECAST MONUMENT WITH ALUMINUM DISC.

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE "X", AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 120404 0660 G (MAP NO. 1200906060), WHICH BEARS AN EFFECTIVE DATE OF 03/17/2014, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE. ZONE "X" DENOTES AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.



SHEET 1  
OF 1

I HEREBY CERTIFY THAT THIS SURVEY, SUBJECT TO THE SURVEYOR'S NOTES CONTAINED HEREON, WAS MADE IN ACCORDANCE WITH THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA STATUTES, AND IS IN ACCORDANCE WITH THE FLORIDA STATUTES.

FOR THE FIRM  
E. GLENN TURNER PSM #5643  
DATE

TECH

REVISIONS

DATE

BOUNDARY & TOPOGRAPHIC SURVEY OF  
ELDRON BLVD BAYSIDE LAKES

SECTION 19, TOWNSHIP 29 SOUTH, RANGE 37 EAST

BREVARD COUNTY  
PALM BAY, FLORIDA

ASM  
AMERICAN SURVEYING  
& MAPPING, INC.  
NIDS NATIONAL ID  
ALLIANCE SERVICES

230457-ELDRON BLVD BAYSIDE LAKES-BNDY-TOPO-TREE.DWG  
JOB NO.: 230457  
SCALE: 1"=60'  
FIELD DATE: 05/22/2023  
FIELD BY: JW  
DRAWN BY: SW  
APPROVED BY: EGT  
DRAWING FILE #



## **CITIZEN PARTICIPATION REPORT**

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

### **CASE DETAILS**

Applicant Name	KEW, LLC
Project Name	Eldron Storage
Case Type	Small Scale Comprehensive Plan Amendment
Case Description	Change of FLU from SFR to Commercial
Intended Month of Submission	April, 2023

### **INFORMATION ON THE CITIZEN PARTICIPATION MEETING**

Notice to the Public (Date)	3/17/2023
Date of CPP	3/30/2023
Location of the Meeting	Franklin T. DeGroodt Memorial Library – Large meeting room
Number of Attendees	12



## LIST OF ATTENDEES

Number	Name of attendee	Number	Name of attendee
1.	Miller	2.	Lisa A. Cherland
3.	Larry Douglas	4.	Carol Douglas
5.	Ed Sadosky	6.	Greg Golden
7.	Darlene Golden	8.	Chris Baptist
9.	Unknown attendee	10.	Sharon Harrell - representative
11.	Vaheed Teimouri - representative	12.	Kimberly Rezanka - representative
13.		14.	
15.		16.	
17.		18.	
19.		20.	
21.		22.	
23.		24.	
25.		26.	
27.		28.	
29.		30.	
31.		32.	
33.		34.	
35.		36.	



**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:**

	<b>Comments</b>	<b>Resolution</b>	<b>Justification if the applicant is unable or unwilling to address the issue</b>
	Wonderful!		
	Is there sufficient stormwater retention	Yes, per engineer Vaheed Teimouri	
	Would like additional landscaping adjacent to the residential homes	Will do so.	
	Will there be a footpath along lake	Will investigate	
	Please email concept plan and final plan submitted to City	Initial concept plan emailed, will send final	
	External lighting on north side	Will not impact neighbors	
	When will construction start	One year to permit, eight months to construct	
	Storage facility is a better neighbor than other uses		
	How much traffic will be generated	Very little, but will have numbers for public hearings	



## 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.

Kimberly B. Rezanka  
Signature,

Kimberly B. Rezanka, Representative 6/26/23  
Typed Name and Title: Date :



Stephen J. Lacey  
*Managing Member*

Aaron D. Lyons  
*Managing Member*

Kimberly B. Rezanka  
*Partner*

Robyn W. Hattaway  
*Partner*

Ethan B. Babb  
*Partner*

Jennifer D. Cockcroft  
*Senior Associate Attorney*

Amanda R. Wilhelm  
*Associate Attorney*

Caitlin A. Lewis  
*Associate Attorney*

March 17, 2023

*Via First Class Mail*

RE: Notice of Citizen Informational Meeting on March 30, 2023

Applicant:	KEW, LLC
Project:	Eldron Storage
Location:	Taxing District 34U0 - PALM BAY
Application Request:	Change of FLU from SFR to Commercial
Tax Parcel ID:	29-37-19-RX-I3 (2962315)

Dear Neighbor:

KEW, LLC will be submitting a Comprehensive Plan Amendment Application to the City of Palm Bay, requesting a Small Scale Amendment for Property on Eldron Blvd SE. The property in question is approximately 7.43 acres. A copy of the Survey of the Property is enclosed.

On behalf of KEW, LLC, we are inviting you to an informational meeting to discuss the request, answer any questions you may have, and accept feedback you may offer. We will present the results of the meeting to the City of Palm Bay.

If you have any questions you wish to submit in advance of the meeting, we would appreciate the opportunity to review them ahead of time to be sure that we bring appropriate information to answer your questions or address your concerns at the meeting.

DATE: March 30, 2023  
TIME: 6:00 P.M. – 7:00 P.M.  
PLACE: Franklin T. DeGroodt Memorial Library – Large meeting room  
6475 Minton Rd SW.  
Palm Bay, FL 32908

We hope to see you there. Questions or comments can be submitted to me via email at [KRezanka@LLR.Law](mailto:KRezanka@LLR.Law).

Best Regards,

  
Kimberly B. Rezanka

1290 U.S. Highway 1 | Suite 103 | Rockledge, FL 32955  
Office: 321.608.0892 | Fax: 321.608.0891

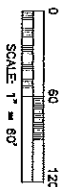
**GENERAL NOISES**

[illegible]

### CLIPDIP OF AGGRAVATION

[illegible]

WPS - WOOD LIGHT POLE  
OHP - OVERHEAD POWER  
DC - DOWN GUY  
TEL - TELEPHONE FACILITY  
MTR - METER (ELECTRIC) / V  
A/C - AIR CONDITIONING UNIT  
CBS - CONCRETE BLOCK STR  
CONC - CONCRETE  
PM - PIRE HYDRANT  
EP - EDGE OF PAVEMENT  
C&C - CURB & CUTTER  
CL - CHAIN LINK (FENCE)  
ID - CORNER IDENTIFICATION



**DESCRIPTION:**

TRACT "1-3" OF "BAYSIDE LAKES COMMERCIAL CENTER, PHASE 2", RECORDED IN PLAT BOOK 45, PAGES 82 THRU 92, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

**SURVEY NOTES:**

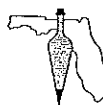
1. THE BEGINNING STRUCTURE OF THIS SURVEY IS BASED ON THE SUBDIVISION RECORD PLAT SPECIFICALLY, THE NORTH RIGHT OF WAY LINE OF M.T.D. CANAL #4-8 - A BEARING OF N.85.023°10'E.

2. THE TRACT DESCRIBED HEREIN WAS DETERMINED TO BE WITHIN FLOOD ZONE "X" PURSUANT TO FIRM 120990000S DATED 11/8/87.

\* ZONE "X" = THOSE AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN"

3. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CURRENT TITLE POLICY AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, LIMITATIONS AND/OR RIGHTS OF ANY KIND.

**r.m. packard**  
 & assoc., inc.  
 surveying & mapping  
 1013 ROCKLEDGE DRIVE  
 ROCKLEDGE, FLORIDA 32955  
 EL. (321) 632-6335 • FAX (321) 631-7392  
 FLORIDA CORPORATE CERTIFICATE #6648



I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED IN CHAPTER 11017-8, F.C., PURSUANT TO SECTION BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS UNDER MY DIRECTION AND SUPERVISION AND THAT IT #172027, FLORIDA STATUTES (SUBJECT TO NOTES), MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH

ROBERT M. PACKARD, PSM  
REG. FLORIDA SURVEYOR & MAPPER 4506

NOT VALID WITHOUT  
ORIGINAL SIGNATURE  
AND EMBOSSED WITH  
SURVEYOR'S SEAL

BAYSIDE LAKES COMMERCIAL CENTER PROPERTY OWNERS ASSOCIATION INC C/O JAMES KENNEY 1331 BEDFORD DR #103 MELBOURNE, FL 32940	REAL SUB LLC PO BOX 32018 LAKELAND, FL 33802	LAKE FOREST AT BAYSIDE LAKES HO. ASSOCIATION INC 1331 BEDFORD DRIVE STE 103 MELBOURNE, FL 32940
BAYSIDE CROSSING PLAZA LLC 3249 STATE ROAD 60 E LAKE WALES, FL 33898	BAPTIST, CHRISTOPHER BAPTIST, DINAH 1791 DEVONWOOD CT SE PALM BAY, FL 32909	BISHOP, ROBERT L BISHOP, RACHAEL R 1711 DEVONWOOD CT SE PALM BAY, FL 32909
DUNN, JAMES M DUNN, MONIKA 1883 AMBERWOOD DR SE PALM BAY, FL 32909	BERRIER, TRAVIS BERRIER, CHRISTIE ANNE 1750 DEVONWOOD CT SE PALM BAY, FL 32909	
HEALTH FIRST INC 6450 US HIGHWAY 1 ROCKLEDGE, FL 32955	PINEAPPLE COVE REAL ESTATE LLC 1795 ELDRON BLVD SE PALM BAY, FL 32909	
		ODYSSEY CHARTER SCHOOL INC 1755 ELDRON BLVD SE PALM BAY, FL 32909
JOHNSON, JESSE 1239 VALLEYBROOK RD SE PALM BAY, FL 32909	MANN, JAMES R MANN, KIMBERLEY K 1771 DEVONWOOD CT SE PALM BAY, FL 32909	MELBOURNE-TILLMAN WATER CONTROL DISTRICT 5900 MINTON ROAD NW PALM BAY, FL 32907
	MACHELL, JUSTIN MACHELL, BRIA 1730 DEVONWOOD CT SE PALM BAY, FL 32909	CHERLAND, JAY R CHERLAND, LISA ANN 1884 AMBERWOOD SE DR SE PALM BAY, FL 32909
GOLDEN, GREGORY D GOLDEN, DARLENE R 1790 DEVONWOOD CT SE PALM BAY, FL 32909	BLUMENSTOCK, DANNY BLUMENSTOCK, JACQUELINE D BLUMENSTOCK 1751 DEVONWOOD SE CT SE PALM BAY, FL 32909	GRACE BIBLE CHURCH OF PALM BAY FL INC 3620 BAYSIDE LAKES BLVD PALM BAY, FL 32909
KEW LLC PO BOX 541682 MERRITT ISLAND, FL 32954	CAMPBELL, MICHAEL A CAMPBELL, KAYDIAN 1731 DEVONWOOD CT SE PALM BAY, FL 32909	
SIEFERT FAMILY REVOCABLE LIVING TRUST 1770 DEVONWOOD CT SE PALM BAY, FL 32909		

## Eldron Storage Community Meeting Sign-In Sheet

**Meeting Date: March 30<sup>th</sup>, 2023**

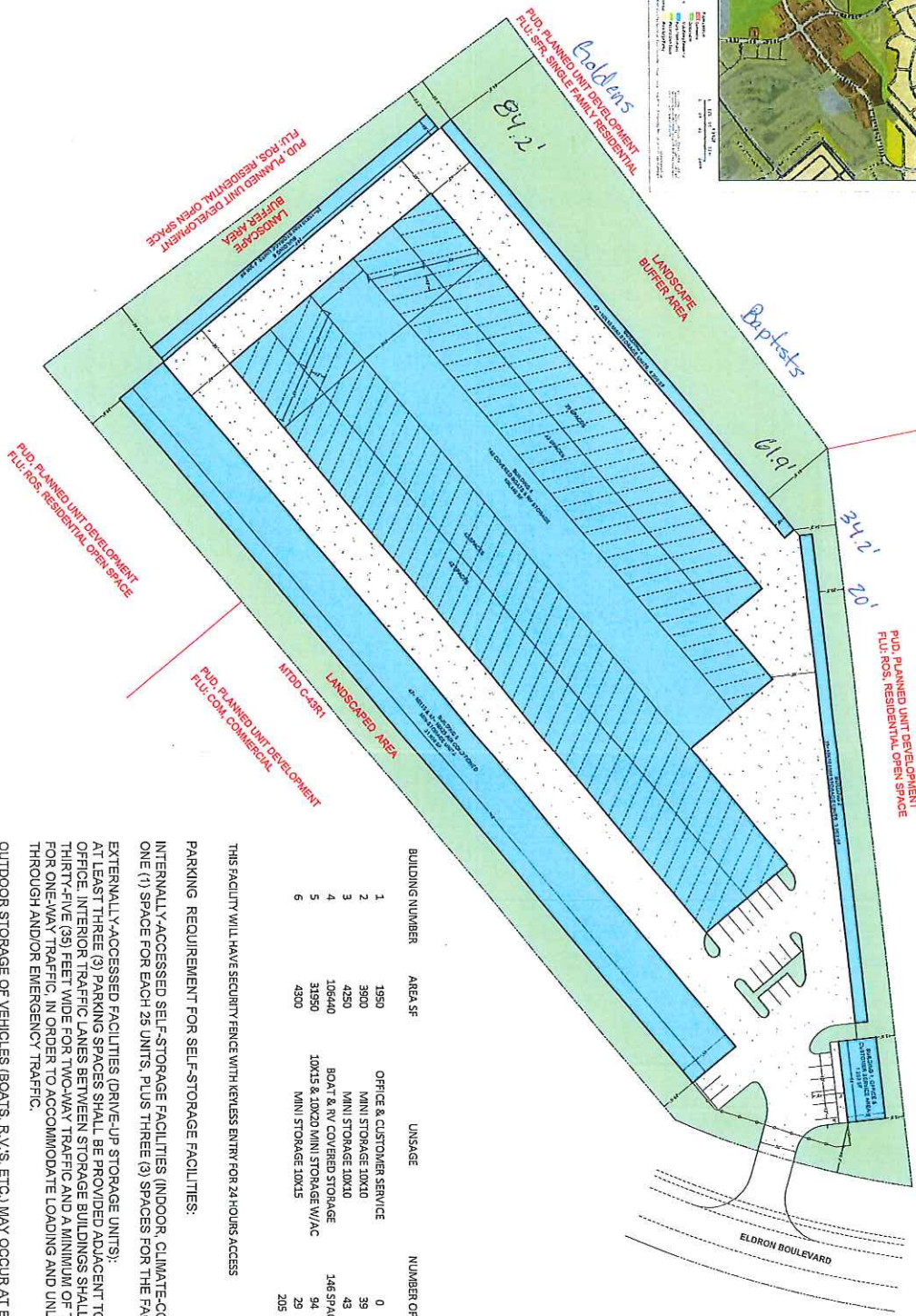
[illegible]

## Eldron Storage Community Meeting Sign-In Sheet

**Meeting Date: March 30<sup>th</sup>, 2023**

[illegible]





BUILDING NUMBER	AREA SF	USAGE	NUMBER OF UNITS
1	1950	OFFICE & CUSTOMER SERVICE	0
2	3900	MINI STORAGE 10X10	39
3	4250	MINI STORAGE 10X10	43
4	10640	BOAT & RV COVERED STORAGE	146 SPACES
5	31950	10X15 & 10X20 MINI STORAGE W/AC	94
6	4300	MINI STORAGE 10X15	29
			205

THIS FACILITY WILL HAVE SECURITY FENCE WITH KENNES ENTRY FOR 24 HOURS ACCESS

**PARKING REQUIREMENT FOR SELF-STORAGE FACILITIES:**

INTERNALLY-ACCESSED SELF-STORAGE FACILITIES (INDOOR CLIMATE-CONTROLLED):  
 ONE (1) SPACE FOR EACH 25 UNITS, PLUS THREE (3) SPACES FOR THE FACILITY'S LEASE OFFICE.  
 EXTERNALLY-ACCESSED FACILITIES (DRIVE-UP STORAGE UNITS):  
 AT LEAST THREE (3) PARKING SPACES SHALL BE PROVIDED ADJACENT TO THE FACILITY'S LEASE OFFICE. INTERIOR TRAFFIC LANES BETWEEN STORAGE BUILDINGS SHALL BE A MINIMUM OF THIRTY-FIVE (35) FEET WIDE FOR TWO-WAY TRAFFIC AND A MINIMUM OF TWENTY-FIVE (25) FEET FOR ONE-WAY TRAFFIC, IN ORDER TO ACCOMMODATE LOADING AND UNLOADING, AS WELL AS THROUGH AND/OR EMERGENCY TRAFFIC.

OUTDOOR STORAGE OF VEHICLES (BOATS, R.V.'S, ETC.) MAY OCCUR AT EITHER OF THE ABOVE FACILITY ON PAVED OR STABILIZED SURFACES AS APPROVED BY THE CITY ENGINEER. THE OUTDOOR STORAGE AREA MUST BE SCREENED FROM ANY PUBLIC RIGHTS-OF-WAY OR ADJACENT RESIDENTIALLY ZONED PROPERTY BY AN 8' TALL COMPLETELY OPAQUE WOOD OR PVC FENCE, OR MASONRY WALL THAT HAS A FINISHED APPEARANCE ON BOTH SIDES OF THE WALL.

**SITE DEVELOPMENT PLAN**  
 SCALE: 1" = 40'



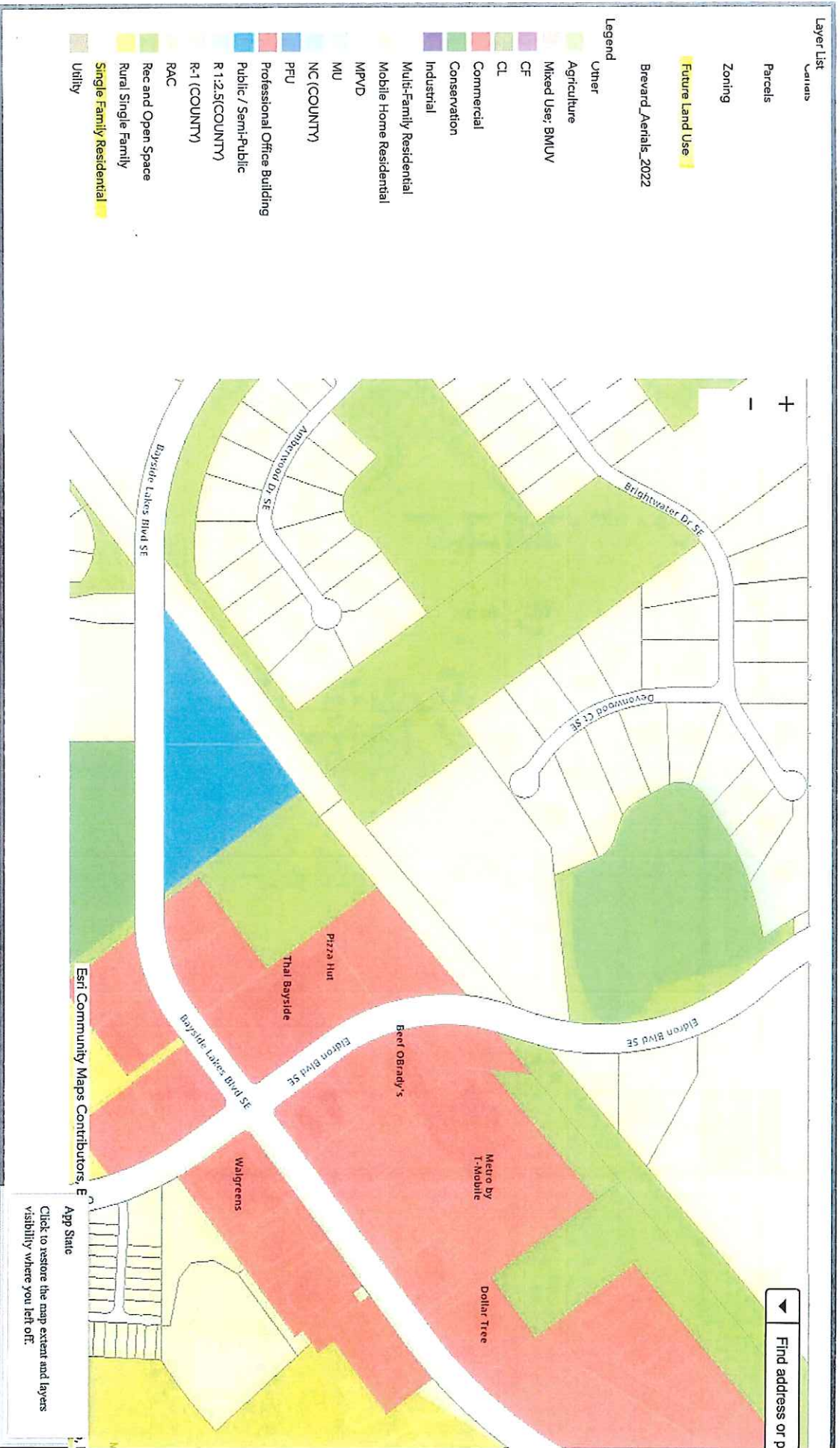
PROJECT NO. 2002120  
 FILE NO. 200212018  
 DESIGNED BY: VBT  
 DRAWN BY: VBT  
 CHECKED BY: VBT  
 DATE: 3-25-2023  
 DRAWING NO. C-1  
 SHEET 1 OF 1

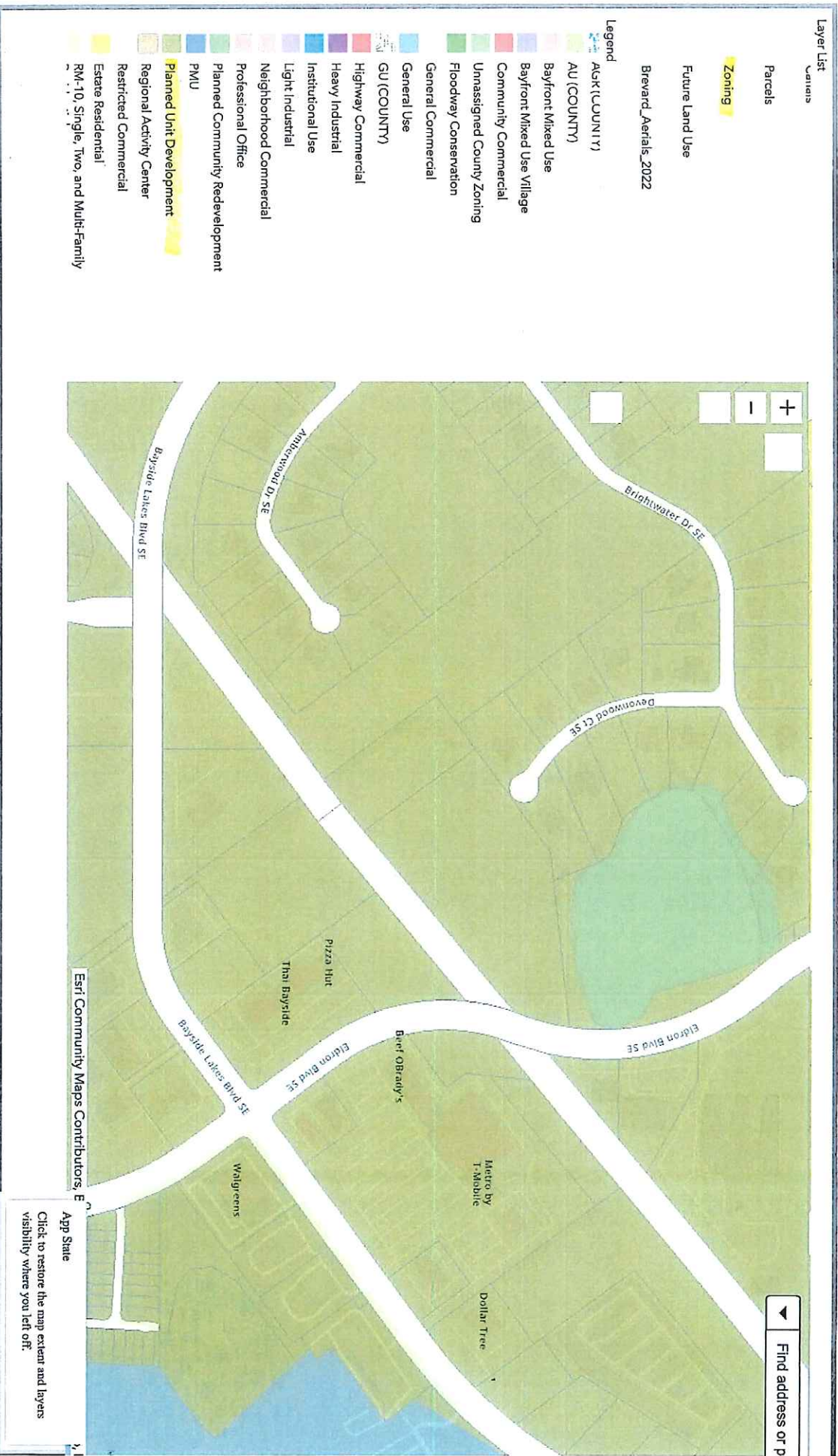
**KEW MINI STORAGE WITH  
 BOAT & RV STORAGE  
 SITE DEVELOPMENT PLAN**

PREPARED FOR:  
 KEW, LLC  
 P.O. BOX 541882 MIAMI FL 33154

NO.	DATE	REVISIONS

**TEIMOURI & Associates, Inc.**  
 Consulting Engineers  
 32 East New Haven Avenue  
 Melbourne, Florida 32931  
 Email: vted@teimouri.com  
 © 2023-2024, C-121 FOR E-222 CERTIFICATE OF AUTHORIZATION # 32293









322







## Kim Rezanka

---

**From:** Kim Rezanka  
**Sent:** Friday, March 31, 2023 2:36 PM  
**To:** darlenegolden@centurylink.net; cbaptist1@yahoo.com; larrydoug1@yahoo.com; lisaacherland@gmail.com  
**Subject:** Eldron Storage Concept Plan (Mr. Stor It)  
**Attachments:** Site development plan 3-28-23.pdf

Thank you all for attending the Community Meeting last night. We appreciate your input.

Attached is the concept plan we displayed and discussed last night, which will further refined into a Final Development Plan. As discussed, the access will only be from 6-10 by keypad access, not 24 hour access.

Additionally, the middle building will likely be changed to include more boat and RV parking.

When the Final Development Plan is submitted, with the Future Land Use Amendment application, we will send you that Final Plan.

If you have any questions or further comments, please contact me at your convenience.

Thank you again for your participation in the Community Meeting.

Sincerely,  
Kim Rezanka



Kimberly Bonder Rezanka  
Partner  
321-608-0892  
[KRezanka@LLR.Law](mailto:KRezanka@LLR.Law)  
1290 U.S. Highway 1, Suite 103  
Rockledge, FL 32955  
<https://www.LLR.Law>



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IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

# Project Details: CP23-00014

## Project Type: Comprehensive Plan Future Land Use Map

Project Location: UNKNOWN # 2700 ANNELEIGH CIR Palm Bay, FL

Milestone: Submitted

Created: 6/26/2023

Description: Eldron Storage

Assigned Planner:

### Contacts

Contact	Information
Owner/Applicant	KEW LLC PO BOX 541682 MERRITT ISLAND, FL 32954 (321) 271-1154 sharrell@mikeerdmanmotors.com
Legal Representative	Kimberly B. Rezanka 1290 U.S. Hwy 1 Rockledge, FL 32955 (321) 608-0892 krezanka@llr.law
Assigned Planner	
Submitter	Kimberly B. Rezanka 1290 U.S. Hwy 1 Rockledge, FL 32955  Krezanka@llr.law

### Fields

Field Label	Value
Block	I3
Lot	
Section Township Range	19-29-37
Subdivision	RX
Year Built	
Use Code	7000
Use Code Desc	VACANT LAND - INSTITUTIONAL

# Project Details: CP23-00014

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2962315
Flu Description	Single Family Residential
Flu Code	SFR
Zoning Description	Planned Unit Development
Zoning Code	PUD
Is Submitter the Representative?	False
Parcel Number(s)	29-37-19-RX-13
Tax Account Number(s)	2962315
Present Use of Property	Vacant
Project Scale	Small Scale (50 acres or less)
Specific Use Intended for Property	Self Storage
Development Submitted?	False
Rezoning Submitted?	False
List Structures	
Structures On Property?	False
Proposed Land Use Classification	Commercial
Present Land Use Classification	Single Family Residential
Justification for Change	Property is located in a PUD and designated for commercial use. The Future Land Use of SFR (a/k/a LDR) is inconsistent with any commercial use. The FLU amendment will allow the property to be developed.
Total Acreage	
Ordinance Number	

July 10, 2023

Re: Letter of Authorization

As the property owner of the site legally described as:

BAYSIDE LAKES COMMERCIAL CENTER PHASE 2 TRACT I-3 (INSTITUTIONAL TRACT)

I, Owner Name: Michael Erdman, Managing Member, KEW, LLC

Address: 500 Cone Road, Merritt Island, FL 32952

Telephone: 321-453-1313

Email: sharrell@mikeerdmanmotors.com

hereby authorize:

Representative: Kimberly B. Rezanka; Lacey Lyons Rezanka

Address: 1290 U.S. Hwy 1, Suite 103, Rockledge, FL 32955

Telephone: (321) 608-0892

Email: Krezanka@LLR.Law; Drezanka@LLR.Law; Tgaspar@LLR.Law

to represent the request(s) for:

Future Land Use Map Amendment

(Property Owner Signature)

STATE OF

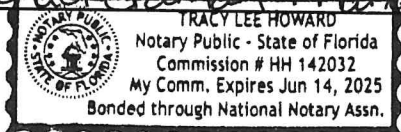
Florida

COUNTY OF

Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10<sup>th</sup> day of July, 2023 by

Michael Erdman, Managing Member, KEW, LLC, property owner.



, Notary Public

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

# 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:**

Kimberly B. Rezanka

**On:**

6/27/2023 3:23:00 PM

☒ CP23-00014

Select Language ▼



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

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005808218

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 261.59

**Run Times:** 1

**No. of Affidavits:** 0

**Run Dates:** 08/25/23

**Text of Ad:**

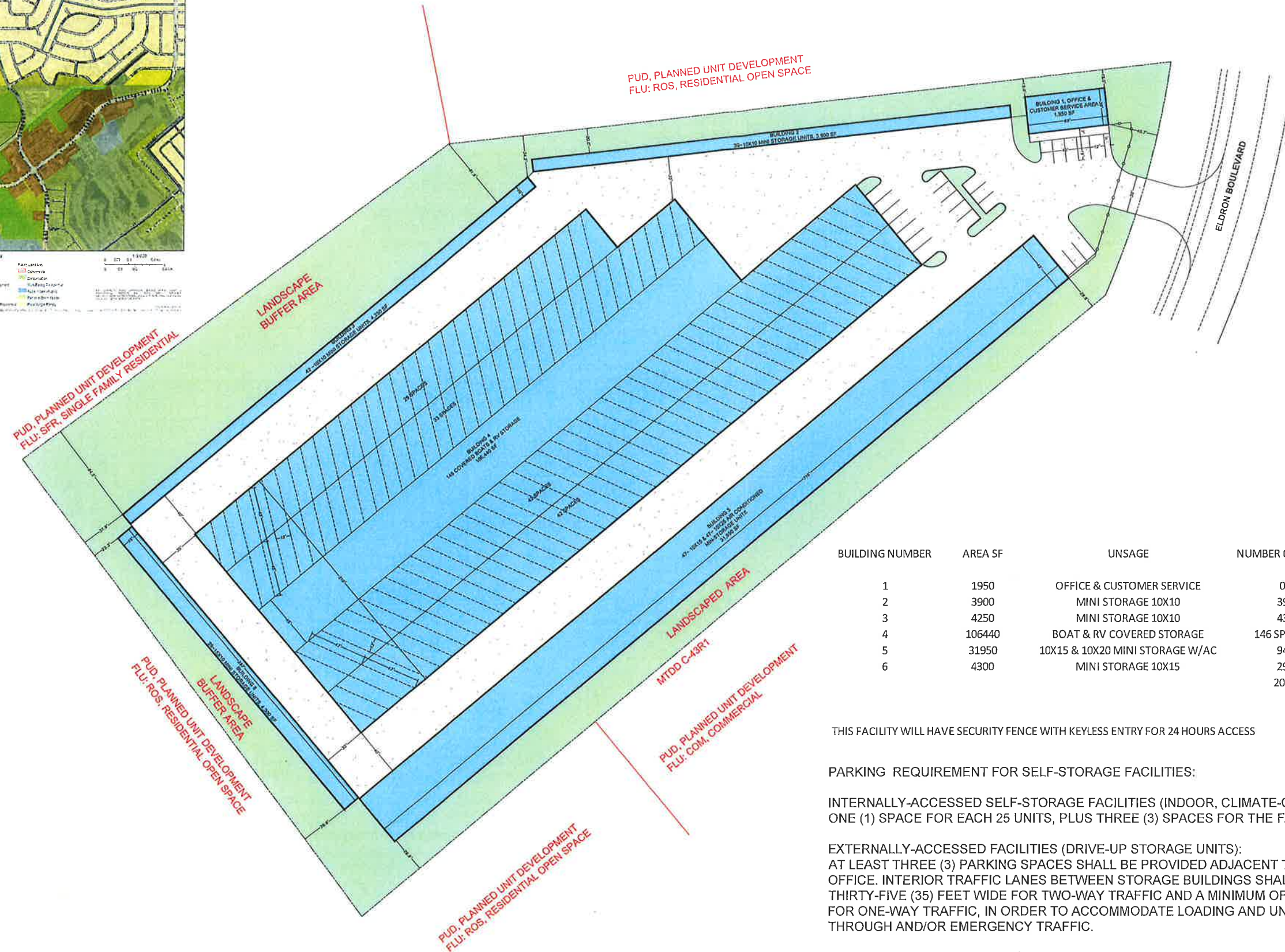
Ad#5807 08/25/2023  
CITY OF PALM BAY, FLORIDA  
NOTICE OF PUBLIC HEARING  
Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on September 5, 2023, and by the City Council on September 19, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00014 - KEW LLC, Michael Erdman (Kimberly B. Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial  
Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE  
2. \*\*FD23-00007 - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.)  
A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development  
A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW  
3. \*\*CU23-00003 - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.)  
A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances  
A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW  
4. \*\*FS23-00007 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 77-lot single-family residential subdivision called Timbers at Everlands Phase 1C  
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW  
5. \*\*FS23-00008 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 196-lot single-family and multiple-family residential subdivision called Timbers at Everlands Phase 2  
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW

b. 123-00023 – City of Palm Bay  
(Growth Management Department)  
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted and Section 170.119, Fence and Wall Maintenance, to provide clear language on fence materials and maintenance  
\*\*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.  
Chandra Powell  
Planning Specialist

# **CASE CP23-00014**

## **APPLICANT HANDOUT**

Received during September 5, 2023 Planning and Zoning Board Meeting



BUILDING NUMBER	AREA SF	UNSAFE	NUMBER OF UNITS	
1	1950	OFFICE & CUSTOMER SERVICE	0	
2	3900	MINI STORAGE 10X10	39	
3	4250	MINI STORAGE 10X10	43	
4	106440	BOAT & RV COVERED STORAGE	146 SPACES	
5	31950	10X15 & 10X20 MINI STORAGE W/AC	94	4 SPACES REQUIRED
6	4300	MINI STORAGE 10X15	29	
			205	3 SPACES REQUIRED
				7 SPACES REQUIRED
				23 SPACES PROVIDED

PARKING REQUIREMENT FOR SELF-STORAGE FACILITIES:

INTERNALLY-ACCESSED SELF-STORAGE FACILITIES (INDOOR, CLIMATE-CONTROLLED):  
ONE (1) SPACE FOR EACH 25 UNITS, PLUS THREE (3) SPACES FOR THE FACILITY'S LEASE OFFICE.

EXTERNALLY-ACCESSED FACILITIES (DRIVE-UP STORAGE UNITS):  
AT LEAST THREE (3) PARKING SPACES SHALL BE PROVIDED ADJACENT TO THE FACILITY'S LEASE OFFICE. INTERIOR TRAFFIC LANES BETWEEN STORAGE BUILDINGS SHALL BE A MINIMUM OF THIRTY-FIVE (35) FEET WIDE FOR TWO-WAY TRAFFIC AND A MINIMUM OF TWENTY-FIVE (25) FEET FOR ONE-WAY TRAFFIC, IN ORDER TO ACCOMMODATE LOADING AND UNLOADING, AS WELL AS THROUGH AND/OR EMERGENCY TRAFFIC.

OUTDOOR STORAGE OF VEHICLES (BOATS, R.V.'S, ETC.) MAY OCCUR AT EITHER OF THE ABOVE FACILITY, ON PAVED OR STABILIZED SURFACES AS APPROVED BY THE CITY ENGINEER. THE OUTDOOR STORAGE AREA MUST BE SCREENED FROM ANY PUBLIC RIGHTS-OF-WAY OR ADJACENT RESIDENTIALLY ZONED PROPERTY BY AN 8' TALL COMPLETELY OPAQUE WOOD OR PVC FENCE, OR MASONRY WALL THAT HAS A FINISHED APPEARANCE ON BOTH SIDES OF THE WALL.

## Layer List

## Layers

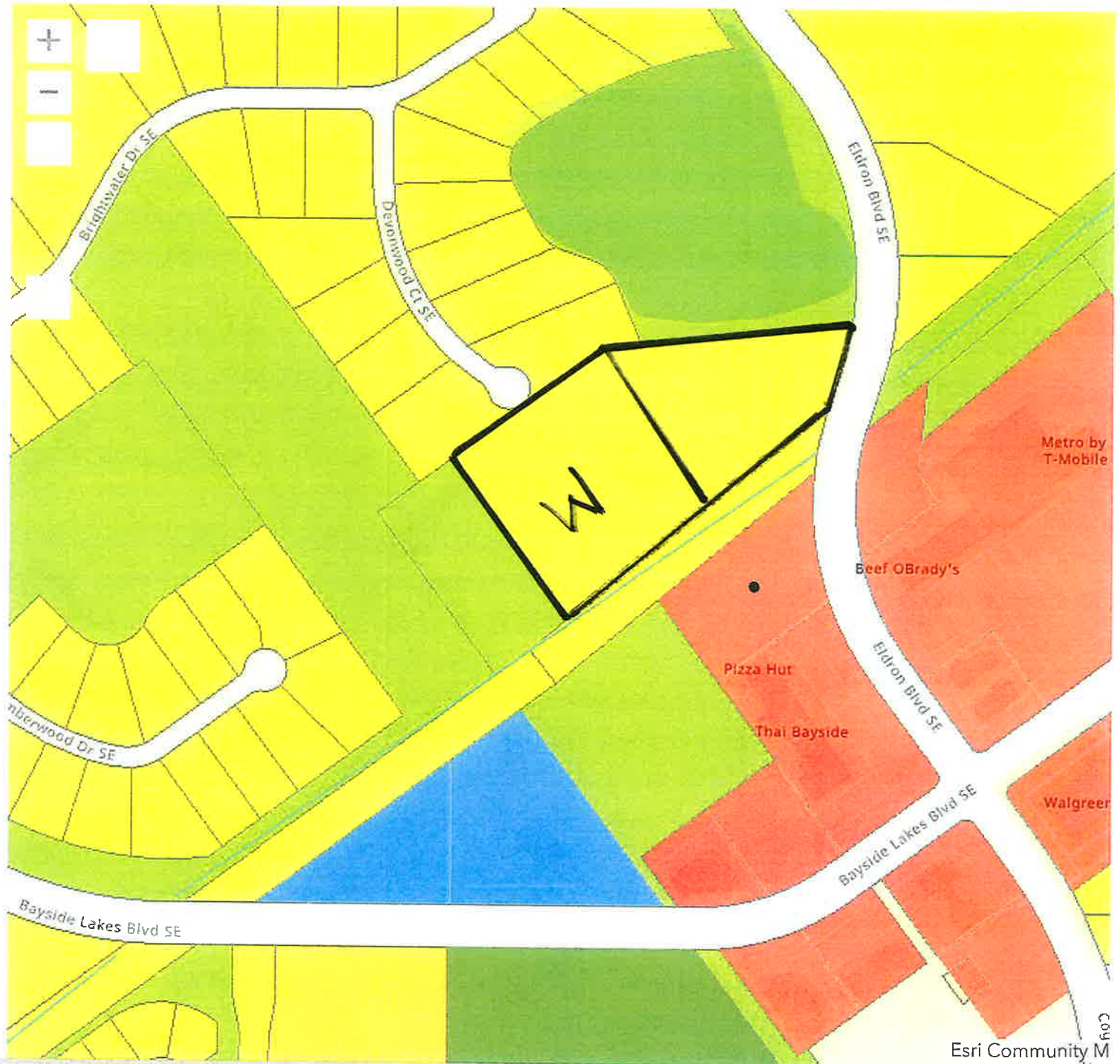
Canals

Parcels

Parcels

## Legend

- Community Mixed-Use
- Commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Moderate Density Residential
- Neighborhood Center
- Neighborhood Commercial
- Parkway Flex Use
- Professional Office
- Public/Semi-Public
- Residential 1 Unit Per 2.5 Acres
- Residential, Medium Density
- Regional Activity Center
- Residential 1 Unit Per Acre
- Recreation & Open Space
- Rural Single Family
- Special Planning Area
- Special Planning Area: Calumet Farms



**CASE CP23-00014**  
**CORRESPONDENCE**

## Chandra Powell

---

**From:** Jesse Anderson  
**Sent:** Tuesday, August 22, 2023 3:41 PM  
**To:** Chandra Powell; Carol Gerundo  
**Cc:** Kimberly Haigler  
**Subject:** FW: Rezoning Eldron Property that backs up to Lake Forest Development.

Good afternoon,

Please add this to the case file for the Eldron Comp plan case.

Thank you!

Best,



Jesse D. Anderson, Ph.D  
Assistant Growth Management  
Director

*Down to Earth And Up to Great Things™*

☎ ext. 5310

[Participate in the Palm Bay Comprehensive Plan Update Here!](#)

**From:** Rob Medina <Rob.Medina@palmbayflorida.org>  
**Sent:** Friday, August 18, 2023 5:29 PM  
**To:** ibediving@aol.com; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>  
**Subject:** Re: Rezoning Eldron Property that backs up to Lake Forest Development.

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me. I have added our City Management Team to this email to be passed on to our P&Z Board and record keeping purposes.

Respectfully,

Rob Medina  
Mayor

---

**From:** [ibediving@aol.com](mailto:ibediving@aol.com) <[ibediving@aol.com](mailto:ibediving@aol.com)>  
**Sent:** Thursday, August 17, 2023 3:51:10 PM  
**To:** Rob Medina <[Rob.Medina@palmbayflorida.org](mailto:Rob.Medina@palmbayflorida.org)>  
**Subject:** Rezoning Eldron Property that backs up to Lake Forest Development.

**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.

Mr Mayor Rob Medina

Please notify the planning commission and council members of our concerns.

I was notified that there is an attempt to rezone the property on Eldron that backs up to Lake Forest development so another storage unit can be built. It is reported that it will be brought up at the September 05 planning commission meeting.

I am sending out this call for help.

A similar note went out to Lake Forest HOA as well as the POA to spread the word to Lake Forest homeowners as well as all of Bayside lakes so they can be notified so they can get involved.

They were asked to start by writing you and the councilman person and attending the meetings to try and stop any rezoning of the property.

To air your concerns please contact: [Mayor / City Council | City of Palm Bay, FL](#)

First off we already have two storage facilities in the neighborhood that do not back up within feet of residential properties.

It was reported by the owner or one of the survey personal that they are planning to clear the property to the property line coming within 30 feet of the nearest Lake Forest house valued at around \$700K on Devenwood.

It was also mentioned that the property would include storage for RV's and Boats.

The issues are we knew what the property was zoned for when we moved in. Another storage unit will deteriorate the value of the entire Bayside Lakes community.

There is plenty of property in the Compound South of Degroot that could be used with no residents near by. The city owns 200 acres of the undeveloped compound property.

We don't want another unsightly building with vehicle storage and all night lighting that will disturb near by residents as well as the wildlife.

We now have strict HOA rules forbidding vehicle storage that can be seen from the front or back of the homes.

Who knows what will be stored in the private units.

We need to unite and express our concerns to stop this from happening.

Walter Krenisky  
400 Brightwater Drive  
[ibediving@aol.com](mailto:ibediving@aol.com)



0923-00014  
SUBMITTED BY  
WALTER KRENSKY  
AT 9/5/2023 12:2  
Page 1072

2023/08/06  
15:33:54

LP23-00014  
SUBMITTED BY  
WALTER KRENISKY  
NT 9/5/2023 Pdz  
PAGE 2 OF 2



## Chandra Powell

---

**From:** Jesse Anderson  
**Sent:** Wednesday, September 6, 2023 3:10 PM  
**To:** Carol Gerundo; Chandra Powell; Kimberly Haigler  
**Subject:** FW: Eldron Storage

Good afternoon,

Please add this correspondence to the case file.

Thank you!

Best,



Jesse D. Anderson, Ph.D  
Assistant Growth Management  
Director

*Down to Earth* And Up To Great Things™

ext. 5310

[Participate in the Palm Bay Comprehensive Plan Update Here!](#)

**From:** ibediving@aol.com <ibediving@aol.com>  
**Sent:** Wednesday, September 6, 2023 2:51 PM  
**To:** City Council <CityCouncil@palmbayflorida.org>; Rob Medina <Rob.Medina@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>  
**Cc:** cbaptist1@yahoo.com  
**Subject:**

**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.

Dear Mayor, City Council and Planning board

Before you give the OK to the storage unit I want to show you what it will do to the \$700 thousand dollar homes houses around the lake. I believe we pay some of the highest residential taxes in Palm Bay.

All of the tree line across the lake will be removed and replaced with a storage building wall.

I understand that it is not my/our property but changing the zoning to commercial is something we didn't expect.

The HOA owns a few feet of land, My guess is less than 15 feet. The building will be 20 feet from there so no trees will be left on the storage unit property.

Behind the trees are the Schools, Health First and Publix shopping area. Some of the parking lot lights shine through the trees but once they are removed we may see all of them.

I don't know how high the building is going to be but I am sure it won't top where the trees reach now.

I urge you to Vote no the the rezoning.

Walter Krenisky  
400 Brightwater Drive SE  
Palm Bay, Florida 32909  
[ibediving@aol.com](mailto:ibediving@aol.com)

Cell phone 440-376-2807

My backyard view now.



The tall palm tree seen on the left side of the picture below is near end of HOA property. Every tree pictured to the right of that plus around 350 feet not pictured will be removed.



## **ORDINANCE 2023-91**

**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 September 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 September 19, 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 Low-Density Residential Use and Commercial Use to Commercial Use, which property is legally described as follows:

Tract "I-3", Bayside Lakes Commercial Center Phase 2, according to the plat thereof as recorded in Plat Book 45, Page 83, of the Public Records of Brevard County, Florida; Section 19, Township 29S, Range 37E; containing 7.43 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: KEW LLC  
Case: CP23-00014

cc: Brevard County Property Appraiser  
Applicant  
Case File



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

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

**DATE:** 9/19/2023

**RE:** Ordinance 2023-92, granting approval of a Final Development Plan to be known as 'Chaparral Amenity Center' within the Chaparral Planned Unit Development on property located south of and adjacent to Abilene Drive, in the vicinity south of Malabar Road and east of Flying U Lane (6.66 acres) (FD23-00007, Chaparral Properties LLC), first reading. (Quasi-Judicial Proceeding)

Chaparral Properties, LLC (Jake Wise, P.E., Construction Engineering Group, Rep.) have requested Final Development Plan (FDP) approval for an Amenity Center for the Chaparral subdivision.

The FDP is proposing an amenity center on approximately 6.66 acres, to include a community pool, a 75'x100' dog park, a tot lot and open recreation field for outdoor activities. All amenities are connected with a walking trail and promote walkability within the neighborhood.

The applicant is providing adequate parking with 29 parking spaces and two (2) ADA accessible parking spaces. This is exceeding the minimum requirement of seven (7) parking spaces and one (1) ADA accessible parking space.

The proposed plan for the amenity center will be carried out in 1 (one) phase, with an estimated completion date of spring of 2024.

The applicant has satisfied the requirements of Section 169.005, Citizen Participation Plan.

The applicant meets the minimum criteria of a Final Development Plan, subject to the staff comments contained in the staff report:

- Fully engineered construction drawings;
- Submission of an Endangered Species Assessment; and
- The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the engineered construction drawings.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

There is no fiscal impact associated with this item.

**RECOMMENDATION:**

Motion to approve Ordinance 2023-## (FD23-00007) granting approval of a Final Development Plan for Chaparral Amenity Center.

**Planning and Zoning Board Recommendation:**

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion to submit Case FD23-00007 to City Council for approval.

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

**Aye:** Jordan, Weinberg, Boerema, McLeod, Olszewski.

**ATTACHMENTS:**

**Description**

FD23-00007 - Staff Report

FD23-00007 - Final Development Plan

FD23-00007 - Development Schedule

FD23-00007 - Citizen Participation Meeting Report

FD23-00007 - Application

FD23-00007 - Letter of Authorization

FD23-00007 - Legal Acknowledgement

FD23-00007 - Legal Ad

Ordinance 2023-92



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Stephen White, Senior Planner

---

#### CASE NUMBER

FD23-00007

#### PLANNING & ZONING BOARD HEARING DATE

September 5, 2023

---

#### PROPERTY OWNER & APPLICANT

Chaparral Properties LLC., (Jake Wise, P.E., Construction Engineering Group, LLC., Rep.)

#### PROPERTY LOCATION/ADDRESS

Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located in the vicinity east of Abilene Dr. SW., and in the vicinity south of Malabar Rd. SW.

**Tax Account:** 3030091

---

#### SUMMARY OF REQUEST

Final Development Plan seeking Planned Unit Development zoning approval for an Amenity Center for the Chaparral subdivision.

##### Existing Zoning

PUD, Planned Unit Development

##### Existing Land Use

LDR, Low-Density Residential

##### Site Improvements

Undeveloped property

##### Site Acreage

Approximately 6.66-acres

#### SURROUNDING ZONING & USE OF LAND

##### North

PUD, Planned Unit Development – Single-Family Residential

##### East

GU, General Use Holding – Private Club

##### South

PUD, Planned Unit Development, Unimproved

##### West

PUD, Planned Unit Development – Unimproved

#### COMPREHENSIVE PLAN COMPATIBILITY

Yes, the proposed project location currently has a Future Land Use designation of Low-Density Residential.

---

**BACKGROUND:**

The properties are generally located in the vicinity east of Abilene Dr. SW., and in the vicinity south of Malabar Rd. SW. The Final Development plan is for approximately 6.66-acres out of the 24.52-acre tract of land.

The applicant is seeking approval for a Final Development Plan for an Amenity Center for the Chaparral PUD. The original submittal for the Chaparral PUD did not contain standards for the Amenity Center.

**ANALYSIS:**

The Planned Unit Development (PUD) is a concept which encourages variation in residential developments by allowing deviation in lot size, type of dwellings, density, lot coverage, setbacks, and open space, from those elements required in any singular zoning classification. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities.

Specifically, the development plan is proposing a community pool, a 75'X100' dog park, a tot lot and open recreation field for outdoor activities. All amenities are connected with a walking trail and promote walkability within the neighborhood.

The applicant is providing adequate parking with 29 parking spaces and 2 ADA accessible parking spaces. This is exceeding the minimum requirement of 7 parking spaces and 1 ADA accessible parking space.

The proposed plan will be carried out in 1 (one) phase. The projected completion date for this project is Spring of 2024.

The applicant has demonstrated compliance with the Citizen Participation Plan as outlined in Section 169.005 of the Land Development Code and the community meeting was held on August 20, 2020.

**CONDITIONS:**

In order to receive Final Planned Unit Development approval, the proposal must meet the requirements of Section 185.067 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the following items being submitted prior to final plat approval:

- Fully engineered construction drawings.
- Submission of an Endangered Species Assessment,

- The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the engineered construction drawings.

**STAFF RECOMMENDATION:**

Staff recommends case FD23-00007 for approval.



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



## AERIAL LOCATION MAP CASE: FD23-00007

### Subject Property

South of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW



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



## FUTURE LAND USE MAP CASE: FD23-00007

### Subject Property

South of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW

### Future Land Use Classification

LDR - Low Density Residential



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



## ZONING MAP CASE: FD23-00007

### Subject Property

South of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW

### Current Zoning Classification

PUD - Planned Unit Development

# CHAPARRAL AMENITY CENTER

# FINAL DEVELOPMENT PLAN

PALM BAY, FL

DATE:

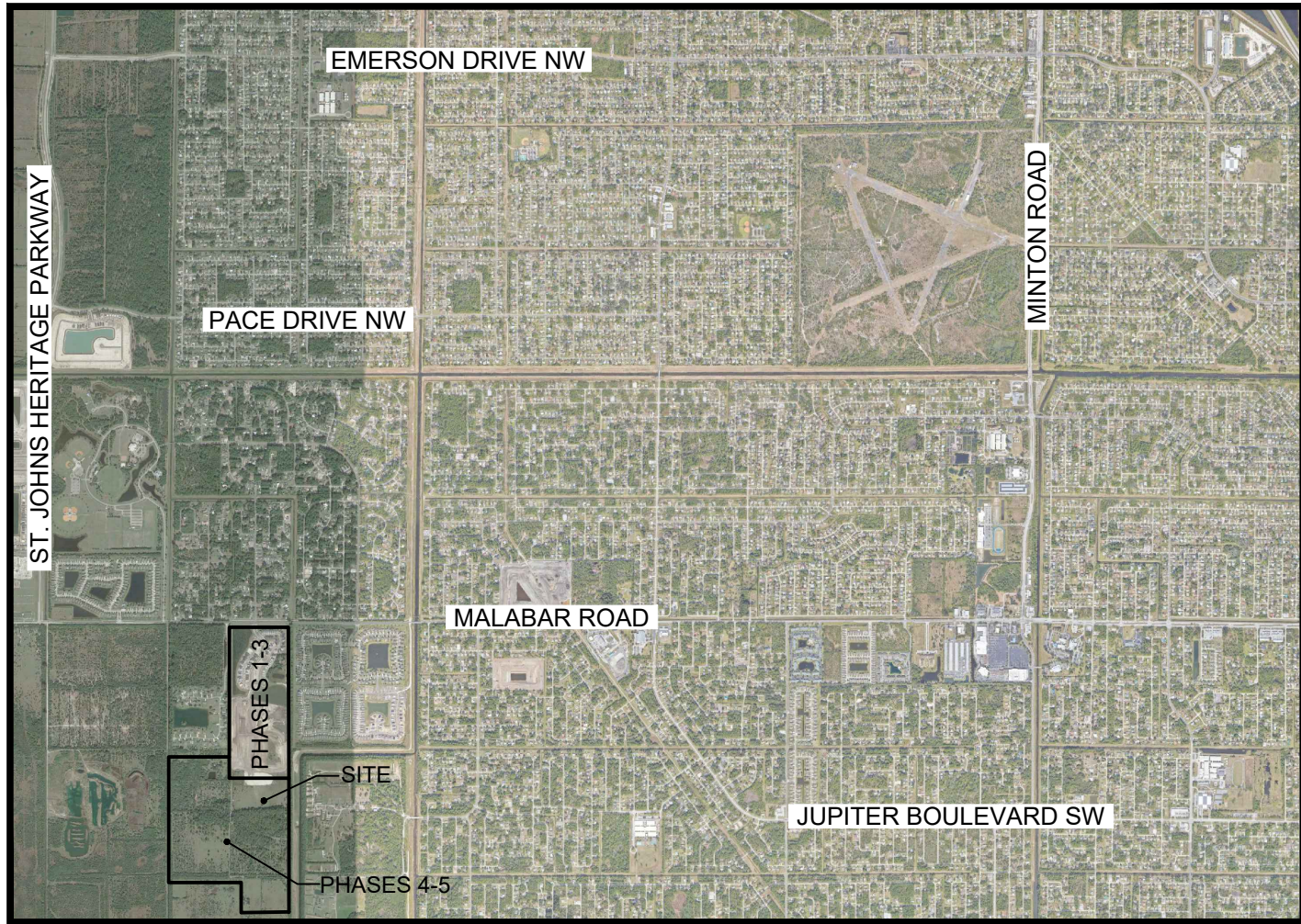
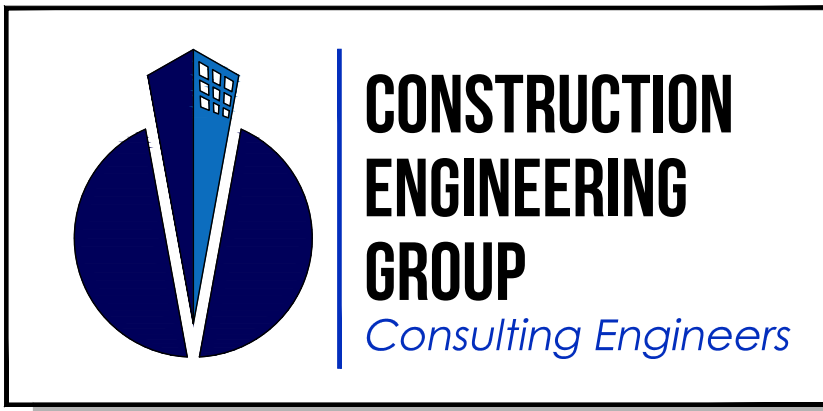
FEBRUARY 03, 2023

PREPARED FOR:

CHAPARRAL PROPERTIES, LLC

LEGAL DESCRIPTION:

TRACT REC-2 IN CHAPARRAL PUD PHASE FOURE A-B AND FIVE A-B



LOCATION MAP

NTS

PROJECT DATA:

**GENERAL STATEMENT:**  
THE PROPOSED PROJECT CONSISTS OF THE CONSTRUCTION OF AN AMENITIES CENTER FOR CHAPARRAL SUBDIVISION COMMUNITY. THE IMPROVEMENTS INCLUDE A POOL, TOT LOT, DOG PARK AND ATHLETIC FIELDS. THE STORMWATER TREATMENT IS PART OF THE MASTER SYSTEM.

**APPLICANT:**  
METRO DEVELOPMENT GROUP  
2502 N. ROCKY POINT DR. SUITE 1050  
TAMPA, FL 33607  
TEL: (813) 288-8078  
E-MAIL: MLAWSON@MDGFLORIDA.COM

**CIVIL ENGINEER:**  
JAKE T. WISE, P.E.  
2651 EAU GALLIE BLVD, SUITE A  
MELBOURNE, FLORIDA 32935  
TEL: (321) 610-1760  
E-MAIL: JWISE@CEGENGINEERING.COM

**SURVEYOR:**  
AAL LAND SURVEYING SERVICES, INC.  
3970 MINTON ROAD  
WEST MELBOURNE, FL 32904  
TEL: (321) 768-8110

**LOCATION:**  
SECTION: 04  
TOWNSHIP: 29S  
RANGE: 36E  
PARCEL ID: 29-36-04-00-750  
TAX ACCOUNT NUMBER: 3030091

**SITE CHARACTERISTICS:**  
PROJECT ACREAGE: 6.66 ACRES  
ZONING CLASSIFICATION: PUD FLU: SFR  
ACCORDING TO F.I.R.M. #12009C 0655 G, DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE AE (EL. 20.0') AND X  
PROPOSED BUILDING COVERAGE: 1,329 SF/0.03 AC  
PROPOSED BUILDING HEIGHT: 10'

**SETBACKS**

	REQUIRED:	PROVIDED:	BUILDING HEIGHT:
FRONT:	25'	98'	MAXIMUM: 2 STORY: 25 FT
SIDE:	5'	170.95'	PROPOSED: 10 FT
REAR:	15'	-	
SIDE CORNER:	20'	597.8'	

**CALCULATED LOT COVERAGES PROPOSED**

	SF	ACRES	PERCENT
IMPERVIOUS (BUILDING):	1,329	0.03	0.5
IMPERVIOUS (ASPHALT/CONCRETE):	31,295	0.72	11
IMPERVIOUS (POOL/DECK)	4,189	0.10	1.5
TOTAL PERVIOUS:	253,375	5.82	87
TOTAL GROSS AREA:	290,188	6.66	100

**PARKING SPACE CALCULATIONS:**  
**PARKING REQUIRED**  
USE: RECREATION  
CALCULATION: 1 SPACE PER 200 SF  
1,329 SF / 200 = 7 SPACES

**TOTAL SPACES:**  
7 SPACES REQUIRED INCLUDING 1 HANDICAP SPACE  
29 SPACES PROVIDED INCLUDING 2 HANDICAP SPACES

REVISION

DATE

REV#

2651 Eau Gallie Blvd, Suite A  
Melbourne, FL 32935  
Tel: 321.253.1221  
www.ceengineering.com  
COA #000897

CONSTRUCTION  
ENGINEERING  
GROUP  
Consulting Engineers

CHAPARRAL AMENITY CENTER

CHAPARRAL PROPERTIES, LLC  
ABILENE DRIVE, PALM BAY, FLORIDA

DRAWING TITLE

CIVIL COVER SHEET

DATE

02/03/23

SCALE

NTS

PROJ. NO. :

210191

DESIGNED BY:

SMB

DRAWN BY:

SMB

CHECKED BY:

JTW

DRAWING NO.

FDP-1



**LEGEND:**

PROJECT BOUNDARY	---
STORM PIPE	SD
WATER MAIN	W
SANITARY SEWER LINE	SS
RECREATION, LANDSCAPING AND OPEN SPACE	
PAVEMENT	

FINAL DEVELOPMENT SITE PLAN  
1"=30'

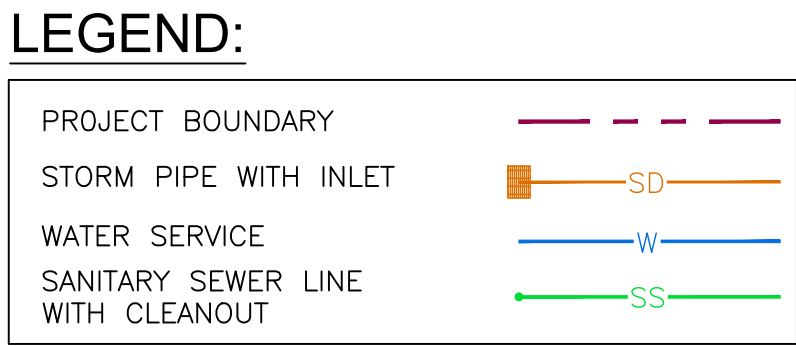


CHAPARRAL AMENITY CENTER	
CHAPARRAL PROPERTIES, LLC ABILENE DRIVE, PALM BAY, FLORIDA	
DRAWING TITLE FINAL DEVELOPMENT SITE PLAN	
DATE 02/03/23	
SCALE 01"=30'	
PROJ. NO. : 210191	
DESIGNED BY: SMB	
DRAWN BY: SMB	
CHECKED BY: JTW	
DRAWING NO. FDP-2	

2651 Eau Gallie Blvd., Suite A  
Melbourne, FL 32935  
Tel: 321.253.1221  
www.cegeengineering.com  
COA #008897

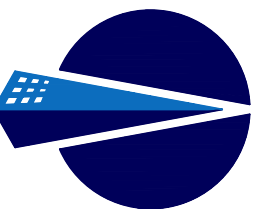
**CONSTRUCTION  
ENGINEERING  
GROUP**  
Consulting Engineers

THESE DOCUMENTS ARE THE PROPERTY OF CHAPARRAL PROPERTIES, LLC. NO PART OF THESE DOCUMENTS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF CHAPARRAL PROPERTIES, LLC.

[illegible]

2651 Eau Gallie Blvd., Suite A  
Melbourne, FL 32935  
Tel. 321.253.1221  
[www.cegeengineering.com](http://www.cegeengineering.com)  
COA #0008097

**CONSTRUCTION  
ENGINEERING  
GROUP**  
*Consulting Engineers*



## CHAPARRAL AMENITY CENTER

CHAPARRAL PROPERTIES, LLC  
ABILENE DRIVE, PALM BAY, FLORIDA  
DRAWING TITLE

# FINAL DEVELOPMENT UTILITY PLAN

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 EXPRESS WRITTEN CONSENT OF CEG IS PROHIBITED BY LAW.

DATE	02/03/23
SCALE	01"=30'
PROJ. NO. :	210191
DESIGNED BY:	SMB
DRAWN BY:	SMB
CHECKED BY:	JTW
DRAWING NO.	

# FDP-3

**Development Schedule:**

Start Construction August/September 2023

End Construction April/May 2024

## Chaparral Phase 2

### Citizen Participation Plan

(As required by Ordinance 2006-45, City of Palm Bay, Florida)

**Date:** August 25, 2020

**Applicant:** Construction Engineering Group, LLC

**Development:** seeking Final Development Plan (FDP) Approval for Chaparral Phase 2

**Site:** Parcel IDs: 29-36-04-00-1; Township 29 Range 36 and Section 04

**Owner:** Chaparral Properties, LLC



The following information reflects the plan of the Applicant to notify interested parties of its pending application with the City of Palm Bay for the proposed development of this site, as described above; and to facilitate an open dialogue with such parties and attempt to address their concerns.

### Persons Notified Directly:

All persons or businesses residing within a 500' radius of the corners of the property (as provided by the Brevard County Property Appraiser's Office) were notified by USPS mail.






## Public Meeting:

- One public meeting was held, as scheduled below, where the current proposed site exhibit was made available to the attending public to view to provide information about the proposal.
  - Monday August 24, 2020 the the Fred Poppe Regional Park main pavilion near the community center located within the park at 1951 Malabar Rd NW, Palm Bay, FL 32907 at 6:30pm.
- A 500' radius list of property owners were used for mail delivery of this meeting announcement.
- The City of Palm Bay Growth Management Department was sent an invitation to attend the meeting.
- All attendees were requested to provide their name and mailing address.
  - A copy of the sign in sheet has been attached.
- Minutes of the meeting were taken outlining the attendees' comments and concerns- see below.
  - A copy of the meeting agenda has been attached.
- A report of the meeting will be provided to the Growth Management Department in accordance with the ordinance.

Jake Wise provided a summary of the overall permitting process, why we are currently holding this meeting, the upcoming public hearing dates, and an update on the Phase I ongoing construction and Phase II overall proposed project. The neighbors asked questions about the following:

- Is the existing Flying J stabilized roadway going to be permanent or ultimately removed along the western boundary backing up to Malabar Lakes West? We identified it will be ultimately removed but did not know timing.
- They complained about a "mountain" of fill that was stockpiled. They said they complained to the City and it was immediately reduced. They complimented the contractor on the responsiveness.
- They complained about the wind whipping up the dry dirt from time to time. We assured them a vegetative cover is required prior to final acceptance. They said they complained to the contractor one time and they immediately brought out a water truck. They complimented the responsiveness again.
- They generally complimented the contractor as wanting to be a good neighbor.
- They expressed concern about how much higher Chaparral was than their neighborhood. They were worried about drainage and two story potential homes being able to look into their backyards and windows.
- They said in some areas washouts have occurred behind Malabar Lakes West and wanted to make sure the silt fences were maintained and asked about taller silt fences. We assured them there are daily inspections and repairs after any rain events.
- They complained about traffic and adding another signal in the future at our entrance. They were happy to hear about the turn lanes being added as part of phase I. They asked about the ongoing corridor study and we explained the roadway had two jurisdictions so both the County and City were involved.





The applicant acknowledges that upon completion of the process described above, it is required to submit this Citizen Participation Report to the Growth Management Department at least five days prior to the City's first public hearing or final administrative review.

Sincerely,



Jake T. Wise, PE  
Principal Civil Engineer  
Construction Engineering Group, LLC



Date: 8/24/20  
Time: 6:30pm

NAME	ADDRESS	Email (Optional)
Jodie Wilson - PE - CEG Jim Ryan	21051 W. Equ. Collier Blvd. Melbourne 32935 610 Hurley Blvd PB 32908	president@pmpc.com
Steve Yee	410 Hurley Blvd PB 32941	secretary@pmpc.com
Mildred & Brenda Chalk <del>Scott Donna</del> Virgin	311 Allison Dr., A.P. 32906 441 Allison Dr.	mildred@pmpc.com
Jenna Fer Rentos	361 Allison Drive, PB	patrick.1234@aol.com
Jones & Shawnee Hall	285 Morayd	<del>Rita</del> FamilyTree.com
Raylynne	420 Allison Drive, PB FL 32908	Speedie 117@aol.com
ABQ K. A. Miller	426 Allison Dr. PB FL 32908	raylynne@ccr.br.com
M. Rupp	1670 Emp. Dr. PB FL 32908	bayphn@cfl.r.com
Ly Kim Wengert	381 Allison Dr	
Kerri Snyder	1309 Ransoon Rd NW	khymrals@aol.com



## *Chaparral Phase II*

### *Meeting Agenda*

8/24/20

6:30pm

Type of Meeting: Neighbor Meeting

Meeting Facilitator: Jake Wise, PE- Construction Engineering Group, LLC

Invitees: Property owners within 500' radius

- I. Call to order
- II. Roll call/ sign in
- III. Explanation of Project
- IV. Presentation Boards with Site Plan
- V. Question/ Answer Period
- VI. Adjournment



# Project Details: FD23-00007

## Project Type: Subdivisions & Plats Planned Development Final Development Plan

Project Location: **Palm Bay, FL**  
Milestone: **Under Review**  
Created: **5/3/2023**  
Description: **Chaparral Amenity Center**  
Assigned Planner: **Stephen White**

### Contacts

Contact	Information
Surveyor	Andrew W. Powshok 3970 Minton Road West Melbourne, FL 32904 (321) 768-8110 aalsurvey@aalsurvey.com
Engineer	Jake Wise 2651 W Eau Gallie Blvd; Suite A Melbourne, FL 32935 (321) 610-1760 jwise@cegengineering.com
Developer	John Ryan 2502 N Rocky Pointe Drive Tampa, FL 33607 (813) 288-8078 marc@metrodg.com
Owner/Applicant	CHAPARRAL PROPERTIES LLC 2502 N ROCKY POINT DR, STE 1050 TAMPA, FL 33607
Legal Representative	Jake Wise 2651 W Eau Gallie Blvd; Suite A Melbourne, FL 32935 (321) 610-1760 jwise@cegengineering.com
Assigned Planner	Stephen White -1  stephen.white2@palmbayflorida.org
Submitter	Jake Wise 2651 W Eau Gallie Blvd; Suite A Melbourne, FL 32935  jwise@cegengineering.com

# Project Details: FD23-00007

## Fields

Field Label	Value
Block	750
Lot	
Section Township Range	04-29-36
Subdivision	00
Year Built	
Use Code	6100
Use Code Desc	GRAZING LAND - SOIL CAPABILITY CLASS II - VACANT
LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	3030091
Flu Description	
Flu Code	
Zoning Description	Planned Unit Development
Zoning Code	PUD
Proposed Development Name	Chaparral Amenity Center
Total Lots Proposed by Use	1
Submitted Preliminary Dev. Plan?	No
Final Development Type	PUD
Received Preliminary Approval?	No
Size of Area Covered (acres)	
Is Submitter the Representative?	False

# Project Details: FD23-00007

Ordinance Number	
Subdivision Name	

\_\_\_\_\_, 20\_\_\_\_

**Re: Letter of Authorization**

**As the property owner of the site legally described as:**

BCPA Parcel ID: 29-36-04-00-750

**I, Owner Name:** John Ryan- Chaparral Properties, LLC

**Address:** 2502 N Rocky Point Drive, Suite 1050, Tampa, FL 33607

**Telephone:** 813-288-8078

**Email:** marc@metrodg.com

**hereby authorize:**

**Representative:** Jake Wise, PE- Construction Engineering Group, LLC

**Address:** 2651 W Eau Gallie Blvd, Suite A, Melbourne, FL 32935

**Telephone:** 321-610-1760

**Email:** jwise@cegengineering.com

**to represent the request(s) for:**

Final Development Plan and any/all associated submittals

John Ryan, Authorized Person  
(Property Owner Signature)

STATE OF FL

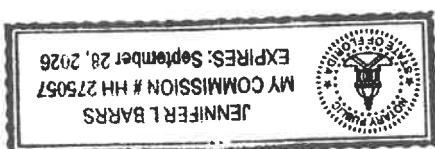
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6<sup>th</sup> day of March, 2023 by

John Ryan, Authorized Person, property owner.

Jennifer L Barrs, Notary Public

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



# 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:**

Jake Wise

**On:**

5/3/2023 8:23:57 AM

☒ FD23-00007

Select Language ▼

 Home |  City of Palm Bay

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

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005808218

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 261.59

**Run Times:** 1

**No. of Affidavits:** 0

**Run Dates:** 08/25/23

**Text of Ad:**

Ad#5807 08/25/2023  
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 September 5, 2023, and by the City Council on September 19, 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. CP23-00014 - KEW LLC, Michael Erdman (Kimberly B. Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial  
Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE  
2. \*\*FD23-00007 - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.)  
A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development  
A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW  
3. \*\*CU23-00003 - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.)  
A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances  
A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW  
4. \*\*FS23-00007 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 77-lot single-family residential subdivision called Timbers at Everlands Phase 1C  
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW  
5. \*\*FS23-00008 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 196-lot single-family and multiple-family residential subdivision called Timbers at Everlands Phase 2  
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW

b. 123-00023 – City of Palm Bay  
(Growth Management Department)  
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted and Section 170.119, Fence and Wall Maintenance, to provide clear language on fence materials and maintenance  
\*\*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.  
Chandra Powell  
Planning Specialist

## **ORDINANCE 2023-92**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, APPROVING A FINAL DEVELOPMENT PLAN TO BE KNOWN AS 'CHAPARRAL AMENITY CENTER' WITHIN THE CHAPARRAL PLANNED UNIT DEVELOPMENT; WHICH PROPERTY IS LOCATED SOUTH OF AND ADJACENT TO ABILENE DRIVE, IN THE VICINITY SOUTH OF MALABAR ROAD AND EAST OF FLYING U LANE, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, application for Final Development Plan approval in PUD (Planned Unit Development) zoning to permit an amenity center within the Chaparral Planned Unit Development to be known as 'Chaparral Amenity Center' on property legally described herein, has been made by Chaparral Properties LLC, and

**WHEREAS**, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on September 5, 2023, which voted to recommend to the City Council approval of the application, and

**WHEREAS**, all provisions applicable to the Planned Unit Development (PUD) under Chapter 185, Zoning, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

**WHEREAS**, the City Council of the City of Palm Bay, after due deliberation and consideration, reviewed and considered the reports, documents, testimony, and other materials presented, and has determined that such development plan will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

**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 grants Final Development Plan approval for 'Chaparral Amenity Center' on property zoned PUD

(Planned Unit Development), which property is legally described as follows:

A portion of Tax Parcel 750, of the Public Records of Brevard County, Florida; Section 4, Township 29S, Range 36E; containing 6.66 acres, more or less.

**SECTION 2.** The Final Development Plan is granted subject to the staff comments contained in the Staff Report, incorporated herein as Exhibit 'A', and the following items being submitted prior to final plat approval as follows:

- A. Fully engineered construction drawings.
- B. Submission of an Endangered Species Assessment.
- B. The technical comments generated by the Development Review Staff, incorporated herein as Exhibit 'B', shall be observed and incorporated into the construction drawings.

**SECTION 3.** The property shall be developed in substantial conformance with the Final Development Plan, which is, by reference, incorporated herein as Exhibit 'C', except as may be modified by the conditions of approval. The applicant shall comply with all provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

**SECTION 4.** 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.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

City of Palm Bay, Florida  
Ordinance 2023-92

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

Applicant: Chaparral Properties LLC  
Case: FD23-00007

cc: Brevard County Recording  
Applicant  
Case File



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

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

**DATE:** 9/19/2023

**RE:** Request by DRP FL 6, LLC, for a final subdivision plat to be known as 'Timbers at Everlands Phase 1C' in PUD (Planned Unit Development) zoning (21.25 acres) (Case FS23-00007). (Quasi-Judicial Proceeding)

**\*\*Quasi-Judicial Proceeding.**

Applicant Brian Clauson of DRP FL 6, LLC (Ana Saunders, PE, Rep.) has submitted for a Final Subdivision Plat, requesting the replating of a portion of Tract FD1, together with Tract FD2, all located in Timbers at Everlands Phase 1A.

The Final Plat request for Phase 1C consists of 77 single family residential age-restricted lots that will be comprised of 40' and 50' wide lots. On November 3, 2022, City Council approved Ordinance 2022-118 granting a Final Development Plan for Timbers at Everlands, for a Planned Unit Development consisting of 840 units constructed in four phases. Phase 1 is a total of 184 lots, of which 107 lots have already been platted. This final plat request is for 77 lots, which will complete the final platting for phase 1. There are an additional three phases, which will be go through the final platting process in the future.

Access to this subdivision for Phase 1C is off of Pace Drive NW, on the newly constructed private road right-of-way noted as Tract Z on the final plat.

To receive Final Plat approval, the proposal must meet the requirements of Section 184.08, Final Subdivision Plat, of the Palm Bay Code of Ordinances. Upon review of the submitted materials, the Final Plat request is in substantial conformance with the preliminary plat in accordance with the applicable requirements of Section 184.08. Per Section 184.08, City Council can approve, approve with conditions, or disapprove such requests.

### **REQUESTING DEPARTMENT:**

Growth Management

### **FISCAL IMPACT:**

There is no fiscal impact.

### **RECOMMENDATION:**

Motion to approve case FS23-00007, granting a final subdivision plat for Timbers at Everlands Phase 1C.

**Planning and Zoning Board Recommendation:**

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion to submit Case FS23-00007 to City Council for approval.

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

**Aye:** Jordan, Weinberg, Boerema, McLeod, Olszewski.

**ATTACHMENTS:**

**Description**

FS23-00007 - Staff Report

FS23-00007 - Final Plat

FS23-00007 - Title Opinion

FS23-00007 - Application

FS23-00007 - Letter of Authorization

FS23-00007 - Legal Acknowledgement

FS23-00007 - Legal Ad



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Alix Bernard, Principal Planner

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#### CASE NUMBER

FS23-00007

#### PLANNING & ZONING BOARD HEARING DATE

September 5, 2023

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#### PROPERTY OWNER & APPLICANT

DRP FL 6, LLC, Brian Clauson (Ana Saunders, P.E., BSE Consultants, Inc, Rep.)

#### PROPERTY LOCATION/ADDRESS

A replat of a portion of Tract FD1 together with Tract FD2, All in Timbers at Everlands Phase 1A, section 28, Township 28 Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located at the northeast corner of St. Johns Heritage Pkwy and Pace Dr NW.

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#### SUMMARY OF REQUEST

The applicant requests Final Plat approval to allow for a proposed 77 lot single family residential subdivision called Timbers at Everlands Phase 1C.

##### Existing Zoning

PUD -- Planned Unit Development

##### Existing Land Use

Low Density Residential

##### Site Improvements

Single Family Homes

##### Site Acreage

Approximately 21.25 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

CC, Community Commercial – Vacant

##### East

RS-2, Single Family Residential – Single Family Homes

##### South

PUD, Planned Unit Development and AU, Agricultural Residential– Single Family Homes and vacant land

##### West

AU, Agricultural Residential – Vacant

#### COMPREHENSIVE PLAN COMPATIBILITY

Yes, the property has a Low-Density Residential Future Land Use Designation

**BACKGROUND:**

The subject property is located in the vicinity east of St. Johns Heritage Parkway, north of Pace Rd NW, containing approximately 21.25 acres.

The current zoning of the property is PUD, Planned Unit Development. The proposed subdivision will create 77 new single family residential age-restricted lots.

**ANALYSIS:**

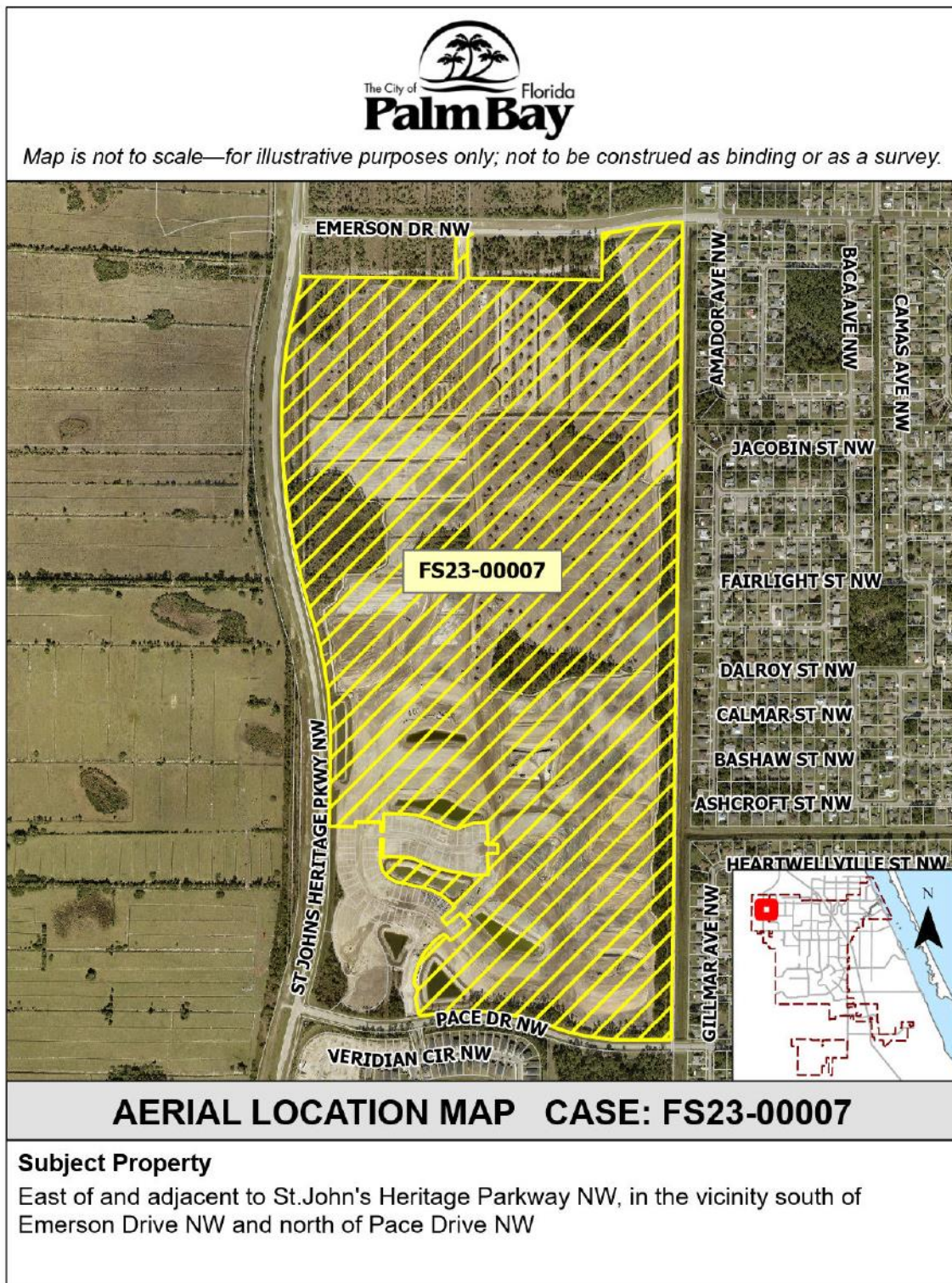
Phase 1C, consisting of 77 single family residential age-restricted lots will be a mixture of 40 ft wide lots and 50 ft wide lots. 54 of the lots will be forty feet wide and 23 of the lots will be fifty feet wide to be exact. In November 3, 2022, City Council approved Ordinance 2022-118 granting a Final Development Plan for Medley at Everlands, for a Planned Unit Development consisting of 840 units constructed in four phases. Phase 1 is a total of 184 lots, of which 107 lots have already been platted. This final plat request is for 77 lots, which will complete the final plating for phase 1 of this project which is a total of 184 lots. There are an additional 3 phases which will be going through the final plating process in the future in addition to this request.

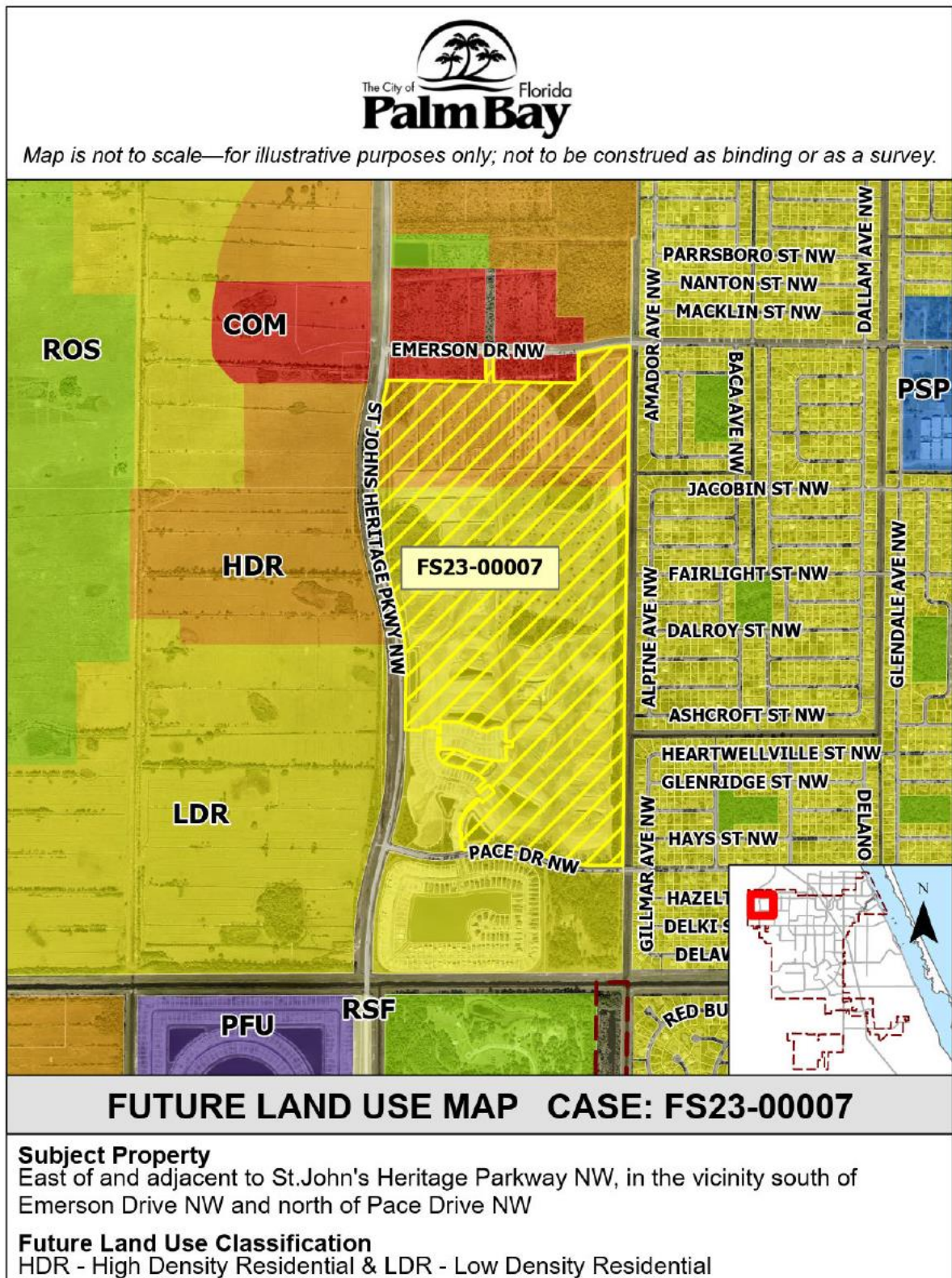
Access to this subdivision for Phase 1C is off Pace Dr NW, on the newly constructed private right of way noted as Tract Z on the final plat with the roadway named Velorum Lane.

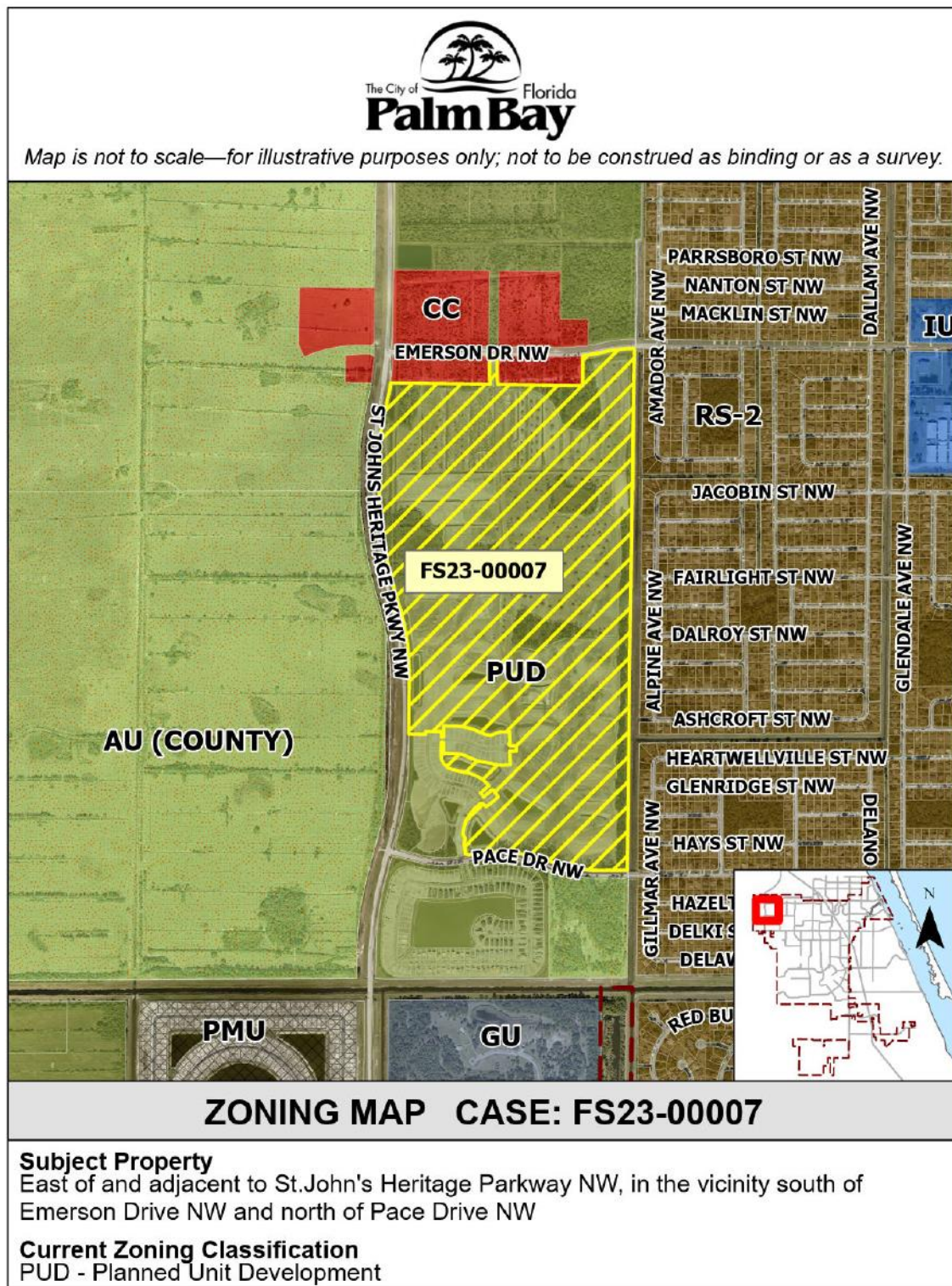
To receive Final Plat approval, the proposal must meet the requirements of Section 184.08 of the Palm Bay Code of Ordinances. Upon review of the submitted materials the Final Plat request is in substantial conformance with the applicable requirements of this section.

**STAFF RECOMMENDATION:**

Staff recommends Case FS23-00007 for approval.







# TIMBERS AT EVERLANDS PHASE 1C

BEING A REPLAT OF A PORTION OF TRACT FD1, EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

## PLAT NOTES:

- BEARING REFERENCE: ASSUMED BEARING OF S00°42'40"W ON THE EAST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, AS PER PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- SURVEY MONUMENTATION WITHIN THE SUBDIVISION SHALL BE SET IN ACCORDANCE WITH FLORIDA STATUTES CHAPTERS 177.091(8) & 177.091(9).
- UNLESS OTHERWISE NOTED ALL LINES ARE RADIAL.
- ALL LOT DRAINAGE IS PRIVATE AND IS TO BE MAINTAINED BY THE INDIVIDUAL LOT OWNER, OR THE DECLARED MAINTENANCE ENTITY (I.E. HOMEOWNER ASSOCIATION).
- ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- UNLESS OTHERWISE NOTED THERE IS HEREBY DEDICATED OVER AND ACROSS THE FRONT OF ALL LOTS AND TRACTS ABUTTING AND COINCIDENT WITH THE PRIVATE RIGHTS-OF-WAY, A 10 FOOT WIDE PERPETUAL PUBLIC UTILITY EASEMENT.
- A 3.00 FOOT WIDE AND 7.00 FOOT WIDE PERPETUAL PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG ALL SIDE LOT LINES WITHIN LOTS 4 THROUGH 16 OF BLOCK "Q" AND WITHIN BLOCK "S" AND "SS" AS SHOWN ON "SIDE LOT EASEMENT DETAIL A", UNLESS OTHERWISE NOTED. WHERE MORE THAN ONE LOT, OR PARTS OF ONE OR MORE LOTS, ARE USED AS A SINGLE BUILDING SITE, ONLY THE OUTER BOUNDARIES OF THE BUILDING SITE SHALL CARRY THE SIDE EASEMENTS.
- A 5.00 FOOT WIDE PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG ALL SIDE LOT LINES WITHIN LOTS 1, 2, AND 3 OF BLOCK "Q" AND WITHIN BLOCK "R" AND "T" AS SHOWN ON "SIDE LOT EASEMENT DETAIL B", UNLESS OTHERWISE NOTED. WHERE MORE THAN ONE LOT, OR PARTS OF ONE OR MORE LOTS, ARE USED AS A SINGLE BUILDING SITE, ONLY THE OUTER BOUNDARIES OF THE BUILDING SITE SHALL CARRY THE SIDE EASEMENTS.
- DRAINAGE AND UTILITY EASEMENTS SHOWN ARE CENTERED ALONG LOT LINES UNLESS SPECIFICALLY DIMENSIONED OTHERWISE.
- LOTS AND TRACTS ABUTTING ANY EXISTING STORM WATER LAKE AND TRACT, OR FLOW WAYS, WETLANDS AND ANY OTHER STORM WATER MANAGEMENT FACILITIES CONSTRUCTED SUBSEQUENT TO THIS PLAT SHALL NOT HAVE RIPARIAN RIGHTS WITH RESPECT TO ANY SUCH TRACTS AND DRAINAGE FACILITIES, INCLUDING WITHOUT LIMITATION, ANY DRAINAGE PONDS OR LAKES, DRAINAGE STRUCTURES OR AQUATIC LANDSCAPE FEATURES WHICH MAY BE CONSTRUCTED WITHIN SAID FACILITIES.
- PER THE SUPPLEMENTAL DRAINAGE EASEMENT EXPANSION OR RELOCATION AGREEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 8915, PAGE 1507-1539, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THE CITY OF PALM BAY SHALL BE RESPONSIBLE FOR ALL MAINTENANCE OF ALL PUBLIC DRAINAGE EASEMENTS AS SHOWN, NOTED AND/OR DEDICATED ON THIS PLAT.
- THERE IS HEREBY DEDICATED TO THE CITY OF PALM BAY, FLORIDA A PUBLIC DRAINAGE EASEMENT OVER AND ACROSS TRACT "C" AND "G" FOR THE PURPOSES OF INSTALLATION, MAINTENANCE, ACCESS AND REPAIR OF PUBLIC DRAINAGE FACILITIES.
- ALL INTERNAL ROADWAYS ARE DESIGNATED AS TRACT "Z" AND SHALL BE PRIVATE AND SHALL BE OWNED AND MAINTAINED BY THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS. AN INGRESS/EGRESS EASEMENT IS HEREBY GRANTED TO THE CITY OF PALM BAY FOR EMERGENCY VEHICLE ACCESS OVER AND ACROSS TRACT "Z".
- THERE IS HEREBY DEDICATED TO THE CITY OF PALM BAY, FLORIDA AN EASEMENT FOR THE PURPOSES OF INSTALLATION, MAINTENANCE, ACCESS AND REPAIR OF A PUBLIC SANITARY SEWER LINE AND ASSOCIATED FACILITIES OVER AND ACROSS TRACT "Z".
- THERE IS HEREBY DEDICATED TO THE CITY OF PALM BAY, FLORIDA AN EASEMENT FOR THE PURPOSES OF INSTALLATION, MAINTENANCE, ACCESS AND REPAIR OF A PUBLIC POTABLE WATER LINE AND ASSOCIATED FACILITIES OVER AND ACROSS TRACT "Z".
- TRACT "Z" IS HEREBY DEDICATED FOR PRIVATE USE AND AS A COMMON VEHICLE AND PEDESTRIAN WAY ACCESS EASEMENT FOR THE USE, MAINTENANCE, AND BENEFIT OF ALL LOTS WITHIN TIMBERS AT EVERLANDS, AND FOR INGRESS AND EGRESS FROM EACH LOT TO THE ABUTTING PUBLIC STREETS.
- THE CITY OF PALM BAY, FLORIDA, BREVARD COUNTY, FLORIDA, STATE OF FLORIDA AND THE FEDERAL GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL BE ALLOWED ACCESS ON TRACT "Z", PEDESTRIAN WAYS, EASEMENTS AND COMMON OPEN SPACE TO ENSURE AND PROVIDE THE POLICE AND FIRE PROTECTION OF THE AREA, AND TO CONTROL THE HEALTH AND SAFETY OF THE RESIDENTS AND GUESTS OF TIMBERS AT EVERLANDS.
- THE HOMEOWNERS ASSOCIATION SHALL HAVE THE PRIMARY MAINTENANCE RESPONSIBILITY FOR THE DRAINAGE FACILITIES CONSTRUCTED WITHIN THE PRIVATE EASEMENTS AND STORMWATER TRACTS, HEREIN GRANTED. HOWEVER, THE CITY OF PALM BAY SHALL HAVE THE RIGHT BUT NOT THE OBLIGATION, TO PERFORM MAINTENANCE OR TO MAKE EMERGENCY REPAIRS AS IT DEEMS NECESSARY OR DESIRABLE, AT THE EXPENSE OF THE HOMEOWNERS' ASSOCIATION, INC., THEIR SUCCESSORS, OR ASSIGNS.
- THE LANDS SUBDIVIDED HEREON ARE SUBJECT TO THE TERMS AND CONDITIONS OF THOSE CERTAIN COVENANTS, CONDITIONS, AND RESTRICTIONS AS RECORDED IN OFFICIAL RECORDS BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TRACT TABLE			
TRACT ID	AREA (ACRES)	TRACT USE	OWNERSHIP AND MAINTENANCE ENTITY
TRACT C	3.19	LANDSCAPE, DRAINAGE, STORM WATER, RECREATION, AND UTILITIES	THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS
TRACT G	4.40	LANDSCAPE, DRAINAGE, STORM WATER, AND UTILITIES	THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS
TRACT G1	0.07	LANDSCAPE, DRAINAGE, STORM WATER, AND UTILITIES	THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS
TRACT I	0.07	LANDSCAPE, DRAINAGE, RECREATION, AND UTILITIES	THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS
TRACT Z	2.75	VEHICULAR AND PEDESTRIAN ACCESS, UTILITIES, DRAINAGE, AND SIDEWALKS	THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS

H:\Projects\Folder10860\600Drawings\10860600\_303\_P1H1C110860600\_303\_001-002.dwg July 12, 2023 9:00:07 AM DB

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

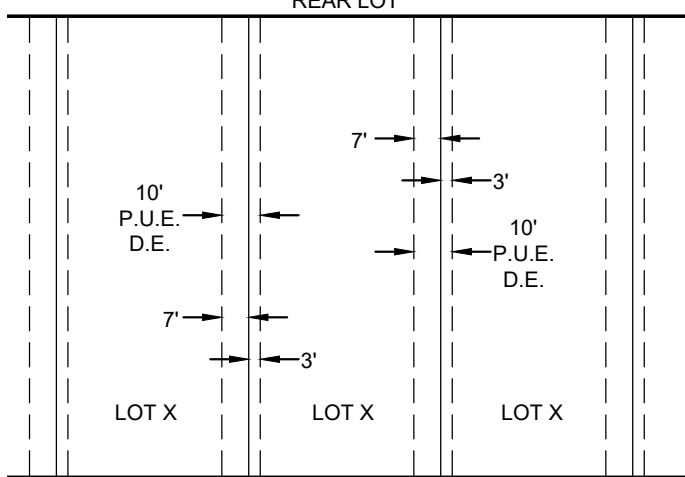
## 20. THE LANDS PLATTED HEREUNDER ARE SUBJECT TO THE FOLLOWING:

- NOTICE OF ESTABLISHMENT OF THE EVERLANDS COMMUNITY DEVELOPMENT DISTRICT IN OFFICIAL RECORDS BOOK 8693, PAGE 2281, AS AMENDED IN OFFICIAL RECORDS BOOK 9271, PAGE 2431.
- FINAL JUDGMENT IN OFFICIAL RECORDS BOOK 9257, PAGE 1663 AND OFFICIAL RECORDS BOOK 9671, PAGE 1011.
- LIEN OF RECORD OF THE EVERLANDS COMMUNITY DEVELOPMENT DISTRICT IN OFFICIAL RECORDS BOOK 9298, PAGE 220.
- TRUE-UP AGREEMENT IN OFFICIAL RECORDS BOOK 9298, PAGE 223.
- DECLARATION FOR EVERLANDS RECORDED IN OFFICIAL RECORDS BOOK 9466, PAGE 1511, BUT OMITTING ANY SUCH COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN AS PROVIDED IN 42 U.S.C. SEC. 3604 OR SEC. 3605, UNLESS EXEMPT UNDER TITLE 42 U.S.C. SUCH DECLARATION DOES ESTABLISH AND PROVIDE WITHOUT LIMITATION FOR EASEMENTS, LIENS, CHARGES, AND ASSESSMENTS.
- ORDINANCE NO. 85-49 IN OFFICIAL RECORDS BOOK 2756, PAGE 10.
- ORDINANCE NO. 2003-32 IN OFFICIAL RECORDS BOOK 5030, PAGE 541.
- ORDINANCE NO. 2004-37 IN OFFICIAL RECORDS BOOK 5352, PAGE 1548.
- TERMS AND CONDITIONS OF RESERVED EASEMENTS AND LICENSE RIGHTS AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5468, PAGE 6896, AS AFFECTED BY FIRST AMENDMENT RECORDED IN OFFICIAL RECORDS BOOK 5507, PAGE 1769, AS CORRECTED BY CORRECTED FIRST AMENDMENT RECORDED IN OFFICIAL RECORDS BOOK 5509, PAGE 439.
- DECLARATION OF EASEMENTS IN OFFICIAL RECORDS BOOK 6149, PAGE 2612, AS SUPPLEMENTED IN OFFICIAL RECORDS BOOK 8915, PAGE 1507.
- RESOLUTION 2021-65 IN OFFICIAL RECORDS BOOK 9408, PAGE 2279.
- MEMORANDUM OF OPTION AGREEMENT RECORDED IN OR BOOK 9521, PAGE 2902.
- PLAT OF TIMBERS AT EVERLANDS PHASE 1A IN PLAT BOOK 00073, PAGE 0064.
- NOTICE OF ENVIRONMENTAL RESOURCE PERMIT IN OFFICIAL RECORDS BOOK 8583, PAGE 198.
- DECLARATION FOR THE TIMBERS AT EVERLANDS IN OFFICIAL RECORDS BOOK 9766, PAGE 425.
- ORDINANCE NO. 2022-118 IN OFFICIAL RECORDS BOOK 9686, PAGE 816.

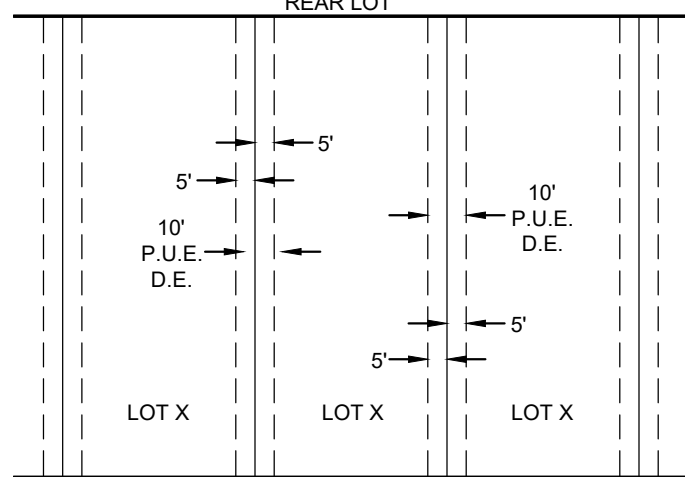
## DESCRIPTION OF TIMBERS AT EVERLANDS PHASE 1C

PART OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

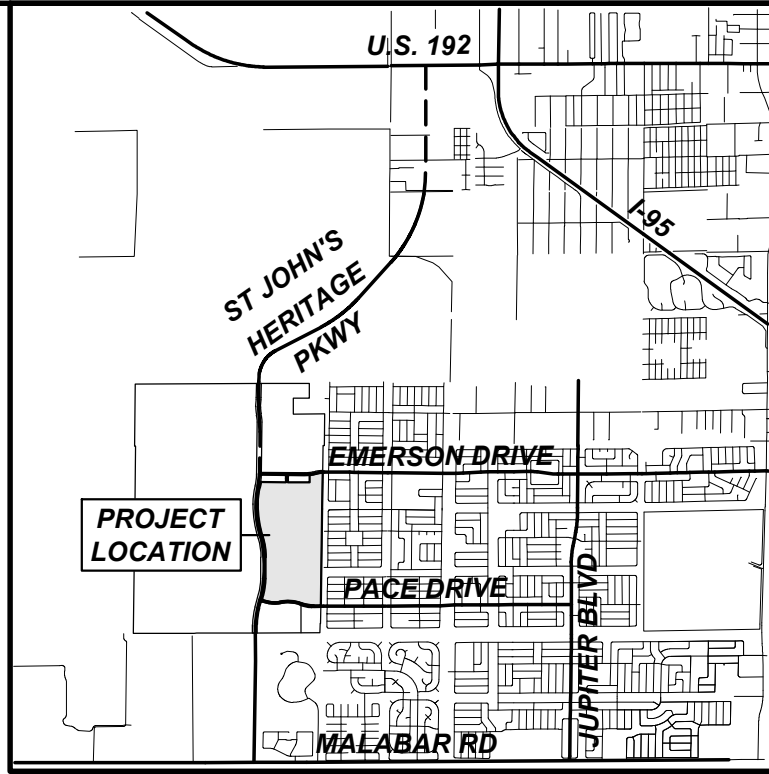
BEGIN AT THE NORTHEAST CORNER OF LOT 8, BLOCK T, OF SAID TIMBERS AT EVERLANDS PHASE 1A AND RUN N00°42'43"E, A DISTANCE OF 65.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST, AND HAVING A RADIUS OF 105.00 FEET, A CENTRAL ANGLE OF 34°09'07", A CHORD BEARING OF N17°47'16"E, AND A CHORD LENGTH OF 61.66 FEET), A DISTANCE OF 62.59 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 22°35'58", A CHORD BEARING OF N23°33'50"E, AND A CHORD LENGTH OF 233.17 FEET), A DISTANCE OF 234.69 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE EAST; THENCE S80°08'38"E ALONG SAID NON-TANGENT LINE, A DISTANCE OF 5.53 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 01°34'29", A CHORD BEARING OF S80°55'52"E, AND A CHORD LENGTH OF 14.43 FEET), A DISTANCE OF 14.43 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTH; THENCE S08°16'53"W ALONG SAID NON-TANGENT LINE, A DISTANCE OF 120.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 18°59'48", A CHORD BEARING OF N88°46'59"E, AND A CHORD LENGTH OF 212.87 FEET), A DISTANCE OF 213.85 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH, AND HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 53°10'10", A CHORD BEARING OF S74°07'50"E, AND A CHORD LENGTH OF 232.12 FEET), A DISTANCE OF 241.28 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHEAST; THENCE S73°19'03"E, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 100.00 FEET; THENCE N81°09'53"E, A DISTANCE OF 154.56 FEET; THENCE N08°50'07"W, A DISTANCE OF 79.33 FEET; THENCE N02°31'41"W, A DISTANCE OF 375.53 FEET; THENCE N79°53'23"W, A DISTANCE OF 80.46 FEET; THENCE N10°06'37"E, A DISTANCE OF 120.00 FEET; THENCE N11°14'07"W, A DISTANCE OF 53.68 FEET; THENCE N10°06'37"E, A DISTANCE OF 120.00 FEET; THENCE N79°53'23"W, A DISTANCE OF 738.81 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 33°30'05", A CHORD BEARING OF S64°44'04"W, AND A CHORD LENGTH OF 172.93 FEET), A DISTANCE OF 175.41 FEET TO THE END OF SAID CURVE; THENCE S81°29'07"W, A DISTANCE OF 180.43 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°37'59", A CHORD BEARING OF S37°10'07"W, AND A CHORD LENGTH OF 34.93 FEET), A DISTANCE OF 38.67 FEET TO A POINT OF REVERSE CURVATURE AND A POINT ON THE CURVED EAST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, A 200.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE ARC OF SAID CURVED EAST RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST, AND HAVING A RADIUS OF 2700.00 FEET, A CENTRAL ANGLE OF 07°51'35", A CHORD BEARING OF S03°13'05"E, AND A CHORD LENGTH OF 370.10 FEET), A DISTANCE OF 370.39 FEET TO THE END OF SAID CURVE; THENCE S00°42'43"W, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 568.24 FEET TO THE NORTHWEST CORNER OF TRACT A1 OF SAID TIMBERS AT EVERLANDS PHASE 1A, (SAID POINT ALSO BEING A POINT ON THE BOUNDARY OF SAID TRACT FD1); THENCE S89°17'17"E, ALONG THE NORTH LINE OF SAID TRACT A1 AND ALONG THE NORTH LINE OF BLOCK R OF SAID TIMBERS AT EVERLANDS PHASE 1A, A DISTANCE OF 175.00 FEET TO THE NORTHEAST CORNER OF LOT 35 OF SAID BLOCK R, (SAID POINT ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF ANTARUS DRIVE, A 50.00 FOOT WIDE PRIVATE RIGHT-OF-WAY ACCORDING TO THE PLAT OF SAID TIMBERS AT EVERLANDS PHASE 1A); THENCE N00°42'43"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 32.67 FEET TO THE NORTHWEST CORNER OF SAID ANTARUS DRIVE; THENCE S89°17'17"E, ALONG THE RIGHT-OF-WAY LINE OF SAID ANTARUS DRIVE AND ALONG THE NORTH LINE OF SAID LOT 8, BLOCK T, A DISTANCE OF 170.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.25 ACRES, MORE OR LESS.



SIDE LOT EASEMENT DETAIL "A"



SIDE LOT EASEMENT DETAIL "B"



LOCATION MAP  
NTS

## SURVEY SYMBOL LEGEND

- 1/4 SECTION CORNER; MARKED AS NOTED
- PERMANENT REFERENCE MONUMENT (PRM); FOUND 4X4 INCH CONCRETE MONUMENT WITH DISK STAMPED PRM LB4905, UNLESS OTHERWISE NOTED
- PERMANENT CONTROL POINT (PCP); SET MAG NAIL AND DISK STAMPED PCP LB4905, UNLESS OTHERWISE NOTED
- SET 5/8" IRON ROD AND CAP; STAMPED PRM LB4905, UNLESS OTHERWISE NOTED

## ABBREVIATIONS

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- " SECONDS/INCHES
- ° DEGREES

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- OR/ORB OFFICIAL RECORDS BOOK
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- P.U.D. PLANNED UNIT DEVELOPMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- R RADIUS
- R/W RIGHT-OF-WAY
- TYP TYPICAL

- THIS PLAT PREPARED BY -



**B.S.E. CONSULTANTS, INC.**  
CONSULTING • ENGINEERING • LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 400, PALM BEACH, FL 33401  
PHONE: (561) 725-8674 FAX: (561) 725-1189  
CERTIFICATE OF BUSINESS AUTHORIZATION: LB0004905  
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 7/12/23  
DESIGN/DRAWN: SMG/DRB  
DRAWING#108606000\_303\_001  
PROJECT#10860.600

PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_

SHEET 1 OF 4

SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the limited liability company named below, being the owner in fee simple of the lands described in

TIMBERS AT EVERLANDS PHASE 1C

Hereby dedicates to the City of Palm Bay, Florida an ingress and egress easement over and across TRACT Z for law enforcement, emergency access and emergency maintenance and hereby dedicates to private utility companies, for their perpetual use an easement over and across said TRACT Z for the access and maintenance of utilities as described in the plat notes. No other tracts or easements are dedicated or granted to the public. All Right of Way tracts are dedicated to the Homeowners' Association and all maintenance responsibilities shall not be the City of Palm Bay's.

DRP FL 6, LLC, a Delaware limited liability company  
By: DW General Partner, LLC, its Manager

By: \_\_\_\_\_  
Name: Houdin Honarvar, Authorized Signatory for Manager

SEAL

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

DRP FL 6, LLC  
590 MADISON AVE FL 13  
NEW YORK, NY 10022

STATE OF NEW YORK COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of \_\_\_\_\_ physical presence or \_\_\_\_\_ online notarization, this \_\_\_\_\_ by Houdin Honarvar, Authorized Signatory for Manager of the above named limited liability company, to me known to be the individual and officer described in and who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed as such officer thereunto duly authorized; that official seal of said corporation is duly affixed thereto; and that the dedication is the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

NOTARY PUBLIC

SEAL

Notary Public, State of New York  
My Comm. Expires \_\_\_\_\_  
Comm. No. \_\_\_\_\_

## CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed professional surveyor and mapper, does hereby certify that on 07/07/2023 he completed the boundary survey of the lands shown on the foregoing plat; and that said plat was prepared under his direction and supervision and that said plat complies with all of the survey requirements of Chapter 177, part 1, Florida Statutes, and that said lands are located in Brevard County, Florida.

\_\_\_\_\_  
Registration Number 5611  
LESLIE E. HOWARD  
B.S.E. Consultants, Inc.  
312 South Harbor City Boulevard, Suite #4  
Melbourne, Fla. 32901  
Certificate of Authorization Number: LB-0004905

## CERTIFICATE OF REVIEWING SURVEYOR FOR THE CITY OF PALM BAY

I HEREBY CERTIFY, That I have reviewed the foregoing plat and find that it is in conformity with Chapter 177, part 1, Florida Statutes.

\_\_\_\_\_  
Joseph N. Hale, Professional Surveyor & Mapper No. 6366

## CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, That on: \_\_\_\_\_ the City Council of the City of Palm Bay, Florida approved the foregoing plat.

\_\_\_\_\_  
Mayor - J. Robert Medina

Attest:

\_\_\_\_\_  
City Clerk - Terese M. Jones

## CERTIFICATE OF CLERK

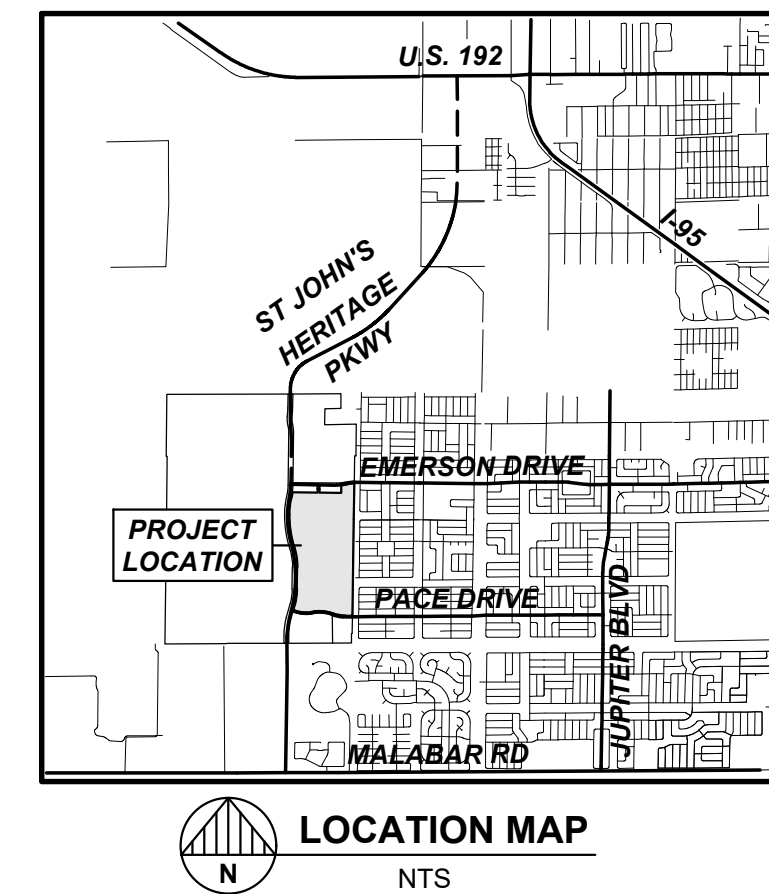
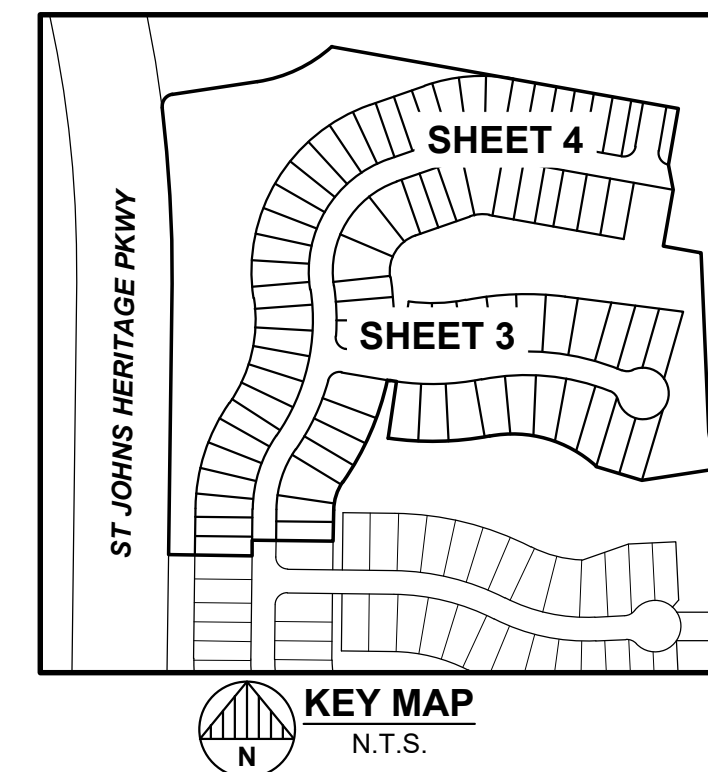
I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, part 1 Florida Statutes, and was filed for record on \_\_\_\_\_ at \_\_\_\_\_, File No. \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of the Circuit Court in and for Brevard County, Fla.

# TIMBERS AT EVERLANDS PHASE 1C

BEING A REPLAT OF A PORTION OF TRACT FD1, EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

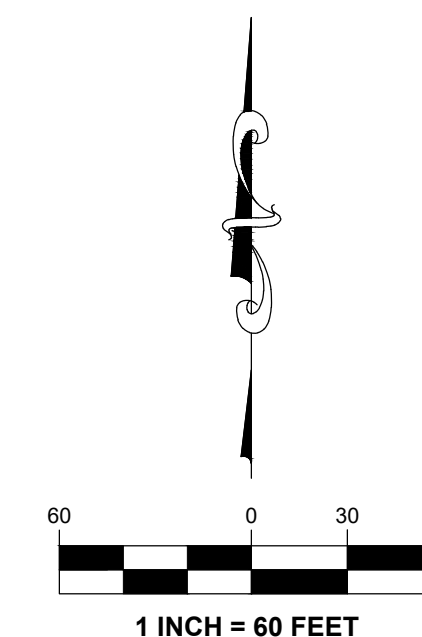
PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SHEET 2 OF 4  
SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST



SEE SHEETS 3 AND 4 FOR LOT DIMENSIONS

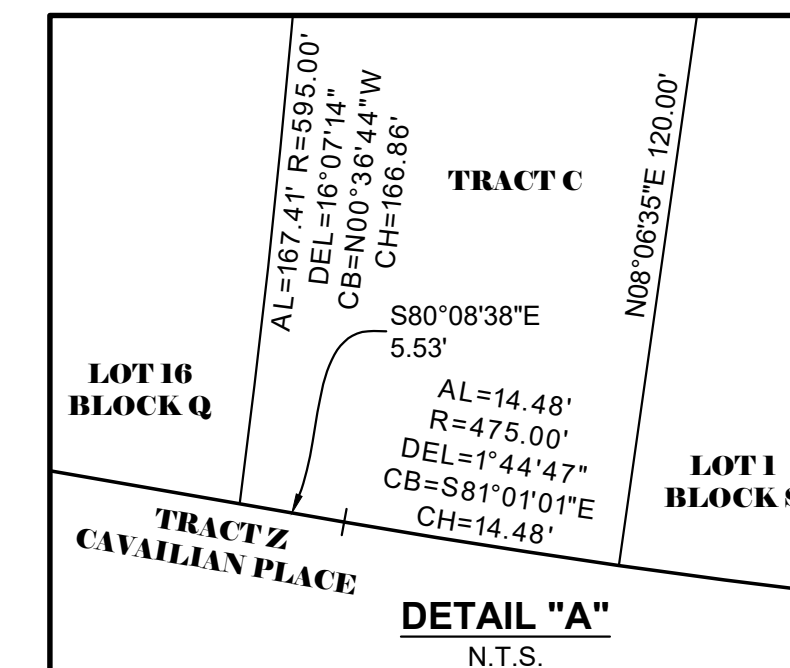
## SURVEY SYMBOL LEGEND

- 1/4 SECTION CORNER, MARKED AS NOTED
- PERMANENT REFERENCE MONUMENT (PRM); FOUND 4X4 INCH CONCRETE MONUMENT WITH DISK STAMPED PRM LB4905, UNLESS OTHERWISE NOTED
- PERMANENT CONTROL POINT (PCP); SET MAG NAIL AND DISK STAMPED PCP LB4905, UNLESS OTHERWISE NOTED
- SET 5/8" IRON ROD AND CAP; STAMPED PRM LB4905, UNLESS OTHERWISE NOTED



## ABBREVIATIONS

- \* MINUTES/FEET
- \* SECONDS/INCHES
- \* DEGREES
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- P.U.E. PUBLIC UTILITY EASEMENT
- R RADIUS
- R/W RIGHT-OF-WAY
- TYP TYPICAL



NORTHING AND EASTING COORDINATE VALUES SHOWN HEREON, (N.E.), ARE BASED UPON REAL TIME KINETIC, (RTK), OBSERVATIONS UTILIZING A SPECTRA SP80 GLOBAL POSITIONING SYSTEM, (GPS), DERIVED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FPRN NETWORK FOR DISTRICT 5 AND ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM, 1983, 2012 ADJUSTMENT (NAD83/2012), FLORIDA EAST ZONE.

- THIS PLAT PREPARED BY -

**B.S.E. CONSULTANTS, INC.**  
CONSULTING - ENGINEERING - LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 400, PALM BAY, FL 32909  
PHONE: (321) 725-3074 FAX: (321) 725-1109  
CERTIFICATE OF BUSINESS AUTHORIZATION #892  
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 7/12/23  
DESIGN/DRAWN: SMG/DRB  
DRAWING#108600\_303\_002  
PROJECT#10860.600

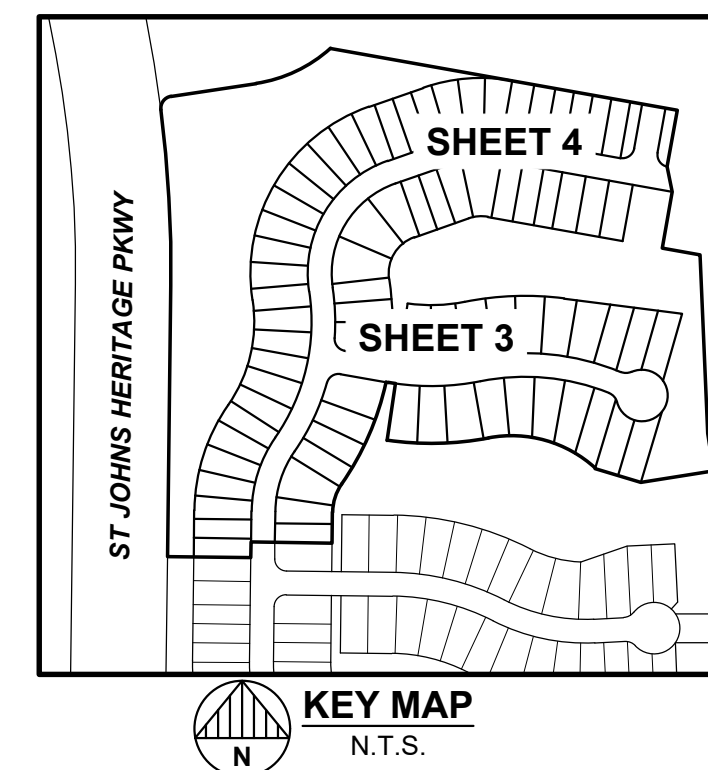
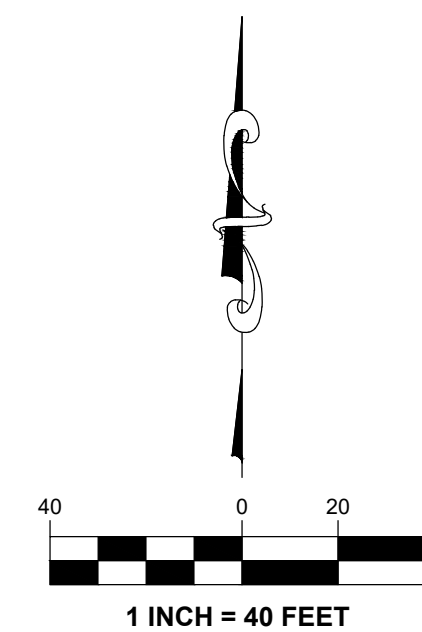
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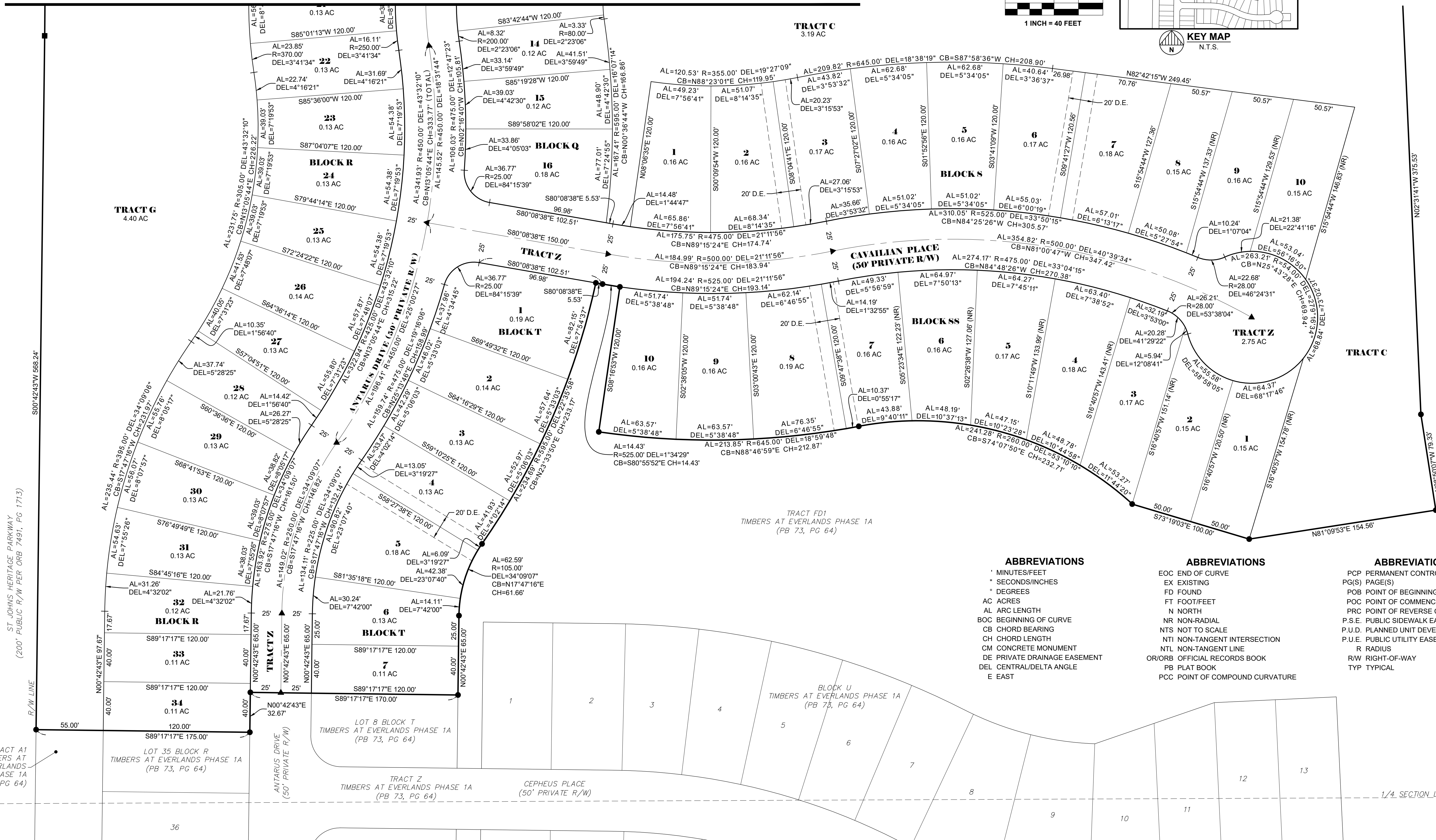
PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SHEET 3 OF 4  
SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST

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SEE SHEET 4 FOR CONTINUATION



## ABBREVIATIONS

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- DEL PRIVATE DRAINAGE EASEMENT
- DEL CENTRAL/DELTA ANGLE
- E EAST

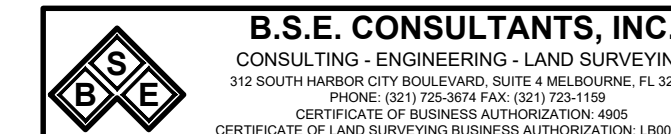
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- FD FOUND
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- THIS PLAT PREPARED BY -

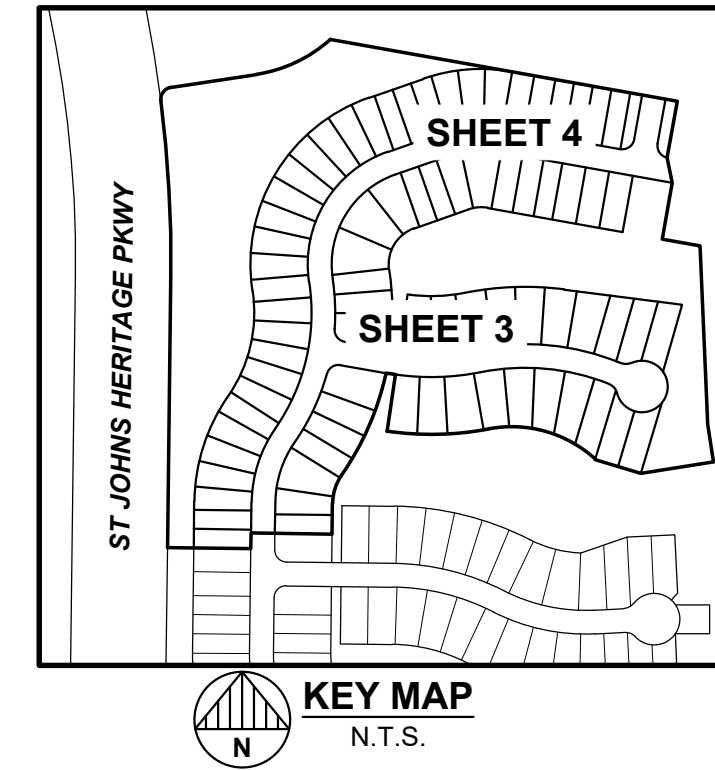
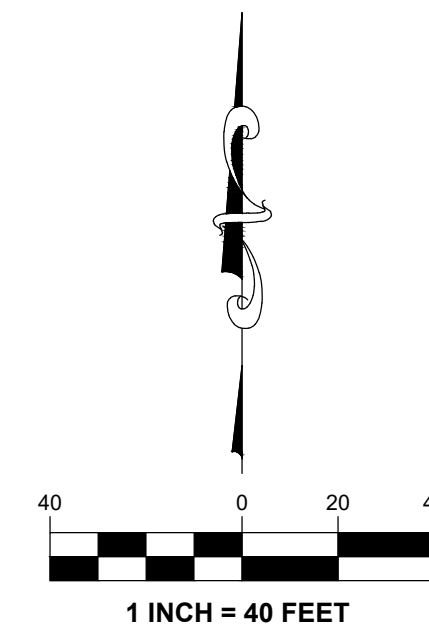


DATE: 7/7/23  
DESIGN/DRAWING: SMG/DRB  
DRAWING#108600\_303\_003  
PROJECT#108600.600

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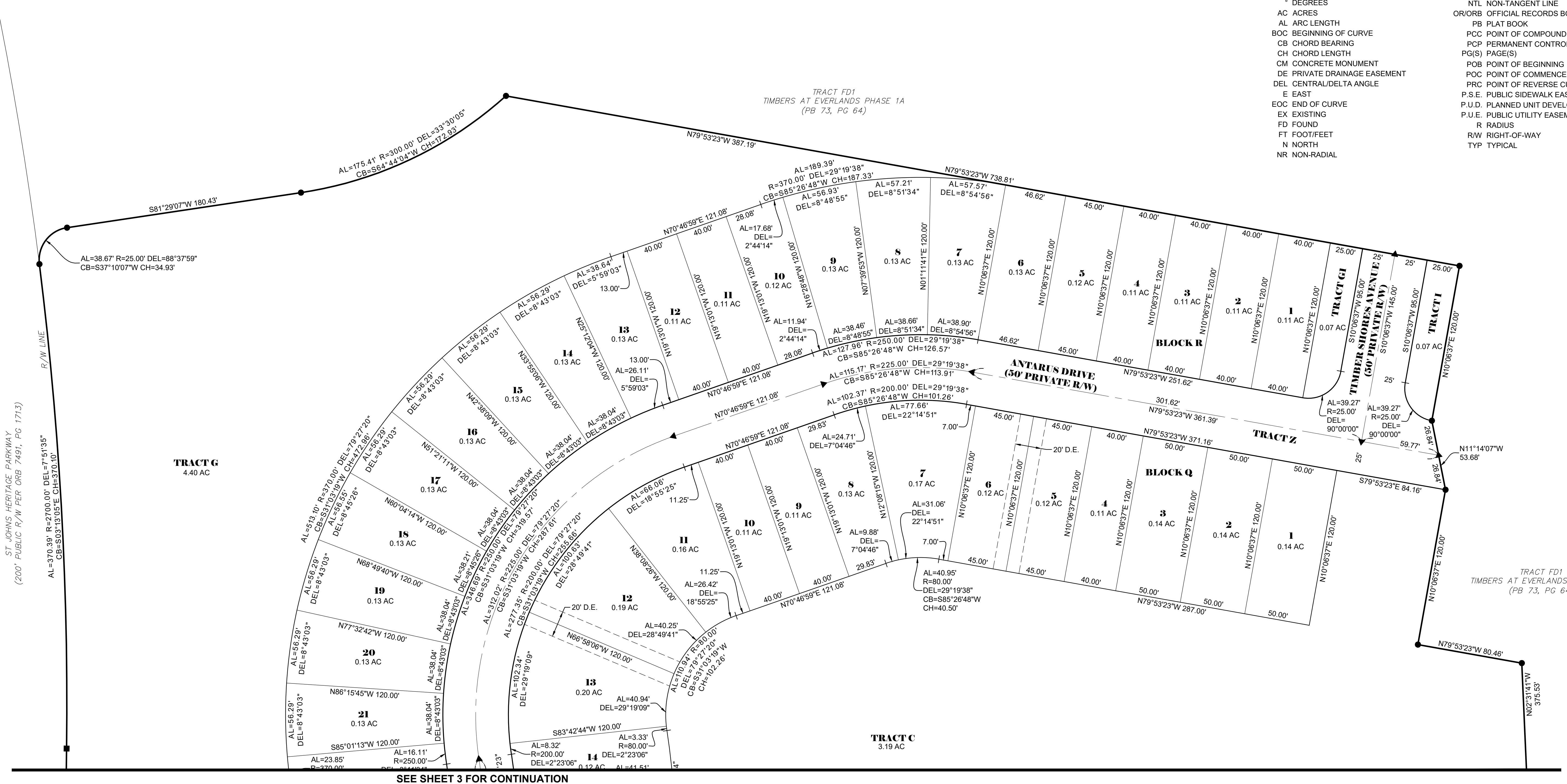
PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SHEET 4 OF 4  
SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST



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  - R RADIUS
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SEE SHEET 3 FOR CONTINUATION

- THIS PLAT PREPARED BY -

**OPINION OF TITLE**

**To: CITY OF PALM BAY**

With the understanding that this Opinion of Title is being issued to the City of Palm Bay, Florida, as inducement for acceptance of a proposed final subdivision plat ("Plat") covering the real property, hereinafter described, it is hereby certified that I have examined North American Title Insurance Company Property Information Report under File No. 2023-03961-FL, covering the period from the beginning through the 28th day of June, 2023, at the hour of 12:00 a.m. This certification of ownership is being issued to the City of Palm Bay, Florida, in accordance with the Uniform Title Standards of the Real Property and Trust Law Section of the Florida Bar, and Chapter 177.041, Florida Statutes. The legal description for the land subject to the above captioned Plat is more particularly described as follows (the "Real Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

DRP FL 6, LLC, a Delaware limited liability company (the "Company")

Subject to the following encumbrances, liens, and other exceptions:

**1. RECORDED MORTGAGES:**

None.

**2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

None.

**3. GENERAL EXCEPTIONS:**

1. All taxes for the year 2023 and subsequent years, which are not yet due and payable.
2. Rights of persons other than the above owners who are in possession.
3. Facts that would be disclosed upon accurate survey.
4. Any unrecorded labor, mechanics' or materialmen's liens.
5. Zoning and other restrictions imposed by governmental authority.

6. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.
7. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the property.

4. **SPECIAL EXCEPTIONS:**

1. Notice of Establishment of the Everlands Community Development District in Official Records Book 8693, Page 2281, as amended in Official Records Book 9271, Page 2431.
2. Final Judgment in Official Records Book 9257, Page 1663 and Official Records Book 9671, Page 1011.
3. Lien of Record of the Everlands Community Development District in Official Records Book 9298, Page 220.
4. True-Up Agreement in Official Records Book 9298, Page 223.
5. Declaration for Everlands recorded in Official Records Book 9466, Page 1511, but omitting any such covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 U.S.C. Sec. 3604 or Sec. 3605, unless exempt under Title 42 U.S.C. Such Declaration does establish and provide without limitation for easements, liens, charges, and assessments.
6. Ordinance No. 85-49 in Official Records Book 2756, Page 10.
7. Ordinance No. 2003-32 in Official Records Book 5030, Page 541.
8. Ordinance No. 2004-37 in Official Records Book 5352, Page 1548.
9. Terms and conditions of Reserved Easements and License Rights Agreement recorded in Official Records Book 5468, Page 6896, as affected by First Amendment recorded in Official Records Book 5507, Page 1769, as corrected by Corrected First Amendment recorded in Official Records Book 5509, Page 439.
10. Declaration of Easements in Official Records Book 6149, Page 2612, as supplemented in Official Records Book 8915, Page 1507.
11. Resolution 2021-65 in Official Records Book 9408, Page 2279.
12. Memorandum of Option Agreement Recorded in OR Book 9521, Page 2902.

13. Plat of Timbers at Everland Phase 1A in Plat Book 00073, Page 0064.
14. Notice of Environmental Resource Permit in Official Records Book 8583, Page 198.
15. Declaration for the Timbers at Everlands in Official Records Book 9766, Page 425.
16. Ordinance No. 2022-118 in Official Records Book 9686, Page 816.
17. Any lien or right to a lien for labor, services or materials provided in connection with the construction of the improvements referred to in the Notices of Commencement:
  - a. Recorded on April 25, 2023 in Official Records Book 9771, Page 781.
  - b. Recorded on April 25, 2023 in Official Records Book 9771, Page 783.

All recordings herein refer to the Public Records of Brevard County, Florida.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

Therefore, it is my opinion that the following parties must join in the Plat in order to make the plat a valid and binding covenant on the lands described herein:

Name

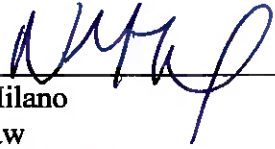
Interest

DRP FL 6, LLC, a Delaware limited liability company

Owner

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable Plat.

Respectfully submitted this 10th day of July, 2023.

  
\_\_\_\_\_  
Nicholas G. Milano  
Attorney at Law  
Florida Bar No. 975788  
Holland & Knight LLP  
P.O. Box 14070 (Zip Code 33302-4070)  
515 East Las Olas Boulevard, Suite 1200  
Fort Lauderdale, FL 33301  
Telephone: (954) 468-7804

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of   X   physical presence or \_\_\_\_\_ online notarization, this 28th day of June, 2023, by Nicholas G. Milano, who is personally known to me.



  
\_\_\_\_\_  
Notary Public

## **EXHIBIT "A"**

### **Phase 1C Legal Description:**

PART OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 8, BLOCK T, OF SAID TIMBERS AT EVERLANDS PHASE 1A AND RUN N00°42'43"E, A DISTANCE OF 65.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST, AND HAVING A RADIUS OF 105.00 FEET, A CENTRAL ANGLE OF 34°09'07", A CHORD BEARING OF N17°47'16"E, AND A CHORD LENGTH OF 61.66 FEET), A DISTANCE OF 62.59 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 22°35'58", A CHORD BEARING OF N23°33'50"E, AND A CHORD LENGTH OF 233.17 FEET), A DISTANCE OF 234.69 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE EAST; THENCE S80°08'38"E ALONG SAID NON-TANGENT LINE, A DISTANCE OF 5.53 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 01°34'29", A CHORD BEARING OF S80°55'52"E, AND A CHORD LENGTH OF 14.43 FEET), A DISTANCE OF 14.43 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTH; THENCE S08°16'53"W ALONG SAID NON-TANGENT LINE, A DISTANCE OF 120.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 18°59'48", A CHORD BEARING OF N88°46'59"E, AND A CHORD LENGTH OF 212.87 FEET), A DISTANCE OF 213.85 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH, AND HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 53°10'10", A CHORD BEARING OF S74°07'50"E, AND A CHORD LENGTH OF 232.71 FEET), A DISTANCE OF 241.28 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHEAST; THENCE S73°19'03"E, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 100.00 FEET; THENCE N81°09'53"E, A DISTANCE OF 154.56 FEET; THENCE N08°50'07"W, A DISTANCE OF 79.33 FEET; THENCE N02°31'41"W, A DISTANCE OF 375.53 FEET; THENCE N79°53'23"W, A DISTANCE OF 80.46 FEET; THENCE N10°06'37"E, A DISTANCE OF 120.00 FEET; THENCE N11°14'07"W, A DISTANCE OF 53.68 FEET; THENCE N10°06'37"E, A DISTANCE OF 120.00 FEET; THENCE N79°53'23"W, A DISTANCE OF 738.81 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 33°30'05", A CHORD BEARING OF S64°44'04"W, AND A CHORD LENGTH OF 172.93 FEET), A DISTANCE OF 175.41 FEET TO THE END OF SAID CURVE; THENCE S81°29'07"W, A DISTANCE OF 180.43 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°37'59", A CHORD BEARING OF S37°10'07"W, AND A CHORD LENGTH OF 34.93 FEET), A DISTANCE OF 38.67 FEET TO A POINT OF REVERSE CURVATURE AND A POINT ON THE CURVED EAST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, A 200.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE ARC OF SAID CURVED EAST RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST, AND HAVING A RADIUS OF 2700.00 FEET, A CENTRAL ANGLE OF 07°51'35", A CHORD BEARING OF S03°13'05"E, AND A CHORD LENGTH OF 370.10 FEET), A DISTANCE OF 370.39 FEET TO THE END OF SAID CURVE; THENCE S00°42'43"W, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 568.24 FEET TO THE NORTHWEST CORNER OF TRACT A1 OF SAID TIMBERS AT EVERLANDS

PHASE 1A, (SAID POINT ALSO BEING A POINT ON THE BOUNDARY OF SAID TRACT FD1); THENCE S89°17'17"E, ALONG THE NORTH LINE OF SAID TRACT A1 AND ALONG THE NORTH LINE OF BLOCK R OF SAID TIMBERS AT EVERLANDS PHASE 1A, A DISTANCE OF 175.00 FEET TO THE NORTHEAST CORNER OF LOT 35 OF SAID BLOCK R, (SAID POINT ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF ANTARUS DRIVE, A 50.00 FOOT WIDE PRIVATE RIGHT-OF-WAY ACCORDING TO THE PLAT OF SAID TIMBERS AT EVERLANDS PHASE 1A); THENCE N00°42'43"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 32.67 FEET TO THE NORTHWEST CORNER OF SAID ANTARUS DRIVE; THENCE S89°17'17"E, ALONG THE RIGHT-OF-WAY LINE OF SAID ANTARUS DRIVE AND ALONG THE NORTH LINE OF SAID LOT 8, BLOCK T, A DISTANCE OF 170.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.25 ACRES, MORE OR LESS.

# Project Details: FS23-00007

## Project Type: Subdivisions & Plats Final Plat

Project Location: **Palm Bay, FL**  
Milestone: **Submitted**  
Created: **7/12/2023**  
Description: **Timbers at Everlands Phase 1C**  
Assigned Planner: **Alexandra Bernard**

### Contacts

Contact	Information
Owner/Applicant	DRP FL 6 LLC c/o DW General Partner, LLC-Brian Clauson- Authorized Signatory 590 MADISON AVE, FL 13 NEW YORK, NY 10022 (212) 751-5949 brian.clauson@domainrealestatepartners.com
Legal Representative	Scott M. Glaubitz 312 S. Harbor City Blvd., Suite # 4 Melbourne, FL 32901 (321) 725-3674 info@bseconsult.com
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907  alexandra.bernard@palmbayflorida.org
Submitter	BSE Consultants, Inc. 312 S Harbor City Blvd Melbourne, FL 32901 (321) 725-3674 info@bseconsult.com

### Fields

Field Label	Value
Block	*
Lot	FD.1
Section Township Range	28-28-36
Subdivision	YS
Year Built	
Use Code	9911
Use Code Desc	VACANT SINGLE-FAMILY PLATTED > 5 AC

# Project Details: FS23-00007

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	3032616
Flu Description	Single Family Residential
Flu Code	SFR
Zoning Description	Agricultural Residential
Zoning Code	AU (COUNTY)
Total Lots Proposed by Use	77 single-family lots
Intended Use of Property	residential
Proposed Subdivision Name	Timbers at Everlands Phase 1C
Submitted Preliminary Subdivision?	Yes
Size of Area Covered (acres)	
Is Submitter the Representative?	False
Tax Account Numbers	3032616
Parcel Number	28-36-28-YS-*-FD.1
Action Letter Date	

July 7, 2023

Re: Letter of Authorization

As the property owner of the site legally described as:

See attached

I, Owner Name: DRP FL 6, LLC c/o DW General Partner, LLC- Brian Clauson-Authorized Signatory

Address: 590 Madison Ave FL 13

Telephone: 212-751-5949

Email: brian.clauson@domainrealestatepartners.com

hereby authorize:

Representative: Scott M. Glaubiz P.E., P.L.S (or other B.S.E Consultants, Inc. representative)

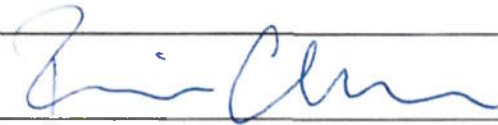
Address: 312 South Harbor City Blvd, Suite # 4, Melbourne, FL 32901

Telephone: 321-725-3674

Email: info@bseconsult.com

to represent the request(s) for:

Timbers (Ika Medely)- Final Plat



(Property Owner Signature)

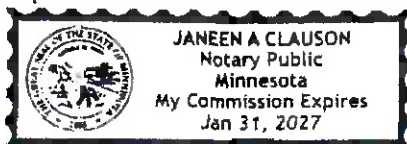
STATE OF Minnesota

COUNTY OF Dakota

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 7<sup>th</sup> day of July, 2023 by

Brian Clauson

, property owner.



Janeen A. Clauson

Janeen A. Clauson, Notary Public

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

## DESCRIPTION OF TIMBERS AT EVERLANDS PHASE 1C

PART OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 8, BLOCK T, OF SAID TIMBERS AT EVERLANDS PHASE 1A AND RUN N00°42'43"E, A DISTANCE OF 65.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST, AND HAVING A RADIUS OF 105.00 FEET, A CENTRAL ANGLE OF 34°09'07", A CHORD BEARING OF N17°47'16"E, AND A CHORD LENGTH OF 61.66 FEET), A DISTANCE OF 62.59 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 22°35'58", A CHORD BEARING OF N23°33'50"E, AND A CHORD LENGTH OF 233.17 FEET), A DISTANCE OF 234.69 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE EAST; THENCE S80°08'38"E ALONG SAID NON-TANGENT LINE, A DISTANCE OF 5.53 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 01°34'29", A CHORD BEARING OF S80°55'52"E, AND A CHORD LENGTH OF 14.43 FEET), A DISTANCE OF 14.43 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTH; THENCE S08°16'53"W ALONG SAID NON-TANGENT LINE, A DISTANCE OF 120.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 18°59'48", A CHORD BEARING OF N88°46'59"E, AND A CHORD LENGTH OF 212.87 FEET), A DISTANCE OF 213.85 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH, AND HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 53°10'10", A CHORD BEARING OF S74°07'50"E, AND A CHORD LENGTH OF 232.71 FEET), A DISTANCE OF 241.28 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHEAST; THENCE S73°19'03"E, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 100.00 FEET; THENCE N81°09'53"E, A DISTANCE OF 154.56 FEET; THENCE N08°50'07"W, A DISTANCE OF 79.33 FEET; THENCE N02°31'41"W, A DISTANCE OF 375.53 FEET; THENCE N79°53'23"W, A DISTANCE OF 80.46 FEET; THENCE N10°06'37"E, A DISTANCE OF 120.00 FEET; THENCE N11°14'07"W, A DISTANCE OF 53.68 FEET; THENCE N10°06'37"E, A DISTANCE OF 120.00 FEET; THENCE N79°53'23"W, A DISTANCE OF 738.81 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 33°30'05", A CHORD BEARING OF S64°44'04"W, AND A CHORD LENGTH OF 172.93 FEET), A DISTANCE OF 175.41 FEET TO THE END OF SAID CURVE; THENCE S81°29'07"W, A DISTANCE OF 180.43 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°37'59", A CHORD BEARING OF S37°10'07"W, AND A CHORD LENGTH OF 34.93 FEET), A DISTANCE OF 38.67 FEET TO A POINT OF REVERSE CURVATURE AND A POINT ON THE CURVED EAST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, A 200.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE ARC OF SAID CURVED EAST RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST, AND HAVING A RADIUS OF 2700.00 FEET, A CENTRAL ANGLE OF 07°51'35", A CHORD BEARING OF S03°13'05"E, AND A CHORD LENGTH OF 370.10 FEET), A DISTANCE OF 370.39 FEET TO THE END OF SAID CURVE; THENCE S00°42'43"W, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 568.24

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**Domain Real Estate Partners, LLC**

**WRITTEN CONSENT OF THE SOLE MEMBER**

March 4, 2022

The undersigned sole Member of Domain Real Estate Partners, LLC (the “Member”) of **Domain Real Estate Partners, LLC**, a Delaware limited partnership (the “Company”), does hereby consent to the taking of the following actions pursuant to the Company’s Second Amended and Restated Limited Liability Company Agreement dated as of January 1, 2019 (the “Operating Agreement”) on behalf of the Company and of the Company’s subsidiaries. Terms not defined herein have the definitions ascribed to them in the Operating Agreement.

RESOLVED, that Brian Clauson hereby is appointed an authorized signatory of the Company and of the Company’s subsidiaries; and hereby is authorized and empowered with full power and authority to enter into the following documents on behalf of the Company and its subsidiaries:

- (1) **Day-to-day project progress and approval documents requiring signature(s) due to DREP’s ownership position**, such as: entitlement and zoning submittals, improvement plan submittals, construction permits, public and/or private utility easements and service agreements, owner of record verifications, wetland and protected area permits, agency financial assurances, public financing district applications, public construction bid documents, development agreements, and other documents in furtherance of the approved Business Plan. NOTE: This is not meant to be comprehensive list, only examples of some (not all) of the documents that will require signatures and fall within Brian Clauson’s signing authority.
  - (2) **Final or Technical Site Plans, and Preliminary and Final Plats;**
  - (3) **Settlement Statements and Property Deeds**, both of which will require review and approval by the respective title companies prior to Brian Clauson’s signature(s);
  - (4) **Insurance certs**, covering horizontal and vertical construction liabilities; and
  - (5) **HOA formation documents**, inclusive of all project-specific documents required;
- and it is


FURTHER RESOLVED that the Company hereby ratifies in all respects all actions taken by the foregoing person on behalf of and in the name of the Company prior to the date hereof; and it is

FURTHER RESOLVED that the resolutions set forth in this “Written Consent of the Sole Member” shall remain in effect until rescinded by the Member; and it is

FURTHER RESOLVED that the resolutions set forth in this “Written Consent of the Sole Member” shall not limit or restrict in any way the rights, powers and authority of the Member under the Operating Agreement.

IN WITNESS WHEREOF, the undersigned sole Member of the Company, has executed his consent as of the March 4, 2022.

**Domain Holdings II, LLC**

A handwritten signature in cursive script, appearing to read "Houdin Honarvar", written in black ink.

---

Houdin Honarvar  
Authorized Person

## AUTHORIZED LIST OF SIGNATORIES

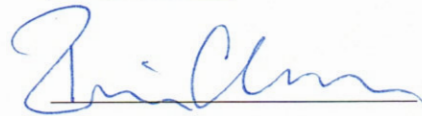
August 10, 2022

The undersigned, Houdin Honarvar, Authorized Signatory of DW General Partner, LLC, the manager of DRP FL 6, LLC, hereby certifies that each of the following individuals is duly authorized to give instructions and sign documents on behalf of DRP FL 6, LLC. The signature set forth opposite his or her name is his or her genuine signature.

### NAME

Brian Clauson

### SIGNATURE



IN WITNESS WHEREOF, the undersigned has hereunto set his hand on the date first above written.

### **DW GENERAL PARTNER, LLC**

By: Houdin Honarvar

Name: Houdin Honarvar

Title: Authorized Signatory

# 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:**

BSE Consultants

**On:**

7/12/2023 10:43:05 AM

☒ FS23-00007

Select Language ▼



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

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005808218

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 261.59

**Run Times:** 1

**No. of Affidavits:** 0

**Run Dates:** 08/25/23

**Text of Ad:**

Ad#5807 08/25/2023  
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 September 5, 2023, and by the City Council on September 19, 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. CP23-00014 - KEW LLC, Michael Erdman (Kimberly B. Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial  
Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE  
2. \*\*FD23-00007 - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.)  
A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development  
A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW  
3. \*\*CU23-00003 - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.)  
A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances  
A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW  
4. \*\*FS23-00007 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 77-lot single-family residential subdivision called Timbers at Everlands Phase 1C  
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW  
5. \*\*FS23-00008 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 196-lot single-family and multiple-family residential subdivision called Timbers at Everlands Phase 2  
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW

b. 123-00023 – City of Palm Bay  
(Growth Management Department)  
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted and Section 170.119, Fence and Wall Maintenance, to provide clear language on fence materials and maintenance  
\*\*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.  
Chandra Powell  
Planning Specialist



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

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

**DATE:** 9/19/2023

**RE:** Request by DRP FL 6, LLC, for a final subdivision plat to be known as 'Timbers at Everlands Phase 2' in PUD (Planned Unit Development) zoning (107.05 acres) (Case FS23-00008). (Quasi-Judicial Proceeding)

**\*\*Quasi-Judicial Proceeding.**

Applicant Brian Clauson of DRP FL 6, LLC (Ana Saunders, PE, Rep.) has submitted for a Final Subdivision Plat, requesting the replating of a portion of Tract FD1 together with Tract FD2, all within Timbers at Everlands Phase 1A.

The Final Plat request for Phase 2 consists of 196 residential age-restricted lots that will be comprised of a mixture of 60' wide single-family lots, villas and townhomes. On November 3, 2022, City Council approved Ordinance 2022-118 granting a Final Development Plan for Timbers at Everlands, for a Planned Unit Development consisting of 840 units constructed in four phases. Phase 1 was a total of 184 lots. Phase 2 is for a total of 196 residential lots, leaving a balance of 460 units for future Phases 3 and 4.

Access to this subdivision for Phase 2 is off of Pace Drive NW, on the newly constructed private right of way noted as Tract Z on the final plat.

To receive Final Plat approval, the proposal must meet the requirements of Section 184.08, Final Subdivision Plat, of the Palm Bay Code of Ordinances. Upon review of the submitted materials, the Final Plat request is in substantial conformance with the applicable requirements of this section. Per Section 184.08, City Council can approve, approve with conditions, or disapprove such requests.

### **REQUESTING DEPARTMENT:**

Growth Management

### **FISCAL IMPACT:**

There is no fiscal impact.

### **RECOMMENDATION:**

Motion to approval case FS23-00008, a final subdivision plat for Timbers at Everlands Phase 2.

**Planning and Zoning Board Recommendation:**

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion to submit Case FS23-00008 to City Council for approval.

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

**Aye:** Jordan, Weinberg, Boerema, McLeod, Olszewski.

**ATTACHMENTS:****Description**

**FS23-00008 - Staff Report**

**FS23-00008 - Final Plat**

**FS23-00008 - Title Opinion**

**FS23-00008 - Application**

**FS23-00008 - Letter of Authorization**

**FS23-00008 - Legal Acknowledgement**

**FS23-00008 - Legal Ad**



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Alix Bernard, Principal Planner

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#### CASE NUMBER

FS23-00008

#### PLANNING & ZONING BOARD HEARING DATE

September 5, 2023

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#### PROPERTY OWNER & APPLICANT

DRP FL 6, LLC, Brian Clauson (Ana Saunders, P.E., BSE Consultants, Inc, Rep.)

#### PROPERTY LOCATION/ADDRESS

A replat of a portion of Tract FD1 together with Tract FD2, All in Timbers at Everlands Phase 1A, section 28, Township 28 Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located at the northeast corner of St. Johns Heritage Pkwy and Pace Dr NW.

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#### SUMMARY OF REQUEST

The applicant requests that the property be granted Final Plat approval to allow for a proposed 196 lot residential subdivision called Timbers at Everlands Phase 2.

##### Existing Zoning

PUD -- Planned Unit Development

##### Existing Land Use

Low Density Residential

##### Site Improvements

Single Family Homes

##### Site Acreage

Approximately 107.05 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

CC, Community Commercial – Vacant

##### East

RS-2, Single Family Residential – Single Family Homes

##### South

PUD, Planned Unit Development – Single Family Homes

##### West

AU, Agricultural Residential – Vacant

#### COMPREHENSIVE PLAN COMPATIBILITY

Yes, the property has a Low-Density Residential Future Land Use Designation

**BACKGROUND:**

The subject property is located in the vicinity east of St. Johns Heritage Parkway, north of Pace Rd NW, containing approximately 107.05 acres.

The current zoning of the property is PUD, Planned Unit Development. The proposed subdivision will create 196 new residential age-restricted lots which is will be comprised of 62 single family lots, 54 villas and 80 townhomes.

**ANALYSIS:**

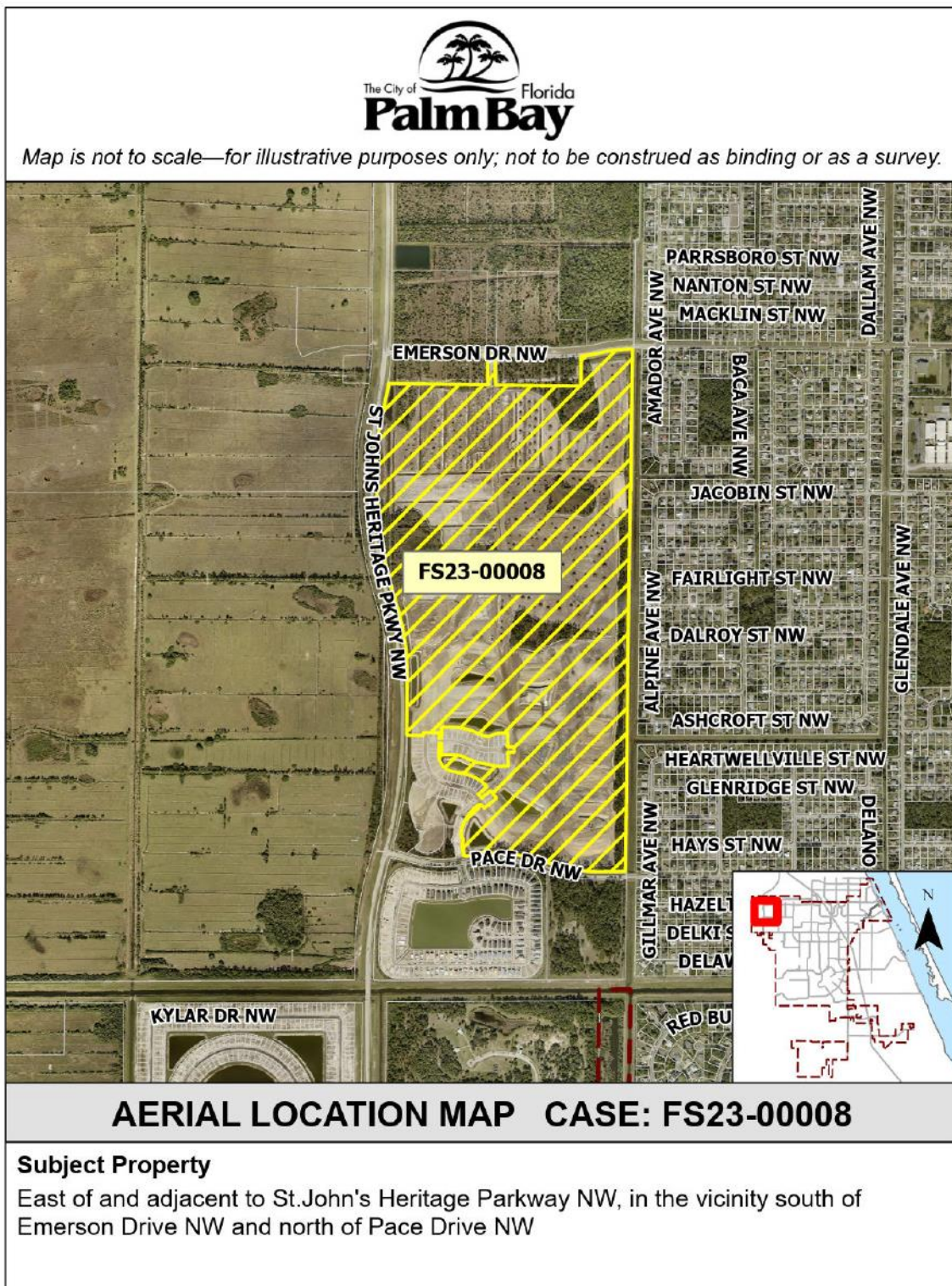
Phase 2, consisting of 196 residential age-restricted lots will be a mixture of 60 ft wide single-family lots, villas and townhomes. In November 3, 2022, City Council approved Ordinance 2022-118 granting a Final Development Plan for Medley at Everlands, for a Planned Unit Development consisting of 840 units constructed in four phases. Phase 1 was a total of 184 lots. Phase 2 is for a total of 196 residential lots. Which will leave a balance 460 units in Phases 3 and 4 remaining for development.

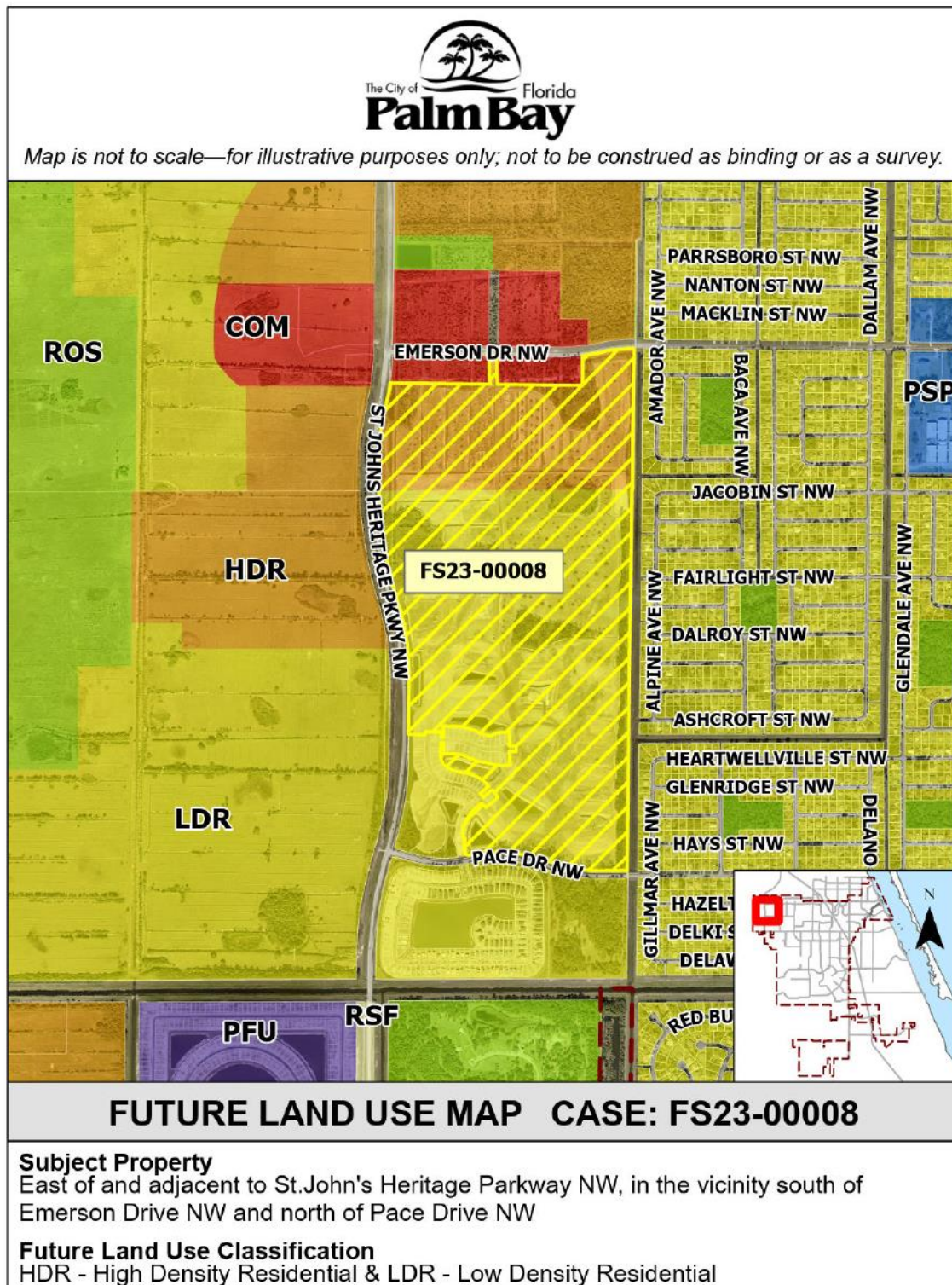
Access to this subdivision for Phase 2 is off of Pace Dr NW, on the newly constructed private right of way noted as Tract Z on the final plat with the roadway named Velorum Lane.

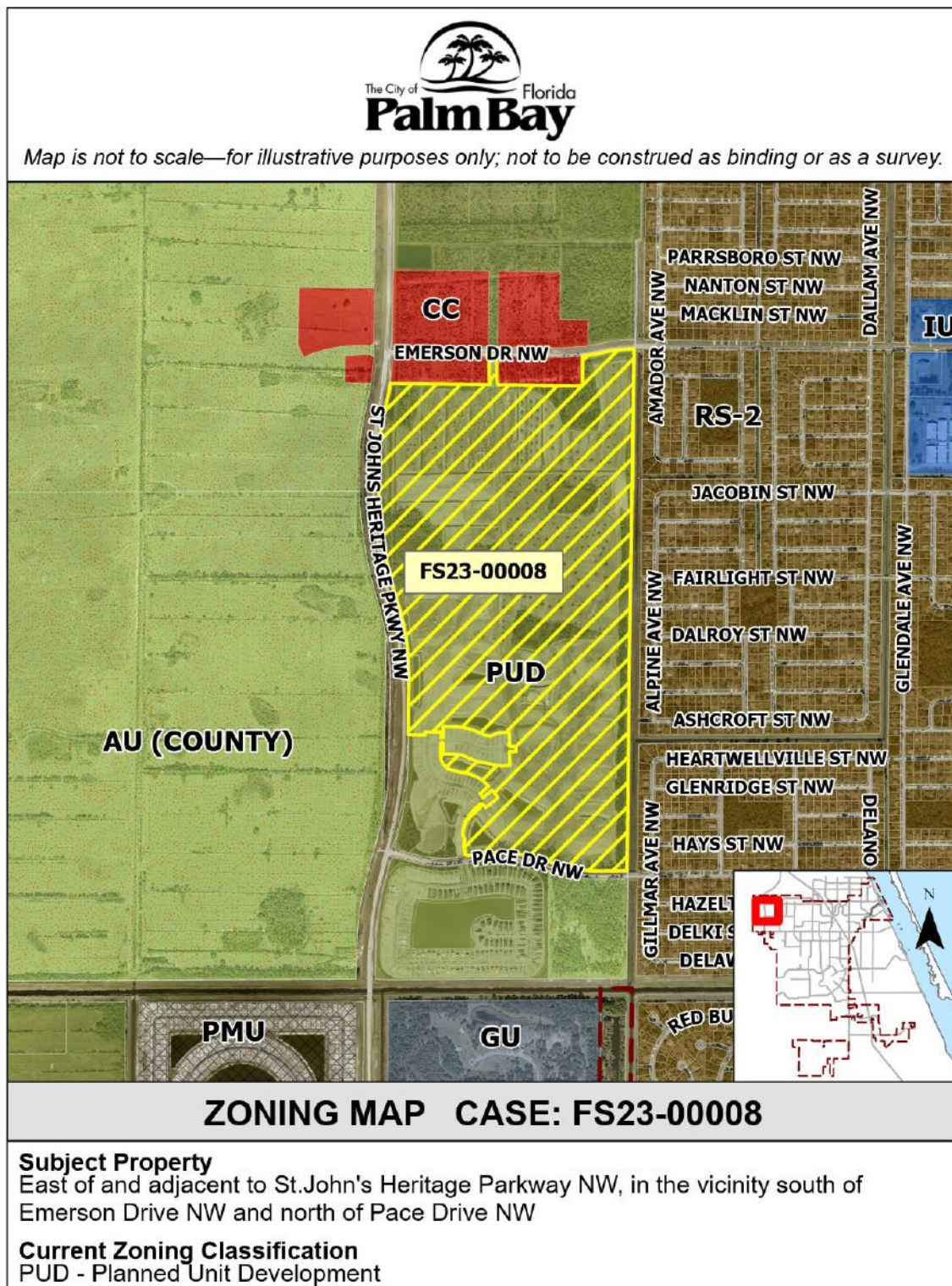
To receive Final Plat approval, the proposal must meet the requirements of Section 184.08 of the Palm Bay Code of Ordinances. Upon review of the submitted materials the Final Plat request is in substantial conformance with the applicable requirements of this section.

**STAFF RECOMMENDATION:**

Staff recommends Case FS23-00008 for approval.





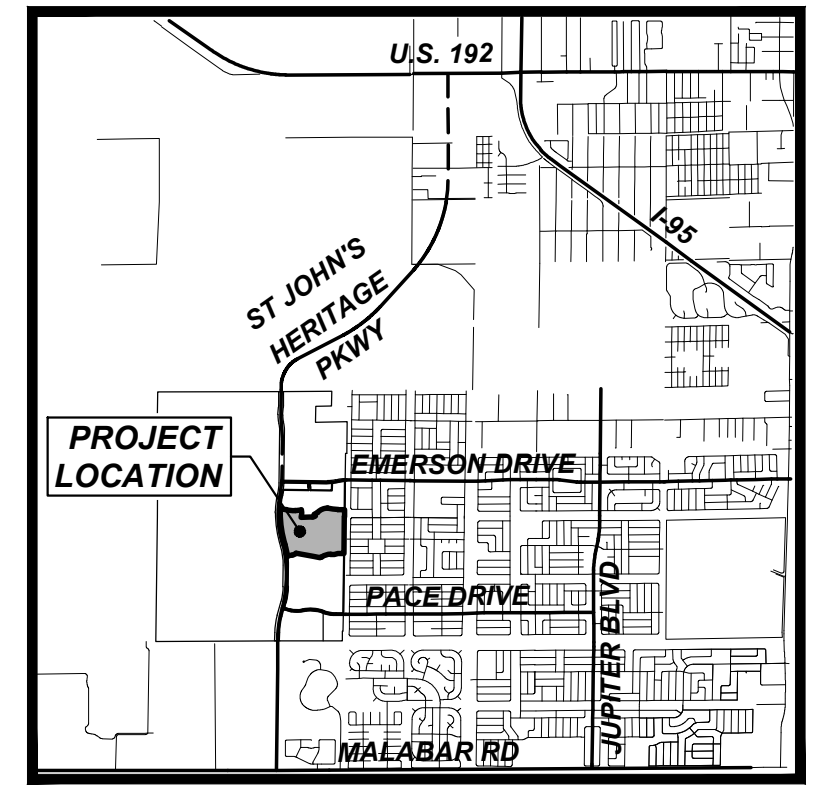
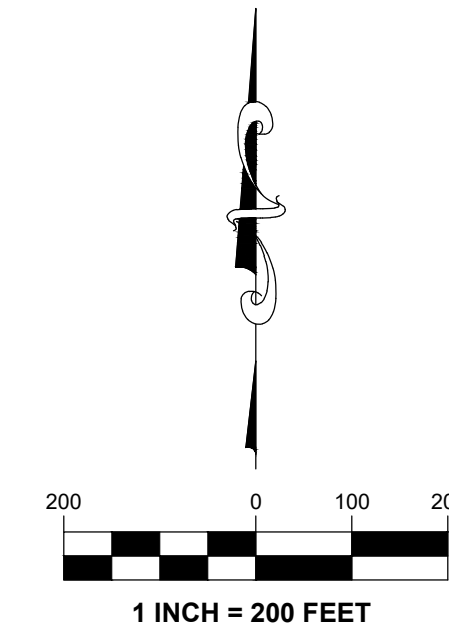




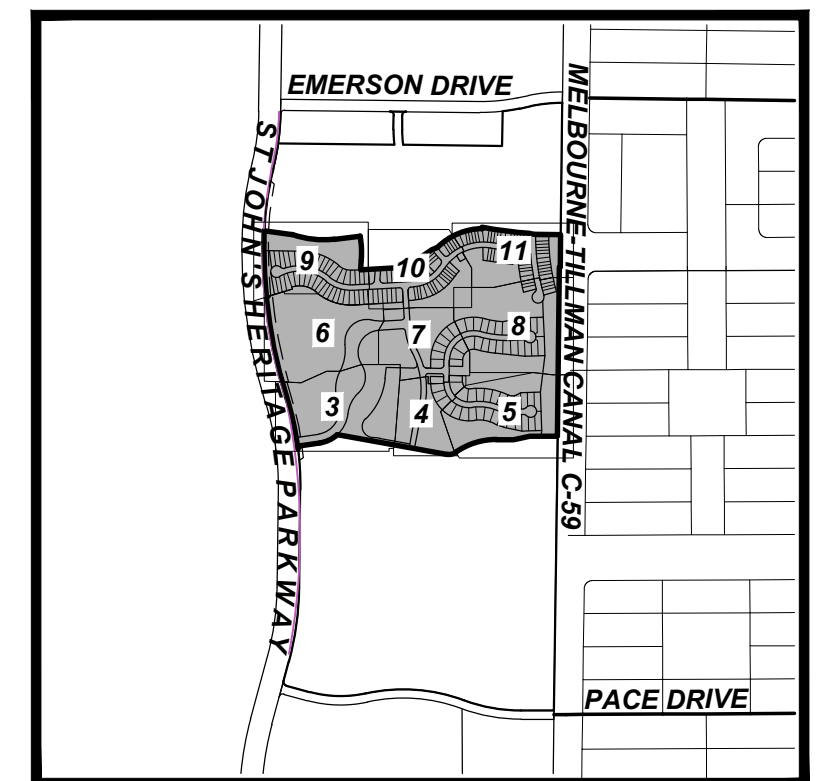
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PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SHEET 2 OF 11  
SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST



LOCATION MAP  
NTS

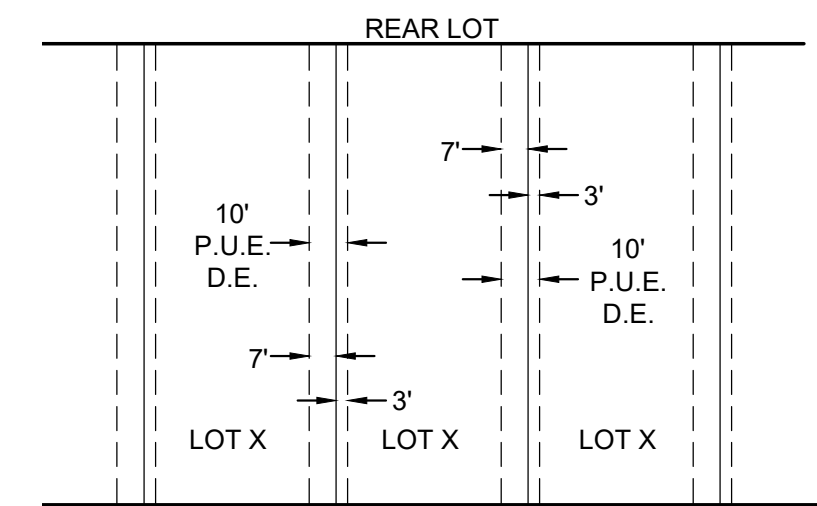
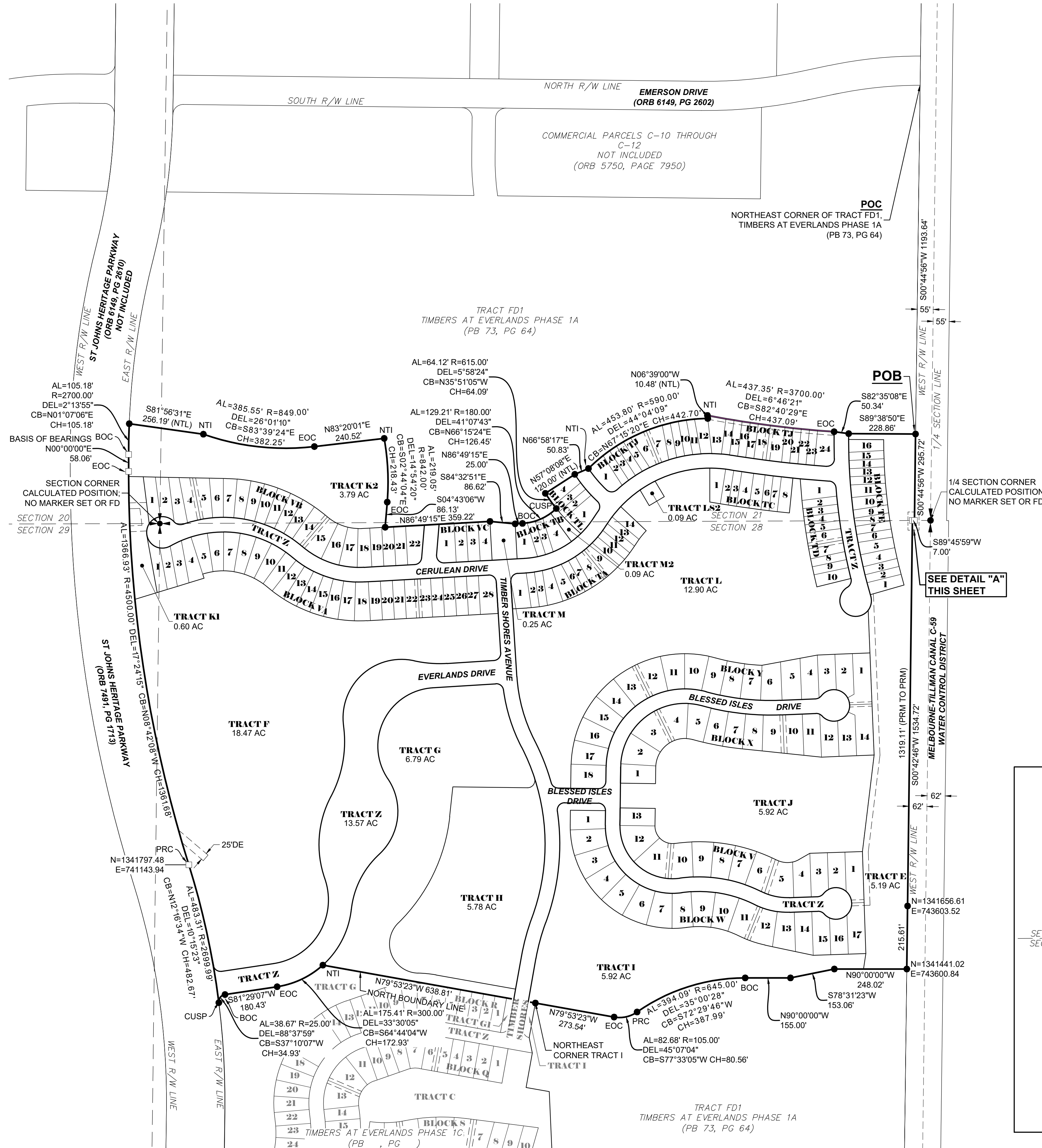


SHEET LAY-OUT  
NTS

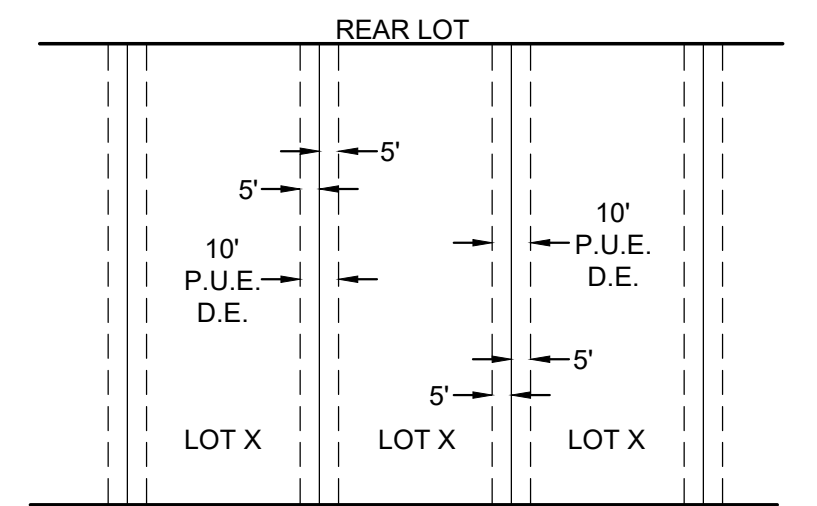
NORTHING AND EASTING COORDINATE VALUES SHOWN HEREON, (N,E), ARE BASED UPON REAL TIME KINETIC, (RTK), OBSERVATIONS UTILIZING A SPECTRA SP80 GLOBAL POSITIONING SYSTEM, (GPS), DERIVED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FPRN NETWORK FOR DISTRICT 5 AND ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM, 1983, 2012 ADJUSTMENT (NAD83/2012), FLORIDA EAST ZONE.

## ABBREVIATIONS

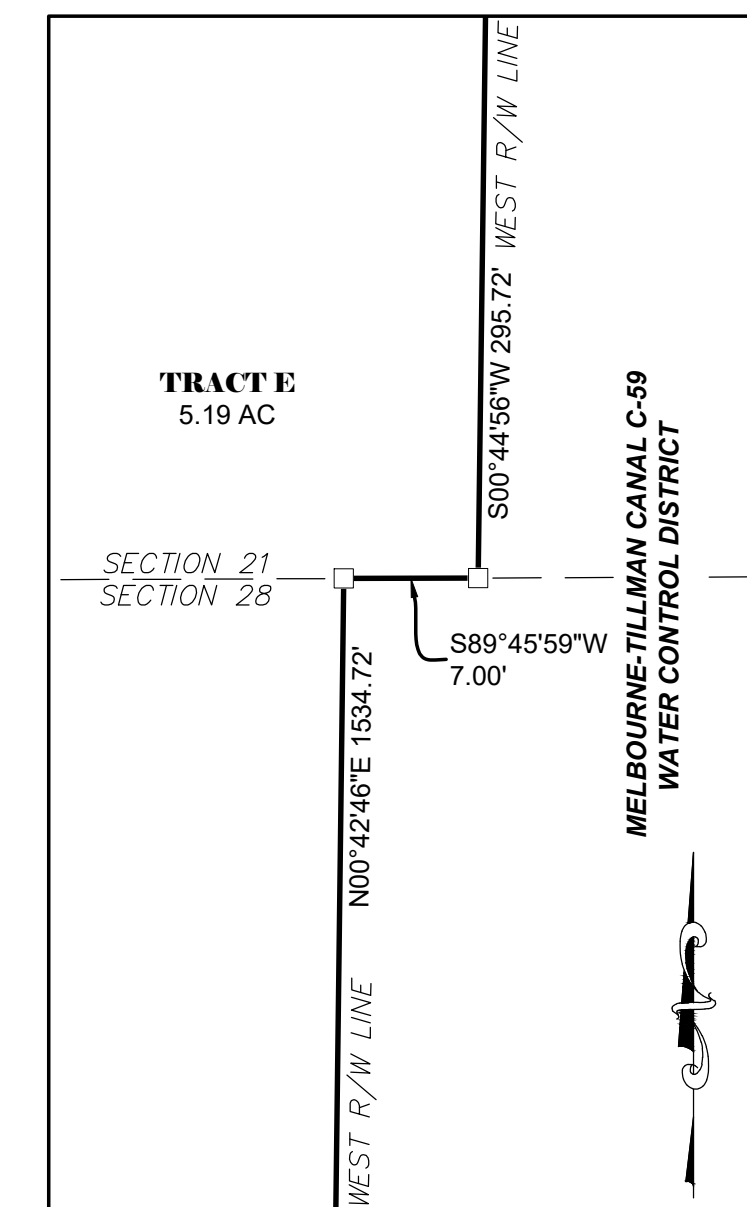
- MINUTES/FEET
- SECONDS/INCHES
- DEGREES
- AC ACRES
- AL ARC LENGTH
- BOC BEGINNING OF CURVE
- CB CHORD BEARING
- CH CHORD LENGTH
- CM CONCRETE MONUMENT
- DE PRIVATE DRAINAGE EASEMENT
- DEL CENTRAL/DELTA ANGLE
- E EAST
- EOC END OF CURVE
- EX EXISTING
- FD FOUND
- FT FOOT/FEET
- N NORTH
- NR NON-RADIAL
- NTS NOT TO SCALE
- NTI NON-TANGENT INTERSECTION
- NTL NON-TANGENT LINE
- OR/ORB OFFICIAL RECORDS BOOK
- PB PLAT BOOK
- PCC POINT OF COMPOUND CURVATURE
- PCP PERMANENT CONTROL POINT
- PG(S) PAGE(S)
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PRC POINT OF REVERSE CURVATURE
- PSE PUBLIC SIDEWALK EASEMENT
- P.U.D. PLANNED UNIT DEVELOPMENT
- UE PUBLIC UTILITY EASEMENT
- R RADIUS
- R/W RIGHT-OF-WAY
- TYP TYPICAL



SIDE LOT EASEMENT DETAIL "A"



SIDE LOT EASEMENT DETAIL "B"



DETAIL "A"  
N.T.S.

## SURVEY SYMBOL LEGEND

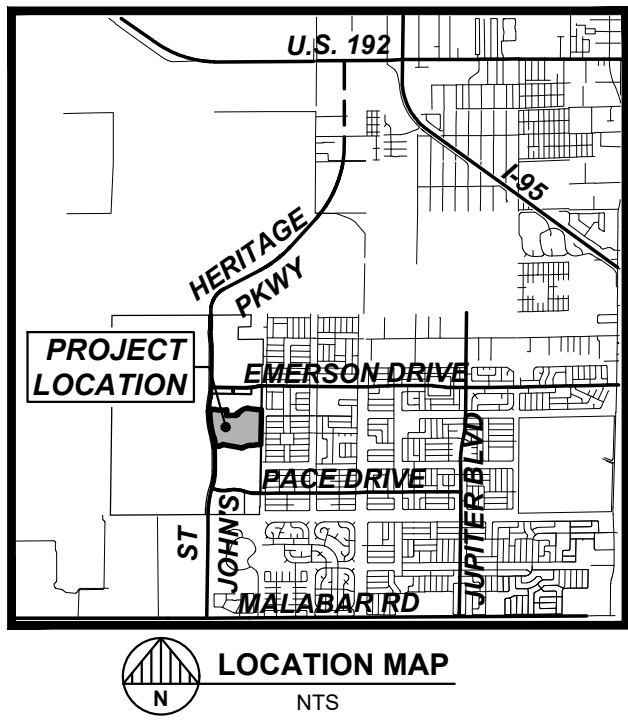
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- THIS PLAT PREPARED BY -



**B.S.E. CONSULTANTS, INC.**  
CONSULTING - ENGINEERING - LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 400, MELBOURNE, FL 32901  
PHONE: (321) 725-3074 FAX: (321) 725-1109  
CERTIFICATE OF BUSINESS AUTHORIZATION #002  
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION #18004905

DATE: 7/12/23  
DESIGN/DRAWN: LEH/EAK  
DRAWING#108600\_304\_002  
PROJECT#10860.600

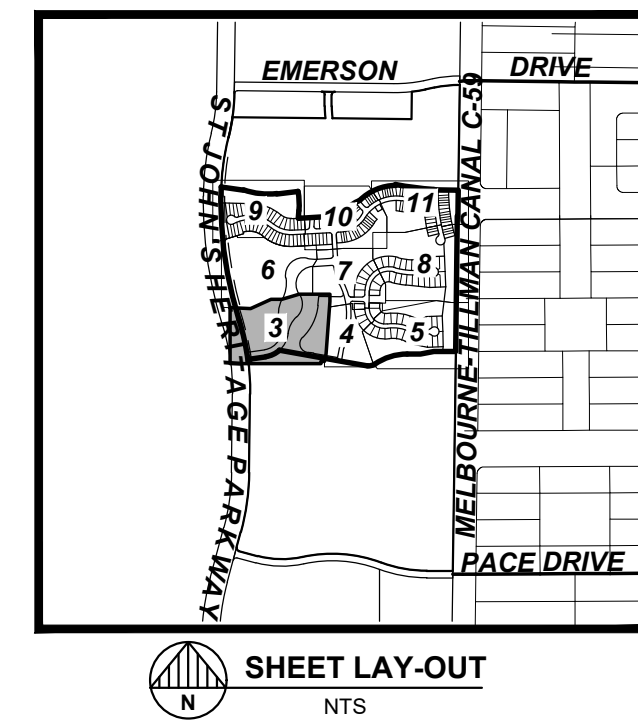
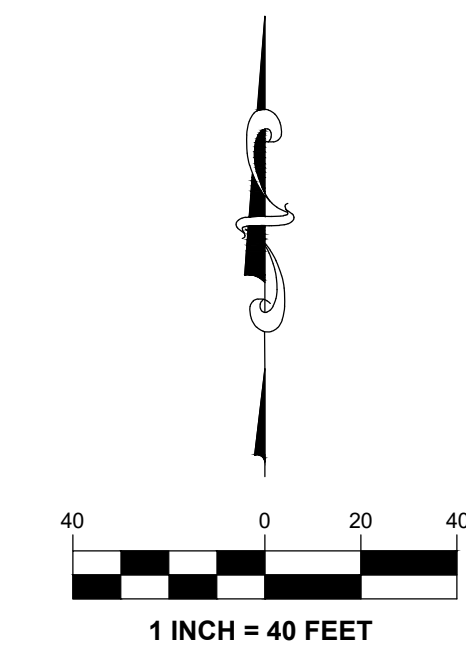


# TIMBERS AT EVERLANDS PHASE 2

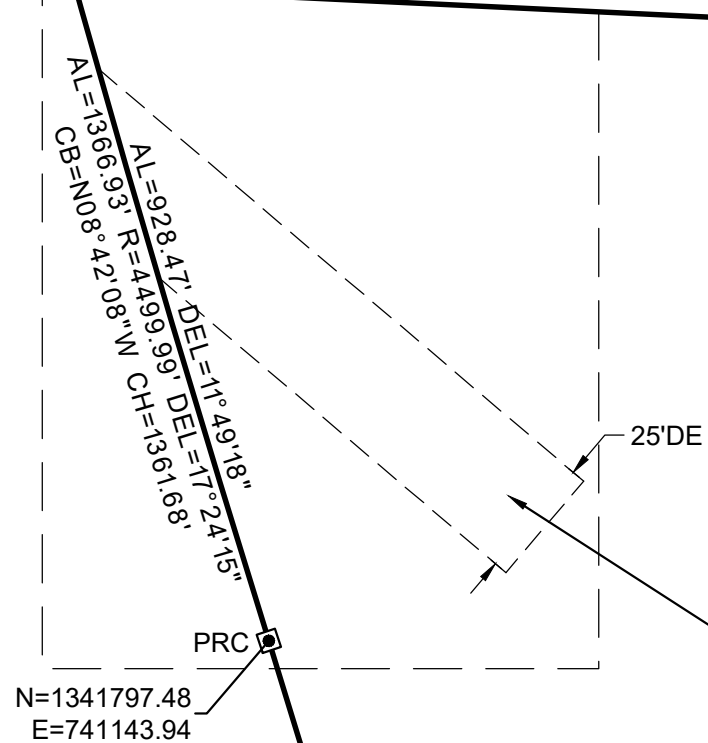
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PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SHEET 3 OF 11  
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST

- ### SURVEY SYMBOL LEGEND
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SEE SHEET 6 FOR CONTINUATION



SEE 25' PRIVATE DRAINAGE  
DETAIL THIS SHEET

TRACT F  
18.47 AC

TRACT Z  
13.57 AC

TRACT G  
6.79 AC

TRACT H  
5.78 AC

25' PRIVATE DRAINAGE EASEMENT

1" = 20'

### ABBREVIATIONS

- MINUTES/FEET
- SECONDS/INCHES
- DEGREES
- ACRES
- ARC LENGTH
- BEGINNING OF CURVE
- CHORD BEARING
- CHORD LENGTH
- CONCRETE MONUMENT
- CENTRAL/DELTA ANGLE
- DRAINAGE EASEMENT (PRIVATE)
- EAST
- END OF CURVE
- FOUND
- FOOT/FEET
- NORTH
- NAIL AND DISK
- NOT RADIAL
- NON-TANGENT INTERSECTION
- NON-TANGENT LINE
- NOT TO SCALE
- OFFICIAL RECORDS BOOK
- PLAT BOOK
- PERMANENT CONTROL POINT
- PAGE(S)
- POINT OF BEGINNING
- POINT OF COMMENCEMENT
- POINT OF REVERSE CURVE
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- PUBLIC UTILITY EASEMENT
- RADIUS
- RIGHT-OF-WAY
- SOUTH
- TYPICAL
- WEST

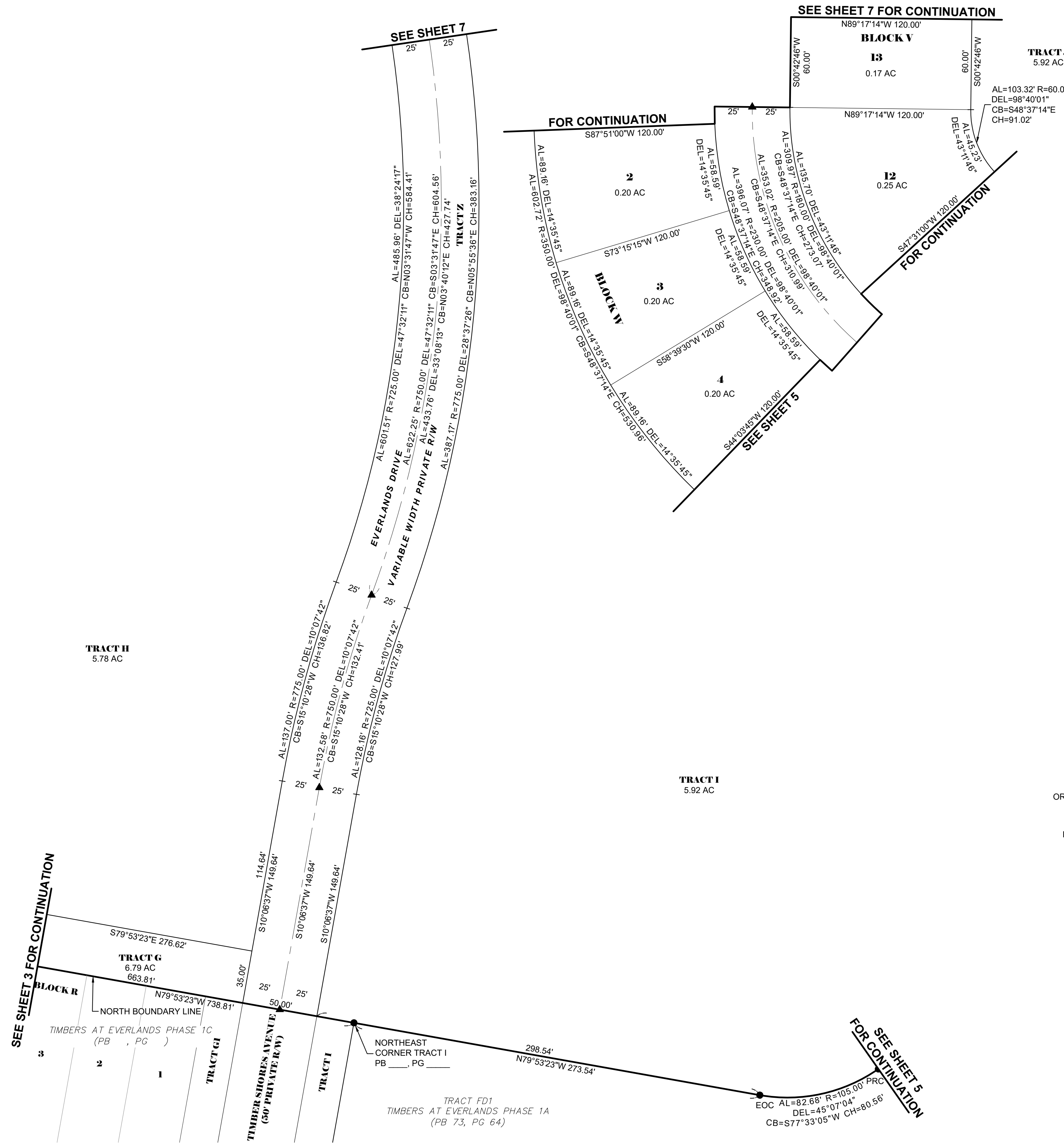
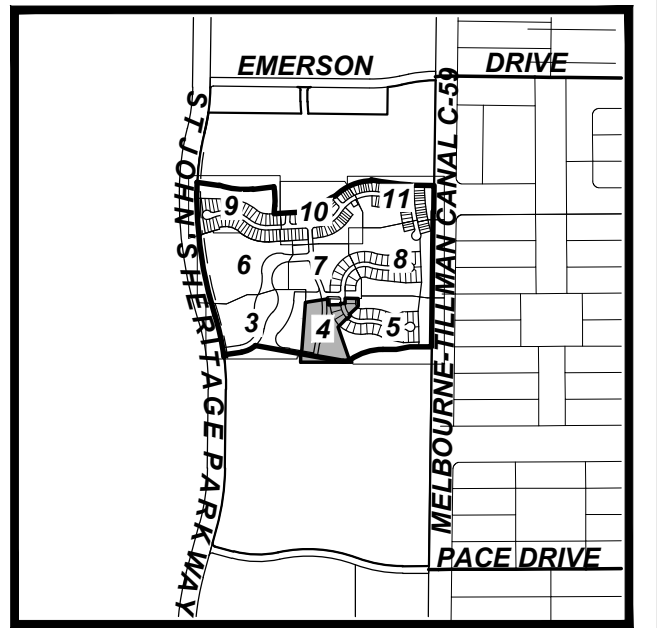
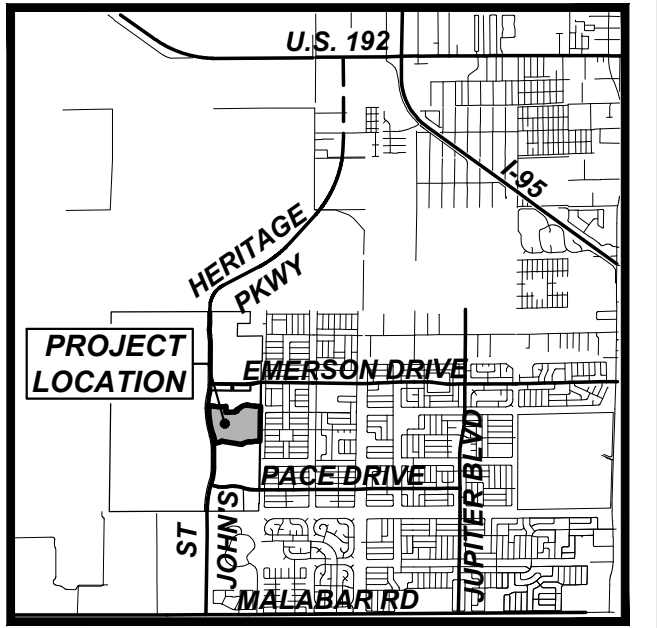


TIMBERS AT EVERLANDS PHASE 1C  
(PB, PG)

# TIMBERS AT EVERLANDS PHASE 2

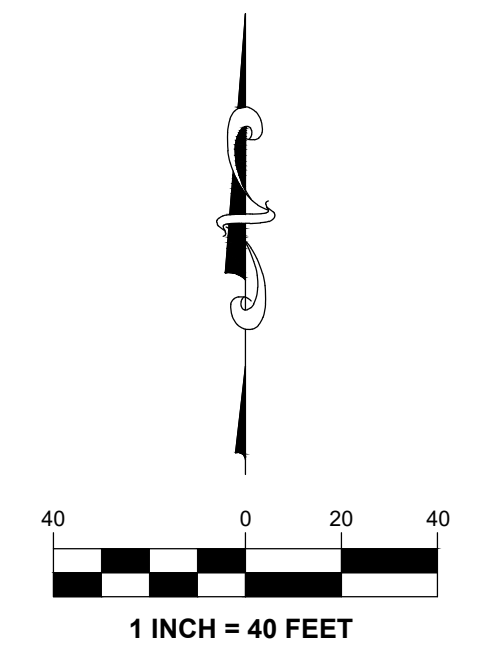
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PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SHEET 4 OF 11  
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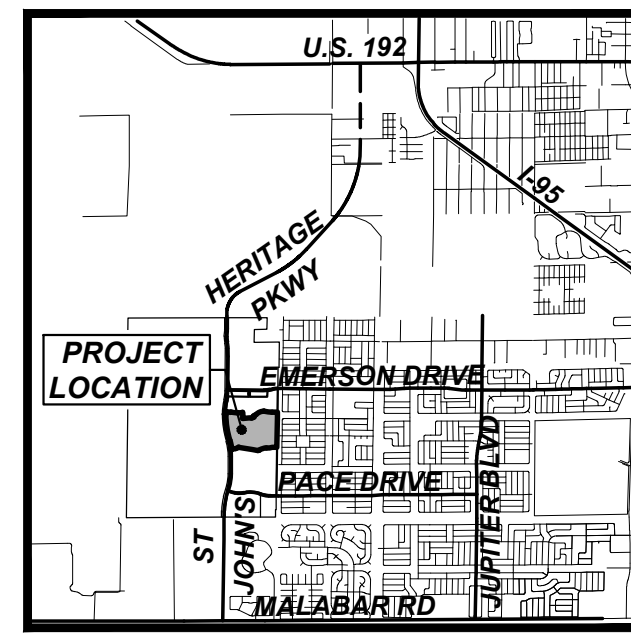
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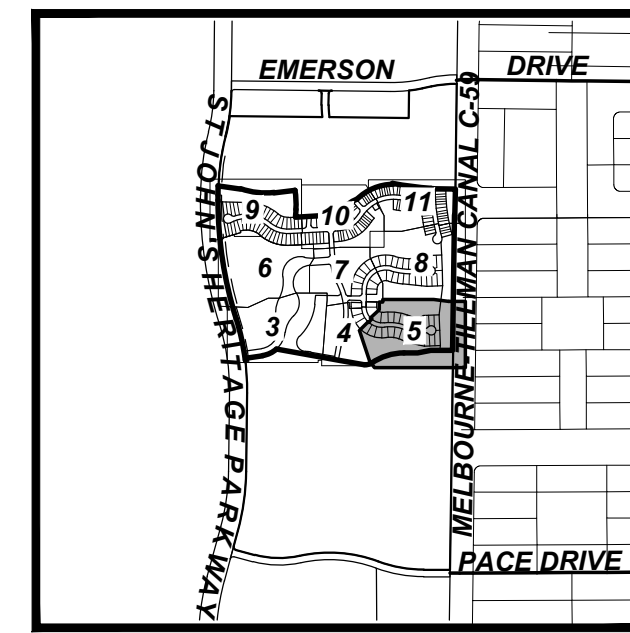
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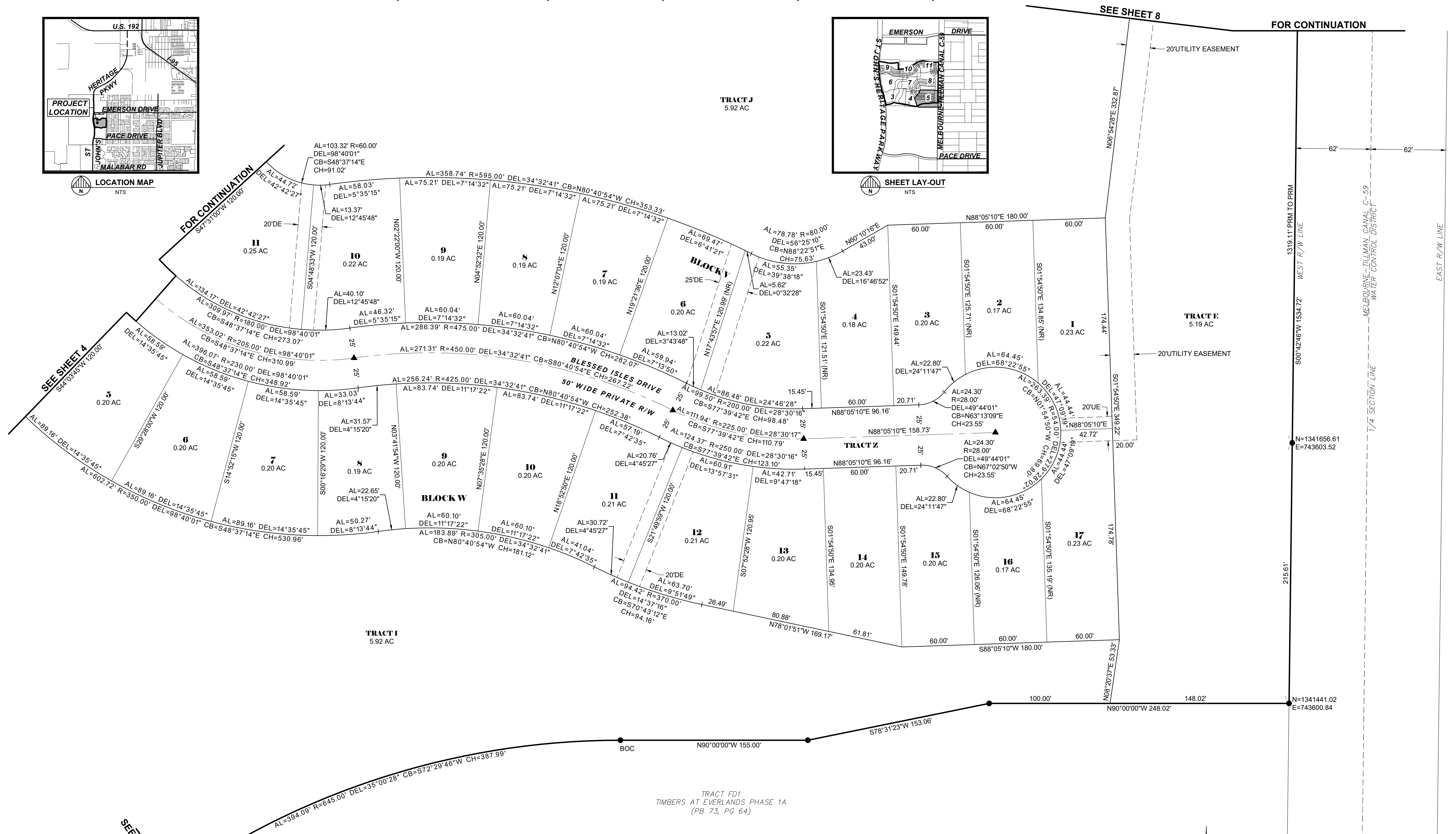
PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SHEET 5 OF 11  
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST



LOCATION MAP  
NTS



SHEET LAY-OUT  
NTS



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" SECONDS/INCHES  
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E EAST

## ABBREVIATIONS

EL ELEVATION  
F.B.E. FENCE AND BERM EASEMENT  
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N NORTH  
N&D NAIL AND DISK  
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NTS NOT TO SCALE  
OR/ORB OFFICIAL RECORDS BOOK  
PB PLAT BOOK  
PCP PERMANENT CONTROL POINT

## ABBREVIATIONS

PG(S) PAGE(S)  
PSE PRIVATE SIDEWALK EASEMENT  
UE PUBLIC UTILITY EASEMENT  
R RADIUS  
R/W RIGHT-OF-WAY  
S SOUTH  
SSE SANITARY SEWER EASEMENT  
TYP TYPICAL  
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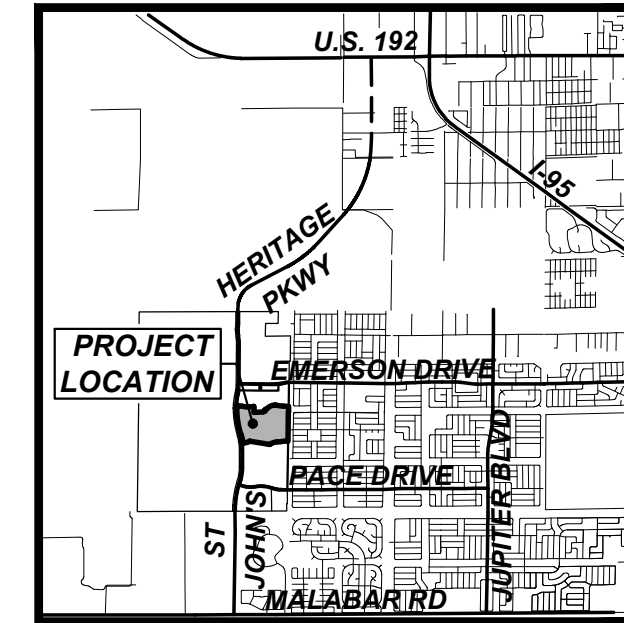
**B.S.E. CONSULTANTS, INC.**  
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312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901  
PHONE: (321) 725-3074 FAX: (321) 725-1109  
CERTIFICATE OF BUSINESS AUTHORIZATION #002  
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004065

DATE: 07/12/23  
DESIGN/DRAWN: LEH/EAK  
DRAWING#10860600\_304\_005  
PROJECT# 10860.600

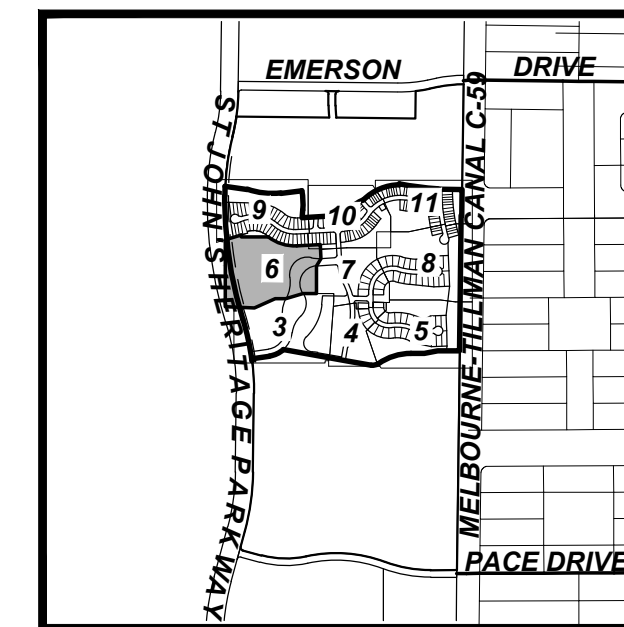
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PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SHEET 6 OF 11  
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST



LOCATION MAP  
NTS



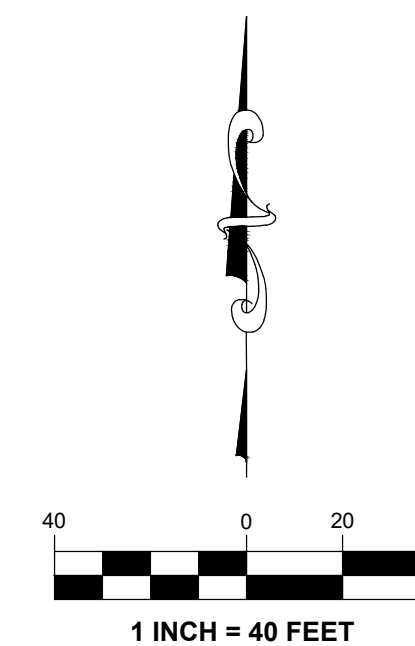
SHEET LAY-OUT  
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## ABBREVIATIONS

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CERTIFICATE OF BUSINESS AUTHORIZATION: 0002  
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004005

DATE: 07/12/23  
DESIGN/DRAWN: LEH/EAK  
DRAWING#10860600\_304\_006  
PROJECT# 10860.600

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EMERSON DRIVE

SLOAN HERITAGE PARKWAY

MELBOURNE/TILLMAN CANAL C-39

PACE DRIVE

9 10 11






6 7 8

3 4 5

N

**SHEET LAY-OUT**

NTS

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TYP	TYPICAL
W	WEST

 <p><b>B.S.E. CONSULTANTS, INC.</b>  CONSULTING - ENGINEERING - LAND SURVEYING  312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901  PHONE: (321) 725-3634 FAX: (321) 725-1559  CERTIFICATE OF BUSINESS AUTHORIZATION 4905  CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB00004905</p>	<p>DATE: 07/12/23  DESIGN/DRAWN: LEH/EAK  DRAWING#10860600_304_007  PROJECT# 10860.600</p>
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PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SHEET 8 OF 11  
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST

A map of the project area showing the intersection of Emerson Drive and Pace Drive. The project location is highlighted with a shaded rectangle. Major roads shown include U.S. 192, Heritage Pkwy, 195, John St, Jupiter Blvd, and Malabar Rd. The map also shows various residential lots and streets in the surrounding area.

 **LOCATION MAP**  
NTS

EMERSON DRIVE

ST. JOHN-SHERIDAN PARK WAY

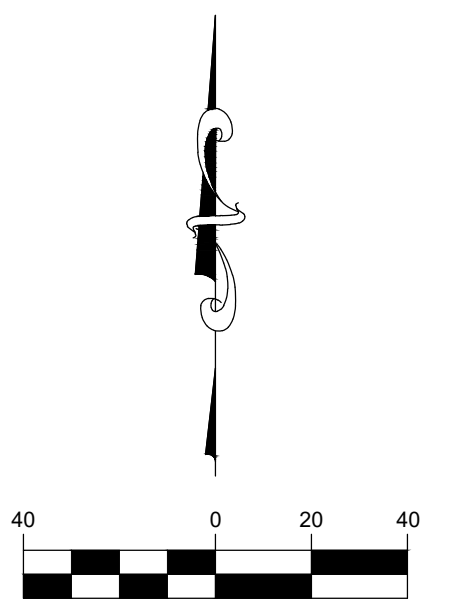
MELBOURNE-TILGHAM CANAL C-38

PACE DRIVE

Map showing numbered lots (3-11) and surrounding streets: EMERSON DRIVE, ST. JOHN-SHERIDAN PARK WAY, MELBOURNE-TILGHAM CANAL C-38, and PACE DRIVE.

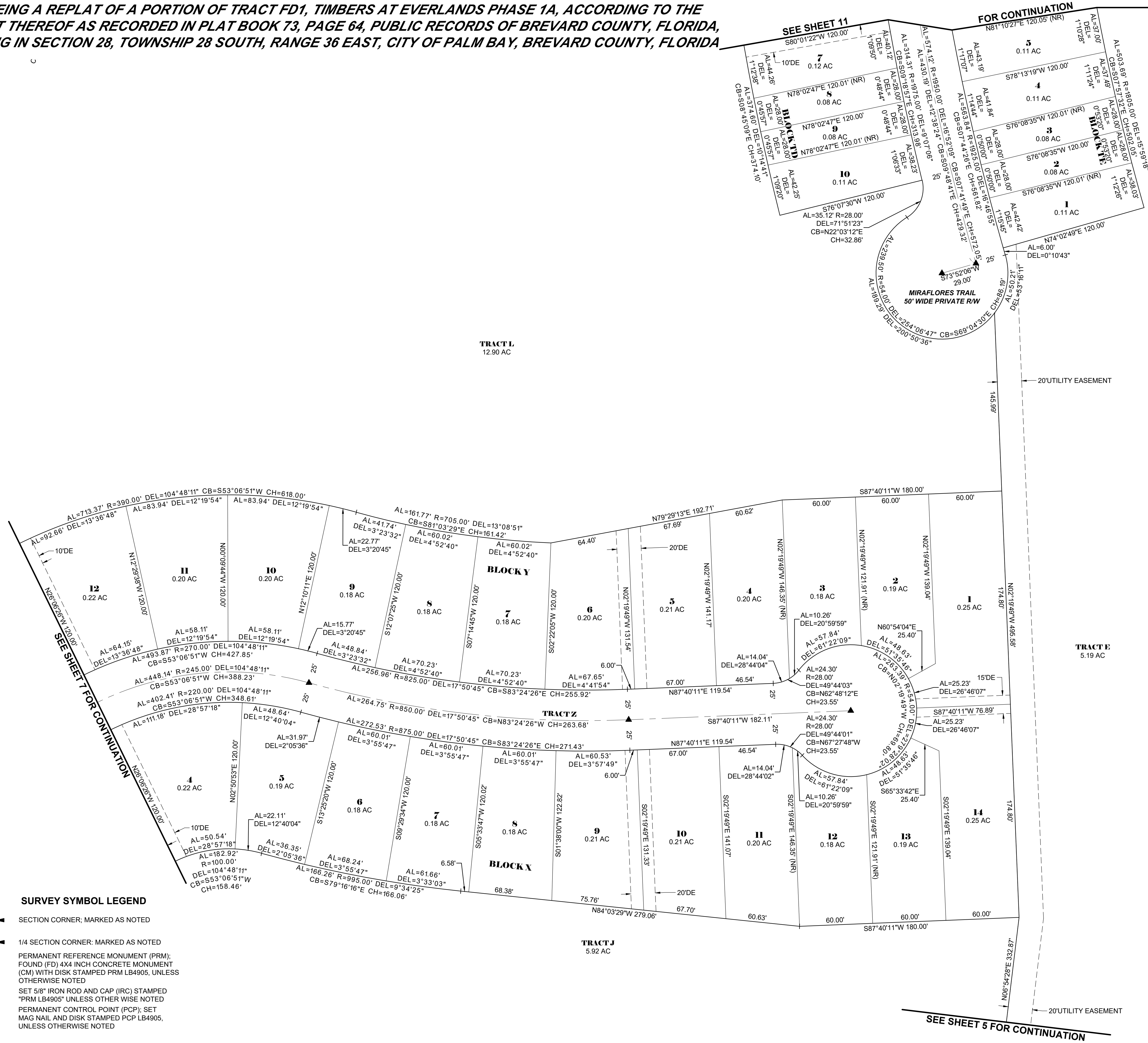
 **SHEET LAY-OUT**  
NTS

'	MINUTES/FEET
"	SECONDS/INCHES
°	DEGREES
AC	ACRES
AL	ARC LENGTH
BOC	BEGINNING OF CURVE
CB	CHORD BEARING
CH	CHORD LENGTH
CM	CONCRETE MONUMENT
DEL	CENTRAL/DELTA ANGLE
DE	DRAINAGE EASEMENT (PRIVATE)
E	EAST
EOC	END OF CURVE
FD	FOUND
FT	FOOT/FEET
N	NORTH
N&D	NAIL AND DISK
(NR)	NOT RADIAL
NTI	NON-TANGENT INTERSECTION
NTL	NON-TANGENT LINE
NTS	NOT TO SCALE
OR/ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PCP	PERMANENT CONTROL POINT
PG(S)	PAGE(S)
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PRC	POINT OF REVERSE CURVE
SE	PRIVATE SIDEWALK EASEMENT
UE	PUBLIC UTILITY EASEMENT
R	RADIUS
R/W	RIGHT-OF-WAY
S	SOUTH
TYP	TYPICAL
W	WEST



- THIS PLAT PREPARED BY -

 <p><b>B.S.E. CONSULTANTS, INC.</b> CONSULTING - ENGINEERING - LAND SURVEYING 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901 PHONE: (321) 725-364 FAX: (321) 725-1159 CERTIFICATE OF BUSINESS AUTHORIZATION: 4505 CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: L80040905</p>	<p>DATE: 07/12/23 DESIGN/DRAWN: LEH/EAK DRAWING#10860600_304_008 PROJECT# 10860.600</p>
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1/4 SECTION CORNER: MARKED AS NOTED

PERMANENT REFERENCE MONUMENT (PRM);  
FOUND (FD) 4X4 INCH CONCRETE MONUMENT  
(CM) WITH DISK STAMPED PRM LB4905, UNLESS  
OTHERWISE NOTED

SET 5/8" IRON ROD AND CAP (IRC) STAMPED  
"PRM LB4905" UNLESS OTHER WISE NOTED  
PERMANENT CONTROL POINT (PCP); SET  
MAG NAIL AND DISK STAMPED PCP LB4905,  
UNLESS OTHERWISE NOTED

MAG NAIL AND DISK STAMPED PCP LB4905  
UNLESS OTHERWISE NOTED

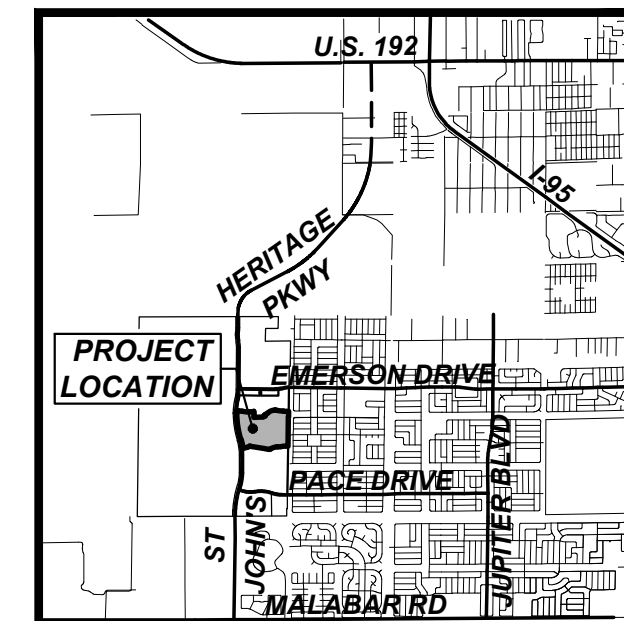
SEE SHEET 5 FOR CONTINUATION

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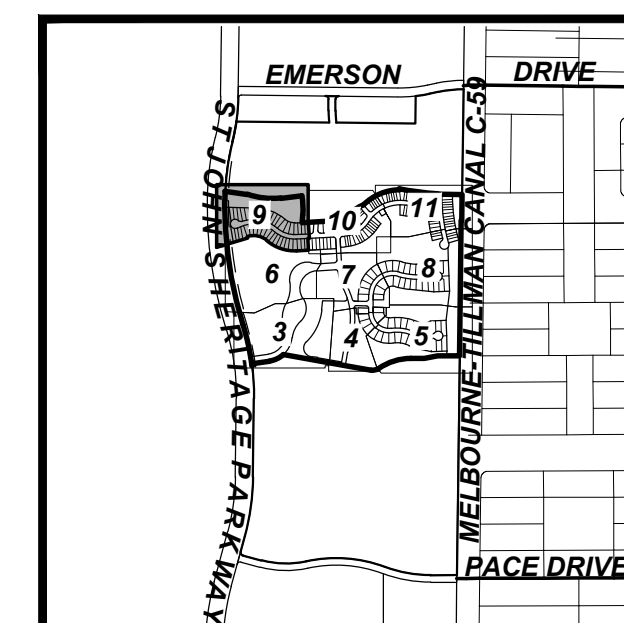
# TIMBERS AT EVERLANDS PHASE 2

BEING A REPLAT OF A PORTION OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

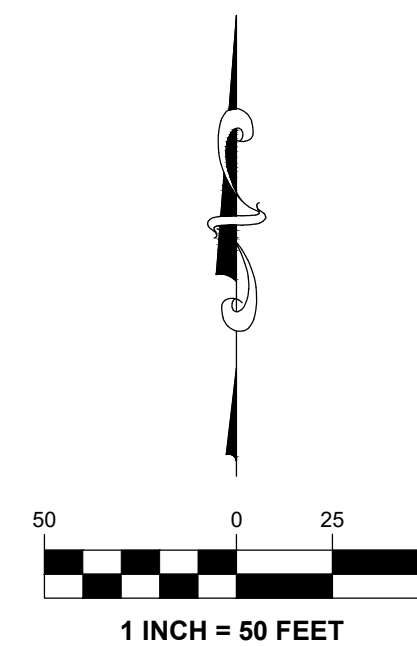
PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SHEET 09 OF 11  
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST



LOCATION MAP  
NTS

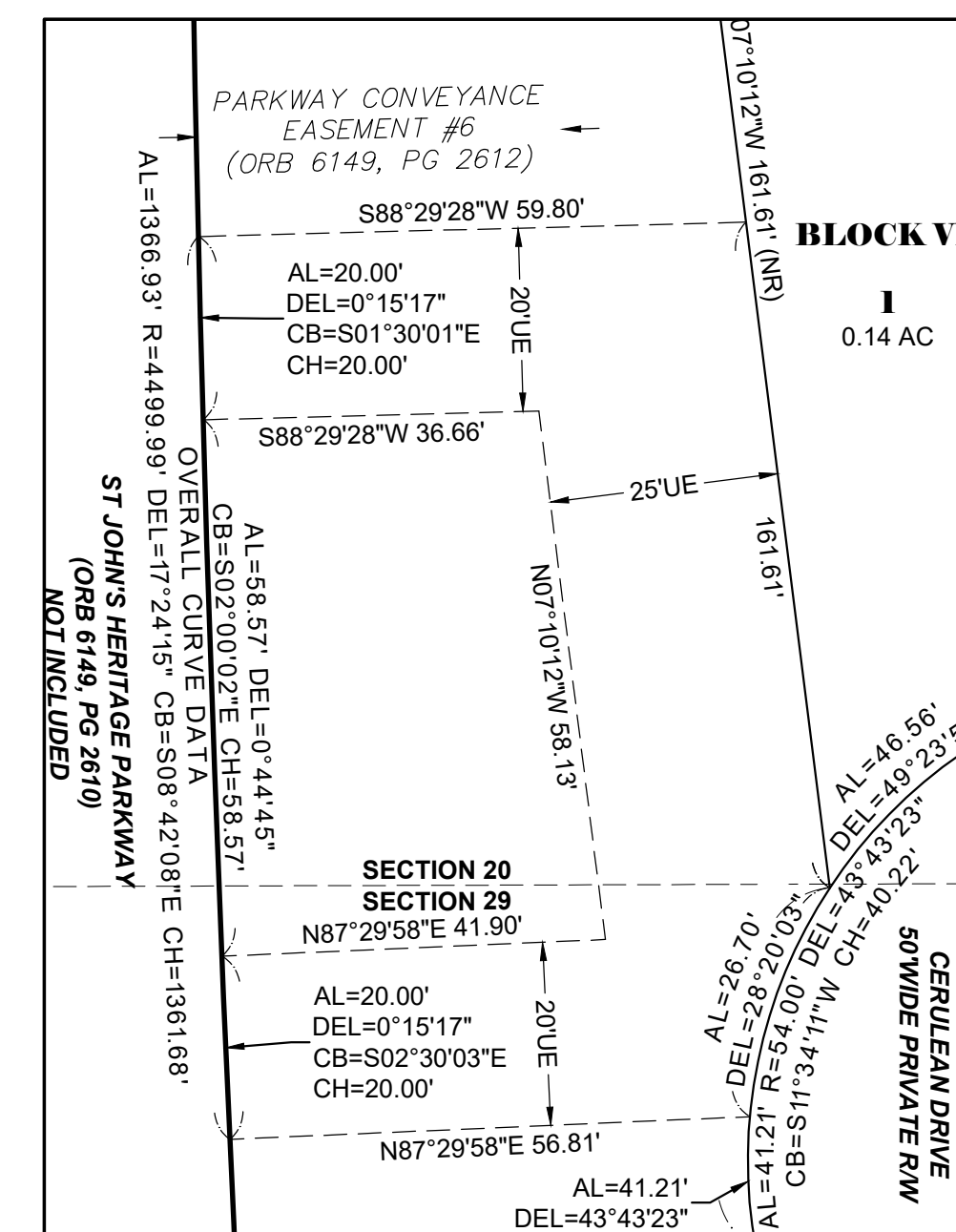


SHEET LAY-OUT  
NTS



## SURVEY SYMBOL LEGEND

- SECTION CORNER; MARKED AS NOTED
- 1/4 SECTION CORNER; MARKED AS NOTED
- PERMANENT REFERENCE MONUMENT (PRM); FOUND (FD) 4X4 INCH CONCRETE MONUMENT (CM) WITH DISK STAMPED PRM LB4905, UNLESS OTHERWISE NOTED
- SET 5/8" IRON ROD AND CAP (IRC) STAMPED "PRM LB4905" UNLESS OTHERWISE NOTED
- PERMANENT CONTROL POINT (PCP); SET MAG NAIL AND DISK STAMPED PCP LB4905, UNLESS OTHERWISE NOTED



UTILITY EASEMENT DETAIL  
1" = 20'

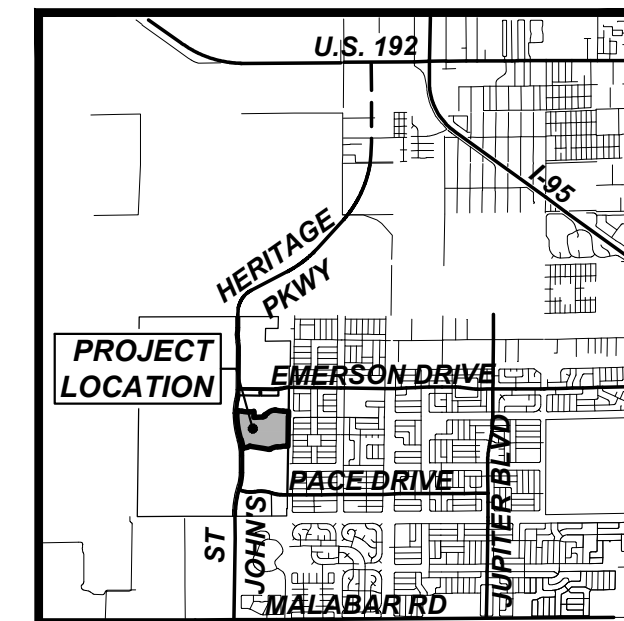
- THIS PLAT PREPARED BY -

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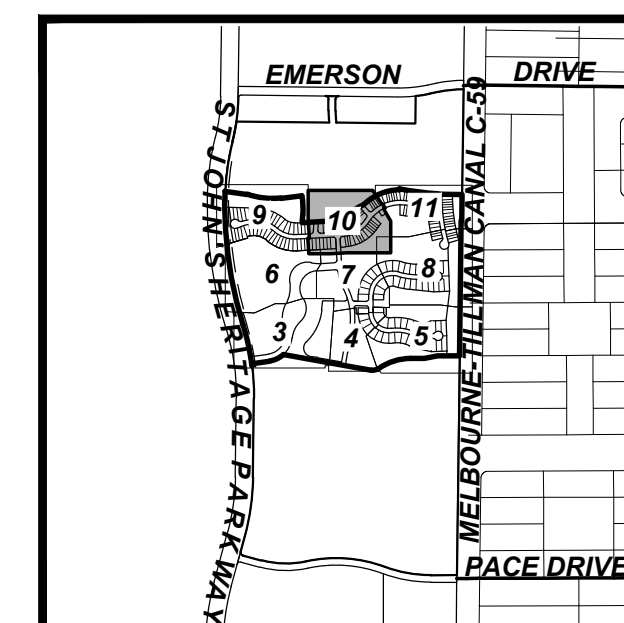
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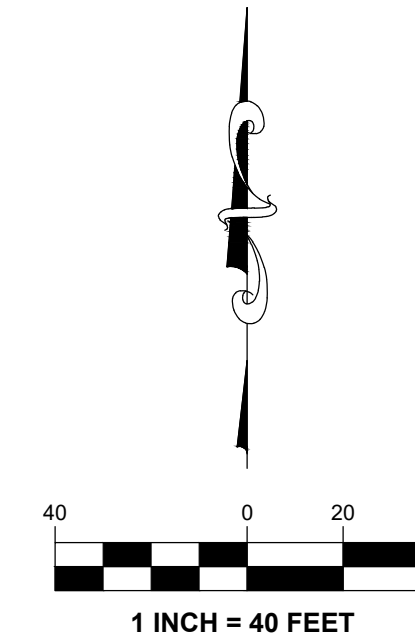
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SHEET 10 OF 11  
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST



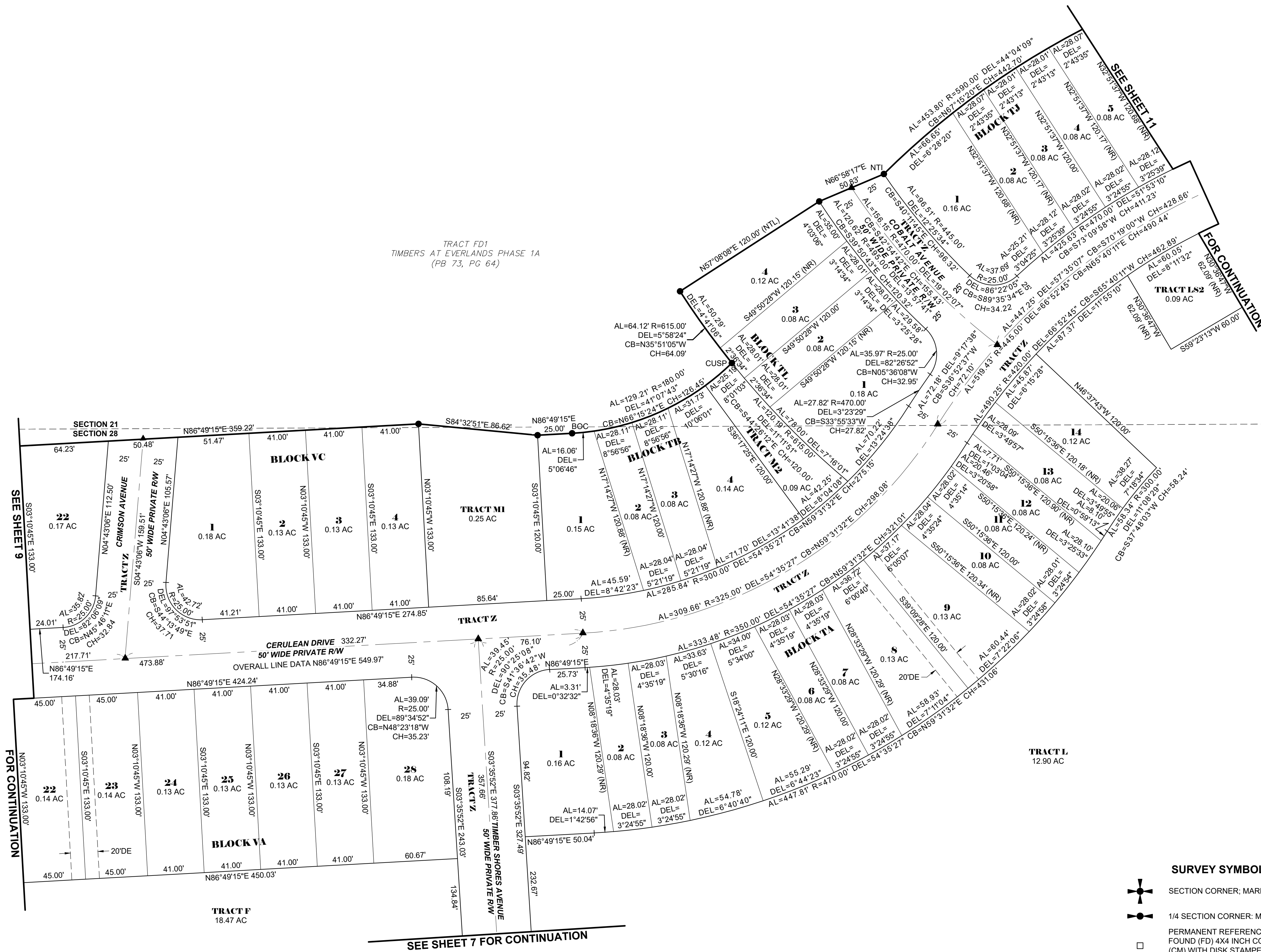
LOCATION MAP  
NTS



SHEET LAY-OUT  
NTS



1 INCH = 40 FEET



## ABBREVIATIONS

'	MINUTES/FEET
''	SECONDS/INCHES
°	DEGREES
AC	ACRES
AL	ARC LENGTH
BOC	BEGINNING OF CURVE
CB	CHORD BEARING
CH	CHORD LENGTH
CM	CONCRETE MONUMENT
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## SURVEY SYMBOL LEGEND

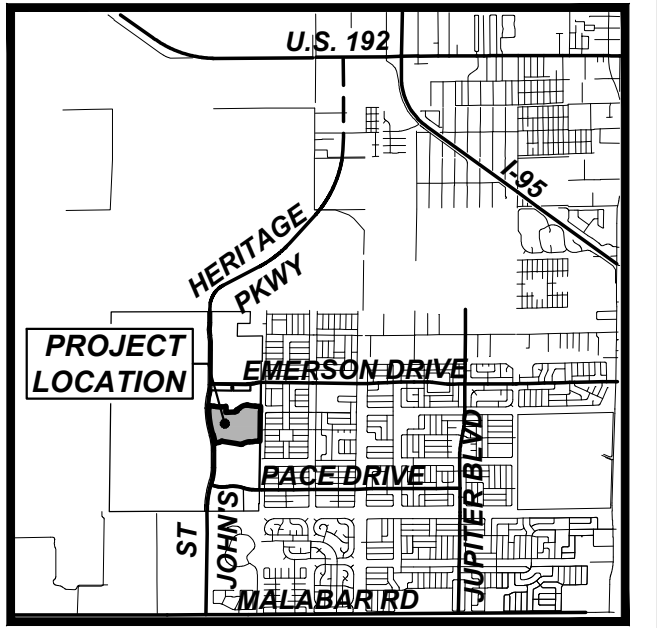
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- THIS PLAT PREPARED BY -

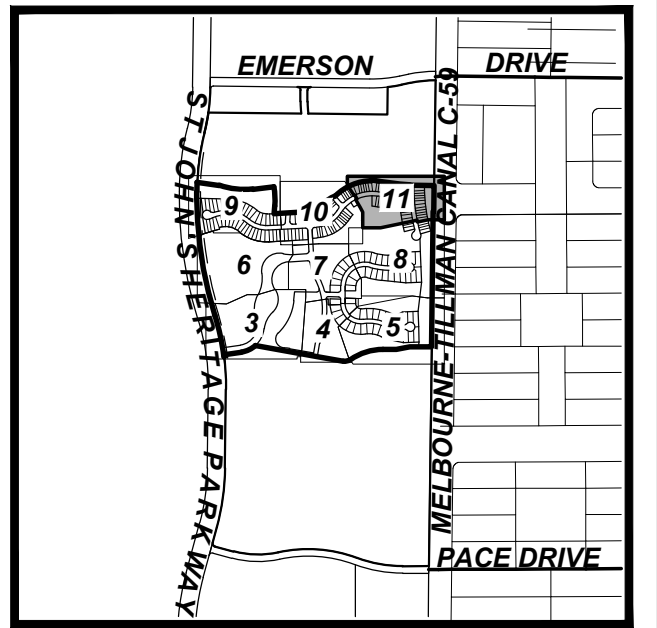
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PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SHEET 11 OF 11  
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST



LOCATION MAP  
NTS



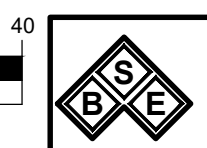
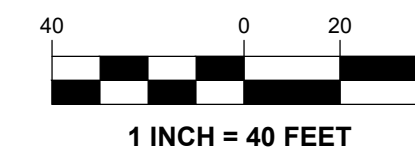
SHEET LAY-OUT  
NTS

## ABBREVIATIONS

- MINUTES/FEET
- SECONDS/INCHES
- DEGREES
- AC ACRES
- AL ARC LENGTH
- BOC BEGINNING OF CURVE
- CB CHORD BEARING
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- NTI NON-TANGENT INTERSECTION
- NTL NON-TANGENT LINE
- NTS NOT TO SCALE
- OR/ORB OFFICIAL RECORDS BOOK
- PB PLAT BOOK
- PCP PERMANENT CONTROL POINT
- PG(S) PAGE(S)
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PRC POINT OF REVERSE CURVE
- SE PRIVATE SIDEWALK EASEMENT
- UE PUBLIC UTILITY EASEMENT
- R RADIUS
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- S SOUTH
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- PERMANENT CONTROL POINT (PCP); SET MAG NAIL AND DISK STAMPED PCP LB4905, UNLESS OTHERWISE NOTED



- THIS PLAT PREPARED BY -



**B.S.E. CONSULTANTS, INC.**  
CONSULTING - ENGINEERING - LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 400, PALM BEACH, FL 33401  
PHONE: (561) 725-3074 FAX: (561) 725-1109  
CERTIFICATE OF BUSINESS AUTHORIZATION: LB0004065

DATE: 07/12/23  
DESIGN/DRAWN: LEH/EAK  
DRAWING#10860600\_304\_011  
PROJECT# 10860.600

**OPINION OF TITLE**

**To: CITY OF PALM BAY**

With the understanding that this Opinion of Title is being issued to the City of Palm Bay, Florida, as inducement for acceptance of a proposed final subdivision plat ("Plat") covering the real property, hereinafter described, it is hereby certified that I have examined North American Title Insurance Company Property Information Report under File No. 2023-03946-FL, covering the period from the beginning through the 14th day of June, 2023, at the hour of 12:00 a.m. This certification of ownership is being issued to the City of Palm Bay, Florida, in accordance with the Uniform Title Standards of the Real Property and Trust Law Section of the Florida Bar, and Chapter 177.041, Florida Statutes. The legal description for the land subject to the above captioned Plat is more particularly described as follows (the "Real Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

DRP FL 6, LLC, a Delaware limited liability company (the "Company")

Subject to the following encumbrances, liens, and other exceptions:

**1. RECORDED MORTGAGES:**

None.

**2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

None.

**3. GENERAL EXCEPTIONS:**

1. All taxes for the year 2023 and subsequent years, which are not yet due and payable.
2. Rights of persons other than the above owners who are in possession.
3. Facts that would be disclosed upon accurate survey.
4. Any unrecorded labor, mechanics' or materialmen's liens.
5. Zoning and other restrictions imposed by governmental authority.

6. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.
7. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the property.

4. **SPECIAL EXCEPTIONS:**

1. Notice of Establishment of the Everlands Community Development District in Official Records Book 8693, Page 2281, as amended in Official Records Book 9271, Page 2431.
2. Final Judgment in Official Records Book 9257, Page 1663 and Official Records Book 9671, Page 1011.
3. Lien of Record of the Everlands Community Development District in Official Records Book 9298, Page 220.
4. True-Up Agreement in Official Records Book 9298, Page 223.
5. Declaration for Everlands recorded in Official Records Book 9466, Page 1511, but omitting any such covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 U.S.C. Sec. 3604 or Sec. 3605, unless exempt under Title 42 U.S.C. Such Declaration does establish and provide without limitation for easements, liens, charges, and assessments.
6. Ordinance No. 85-49 in Official Records Book 2756, Page 10.
7. Ordinance No. 2003-32 in Official Records Book 5030, Page 541.
8. Ordinance No. 2004-37 in Official Records Book 5352, Page 1548.
9. Terms and conditions of Reserved Easements and License Rights Agreement recorded in Official Records Book 5468, Page 6896, as affected by First Amendment recorded in Official Records Book 5507, Page 1769, as corrected by Corrected First Amendment recorded in Official Records Book 5509, Page 439.
10. Declaration of Easements in Official Records Book 6149, Page 2612, as supplemented in Official Records Book 8915, Page 1507.
11. Resolution 2021-65 in Official Records Book 9408, Page 2279.
12. Memorandum of Option Agreement Recorded in OR Book 9521, Page 2902.

13. Plat of Timbers at Everland Phase 1A in Plat Book 00073, Page 0064.
14. Notice of Environmental Resource Permit in Official Records Book 8583, Page 198.
15. Declaration for the Timbers at Everlands in Official Records Book 9766, Page 425.
16. Any lien or right to a lien for labor, services or materials provided in connection with the construction of the improvements referred to in the Notices of Commencement:
  - a. Recorded on April 25, 2023 in Official Records Book 9771, Page 781.
  - b. Recorded on April 25, 2023 in Official Records Book 9771, Page 783.

All recordings herein refer to the Public Records of Brevard County, Florida.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

Therefore, it is my opinion that the following parties must join in the Plat in order to make the plat a valid and binding covenant on the lands described herein:

<u>Name</u>	<u>Interest</u>
DRP FL 6, LLC, a Delaware limited liability company	Owner

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable Plat.

Respectfully submitted this 28th day of June, 2023.

  
\_\_\_\_\_  
Nicholas G. Milano  
Attorney at Law  
Florida Bar No. 975788  
Holland & Knight LLP  
P.O. Box 14070 (Zip Code 33302-4070)  
515 East Las Olas Boulevard, Suite 1200  
Fort Lauderdale, FL 33301  
Telephone: (954) 468-7804

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of   X   physical presence or \_\_\_\_\_ online notarization, this 28th day of June, 2023, by Nicholas G. Milano, who is personally known to me.



  
\_\_\_\_\_  
Notary Public

## EXHIBIT "A"

### DESCRIPTION OF TIMBERS AT EVERLANDS PHASE 2

A PORTION OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT FD1 AND RUN S00°44'56"W, ALONG THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, A DISTANCE OF 1193.64 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES; 1) THENCE S00°44'56"W, A DISTANCE OF 295.72 FEET; 2) THENCE S89°45'59"W, A DISTANCE OF 7.00 FEET; 3) THENCE S00°42'46"W, A DISTANCE OF 1534.72 FEET; THENCE N90°00'00"W, A DISTANCE OF 248.02 FEET; THENCE S78°31'23"W, A DISTANCE OF 153.06 FEET; THENCE N90°00'00"W, A DISTANCE OF 155.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 645.00 FEET , A CENTRAL ANGLE OF 35°00'28", A CHORD BEARING OF S72°29'46"W, AND A CHORD LENGTH OF 387.99 FEET), A DISTANCE OF 394.09 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 105.00 FEET , A CENTRAL ANGLE OF 45°07'04", A CHORD BEARING OF S77°33'05"W, AND A CHORD LENGTH OF 80.56 FEET), A DISTANCE OF 82.68 FEET TO THE END OF SAID CURVE; THENCE N79°53'23"W, A DISTANCE OF 273.54 FEET TO THE NORTHEAST CORNER OF TRACT I, TIMBERS AT EVERLANDS PHASE 1C, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK \_\_\_, PAGE \_\_\_, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID PLAT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; 1) THENCE CONTINUE N79°53'23"W, A DISTANCE OF 738.81 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; 2) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 300.00 FEET , A CENTRAL ANGLE OF 33°30'05", A CHORD BEARING OF S64°44'04"W, AND A CHORD LENGTH OF 172.93 FEET), A DISTANCE OF 175.41 FEET TO THE END OF SAID CURVE; 3) THENCE S81°29'07"W, A DISTANCE OF 180.43 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; 4) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 25.00 FEET , A CENTRAL ANGLE OF 88°37'59", A CHORD BEARING OF S37°10'07"W, AND A CHORD LENGTH OF 34.93 FEET), A DISTANCE OF 38.67 FEET TO A CUSP OF CURVE AND A POINT ON THE CURVED EAST RIGHT-

OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, (A 200.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE EAST RIGHT-OF-WAY OF SAID ST JOHNS HERITAGE PARKWAY THE FOLLOWING FOUR (4) COURSES AND DISTANCES; 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST, AND HAVING A RADIUS OF 2700.00 FEET , A CENTRAL ANGLE OF 10°15'23", A CHORD BEARING OF N12°16'34"W, AND A CHORD LENGTH OF 482.67 FEET), A DISTANCE OF 483.31 FEET TO A POINT OF REVERSE CURVATURE; 2) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST, AND HAVING A RADIUS OF 4500.00 FEET , A CENTRAL ANGLE OF 17°24'15", A CHORD BEARING OF N08°42'08"W, AND A CHORD LENGTH OF 1361.68 FEET), A DISTANCE OF 1366.93 FEET TO THE END OF SAID CURVE; 3) THENCE N00°00'00"E, A DISTANCE OF 58.06 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 4) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST, AND HAVING A RADIUS OF 2700.00 FEET , A CENTRAL ANGLE OF 2°13'55", A CHORD BEARING OF N01°07'06"E, AND A CHORD LENGTH OF 105.18 FEET), A DISTANCE OF 105.18 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHEAST; THENCE S81°56'31"E ALONG SAID NON-TANGENT LINE, A DISTANCE OF 256.19 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 849.00 FEET , A CENTRAL ANGLE OF 26°01'10", A CHORD BEARING OF S83°39'24"E, AND A CHORD LENGTH OF 382.25 FEET), A DISTANCE OF 385.55 FEET TO THE END OF SAID CURVE; THENCE N83°20'01"E, A DISTANCE OF 240.52 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST, AND HAVING A RADIUS OF 842.00 FEET , A CENTRAL ANGLE OF 14°54'20", A CHORD BEARING OF S02°44'04"E, AND A CHORD LENGTH OF 218.43 FEET), A DISTANCE OF 219.05 FEET TO THE END OF SAID CURVE; THENCE S04°43'06"W, A DISTANCE OF 86.13 FEET; THENCE N86°49'15"E, A DISTANCE OF 359.22 FEET; THENCE S84°32'51"E, A DISTANCE OF 86.62 FEET; THENCE N86°49'15"E, A DISTANCE OF 25.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 180.00 FEET , A CENTRAL ANGLE OF 41°07'43", A CHORD BEARING OF N66°15'24"E, AND A CHORD LENGTH OF 126.45 FEET), A DISTANCE OF 129.21 FEET TO A CUSP OF CURVE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST, AND HAVING A RADIUS OF 615.00 FEET, A CENTRAL ANGLE OF 5°58'24", A CHORD BEARING OF N35°51'05"W, AND A CHORD LENGTH OF 64.09 FEET), A DISTANCE OF 64.12 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE NORTHEAST; THENCE N57°08'08"E ALONG SAID NON-TANGENT LINE, A DISTANCE OF 120.00 FEET; THENCE N66°58'17"E, A DISTANCE OF 50.83 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND

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# Project Details: FS23-00008

## Project Type: Subdivisions & Plats Final Plat

Project Location: **Palm Bay, FL**  
Milestone: **Submitted**  
Created: **7/12/2023**  
Description: **Timbers at Everlands Phase 2**  
Assigned Planner: **Alexandra Bernard**

### Contacts

Contact	Information
Owner/Applicant	DRP FL 6 LLC c/o DW General Partner, LLC-Brian Clauson-Authorized Signatory 590 MADISON AVE, FL 13 NEW YORK, NY 10022 (212) 751-5949 brian.clauson@domainrealestatepartners.com
Legal Representative	Scott M. Glaubitz 312 S. Harbor City Blvd., Suite # 4 Melbourne, FL 32901 (321) 725-3674 info@bseconsult.com
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907  alexandra.bernard@palmbayflorida.org
Submitter	BSE Consultants, Inc. 312 S Harbor City Blvd Melbourne, FL 32901 (321) 725-3674 info@bseconsult.com

### Fields

Field Label	Value
Block	*
Lot	FD.1
Section Township Range	28-28-36
Subdivision	YS
Year Built	
Use Code	9911
Use Code Desc	VACANT SINGLE-FAMILY PLATTED > 5 AC

# Project Details: FS23-00008

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	3032616
Flu Description	Single Family Residential
Flu Code	SFR
Zoning Description	Agricultural Residential
Zoning Code	AU (COUNTY)
Total Lots Proposed by Use	196 total (62 60-foot wide sf, 54 villas, 32 4-unit TH, and 48 6-unit TH)
Intended Use of Property	Residential
Proposed Subdivision Name	Timbers at Everlands Phase 2
Submitted Preliminary Subdivision?	Yes
Size of Area Covered (acres)	
Is Submitter the Representative?	False
Tax Account Numbers	3032616
Parcel Number	28-36-28-YS-*-FD.1
Action Letter Date	

July 7, 2023

Re: Letter of Authorization

As the property owner of the site legally described as:

See attached

I, Owner Name: DRP FL 6, LLC c/o DW General Partner, LLC- Brian Clauson-Authorized Signatory

Address: 590 Madison Ave FL 13

Telephone: 212-751-5949

Email: brian.clauson@domainrealestatepartners.com

hereby authorize:

Representative: Scott M. Glaubiz P.E., P.L.S (or other B.S.E Consultants, Inc. representative)

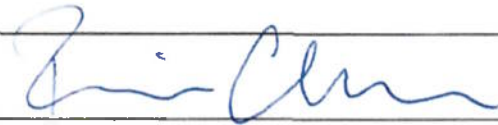
Address: 312 South Harbor City Blvd, Suite # 4, Melbourne, FL 32901

Telephone: 321-725-3674

Email: info@bseconsult.com

to represent the request(s) for:

Timbers (Ika Medely)- Final Plat



(Property Owner Signature)

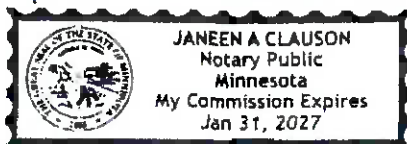
STATE OF Minnesota

COUNTY OF Dakota

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 7<sup>th</sup> day of July, 2023 by

Brian Clauson

, property owner.



Janeen A. Clauson

Janeen A. Clauson, Notary Public

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

## DESCRIPTION OF TIMBERS AT EVERLANDS PHASE 2

A PORTION OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**Domain Real Estate Partners, LLC**

**WRITTEN CONSENT OF THE SOLE MEMBER**

March 4, 2022

The undersigned sole Member of Domain Real Estate Partners, LLC (the “Member”) of **Domain Real Estate Partners, LLC**, a Delaware limited partnership (the “Company”), does hereby consent to the taking of the following actions pursuant to the Company’s Second Amended and Restated Limited Liability Company Agreement dated as of January 1, 2019 (the “Operating Agreement”) on behalf of the Company and of the Company’s subsidiaries. Terms not defined herein have the definitions ascribed to them in the Operating Agreement.

RESOLVED, that Brian Clauson hereby is appointed an authorized signatory of the Company and of the Company’s subsidiaries; and hereby is authorized and empowered with full power and authority to enter into the following documents on behalf of the Company and its subsidiaries:

- (1) **Day-to-day project progress and approval documents requiring signature(s) due to DREP’s ownership position**, such as: entitlement and zoning submittals, improvement plan submittals, construction permits, public and/or private utility easements and service agreements, owner of record verifications, wetland and protected area permits, agency financial assurances, public financing district applications, public construction bid documents, development agreements, and other documents in furtherance of the approved Business Plan. NOTE: This is not meant to be comprehensive list, only examples of some (not all) of the documents that will require signatures and fall within Brian Clauson’s signing authority.
  - (2) **Final or Technical Site Plans, and Preliminary and Final Plats;**
  - (3) **Settlement Statements and Property Deeds**, both of which will require review and approval by the respective title companies prior to Brian Clauson’s signature(s);
  - (4) **Insurance certs**, covering horizontal and vertical construction liabilities; and
  - (5) **HOA formation documents**, inclusive of all project-specific documents required;
- and it is

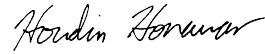
FURTHER RESOLVED that the Company hereby ratifies in all respects all actions taken by the foregoing person on behalf of and in the name of the Company prior to the date hereof; and it is

FURTHER RESOLVED that the resolutions set forth in this “Written Consent of the Sole Member” shall remain in effect until rescinded by the Member; and it is

FURTHER RESOLVED that the resolutions set forth in this “Written Consent of the Sole Member” shall not limit or restrict in any way the rights, powers and authority of the Member under the Operating Agreement.

IN WITNESS WHEREOF, the undersigned sole Member of the Company, has executed his consent as of the March 4, 2022.

**Domain Holdings II, LLC**

A handwritten signature in cursive script, appearing to read "Houdin Honarvar".

---

Houdin Honarvar  
Authorized Person

## AUTHORIZED LIST OF SIGNATORIES

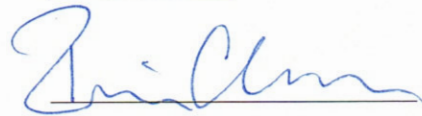
August 10, 2022

The undersigned, Houdin Honarvar, Authorized Signatory of DW General Partner, LLC, the manager of DRP FL 6, LLC, hereby certifies that each of the following individuals is duly authorized to give instructions and sign documents on behalf of DRP FL 6, LLC. The signature set forth opposite his or her name is his or her genuine signature.

### NAME

Brian Clauson

### SIGNATURE



IN WITNESS WHEREOF, the undersigned has hereunto set his hand on the date first above written.

### **DW GENERAL PARTNER, LLC**

By: Houdin Honarvar

Name: Houdin Honarvar

Title: Authorized Signatory

# 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:**

BSE Consultants

**On:**

7/12/2023 11:05:04 AM

☒ FS23-00008

Select Language ▼



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

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005808218

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 261.59

**Run Times:** 1

**No. of Affidavits:** 0

**Run Dates:** 08/25/23

**Text of Ad:**

Ad#5807 08/25/2023  
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 September 5, 2023, and by the City Council on September 19, 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. CP23-00014 - KEW LLC, Michael Erdman (Kimberly B. Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial  
Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE  
2. \*\*FD23-00007 - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.)  
A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development  
A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW  
3. \*\*CU23-00003 - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.)  
A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances  
A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW  
4. \*\*FS23-00007 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 77-lot single-family residential subdivision called Timbers at Everlands Phase 1C  
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW  
5. \*\*FS23-00008 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 196-lot single-family and multiple-family residential subdivision called Timbers at Everlands Phase 2  
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW

b. 123-00023 – City of Palm Bay  
(Growth Management Department)  
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted and Section 170.119, Fence and Wall Maintenance, to provide clear language on fence materials and maintenance  
\*\*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.  
Chandra Powell  
Planning Specialist



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

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

**DATE:** 9/19/2023

**RE:** Ordinance 2023-93, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapter 'Walls and Fences', by modifying provisions contained therein (Case T23-00023, City of Palm Bay), first reading.

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted, and Section 170.119, Fence and Wall Maintenance, to provide clear language on acceptable fence materials and maintenance.

The Growth Management Department identified a conflict within the Code of Ordinances pertaining to fence and wall material and upkeep. The proposed amendment will ensure that like material is used to repair damaged fences and prohibit the mixing and matching of materials.

Further, the Growth Management Department has drafted language to ensure that fences are initially installed entirely of like materials and prohibits the mixing and matching of materials.

Additionally, language was added to ensure that all walls and fences are installed and maintained in good condition and remain upright. This amendment also requires that fences be repaired or replaced with the same permitted materials unless a new permit is issued to replace the entire fence.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

There is no fiscal impact associated with this item.

**RECOMMENDATION:**

Motion to approve Ordinance 2023-## (case T23-00023), amending amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapter 'Walls and Fences', by modifying provisions contained therein (Case T23-00023, City of Palm Bay), first reading.

**Planning and Zoning Board Recommendation:**

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion to submit Case T23-00023 to City Council for approval.

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

**Aye:** Jordan, Weinberg, Boerema, McLeod, Olszewski.

**ATTACHMENTS:**

**Description**

T23-00023 - Staff Report

T23-00023 - Application

T23-00023 - Legal Ad

Ordinance 2023-93



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

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

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

#### Prepared by

Stephen White, Senior Planner

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#### CASE NUMBER

T23-00023

#### PLANNING & ZONING BOARD HEARING

DATE September 5, 2023

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#### APPLICANT

City of Palm Bay

#### PROPERTY LOCATION/ADDRESS

Not Applicable

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#### SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls permitted and Section 170.119, Fence and Wall Maintenance to provide clear provide language on fence materials and maintenance.

#### Existing Land Use

Not Applicable

#### Site Improvements

Not Applicable

#### Site Acreage

Not Applicable

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#### SURROUNDING ZONING & USE OF LAND

##### North

Not Applicable

##### East

Not Applicable

##### South

Not Applicable

##### West

Not Applicable

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**BACKGROUND:**

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls permitted and Section 170.119, Fence and Wall Maintenance to provide clear provide language on fence materials and maintenance.

Growth Management in coordination with Code Compliance, identified a conflict with the Code of Ordinances pertaining to fence and wall material and upkeep. The proposed amendment will ensure that like material will be used to repair damaged fences and keep from mixing and matching materials.

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

**PURPOSE**

Section 170.113, Types of Fences and Walls permitted provides the parameters for the types of fencing and materials authorized to be erected within the City of Palm Bay. Section 170.119, Fence and Wall Maintenance outline the proper maintenance procedures to maintain and repair fences and walls in their original upright condition.

**ANALYSIS:**

In conducting an analysis of the Code of Ordinances in relations to fences and walls, clarification was needed to ensure fences are constructed with the same material around the property and ensure fences remain in their original and upright form as permitted by the City of Palm Bay Growth Management Department.

Growth Management drafted language in coordination with Code Compliance to ensure fences are installed entirely of like materials. This will now ensure wood fences are entirely wood and vinyl fences or entirely vinyl. It will not allow for the mixing and matching of such materials.

Additionally, language was added to ensure all walls and fences are maintained in accordance with their original upright materials. It will require fences to be repaired or replaced with the same permitted materials unless a new permit is issued to replace the entire fence.

**STAFF RECOMMENDATION:**

Staff recommends case T23-00023 for approval.

## TITLE XVII: LAND DEVELOPMENT CODE

### Chapter 170: Construction Codes and Regulations

#### § 170.113 TYPES OF FENCES AND WALLS PERMITTED.

Fences and walls constructed within the city shall conform to one (1) ~~or any combination~~ of the following:

(A) Type A. Wood fences constructed of rot- and termite-resistive species of wood or wood chemically pressure treated to resist rot and termite attack. All portions of a wooden fence shall display the finished face on the outside.

(B) Type B. Posts of pressure treated wood or non-corrodible metal and wire fences with a fabric of a minimum of twelve and one-half (12½) gauge galvanized or other non-corrodible metal.

(C) Type C. Ornamental iron.

(D) Type D. Concrete or masonry.

(E) Type E. Plastic.

(F) Type F. Barbed Wire. Barbed wire may only be permitted upon lands that are zoned GC, General Commercial, LI, Light Industrial and Warehousing and HI, Heavy Industrial Zoning Districts.

#### § 170.119 FENCE AND WALL MAINTENANCE.

(A) All fences shall be maintained in their original upright condition.

(B) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed or erected.

(C) Missing boards, iron work, wire fabric or posts shall be replaced in a timely manner with material of the same type and quality.

>>(D) All fences will be secured and held upright with the same materials as originally constructed and indicated on Miscellaneous Structure application.<<

# Project Details: T23-00023

Project Type: **Code Textual Amendment**

Project Location: ,  
Milestone: **Submitted**  
Created: **7/25/2023**  
Description: **Fences and Walls**  
Assigned Planner:

## Contacts

Contact	Information
Submitter	Stephen White 120 Malabar Rd Palm Bay, FL 32907 (321) 952-3400 stephen.white2@palmbayflorida.org
Supplemental Contact	Jesse Anderson 120 Malabar Rd Palm Bay , FL 32907 (321) 925-3400 jesse.anderson@palmbayflorida.org
Assigned Planner	

## Fields

Field Label	Value
Section Proposed to be Changed	170.113 170.119
Proposed Language	See attached
Justification for Proposed Change	Removing "or any combination" will eliminate owners from utilizing different types of materials to construct or repair a fence, therefore improving the beautification in the city.
Ordinance Number	



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

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005808218

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 261.59

**Run Times:** 1

**No. of Affidavits:** 0

**Run Dates:** 08/25/23

**Text of Ad:**

Ad#5807 08/25/2023  
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 September 5, 2023, and by the City Council on September 19, 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. CP23-00014 - KEW LLC, Michael Erdman (Kimberly B. Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial  
Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE  
2. \*\*FD23-00007 - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.)  
A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development  
A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW  
3. \*\*CU23-00003 - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.)  
A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances  
A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW  
4. \*\*FS23-00007 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 77-lot single-family residential subdivision called Timbers at Everlands Phase 1C  
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW  
5. \*\*FS23-00008 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 196-lot single-family and multiple-family residential subdivision called Timbers at Everlands Phase 2  
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW

b. 123-00023 – City of Palm Bay  
(Growth Management Department)  
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted and Section 170.119, Fence and Wall Maintenance, to provide clear language on fence materials and maintenance  
\*\*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.  
Chandra Powell  
Planning Specialist

## ORDINANCE 2023-93

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 170, CONSTRUCTION CODES AND REGULATIONS, SUBCHAPTER 'WALLS AND FENCES', BY MODIFYING PROVISIONS CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 170, Construction Codes and Regulations, Subchapter 'Walls and Fences', Section 170.113, Types of Fences and Walls Permitted, is hereby amended and shall henceforth read as follows:

**"Section 170.113 TYPES OF FENCES AND WALLS PERMITTED.**

Fences and walls constructed within the city shall conform to one (1) ~~or any combination~~ of the following:

(A) *Type A* Wood fences constructed of rot- and termite-resistive species of wood or wood chemically pressure treated to resist rot and termite attack. All portions of a wooden fence shall display the finished face on the outside.

\* \* \*

**SECTION 2.** The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 170, Construction Codes and Regulations, Subchapter 'Walls and Fences', Section 170.119, Fence and Wall Maintenance, is hereby amended and shall henceforth read as follows:

**“Section 170.119 FENCE AND WALL MAINTENANCE.**

- (A) All fences shall be maintained in their original upright condition.
- (B) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed or erected.
- (C) Missing boards, iron work, wire fabric or posts shall be replaced in a timely manner with material of the same type and quality.

>>(D) All fences will be secured and held upright with the same materials as originally constructed and indicated on Miscellaneous Structure application.<<”

**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.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

Applicant: City of Palm Bay

Case: T23-00023

cc: 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:** 9/19/2023

**RE:** Adoption of Minutes: Meeting 2023-21; September 6, 2023.

**ATTACHMENTS:**

**Description**

**Minutes - RCM 2023-21**

## **CITY OF PALM BAY, FLORIDA**

### **SPECIAL COUNCIL MEETING 2023-21**

Held on Wednesday, the 6<sup>th</sup> day of September 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 6:02 P.M.

#### **ROLL CALL:**

<b>MAYOR:</b>	Rob Medina	Present
<b>DEPUTY MAYOR:</b>	Donny Felix	Present
<b>COUNCILMEMBER:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Randy Foster	Present
<b>COUNCILMEMBER:</b>	Vacant	
<b>CITY MANAGER:</b>	Suzanne Sherman	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>CITY CLERK:</b>	Terese Jones	Present

Councilman Foster attended the meeting via teleconference.

**CITY STAFF:** Juliet Misconi, Deputy City Manager; Angelica Collins, Fiscal Manager; Christopher Little, Utilities Director.

#### **COMMENTARY BY STAFF:**

##### **1. Statement Regarding Tax Rate for Fiscal Year 2024.**

Ms. Sherman announced that the City had tentatively adopted an operating millage rate of 7.5995 for the fiscal year beginning October 1, 2023 and ending September 30, 2024, which exceeded the Truth in Millage (TRIM) current year aggregate rolled-back rate of 6.8183 by 11.46%. The percentage increase being above the three percent (3%) cap was caused by new construction being excluded from the three percent (3%) cap.

Contributing to the operating millage rate increase over the rolled-back rate was:

- \$2.1 million in high priority funding needs including contractual obligations requiring payment.

- \$3.7 million capital funding needs for vehicle replacements, public safety equipment, including required radio replacements, information technology investments and funding toward the construction of Fire Station 7.
- \$2.75 million toward Road Maintenance Fund investments.
- Funding required for police and fire pension contribution obligations of \$6.7 million resulting in a 38.2% increase from the previous fiscal year.
- \$2.3 million in personnel adjustments including nine (9) additional firefighters and eight (8) additional police officers.

The City had also tentatively adopted a debt millage rate of 0.9084 for the fiscal year beginning October 1, 2023 and ending September 30, 2024. The tentative debt millage rate shall generate estimated revenues totaling \$6,972,219 based on the gross taxable value certified by the Property Appraiser's Office.

#### **PUBLIC HEARING:**

##### **1. Discussion of tentative millage rate for Tax Year 2023 and City Manager's summary of proposed budget for Fiscal Year 2023-2024.**

The public hearing was opened. Ms. Collins provided an overview of the proposed budget.

Individuals commented on the budget. Ms. Sherman responded to comments regarding line items of the budget.

The public hearing was closed.

#### **BUSINESS:**

##### **1. Consideration of tentative millage rate for Tax Year 2023; re-computation, if needed, and announcement of tentative millage rate and percentage increase over rolled-back rate.**

Ms. Sherman said the tentative millage rate for tax year 2023 was 7.0171 and the road bond debt millage was 0.9084.

Randall Olszewski, resident, disagreed with the proposed millage rate being high and then being lowered by City Council. He felt the process was confusing to residents.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to set the tentative millage rate at 7.0171. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to set the road bond debt millage rate at 0.9084. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**2. Ordinance 2023-86, amending the Code of Ordinances, Chapter 200, Utilities Code, by adjusting the rates, fees and charges for the City's utilities system and services, first reading.**

The City Attorney read the ordinance in caption only.

Ms. Sherman presented the request to Council.

Randall Olszewski, resident, asked about expansion of infrastructure.

Mr. Little and Jeff Dykstra, of Stantec (City consultant), responded to questions. Mr. Little advised that pursuant to the five-year Capital Improvements Plan (CIP), there were plans to expand the utility plants. There would be future discussions of mandatory connection for those that had services available.

Motion by Deputy Mayor Felix, seconded by Mr. Foster, to approve Ordinance 2023-86.

Deputy Mayor Felix said Council had an obligation to ensure that the residents received the best quality of life. He wanted everyone to have access to city water and sewer now rather than later, even if it was in small increments. Mr. Foster agreed that everyone in the city should have the opportunity to have city water and sewer. Mr. Johnson said that if there was access for city water and sewer, everyone should be connected.

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

**3. Ordinance 2023-87, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter 'Miscellaneous Provisions', by adjusting the permit fees and other charges related to the City's utilities wastewater system, first reading.**

The City Attorney read the ordinance in caption only.

Ms. Sherman presented the request to Council.

Randall Olszewski, resident, said that utilities were available on his street, and he had suggested that his neighbors connect to the system. He said a local company was promoting its services to connect residents through grant monies. He felt the city should use the company to speed up the connection process for residents.

Ms. Sherman stated that the program through the Save Our Indian River Lagoon had a list of contractors to perform the connection services. The City was also working on its own program through American Rescue Plan Act (ARPA) funding.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-87. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**4. Ordinance 2023-88, amending the Code of Ordinances, Chapter 202, Reclaimed Water, by adjusting the rates, fees, and charges for reclaimed water, first reading.**

The City Attorney read the ordinance in caption only.

Ms. Sherman presented the request to Council.

Randall Olszewski, resident, questioned how the use of reclaimed water could be promoted throughout the city.

Mr. Little addressed the comments by Mr. Olszewski. There had been a push to get reclaimed water out to the communities. The City had an obligation in the consumptive use permit to utilize as much reclaimed water as possible. There were several communities that used reclaimed water, but water quality was an issue.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-88. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**5. Ordinance 2023-89, adopting the final budget for Fiscal Year 2023-2024, first reading.**

The City Attorney read the ordinance in caption only.

Ms. Sherman presented the request to Council.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-89. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

There being no further business, the meeting adjourned at the hour of 8:05 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Brian Robinson, Information Technology Director

**DATE:** 9/19/2023

**RE:** Contract: Superion Public Administration and Public Safety Software Maintenance and Support - Information Technology Department (Central Square (dba Superion) - \$246,050).

Central Square (doing business as Superion, LLC) is the provider of both NaviLine and OneSolution, integrated software solutions for public administration and public safety. Superion (formerly Sungard HTE) has been providing the City of Palm Bay with software modules and technical support for over 20 years and is the sole provider of their software and maintenance support. As Superion is the only provider of maintenance and support of their software, per the Procurement Ordinance, 38.07, maintenance and support of existing software/hardware is excluded from the competitive procurement process.

Information related to the City's 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:**  
Procurement, Information Technology

**FISCAL IMPACT:**  
The total FY 2023 expenditure of NaviLine public administration software maintenance and support is \$130,901.50. Funds are available in Information Technology account 001-2310-519-4604 (\$87,898.45) to cover the General Fund portion of operations. The Utilities Enterprise Fund portion is available in account 421-8011-536-3411 (\$34,900.27) and account 421-8012-536-3411 (\$3,548.91), as well as the Building Enterprise Fund portion, available in account 451-3120-524-4604 (\$4,553.87).

Additionally, the total FY 2023 expenditure of OneSolution public safety software maintenance and support is \$115,148.07. Funds are available in Information Technology account 001-2310-519-4604.

**RECOMMENDATION:**  
Motion to authorize the City Manager to execute the renewal contract for software maintenance and support in the amount of \$246,049.57 with Central Square (dba Superion, LLC).



## 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:** 9/19/2023

**RE:** Miscellaneous: Clarifier 1 Drive mechanism repair, North Regional Wastewater Treatment Plant (emergency procurement) – Utilities Department (Evoqua - \$185,285).

The clarifier drive mechanism at the North Regional Wastewater Treatment Plant (NRWWTP) has failed and must be repaired. This is an emergency procurement for the parts and services to rebuild the drive mechanism. Any delays in the rebuilt will affect the operational reliability of the NRWWTP and could lead to the illicit discharge of sewage and/or biosolids into the deep injection well or the ground.

Evoqua Water Technologies is the original equipment manufacturer and they have provided a quote to complete the rebuild onsite. The total cost to complete the clarifier drive mechanism repair will be \$165,285.34. Additionally, the Utilities Department requests \$20,000.00 contingency to account for any unforeseen repairs that may be required to complete the repair.

On August 30, 2023, the Utilities Director advised the City Manager (CM) and the Chief Procurement Officer (CPO) of the failure of the NRWWTP clarifier drive mechanism, including a preliminary cost estimate of the emergency repair. The CM authorized proceeding with the repair on August 30, 2023.

Per City Code of Ordinance 38.12 EMERGENCY PURCHASES: The Chief Procurement Officer may make or authorize emergency purchases as defined herein. In the event of an emergency, such as a declaration of emergency pursuant to Fla. Stat. 252.38, by the Governor, or Fla. Stat. 252.38, by the County or City, an equipment failure, catastrophic damage to City property, or other similar unexpected event, all formal competitive bidding procedures are waived, and normal procurement procedures and requirements directly related to such emergency shall be suspended; and with the approval of the City Manager or the Chief Procurement Offices, the head of any department may purchase any required emergency supplies, materials, equipment or services. The head of such department shall send to the Chief Procurement Officer a requisition and copy of the delivery record together with a full justification and circumstances of the emergency. Records of emergency purchases shall be maintained by the Chief Procurement Officer. A record listing of all emergency purchases exceeding the mandatory City Council approval amount shall be submitted to the city Council within ninety (90) days of said purchase.

**REQUESTING DEPARTMENT:**

Utilities, Finance, Procurement

**FISCAL IMPACT:**

Total estimated cost \$165,285.34. A budget amendment will be submitted in the amount of \$185,286 (repair, plus contingency). Pending approval of the budget amendment, funds will be available for this project in Utilities Renewal Replacement Fund, account 424-8032-535-6221, project 23WS22.

**RECOMMENDATION:**

Motion to 1) approve the appropriation of funds on the next scheduled budget amendment in the amount of \$185,286; 2) approve the Emergency Procurement of parts and services from Evoqua Water Technologies, amount \$165,285.34.

**ATTACHMENTS:**

**Description**

Evoqua Quote

Proposal For: CITY OF PALM BAY  
Tim Hughes  
1105 CLEARMONT ST NE  
PALM BAY, FL 32905-4730  
Phone: 321-863-8823  
tim.hughes@palmbay.org

Kristopher Kebbekus  
Evoqua Water Technologies  
N19W23993 Ridgeview Pkwy, Suite 200  
Waukesha, WI 53188  
Phone: 262-521-8212  
kristopher.kebbekus@evoqua.com

## Item Pricing Summary

### 1. Construction Crew Turnkey Install

Item	Part No Description	Qty	Net Price	Ext. Price
1	<b>W3T6313</b> Field Service- Install / Drive Rebuild / Crane Rental / Turnkey Project  Field Service Quote: Turnkey Project Crane to be provided by Evoqua. Drive will be rebuilt on Customer Site at Customer Shop (Material Handling of Drive by Customer) Evoqua will provide man lifts as needed. All Tanks to be drained and cleaned prior to field crews' arrival. No Prevailing Wages Standard 7/10 Schedule Applies to Field Crew	1 EA	\$110,055.83	\$110,055.83

**Subtotal: \$110,055.83**

### 2. Lower Turntable Rebuild

Item	Part No Description	Qty	Net Price	Ext. Price
2	<b>W3T22480</b> KIT-REBUILD, TURNTABLE PARTS H40A-LT/HT Reference #: 603-82085-80	1 EA	\$3,648.38	\$3,648.38

**Subtotal: \$3,648.38**

### 3. Skimmer Replacement Items and Hardware

Item	Part No Description	Qty	Net Price	Ext. Price
3	<b>W3T18202</b> WIPER-SKIMMER, LWR, 2.5x50.5x.25", NEOPRENE Reference #: 103-50660-2	1 EA	\$66.89	\$66.89
4	<b>W3T18443</b> WIPER-SKIMMER, 3 X 5.5 X .25", NEOPRENE Reference #: 103-81229-1	2 EA	\$24.32	\$48.64

5	<b>W2T120975</b> BOLT, CARR RND 0.375UNCx1.5" A307 ZP; Reference #: 841-14350	12 EA	\$0.77	\$9.24
6	<b>W2T120831</b> NUT,LOCK 0.375UNC ZP GR A ESNA, NYLO Reference #: 841-20865	12 EA	\$2.55	\$30.60

**Subtotal: \$155.37**

#### 4. Manifold Seal and Band Camp Replacement Items

Item	Part No Description	Qty	Net Price	Ext. Price
7	<b>W2T119476</b> SEAL-MANF, 3.625"W X 600"L X 0.25"THK; Reference #: 103-81481-1	50 FT	\$11.41	\$570.50
8	<b>W2T119880</b> KIT,CLAMP W/BAND 50' X.62" FSTNRS & SPLC Reference #: 303-1380-1	1 EA	\$243.25	\$243.25

**Subtotal: \$813.75**

#### 5. Scum Trough Ramp Replacement and Hardware

Item	Part No Description	Qty	Net Price	Ext. Price
9	<b>W3T268409</b> H119471-128-100 / Ramp & Scum Trough	1 EA	\$6,794.97	\$6,794.97
10	<b>W2T119442</b> STUD, ANCHR 0.625UNCx6" 313; Reference #: 841-19690	6 EA	\$11.19	\$67.14
11	<b>W2T313613</b> SCREW-CAP,HEX HD,.625UNC X 1.75",SS18-8 Reference #: 841-09990	5 EA	\$1.82	\$9.10
12	<b>W2T313705</b> SCREW-MACH,FLT HD,.625UNC X 1.50",SS18-8 Reference #: 841-13850	5 EA	\$12.22	\$61.10
13	<b>W2T117616</b> NUT,HEX 0.625UNC SS F594 316SS Reference #: 841-20305	5 EA	\$1.52	\$7.60
18	<b>W3T268409</b> W2T117916 / BOLT-CARR,RND HD,.375UNC X 1.50",SS18-8	59 EA	\$0.66	\$38.94

**Subtotal: \$6,978.85**

## 6. Header Replacement and Hardware

Item	Part No Description	Qty	Net Price	Ext. Price
14	<b>W3T268409</b> H119471-115-100 / Header	1 EA	\$14,737.50	\$14,737.50
15	<b>W3T268409</b> H119471-115-101 / Header	1 EA	\$13,068.25	\$13,068.25
16	<b>W3T268409</b> H119471-115-102 / Header	1 EA	\$12,089.64	\$12,089.64
17	<b>W2T119874</b> SQUEEGE-FLDZNG VANE,0.25 X 3",NEOPRENE Reference #: 103-51353-1	60 FT	\$9.95	\$597.00
19	<b>W2T120824</b> NUT,HEX 0.375UNC SS F594 316SS Reference #: 841-20125	59 EA	\$0.39	\$23.01
20	<b>W2T117959</b> WASHER;FLAT;0.375;1 OD;18-8SS;0.083 THK Reference #: 841-21855	59 EA	\$0.64	\$37.76

**Subtotal: \$40,553.16**

Currency: USD

Item(s) Subtotal: **\$162,205.34**

Shipping and Handling Charges: **\$3,080.00**

**Total Net Price: \$165,285.34**

### Proposal Notes

**Lead Time: 10-12 Weeks**

**Please provide tax exempt certificate with purchase order.**

Our Manufacturer Rep in your area is:

Representative: Gregory Chomic  
 Company: Heyward Florida Incorporated  
 List Address: 415 Country Club Drive  
 Winter Park, FL, 32789  
 Phone: (407) 948-0332  
 Email: gchomic@heywardFL.com

# Payment Terms and Delivery

## PO Terms

Purchaser acknowledges that Seller is required to comply with applicable export laws and regulations relating to the sale, exportation, transfer, assignment, disposal and usage of the goods and/or services provided under the Contract, including any export license requirements. Purchaser agrees that such goods and/or services shall not at any time directly or indirectly be used, exported, sold, transferred, assigned or otherwise disposed of in a manner which will result in non-compliance with such applicable export laws and regulations. It shall be a condition of the continuing performance by Seller of its obligations hereunder that compliance with such export laws and regulations be maintained at all times. PURCHASER AGREES TO INDEMNIFY AND HOLD SELLER HARMLESS FROM ANY AND ALL COSTS, LIABILITIES, PENALTIES, SANCTIONS AND FINES RELATED TO NON-COMPLIANCE WITH APPLICABLE EXPORT LAWS AND REGULATIONS.

## Shipping Information

- Prepaid and Add: Shipping and Handling Charge

## Terms

- This quote is valid until 09-29-2023
- Payment terms are N30 - Net 30 days with proper credit, and are subject to the attached Evoqua Water Technologies Terms and Conditions

### Sales Tax & GST:

- The pricing provided in this proposal does not include applicable Sales Tax or GST.
- If your company is exempt from Sales Tax or GST, or eligible for a reduced rate of tax, a tax exemption certificate must be provided no later than with your purchase order.
- If a timely, valid exemption certificate or other documentation is not provided, any applicable Sales Tax or GST will be invoiced and payable.
- New customers may be required to supply a signed credit application to be approved for credit terms.
- **NOTE:** You may be assessed a 3% fee if paying via Credit Card. Find more info on our website here > <https://www.evoqua.com/en/about-us/terms-conditions-sale-products-services/credit-card-fee-faqs/>. Ask us how to avoid paying fees by migrating to ACH CTX payment type.
- We require hard documentation of your ordering for Evoqua to process your order. For your convenience, we can start processing your order by signing and returning:
  - Fax to:
  - or Email to: [kristopher.kebbekus@evoqua.com](mailto:kristopher.kebbekus@evoqua.com)
- You may also mail to:
  - Evoqua Water Technologies
  - N19W23993 Ridgeview Pkwy, Suite 200
  - Waukesha, WI 53188
- Material Escalation
- Due to volatility in steel costs, prices quoted in this proposal will be adjusted to reflect changes in the Metal and Metal Products Index (MMPI) published by the U.S. Department of Labor, Bureau of Labor Statistics. The most recent published MMPI is 318.1 for May of 2023. If the MMPI exceeds 324.4 at the time the Equipment is released for manufacture, then the price will be increased by the same percentage as the MMPI exceeds 324.4.
- Further Evoqua's price does not account for increased costs, delays and inefficiencies associated with current regulations and guidelines concerning COVID-19. Should these, or any additional, restrictions be implemented by any governing body, the CDC, or the customer or user of the Equipment to address COVID-19, Evoqua reserves the right to request a change order to the extent its costs or time for performance are increased by additional restrictions.

**Evoqua Water Technologies Banking Details****ACH - CTX****Evoqua's preferred payment method is via ACH - CTX:**

JP Morgan Chase Bank  
Attn: Evoqua Water Technologies, LLC  
Account #: 603148011  
Swift Code: CHASUS33  
ACH Routing / ABA: **044000037**  
Wire Routing / ABA: **021000021**  
Remittance details should go to: **electronicfunds@evoqua.com**

**Paper checks via Postal Service****Paper checks via Postal Service:**

Send to our Lockbox, address is:  
Evoqua Water Technologies LLC  
28563 Network Place  
Chicago, IL 60673-1285

**Paper checks via Overnight / Courier****Paper checks via Overnight / Courier:**

JP Morgan Chase Bank  
Attn: Evoqua Water Technologies Lockbox 28563  
131 S Dearborn, 6th Floor  
Chicago, IL 60603  
Remittance details should go to: **electronicfunds@evoqua.com**

**\*\* If ever instructed to change banking information, contact us immediately at 1-800-466-7873 \*\***

**Standard Terms of Sale**

1. **Applicable Terms.** These terms govern the purchase and sale of equipment, products, related services, leased products, and media goods if any (collectively herein "Work"), referred to in Seller's proposal ("Seller's Documentation"). Whether these terms are included in an offer or an acceptance by Seller, such offer or acceptance is expressly conditioned on Buyer's assent to these terms. Seller rejects all additional or different terms in any of Buyer's forms or documents.
2. **Payment.** Buyer shall pay Seller the full purchase price as set forth in Seller's Documentation. Unless Seller's Documentation specifically provides otherwise, freight, storage, insurance and all taxes, levies, duties, tariffs, permits or license fees or other governmental charges relating to the Work or any incremental increases thereto shall be paid by Buyer. If Seller is required to pay any such charges, Buyer shall immediately reimburse Seller. If Buyer claims a tax or other exemption or direct payment permit, it shall provide Seller with a valid exemption certificate or permit and indemnify, defend and hold Seller harmless from any taxes, costs and penalties arising out of same. All payments are due within N30 - Net 30 days after receipt of invoice. Buyer shall pay interest on all late payments not received by the due date. The Buyer shall be charged the lesser rate of 1 ½% interest per month or the maximum interest rate permissible under applicable law, calculated daily and compounded monthly. Buyer shall also reimburse Seller for all costs incurred in collecting amounts due but unpaid, including without limitation, collections fees and attorneys' fees. All orders are subject to credit approval by Seller. Back charges without Seller's prior written approval shall not be accepted.
3. **Delivery.** Delivery of the Work shall be in material compliance with the schedule in Seller's Documentation. Unless Seller's Documentation provides otherwise, delivery terms are FOB Shipping Point, or for international orders, ExWorks Seller's factory (INCOTERMS 2020). Title to all Work shall pass upon receipt of payment for the Work under the respective invoice. Unless otherwise agreed to in writing by Seller, shipping dates are approximate only and Seller shall not be liable for any loss or expense (consequential or otherwise) incurred by Buyer or Buyer's customer if Seller fails to meet the specified delivery schedule.
4. **Ownership of Materials and Licenses.** All devices, designs (including drawings, plans and specifications), estimates, prices, notes, electronic data, software, and other information prepared or disclosed by Seller, and all related intellectual property rights, shall remain Seller's property. Seller grants Buyer a non-exclusive, non-transferable license to use any written material solely for Buyer's use of the Work. Buyer shall not disclose any such material to third parties without Seller's prior written consent. Buyer grants Seller a non-exclusive, non-transferable license to use Buyer's name and logo for marketing purposes, including but not limited to, press releases, marketing and promotional materials, and web site content.
5. **Changes.** Neither party shall implement any changes in the scope of Work described in Seller's Documentation without a mutually agreed upon change order. Any change to the scope of the Work, delivery schedule for the Work, any Force Majeure Event, any law, rule, regulation, order, code, standard or requirement which requires any change hereunder shall entitle Seller to an equitable adjustment in the price and time of performance. If Buyer requests a proposal for a change in the Work from Seller and subsequently elects not to proceed with the change, a change order shall be issued to reimburse Seller for reasonable costs incurred for estimating services, design services, and services involved in the preparation of proposed changes.
6. **Force Majeure Event.** Neither Buyer nor Seller shall have any liability for any breach or delay (except for breach of payment obligations) caused by a Force Majeure Event. If a Force Majeure Event exceeds six (6) months in duration, the Seller shall have the right to terminate the Agreement without liability, upon fifteen (15) days written notice to Buyer, and shall be entitled to payment, including overhead and profit, for work performed prior to the date of termination. "Force Majeure Event" shall mean events or circumstances that are beyond the affected party's control and could not reasonably have been easily avoided or overcome by the affected party and are not substantially attributable to the other party. Force Majeure Event may include, but is not limited to, the following circumstances or events: war, act of foreign enemies, terrorism, riot, strike, or lockout by persons other than by Seller or its sub-suppliers, natural catastrophes, (with respect to on-site work) unusual weather conditions, epidemic, pandemic, communicable disease outbreak, quarantines, national emergency, or state or local order.
7. **Warranty.** Subject to the following sentence, Seller warrants to Buyer that the (i) Work shall materially conform to the description in Seller's Documentation and shall be free from defects in material and workmanship and (ii) the Services shall be performed in a timely and workmanlike manner. Determination of suitability of treated water for any use by Buyer shall be the sole and exclusive responsibility of Buyer, and Seller disclaims any warranty regarding such suitability. The foregoing warranty shall not apply to any Work that is specified or otherwise demanded by Buyer and is not manufactured or selected by Seller, as to which (i) Seller hereby assigns to Buyer, to the extent assignable, any warranties made to Seller and (ii) Seller shall have no other liability to Buyer under warranty, tort or any other legal theory. The Seller warrants the Work, or any components thereof, through the earlier of (i) eighteen (18) months from delivery of the Work, or (ii) twelve (12) months from Buyer's initial operation of the Work, or in the case of services performed as part of the Work, ninety (90) days from the performance of the services (the "Warranty Period"). If Buyer gives Seller prompt written notice of breach of this warranty within the Warranty Period, Seller shall, at its sole option and as Buyer's sole and exclusive remedy, repair or replace the subject parts, re-perform the Service or refund the purchase price. Unless otherwise agreed to in writing by Seller, (i) Buyer shall be responsible for any labor required to gain access to the Work so that Seller can assess the available remedies and (ii) Buyer shall be responsible for all costs of installation of repaired or replaced Work. If Seller determines that any claimed breach is not, in fact, covered by this warranty, Buyer shall pay Seller its then customary charges for any repair or replacement made by Seller. Seller's warranty is conditioned on Buyer's (i) operating and maintaining the Work in accordance with Seller's instructions, (ii) not making any unauthorized repairs or alterations, and (iii) not being in default of any payment obligation to Seller. Seller's warranty does not cover (i) damage caused by chemical action or abrasive material, improper thermal or electrical capacity, misuse or improper installation (unless installed by Seller) and (ii) media goods (such as, but not limited to, resin, membranes, or granular activated carbon media) once media goods are installed. THE WARRANTIES SET FORTH IN THIS SECTION ARE THE SELLER'S SOLE AND EXCLUSIVE WARRANTIES AND ARE SUBJECT TO THE LIMITATION OF LIABILITY PROVISION BELOW. SELLER MAKES NO OTHER WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR PURPOSE.
8. **Indemnity.** Seller shall indemnify, defend, and hold Buyer harmless from any claim, cause of action, or liability incurred by Buyer as a result of third-party claims for personal injury, death, or damage to tangible property, to the extent caused by Seller's negligence. Seller shall have the sole authority to direct the defense of and settle any indemnified claim. Seller's indemnification is conditioned on Buyer (i) promptly notifying Seller of any

claim, and (ii) providing reasonable cooperation in the defense of any claim. Buyer shall indemnify, defend, and hold harmless Seller from any claim, cause of action, or liability incurred by Seller as a result of third-party claims for personal injury, death, or damage to tangible property, to the extent caused by Buyer's negligence. Buyer shall have the sole authority to direct the defense of and settle any such indemnified claim. Buyer's indemnification is conditioned on Seller (i) promptly notifying Buyer of any claim, and (ii) providing reasonable cooperation in the defense of any claim.

9. **Assignment.** Neither party may assign this Agreement, in whole or in part, nor any rights or obligations hereunder without the prior written consent of the other party; provided, however, the Seller may assign its rights and obligations under these terms to its affiliates or in connection with the sale or transfer of the Seller's business, and Seller may grant a security interest in the Agreement and/or assign proceeds of the agreement without Buyer's consent.

10. **Termination.** Either party may, in addition to any other available remedy, terminate this agreement for a material breach upon issuance of a written notice of the breach and expiration of a thirty (30) day cure period. In the event of (i) a voluntary or involuntary petition in bankruptcy, (ii) an assignment for the benefit of a creditor, or (iii) a receivership, liquidation, or dissolution, Seller may terminate the agreement immediately, in addition to seeking any other available remedy. If Buyer suspends an order without a change order for ninety (90) or more days, Seller may thereafter terminate this Agreement without liability, upon fifteen (15) days written notice to Buyer, and shall be entitled to payment for work performed, whether delivered or undelivered, prior to the date of termination.

11. **Dispute Resolution.** In the event of any claim, dispute, or controversy arising out of or relating in any way to this Agreement (collectively, a "Claim"), Seller and Buyer shall first negotiate in good faith in an effort to resolve the Claim. If, despite good faith efforts, the parties are unable to resolve a Claim through negotiations, the parties shall mediate the Claim in accordance with the commercial mediation procedures of the American Arbitration Association ("AAA"), with such mediation to take place in Pittsburgh, Pennsylvania. If the parties are unable to resolve the Claim through such mediation, then the Claim shall be resolved through final and binding arbitration pursuant to the commercial arbitration procedures of the AAA, with such arbitration to take place in Pittsburgh, Pennsylvania before one arbitrator, who shall have authority to rule on jurisdiction over the Claim. Seller and Buyer agree to the exclusive jurisdiction of the federal and state courts situated in Allegheny County, Pennsylvania for purposes of entering judgment upon the arbitrator's award. The substantially prevailing party, as determined by the arbitrator, shall be entitled to recover all costs, expenses, and charges, including, without limitation, reasonable attorneys' fees and expert witness fees, incurred in connection with the Claim. In case of an Agreement under which Seller ships the Work outside of the United States, or under which Seller's and Buyer's places of business are in different countries, any Claim which is not resolved by the good faith negotiations and mediation required by this Section shall then be determined by arbitration administered by the International Center for Dispute Resolution in accordance with its International Arbitration Rules, with such arbitration taking place in Pittsburgh, Pennsylvania, USA, before one arbitrator, with English as the language of the arbitration. This Agreement and any Claim shall be governed by the laws of the Commonwealth of Pennsylvania, without giving effect to the choice of law principles thereof.

12. **Export Compliance.** All items, and technologies, software, and work products are controlled by the U.S. Government and authorized for export only to the country of ultimate destination for use by the ultimate consignee or end-user(s) herein identified. They may not be resold, transferred, or otherwise disposed of, to any other country or to any person other than the authorized ultimate consignee or end-user(s), either in their original form or after being incorporated into other items, without first obtaining approval from the U.S. government or as otherwise authorized by U.S. law and regulations. Any diversion contrary to U.S. law is prohibited. Buyer acknowledges that Seller is required to comply with applicable export laws and regulations relating to the sale, exportation, transfer, assignment, disposal, and usage of the Work provided under this Agreement, including any export license requirements. Buyer agrees that such Work shall not at any time directly or indirectly be used, exported, sold, transferred, assigned, or otherwise disposed of in a manner which will result in non-compliance with such applicable export laws and regulations. It shall be a condition of the continuing performance by Seller of its obligations hereunder that compliance with such export laws and regulations be maintained at all times. BUYER AGREES TO INDEMNIFY AND HOLD SELLER HARMLESS FROM ANY AND ALL COSTS, LIABILITIES, PENALTIES, SANCTIONS AND FINES RELATED TO NON-COMPLIANCE WITH APPLICABLE EXPORT LAWS AND REGULATIONS.

13. **Anti-Kickback Statute - Discounts.** It is the intent of both Buyer and Seller to comply with the Anti-Kickback Statute (42 U.S.C. §1320a-7b(b)) and the Discount Safe Harbor and Warranties Safe Harbor regulations set forth in 42 C.F.R. 1001.952(h) and (g), respectively. Buyer's price may constitute a 'discount or other reduction in price' under the Anti-Kickback Statute. Seller shall provide Buyer with invoices that fully and accurately disclose the discounted price of all Products purchased under this Agreement to allow Buyer to comply with this Section and the Discount Safe Harbor regulations, including sufficient information to enable it to accurately report its actual cost for all purchases of Products. Buyer acknowledges that, if applicable, it will fully and accurately report all discounts or other price reductions, including warranty items, in the costs claimed or charges made under any Federal or State healthcare program and provide information upon request to third party reimbursement programs, including Medicare and Medicaid. Buyer will be solely responsible for determining whether any savings or discount or warranty item it receives must be reported or passed on to payors.

14. **Federal Program Participation.** Seller represents and warrants that neither it nor any of its current directors, officers, or key personnel: (i) are currently excluded, debarred or otherwise ineligible to participate in federal health care programs as defined in 42 U.S.C. §1320a-7b(f) (the "Federal Healthcare Programs"); (ii) have been convicted of a criminal offense related to the provision of healthcare items or services during the last five (5) years; or (iii) have been excluded, debarred or otherwise declared ineligible to participate during the last five (5) years in Federal Healthcare Programs. Seller will notify Buyer of any change in the status of the representations and warranties set forth above.

15. **LIMITATION OF LIABILITY.** NOTWITHSTANDING ANYTHING ELSE TO THE CONTRARY, SELLER SHALL NOT BE LIABLE FOR ANY CONSEQUENTIAL, INCIDENTAL, SPECIAL, PUNITIVE OR OTHER INDIRECT DAMAGES, AND SELLER'S TOTAL LIABILITY ARISING AT ANY TIME FROM THE SALE OR USE OF THE WORK, INCLUDING WITHOUT LIMITATION ANY LIABILITY FOR ALL WARRANTY CLAIMS OR FOR ANY BREACH OR FAILURE TO PERFORM ANY OBLIGATION UNDER THE AGREEMENT, SHALL NOT EXCEED THE PURCHASE PRICE PAID FOR THE WORK. THESE LIMITATIONS APPLY WHETHER THE LIABILITY IS BASED ON CONTRACT, TORT, STRICT LIABILITY OR ANY OTHER THEORY.

16. **Miscellaneous.** These terms, together with any related Contract Documents issued or signed by the Seller, comprise the complete and exclusive statement of the agreement between the parties (the "Agreement") and supersede any terms contained in Buyer's documents, unless separately signed by Seller. No part of the Agreement may be changed or cancelled except by a written document signed by Seller and Buyer. No course of dealing or performance, usage of trade or failure to enforce any term shall be used to modify the Agreement. To the extent the Agreement is considered a subcontract under Buyer's prime contract with an agency of the United States government, in case of Federal Acquisition Regulations (FARs) flow down terms, Seller will be in compliance with Section 44.403 of the FAR relating to commercial items and those additional clauses as specifically listed in 52.244-6, Subcontracts for Commercial Items (OCT 2014). If any of these terms is unenforceable, such term shall be limited only to the extent necessary to make it enforceable, and all other terms shall remain in full force and effect. The Agreement shall be governed by the laws of the Commonwealth of Pennsylvania without regard to its conflict of laws provisions. Both Buyer and Seller reject the applicability of the United Nations Convention on Contracts for the international sales of goods to the relationship between the parties and to all transactions arising from said relationship.

**Only in the event that the Work contemplated in this Order is related to the provision of medical devices, the following additional terms apply:**

17. **Medical Devices Act and Regulatory Disclaimer.** Buyer acknowledges that it is familiar with the U.S. Safe Medical Devices Act of 1990 (the "Devices Act") and the reporting obligations imposed on device users thereunder. In this regard, Buyer agrees to notify Seller within ten (10) days of the occurrence of any event identified in the Devices Act imposing a reporting obligation on Buyer and/or Seller (except for events representing an imminent hazard that require notification to the United States Food and Drug Administration (the "FDA") within seventy-two (72) hours (or such shorter time as required by law), in which case, such notice will be delivered to the FDA and Seller within said period). Buyer will maintain adequate tracking for the Products to enable Seller to meet the FDA requirements applicable to the tracking of medical devices. Although Seller has the required registrations, approvals, and licenses (e.g., U.S. 510(k) pre-market notifications) for all or substantially all of its systems, the purchase of parts and system components from Seller does not provide 510(k) compliance or compliance under any other law, rule or regulation for Buyer's system.

**Only in the event that the Work contemplated in this Order is related to the provision of leased or rented equipment ("Leased Equipment"), the following additional terms apply:**

18. **Rental Equipment / Services.** Any Leased Equipment provided by Seller shall at all times be the property of Seller with the exception of certain miscellaneous installation materials purchased by the Buyer, and no right or property interest is transferred to the Buyer, except the right to use any such Leased Equipment as provided herein. Buyer agrees that it shall not pledge, lend, or create a security interest in, part with possession of, or relocate the Leased Equipment. Buyer shall be responsible to maintain the Leased Equipment in good and efficient working order. At the end of the initial term specified in the order, the terms shall automatically renew for the identical period unless canceled in writing by Buyer or Seller not sooner than three (3) months nor later than one (1) month from termination of the initial order or any renewal terms. Upon any renewal, Seller shall have the right to issue notice of increased pricing which shall be effective for any renewed terms unless Buyer objects in writing within fifteen (15) days of issuance of said notice. If Buyer timely cancels service in writing prior to the end of the initial or any renewal term this shall not relieve Buyer of its obligations under the order for the monthly rental service charge which shall continue to be due and owing. Upon the expiration or termination of this Agreement, Buyer shall promptly make any Leased Equipment available to Seller for removal. Buyer hereby agrees that it shall grant Seller access to the Leased Equipment location and shall permit Seller to take possession of and remove the Leased Equipment without resort to legal process and hereby releases Seller from any claim or right of action for trespass or damages caused by reason of such entry and removal.

Accepted by: \_\_\_\_\_

Print: \_\_\_\_\_

Date: \_\_\_\_\_



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Laura Clawson, Human Resources Director

**DATE:** 9/19/2023

**RE:** Resolution 2023-26, amending Resolution 2022-51, as amended, adopting the Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay for Fiscal Year 2022-2023 (fourth amendment).

The following are the adjustments to the Position Control Plan for the fourth amendment of FY 2022-2023:

**Building:** Reclassified one (1) filled Administrative Assistant to an Asset Management Specialist. Funding will come from the department's current budget.

**Growth Management:** Added one (1) vacant Land Development Division Manager. Position and funding approved at the July 6, 2023, Council Meeting. Reclassified one (1) filled Code Compliance Officer to Senior Code Compliance Officer. Position will serve as a trainer/lead for other Code Compliance Officers. Funding will come from the department's current budget. Transferred and reclassified one (1) filled Engineering Technician II from the Public Works Dept. to a Planning Specialist in Growth Management. Approved at the July 6, 2023, Council Meeting.

**Human Resources:** Pay Grade Adjustment for one (1) filled Human Resources Wellness and Development Coordinator. Upon review of the job description, actual duties performed, and training components added, pay grade changed from G09 to G12.

**Police:** Title change for four (4) filled Material Management Technicians to Evidence Technician I's position to an Inventory Control Coordinator. The change reflects the actual duties and responsibilities performed by the employees. Funding source change for one (1) filled Senior Inventory Control Coordinator and one (1) Inventory Control Coordinator. Positions moved from Support Services Division to Executive Division. Reclassified one (1) vacant Police Officer position to a Police Lieutenant position to oversee specialty teams/units and assist with administrative tasks. Provided a pay increase to nine (9) Police officers from Step PO 1 to Step PO 2 to remedy a pay disparity for the employees effective April 1, 2023. Reclassified one (1) filled Budget Officer to a Fiscal Administrator. Funding will come from the department's current budget.

**Public Works:** Reclassify one (1) vacant Engineer II position a Customer Service Manager position. Reclassification will create a dedicated point of contact for Solid Waste/Stormwater Utility contracts and escalated customer service related inquiries. There is no budgetary impact.

Recreation: Reclassified one (1) filled part-time Recreation Aide to one (1) part-time Lifeguard. The change reflects the duties and responsibilities performed by the employee.

Utilities: Title change for one (1) filled Utilities Project Manager to a Project Manager. Reclassification of one (1) filled Utilities Project Manager to a Senior Project Manager. These changes are in line with positions in another department and reflect the level of work performed by the employees.

**REQUESTING DEPARTMENT:**

Growth Management, Utilities, Public Works, Recreation, Human Resources, Police Department, Building Department

**RECOMMENDATION:**

Motion to approve the Resolution with the modifications as noted.

**ATTACHMENTS:**

**Description**

Ordinance 2023-26

Pay Plans and Position Listings September 2023

FY23 4th Qtr. Position Control Plan Changes

## RESOLUTION 2023-26

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2022-51, AS AMENDED BY RESOLUTIONS 2023-02, 2023-10, AND 2023-20, ADOPTING THE CLASSIFICATION AND PAY PLANS AND THE POSITION CONTROL PLAN FOR EMPLOYEES OF THE CITY OF PALM BAY FOR FISCAL YEAR 2022–2023; RESCINDING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay's Personnel Policies, Rules 12 and 13, respectively, require that Pay Plans be adopted for the employees of the City of Palm Bay, and

**WHEREAS**, the City of Palm Bay desires to amend the Position Control Plan.

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

**SECTION 1.** The City Council hereby amends Resolution 2022-51, as amended by Resolutions 2023-02, 2023-10, and 2023-20, adopting the Classification and Pay Plans for the City of Palm Bay employees and the Position Control Plan, which are, by reference, incorporated herein as Exhibits 'A' and 'B'.

**SECTION 2.** All resolutions or parts of resolutions in conflict herewith are hereby superseded and rescinded.

**SECTION 3.** The provisions within this resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2023- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2023.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

**CITY OF PALM BAY**  
**FY 23 GENERAL**  
**CURRENT POSITIONS IN POSITION CONTROL**

Group	Position Title	Grade	Exempt	Range Min	Range Max
G3	ACCOUNTANT I	G09	N	\$52,243	\$86,201
G3	ACCOUNTANT II	G12	Y	\$60,478	\$99,788
G3	ACCOUNTING/PROCUREMENT ASSIST	G08	N	\$49,755	\$82,096
G3	ADMINISTRATIVE ASSISTANT	G05	N	\$42,980	\$70,917
G3	ADMINISTRATIVE COORDINATOR	G10	Y	\$54,855	\$90,511
G3	ADMINISTRATIVE SECRETARY	G03	N	\$38,984	\$64,324
G3	ADMINISTRATIVE SERVICES MGR	G10	Y	\$54,855	\$90,511
G3	APPLICATION ANALYST I	G10	Y	\$54,855	\$90,511
G3	APPLICATION ANALYST II	G12	Y	\$60,478	\$99,788
G3	ASSET MANAGEMENT SPECIALIST	G08	N	\$49,755	\$82,096
G2	ASSET MANAGER	G16	Y	\$73,511	\$121,293
G2	ASSIST DIR OF COMM & ECON DEV	G19	Y	\$85,098	\$140,412
G2	ASSIST PUBLIC WORKS DIRECTOR	G19	Y	\$85,098	\$140,412
G2	ASSISTANT FINANCE DIRECTOR	G19	Y	\$85,098	\$140,412
G2	ASSISTANT FIRE CHIEF	G19	Y	\$85,098	\$140,412
G3	ASSISTANT FIRE MARSHAL	G14	Y	\$66,677	\$110,016
G2	ASSISTANT GROWTH MGMT DIRECTOR	G19	Y	\$85,098	\$140,412
G2	ASSISTANT HUMAN RESOURCES DIR	G19	Y	\$85,098	\$140,412
G2	ASSISTANT UTILITIES DIRECTOR	G19	Y	\$85,098	\$140,412
G3	BILLING & COLL COORDINATOR	G08	Y	\$49,755	\$82,096
G3	BLDG SVCS & FLOOD PLAIN COORD	G10	N	\$54,855	\$90,511
G2	BUDGET ADMINISTRATOR	G16	Y	\$73,511	\$121,293
G3	BUDGET ANALYST	G13	Y	\$63,501	\$104,777
G3	BUDGET OFFICER	G13	Y	\$63,501	\$104,777
G2	BUSINESS OPERATIONS DIV MGR	G15	Y	\$70,010	\$115,517
G3	BUSINESS OPERATIONS SPECIALIST	G10	Y	\$54,855	\$90,511
G3	CASH MANAGEMENT COORDINATOR	G10	Y	\$54,855	\$90,511
G2	CHIEF ACCOUNTANT	G16	Y	\$73,511	\$121,293
G1	CHIEF BUILDING OFFICIAL	G23	Y	\$103,437	\$170,671
G1	CHIEF DEPUTY CITY ATTORNEY	G25	Y	\$114,040	\$188,165
G1	CHIEF PROCUREMENT OFFICER	G23	Y	\$103,437	\$170,671
G1	CITY ATTORNEY	G30	Y	\$145,547	\$240,152
G1	CITY CLERK	G25	Y	\$114,040	\$188,165
G1	CITY ENGINEER	G18	Y	\$81,046	\$133,726
G1	CITY MANAGER	G30	Y	\$145,547	\$240,152
G3	CITY SURVEYOR	G14	Y	\$66,677	\$110,016
G2	CODE COMPLIANCE MANAGER	G15	Y	\$70,010	\$115,517
G1	COMM & ECONOMIC DEV DIRECTOR	G23	Y	\$103,437	\$170,671
G3	COMMUNICATIONS DIV MANAGER	G15	Y	\$70,010	\$115,517
G3	COMMUNITY INFORMATION COORD	G12	Y	\$60,478	\$99,788
G3	COMMUNITY OUTREACH COORD	G08	Y	\$49,755	\$82,096
G2	COMMUNITY SVCS ADMINISTRATOR	G15	Y	\$70,010	\$115,517
G2	CONSTRUCTION PROJECT MANAGER	G15	Y	\$70,010	\$115,517

**CITY OF PALM BAY**  
**FY 23 GENERAL**  
**CURRENT POSITIONS IN POSITION CONTROL**

Group	Position Title	Grade	Exempt	Range Min	Range Max
G3	CRIME ANALYST	G06	N	\$45,129	\$74,463
G3	CUSTOMER SERVICE MANAGER	G14	Y	\$66,677	\$110,016
G3	DATABASE ADMINISTRATOR	G08	Y	\$49,755	\$82,096
G2	DEPUTY BUILDING OFFICIAL	G19	Y	\$85,098	\$140,412
G1	DEPUTY CITY ATTORNEY	G24	Y	\$108,609	\$179,205
G1	DEPUTY CITY CLERK	G19	Y	\$85,098	\$140,412
G1	DEPUTY CITY MANAGER	G25	Y	\$114,040	\$188,165
G1	DIRECTOR OF INFORMATION TECHNO	G23	Y	\$103,437	\$170,671
G2	DIVISION CHIEF	G17	Y	\$77,186	\$127,358
G2	ECONOMIC DEV. DIVISION MANAGER	G15	Y	\$70,010	\$115,517
G3	ECONOMIC DEVELOPMENT SPECIALIST	G14	Y	\$66,677	\$110,016
G3	ELECTRICAL MAINTENANCE COORD	G12	N	\$60,478	\$99,788
G3	ENGINEER I	G13	Y	\$63,501	\$104,777
G3	ENGINEER II	G14	Y	\$66,677	\$110,016
G3	ENGINEER III	G15	Y	\$70,010	\$115,517
G1	FACILITIES DIRECTOR	G23	Y	\$103,437	\$170,671
G3	FACILITIES CONSTRUCTION SPECIALIST	G08	N	\$49,755	\$82,096
G2	FACILITIES DIVISION MANAGER	G17	Y	\$77,186	\$127,358
G3	FACILITIES FOREMAN	G04	N	\$40,934	\$67,540
G3	FIELD SERVICES SUPERINTENDENT	G14	Y	\$66,677	\$110,016
G1	FINANCE DIRECTOR	G23	Y	\$103,437	\$170,671
G1	FIRE CHIEF	G23	Y	\$103,437	\$170,671
G2	FISCAL ADMINISTRATOR	G15	Y	\$70,010	\$115,517
G3	FISCAL ANALYST	G12	Y	\$60,478	\$99,788
G2	FISCAL MANAGER	G16	Y	\$73,511	\$121,293
G2	FLEET SERVICES MNGR	G15	Y	\$70,010	\$115,517
G3	FLEET SERVICES SPRVSR	G08	Y	\$49,755	\$82,096
G3	GIS MANAGER	G14	Y	\$66,677	\$110,016
G3	GIS PLANNER	G11	Y	\$57,598	\$95,036
G3	GRANTS MANAGER	G14	Y	\$66,677	\$110,016
G1	GROWTH MANAGEMENT DIRECTOR	G23	Y	\$103,437	\$170,671
G2	HOUSING ADMINISTRATOR	G16	Y	\$73,511	\$121,293
G3	HOUSING PROGRAM SPECIALIST I	G08	N	\$49,755	\$82,096
G3	HR EMPLOYEE RELATIONS SPCLST	G14	Y	\$66,677	\$110,016
G3	HR WELLNESS & DEVELOPMENT COOR	G12	Y	\$60,478	\$99,788
G3	HUMAN RESOURCES ASSISTANT	G08	Y	\$49,755	\$82,096
G2	HUMAN RESOURCES BENEFITS MANAGER	G16	Y	\$73,511	\$121,293
G3	HUMAN RESOURCES BENEFITS SPECIALIST	G12	Y	\$60,478	\$99,788
G3	HUMAN RESOURCES CLERK	G01	N	\$35,360	\$58,344
G1	HUMAN RESOURCES DIRECTOR	G23	Y	\$103,437	\$170,671
G3	HUMAN RESOURCES GENERALIST I	G10	Y	\$54,855	\$90,511
G3	HUMAN RESOURCES GENERALIST II	G12	Y	\$60,478	\$99,788
G2	HUMAN RESOURCES MANAGER	G16	Y	\$73,511	\$121,293

**CITY OF PALM BAY**  
**FY 23 GENERAL**  
**CURRENT POSITIONS IN POSITION CONTROL**

Group	Position Title	Grade	Exempt	Range Min	Range Max
G3	INFORMATION SECURITY ANALYST	G14	Y	\$66,677	\$110,016
G3	IT HELPDESK MANAGER	G14	Y	\$66,677	\$110,016
G3	IT SUPPORT SPECIALIST I	G08	Y	\$49,755	\$82,096
G3	IT SUPPORT SPECIALIST III	G10	Y	\$54,855	\$90,511
G2	LAND DEVELOPMENT DIVISION MANAGER	G15	Y	\$70,010	\$115,517
G3	LEAD IT SUPPORT SPECIALIST	G11	Y	\$57,598	\$95,036
G3	LEGAL ASSISTANT	G06	N	\$45,129	\$74,463
G3	LITIGATION PARALEGAL	G12	Y	\$60,478	\$99,788
G3	LOGISTICS MANAGER	G12	Y	\$60,478	\$99,788
G3	MANAGEMENT ANALYST	G10	Y	\$54,855	\$90,511
G3	MOBILE DEVICE SUPPORT SPCLST	G10	Y	\$54,855	\$90,511
G3	NETWORK ADMINISTRATOR	G13	Y	\$63,501	\$104,777
G3	NETWORK MANAGER	G14	Y	\$66,677	\$110,016
G2	NETWORK OPERATIONS MANAGER	G15	Y	\$70,010	\$115,517
G3	OFFICE MANAGER	G07	Y	\$47,386	\$78,187
G2	OPERATIONS DIVISION MANAGER	G15	Y	\$70,010	\$115,517
G3	OPERATIONS FOREMAN	G04	N	\$40,934	\$67,540
G3	OPERATIONS MANAGER	G12	Y	\$60,478	\$99,788
G3	OPERATIONS SUPERINTENDENT	G11	Y	\$57,598	\$95,036
G3	OPERATIONS SUPERVISOR - PW	G10	N	\$54,855	\$90,511
G1	PARKS & RECREATION DIR	G23	Y	\$103,437	\$170,671
G2	PARKS DIVISION MANAGER	G15	Y	\$70,010	\$115,517
G3	PARKS FOREMAN	G04	N	\$40,934	\$67,540
G3	PAYMASTER	G13	Y	\$63,501	\$104,777
G3	PAYROLL & ACCOUNTING ASSISTANT	G09	Y	\$52,243	\$86,201
G3	PLANS EXAMINER	G11	N	\$57,598	\$95,036
G1	POLICE CHIEF	G23	Y	\$103,437	\$170,671
G3	PRINCIPAL PLANNER	G14	Y	\$66,677	\$110,016
G3	PROCUREMENT AGENT I	G07	N	\$47,386	\$78,187
G3	PROCUREMENT AGENT II	G09	Y	\$52,243	\$86,201
G3	PROCUREMENT AGENT III	G12	Y	\$60,478	\$99,788
G2	PROCUREMENT MANAGER	G15	Y	\$70,010	\$115,517
G3	PROJECT MANAGER	G14	Y	\$66,677	\$110,016
G3	PROJECT SPECIALIST	G08	Y	\$49,755	\$82,096
G3	PUBLIC INFORMATION OFFICER	G15	Y	\$70,010	\$115,517
G3	PUBLIC WORKS ACCOUNTANT	G12	Y	\$60,478	\$99,788
G3	PUBLIC WORKS ACCOUNTING SPCLST	G08	Y	\$49,755	\$82,096
G1	PUBLIC WORKS DIRECTOR	G23	Y	\$103,437	\$170,671
G3	RECORDS ADMINISTRATOR	G06	N	\$45,129	\$74,463
G3	RECORDS SUPERVISOR	G08	Y	\$49,755	\$82,096
G2	RECREATION DIVISION MANAGER	G14	Y	\$66,677	\$110,016
G3	RECREATION SUPERVISOR	G08	Y	\$49,755	\$82,096
G3	RISK ANALYST	G10	Y	\$54,855	\$90,511

**CITY OF PALM BAY**  
**FY 23 GENERAL**  
**CURRENT POSITIONS IN POSITION CONTROL**

Group	Position Title	Grade	Exempt	Range Min	Range Max
G2	RISK MANAGER	G19	Y	\$85,098	\$140,412
G3	SAFETY & SECURITY COORDINATOR	G10	Y	\$54,855	\$90,511
G3	SECRETARY (LEGISLATIVE DEPT)	G01	N	\$35,360	\$58,344
G3	SECTION SUPERVISOR	G06	Y	\$45,129	\$74,463
G3	SENIOR ACCOUNTANT	G14	Y	\$66,677	\$110,016
G3	SENIOR DATABASE ADMINISTRATOR	G12	Y	\$60,478	\$99,788
G3	SENIOR PLANNER	G12	Y	\$60,478	\$99,788
G3	SENIOR PROJECT MANAGER	G15	Y	\$70,010	\$115,517
G3	SENIOR VICTIM ADVOCATE	G06	N	\$45,129	\$74,463
G3	SPECIAL EVENTS COORDINATOR	G08	Y	\$49,755	\$82,096
G2	SR BUILDING INSPECTOR	G15	Y	\$70,010	\$115,517
G3	SR HOUSING PROGRAM SPECIALIST	G14	Y	\$66,677	\$110,016
G3	SR HUMAN RESOURCES GENERALIST	G15	Y	\$70,010	\$115,517
G3	SR PLANS EXAMINER	G15	N	\$70,010	\$115,517
G3	SUPPORT SERVICES COORDINATOR	G11	Y	\$57,598	\$95,036
G3	SURVEY PARTY CHIEF	G06	N	\$45,129	\$74,463
G3	SURVEYING SUPERINTENDENT	G11	Y	\$57,598	\$95,036
G3	SYSTEMS ADMINISTRATOR	G13	Y	\$63,501	\$104,777
G3	TELEPHONE ADMINISTRATOR	G11	Y	\$57,598	\$95,036
G3	UTIL BILLING & COLLECTION SUPV	G10	Y	\$54,855	\$90,511
G3	UTILITIES ACCOUNTANT	G12	Y	\$60,478	\$99,788
G3	UTILITIES COMM OUTREACH COORD	G08	Y	\$49,755	\$82,096
G2	UTILITIES COMPLIANCE DIV MGR	G15	Y	\$70,010	\$115,517
G3	UTILITIES COMPLIANCE SPC	G10	Y	\$54,855	\$90,511
G3	UTILITIES CUSTOMER CARE MGR	G14	Y	\$66,677	\$110,016
G3	UTILITIES CUSTOMER CARE SUPERV	G08	Y	\$49,755	\$82,096
G1	UTILITIES DIRECTOR	G23	Y	\$103,437	\$170,671
G2	UTILITIES ENGINEER	G21	Y	\$93,821	\$154,804
G3	UTILITIES FOREMAN	G06	N	\$45,129	\$74,463
G3	VICTIM ADVOCATE	G05	N	\$42,980	\$70,917
G3	WATER DIST SUPERINTENDENT	G14	Y	\$66,677	\$110,016
G3	WATER PLANT SUPERINTENDENT	G14	Y	\$66,677	\$110,016
G3	WWTR COLLECTION SUPERINTENDENT	G14	Y	\$66,677	\$110,016
G3	WWTR PLANT SUPERINTENDENT	G14	Y	\$66,677	\$110,016

**CITY OF PALM BAY**  
**FY 23 PART-TIME**  
**CURRENT POSITIONS IN POSITION CONTROL**

Group	Position Title	Grade	Range Min	Range Max
GP	ADMINISTRATIVE ASSISTANT PT	G05	\$42,980	\$70,917
GP	ADMINISTRATIVE SECRETARY PT	G03	\$38,984	\$64,324
GP	CASHIER PT	G02	\$37,128	\$61,261
GP	COMMUNICATIONS OFFICER PT	G06	\$45,129	\$74,463
EF	COUNCIL MEMBERS	COU	\$11,642	\$11,642
GT	CTE INTERN	G01	\$35,360	\$58,344
GP	CUSTOMER SERVICE CLERK PT	G01	\$35,360	\$58,344
GP	DATA ENTRY CLERK PT	G01	\$35,360	\$58,344
GP	FIRE ANALYST	G12	\$60,478	\$99,788
GP	GIS TECHNICIAN I PT	G08	\$49,755	\$82,096
GP	HEO I PT	G02	\$37,128	\$61,261
GP	HUMAN RESOURCES CLERK PT	G01	\$35,360	\$58,344
GP	LAND ACQUISITION COOR PT	G10	\$54,855	\$90,511
GP	LEGAL ASSISTANT PT	G06	\$45,129	\$74,463
GP	LIFEGUARD PART-TIME	G01	\$35,360	\$58,344
GP	MAINTENANCE WORKER PT	G01	\$35,360	\$58,344
EF	MAYOR	MAY	\$23,284	\$23,284
GP	PARK RANGER PT	G01	\$35,360	\$58,344
GP	PLANS EXAMINER POOL P-T	G11	\$57,598	\$95,036
GP	RECREATION AIDE PT	G01	\$35,360	\$58,344
GL	SCG PT	G01	\$35,360	\$58,344
GL	SCG SPRVSR PT	G03	\$38,984	\$64,324
GL	SCG SUB PT	G01	\$35,360	\$58,344
GP	SECRETARY PT	G01	\$35,360	\$58,344
GP	SIGN AND TRAFFIC TECHNICIAN PT	G03	\$38,984	\$64,324
GP	SPECIAL EVENTS STAFF PT	G01	\$35,360	\$58,344
GP	SR PLANS EXAMINER PT	G15	\$70,010	\$115,517
GP	STOCK CLERK PT	G01	\$35,360	\$58,344
GP	SUPPORT SERVICES CLERK PT	G01	\$35,360	\$58,344
GP	SWITCHBOARD OPERATOR PT	G01	\$35,360	\$58,344
GT	UTILITIES INTERN	G01	\$35,360	\$58,344

**CITY OF PALM BAY**  
**FY 23 SALARY RANGES**  
**GENERAL AND PART-TIME**

GENERAL & PART TIME				
Grade	Minimum Rate		Maximum Rate	
	Annually	Hourly	Annually	Hourly
G01	\$35,360	\$17.00	\$58,344	\$28.05
G02	\$37,128	\$17.85	\$61,261	\$29.45
G03	\$38,984	\$18.74	\$64,324	\$30.93
G04	\$40,934	\$19.68	\$67,540	\$32.47
G05	\$42,980	\$20.66	\$70,917	\$34.09
G06	\$45,129	\$21.70	\$74,463	\$35.80
G07	\$47,386	\$22.78	\$78,187	\$37.59
G08	\$49,755	\$23.92	\$82,096	\$39.47
G09	\$52,243	\$25.12	\$86,201	\$41.44
G10	\$54,855	\$26.37	\$90,511	\$43.51
G11	\$57,598	\$27.69	\$95,036	\$45.69
G12	\$60,478	\$29.08	\$99,788	\$47.98
G13	\$63,501	\$30.53	\$104,777	\$50.37
G14	\$66,677	\$32.06	\$110,016	\$52.89
G15	\$70,010	\$33.66	\$115,517	\$55.54
G16	\$73,511	\$35.34	\$121,293	\$58.31
G17	\$77,186	\$37.11	\$127,358	\$61.23
G18	\$81,046	\$38.96	\$133,726	\$64.29
G19	\$85,098	\$40.91	\$140,412	\$67.51
G20	\$89,353	\$42.96	\$147,432	\$70.88
G21	\$93,821	\$45.11	\$154,804	\$74.43
G22	\$98,512	\$47.36	\$162,544	\$78.15
G23	\$103,437	\$49.73	\$170,671	\$82.05
G24	\$108,609	\$52.22	\$179,205	\$86.16
G25	\$114,040	\$54.83	\$188,165	\$90.46
G26	\$119,742	\$57.57	\$197,573	\$94.99
G27	\$125,729	\$60.45	\$207,452	\$99.74
G28	\$132,015	\$63.47	\$217,825	\$104.72
G29	\$138,616	\$66.64	\$228,716	\$109.96
G30	\$145,547	\$69.97	\$240,152	\$115.46

**CITY OF PALM BAY**  
**FY 23 NAGE BLUE**  
**CURRENT POSITIONS IN POSITION CONTROL**

Group	Position Title	Grade	Range Min	Range Max
NB	BACKFLOW PREVENT TECH I	B02	\$37,128	\$61,261
NB	CAMERA TRUCK OPERATOR	B03	\$38,984	\$64,324
NB	ELECTRICAL TECHNICIAN I	B04	\$40,934	\$67,540
NB	ELECTRICAL TECHNICIAN II	B06	\$45,129	\$74,463
NB	ELECTRICIAN - APPRENTICE	B06	\$45,129	\$74,463
NB	ELECTRICIAN - JOURNEYMAN	B08	\$49,755	\$82,096
NB	FIELD SERVICE REP	B02	\$37,128	\$61,261
NB	HEAVY EQUIP TECHNICIAN	B07	\$47,386	\$78,187
NB	HEO I	B02	\$37,128	\$61,261
NB	HEO II	B05	\$42,980	\$70,917
NB	HVAC TECHNICIAN (JOURNEYMAN)	B07	\$47,386	\$78,187
NB	LANDSCAPE TECHNICIAN	B06	\$45,129	\$74,463
NB	LIGHT EQUIP TECHNICIAN	B03	\$38,984	\$64,324
NB	LINE LOCATION TECHNICIAN	B03	\$38,984	\$64,324
NB	MAINTENANCE MECHANIC	B04	\$40,934	\$67,540
NB	MAINTENANCE WORKER	B01	\$35,360	\$58,344
NB	MAINTENANCE WORKER II	B02	\$37,128	\$61,261
NB	PARK RANGER	B01	\$35,360	\$58,344
NB	PARTS INVENTORY SPCLST	B03	\$38,984	\$64,324
NB	PLUMBER (JOURNEYMAN)	B07	\$47,386	\$78,187
NB	ROD & CHAIN WORKER	B01	\$35,360	\$58,344
NB	SHOOTING RANGE MAINT WORKER	B01	\$35,360	\$58,344
NB	SIGN AND TRAFFIC TECHNICIAN	B03	\$38,984	\$64,324
NB	SMALL EQUIPMENT TECH	B02	\$37,128	\$61,261
NB	SURVEY TRANSIT OPERATOR	B03	\$38,984	\$64,324
NB	TRADESWORKER	B06	\$45,129	\$74,463
NB	TRTMENT PLANT OP "A"	B07	\$47,386	\$78,187
NB	TRTMENT PLANT OP "B"	B06	\$45,129	\$74,463
NB	TRTMENT PLANT OP "C"	B04	\$40,934	\$67,540
NB	TRTMENT PLANT OP DUAL CERT	B08	\$49,755	\$82,096
NB	TRTMENT PLANT OP TRAIN	B02	\$37,128	\$61,261
NB	UTILITIES TECHNICIAN I	B01	\$35,360	\$58,344
NB	UTILITIES TECHNICIAN II	B02	\$37,128	\$61,261
NB	UTILITIES TECHNICIAN III	B03	\$38,984	\$64,324
NB	WATER QUALITY TECHNICIAN	B02	\$37,128	\$61,261

**CITY OF PALM BAY**  
**FY 23 SALARY RANGES**  
**NAGE BLUE**

NAGE BLUE				
Grade	Minimum Rate		Maximum Rate	
	Annually	Hourly	Annually	Hourly
B01	\$35,360	\$17.00	\$58,344	\$28.05
B02	\$37,128	\$17.85	\$61,261	\$29.45
B03	\$38,984	\$18.74	\$64,324	\$30.93
B04	\$40,934	\$19.68	\$67,540	\$32.47
B05	\$42,980	\$20.66	\$70,917	\$34.09
B06	\$45,129	\$21.70	\$74,463	\$35.80
B07	\$47,386	\$22.78	\$78,187	\$37.59
B08	\$49,755	\$23.92	\$82,096	\$39.47

**CITY OF PALM BAY  
FY 23 NAGE WHITE  
CURRENT POSITIONS IN POSITION CONTROL**

Group	Position Title	Grade	Range Min	Range Max
NW	BACKGROUND INVESTIGATOR	W05	\$42,980	\$70,917
NW	BUILDING CODE COMPLIANCE INSP	W08	\$49,755	\$82,096
NW	BUILDING INSPECTOR I	W10	\$54,855	\$90,511
NW	BUILDING INSPECTOR II	W11	\$57,598	\$95,036
NW	BUILDING INSPECTOR III	W13	\$63,501	\$104,777
NW	BUILDING INSPECTOR PROVISIONAL	W08	\$49,755	\$82,096
NW	CASHIER	W02	\$37,128	\$61,261
NW	CODE COMPLIANCE OFFICER	W06	\$45,129	\$74,463
NW	COMMUNICATIONS OFFICER	W06	\$45,129	\$74,463
NW	COMMUNICATIONS OFFICER TRAINEE	W02	\$37,128	\$61,261
NW	COMMUNICATIONS SHIFT SUPVSR	W10	\$54,855	\$90,511
NW	CRIME SCENE TECH I	W05	\$42,980	\$70,917
NW	CRIME SCENE TECH II	W06	\$45,129	\$74,463
NW	CUSTOMER ACCOUNT SPECIALIST	W04	\$40,934	\$67,540
NW	CUSTOMER SERVICE REP	W02	\$37,128	\$61,261
NW	DATA ENTRY CLERK	W01	\$35,360	\$58,344
NW	DESK BOOKING SPCLST II	W07	\$47,386	\$78,187
NW	ENGINEERING ASSISTANT	W08	\$49,755	\$82,096
NW	ENGINEERING INSPECTOR	W08	\$49,755	\$82,096
NW	ENGINEERING TECH II	W04	\$40,934	\$67,540
NW	ENGINEERING TECH III	W07	\$47,386	\$78,187
NW	GIS TECHNICIAN I	W08	\$49,755	\$82,096
NW	GIS TECHNICIAN II	W09	\$52,243	\$86,201
NW	GIS TECHNICIAN III	W10	\$54,855	\$90,511
NW	INVENTORY CONTROL COORD	W04	\$40,934	\$67,540
NW	EVIDENCE TECHNICIAN I	W04	\$40,934	\$67,540
NW	PERMIT TECHNICIAN	W02	\$37,128	\$61,261
NW	PLANNING SPECIALIST	W07	\$47,386	\$78,187
NW	PLANNING TECHNICIAN	W06	\$45,129	\$74,463
NW	RECORDS SPECIALIST	W04	\$40,934	\$67,540
NW	RECREATION LEADER	W02	\$37,128	\$61,261
NW	SECRETARY	W01	\$35,360	\$58,344
NW	SENIOR CODE COMPLIANCE OFFICER	W08	\$49,755	\$82,096
NW	SENIOR INVENTORY CONTROL COORD	W06	\$45,129	\$74,463
NW	SENIOR RECORDS SPECIALIST	W06	\$45,129	\$74,463
NW	SR PERMIT TECHNICIAN	W04	\$40,934	\$67,540
NW	TRAINING COORD POLICE	W05	\$42,980	\$70,917
NW	UTIL BILLING & COLLECTION SPEC	W05	\$42,980	\$70,917
NW	UTIL CUSTOMER CARE SPECIALIST	W04	\$40,934	\$67,540
NW	UTILITIES COMPLIANCE INSPECTOR	W10	\$54,855	\$90,511
NW	UTILITIES INSPECTOR	W08	\$49,755	\$82,096

**CITY OF PALM BAY  
FY 23 SALARY RANGES  
NAGE WHITE**

NAGE WHITE				
Grade	Minimum Rate		Maximum Rate	
	Annually	Hourly	Annually	Hourly
W01	\$35,360	\$17.00	\$58,344	\$28.05
W02	\$37,128	\$17.85	\$61,261	\$29.45
W03	\$38,984	\$18.74	\$64,324	\$30.93
W04	\$40,934	\$19.68	\$67,540	\$32.47
W05	\$42,980	\$20.66	\$70,917	\$34.09
W06	\$45,129	\$21.70	\$74,463	\$35.80
W07	\$47,386	\$22.78	\$78,187	\$37.59
W08	\$49,755	\$23.92	\$82,096	\$39.47
W09	\$52,243	\$25.12	\$86,201	\$41.44
W10	\$54,855	\$26.37	\$90,511	\$43.51
W11	\$57,598	\$27.69	\$95,036	\$45.69
W12	\$60,478	\$29.08	\$99,788	\$47.98
W13	\$63,501	\$30.53	\$104,777	\$50.37

**CITY OF PALM BAY**  
**FY 23 POSITIONS AND STEP PLAN**  
**FOP**

Position	Grade	Step	Salary
POLICE OFFICER	PO	1	\$49,585
POLICE OFFICER	PO	2	\$51,073
POLICE OFFICER	PO	3	\$52,605
POLICE OFFICER	PO	4	\$54,183
POLICE OFFICER	PO	5	\$55,808
POLICE OFFICER	PO	6	\$57,483
POLICE OFFICER	PO	7	\$59,207
POLICE OFFICER	PO	8	\$60,983
POLICE OFFICER	PO	9	\$62,813
POLICE OFFICER	PO	10	\$64,697
POLICE OFFICER	PO	11	\$66,638
POLICE OFFICER	PO	12	\$68,637
POLICE OFFICER	PO	13	\$70,696

Position	Grade	Step	Salary
POLICE SERGEANT	SG	1	\$71,979
POLICE SERGEANT	SG	2	\$74,138
POLICE SERGEANT	SG	3	\$76,363
POLICE SERGEANT	SG	4	\$78,653
POLICE SERGEANT	SG	5	\$81,013
POLICE SERGEANT	SG	6	\$83,443
POLICE SERGEANT	SG	7	\$85,947

Position	Grade	Step	Salary
POLICE LIEUTEANT	LT	1	\$86,160
POLICE LIEUTEANT	LT	2	\$88,745
POLICE LIEUTEANT	LT	3	\$91,407
POLICE LIEUTEANT	LT	4	\$94,149
POLICE LIEUTEANT	LT	5	\$96,974
POLICE LIEUTEANT	LT	6	\$99,883
POLICE LIEUTEANT	LT	7	\$102,880

**CITY OF PALM BAY**  
**FY 23 POSITIONS AND STEP PLAN**  
**IAFF**

Position	Grade	Step	Annually
FIREFIGHTER	IO	1	\$41,273
FIREFIGHTER	IO	2	\$42,511
FIREFIGHTER	IO	3	\$43,787
FIREFIGHTER	IO	4	\$45,100
FIREFIGHTER	IO	5	\$46,453
FIREFIGHTER	IO	6	\$47,847
FIREFIGHTER	IO	7	\$49,282
FIREFIGHTER	IO	8	\$50,761
FIREFIGHTER	IO	9	\$52,283
FIREFIGHTER	IO	10	\$53,852
FIREFIGHTER	IO	11	\$55,467
FIREFIGHTER	IO	12	\$57,131
FIREFIGHTER	IO	13	\$58,845
FIREFIGHTER	IO	14	\$60,611
FIREFIGHTER	IO	15	\$62,429
FIREFIGHTER	IO	16	\$64,302

Position	Grade	Step	Annually
FIRE INSPECTOR	IN	1	\$41,273
FIRE INSPECTOR	IN	2	\$42,513
FIRE INSPECTOR	IN	3	\$43,788
FIRE INSPECTOR	IN	4	\$45,102
FIRE INSPECTOR	IN	5	\$46,455
FIRE INSPECTOR	IN	6	\$47,848
FIRE INSPECTOR	IN	7	\$49,284
FIRE INSPECTOR	IN	8	\$50,762
FIRE INSPECTOR	IN	9	\$52,285
FIRE INSPECTOR	IN	10	\$53,854
FIRE INSPECTOR	IN	11	\$55,469
FIRE INSPECTOR	IN	12	\$57,133
FIRE INSPECTOR	IN	13	\$58,848
FIRE INSPECTOR	IN	14	\$60,612
FIRE INSPECTOR	IN	15	\$62,431

**CITY OF PALM BAY**  
**FY 23 POSITIONS AND STEP PLAN**  
**IAFF**

Position	Grade	Step	Annually
FIRE DRIVER/ENGINEER	IU	1	\$50,762
FIRE DRIVER/ENGINEER	IU	2	\$52,285
FIRE DRIVER/ENGINEER	IU	3	\$53,854
FIRE DRIVER/ENGINEER	IU	4	\$55,469
FIRE DRIVER/ENGINEER	IU	5	\$57,133
FIRE DRIVER/ENGINEER	IU	6	\$58,847
FIRE DRIVER/ENGINEER	IU	7	\$60,613
FIRE DRIVER/ENGINEER	IU	8	\$62,431
FIRE DRIVER/ENGINEER	IU	9	\$64,304
FIRE DRIVER/ENGINEER	IU	10	\$66,233
FIRE DRIVER/ENGINEER	IU	11	\$68,220
FIRE DRIVER/ENGINEER	IU	12	\$70,267
FIRE DRIVER/ENGINEER	IU	13	\$72,375
FIRE DRIVER/ENGINEER	IU	14	\$74,546
FIRE DRIVER/ENGINEER	IU	15	\$76,782

Position	Grade	Step	Annually
FIRE LIEUTENANT	IZ	1	\$58,848
FIRE LIEUTENANT	IZ	2	\$60,613
FIRE LIEUTENANT	IZ	3	\$62,432
FIRE LIEUTENANT	IZ	4	\$64,305
FIRE LIEUTENANT	IZ	5	\$66,234
FIRE LIEUTENANT	IZ	6	\$68,221
FIRE LIEUTENANT	IZ	7	\$70,268
FIRE LIEUTENANT	IZ	8	\$72,376
FIRE LIEUTENANT	IZ	9	\$74,547
FIRE LIEUTENANT	IZ	10	\$76,783
FIRE LIEUTENANT	IZ	11	\$79,087
FIRE LIEUTENANT	IZ	12	\$81,459
FIRE LIEUTENANT	IZ	13	\$83,903
FIRE LIEUTENANT	IZ	14	\$86,420
FIRE LIEUTENANT	IZ	15	\$89,013

**CITY OF PALM BAY**  
**FY 23 POSITIONS AND STEP PLAN**  
**IAFF**

Position	Grade	Step	Annually
PROT BREATHING APP TECH	IU	1	\$50,762
PROT BREATHING APP TECH	IU	2	\$52,285
PROT BREATHING APP TECH	IU	3	\$53,854
PROT BREATHING APP TECH	IU	4	\$55,469
PROT BREATHING APP TECH	IU	5	\$57,133
PROT BREATHING APP TECH	IU	6	\$58,848
PROT BREATHING APP TECH	IU	7	\$60,612
PROT BREATHING APP TECH	IU	8	\$62,431
PROT BREATHING APP TECH	IU	9	\$64,305
PROT BREATHING APP TECH	IU	10	\$66,233
PROT BREATHING APP TECH	IU	11	\$68,220
PROT BREATHING APP TECH	IU	12	\$70,267
PROT BREATHING APP TECH	IU	13	\$72,375
PROT BREATHING APP TECH	IU	14	\$74,545
PROT BREATHING APP TECH	IU	15	\$76,781

Position	Grade	Step	Annually
FIRE DISTRICT CHIEF (CAPT)	IAC	1	\$66,123
FIRE DISTRICT CHIEF (CAPT)	IAC	2	\$68,106
FIRE DISTRICT CHIEF (CAPT)	IAC	3	\$70,149
FIRE DISTRICT CHIEF (CAPT)	IAC	4	\$72,254
FIRE DISTRICT CHIEF (CAPT)	IAC	5	\$74,422
FIRE DISTRICT CHIEF (CAPT)	IAC	6	\$76,654
FIRE DISTRICT CHIEF (CAPT)	IAC	7	\$78,954
FIRE DISTRICT CHIEF (CAPT)	IAC	8	\$81,322
FIRE DISTRICT CHIEF (CAPT)	IAC	9	\$83,762
FIRE DISTRICT CHIEF (CAPT)	IAC	10	\$86,275
FIRE DISTRICT CHIEF (CAPT)	IAC	11	\$88,863
FIRE DISTRICT CHIEF (CAPT)	IAC	12	\$91,529
FIRE DISTRICT CHIEF (CAPT)	IAC	13	\$94,275
FIRE DISTRICT CHIEF (CAPT)	IAC	14	\$97,103
FIRE DISTRICT CHIEF (CAPT)	IAC	15	\$100,016

## FY23 Position Control Plan 4th Qtr

DEPARTMENT DIVISION POSITIONS (FTEs)	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
<b>LEGISLATIVE DEPARTMENT</b>					
Administration Division	9.00	10.00	-	10.00	1.00
<b>Department Total</b>	9.00	10.00	-	10.00	1.00
<b>OFFICE OF THE CITY MANAGER DEPT.</b>					
Administration Division	7.70	7.70	-	7.70	-
Public Information	2.00	3.00	-	3.00	1.00
<b>Department Total</b>	9.70	10.70	-	10.70	1.00
<b>OFFICE OF THE CITY ATTORNEY DEPT.</b>					
Administration Division	1.71	1.71	-	1.71	-
Risk Management Division	10.25	10.25	-	10.25	-
<b>Department Total</b>	11.96	11.96	-	11.96	-
<b>PROCUREMENT DEPARTMENT</b>					
Administration Division	7.00	7.00	-	7.00	-
<b>Department Total</b>	7.00	7.00	-	7.00	-
<b>FINANCE DEPARTMENT</b>					
Administration Division	6.00	6.00	1.00	7.00	1.00
Accounting Division	8.00	9.00	-	9.00	1.00
<b>Department Total</b>	14.00	15.00	1.00	16.00	2.00
<b>INFORMATION TECHNOLOGY DEPARTMENT</b>					
Administration Division	16.00	18.00	-	18.00	2.00
<b>Department Total</b>	16.00	18.00	-	18.00	2.00
<b>HUMAN RESOURCES DEPARTMENT</b>					
Administration Division	6.38	6.38	(0.63)	5.75	(0.63)
Employee Health Insurance Division	3.00	3.00	0.50	3.50	0.50
Other Employee Benefits Division	3.25	3.25	0.50	3.75	0.50
<b>Department Total</b>	12.63	12.63	0.37	13.00	0.37
<b>BUILDING DEPARTMENT</b>					
Building Division	34.00	35.68	0.50	36.18	2.18
<b>Department Total</b>	34.00	35.68	0.50	36.18	2.18
<b>GROWTH MANAGEMENT DEPARTMENT</b>					
Administration Division	1.00	1.00	-	1.00	-
Land Development Division	12.00	12.00	2.00	14.00	2.00
Code Compliance Division	8.80	8.80	-	8.80	-
<b>Department Total</b>	21.80	21.80	2.00	23.80	2.00
<b>COMMUNITY &amp; ECONOMIC DEVELOPMENT DEPARTMENT</b>					
Administration Division	7.00	7.00	-	7.00	-
Housing & Community Development	4.00	4.00	-	4.00	-
<b>Department Total</b>	11.00	11.00	-	11.00	-
<b>RECREATION DEPARTMENT</b>					
Administration Division	4.00	4.00	-	4.00	-
Recreation Programs Division	14.03	16.40	-	16.40	2.37
<b>Department Total</b>	18.03	20.40	-	20.40	2.37
<b>PARKS &amp; FACILITIES DEPARTMENT</b>					
Administration Division	5.00	5.00	1.00	6.00	1.00

DEPARTMENT	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION					
POSITIONS (FTEs)					
Facility Maintenance Division	14.40	15.40	-	15.40	1.00
Parks Division	32.00	32.00	(1.00)	31.00	(1.00)
<b>Department Total</b>	<b>51.40</b>	<b>52.40</b>	<b>-</b>	<b>52.40</b>	<b>1.00</b>
<b>POLICE DEPARTMENT</b>					
Executive Division	6.00	6.00	3.66	9.66	3.66
Support Services Division	34.51	34.51	0.34	34.85	0.34
Uniform Services Division	142.00	148.00	(2.00)	146.00	4.00
Investigations Division	36.00	36.00	2.00	38.00	2.00
Communications Center Division	41.50	41.50	(4.00)	37.50	(4.00)
Victim Services Unit Division	2.00	2.00	-	2.00	-
<b>Department Total</b>	<b>262.01</b>	<b>268.01</b>	<b>-</b>	<b>268.01</b>	<b>6.00</b>
<b>FIRE DEPARTMENT</b>					
Emergency Services Division	137.60	141.60	-	141.60	4.00
<b>Department Total</b>	<b>137.60</b>	<b>141.60</b>	<b>-</b>	<b>141.60</b>	<b>4.00</b>
<b>PUBLIC WORKS DEPARTMENT</b>					
Administrative Services Division	12.00	12.00	3.00	15.00	3.00
Engineering & Surveying Services Division	11.40	11.40	-	11.40	-
ROW Beautification Division	25.63	25.63	0.37	26.00	0.37
Traffic Operations Division	5.63	5.63	-	5.63	-
Infrastructure Division	18.72	18.72	(0.53)	18.19	(0.53)
Fleet Services Fund	17.50	17.50	-	17.50	-
Stormwater Utility Fund	32.41	35.41	2.40	37.81	5.40
<b>Department Total</b>	<b>123.29</b>	<b>126.29</b>	<b>5.24</b>	<b>131.53</b>	<b>8.24</b>
<b>UTILITIES DEPARTMENT</b>					
Administration Division	7.00	7.00	(1.00)	6.00	(1.00)
Utilities Customer Care Section	21.75	21.75	-	21.75	-
Business Operations Division	7.00	7.00	-	7.00	-
Engineering and Construction Division	12.00	12.00	(1.00)	11.00	(1.00)
Maintenance Section	17.34	18.34	1.66	20.00	2.66
Field Services Section	9.00	11.00	-	11.00	2.00
Utilities Compliance Division	8.44	9.44	2.00	11.44	3.00
Water Distribution Section	25.33	25.33	0.17	25.50	0.17
Water Plant-SRWTF Section	7.00	7.00	1.00	8.00	1.00
Water Plant-North Regional Section	9.00	9.00	-	9.00	-
Wastewater Collections Section	23.33	24.33	0.17	24.50	1.17
South Regional Water Reclamation Center	7.00	7.00	-	7.00	-
Wastewater Plant-North Regional Section	10.00	10.00	-	10.00	-
<b>Department Total</b>	<b>164.19</b>	<b>169.19</b>	<b>3.00</b>	<b>172.19</b>	<b>8.00</b>
<b>Citywide Total</b>	<b>903.61</b>	<b>931.66</b>	<b>12.11</b>	<b>943.77</b>	<b>40.16</b>

## FY23 Position Control Plan 4th Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION						
POSITIONS (FTEs)						
<b>LEGISLATIVE DEPARTMENT</b>						
<b>Administration Division</b>	<b>001-1110-511</b>					
<u>Full-time</u>						
City Clerk*	GE-G25	1.00	1.00	-	1.00	-
Deputy City Clerk	GE-G19	1.00	1.00	-	1.00	-
Records Administrator	GE-G06	1.00	1.00	-	1.00	-
Administrative Assistant	GE-G05	1.00	1.00	-	1.00	-
Secretary	GE-G01	-	1.00	-	1.00	1.00
Sub-total:		4.00	5.00	-	5.00	1.00
<u>Elected</u>						
Mayor	MAY	1.00	1.00	-	1.00	-
Deputy Mayor	COU	1.00	1.00	-	1.00	-
Council Members	COU	3.00	3.00	-	3.00	-
Sub-total:		5.00	5.00	-	5.00	-
<b>Legislative Department Total</b>		<b>9.00</b>	<b>10.00</b>	<b>-</b>	<b>10.00</b>	<b>1.00</b>

\* Indicates position appointed by the City Council.

## FY23 Position Control Plan 4th Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION						
POSITIONS (FTEs)						
<b>OFFICE OF THE CITY MANAGER</b>						
<b>Administration Division</b>	<b>001-1210-512</b>					
<u>Full-time</u>						
City Manager **	GE-G30	1.00	1.00		1.00	-
Deputy City Manager	GE-G25	1.00	2.00		2.00	1.00
Assistant to the City Manager	GE-G19	1.00	-		-	(1.00)
Government Relations Manager	GE-G14	1.00	1.00	(1.00)	-	(1.00)
Grants Manager	GE-G14	-	-	1.00	1.00	1.00
Office Manager	GE-G07	1.00	1.00		1.00	-
Administrative Assistant	GE-G05	1.00	1.00		1.00	-
Sub-total:		6.00	6.00	-	6.00	-
<u>Part-time</u>						
Switchboard Operator	GP-G01	1.30	1.30		1.30	-
Support Services Clerk	GP-G01	0.40	0.40		0.40	-
Sub-total:		1.70	1.70	-	1.70	-
<b>Division total</b>		<b>7.70</b>	<b>7.70</b>	<b>-</b>	<b>7.70</b>	<b>-</b>
<b>Public Information Division</b>	<b>001-1216-512</b>					
<u>Full-time</u>						
Public Information Officer	GE-G15	1.00	1.00		1.00	-
Community Information Coordinator	GE-G12	1.00	2.00		2.00	1.00
Sub-total:		2.00	3.00	-	3.00	1.00
<b>Division total</b>		<b>2.00</b>	<b>3.00</b>	<b>-</b>	<b>3.00</b>	<b>1.00</b>
<b>Office of the City Manager Dept. Total</b>		<b>9.70</b>	<b>10.70</b>	<b>-</b>	<b>10.70</b>	<b>1.00</b>

\*\* Indicates position appointed and salary set by the City Council.

## FY23 Position Control Plan 4th Qtr

DEPARTMENT	Pay Grade	Amended Budget	Adopted Budget	Revisions for	Amended Budget	Change from
DIVISION		FY 2022	FY 2023	FY 2023	FY 2023	FY 2022
POSITIONS (FTEs)						
<b>OFFICE OF THE CITY ATTORNEY DEPARTMENT</b>						
<b>Administration Division</b>	<b>001-1410-514</b>					
<u>Full-time</u>						
City Attorney	GE-G30	0.75	0.75		0.75	-
Sub-total:		0.75	0.75	-	0.75	-
<u>Part-time</u>						
Legal Assistant	GP-G06	-	-	0.48	0.48	0.48
Administrative Assistant PT	GP-G05	0.96	0.96	(0.48)	0.48	(0.48)
Sub-total:		0.96	0.96	-	0.96	-
<b>Division total</b>		<b>1.71</b>	<b>1.71</b>	<b>-</b>	<b>1.71</b>	<b>-</b>
<b>Risk Management Division 512-1425-519</b>						
City Attorney	GE-G29	0.25	0.25		0.25	-
Chief Deputy City Attorney	GE-G25	1.00	1.00	-	1.00	-
Deputy City Attorney	GE-G24	3.00	3.00		3.00	-
Risk Manager	GE-G19	1.00	1.00		1.00	-
Risk Analyst	GE-G10	-	-	1.00	1.00	1.00
Safety & Security Coordinator	GE-G10	1.00	1.00		1.00	-
Litigation Paralegal	GE-G12	1.00	1.00		1.00	-
Legal Assistant	GE-G06	1.00	1.00		1.00	-
Risk Manager Assistant	GE-G05	1.00	1.00	(1.00)	-	(1.00)
Administrative Assistant	GE-G05	1.00	1.00		1.00	-
Sub-total:		10.25	10.25	-	10.25	-
<b>Division total</b>		<b>10.25</b>	<b>10.25</b>	<b>-</b>	<b>10.25</b>	<b>-</b>
<b>Office of the City Attorney Dept. Total</b>		<b>11.96</b>	<b>11.96</b>	<b>-</b>	<b>11.96</b>	<b>-</b>

\*\*\*\*Indicates grant received for position

\* Contractural position outside of pay plan.

## FY23 Position Control Plan 4th Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION						
POSITIONS (FTEs)						
<b>PROCUREMENT DEPARTMENT</b>						
<b>Administration Division</b>	<b>001-1510-513</b>					
Full-time						
Chief Procurement Officer	GE-G23	1.00	1.00		1.00	-
Procurement Manager	GE-G15	1.00	1.00		1.00	-
Support Services Coordinator	GE-G11	-	1.00		1.00	1.00
Procurement Agent III	GE-G12	-	2.00	(1.00)	1.00	1.00
Procurement Agent II	GE-G09	2.00	1.00		1.00	(1.00)
Procurement Agent I	GE-G07	2.00	1.00	1.00	2.00	-
Administrative Assistant	GE-G05	1.00	-		-	(1.00)
Sub-total:		7.00	7.00	-	7.00	-
<b>Division total</b>		7.00	7.00	-	7.00	-
<b>Procurement Department Total</b>		7.00	7.00	-	7.00	-

## FY23 Position Control Plan 4th Qtr

DEPARTMENT DIVISION POSITIONS (FTEs)	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
<b>FINANCE DEPARTMENT</b>						
<b>Administration Division</b>	<b>001-2010-513</b>					
<u>Full-time</u>						
Finance Director	GE-G23	1.00	1.00		1.00	-
Assistant Finance Director	GE-G19	1.00	1.00		1.00	-
Asset Manager	GE-G16	-	-	1.00	1.00	1.00
Budget Administrator	GE-G16		1.00		1.00	1.00
Fiscal Manager	GE-G16	1.00	-		-	(1.00)
Budget Analyst	GE-G13	1.00	1.00		1.00	-
Fiscal Analyst	GE-G12	1.00	1.00		1.00	-
Cash Management Coordinator	GE-G10	1.00	1.00		1.00	-
Sub-total:		6.00	6.00	1.00	7.00	1.00
<b>Division total</b>		6.00	6.00	1.00	7.00	1.00
<b>Accounting Division</b>	<b>001-2011-513</b>					
<u>Full-time</u>						
Chief Accountant	GE-G16	1.00	1.00		1.00	-
Senior Accountant	GE-G14	1.00	2.00		2.00	1.00
Paymaster	GE-G13	1.00	1.00		1.00	-
Accountant II	GE-G12	2.00	1.00		1.00	(1.00)
Payroll & Accounting Assistant	GE-G09	1.00	1.00		1.00	-
Accountant I	GE-G09	1.00	2.00	1.00	3.00	2.00
Junior Accounting Clerk	NW-W02	1.00	1.00	(1.00)	-	(1.00)
Sub-total:		8.00	9.00	-	9.00	1.00
<b>Division total</b>		8.00	9.00	-	9.00	1.00
<b>Finance Department Total</b>		<b>14.00</b>	<b>15.00</b>	<b>1.00</b>	<b>16.00</b>	<b>2.00</b>

## FY23 Position Control Plan 4th Qtr

DEPARTMENT DIVISION POSITIONS (FTEs)	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
<b>INFORMATION TECHNOLOGY DEPARTMENT</b>						
<b>Administration Division</b>	<b>001-2310-519</b>					
<u>Full-time</u>						
Director of Information Technology	GE-G23	1.00	1.00		1.00	-
Network Operations Manager	GE-G15	1.00	1.00		1.00	-
Network Manager	GE-G14	1.00	1.00		1.00	-
IT Helpdesk Manager	GE-G14	-	-	1.00	1.00	1.00
Budget Officer	GE-G13	1.00	1.00		1.00	-
Application Analyst II	GE-G12	1.00	1.00		1.00	-
Information Security Analyst	GE-G14	-	1.00		1.00	1.00
Network Administrator	GE-G13	-	1.00		1.00	1.00
Senior Database Administrator	GE-G12	1.00	1.00		1.00	-
Systems Administrator	GE-G13	1.00	1.00		1.00	-
Telephone Administrator	GE-G11	1.00	1.00		1.00	-
Lead IT Support Specialist	GE-G11	1.00	1.00		1.00	-
Application Analyst I	GE-G10	1.00	1.00		1.00	-
IT Support Specialist III	GE-G10	2.00	2.00		2.00	-
IT Support Specialist I	GE-G08	2.00	2.00	(1.00)	1.00	(1.00)
Mobile Device Support Specialist	GE-G10	1.00	1.00		1.00	-
Office Manager	GE-G07	1.00	1.00		1.00	-
Sub-total:		16.00	18.00	-	18.00	2.00
<b>Information Technology Dept Totals</b>		<b>16.00</b>	<b>18.00</b>	<b>-</b>	<b>18.00</b>	<b>2.00</b>

## FY23 Position Control Plan 4th Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION						
POSITIONS (FTEs)						
<b>HUMAN RESOURCES DEPARTMENT</b>						
<b>Administration Division</b>		<b>001-2510-513</b>				
<u>Full-time</u>						
Human Resources Director	GE-G23	0.50	0.50		0.50	-
Assistant Human Resources Director	GE-G19	0.50	0.50	(0.50)	-	(0.50)
Human ResourcesManager	GE-G16	-	-	1.00	1.00	1.00
Sr. Human Resources Generalist	GE-G15	0.50	0.50	(0.50)	-	(0.50)
HR Employee Relations Specialist	GE-G14	0.50	0.50		0.50	-
HR Wellness and Development Coor	GE-G12	-	-	0.25	0.25	0.25
Human Resources Generalist II	GE-G12	1.50	1.50	(0.50)	1.00	(0.50)
Human Resources Generalist I	GE-G10	1.00	1.00		1.00	-
HR Wellness and Development Coor	GE-G09	-	-	-	-	-
Human Resources Outreach Coordinator	GE-G09	0.25	0.25	(0.25)	-	(0.25)
Human Resources Assistant	GE-G08	0.50	0.50		0.50	-
Administrative Assistant	GE-G05	0.50	0.50		0.50	-
Human Resources Clerk	GP-G01	-	-	0.50	0.50	0.50
Sub-total:		5.75	5.75	-	5.75	-
<u>Part-time</u>						
Human Resources Clerk	GP-G01	0.63	0.63	(0.63)	-	(0.63)
Sub-total:		0.63	0.63	(0.63)	-	(0.63)
Division total		6.38	6.38	(0.63)	5.75	(0.63)
<b>Health Insurance Division</b>		<b>511-2520-519</b>				
<u>Full-time</u>						
Human Resources Director	GE-G23	0.25	0.25		0.25	-
Assistant Human Resources Director	GE-G19	0.25	0.25	(0.25)	-	(0.25)
Human Resources Benefits Manager	GE-G16	-	-	0.50	0.50	0.50
Sr. Human Resources Generalist	GE-G15	0.25	0.25	(0.25)	-	(0.25)
HR Employee Relations Specialist	GE-G14	0.25	0.25		0.25	-
HR Wellness and Development Coor	GE-G12	-	-	0.25	0.25	0.25
Human Resources Benefits Specialist	GE-G12	-	-	0.50	0.50	0.50
Human Resources Generalist II	GE-G12	0.75	0.75	(0.25)	0.50	(0.25)
Human Resources Generalist I	GE-G10	0.50	0.50		0.50	-
HR Wellness and Development Coor	GE-G09	-	-	-	-	-
Human Resources Outreach Coordinator	GE-G09	0.25	0.25	(0.25)	-	(0.25)
Human Resources Assistant	GE-G08	0.25	0.25		0.25	-
Administrative Assistant	GE-G05	0.25	0.25		0.25	-
Human Resources Clerk	GP-G01	-	-	0.25	0.25	0.25
Sub-total:		3.00	3.00	0.50	3.50	0.50
Division total		3.00	3.00	0.50	3.50	0.50
<b>Other Employee Benefits Division</b>		<b>513-2531-519</b>				
<u>Full-time</u>						
Human Resources Director	GE-G23	0.25	0.25		0.25	-
Assistant Human Resources Director	GE-G19	0.25	0.25	(0.25)	-	(0.25)
Human Resources Benefits Manager	GE-G16	-	-	0.50	0.50	0.50

Sr. Human Resources Generalist	GE-G15	0.25	0.25	(0.25)	-	(0.25)
HR Employee Relations Specialist	GE-G14	0.25	0.25		0.25	-
HR Wellness and Development Coor	GE-G09	-	-	0.50	0.50	0.50
Human Resources Benefits Specialist	GE-G12	-	-	0.50	0.50	0.50
Human Resources Generalist II	GE-G12	0.75	0.75	(0.25)	0.50	(0.25)
Human Resources Generalist I	GE-G10	0.50	0.50		0.50	-
HR Wellness and Development Coor	GE-G09	-	-	-	-	-
Human Resources Outreach Coordinator	GE-G09	0.50	0.50	(0.50)	-	(0.50)
Human Resources Assistant	GE-G08	0.25	0.25		0.25	-
Administrative Assistant	GE-G05	0.25	0.25		0.25	-
Human Resources Clerk	GP-G01	-	-	0.25	0.25	0.25
Sub-total:		3.25	3.25	0.50	3.75	0.50
<b>Division total</b>		<b>3.25</b>	<b>3.25</b>	<b>0.50</b>	<b>3.75</b>	<b>0.50</b>
<b>Human Resources Department Total</b>		<b>12.63</b>	<b>12.63</b>	<b>0.37</b>	<b>13.00</b>	<b>0.37</b>

## FY23 Position Control Plan 4th Qtr

DEPARTMENT	Pay	Amended	Adopted	Revisions	Amended	Change
DIVISION	Grade	Budget	Budget	for	Budget	from
POSITIONS (FTEs)		FY 2022	FY 2023	FY 2023	FY 2023	FY 2022
<hr/>						
<b>Building Department</b>						
<b>Building</b>			<b>451-3120-524</b>			
<u>Full-time</u>						
Chief Building Official	GE-G23	1.00	1.00		1.00	-
Deputy Building Official	GE-G19	1.00	1.00		1.00	-
Senior Building Inspector	GE-G15	1.00	1.00		1.00	-
Senior Plans Examiner	GE-G15	1.00	1.00		1.00	-
Administrative Services Manager	GE-G10	1.00	1.00		1.00	-
Fire Plans Examiner	GE-G10	1.00	1.00	(1.00)	-	(1.00)
Plans Examiner	GE-G11	4.00	4.00	1.00	5.00	1.00
Administrative Coordinator	GE-G10	-	-	1.00	1.00	1.00
Building Services & Flood Plain Coord.	GE-G10	1.00	1.00	(1.00)	-	(1.00)
Asset Management Specialist	GE-G08	-	-	1.00	1.00	1.00
Community Outreach Coordinator	GE-G08	-	-		-	-
Administrative Assistant	GE-G05	2.00	2.00	(2.00)	-	(2.00)
Building Code Compliance Inspector	NW-W08	2.00	2.00	1.00	3.00	1.00
Building Inspector III	NW-W13	-	-		-	-
Building Inspector II	NW-W11	2.00	2.00	-	2.00	-
Building Inspector I	NW-W10	2.00	2.00	4.00	6.00	4.00
Building Inspector Provisional	NW-W08	6.00	6.00	(4.00)	2.00	(4.00)
Planning Specialist	NW-W07	-	-		-	-
Planning Technician	NW-W06	-	-		-	-
Sr. Permit Technician	NW-W04	1.00	1.00		1.00	-
Customer Service Representative	NW-W02	-	-		-	-
Permit Technician	NW-W02	7.00	7.00		7.00	-
Data Entry Clerk	NW-W01	1.00	1.00	1.00	2.00	1.00
Sub-total:		34.00	34.00	1.00	35.00	1.00
<u>Part-time</u>						
Sr. Plans Examiner PT	GE-G15	-	0.68	-	0.68	0.68
Data Entry Clerk	GP-G01	-	0.50	(0.50)	-	-
Plans Examiner	GP-G11	-	0.50	-	0.50	0.50
Sub-total:		-	1.68	(0.50)	1.18	1.18
<b>Division total</b>		34.00	35.68	0.50	36.18	2.18
<b>Building Department Total</b>		<b>34.00</b>	<b>35.68</b>	<b>0.50</b>	<b>36.18</b>	<b>2.18</b>

DEPARTMENT	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION						
POSITIONS (FTEs)						
<b>GROWTH MANAGEMENT DEPARTMENT</b>						
<b>Administration</b>		<b>001-3310-515</b>				
<u>Full-time</u>						
Growth Management Director	GE-G23	1.00	1.00		1.00	-
Sub-total:		1.00	1.00	-	1.00	-
<b>Division total</b>		1.00	1.00	-	1.00	-
<b>Land Development</b>		<b>001-3311-515</b>				
<u>Full-time</u>						
Assistant Growth Mgmt Director	GE-G19	1.00	1.00	-	1.00	-
Land Development Division Manager	GE-G15	-	-	1.00	1.00	1.00
Principal Planner	GE-G14	1.00	1.00	-	1.00	-
Senior Planner	GE-G12	2.00	2.00	-	2.00	-
GIS Planner	GE-G11	-	-	1.00	1.00	1.00
Planner	GE-G10	-	-	-	-	-
Office Manager	GE-G07	1.00	1.00	-	1.00	-
Administrative Secretary	GE-G03	-	-	-	-	-
GIS Technician I	NW-W08	1.00	1.00	(1.00)	-	(1.00)
Planning Specialist	NW-W07	4.00	4.00	1.00	5.00	1.00
Planning Technician	NW-W06	2.00	2.00	-	2.00	-
Sub-total:		12.00	12.00	2.00	14.00	2.00
<b>Division total</b>		12.00	12.00	2.00	14.00	2.00
<b>Code Compliance Division</b>		<b>001-3330-529</b>				
<u>Full-time</u>						
Code Compliance Manager	GE-G15	-	-	1.00	1.00	1.00
Code Compliance Supervisor	GE-G14	1.00	1.00	(1.00)	-	(1.00)
Senior Code Compliance Officer	NW-W08	-	-	1.00	1.00	1.00
Code Compliance Officer	NW-W06	5.00	5.00	(1.00)	4.00	(1.00)
Secretary	NW-W01	2.00	2.00	-	2.00	-
Sub-total:		8.00	8.00	-	8.00	-
<u>Part-time</u>						
Secretary	GP-G01	0.80	0.80	-	0.80	-
Sub-total:		0.80	0.80	-	0.80	-
<b>Division total</b>		8.80	8.80	-	8.80	-
<b>GF Divisions total</b>		21.80	21.80	2.00	23.80	2.00
<b>Growth Management Department Total</b>		21.80	21.80	2.00	23.80	2.00

## FY23 Position Control Plan 4th Qtr

DEPARTMENT DIVISION POSITIONS (FTEs)	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
<b>COMMUNITY AND ECONOMIC DEVELOPMENT</b>						
<b>Administration Division</b>			<b>001-3410-552</b>			
<u>Full-time</u>						
C&E Development Director	GE-G23	1.00	1.00		1.00	-
Assistant Director Of Community & Economic Devel	GE-G19	1.00	1.00		1.00	-
Economic Development Division Manager	GE-G15	1.00	1.00		1.00	-
Economic Development Specialist	GE-G14	-	-	1.00	1.00	1.00
Business Development Coordinator	GE-G08	1.00	1.00	(1.00)	-	(1.00)
Customer Account Specialist	NW-W04	3.00	3.00		3.00	-
Sub-total:		7.00	7.00	-	7.00	-
<b>Division total</b>		7.00	7.00	-	7.00	-
<b>Housing &amp; Community Development Division 001-3411-554</b>						
<u>Full-time</u>						
Housing Administrator	GE-G16	1.00	1.00		1.00	-
Sr Housing Program Specialist	GE-G14	1.00	1.00		1.00	-
Housing Program Specialist I	GE-G08	2.00	2.00		2.00	-
Sub-total:		4.00	4.00	-	4.00	-
<b>Division total</b>		4.00	4.00	-	4.00	-
<b>Community and Economic Dev. Dept</b>		<b>11.00</b>	<b>11.00</b>	<b>-</b>	<b>11.00</b>	<b>-</b>

## FY23 Position Control Plan 4th Qtr

DEPARTMENT	Pay Grade	Amended Budget	Adopted Budget	Revisions for	Proposed Budget	Change from
DIVISION		FY 2022	FY 2023	FY 2023	FY 2023	FY 2022
POSITIONS (FTEs)						
<b>RECREATION DEPARTMENT</b>						
<b>Administration Division</b>						
<u>Full-time</u>						
Parks and Recreation Director	GE-G23	1.00	1.00	-	1.00	-
Management Analyst	GE-G10	1.00	1.00	-	1.00	-
Community Outreach Coordinator	GE-G08	1.00	1.00	-	1.00	-
Administrative Secretary	GE-G03	1.00	1.00	-	1.00	-
Sub-total:		4.00	4.00	-	4.00	-
<b>Division total</b>		4.00	4.00	-	4.00	-
<b>Recreation Program</b>						
<u>Full-time</u>						
Recreation Division Manager	GE-G14	1.00	1.00	-	1.00	-
Park Ranger/Naturalist	GE-G08	1.00	1.00	(1.00)	-	(1.00)
Recreation Supervisor	GE-G08	2.00	3.00	1.00	4.00	2.00
Special Events Coordinator	GE-G08	1.00	1.00		1.00	-
Park Ranger	NB-B01	-	-	1.00	1.00	1.00
Recreation Leader	NW-W02	2.00	4.00	(1.00)	3.00	1.00
Sub-total:		7.00	10.00	-	10.00	3.00
<u>Part-time</u>						
Customer Service Clerk	GP-G01	1.98	1.98	-	1.98	-
Lifeguard PT	GP-G01	1.26	1.26	0.25	1.51	0.25
Park Ranger PT	GP-G01	-	-	0.63	0.63	0.63
Recreation Aide PT	GP-G01	3.54	2.91	(0.88)	2.03	(1.51)
Special Events Staff	GP-G01	0.25	0.25	-	0.25	-
Sub-total:		7.03	6.40	-	6.40	(0.63)
<b>Division total</b>		14.03	16.40	-	16.40	2.37
<b>Recreation Department Total</b>		18.03	20.40	-	20.40	2.37

## FY23 Position Control Plan 4th Qtr

DEPARTMENT	Pay Grade	Amended Budget	Adopted Budget	Revisions for	Amended Budget	Change from
DIVISION		FY 2022	FY 2023	FY 2023	FY 2023	FY 2022
POSITIONS (FTEs)						
<b>PARKS &amp; FACILITIES DEPARTMENT</b>						
<b>Administration Division</b>	<b>001-4510-519</b>					
Facilities Director	GE-G23	1.00	1.00		1.00	-
Fiscal Manager	GE-G16	1.00	1.00		1.00	-
Construction Project Manager	GE-G15	1.00	1.00		1.00	-
Facilities Construction Specialist	GE-G08	-	-	1.00	1.00	1.00
Accountant I	GE-G09	1.00	1.00		1.00	-
Administrative Assistant	GE-G05	1.00	1.00		1.00	-
Sub-total:		5.00	5.00	1.00	6.00	1.00
<b>Division total</b>		5.00	5.00	1.00	6.00	1.00
<b>Facility Maintenance Division</b>	<b>001-4525-519</b>					
<u>Full-time</u>						
Facilities Division Manager	GE-G17	1.00	1.00		1.00	-
Administrative Secretary	GE-G05	1.00	1.00		1.00	-
Facilities Foreman	GE-G04	-	-	1.00	1.00	1.00
Electrician Journeyman	NB-B08	3.00	3.00		3.00	-
HVAC Journeyman	NB-B07	2.00	2.00		2.00	-
Plumber Journeyman	NB-B07	1.00	2.00		2.00	1.00
Tradesworker	NB-B06	2.00	2.00		2.00	-
Maintenance Worker II	NB-B02	3.00	3.00	(1.00)	2.00	(1.00)
Sub-total:		13.00	14.00	-	14.00	1.00
<u>Part-time</u>						
Maintenance Worker	GP-G01	0.70	0.70		0.70	-
Secretary	GP-G01	0.70	0.70		0.70	-
Sub-total:		1.40	1.40	-	1.40	-
<b>Division total</b>		14.40	15.40	-	15.40	1.00
<b>Parks Division</b>	<b>001-4526-572</b>					
<u>Full-time</u>						
Parks Division Manager	GE-G15	1.00	1.00		1.00	-
Parks Foreman	GE-G04	2.00	2.00		2.00	-
Landscape Technician	NB-B06	1.00	1.00		1.00	-
Tradesworker	NB-B06	2.00	2.00		2.00	-
Small Equipment Technician	NB-B02	2.00	2.00		2.00	-
Maintenance Worker II	NB-B02	2.00	2.00	(1.00)	1.00	(1.00)
Maintenance Worker	NB-B01	21.00	21.00		21.00	-
Inventory Control Coordinator	NW-W04	1.00	1.00		1.00	-
Sub-total:		32.00	32.00	(1.00)	31.00	(1.00)
<b>Division total</b>		32.00	32.00	(1.00)	31.00	(1.00)
<b>Parks &amp; Facilities Department Total</b>		<b>51.40</b>	<b>52.40</b>	<b>-</b>	<b>52.40</b>	<b>1.00</b>

## FY23 Position Control Plan 4th Qtr

DEPARTMENT DIVISION POSITIONS (FTEs)	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
<b>POLICE DEPARTMENT</b>						
<b>Executive Division</b>						
						<b>001-5010-521</b>
<u>Full-time</u>						
Police Chief	GE-G23	1.00	1.00		1.00	-
Deputy Police Chief	GE-G19	1.00	1.00		1.00	-
Fiscal Administrator	GE-G15			1.00	1.00	1.00
Budget Officer-Police	GE-G13	1.00	1.00	(1.00)	-	(1.00)
Project Specialist	GE-G08	1.00	1.00		1.00	-
Office Manager	GE-G07	1.00	1.00		1.00	-
Sergeant	FOP-SGT	1.00	1.00		1.00	-
Police Officer	FOP-PO	-	-	1.00	1.00	1.00
Senior Inventory Control Coordinator	NW-W06	-	-	1.00	1.00	1.00
Inventory Control Coordinator	NW-W04	-	-	1.00	1.00	1.00
Sub-total:		6.00	6.00	3.00	9.00	3.00
<u>Part-time</u>						
Administrative Secretary	GP-G03	-	-	0.66	0.66	0.66
Sub-total:		-	-	0.66	0.66	0.66
<b>Division total</b>		<b>6.00</b>	<b>6.00</b>	<b>3.66</b>	<b>9.66</b>	<b>3.66</b>
<b>Support Services Division</b>						
						<b>001-5011-521</b>
<u>Full-time</u>						
Police Commander	GE-G17	1.00	1.00		1.00	-
Community Services Administrator	GE-G15	1.00	1.00		1.00	-
Logistics Manager	GE-G12	1.00	1.00		1.00	-
Records Supervisor	GE-G08	1.00	1.00		1.00	-
Section Supervisor	GE-G06	1.00	1.00		1.00	-
Administrative Secretary	GE-G03	1.00	1.00		1.00	-
Lieutenant	FOP-LTN	1.00	1.00		1.00	-
Sergeant	FOP-SGT	1.00	1.00		1.00	-
Police Officer	FOP-PO	3.00	3.00		3.00	-
Shooting Range Maintenance Worker	NB-B01	1.00	1.00		1.00	-
Senior Inventory Control Coordinator	NW-W06	-	-	-	-	-
Senior Records Specialist	NW-W06	-	-	1.00	1.00	1.00
Background Investigator	NW-W05	-	-	1.00	1.00	1.00
Evidence Technician II	NW-W05	-	-	1.00	1.00	1.00
Training Coordinator	NW-W05	1.00	1.00		1.00	-
Inventory Control Coordinator	NW-W04	-	-	-	-	-
Evidence Technician	NW-W04	-	-	3.00	3.00	3.00
Material Management Technician	NW-W04	5.00	5.00	(5.00)	-	(5.00)
Records Specialist	NW-W04	7.00	7.00		7.00	-
Sub-total:		25.00	25.00	1.00	26.00	1.00
<u>Part-time</u>						
Administrative Secretary	GP-G03	0.66	0.66	(0.66)	-	(0.66)

DEPARTMENT	Pay Grade	Amended Budget	Adopted Budget	Revisions for	Amended Budget	Change from
DIVISION		FY 2022	FY 2023	FY 2023	FY 2023	FY 2022
<b>POSITIONS (FTEs)</b>						
School Crossing Guard Supervisor	GP-G03	0.80	0.80		0.80	-
School Crossing Guard	GP-G01	8.05	8.05		8.05	-
Sub-total:		9.51	9.51	(0.66)	8.85	(0.66)
<b>Division total</b>		34.51	34.51	0.34	34.85	0.34

#### Uniform Services Division

**001-5012-521**

##### Full-time

Police Commander	GE-G17	2.00	2.00		2.00	-
Administrative Secretary	GE-G03	1.00	1.00		1.00	-
Lieutenant	FOP-LTN	5.00	5.00	1.00	6.00	1.00
Sergeant	FOP-SGT	15.00	15.00		15.00	-
Police Officer	FOP-PO	115.00	121.00	(3.00)	118.00	3.00
Desk Booking Specialist II	NW-W07	4.00	4.00		4.00	-
Sub-total:		142.00	148.00	(2.00)	146.00	4.00
<b>Division total</b>		142.00	148.00	(2.00)	146.00	4.00

#### Investigations Division

**001-5013-521**

##### Full-time

Police Commander	GE-G17	1.00	1.00		1.00	-
Crime Analyst	GE-G06	2.00	2.00		2.00	-
Administrative Secretary	GE-G03	-	-	1.00	1.00	1.00
Lieutenant	FOP-LTN	2.00	2.00		2.00	-
Sergeants	FOP-SGT	4.00	4.00		4.00	-
Police Officer	FOP-PO	23.00	23.00	1.00	24.00	1.00
Crime Scene Technician II	NW-W06	-	-	1.00	1.00	1.00
Crime Scene Technician I	NW-W05	4.00	4.00	(1.00)	3.00	(1.00)
Sub-total:		36.00	36.00	2.00	38.00	2.00
<b>Division total</b>		36.00	36.00	2.00	38.00	2.00

#### Communications Center Division

**001-5019-521**

##### Full-time

Communications Division Manager	GE-G15	1.00	1.00	-	1.00	-
Communication Shift Supervisor	NW-W10	3.00	3.00	-	3.00	-
Communications Officer	NW-W06	37.00	37.00	(4.00)	33.00	(4.00)
Sub-total:		41.00	41.00	(4.00)	37.00	(4.00)

##### Part-time

Communications Officer	GP-W06	0.50	0.50		0.50	-
Sub-total:		0.50	0.50	-	0.50	-

**Division total**

41.50	41.50	(4.00)	37.50	(4.00)
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#### Victim Services Division

**001-5025-521**

##### Full-time

Senior Victim Advocate	GE-G06	-	-	1.00	1.00	1.00
Victim Advocate	GE-G05	2.00	2.00	(1.00)	1.00	(1.00)

DEPARTMENT	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION						
POSITIONS (FTEs)						
	Sub-total:	2.00	2.00	-	2.00	-
	Division total	2.00	2.00	-	2.00	-
	Police Department Total	262.01	268.01	-	268.01	6.00

# FY23 Position Control Plan 4th Qtr

DEPARTMENT	Pay Grade	Amended Budget	Adopted Budget	Revisions for	Amended Budget	Change from
DIVISION		FY 2022	FY 2023	FY 2023	FY 2023	FY 2022
POSITIONS (FTEs)						
FIRE DEPARTMENT						
Emergency Services Bureau	001-6012-522					
Full-time						
Fire Chief	GE-G23	1.00	1.00		1.00	-
Assistant Fire Chief	GE-G19	2.00	2.00	1.00	3.00	1.00
Division Chief	GE-G17	2.00	2.00	(1.00)	1.00	(1.00)
Assistant Fire Marshal	GE-G14	1.00	1.00		1.00	-
Logistics Manager	GE-G12	1.00	1.00		1.00	-
Operations Manager	GE-G12	1.00	1.00		1.00	-
Support Services Coordinator	GE-G11	1.00	1.00		1.00	-
Billing & Collections Coordinator	GE-G08		-	1.00	1.00	1.00
Administrative Secretary	GE-G03	1.00	1.00		1.00	-
Fire District Chief	IAFF-AC	7.00	7.00		7.00	-
Lieutenant	IAFF-Z	24.00	24.00		24.00	-
Driver Engineer	IAFF-U	30.00	30.00	3.00	33.00	3.00
Prot Breathing App Tech	IAFF-U	1.00	1.00		1.00	-
Firefighter	IAFF-O	61.00	65.00	(3.00)	62.00	1.00
Fire Inspector	IAFF-N	2.00	2.00		2.00	-
Records Comp/Anls Supervisor	NW-W06	1.00	1.00	(1.00)	-	(1.00)
Inventory Control Coord	NW-W04	1.00	1.00		1.00	-
Sub-total:		137.00	141.00	-	141.00	4.00
Part-time						
Fire Analyst	GP-G12	0.60	0.60		0.60	-
Sub-total:		0.60	0.60	-	0.60	-
Division total		137.60	141.60	-	141.60	4.00
Fire Department Total						
		137.60	141.60	-	141.60	4.00

## FY23 Position Control Plan 4th Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION						
POSITIONS (FTEs)						
PUBLIC WORKS DEPARTMENT						
Administrative Services Division		001-7011-541				
<u>Full-time</u>						
Public Works Director	GE-G23	1.00	1.00		1.00	-
Assistant Public Works Director	GE-G19	1.00	1.00		1.00	-
Business Operations Division Manager	GE-G15	1.00	1.00		1.00	-
Public Works Accountant	GE-G12	1.00	1.00		1.00	-
Support Services Coordinator	GE-G11	-	-	1.00	1.00	1.00
Administrative Coordinator	GE-G10	-	-	1.00	1.00	1.00
Asset Management Specialist	GE-G08	-	-	1.00	1.00	1.00
Public Works Accounting Specialist	GE-G08	1.00	1.00		1.00	-
Administrative Assistant	GE-G05	3.00	3.00	(1.00)	2.00	(1.00)
Engineer Technician III	NW-W07	2.00	2.00		2.00	-
Inventory Control Coordinator	NW-W04	1.00	1.00		1.00	-
Customer Service Representative	NW-W02	1.00	1.00		1.00	-
Data Entry Clerk	NW-W01	-	-	1.00	1.00	1.00
Sub-total:		12.00	12.00	3.00	15.00	3.00
Division total		12.00	12.00	3.00	15.00	3.00
Engineering & Surveying Services Division		001-7013-541				
<u>Full-time</u>						
City Engineer	GE-G18	1.00	1.00		1.00	-
City Surveyor	GE-G14	1.00	1.00		1.00	-
Project Manager	GE-G14	-	-	1.00	1.00	1.00
Surveying Superintendent	GE-G11	1.00	1.00		1.00	-
Survey Party Chief	GE-G06	1.00	1.00		1.00	-
Senior Engineering Inspector	NW-W12	-	-	-	-	-
Engineering Inspector	NW-W08	3.00	3.00	-	3.00	-
GIS Technician I	NW-W08	1.00	1.00		1.00	-
Engineering Technician II	NW-W04	3.00	3.00	(1.00)	2.00	(1.00)
Sub-total:		11.00	11.00	-	11.00	-
<u>Part-Time</u>						
Land Acquisition Coordinator	GP-G10	0.40	0.40	-	0.40	-
Sub-total:		0.40	0.40	-	0.40	-
Division total		11.40	11.40	-	11.40	-
ROW Beautification Division		001-7017-541				
<u>Full-time</u>						
Operations Supervisor	GE-G10	1.00	1.00	-	1.00	-
Operations Foreman	GE-G04	1.00	1.00	-	1.00	-
Heavy Equipment Operator I	NB-B02	9.00	9.00	-	9.00	-
Small Equipment Technician	NB-B02	-	-	1.00	1.00	1.00

DEPARTMENT		Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION							
<b>POSITIONS (FTEs)</b>							
Maintenance Worker		NB-B01	14.00	14.00	-	14.00	-
	Sub-total:		25.00	25.00	1.00	26.00	1.00
<u>Part-Time</u>							
Heavy Equipment Operator I		GP-G02	0.63	0.63	(0.63)	-	(0.63)
	Sub-total:		0.63	0.63	(0.63)	-	(0.63)
<b>Division total</b>			25.63	25.63	0.37	26.00	0.37
<b>Traffic Operations Division 001-7026-541</b>							
<u>Full-time</u>							
Operations Superintendent		GE-G11	1.00	1.00	-	1.00	-
Sign & Traffic Technician		NB-B03	4.00	4.00	-	4.00	-
	Sub-total:		5.00	5.00	-	5.00	-
<u>Part-Time</u>							
Sign & Traffic Technician		GP-G03	0.63	0.63	-	0.63	-
	Sub-total:		0.63	0.63	-	0.63	-
<b>Division total</b>			5.63	5.63	-	5.63	-
<b>Infrastructure Division 001-7034-541</b>							
<u>Full-time</u>							
Construction Project Manager		GE-G15	1.00	1.00	-	1.00	-
Operations Supervisor		GE-G10	1.00	1.00	-	1.00	-
Heavy Equipment Operator II		NB-B05	5.19	5.19	-	5.19	-
Parts Inventory Specialist		NB-B03	-	-	1.00	1.00	1.00
Heavy Equipment Operator I		NB-B02	1.00	1.00	-	1.00	-
Maintenance Worker		NB-B01	9.00	9.00	-	9.00	-
Senior Engineering Inspector		NW-W12	1.00	1.00	(1.00)	-	(1.00)
	Sub-total:		18.19	18.19	-	18.19	-
<u>Part-Time</u>							
Heavy Equipment Operator I		GP-G02	0.53	0.53	(0.53)	-	(0.53)
	Sub-total:		0.53	0.53	(0.53)	-	(0.53)
<b>Division total</b>			18.72	18.72	(0.53)	18.19	(0.53)
<b>GF Divisions total</b>			73.38	73.38	2.84	76.22	2.84
<b>Fleet Services Division 521-7070-519</b>							
<u>Full-time</u>							
Fleet Services Manager		GE-G15	1.00	1.00		1.00	-
Fleet Services Supervisor		GE-G08	2.00	2.00		2.00	-
Accounting/Procurement Assistant		GE-G08	1.00	1.00		1.00	-
Heavy Equipment Technician		NB-B07	6.00	6.00		6.00	-
Light Equipment Technician		NB-B03	6.00	6.00		6.00	-
Parts Inventory Specialist		NB-B03	1.00	1.00		1.00	-
	Sub-total:		17.00	17.00	-	17.00	-

DEPARTMENT	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION						
POSITIONS (FTEs)						
<u>Part-Time</u>						
Stock Clerk	GP-G01	0.50	0.50	-	0.50	-
Sub-total:		0.50	0.50	-	0.50	-
<b>Fleet Division total</b>		17.50	17.50	-	17.50	-
<b>SWU Engineering &amp; Surveying</b>						
<u>Full-time</u>						
Engineer III	GE-G15	2.00	2.00	-	2.00	-
Engineer II	GE-G14	1.00	1.00	(1.00)	-	(1.00)
Engineer I	GE-G13	1.00	1.00	-	1.00	-
Survey Party Chief	GE-G06	1.00	1.00	-	1.00	-
Survey Transit Operator	NB-B03	2.00	2.00	-	2.00	-
Rod & Chain Worker	NB-B01	1.00	1.00	-	1.00	-
GIS Technician II	NW-W09	-	-	1.00	1.00	1.00
Engineering Assistant	NW-W08	2.00	2.00	-	2.00	-
Sub-total:		10.00	10.00	-	10.00	-
<u>Part-Time</u>						
GIS Technician I - PT	GP-G08	0.60	0.60	(0.60)	-	(0.60)
Sub-total:		0.60	0.60	(0.60)	-	(0.60)
<b>Division total</b>		10.60	10.60	(0.60)	10.00	(0.60)
<b>SWU Customer Service</b>						
<u>Full-time</u>						
Operations Division Manager	GE-G15	1.00	1.00		1.00	-
Customer Service Manager	GE-G14	-	-	1.00	1.00	1.00
Project Manager	GE-G14	-	-	1.00	1.00	1.00
Engineering Inspector	NW-W08	4.00	4.00	1.00	5.00	1.00
Customer Service Representative	NW-W02	1.00	1.00		1.00	-
Sub-total:		6.00	6.00	3.00	9.00	3.00
<b>Division total</b>		6.00	6.00	3.00	9.00	3.00
<b>SWU Physical Environment</b>						
<u>Full-time</u>						
Operations Supervisor	GE-G10	1.00	1.00		1.00	-
Heavy Equipment Operator II	NB-B05	2.00	3.00		3.00	1.00
Heavy Equipment Operator I	NB-B02	2.00	4.00		4.00	2.00
Sub-total:		5.00	8.00	-	8.00	3.00
<b>Division total</b>		5.00	8.00	-	8.00	3.00
<b>SWU Infrastructure</b>						
<u>Full-time</u>						
Heavy Equipment Operator II	NB-B05	1.81	1.81	-	1.81	-
Heavy Equipment Operator I	NB-B02	2.00	2.00	-	2.00	-
Maintenance Worker	NB-B01	7.00	7.00	-	7.00	-

DEPARTMENT	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION						
POSITIONS (FTEs)						
Sub-total:		10.81	10.81	-	10.81	-
Division total		10.81	10.81	-	10.81	-
SWU Fund total		32.41	35.41	2.40	37.81	5.40
Public Works Department Total		123.29	126.29	5.24	131.53	8.24

## FY23 Position Control Plan 4th Qtr

DEPARTMENT	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION						
POSITIONS (FTEs)						
<b>UTILITIES DEPARTMENT</b>						
<b>Administration Division</b>						
<u>Full-time</u>						
Utilities Director	GE-G23	1.00	1.00	-	1.00	-
Assistant Utilities Director	GE-G19	1.00	1.00	-	1.00	-
Administrative Coordinator	GE-G10	1.00	1.00	-	1.00	-
Administrative Assistant	GE-G05	2.00	2.00	-	2.00	-
Secretary	NW-W01	2.00	2.00	(1.00)	1.00	(1.00)
Sub-total:		7.00	7.00	(1.00)	6.00	(1.00)
<b>Division total</b>		7.00	7.00	(1.00)	6.00	(1.00)
<b>Utilities Customer Care Section</b>						
<u>Full-time</u>						
Utilities Customer Care Manager	GE-G14	1.00	1.00	-	1.00	-
Utilities Billing & Collections Supervisor	GE-G10	1.00	1.00		1.00	-
Utilities Customer Care Supervisor	GE-G08	2.00	2.00		2.00	-
Utilities Billing & Collections Specialist	NW-W05	6.00	6.00	-	6.00	-
Utilities Customer Care Specialist	NW-W04	10.00	10.00	-	10.00	-
Cashier	NW-W02	1.00	1.00	-	1.00	-
Sub-total:		21.00	21.00	-	21.00	-
<u>Part-time</u>						
Cashier	GP-G02	0.75	0.75	-	0.75	-
Sub-total:		0.75	0.75	-	0.75	-
<b>Division total</b>		21.75	21.75	-	21.75	-
<b>Business Operations Division</b>						
<u>Full-time</u>						
Business Operations Division Mgr	GE-G15	1.00	1.00		1.00	-
Accountant II	GE-G12	1.00	1.00		1.00	-
Logistics Manager	GE-G12	1.00	1.00		1.00	-
Utilities Accountant	GE-G12	1.00	1.00		1.00	-
Business Operations Specialist	GE-G10		-	1.00	1.00	1.00
Management Analyst	GE-G10	1.00	1.00	(1.00)	-	(1.00)
Parts Inventory Specialist	NB-B03	1.00	1.00		1.00	-
Records Specialist	NW-W04	1.00	1.00		1.00	-
Sub-total:		7.00	7.00	-	7.00	-
<b>Division total</b>		7.00	7.00	-	7.00	-
<b>Engineering and Construction Division</b>						
<u>Full-time</u>						
Utilities Engineer	GE-G21	1.00	1.00		1.00	-
Senior Project Manager	GE-G15	-	-	1.00	1.00	1.00

DEPARTMENT	Pay Grade	Amended Budget	Adopted Budget	Revisions for	Amended Budget	Change from
DIVISION		FY 2022	FY 2023	FY 2023	FY 2023	FY 2022
<b>POSITIONS (FTEs)</b>						
Project Manager	GE-G14	-	-	1.00	1.00	1.00
Utilities Project Manager	GE-G14	2.00	2.00	(2.00)	-	(2.00)
Engineer I	GE-G13	1.00	1.00		1.00	-
GIS Manager	GE-G14	1.00	1.00		1.00	-
Senior Database Administrator	GE-G12	-	-	1.00	1.00	1.00
Asset Management Specialist	GE-G08	1.00	1.00		1.00	-
Database Administrator - CMMS	GE-G08	1.00	1.00	(1.00)	-	(1.00)
GIS Technician III	NW-W10	-	-	1.00	1.00	1.00
GIS Technician II	NW-W09	1.00	1.00	(1.00)	-	(1.00)
GIS Technician I	NW-W08	1.00	1.00		1.00	-
Utilities Inspector	NW-W08	3.00	3.00	(1.00)	2.00	(1.00)
Sub-total:		12.00	12.00	(1.00)	11.00	(1.00)
<b>Division total</b>		12.00	12.00	(1.00)	11.00	(1.00)

#### Maintenance Section

**421-8014-536**

##### Full-time

Operations Division Manager	GE-G15	0.34	0.34	0.66	1.00	0.66
Electrical Maintenance Coordinator	GE-G12		-	1.00	1.00	1.00
Electrical Maintenance Foreman	GE-G12	1.00	1.00	(1.00)	-	(1.00)
Electrician Journeyman	NB-B08	1.00	1.00	1.00	2.00	1.00
Electrical Technician II	NB-B06	1.00	1.00		1.00	-
Electrical Technician I	NB-B04	2.00	2.00		2.00	-
Maintenance Mechanic	NB-B04	8.00	8.00		8.00	-
Utilities Technician I	NB-B01	4.00	5.00		5.00	1.00
Sub-total:		17.34	18.34	1.66	20.00	2.66

#### Division Subtotal:

17.34	18.34	1.66	20.00	2.66
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#### Field Services Section

**421-8016-536**

##### Full-time

Field Services Superintendent	GE-G14	1.00	1.00		1.00	-
Field Service Representative	NB-B02	8.00	10.00		10.00	2.00
Sub-total:		9.00	11.00	-	11.00	2.00

#### Division total

9.00	11.00	-	11.00	2.00
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#### Utilities Compliance Division

**421-8017-536**

##### Full-time

Utilities Compliance Division Manager	GE-G15	1.00	1.00		1.00	-
Utilities Compliance Specialist	GE-G10	1.00	1.00		1.00	-
Utilities Community Outreach Coord.	GE-G08	1.00	1.00		1.00	-
Line Location Technician	NB-B03	2.00	2.00		2.00	-
Backflow Prevention Technician I	NB-B02	1.00	1.00		1.00	-
Water Quality Technician	NB-B02	1.00	2.00		2.00	1.00
Fats, Oils, & Grease Inspector	NW-W10	1.00	1.00	(1.00)	-	(1.00)
Utilities Compliance Inspector	NW-W10		-	2.00	2.00	2.00
Secretary	NW-W01	-	-	1.00	1.00	1.00
Sub-total:		8.00	9.00	2.00	11.00	3.00

DEPARTMENT	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION						
POSITIONS (FTEs)						
<u>Part-time</u>						
Utilities Intern (Heritage High)	GP-G01	0.44	0.44	-	0.44	-
Sub-total:		0.44	0.44	-	0.44	-
<b>Division total</b>		<b>8.44</b>	<b>9.44</b>	<b>2.00</b>	<b>11.44</b>	<b>3.00</b>

#### Water-Distribution Section

**421-8020-533**

##### Full-time

Operations Division Manager	GE-G15	0.33	0.33	0.17	0.50	0.17
Water Distribution Superintendent	GE-G14	1.00	1.00		1.00	-
Utilities Foreman	GE-G06	4.00	4.00		4.00	-
Utilities Technician III	NB-B03	-	-	-	-	-
Heavy Equipment Operator I	NB-B02	2.00	2.00		2.00	-
Utilities Technician II	NB-B02	2.00	2.00	2.00	4.00	2.00
Utilities Technician I	NB-B01	16.00	16.00	(2.00)	14.00	(2.00)
Sub-total:		25.33	25.33	0.17	25.50	0.17
<b>Division Subtotal:</b>		<b>25.33</b>	<b>25.33</b>	<b>0.17</b>	<b>25.50</b>	<b>0.17</b>

#### Water Plant - SRWTF Section

**421-8023-533**

##### Full-time

Water Plant Superintendent	GE-G14	1.00	1.00		1.00	-
Treatment Plant Operator Dual Cert.	NB-B08	2.00	2.00		2.00	-
Treatment Plant Operator "A"	NB-B07	-	-	1.00	1.00	1.00
Treatment Plant Operator "B"	NB-B06	1.00	1.00		1.00	-
Treatment Plant Operator "C"	NB-B04	3.00	3.00	(1.00)	2.00	(1.00)
Treatment Plant Operator "Trainee"	NB-B02	-	-	1.00	1.00	1.00
Sub-total:		7.00	7.00	1.00	8.00	1.00
<b>Division total</b>		<b>7.00</b>	<b>7.00</b>	<b>1.00</b>	<b>8.00</b>	<b>1.00</b>

#### Water Plant - NR Section

**421-8024-533**

##### Full-time

Water Plant Superintendent	GE-G14	1.00	1.00		1.00	-
Treatment Plant Operator "A"	NB-B07	5.00	5.00	(1.00)	4.00	(1.00)
Treatment Plant Operator "B"	NB-B06	1.00	1.00		1.00	-
Treatment Plant Operator "C"	NB-B04	2.00	2.00	1.00	3.00	1.00
Treatment Plant Operator "Trainee"	NB-B02	-	-	-	-	-
Sub-total:		9.00	9.00	-	9.00	-
<b>Division total</b>		<b>9.00</b>	<b>9.00</b>	<b>-</b>	<b>9.00</b>	<b>-</b>

#### Wastewater-Collection Section

**421-8030-535**

##### Full-time

Operations Division Manager	GE-G15	0.33	0.33	0.17	0.50	0.17
Wastewater Collection Superintendent	GE-G14	1.00	1.00		1.00	-
Utilities Foreman	GE-G06	3.00	3.00		3.00	-
Electrical Technician II	NB-B06	1.00	1.00		1.00	-

DEPARTMENT	Pay Grade	Amended Budget FY 2022	Adopted Budget FY 2023	Revisions for FY 2023	Amended Budget FY 2023	Change from FY 2022
DIVISION						
POSITIONS (FTEs)						
Heavy Equipment Operator II	NB-B05	1.00	1.00		1.00	-
Electrical Technician I	NB-B04	2.00	3.00		3.00	1.00
Maintenance Mechanic	NB-B04	4.00	4.00		4.00	-
Camera Truck Operator	NB-B03	1.00	1.00		1.00	-
Utilities Technician III	NB-B03	-	-	2.00	2.00	2.00
Utilities Technician II	NB-B02	5.00	5.00	(4.00)	1.00	(4.00)
Utilities Technician I	NB-B01	5.00	5.00	2.00	7.00	2.00
Sub-total:		23.33	24.33	0.17	24.50	1.17
Division Subtotal:		23.33	24.33	0.17	24.50	1.17
South Regional Water Reclamation						
421-8033-535						
Full-time						
Wastewater Plant Superintendent	GE-G14	1.00	1.00		1.00	-
Treatment Plant Operator "A"	NB-B07	2.00	2.00		2.00	-
Treatment Plant Operator "B"	NB-B06	1.00	1.00		1.00	-
Treatment Plant Operator "C"	NB-B04	2.00	2.00		2.00	-
Treatment Plant Operator "Trainee"	NB-B02	1.00	1.00		1.00	-
Sub-total:		7.00	7.00	-	7.00	-
Division total		7.00	7.00	-	7.00	-
Wastewater Plant - NR Section						
421-8034-535						
Full-time						
Wastewater Plant Superintendent	GE-G14	1.00	1.00		1.00	-
Treatment Plant Operator "A"	NB-B07	3.00	3.00	-	3.00	-
Treatment Plant Operator "B"	NB-B06	2.00	2.00	(2.00)	-	(2.00)
Treatment Plant Operator "C"	NB-B04	3.00	3.00	1.00	4.00	1.00
Treatment Plant Operator "Trainee"	NB-B02	1.00	1.00	1.00	2.00	1.00
Sub-total:		10.00	10.00	-	10.00	-
Division total		10.00	10.00	-	10.00	-
Utilities Department Total		164.19	169.19	3.00	172.19	8.00

### FY23 Position Control Plan 4th Qtr

Full-Time Equivalents by Dept	FY 22	FY 23	Difference
Legislative	9.00	10.00	1.00
City Manager's Office	9.70	10.70	1.00
City Attorney's Office	11.96	11.96	0.00
Procurement	7.00	7.00	0.00
Finance	14.00	16.00	2.00
Information Technology	16.00	18.00	2.00
Human Resources	12.63	13.00	0.37
Building	34.00	36.18	2.18
Growth Management	21.80	23.80	2.00
Community & Economic Dev.	11.00	11.00	0.00
Recreation	18.03	20.40	2.37
Parks & Facilities	51.40	52.40	1.00
Police	262.01	268.01	6.00
Fire	137.60	141.60	4.00
Public Works	123.29	131.53	8.24
Utilities	164.19	172.19	8.00
<b>Total FTE's</b>	<b>903.61</b>	<b>943.77</b>	<b>40.16</b>

Contract/Group	Contract Dates	FY 22	FY 23	Difference
NAGE Blue	10/01/22-09/30/25	210.00	224.00	14.00
NAGE White	10/01/22-09/30/25	150.00	149.00	(1.00)
Police Officer	10/01/21-09/30/24	141.00	146.00	5.00
Police Sergeant	10/01/21-09/30/24	21.00	21.00	-
Police Lieutenant	10/01/21-09/30/24	8.00	9.00	1.00
Police Command	N/A	5.00	5.00	-
Fire Rank & File	10/01/21-09/30/24	115.00	119.00	4.00
Fire Supervisors	10/01/21-09/30/24	10.00	10.00	-
General 1	N/A	23.00	24.00	1.00
General 2	N/A	33.00	38.00	5.00
General 3	N/A	155.00	168.00	13.00
Part-Time/Council/Emeritus*	N/A	32.61	30.77	(1.84)
*includes Councilmembers even though FT/PT Citywide includes them in FT for benefits reasons				
	<b>Total FTE's</b>	<b>903.61</b>	<b>943.77</b>	<b>40.16</b>



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Larry Wojciechowski, Finance Director

**DATE:** 9/19/2023

**RE:** Resolution 2023-27, amending Resolution 2022-52, as amended, adopting the Five-Year Capital Improvements Program for Fiscal Years 2022-2023 through 2026-2027 (fourth amendment).

The following is a summary of the revisions to the Capital Improvements Program/CIP in FY 2023.

### **Budget Amendment #4 Modifications:**

Finance Department – Budget account corrections; reverse BA #3 budget entries impacting the Capital Improvements Program/CIP as follows – Net CIP Impact (\$145,000).

- District Chief Vehicle (23FD05) (\$95,000)
- Impact Fees for Bunker Gear (\$50,000)

Parks and Facilities Department - Appropriate funding to purchase a replacement 3/4-ton truck and two (2) utility tractors; approved by City Council 07/06/2023 – CIP Impact \$126,069.

Police Department – LETF 23-04 - Purchase a Crash Data Retrieval Kit; approved by City Council 07/06/2023 – CIP Impact \$55,000.

Public Works Department – Appropriate funding to supplement additional construction cost of the PMU 6 Culvert Replacement Project (23SU02); approved by City Council 07/06/2023 – CIP Impact \$50,000.

Public Works Department - Purchase of a 2004 CAT Loader (sourced through insurance proceeds); approved by City Council 07/06/2023 – CIP Impact \$110,458.

Public Works Department – Purchase of a Public Works pool vehicle (additional funding sourced through surplus/auction proceeds); approved by City Council 07/20/2023 – CIP Impact \$5,906.

Utilities Department – Appropriate additional funding to the North Regional Reverse Osmosis Plant Rehabilitation Project (21WS14); approved by City Council 07/06/2023 – CIP Impact \$120,397.

Utilities Department – Open and assign funding to the South Regional Water Treatment Plant (SRWTP) from 6

MGD to 8 MGD Expansion Project (23WS20) – CIP Impact \$650,000.

**Budget Transfers: Added/Removed Capital Projects, Addition/Reduction of Funding:**

**Parks and Facilities Department - Budget Transfer #117**

Transfer funding from a non-capital account to capital account 6403/Light Vehicles towards the purchase of one (1) Replacement Truck for a previously damaged vehicle – CIP Impact \$10,537.

**Public Works Department - Budget Transfer #126**

General Fund Portion: Transfer funding from non-capital accounts to capital accounts 6401/Machinery, 6403/Light Vehicles, and 6403/Construction Vehicles for the purchase of the following items: one (1) Diamond Mower Rotary Head \$16,000; one (1) Trailer \$9,000; and one (1) 4-Door Replacement Truck \$24,000 – CIP Impact \$49,000.

Stormwater Utility Fund Portion: Transfer funding from non-capital accounts and other capital savings to capital account 6401/Machinery & Equipment towards the purchase of two (2) Forestry Heads \$21,418 and one (1) Zero Turn Mower \$15,000; with utilization of existing capital savings (\$2,185) within the 6401/Machinery & Equipment account, needed incoming transfer portion to support purchases totals \$34,233 – Net CIP Impact \$34,233.

Fleet Service Fund Portion: Transfer funding from a non-capital account to capital account 6401/ Machinery & Equipment towards the purchase of one (1) Tire Machine \$11,000 and one (1) Tire Balancer \$15,000 – CIP Impact \$26,000.

**REQUESTING DEPARTMENT:**

Finance

**FISCAL IMPACT:**

Please refer to Exhibit A for Capital Improvement Program impacting details.

**RECOMMENDATION:**

Motion to adopt, by Resolution, the fourth amendment to the FY 2023 Capital Improvements Program.

**ATTACHMENTS:**

**Description**

Resolution 2023-27

FY 23 Fourth CIP Project Detail Summary\_Exhibit A\_09.19.2023\_FINAL

## RESOLUTION 2023-27

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2022-52, AS AMENDED BY RESOLUTIONS 2023-03, 2023-11, AND 2023-21, ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENTS PROGRAM FOR THE FISCAL YEARS 2022-2023 THROUGH 2026-2027 FOR THE CITY OF PALM BAY, FLORIDA; RESCINDING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay's Capital Improvements Program, formally known as the Community Investment Program, was adopted by the City Council on September 21, 2022.

**WHEREAS**, the City of Palm Bay desires to amend the Capital Improvements Program.

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

**SECTION 1.** Resolution 2022-52, as amended by Resolutions 2023-03, 2023-11, and 2023-21, is hereby amended by including additional projects to the Five-Year Community Investment Program for Fiscal Years 2022-2023 through 2026-2027, which are, by reference, incorporated herein as Exhibit 'A'.

**SECTION 2.** This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2023- , of the City Council of the City of Palm Bay, Brevard County, Florida, on , 2023.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Fund	Department Division Account	Project Number	Capital Improvements Program Summary	FY 2023 Adopted CIP Budget	FY 2022 to FY 2023 Rollovers	FY 2023 Amendments	New Project TOTAL	TOTAL FY 2023
Utilities Operating								
421	421-8010-536-6201	23WS05	Demo & Rebuild NR Admin Building			375,000	375,000	375,000
421	421-8010-536-6301	23WS03	So Regional Campus Parking Lot Expansion	212,000			212,000	212,000
421	421-8010-536-6301	23WS05	Demo & Rebuild NR Admin Building	375,000		(375,000)	0	0
421	421-8011-536-6201	20BD01	Building E Construction		16,427		16,427	16,427
421	421-8012-536-6401	N/A	Nat'l Lift Truck Services		34,500		34,500	34,500
421	421-8013-536-6407	22WS03	Upgrade Microsoft SQL SW		6,939		6,939	6,939
421	421-8014-536-6201	20WS05	NR Aggregate Storage Facility		10,000		10,000	10,000
421	421-8014-536-6301	20WS02	Security Camera Repl/Upgr		17,927		17,927	17,927
421	421-8014-536-6403	N/A	Vehicle Replacement - #6931 Ford F250	65,000		50,000	115,000	115,000
421	421-8016-536-6403	N/A	Add two (2) Field Service Reps.	62,000	24,398		86,398	86,398
421	421-8017-536-6403	N/A	Add Water Quarlity Technician	32,000			32,000	32,000
421	421-8017-536-6403	N/A	New and Reclass Utilities Compliance Inspector	34,000			34,000	34,000
421	421-8020-533-6201	20WS05	NR Aggregate Storage Facility		10,000		10,000	10,000
421	421-8020-533-6322	N/A	New Meter Service Installation	600,000			600,000	600,000
421	421-8020-533-6322	22WS29	Sandy Pines Meter Installation		355,004		355,004	355,004
421	421-8020-533-6324	22WS03	Cedar Side Meter Removal		45,000		45,000	45,000
421	421-8020-533-6401	N/A	Equip. Replcmt - lgersol Compressor w/ Doosan Compressor	25,000			25,000	25,000
421	421-8020-533-6401	N/A	Valve Insertion Equipment			125,000	125,000	125,000
421	421-8020-533-6401	N/A	Crane Truck			80,000	80,000	80,000
421	421-8020-533-6403	N/A	Vehicle Replacement - #6923 Chevrolet C3500 w/ Ford F350	70,000			70,000	70,000
421	421-8020-533-6403	N/A	Vehicle Replacement - #6949 Ford F350	70,000			70,000	70,000
421	421-8020-533-6403	N/A	Vehicle Replacement - #6951 Ford F350	70,000			70,000	70,000
421	421-8020-533-6404	N/A	Crane Truck	80,000		(80,000)	0	0
421	421-8020-533-6404	N/A	Vehicle Replacement 6301 Sterling SLT7500 Dump	80,000			80,000	80,000
421	421-8023-533-6221	22WS02	SRWTP Cover for Antiscalant & Orthophosphate Chemicals		50,000		50,000	50,000
421	421-8023-533-6221	22WS09	SRWTP Spare Chemical Feed Pumps		20,000		20,000	20,000
421	421-8023-533-6301	22WS13	SRWTP Deep Injection Well Road		0		0	0
421	421-8023-533-6407	20WS01	NRWWTP Emergency Pond Lining System		158,077		158,077	158,077
421	421-8024-533-6221	19WS12	NRWTP Sludge Handling		103,000		103,000	103,000
421	421-8024-533-6221	20WS01	NRWWTP Emergency Pond Lining System	422,500			422,500	422,500
421	421-8024-533-6403	N/A	Vehicle Replacement - #6919 - Chevrolet 2500 with Ford F250	65,000			65,000	65,000
421	421-8024-533-6407	22WS08	Well SCADA Upgrades	23,400	21,500		44,900	44,900
421	421-8030-535-6201	20WS05	NR Aggregate Storage Facility		10,000		10,000	10,000
421	421-8030-535-6325	22WS01	SRWRF-NRWRF Diversion Valves		30,000		30,000	30,000
421	421-8030-535-6325	22WS07	Smart Cover - Subsonic Manhole Covers	100,000	42,520		142,520	142,520
421	421-8030-535-6327	16WS07	Regional Pump Station #1		1,033,209		1,033,209	1,033,209
421	421-8030-535-6327	22WS05	Permanent Bypass Pump - Critical Waterfront Lift Stations		300,000		300,000	300,000
421	421-8030-535-6327	22WS05	Permanent Bypass Pump - Critical Waterfront Lift Stations	450,000			450,000	450,000
421	421-8030-535-6401	N/A	Ultra-Shorty Camera for Sewer Assessment	7,000			7,000	7,000
421	421-8030-535-6401	N/A	Additional Light Tower for low level lighting work	20,000			20,000	20,000
421	421-8030-535-6403	N/A	6947 Replacement 2008 Ford F250 with Ford F250	65,000			65,000	65,000
421	421-8030-535-6403	N/A	6969 Replacement 2011 Chevrolet Silverado with Ford F250	65,000			65,000	65,000
421	421-8030-535-6403	N/A	Additional Electrical Technician I	50,000			50,000	50,000
421	421-8030-535-6404	N/A	Two (2) Crane Trucks (Collections - Lift Stations) & Vehicle replacement - #6301	380,000			380,000	380,000
421	421-8030-535-6407	22WS11	WIN911 SCADA Call Outs		22,000		22,000	22,000
421	421-8033-535-6211	N/A	SRWRF Capital Needs - Maintenance Shed	5,000			5,000	5,000
421	421-8033-535-6211	N/A	SRWRF Capital Needs - Storage Shed	3,000			3,000	3,000
421	421-8033-535-6221	23WS06	SRWRF Sludge Deatering Facility	250,000			250,000	250,000
421	421-8033-535-6301	N/A	SRWRF Camera System	10,000			10,000	10,000
421	421-8033-535-6325	23WS04	SRWRF Reclaimed Water MLE	383,000			383,000	383,000
421	421-8033-535-6401	N/A	SRWRF Capital Needs - Hack DR 3900 Bench Top Meter	5,000			5,000	5,000
421	421-8033-535-6401	N/A	SRWRF Capital Needs - Telehandler with Man Basket Attachment	25,000			25,000	25,000
421	421-8033-535-6401	N/A	SRWRF Capital Needs - Electric Utility Cart	10,000			10,000	10,000
421	421-8033-535-6403	N/A	SRWRF Capital Needs - F450 4x4 Utility Box Truck with Hydraulic Auto Crane	35,000			35,000	35,000
421	421-8033-535-6403	N/A	SRWRF Capital Needs - Single Cab Full Size Truck	20,000			20,000	20,000
421	421-8034-535-6221	22WS04	NRWWTP Sewarge Dewatering Facility	2,021,500	87,000		2,108,500	2,108,500
421	421-8034-535-6221	17WS13	NRWWTP Clarifier 2 Construction		131,535		131,535	131,535
421	421-8034-535-6221	17WS16	WRF Denitrification Project		12,046	240	12,286	12,286
421	421-8034-535-6221	20WS01	NRWWTP EMERGENCY POND LIN		51,500		51,500	51,500
421	421-8034-535-6325	21WS03	NRWRF Substandard FM		751,500		751,500	751,500
421	421-8034-535-6325	23WS08	Valve Maintenance & Replacement Program	100,000			100,000	100,000
421	421-8034-535-6326	23WS07	Biosolids Reduction Program	150,000			150,000	150,000
421	421-8034-535-6403	N/A	6955 Replacement 2008 Ford F150	65,000			65,000	65,000
421	421-8034-535-6407	22WS10	NRWRF Headworks SCADA		6,480		6,480	6,480
Utilities Connections Fee Fund								

Fund	Department Division Account	Project Number	Capital Improvements Program Summary	FY 2023 Adopted CIP Budget	FY 2022 to FY 2023 Rollovers	FY 2023 Amendments	New Project TOTAL	TOTAL FY 2023
423	423-8021-533-6221	23WS20	SRWTP From 6 MGD to 8 MGD			650,000	650,000	650,000
423	423-8021-533-6324	20WS07	PM Unit 3 WM Replacement		26,857		26,857	26,857
423	423-8021-533-6324	20WS08	Mandarin WM Extension & Replacement		60,934		60,934	60,934
423	423-8021-533-6324	20WS09	Cadez WM Replacement and Upgrade		112,005		112,005	112,005
423	423-8021-533-6324	21WS22	Eagle Rock Water Main Loop/Upgrade		3,438		3,438	3,438
423	423-8021-533-6324	22WS15	12" Water Main Extension		191,000		191,000	191,000
423	423-8031-535-6221	22WS14	SRWRF Expansion - 1 MG to 2 MG	400,000	35,000		435,000	435,000
423	423-8031-535-6325	22WS16	Force Main Extension - Osmosis to DeGroodt	370,000	21,570		391,570	391,570
423	423-8031-535-6327	22WS36	LS #61 Upgrade @ Nathi TH		73,689		73,689	73,689
Utilities Renewal and Replacement Fund								
424	424-8022-533-6201	23WS01	Nash Street Repump Station - Building Roof Replacement	82,500			82,500	82,500
424	424-8022-533-6221	17WS04	Tsf Filter/Backwash Pump		119,544		119,544	119,544
424	424-8022-533-6221	18WS04	SRWTP 4MG to 6MG Expansion			367,756	367,756	367,756
424	424-8022-533-6221	18WS06	NRWTP HSP Replacement		209,499		209,499	209,499
424	424-8022-533-6221	18WS19	Generator and Air Compressor		97,471		97,471	97,471
424	424-8022-533-6221	19WS07	NRWTP CO2 System		766,211		766,211	766,211
424	424-8022-533-6221	19WS08	NRWTP Sodium Hypochlorite Pump Skid Replc		213,000		213,000	213,000
424	424-8022-533-6221	19WS10	Nash HSP/MCC Replacement		1,005,363		1,005,363	1,005,363
424	424-8022-533-6221	19WS11	NRWTP Lime Slaking Silo Replacement		301,868		301,868	301,868
424	424-8022-533-6221	21WS09	SRWTP Transfer Switch Replacement		63,185		63,185	63,185
424	424-8022-533-6221	21WS12	NRWTP Treatment Unit #3		29,902		29,902	29,902
424	424-8022-533-6221	21WS13	NRWTP Elevated Tank Rehabilitation		246,486		246,486	246,486
424	424-8022-533-6221	21WS14	North Regional RO Plant Rehabilitation		1,317,041		1,317,041	1,317,041
424	424-8022-533-6221	21WS15	NRWTP 1.0 MG Ground Storage Tank Rehab		50,000		50,000	50,000
424	424-8022-533-6221	21WS20	NRWTP Actuators on Clearwell Pumps Discharge		50,000		50,000	50,000
424	424-8022-533-6221	22WS17	NRWTP Fluoride System Replacement		177,792		177,792	177,792
424	424-8022-533-6221	22WS18	SRWTP Fluoride System Replacement		170,628		170,628	170,628
424	424-8022-533-6221	22WS20	SRWTP Micron Filter Lines Rehabilitation		39,000		39,000	39,000
424	424-8022-533-6221	21WS12	NRWTP Treatment Unit #3	2,590,000			2,590,000	2,590,000
424	424-8022-533-6221	21WS15	NRWTP 1.0 MG Ground Storage Tank Rehab	485,000			485,000	485,000
424	424-8022-533-6221	23WS15	NRWTP 0.5MG TANK REPAIRS			139,510	139,510	139,510
424	424-8022-533-6318	17WS22	WELL 17 REHAB		63,878		63,878	63,878
424	424-8022-533-6318	19WS17	REHABILITATION OF WELL 10		7,399		7,399	7,399
424	424-8022-533-6318	23WS19	WELL REHABILITATION			139,000	139,000	139,000
424	424-8022-533-6322	21WS16	Replace Large Meter Assemblies	100,000	37,224		137,224	137,224
424	424-8022-533-6322	21WS18	Dual Check Replacement Program	174,570	128,657		303,227	303,227
424	424-8022-533-6322	N/A	Meter Services - Meter Replacement	285,000	58,383		343,383	343,383
424	424-8022-533-6324	19WS02	Public Works Utility Relocation Projects	150,000	491,744		641,744	641,744
424	424-8022-533-6324	19WS06	Water Valve Replacement Program	214,974	124,182		339,156	339,156
424	424-8022-533-6324	19WS13	Fire Hydrant Replacement		334,953		334,953	334,953
424	424-8022-533-6324	20WS07	PM UNIT 3 WM REPLACEMENT		150,757		150,757	150,757
424	424-8022-533-6324	20WS08	Mandarin WM Extension and Replacement		9,934		9,934	9,934
424	424-8022-533-6324	20WS09	Cadez WM Replacement & Upgreades		40,905		40,905	40,905
424	424-8022-533-6324	20WS10	Pt Malabar Raw WM Replace		109,249		109,249	109,249
424	424-8022-533-6324	21WS19	Turkey Creek to Port Malabar WM Replacement		189,258		189,258	189,258
424	424-8022-533-6324	21WS22	Eaglerock Water Main Upgrade & Looping		3,438		3,438	3,438
424	424-8022-533-6324	22WS24	AFD Installation and Replacement Program	150,000	150,000		300,000	300,000
424	424-8022-533-6324	23WS10	Replace Existing 8" with 12" on U.S. 1 (Anglers-Breezy Palms RV Park)	575,400			575,400	575,400
424	424-8032-535-6221	18WS16	NRWWTP Grit System Rehabilitation		1,005,777		1,005,777	1,005,777
424	424-8032-535-6221	22WS25	NRWRF Blower Optimization		69,000		69,000	69,000
424	424-8032-535-6221	22WS28	NRWWTP Grit Dr. Assembly		51,067		51,067	51,067
424	424-8032-535-6221	23WS17	NRWWTP Polymer Feed System			27,500	27,500	27,500
424	424-8032-535-6325	14WS07	Cable Lane Sewer Repl		343,198		343,198	343,198
424	424-8032-535-6325	18WS08	ARV Upgrade Program		87,332		87,332	87,332
424	424-8032-535-6325	19WS02	Public Works Util Relocation		127,565		127,565	127,565
424	424-8032-535-6325	20WS11	Sanitary Sewer Lining Program		532,012		532,012	532,012
424	424-8032-535-6325	21WS06	Replace PM Unit 55 Sanitary Sewer Pumping Systems		659,355		659,355	659,355
424	424-8032-535-6325	21WS07	Sewer System Repair/Replacement		630,000		630,000	630,000
424	424-8032-535-6325	21WS10	Replace Force Main Crossings at Various Locations		200,000		200,000	200,000
424	424-8032-535-6325	22WS21	Lift Station #5 Rehabilitation Project		40,564		40,564	40,564
424	424-8032-535-6325	18WS08	ARV Upgrade Program	100,000			100,000	100,000
424	424-8032-535-6325	19WS02	Public Works Utility Relocation Projects	50,000			50,000	50,000
424	424-8032-535-6325	20WS11	Sanitary Sewer Lining Program	1,200,000			1,200,000	1,200,000
424	424-8032-535-6325	21WS06	Replace PM Unit 55 Sanitary Sewer Pumping Systems	175,000			175,000	175,000
424	424-8032-535-6325	21WS07	Sewer System Repair/Replacement	726,000			726,000	726,000
424	424-8032-535-6325	22WS21	Lift Station #5 Relocation	481,045			481,045	481,045
424	424-8032-535-6325	23WS12	Inflow & Infiltration Mitigation Program - Sanitary Sewer Assessment & Rehabilitation	100,000			100,000	100,000
424	424-8032-535-6326	20WS12	NRWWTP Reuse Irrigation Rehab		30,000		30,000	30,000
424	424-8032-535-6327	N/A	Collection/Transmis			20,000	20,000	20,000
424	424-8032-535-6327	17WS23	Lift Station #1 Relocate		1,218,740		1,218,740	1,218,740
424	424-8032-535-6327	18WS10	Lift Stations RTU Replacement		624,968		624,968	624,968
424	424-8032-535-6327	18WS11	LS Electrical Panel Repl		430,317		430,317	430,317

Fund	Department Division Account	Project Number	Capital Improvements Program Summary	FY 2023 Adopted CIP Budget	FY 2022 to FY 2023 Rollovers	FY 2023 Amendments	New Project TOTAL	TOTAL FY 2023
424	424-8032-535-6327	18WS21	Lift Station Rehabilitation Program		170,368		170,368	170,368
424	424-8032-535-6327	21WS17	Lift Station #4 and Lift Station #41 Modifications		125,000		125,000	125,000
424	424-8032-535-6327	22WS22	Lift Station #2 Rehabilitation Project		158,019		158,019	158,019
424	424-8032-535-6327	22WS23	Lift Station #27 Rehabilitation Project		100,000	40,360	140,360	140,360
424	424-8032-535-6327	18WS10	Lift Stations RTU Replacement Program	230,000			230,000	230,000
424	424-8032-535-6327	18WS11	Lift Station Electrical Panel Replacement Program	174,215			174,215	174,215
424	424-8032-535-6327	18WS21	Lift Station Rehabilitation Program	198,082			198,082	198,082
424	424-8032-535-6327	22WS21	Lift Station #5 Relocation	1,610,455	139,436	(20,000)	1,729,891	1,729,891
424	424-8032-535-6327	23WS16	LS 93 Gen/Fuel/ATS/ Replacement			120,525	120,525	120,525
424	424-8032-535-6327	N/A	Replace Auto Transfer Switch on Generators	20,000			20,000	20,000
424	424-8032-535-6409	23WS09	NRWRF AquaDisk Disk Filter Phase 2 (3rd Filter)	756,000			756,000	756,000
424	424-8032-535-6409	N/A	Harbin Sewer Cleaning Machine	150,000			150,000	150,000
424	424-8040-536-6201	23WS11	Building & Structure assessment & Rehabilitation	50,000			50,000	50,000
424	424-8040-536-6201	23WS18	SR ADMIN A/C REPLACEMENT			26,000	26,000	26,000
424	424-8040-536-6211	23WS14	Pavillion Conversion at North Regional Campus	20,000			20,000	20,000
Main Line Extension Fee Fund								
425	425-8021-533-6101	21WS22	Eaglerock Water Main Upgrade & Looping		10,000		10,000	10,000
425	425-8021-533-6324	19WS15	GARVEY RD WM LINE EXTENSI		202,691		202,691	202,691
425	425-8021-533-6324	20WS08	MANDARIN WM EXTENS&REPLAC		11,500		11,500	11,500
425	425-8021-533-6324	20WS15	WALMSLEY ST WM EXTENSION		19,144		19,144	19,144
425	425-8021-533-6324	20WS16	UNIT 21 WATER SYSTEM LOOP		160,393		160,393	160,393
425	425-8021-533-6324	21WS22	Eaglerock Water Main Upgrade & Looping		12,681		12,681	12,681
425	425-8021-533-6324	21WS23	Pace Drive WM Looping		242,199		242,199	242,199
425	425-8021-533-6324	22WS26	Malabar Road Extension (Weber to Corey)	875,000	64,650		939,650	939,650
425	425-8021-533-6324	22WS27	Water Main Loop on Eldron Boulevard SE		204,172		204,172	204,172
425	425-8021-533-6324	23WS02	Misc. System-wide Looping Projects	500,000			500,000	500,000
425	425-8021-533-6324	23WS13	Loop on Devonwood To Eldron	50,243			50,243	50,243
Utilities SRF Loan Fund								
433	433-8031-535-6221	16WS05	South Regional Water Reclamation Facility		20,875,037		20,875,037	20,875,037
Utilities '20 Bond Construction Fund								
434	434-8021-533-6221	18WS04	SRWTP 4MG to 6MG Expansion		1,112,004		1,112,004	1,112,004
TOTAL UTILITY DEPARTMENT ONLY				19,548,884	40,289,195	1,685,891	61,523,970	61,523,970

Fund	Department Division Account	Project Number	Capital Improvements Program Summary	FY 2023 Adopted CIP Budget	FY 2022 to FY 2023 Rollovers	FY 2023 Amendments	New Project TOTAL	TOTAL FY 2023
Building								
451	451-3120-524-6201	20BD01	Building E Construction		6,654,900		6,654,900	6,654,900
451	451-3120-524-6401	N/A	Electric Vehicle Chargin Station (5 @ \$34,126)	170,630			170,630	170,630
451	451-3120-524-6403	N/A	Electric Ford F150 4x4 Crew Cab (15 @ \$40,079 ea)	601,185	28,231		629,416	629,416
001	001-2310-519-6407	20BD01	Building E Construction		2,000,000	(2,000,000)	0	0
128	128-3414-559-6201	20BD01	Building E Construction		9,407,039		9,407,039	9,407,039
Community & Economic Development								
112	112-3411-554-6101	22CD01	PW Drain PRJ/Lnad Acquisition D.H.		496,031	(479,781)	16,250	16,250
112	112-3411-554-6309	22CD01	PW Drain PRJ/Lnad Acquisition D.H.			649,951	649,951	649,951
112	112-3411-554-6201	20CD01	Palm Bay Senior Center		579,447	(445,000)	134,447	134,447
112	112-3411-554-6308	14CDBG	Uncommitted & Available funds		90,898		90,898	90,898
112	112-3411-554-6201	21CD02	Demolition Old FS1		599		599	599
112	112-3411-554-6332	23CD07	Liberia Park Benches			23,425	23,425	23,425
112	112-3411-554-6401	23FD01	Air Packs & Bottles			97,104	97,104	97,104
112	112-3411-554-6403	23FD02	Air Trailer			125,796	125,796	125,796
112	112-3411-554-6408	23FD03	Engine Radios STA 1, 2, 3 & 5			24,484	24,484	24,484
112	112-3411-554-6408	23FD06	Radio Headset 1,2 &3			17,912	17,912	17,912
112	112-3411-554-6403	23FD05	Dsitric Chief Vehicle			95,000	95,000	95,000
112	112-3411-554-6405	23PD04	Brush Truck Radios			49,000	49,000	49,000
112	112-3411-554-6405	22FD09	Fire Engine #7 Quinn Apparatus			1,079,735	1,079,735	1,079,735
112	112-3411-554-6405	22FD09	Fire Engine #7 Radios			11,262	11,262	11,262
114	114-3411-554-6201	14CD01	Homes for Warriors		95,621		95,621	95,621
114	114-3411-554-6201	22CD07	CHDO - Cmnty Housing Int				0	0
Information Technology								
001	001-2310-519-6403	N/A	Hybrid Ford Maverick Pickup	21,500		1,900	23,400	23,400
001	001-2310-519-6407	22IT01	Financial System Replacement			2,000,000	2,000,000	2,000,000
001	001-2310-519-6413	20IT01	Disaster Recovery Sol	100,000	16,068		116,068	116,068
001	001-2310-519-6413	N/A	IT Testing Lab			39,102	39,102	39,102
128	128-3414-559-6407	22IT01	Financial System Replacement		2,000,000		2,000,000	2,000,000
			.					
Fire								
001	001-6012-522-6201	21FD02	Fire Station 7		358,316	3,600,000	3,958,316	3,958,316
001	001-6012-522-6201	22FD03	Mold Remediation ST 4		44,746	(44,746)	0	0
001	001-6012-522-6201	N/A	Roll encumbrance		4,579	(4,579)	0	0
001	001-6012-522-6401	N/A	Air Packs (50 Units)	382,624		(99,200)	283,424	283,424
001	001-6012-522-6401	N/A	Regulators for Air Packs (85 Units)	151,218			151,218	151,218
001	001-6012-522-6401	N/A	LifePack			25,000	25,000	25,000
001	001-6012-522-6401	N/A	Washer Extractor for Bunker Gear	8,000			8,000	8,000
001	001-6012-522-6401	22FD09	Quinn Apparatus Fire Station 7			0	0	0
001	001-6012-522-6405	22FD09	Quinn Apparatus Fire Station 7			0	0	0
112	112-3411-554-6405	N/A	Fire Engine Station 7	256,740			256,740	256,740
187	187-6050-522-6403	22FD07	Brush Truck St 5 High-Wat		16,250		16,250	16,250
187	187-6050-522-6408	N/A	Machineray & Equipment			7,941	7,941	7,941
188	188-6050-522-6401	N/A	Fire Equipment and Gear FS 7			0	0	0
188	188-6050-522-6403	22FD07	Brush Truck St 5 High-Wat		16,250		16,250	16,250
188	188-6050-522-6408	N/A	Machineray & Equipment			43,862	43,862	43,862
190	190-6050-522-6403	22FD07	Brush Truck St 5 High-Wat			15,000	15,000	15,000
189	189-6050-522-6201	22FD01	Brush Truck St 6		180,000		180,000	180,000
190	190-6050-522-6201	22FD01	Brush Truck St 6		225,529		225,529	225,529
190	190-6050-522-6408	N/A	Machineray & Equipment			51,102	51,102	51,102
Fleet								
521	521-7070-519-6221	22PK08			120,000		120,000	120,000
521	521-7070-519-6301	22PW05			90,000		90,000	90,000
521	521-7070-519-6401	N/A	Install DEF Tank & Pump Main St	5,000			5,000	5,000
521	521-7070-519-6401	N/A	Install DEF Tank & Pump Malabar	5,000			5,000	5,000
521	521-7070-519-6401	N/A	HeavyDuty Colum Lift			55,000	55,000	55,000
521	521-7070-519-6401	N/A	Bucket Attachements for Excavators			27,408	27,408	27,408
521	521-7070-519-6401	N/A	Replacement of 2004 CAT Loader			110,458	110,458	110,458
521	521-7070-519-6401	N/A	Tire Machine and Balancer			26,000	26,000	26,000
521	521-7070-519-6403	N/A	Encumbrance Rolls		411,111	(27,408)	383,703	383,703
521	521-7070-519-6403	N/A	Parks & Facilities Truck Repl 4240 & 4253			60,000	60,000	60,000
521	521-7070-519-6403	N/A	Public Works Department Director vehicle			16,878	16,878	16,878
521	521-7070-519-6403	N/A	Replacement of the John Deere Tractor #7193			33,966	33,966	33,966
521	521-7070-519-6403	N/A	Replacement of Code Compliance Vehicle			25,406	25,406	25,406
521	521-7070-519-6403	N/A	Public Works Pool Vehicle			5,906	5,906	5,906
521	521-7070-519-6403	22FD06	Fire Engine #7		102,000	30,000	132,000	132,000
521	521-7070-519-6405	22FD04	Fire Station 2		608,000		608,000	608,000
521	521-7070-519-6405	22FD05	Fire Station 3		570,000		570,000	570,000
521	521-7070-519-6405	22FD08	Fire Station 4		35,000		35,000	35,000
521	521-7070-519-6405		Fire Apparatus		572,041		572,041	572,041
521	521-7017-541-6401		Rotary Mower Head			16,000	16,000	16,000
521	521-7017-541-6403		4 Door Truck and Trailer			33,000	33,000	33,000
Growth Management								
Park/Facilities								
001	001-4525-519-6301	22PK02	City Hall Marquee Sign		50,000	33,100	83,100	83,100
001	001-4525-519-6301	22PK03	City Hall Entrance Sign		30,000	(30,000)	0	0
001	001-4525-519-6301	22PK10	Building Security Moved to 22PK10	125,859	74,157		200,016	200,016
001	001-4525-519-6401	22PK04	City Hall Repl Genset		250,000	(70,675)	179,325	179,325
001	001-4525-519-6401	22PK05	PD HQ Chiller Replacement		153,000	25,986	178,986	178,986
001	001-4525-519-6401	22PK06	City Hall Chiller Replacement		139,320	37,689	177,009	177,009
001	001-4525-519-6403	N/A	Truck #4240 Replacement	55,000			55,000	55,000
001	001-4525-519-6403	N/A	Truck #4245 Replacement	45,000			45,000	45,000
001	001-4525-519-6403	N/A	Plumber/Journeyman 1 3/4 Ton Truck + Tag/Title	45,200			45,200	45,200
001	001-4526-519-6301	20PR03	Drive Through Light Fest		81,765	(81,765)	0	0
001	001-4526-519-6301	22PK13	Parks Well Improvements - BUDGET CORRECTION		28,189	(28,189)	0	0

Fund	Department Division Account	Project Number	Capital Improvements Program Summary	FY 2023 Adopted CIP Budget	FY 2022 to FY 2023 Rollovers	FY 2023 Amendments	New Project TOTAL	TOTAL FY 2023
001	001-4526-572-6301	22PK13	Parks Well Improvements- BUDGET CORRECTION			28,189	28,189	28,189
001	001-4526-519-6301	22PK01	Scoreboard Replacement- BUDGET CORRECTION		1,544	(1,544)	0	0
001	001-4526-572-6301	22PK01	Scoreboard Replacement- BUDGET CORRECTION			1,544	1,544	1,544
001	001-4526-519-6332	22PK07	Veterans Park Pavillions- BUDGET CORRECTION		49,173	(49,173)	0	0
001	001-4526-519-6332	22PK11	Military Static Display		18,860	(18,860)	0	0
001	001-4526-519-6332	22PK12	Building Security Moved to 22PK10 BUDGET CORRECTIO		92,643	(92,643)	0	0
001	001-4526-572-6332	22PK07	Veterans Park Pavillions BUDGET CORRECTION			49,173	49,173	49,173
001	001-4526-572-6332	22PK11	Military Static Display- BUDGET CORRECTION			18,860	18,860	18,860
001	001-4526-572-6332	22PK12	Building Security Moved to 22PK12 BUDGET CORRECTION			234,408	234,408	234,408
001	001-4526-572-6332	23PK02	Castaway Point Park			32,815	32,815	32,815
001	001-4526-572-6332	23PK03	Sterns Park Shoreline			25,293	25,293	25,293
001	001-4526-572-6401	N/A	3/4 Ton Truck			85,658	85,658	85,658
001	001-4526-572-6403	N/A	Two (2) Utility Tractors			40,411	40,411	40,411
001	001-4526-572-6403	N/A	Replacement Truck			10,537	10,537	10,537
001	001-7034-541-6221	22PK09	Covered Structure Veh/Equip		210,000		210,000	210,000
001	001-7034-541-6315	22PW03	San Filippo Sidewalk		100,000		100,000	100,000
112	112-3411-554-6201	22CD37	Veterans Park Upgrades	164,937			164,937	164,937
112	112-3411-554-6332	22CD37	Veterans Park Upgrades			150,925	150,925	150,925
112	112-3411-554-6332	22CD38	Liberty Park Upgrades	158,350		63,823	222,173	222,173
191	191-4050-572-6301	21PR01	Riviera Dog Park		110	(110)	0	0
191	191-4550-572-6301	21PR01	Riviera Dog Park		149,780	110	149,890	149,890
192	191-4550-572-6308	21PR09	FPRP Disc Golf Course		19,285		19,285	19,285
192	192-4550-572-6308	16PK08	Campground @ PB Reg Park		527,926		527,926	527,926
192	192-4550-572-6308	18PR04	Wake Forest BB Court		179,490		179,490	179,490
193	193-4550-572-6308	16PK08	Campground @ PB Reg Park		462,637		462,637	462,637
301	301-4590-572-6308	16PK08	Campground @ PB Reg Park		2,242,092		2,242,092	2,242,092
Police								
001	001-5011-521-6403	n/a	Light Vehicles			29,457	29,457	29,457
001	001-5011-521-6403	23PD01	Marked Patrol Officer SUVS (8)	445,400			445,400	445,400
001	001-5011-521-6403	23PD01	Police Officers New Hires (6)	334,050			334,050	334,050
001	001-5011-521-6403	23PD01	30 Replacement Vehicles, SWAT Armored Rescue Veh, CNT Van & Repairs to Unified Command Bus			1,910,330	1,910,330	1,910,330
001	001-5011-521-6403	23PD01	Patrol & Investigations CID Drones (3 Units)			239,764	239,764	239,764
001	001-5011-521-6403	23PD03	FIND Boat Grant Program			75,000	75,000	75,000
001	001-5011-521-6408	N/A	P25 Compliant Ration Replacement (Desktop Base)	23,700			23,700	23,700
001	001-5011-521-6408	N/A	P25 Compliant Ration Replacement (Mobile)	145,000			145,000	145,000
001	001-5011-521-6408	N/A	P25 Compliant Ration Replacement (Pacset Radios)	67,500		(9,270)	58,230	58,230
001	001-5011-521-6408	23PD02	PD Bus Upgrade			57,405	57,405	57,405
001	001-5012-521-6401	N/A	Patrol & Investigations CID Drones (3 Units)	31,000		(8,848)	22,152	22,152
001	001-5013-521-6401	N/A	Patrol & Investigations CID Drones (3 Units)	15,500		31,451	46,951	46,951
101	101-5040-521-6401	N/A	Crash Data Retrieval Kit			55,000	55,000	55,000
180	183-5050-521-6403	23PD03	FIND Boat Grant Program			152,000	152,000	152,000
183	183-5050-521-6201	22PD01	Police P&E Interior Expan		42,849		42,849	42,849
183	183-5050-521-6201	22PD02	Fusus RTCC			55,000	55,000	55,000
183	183-5050-521-6401	22PD02	Fusus RTCC			55,000	55,000	55,000
183	183-5050-521-6201	22PD03	Wellness Suite			75,000	75,000	75,000
301	301-5090-521-6201	20PD01	Roof Replacement & Shutter Instal		428,546		428,546	428,546
301	301-5090-521-6201	21PD01	CDBG-MIT CFHP PD MAIN ST		404,627		404,627	404,627
301	301-5090-521-6201	21PD02	CDBG-MIT CFHP PD SUB ST		96,083		96,083	96,083
Public Works								
001	001-7013-541-6401	N/A	Crash Attenuator	80,000		(80,000)	0	0
001	001-7013-541-6401	N/A	Drone for Survey Team			15,000	15,000	15,000
001	001-7013-541-6403	N/A	F150 4x4 4 Door Pick Up Truck			43,094	43,094	43,094
001	001-7013-541-6403	N/A	Staff & Vehicles			20,000	20,000	20,000
001	001-7013-541-6411	N/A	F150 4x4 4 Door Pick Up Truck	40,000		(40,000)	0	0
001	001-7017-541-6401	N/A	Zero Turn Mover	28,000		2,269	30,269	30,269
001	001-7017-541-6403	N/A	F150 Crew Cab	64,462		(1,594)	62,868	62,868
001	001-7026-541-6316	22PW06	Bayside-DeGroodt Signal Resp		43,000		43,000	43,000
001	001-7026-541-6316	22PW07	Malabar-Jupiter Signal Resp		42,900		42,900	42,900
001	001-7026-541-6316	23PW01	TS2 Signal Cabinet	61,816			61,816	61,816
001	001-7026-541-6316	23PW03	Signal Respan Port Malabar & Cloearmont			50,000	50,000	50,000
001	001-7026-541-6316	23PW04	Signal Respan Port Malabar & Holiday Park			50,000	50,000	50,000
001	001-7026-541-6316	N/A	Signal Respan	100,000		(100,000)	0	0
001	001-7026-541-6401	N/A	Crash Attenuator			80,000	80,000	80,000
001	001-7034-541-6401	N/A	Encumbrance Roll		31,713		31,713	31,713
001	001-7034-541-6404	N/A	F450 Dump Truck	57,347		18,200	75,547	75,547
197	197-7050-541-6303	20PW01	Malabar Road PD&E Study		48,925		48,925	48,925
197	197-7050-541-6303	22PW01	Malabar Road Widening		2,500,000		2,500,000	2,500,000
197	197-7050-541-6303	22PW04	Emerson @ Glencove Widen		312,485		312,485	312,485
197	197-7050-541-6303	23PW02	Emerson @ SJHP Intersection			206,962	206,962	206,962
197	197-7050-541-6316	18PW01	SJHP Traffic Signal @ Malabar		298,289		298,289	298,289
198	198-7050-541-6303	20PW01	Malabar Road PD&E Study		48,925		48,925	48,925
198	198-7050-541-6303	22PW01	Malabar Road Widening		4,500,000		4,500,000	4,500,000
199	199-7050-541-6303	22PW08	Transport Master Plan		47,345		47,345	47,345
199	199-7050-541-6303	21PW06	SJHP Intersxn & Babcock		5,797,343		5,797,343	5,797,343
301	301-7090-539-6306	21PW05	2 Nutrient SEP Baffle Boxes		587,518		587,518	587,518
301	301-7090-539-6306	22PW10	Turkey Creek Baffle Boxes			1,200,000	1,200,000	1,200,000
306	306-7090-541-6303	15PW11	SO. I-95 INTERCHANGE/PKWY		180,645		180,645	180,645
307	307-7090-541-6304	23RD01	FY23 Road Rejuvenation			2,400,000	2,400,000	2,400,000
308	308-7090-541-6303	15PW11	SO. I-95 INTERCHANGE/PKWY		309,608		309,608	309,608
309	309-7090-541-6303	20GO16	Pt. Malabar Pavingt East		1,314,358	295,000	1,609,358	1,609,358

# City of Palm Bay, Florida

EXHIBIT "A"

## Non-Utility Departments

Fund	Department Division Account	Project Number	Capital Improvements Program Summary	FY 2023 Adopted CIP Budget	FY 2022 to FY 2023 Rollovers	FY 2023 Amendments	New Project TOTAL	TOTAL FY 2023
309	309-7090-541-6303	20GO17	NE Area Knecht Road Paving			1,072,000	1,072,000	1,072,000
309	309-7090-541-6303	21GO08	Unit 26 Road Paving		645,518		645,518	645,518
309	309-7090-541-6303	21GO09	Unit 38 Road Paving		164,518		164,518	164,518
309	309-7090-541-6303	21GO10	Unit 39 Road Paving		694,363		694,363	694,363
309	309-7090-541-6303	21GO11	Unit 40 Road Paving		337,719		337,719	337,719
309	309-7090-541-6303	21GO13	Unit 48 Road Paving		4,565,204		4,565,204	4,565,204
309	309-7090-541-6303	21GO14	KIRBY INDUST PARK PAVING		19,535	(19,535)	0	0
309	309-7090-541-6303	21GO15	PB Colony Road Paving		8,070	(8,070)	0	0
309	309-7090-541-6303	21GO17	PB Colony Road Paving		1,469,130		1,469,130	1,469,130
309	309-7090-541-6303	22GO01	Driskell Heights Paving		74,831		74,831	74,831
309	309-7090-541-6303	22GO02	Florida Avenue Paving		60,792		60,792	60,792
309	309-7090-541-6303	22GO03	Fairview Subdivision Paving		50,494		50,494	50,494
309	309-7090-541-6303	22GO04	Emerson-Fairhaven to C1 Paving		1,149,626		1,149,626	1,149,626
309	309-7090-541-6303	22GO05	Unit 20 Road Paving		111,277		111,277	111,277
309	309-7090-541-6303	22GO06	NE Area Misc Road Paving		5,630,375	1,374,641	7,005,016	7,005,016
309	309-7090-541-6303	22GO07	CC 1-10 Road Paving		5,475,000	5,000,000	10,475,000	10,475,000
309	309-7090-541-6303	22GO08	Unit 13 Road Paving		3,400,000	2,265,000	5,665,000	5,665,000
309	309-7090-541-6303	22GO09	Unit 14 Road Paving		2,600,000	1,891,000	4,491,000	4,491,000
309	309-7090-541-6303	22GO10	Unit 22 Road Paving		2,700,000		2,700,000	2,700,000
309	309-7090-541-6303	22GO11	Unit 30 & Madden Road Paving		11,830,431		11,830,431	11,830,431
309	309-7090-541-6303	22GO12	Unit 37 Road Paving		2,700,000		2,700,000	2,700,000
309	309-7090-541-6303	22GO13	Unit 57 Road Paving		2,100,000		2,100,000	2,100,000
309	309-7090-541-6303	22GO14	Emerson Paving Amador to Jupiter		1,269,699		1,269,699	1,269,699
309	309-7090-541-6303	22GO15	Unit 50 Road Paving			3,000,000	3,000,000	3,000,000
309	309-7090-541-6303	22GO16	Madden & Osmosis Paving		1,900,000	2,123,000	4,023,000	4,023,000
309	309-7090-541-6303	23GO01	PMU 6 Road Paving	1,546,134			1,546,134	1,546,134
309	309-7090-541-6303	23GO02	PMU 44 Road Paving	5,116,000			5,116,000	5,116,000
309	309-7090-541-6303	23GO03	PMU 45 Road Paving	4,116,000			4,116,000	4,116,000
309	309-7090-541-6303	23GO04	PMU 55 Road Paving	416,000			416,000	416,000
461	461-7082-541-6403	n/a	Light Vehicles			128,568	128,568	128,568
461	461-7083-538-6309	22CD01	PW Drain PRJ/Lnad Acquisition Driskell Heights			250,000	250,000	250,000
461	461-7083-538-6309	20SU10	Gallash @ C-14 Culvert		29,026	(2,500)	26,526	26,526
461	461-7083-538-6401	N/A	Remote 60" Rotary Mower			66,285	66,285	66,285
461	461-7083-538-6401	N/A	Tractor and Bush Hog Replace #6808	74,751		(74,541)	210	210
461	461-7083-538-6401	N/A	Forestry Head and Trun Mover			34,233	34,233	34,233
461	461-7083-538-6403	N/A	Two (2) Ford 150 Super Cabs			74,541	74,541	74,541
461	461-7083-538-6403	N/A	Forestry Head and Trun Mover			(8,000)	(8,000)	(8,000)
461	461-7084-541-6309	22PW10	Turkey Creek Baffle Boxes		300,000		300,000	300,000
461	461-7084-541-6309	22SU08	Unit 37 Pipe Replacement		80,710		80,710	80,710
461	461-7084-541-6309	18SU12	Rockabye @ C-42-R Culvert		399,750		399,750	399,750
461	461-7084-541-6309	18SU14	Harper Blvd @ C-18 Culvert		449,490		449,490	449,490
461	461-7084-541-6309	22SU27	Pipe Replacement NE Area		117,233		117,233	117,233
461	461-7084-541-6309	21SU12	Country Club Units		24,106	2,270	26,376	26,376
461	461-7084-541-6309	21SU15	Tranter @ C-41 Pipe Replacement		31,067	(31,067)	0	0
461	461-7084-541-6309	21SU16	Unit 48 Pipe Replacement		85,715	(85,715)	0	0
461	461-7084-541-6309	22SU01	Cured In Place Pipe Project		1,070,224	91,171	1,161,395	1,161,395
461	461-7084-541-6309	22SU02	Walden @ C-42 Culvert Rep		364,322	200,000	564,322	564,322
461	461-7084-541-6309	22SU03	Ferguson @ C-9 Culvert		500,000		500,000	500,000
461	461-7084-541-6309	22SU05	Unit 30 Pipe Replacement		223,621		223,621	223,621
461	461-7084-541-6309	22SU06	Unit 22 Pipe Replacement		291,331		291,331	291,331
461	461-7084-541-6309	22SU07	Pipe Replacement NE Area Knecht		51,549		51,549	51,549
461	461-7084-541-6309	22SU08	Unit 37 Pipe Replacement		134,597		134,597	134,597
461	461-7084-541-6309	22SU09	Unit 57 Pipe Replacement		224,597		224,597	224,597
461	461-7084-541-6309	22SU10	Unit 44 Pipe Replacement		1,780,000		1,780,000	1,780,000
461	461-7084-541-6309	22SU11	Unit 44 Pipe Replacement		205,276		205,276	205,276
461	461-7084-541-6309	18SU05	Welden @ C-42 Culvert Rep			450,000	450,000	450,000
461	461-7084-541-6309	18SU08	Norwood Baffle Box Retrofit	1,761,000			1,761,000	1,761,000
461	461-7084-541-6309	23SU01	Malabar Road Drainage Spin Casting	3,011,000			3,011,000	3,011,000
461	461-7084-541-6309	23SU02	PMU 6 Culvert Replacement	496,000		50,000	546,000	546,000
461	461-7084-541-6309	23SU04	PMU 45 Culvert Replacement	1,796,000			1,796,000	1,796,000
461	461-7084-541-6309	23SU05	PMU 50 Culvert Replacement	1,356,000		700,000	2,056,000	2,056,000
461	461-7084-541-6309	23SU06	PMU 55 Culvert Replacement	416,000			416,000	416,000
461	461-7084-541-6309	23SU07	Driskell Heights Improvement	25,000			25,000	25,000
461	461-7084-541-6309	23SU08	Turkey Creek Basin	50,000			50,000	50,000
461	461-7084-541-6309	23SU09	Citywide Stormwater Master Plan Update	75,000		175,000	250,000	250,000
461	461-7084-541-6309	23SU10	Public Works Sewer Hookup	10,000			10,000	10,000
461	461-7084-541-6309	23SU12	Bass Pro Shop Emergency Repair			172,000	172,000	172,000
461	461-7084-541-6401	N/A	Tractor/mower with attachment			209,273	209,273	209,273
461	461-7084-541-6401	N/A	Encumbrance Roll		267,092		267,092	267,092
461	461-7084-541-6401	N/A	Tractor and Bush Hog	74,751			74,751	74,751
461	461-7084-541-6401	N/A	6" Pump, Diesel, Trailer Mount	54,509			54,509	54,509
461	461-7084-541-6404	N/A	Remote 60" Rotary Mower	66,285		(66,285)	0	0
461	461-7084-541-6404	N/A	Tractor/mower with attachment	209,273		(209,273)	0	0
461	461-7084-541-6404	N/A	Agricultural Equipment		198,022	(11,000)	187,022	187,022
Recreation								
001	001-4120-572-6403	N/A	Vans Replacement	115,500		26,550	142,050	142,050
TOTAL NON-UTILITY DEPARTMENTS ONLY				24,575,221	102,402,096	31,478,212	158,455,529	158,455,529
COMBINED TOTAL UTILITY & NON-UTILITY				44,189,105	142,691,291	33,164,103	219,979,499	219,979,499



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

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

**DATE:** 9/19/2023

**RE:** Resolution 2023-28, providing for the acceptance of the transfer of a portion of Capital Drive, Tracts PA-1 and PA-2 from the Cypress Bay Preserve Homeowner's Association Inc.

The Cypress Bay Preserve – Phase 1 Plat identifies two (2) public access right-of-way tracts, PA-1, and PA-2. Tract PA-1 provides access from Babcock Street to Cypress Bay Preserve - Phase 1. Tract PA-1 will also provide public access to the Shoppes at Cypress Bay, now being developed. Tract PA-2 provides access from St. Johns Heritage Parkway to Cypress Bay Preserve - Phase 1 as well as public access to the planned Palm Bay Pointe East commercial center along the St. Johns Heritage Parkway.

General Note 26 on the Plat states “any remaining areas where easement and right-of-way dedications are required but not included will be required to dedicate via separate instrument prior to Capital Drive being certified and compete and opened to the public.”

The transfer and acceptance of these Tracts as public right-of-way will provide safe access to these commercial sites.

**REQUESTING DEPARTMENT:**

Public Works

**FISCAL IMPACT:**

Additional costs to the City include right-of-way mowing and maintenance activities. At present, the Public Works Department will absorb this additional cost within the existing budget; however, any additional funds needed would be brought to City Council.

**RECOMMENDATION:**

Motion to approve the Resolution to accept two segments of Capital Drive within the plat of Cypress Bay Preserve – Phase 1.

**ATTACHMENTS:****Description**

Conveyance and Maintenance Agreement

Capital Drive Entrance Photo

Resolution 2023-28

This Instrument Prepared by  
and Should Be Returned to:

OFFICE OF THE CITY ATTORNEY  
CITY OF PALM BAY  
Suite 201  
120 Malabar Road SE  
Palm Bay, Florida 32907

### PUBLIC ACCESS TRACT CONVEYANCE AND LANDSCAPE MAINTENANCE AGREEMENT

This PUBLIC ACCESS TRACT CONVEYANCE AND LANDSCAPE MAINTENANCE AGREEMENT (“Agreement”) is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by and between the CITY OF PALM BAY, a municipal corporation (“City”), and CYPRESS BAY PRESERVE HOMEASSOCIATION’S ASSOCIATION, INC., a Florida corporation not-for-profit (“Association”).

**Commented [MR1]:** I cannot find this corporate entity in Sunbiz, please confirm that this the correct corporate entity.

#### RECITALS

WHEREAS, Cypress Bay Preserve Homeowner’s Association, Inc. is the owner of those certain parcels identified as Tract PA-1 and Tract PA-2, Cypress Bay Preserve Phase-1, according to the plat thereof recorded in Plat Book 68, Pages 59 through 66, Public Records of Brevard County, Florida (“Property”); and

WHEREAS, Association is desirous of conveying the Property to City to provide for public access for the adjoining parcels; and

WHEREAS, as a condition of the conveyance of the Property to the City by Association, Association agrees to assume maintenance obligations for the landscaping on the median of the roadways located within the Property.

NOW, THEREFORE, in consideration of the covenants contained herein, the parties agree as follows:

1. **Recitals.** The recitals set forth above are true and correct and are incorporated herein by reference.
2. **Property Conveyance.**
  - 2.1 *Description of Property.* The Property which is to be conveyed by Association and accepted by City pursuant to this Agreement consists of the 1.543 gross acres of real property located in the City of Palm Bay, Brevard County, Florida, being more particularly described as:

Tracts PA-1 and PA-2, Cypress Bay Preserve Phase-1, recorded in  
Plat Book 68, Pages 59-66, Public Records of Brevard County,  
Florida,

and all improvements, tenements, hereditaments, rights, privileges, and easements thereunto belonging and all other rights of Association relating in any way thereto.

- 2.2 *Conveyance of Property.* Subject to the terms of this Agreement, Association hereby agrees to convey the Property to the City, and the City agrees to acquire the Property from Association. At the time of Closing (defined below) hereunder, Association agrees to convey title to the Property to City by Right-of-Way Deed ("Deed") free and clear of all liens, encumbrances, and exceptions whatsoever, except for ad valorem real property taxes and general assessments; but subject to restrictions, reservations, limitations, easements and conditions of record, if any ("Permitted Exceptions"); the form of the Deed is attached hereto as Exhibit A and by this reference made a part hereof.
- 2.3 *Closing.* The closing ("Closing") contemplated by this Agreement shall take place ( ) days after the Effective Date, at a time and place in the City of Palm Bay mutually agreed upon by City and Association ("Closing Date").
- 2.4 *Association's Obligation at Closing.* At the Closing, subject to performance by City of its obligations under this Agreement, Association shall do the following:
- 2.4.1 Execute, acknowledge and deliver to City the Deed conveying good, insurable and marketable title to the Property to City;
- 2.4.2 Execute, acknowledge and deliver to City an Association's affidavit ("Association's Affidavit"), the form of which is attached hereto as Exhibit B;
- 2.4.3 Execute, acknowledge, and deliver to City an Opinion of Title, the form of which is attached hereto as Exhibit C; and
- 2.4.5 Execute and deliver to City the closing statement ("Closing Statement") for the transaction setting forth the financial aspects thereof, if any, and authorizing and instructing the parties to make disbursements and deliveries in accordance therewith, if any.
- 2.5 *City's Obligation at Closing.* At the Closing, subject to performance by Association of its obligations under this Agreement, City shall do the following:
- 2.5.1 Deliver to Association all funds required of City, if any, to complete the acquisition of the Property after adjustments, prorations, and expenses reflected on the Closing Statement.
- 2.5.2 Execute and deliver to Association the Closing Statement for the transaction setting forth the financial aspects thereof, if any, and authorizing and instructing the parties to make disbursements and deliveries in accordance therewith, if any; and
- 2.5.3 Deliver to Association all other documents as may be reasonably required by this Agreement.
- 2.6 *Representations and Warranties.* Except as expressly set forth herein or elsewhere in this Agreement, each party acknowledges and agrees that the transfer contemplated by this Agreement is without representation or warranty of any kind or nature. All representations

and warranties are made to the best of the knowledge and belief of the party making the same, except as may be otherwise stated, and without investigation except as it relates to such party's own records. Representations and warranties shall be true as of the Effective Date hereof and as of the Closing Date. The parties represent and warrant to one another as follows:

2.6.1 By Association: Association makes the following representations and warranties to City with respect to the Subject Property:

- (i) Due Organization. Association is a corporation not-for-profit, validly existing, and in good standing under the laws of the State of Florida.
- (ii) Association's Authority, Validity of Agreements. Association has full right, power, and authority to enter into and carry out the transactions contemplated by this Agreement and to carry out its obligations hereunder. The individual(s) executing this Agreement and the instruments referenced herein on behalf of Association have the legal power, right, and actual authority to bind Association to the terms hereof and thereof. This Agreement is, and all other instruments, documents and agreements to be executed, and delivered by Association in connection with this Agreement shall be, duly authorized, executed, and delivered by Association and the valid, binding, and enforceable obligations of Association (except as enforcement may be limited by bankruptcy, insolvency, or similar laws) and do not, and as of the Closing Date will not, result in any violation of, or conflict with, or constitute a default under, any provisions of any agreement of Association or any mortgage, deed of trust, indenture, lease, security agreement, or other instrument, covenant, obligation, or agreement to which Association or the Subject Property is subject, or any judgment, law, statute, ordinance, writ, decree, order, injunction, rule, ordinance, or governmental regulation or requirement affecting Association or the Subject Property.
- (iii) Sole Association. Association is the sole Association of fee simple interest to the Property. Association shall not take any action to affect title to the Property while this Agreement is in effect except as requested by City, and the sole and exclusive possession of the Property shall be delivered to City on the Closing Date subject to the Permitted Exceptions.
- (iv) No Third-Party Rights. Except pursuant to the Permitted Exceptions, there are no leases, occupancy agreements, unrecorded easements, licenses, or other agreements that grant third-parties any possessory or usage rights to all or any part of the Property.
- (v) Litigation. There are no actions, investigations, suits, or proceedings (other than tax appeals or protests) pending or, to Association's knowledge, threatened that affect the Property, the ownership or operation thereof, or the ability of Association to perform its obligations under this Agreement, and there are no judgments, orders, awards, or decrees currently in effect against Association or with respect to the ownership or operation of the Property that have not been fully discharged prior to the Effective Date, except any arising through Permitted Exceptions.

- (vi) Zoning and Condemnation. Except as otherwise known by City or disclosed in the Property Information, there are no pending proceedings to alter or restrict the zoning or other use restrictions applicable to the Property, or to institute a moratorium or similar restriction on building on or issuing certificates of occupancy for construction on all or any portion of the Property.
- (vii) No Violations of Environmental Laws. Except as otherwise known by City, or as disclosed in the Property Information, to Association's knowledge: (a) the Property is not in, nor has it been or is it currently under investigation for violation of any federal, state, or local law, ordinance, or regulation relating to industrial hygiene, worker health and safety, or to the environmental conditions in, at, on, under, or about the Property, including, but not limited to, soil and groundwater conditions ("Environmental Laws"); (b) the Property has not been subject to a deposit of any Hazardous Substance (as hereinafter defined); (c) neither Association nor any third party has used, generated, manufactured, stored, or disposed in, at, on, or under the Property any Hazardous Substance; and (d) there is not now in, on, or under the Property any underground or above ground storage tanks or surface impoundments, any asbestos containing materials, or any polychlorinated biphenyls used in hydraulic oils, electrical transformers, or other equipment. Association hereby assigns to City as of the Closing all claims, counterclaims, defenses, and actions, whether at common law or pursuant to any other applicable federal, state or other laws that Association may have against any third party or parties relating to the existence or presence of any Hazardous Substance in, at, on, under, or about the Subject Property. For purpose of this Agreement, the term "Hazardous Substance" shall be deemed to include any wastes, materials, substances, pollutants, and other matters regulated by Environmental Laws.
- (viii) No Liens. There are no construction liens or similar claims or liens now asserted or capable of being asserted against the Property for work performed or commenced prior to the date hereof; however, Association shall not be responsible for any amounts due to consultants or other third-parties performing work at City's request and City shall timely pay all amounts due to such persons.
- (ix) No Other Commitments. Except as may be disclosed in the Property Information, Association has not made any commitment or representation to any governmental authority, or any adjoining or surrounding property Association, that would in any way be binding on City or would interfere with City's ability to utilize the Property for its present or future use as a right-of-way, and Association shall not make any such commitment or representation that would affect the Property or any portion thereof, without City's written consent.
- (x) No Default. Association is not in default under the provisions of any deed of trust, mortgage, or other encumbrance, lien, or restriction that affects the Property.

- (xi) No Contracts Affecting Property. Except as set forth in the Property Materials or in the Permitted Exceptions, if any, there are no contracts, leases, licenses or other agreements affecting the title or use of the Property that are currently in force or pending as of the Closing Date.

IT IS UNDERSTOOD AND AGREED THAT, EXCEPT AS SPECIFICALLY OTHERWISE PROVIDED IN THIS AGREEMENT, ASSOCIATION HAS MADE NO, IS NOT MAKING ANY, AND DISCLAIMS ANY AND ALL, WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED, WITH RESPECT TO THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, WARRANTIES RELATED TO SUITABILITY FOR HABITATION OR INTENDED USE, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR WARRANTIES OR REPRESENTATIONS AS TO THE CONDITION OF THE SUBJECT PROPERTY, MATTERS OF TITLE, USE OR INCOME POTENTIAL, AVAILABILITY OF ACCESS, INGRESS OR EGRESS, EXPENSES, OPERATING HISTORY OR PROJECTIONS, VALUATION, GOVERNMENTAL APPROVALS, COMPLIANCE WITH GOVERNMENTAL REGULATIONS OR ANY OTHER MATTER OR THING RELATING TO OR AFFECTING THE PROPERTY. CITY AGREES THAT CITY HAS NOT RELIED UPON AND WILL NOT RELY UPON, EITHER DIRECTLY OR INDIRECTLY, ANY REPRESENTATION OR WARRANTY OF ASSOCIATION NOT MADE BY THIS AGREEMENT. CITY REPRESENTS THAT IT IS A KNOWLEDGEABLE CITY OF REAL ESTATE AND THAT IT IS RELYING SOLELY ON ITS OWN EXPERTISE AND THAT OF CITY'S CONSULTANTS AND THAT CITY WILL CONDUCT SUCH INSPECTIONS AND INVESTIGATIONS OF THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, THE PHYSICAL AND ENVIRONMENTAL CONDITIONS THEREOF, AS CITY DEEMS NECESSARY OR APPROPRIATE. WITH THE EXCEPTION OF THE REPRESENTATIONS AND WARRANTIES MADE BY ASSOCIATION IN THIS AGREEMENT, CITY SHALL RELY UPON CITY'S INSPECTIONS AND, UPON CLOSING, EXCEPT AS TO THOSE MATTERS EXPRESSLY REPRESENTED AND WARRANTED BY ASSOCIATION IN THIS AGREEMENT, SHALL ASSUME THE RISK THAT ADVERSE MATTERS INCLUDING, BUT NOT LIMITED TO, ADVERSE PHYSICAL AND ENVIRONMENTAL CONDITIONS, MAY NOT HAVE BEEN REVEALED BY CITY'S INSPECTIONS AND INVESTIGATIONS. CITY ACKNOWLEDGES AND AGREES THAT UPON CLOSING ASSOCIATION SHALL DONATE AND CONVEY TO CITY AND CITY SHALL, EXCEPT AS TO THOSE MATTERS EXPRESSLY REPRESENTED AND WARRANTED BY ASSOCIATION IN THIS AGREEMENT, ACCEPT THE SUBJECT PROPERTY "AS IS, WHERE IS," WITH ALL FAULTS, AND THERE ARE NO ORAL AGREEMENTS, WARRANTIES OR REPRESENTATIONS, COLLATERAL TO OR AFFECTING THE SUBJECT PROPERTY BY ASSOCIATION, ASSOCIATION'S AGENTS OR REPRESENTATIVES OR ANY THIRD PARTY, EXCEPT FOR THOSE MATTERS EXPRESSLY REPRESENTED AND WARRANTED BY ASSOCIATION IN THIS AGREEMENT. CITY ACKNOWLEDGES THAT ANY CONDITION OF THE PROPERTY THAT CITY DISCOVERS OR DESIRES TO REPAIR, CORRECT OR IMPROVE SHALL BE AT CITY'S SOLE EXPENSE. THE TERMS AND CONDITIONS OF

THIS SECTION SHALL EXPRESSLY SURVIVE THE CLOSING AND NOT MERGE THEREIN.

2.6.2 By City. City makes the following representations and warranties to Association:

- (i) Due Organization. City is constituted as a municipal government, organized, validly existing, and in good standing under the laws of the State of Florida.
- (ii) City's Authority, Validity of Agreements. City has full right, power, and authority to enter into and carry out the transaction contemplated by this Agreement and to carry out its obligations hereunder. The individual(s) executing this Agreement and the instruments referenced herein on behalf of City have the legal power, right, and actual authority to bind City to the terms hereof and thereof. This Agreement is, and all other instruments, documents and agreements to be executed, and delivered by City in connection with this Agreement shall be, duly authorized, executed, and delivered by City and the valid, binding, and enforceable obligations of City (except as enforcement may be limited by bankruptcy, insolvency, or similar laws) and do not, and as of the Closing Date will not, result in any violation of, or conflict with, or constitute a default under, any provisions of any agreement of City or any mortgage, deed of trust, indenture, lease, security agreement, or other instrument, covenant, obligation, or agreement to which City is subject, or any judgment, law, statute, ordinance, writ, decree, order, injunction, rule, ordinance, or governmental regulation or requirement affecting City.

2.6.3 Survival. Except as otherwise expressly indicated, all of the representations, warranties and covenants of the parties set forth in this Agreement shall survive the Closing and delivery of the Deed for a period of one (1) year and shall expire thereafter.

### 3. **Maintenance Obligations After Closing.**

3.1 Area To Be Maintained. The area to be maintained by Association after the Closing Date is the landscaping and irrigation system installed within the Property ("Maintenance Area"). City hereby grants to the Association, its successors or assigns, the right to use the Maintenance Area for the sole purpose of maintaining the landscaping and irrigation located therein.

3.2 Association Maintenance Responsibilities. Association, its successors or assigns, agrees to maintain the Maintenance Area according to the standards set forth below:

3.2.1 Mowing, Trimming, Edging, Blowing. All grassed areas will be mowed to a height of approximately two (2") inches throughout the year, but left slightly longer during the summer months, but no more than four (4') inches, in order for the turf to remain healthy during the stressful months. Trimming of lawn areas not accessible by mowers will be trimmed with line trimmers at each service. A bladed edger will be used on all established edges including sidewalks, curbs, and roads. All lawn clippings and debris will be blown from sidewalks and roads after each service.

**Commented [MR2]:** The standards listed below come from my former jurisdiction's agreement. If there are specific standards needed for this property, feel free to add them or revise what's there. I will defer to your expertise.

3.2.2 *Grass Fertilization.* All turf areas will be fertilized on a regular schedule as recommended by a licensed landscape architect.

3.2.3 *Bed Maintenance.* Beds will be kept free of weeds, leaves, and other debris. Beds will be raked when needed to maintain a clean appearance. Mulch will be refreshed once a year. Annual beds at the ends of the center medians will be replanted twice a year with colorful annuals that complement the surrounding landscaping.

3.2.4 *Plant and Shrub Care and Fertilization.* Plants will be pruned and trimmed throughout the year depending on the plant or shrub and the time of the year. Deadwood will be removed immediately upon discovery. Plants and shrubs will be fertilized throughout the year as needed. Any plants that are dead or dying shall be replaced with the same or similar plant material.

3.2.5 *Irrigation.* The irrigation system will be monitored and maintained on a regular basis to ensure proper operation and any necessary repairs needed to the irrigation system, including, but not limited to broken water lines, non-operating controller box, broken or malfunctioning sprinkler heads shall be completed in a timely and proper manner.

3.2.6 *Completion of Improvements.* As a condition to the conveyance of the Property to City, Association shall be responsible for the following improvements: (i) completion of sidewalk trail improvements along the southwest portion of Cypress Bay Preserve west along St. Johns Heritage Parkway in accordance with those plans previously approved by the City, and (ii) completion of second lift of asphalt pavement and striping along both entrances within the Maintenance Area.

3.2.7 *Issuance of Maintenance Bond.* The Association shall issue a Maintenance Bond with a term of two (2) years to the City for twenty-five (25%) percent of the costs of the roadway and sidewalk dedicated improvements within the Maintenance Area.

3.3 *City's Responsibilities.* If at any time it is determined by the City that Association is not reasonably maintaining the Maintenance Area pursuant to the terms of this Agreement, the City shall notify the Association in writing of such deficient maintenance. If Association does not correct and improve such deficient maintenance within thirty (30) days of receipt of the City's written notice, the City may declare Association in breach of this Agreement and may cause such deficiencies to be corrected and improved and, in addition to any other rights and remedies it may have, the City may bill Association for the reasonable costs which shall not exceed the actual costs of such correction and improvement. The Association shall then remit to City the amount so billed within thirty (30) days of Association's receipt thereof.

4. **Term.** This Agreement shall be for an initial term of thirty (30) years from the Effective Date. The initial term shall automatically be renewed for successive ten (10) year terms, unless otherwise terminated by the parties or their successors or assigns in writing.

5. **Indemnification.** Association, as Indemnitor hereunder, shall indemnify and save harmless City, as Indemnitee hereunder, including all employees of the City, from any loss or damages Indemnitee

Commented [MR3]: This can be revised.

may suffer as a result of claims, suits, demands, damages, losses, fines, penalties, interest, expenses, costs, or judgments, including reasonable attorneys' fees and costs of litigation, against the City arising out of the Association's use of the Maintenance Area for the purposes set forth in this Agreement (but expressly excluding any such loss or damages relating to the negligence or willful misconduct on part of the City). The Indemnitee shall not undertake to settle any lawsuit or threatened lawsuit that could give rise to an Indemnitor's obligation hereunder without the prior consent of the Indemnitor. Indemnitee agrees to give Indemnitor written notice of any claims filed against the City in connection with this Agreement, within ten (10) days of the date that City is aware of such claim.

6. **No Interest or Estate.** Except for the right of access to conduct its responsibilities under this Agreement or the maintenance of the Maintenance Area, this Agreement does not create in Association any claim of any interest or estate of any kind or extent whatsoever in the Maintenance Area by virtue of this Agreement.
7. **Notices.** Whenever a party desires to give notice to the other, it must be given by written notice, sent by Certified United States Mail, with return receipt requested, or overnight express addressed to the party from whom it is intended, at the place as specified, and the place for giving of notice in compliance with provision of this paragraph. For the present, the parties designate the following as the respected places for giving of notice; to wit:

To the City:                   City Manager  
                                  City of Palm Bay  
                                  120 Malabar Road SE  
                                  Palm Bay, Florida 32907

With Copy to:           Office of the City Attorney  
                                  City of Palm Bay  
                                  120 Malabar Road SE  
                                  Palm Bay, Florida 32907

To Association:       Cypress Bay Preserve HomeAssociation's Association, Inc.

With Copy to:       \_\_\_\_\_  
                              \_\_\_\_\_  
                              \_\_\_\_\_  
                              \_\_\_\_\_

8. **Specific Performance.** In the event any party to this Agreement fails or refuses to timely, fully, and faithfully perform each and every term, covenant, and condition on its part to be performed hereunder, which failure or refusal continues after written notice from the non-defaulting party and expiration of a reasonable period of time under the circumstances in which to cure said default, the same shall constitute a default hereunder. In addition to all rights and remedies which may be provided at law or in equity for such default, the non-defaulting party shall be entitled to seek specific performance by the defaulting party of such term, covenant, or condition.
9. **Governing Law; Venue; Litigation.** This Agreement shall be construed and interpreted, and the rights of the parties hereto determined, in accordance with Florida law without regard to conflicts

of law provisions. The parties agree that proper venue for any suit concerning this Agreement shall be Brevard County, Florida. To encourage prompt and equitable resolution of any litigation, each party hereby waives its right to a trial by jury in any litigation related to this Agreement.

10. **Assignment.** Association may assign this Agreement, and any interest herein to an affiliate or successor in interest without the prior written consent of, but with simultaneous notice to the City.
11. **Third Party Beneficiaries.** No provision of this Agreement is intended to, or shall be construed to, create any third-party beneficiary or to provide any rights to any person or entity not a party to this Agreement, including but not limited to any citizens of City or employees of City, or Association.
12. **Binding Effect.** This Agreement shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective legal representatives, successors, and assigns.
13. **Time of Essence.** Time is of the essence with respect to the performance of each provision of this Agreement where a time is specified for performance.
14. **Severability.** Should any provision of this Agreement be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Agreement as a whole or any part thereof, other than the provision declared to be invalid, and every other term and provision of this Agreement shall be deemed valid and enforceable to the maximum extent permitted by law.
15. **Waiver.** No delay or failure on the part of the City to exercise any right or remedy occurring to the City upon the occurrence of an event or violation of this Agreement shall affect any such right or remedy, held to be in abandonment thereof or preclude the City from the exercise thereof at any time during the continuance of any event or violation. No waiver of a single event of violation by the City shall be deemed to be a waiver of any subsequent event of violation. Furthermore, no waiver of any provision of this Agreement shall be effective unless it is in writing, signed by the party against whom it is asserted, and any such written waiver shall only be applicable to the specific instance to which it relates.
16. **Entire Agreement.** This Agreement and Exhibits which are incorporated into this Agreement in their entirety, embody the entire agreement and understanding of the parties with respect to the subject matter of this Agreement and supersede all prior and contemporaneous agreements and understandings, oral or written, relating to said subject matter.
17. **Effective Date.** This Agreement is expressly contingent upon the approval of the City Council of the City of Palm Bay and shall become effective only when signed by all parties. The date of the last to sign shall be the Effective Date.
18. **Covenant Running with the Land; Recording.**
  - 18.1 Association's responsibilities under this Agreement shall be a covenant running with the Property and shall be binding upon and inure to the benefit of their successors or assigns.
  - 18.2 The parties agree to record this document in the Public Records of Brevard County, Florida to be indexed to the Property.

IN WITNESS WHEREOF, the parties hereto have made and executed this Public Access Tract Conveyance and Landscape Maintenance Agreement on the respective dates under each signature.

**CITY OF PALM BAY, FLORIDA**

ATTEST:

\_\_\_\_\_  
Rob Medina  
Mayor

\_\_\_\_\_  
Terese Jones  
City Clerk

Date Executed: \_\_\_\_\_

DRAFT

WITNESSES:

**CYPRESS BAY PRESERVE**  
**HOMEASSOCIATION'S ASSOCIATION,**  
INC., a Florida corporation not-for-profit,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

DRAFT

**EXHIBIT A**

This instrument prepared by:

**RIGHT-OF-WAY DEED**

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, by and between CYPRESS BAY PRESERVE HOMEASSOCIATION'S ASSOCIATION, INC., a Florida corporation not-for-profit, having its principal address at \_\_\_\_\_, party of the first part, and the CITY OF PALM BAY, FLORIDA, a municipal corporation, and its successors in interest, party of the second part.

**WITNESSETH:**

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant, bargain and sell to the party of the second part, and its successors in interest, for the purpose of a public highway and purposes incidental thereto, the following described land, situate, lying and being in the County of Brevard, State of Florida, to-wit:

TRACTS PA-1 and PA-2, CYPRESS BAY PRESERVE – PHASE 1, recorded in Plat Book 68, pages 59 through 66, Official Records of Brevard County, Florida.

It is the intention of the party of the first part by this instrument to convey to the said City, and its successors in interest, the land above described for use as a public highway and for all purposes incidental thereto.

And the said party of the first part will defend the title to said land against the lawful claims of all persons whomsoever, claiming by, through or under it.

IN WITNESS WHEREOF, the said party of the first part, has executed this instrument the day and year first above written.

WITNESSES:

**CYPRESS BAY PRESERVE  
HOMEASSOCIATION'S ASSOCIATION,  
INC.,** a Florida corporation not-for-profit,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of ☐ physical presence OR ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, by \_\_\_\_\_, who is ☐ personally known to me OR ☐ who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC

**EXHIBIT B**

**NO-LIEN, POSSESSION, AND AFFIDAVIT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_

\_\_\_\_\_ (“Affiant”) who being first duly sworn upon oath, deposes and says:

1. That the Affiant is the \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_, a Florida corporation not-for-profit  
 (“Association”).

2. That the Association is the Association of fee simple title to the real property located in Brevard County, Florida, more particularly described as TRACTS PA-1 and PA-2, CYPRESS BAY PRESERVE – PHASE 1, recorded in Plat Book 68, pages 59 through 66, Official Records of Brevard County, Florida (“Property”).

3. That there are no construction, mechanics’, materialmans’, or laborers’ liens filed against the Property or any portion thereof; that there have been no repairs, improvements or other work done to or labor, materials or services bestowed upon the Property or any portion thereof for which any or all of the cost of the same remains unpaid; and that no person, firm or corporation is entitled to a construction lien against the Property or any portion thereof under Chapter 714, Florida Statutes.

4. That no person, firm or corporation has any interest, claim of possession, or contract right with respect to the Property or any portion thereof, and there are no facts known to Affiant which would give rise to such a claim being asserted against the Property or any portion thereof.

5. That there are no unsatisfied judgments or any federal, state or county tax deficiencies, which are a lien against the Property or any portion thereof.

6. That the Property is free and clear of all mortgages, liens, taxes, assessments, fees, and encumbrances whatsoever, except for real estate taxes accruing subsequent to \_\_\_\_\_, 20 [Date of Conveyance].

7. That there is no pending litigation or dispute involving or concerning the location of the boundaries of the Property or any portion thereof.

8. That there are no actions or proceedings now pending in any state or federal court to which the Association is a party that would affect the title to the Property or any portion thereof.

9. That to the best of Affiant's knowledge there are no unrecorded easements or claims of easements affecting the Property or any portion thereof.

10. That the Property does not constitute all or substantially all of the assets of the Association.

11. That there are no matters pending against the that could give rise to a lien that would attach to the Property or any portion thereof between \_\_\_\_\_, 20\_\_ , and the recording of the Deed from the Association to the City of Palm Bay, a municipal corporation ("Grantee") and that the Association has not and will not execute any instrument that would adversely affect the title to or transfer of the Property or any portion thereof from the Association to Grantee.

12. Affiant recognizes that Grantee is materially relying on the veracity of the contents of this Affidavit, and that this Affidavit is being given for the purpose of inducing Grantee to accept a dedication of the Property from the Association.

FURTHER AFFIANT SAYETH NAUGHT.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of ☐ physical presence OR ☐ online notarization, this \_\_\_\_ day of \_\_\_\_\_, 202\_\_, by \_\_\_\_\_, who is ☐ personally known to me OR ☐ who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC

**EXHIBIT C**  
**OPINION OF TITLE**

**To: CITY OF PALM BAY**

With the understanding that this Opinion of Title is furnished to the City of Palm Bay, Florida, as inducement for execution of an agreement covering the real property, hereinafter described or for acceptance of a right-of-way deed, easement, covenant or unity of title, as applicable, it is hereby certified that I have examined a complete Abstract of Title or Policy of Title Insurance issued by \_\_\_\_\_ dated \_\_\_\_\_ covering the period from the beginning to the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at the hours of \_\_\_\_\_, inclusive, of the following described property:

TRACTS PA-1 and PA-2, CYPRESS BAY PRESERVE – PHASE 1, recorded in Plat Book 68, pages 59 through 66, Official Records of Brevard County, Florida.

I am of the opinion that on the last-mentioned date, the fee simple title to the above-described real property was vested in: \_\_\_\_\_.

Subject to the following encumbrances, liens and other exceptions:

1. RECORDED MORTGAGES:

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

3. GENERAL EXCEPTIONS:

a. Taxes for 20\_\_ and subsequent years and taxes or special assessments which are not shown as existing liens by the Public Records.

b. Rights or claims of parties in possession not shown by the Public Records.

c. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.

d. Easements or claims of easements not shown by the Public Records.

e. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

f. Any adverse claim to all or any part of the land that is now under water or which has previously been under water but filled or exposed through the efforts of man.

4. SPECIAL EXCEPTIONS:

All of the foregoing recorded in the Public Records of Brevard County, Florida.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions and that none of the encumbrances and/or exceptions listed above will restrict the use of the property for the purposes set forth in the agreement, assignment, warranty deeds, easement, covenant and unity of title, as applicable.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
	Association	
	Mortgagee	

The following is a description of the aforementioned abstract and its continuations:

Number

Company Certifying

No. of Entries

Period Covered

I HEREBY CERTIFY that the legal description in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Florida Bar No.

\_\_\_\_\_  
Address

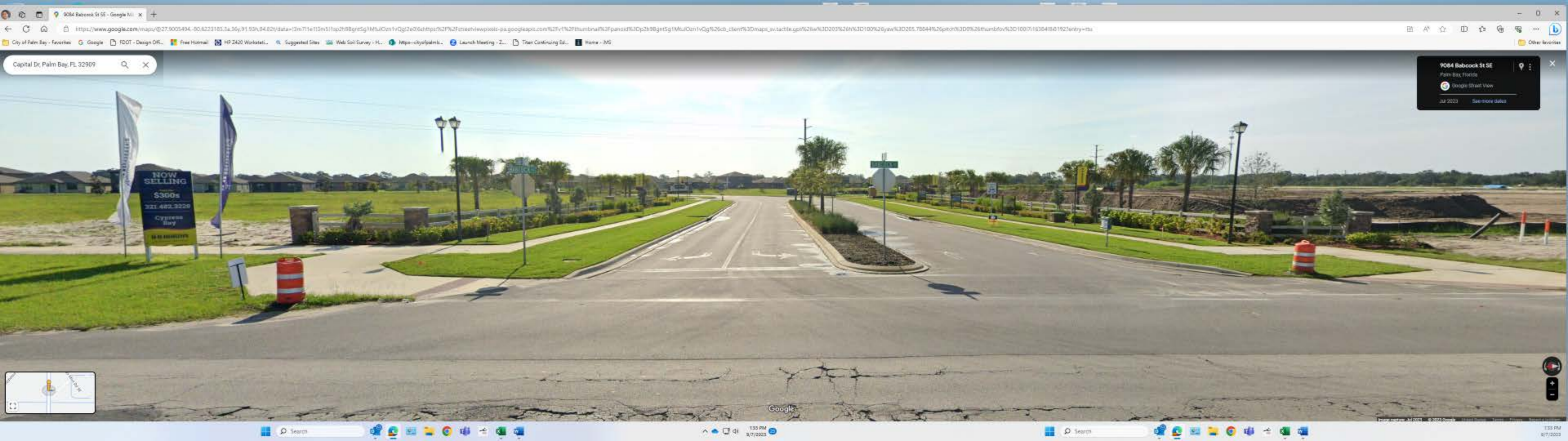
\_\_\_\_\_  
City, State, Zip Code

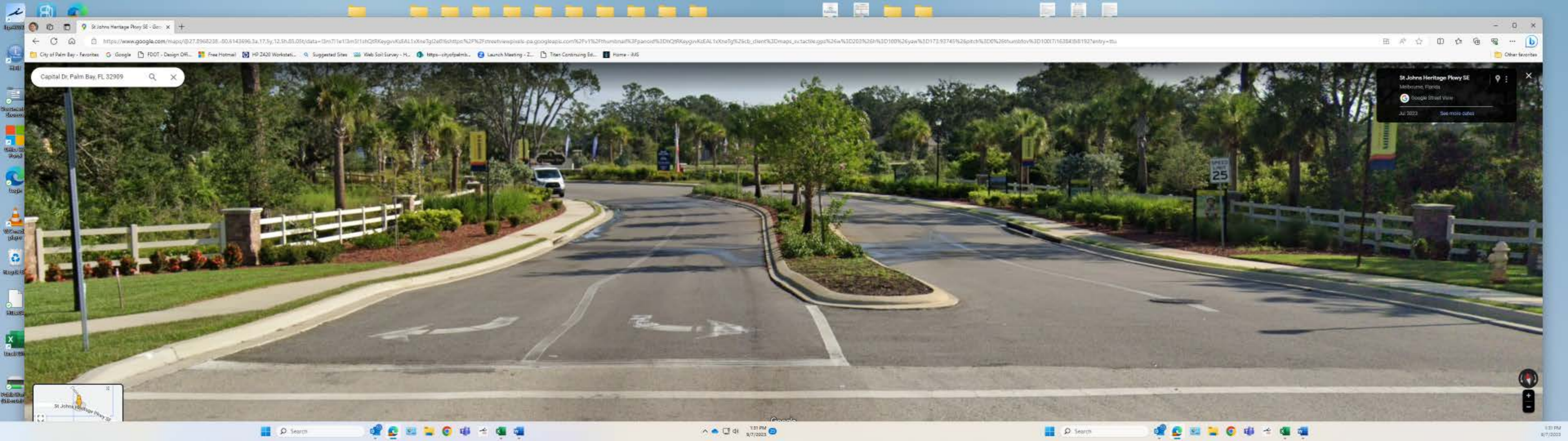
STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of ☐ physical presence OR ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, by \_\_\_\_\_, who is ☐ personally known to me OR ☐ who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC





## **RESOLUTION 2023-28**

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE ACCEPTANCE OF REAL PROPERTY CONVEYED TO THE CITY BY CYPRESS BAY PRESERVE HOMEOWNER'S ASSOCIATION, INC.; PROVIDING FOR THE ACCEPTANCE AND MAINTENANCE OF THE IMPROVEMENTS WITHIN SAID REAL PROPERTY BY THE CYPRESS BAY PRESERVE HOMEOWNER'S ASSOCIATION, INC.; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on \_\_\_\_\_, the City of Palm Bay, Florida ("City") and the Cypress Bay Preserve Homeowner's Association, Inc. ("Association") executed a Public Access Tract Conveyance and Landscape Maintenance Agreement regarding Tracts PA-1 and PA-2 of the Plat of Cypress Bay Preserve – Phase 1, said plat recorded in Plat Book 68, Page 59, Official Records of Brevard County, Florida ("Agreement"), and

**WHEREAS**, pursuant to paragraph 2 of the Agreement, the Association agreed to convey and the City agreed to accept Tracts PA-1 and PA-2, as described in the plat of Cypress Bay Preserve Phase – 1, which is further described in Exhibit A, and

**WHEREAS**, pursuant to paragraph 3 of the Agreement, the Association agreed to accept the maintenance obligations for the landscaping and irrigation upon the Tracts, as well as completion of the sidewalk trail improvements and asphalt pavement as described therein.

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

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

**SECTION 2.** The City of Palm Bay accepts the deed to the property as described in Exhibit A.

**SECTION 3.** The property shall be used for the public purpose of maintaining a public roadway in the City of Palm Bay, subject to the maintenance obligations of the Association as described in the Agreement.

**SECTION 4.** This Resolution shall be effective upon the execution and recording of the Deed and Maintenance Agreement.

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



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Juliet Misconi, Deputy City Manager

**DATE:** 9/19/2023

**RE:** Consideration of a grant agreement with Florida Department of Law Enforcement for improvements to the memorial at Sacrifice Park (\$150,000).

On February 2, 2023, City Council authorized staff to submit a request \$150,000 in State appropriations during the 2023-2024 State Legislative Session for improvements to Sacrifice Park. The City was successfully awarded \$150,000 in State appropriations through the Florida Department of Law Enforcement (FDLE). Attached is the grant agreement for Council's consideration.

The grant agreement provides for the renovation and construction of a new memorial located at the existing site. The renovation and construction consist of removing the existing monument and sidewalk leading up to and around the memorial, site preparation, and installing hardscape/landscape, site amenities, site lighting, and associated peripherals. The renovation and construction of a new monument will focus on honoring first responders who have perished in the line of duty and provide a serene place for community members to visit and reflect. These purchases will support the City's initiative to improve its monument, honor first responders and their families, and provide a reflection space for the community.

This is a cost reimbursement agreement. Total payments for all deliverables will not exceed the maximum grant award amount of \$150,000.00.

**REQUESTING DEPARTMENT:**  
City Manager's Office

**FISCAL IMPACT:**  
This is a cost reimbursement agreement. The Florida Department of Law Enforcement will reimburse the City for allowable expenditures which are incurred during each reporting period in according to the terms and conditions.

**RECOMMENDATION:**  
Motion to authorize the Mayor to execute the grant agreement with the Florida Department of Law Enforcement for the improvements to the memorial at Sacrifice Park in the amount of \$150,000.

**ATTACHMENTS:**

**Description**

Grant Agreement with Dept. of Law Enforcement

**State of Florida  
Office of Criminal Justice Grants  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, Florida 32308**

**GRANT AWARD**

Recipient: City of Palm Bay

FLAIR Vendor ID: 596018984

Grant Period: 07/01/2023 - 06/30/2024

Project Title: City of Palm Bay Sacrifice Park Public Safety Memorial Improvements

Grant Number: 3W005

Awarded Funds: \$150,000.00

CSFA Catalog Number: 71.114

---

This agreement is entered into by and between the Department of Law Enforcement (herein referred to as "FDLE" or "Department") and City of Palm Bay (herein referred to as "Recipient"); and

WHEREAS, the Department has authority pursuant to Florida law and does hereby agree to provide state financial assistance to the Recipient in accordance with the terms and conditions set forth in this agreement; and

WHEREAS the Department has available funds resulting from a single, non-recurring appropriation in The General Appropriations Act, 2023 Legislature, Section 4, Specific Appropriation 1281A, Grants and Aids-Special Projects, intended to be provided to the Recipient as reimbursement of eligible costs resulting from allowable activities as defined in the agreement, and

WHEREAS, the Recipient represents that it is fully qualified, possesses the requisite skills, knowledge, qualifications and experience to carry out the state project identified herein, and does offer to perform such services.

NOW THEREFORE, in consideration of the foregoing, the parties agree as follows:

The General Appropriations Act contains the following proviso language and provides information on the legislative intent for the use of these funds:

*From the funds in Specific Appropriation 1281A, \$150,000.00 in nonrecurring capital outlay funds is provided to the City of Palm Bay for the Sacrifice Park Public Safety Memorial Improvements project.*

This award is subject to the special conditions outlined in **Appendix A** and all applicable standard conditions in **Appendix D**.

## Scope of Work

The City of Palm Bay will use grant funds for the renovation and construction of a new memorial to honor first responders at Sacrifice Park. The renovation and construction consist of removing the existing monument and sidewalk leading up to and around the memorial, site preparation, and installing hardscape/landscape, site amenities, site lighting, and associated peripherals. The renovation and construction of a new monument will focus on honoring first responders who have perished in the line of duty and provide a serene place for community members to visit and reflect. These purchases will support the City's initiative to improve its monument, honor first responders, and provide quality services to the community.

The Recipient will be responsible for the following tasks and activities:

- Conducting procurement activities to select a contractor for the renovation and construction of the memorial;
- Apply for and obtaining necessary permits; and
- Overseeing the activities of the renovation and construction of the memorial.

## Project Deliverables

Total payments for all deliverables in **Appendix B** will not exceed the maximum grant award amount of \$150,000.00.

## Performance Reports

The Recipient shall provide **monthly** Performance Reports to the Department attesting to the progress towards deliverables and to validate the required minimum acceptable level of service performed. Performance Reports are due 15 days after the end of each reporting period. For example: If the monthly reporting period is July 1-31, the Performance Report is due August 15<sup>th</sup>.

The Recipient shall respond to the questions below in the monthly performance reports. Information provided by the Recipient will be used by the Department to process payments, verify deliverables, and to compile reports on project progress to the Legislature and Executive Office of the Governor.

Performance Reports may require the following information:

1. A narrative describing the activities and accomplishments achieved during the reporting period.
2. Provide a summary report of activities completed and a status addressing the deliverables in the scope of work.
3. Describe any progress or barriers encountered related to achieving those goals during the reporting period and how these obstacles will impact the successful completion of the project.
4. Describe the return on investment or benefits of this program for the organization and/or the community.

Supporting documentation for performance must be maintained by Recipient and made available upon request for monitoring purposes. Examples of supporting documentation include but are not limited to timesheets, activity reports, meeting notices, delivery documents, public announcements, rosters, presentations, database statistics, etc.

## Payment Requirements & Financial Claim Reports

The State of Florida's performance and obligation to pay under this agreement is contingent upon an appropriation by the Legislature. The Department will administer and disburse funds under this agreement in accordance with ss. 215.97, 215.971, 215.981 and 215.985, F.S.

This is a cost reimbursement agreement with the ability to advance. The Department will reimburse the Recipient for allowable expenditures (**Appendix C**) which are incurred during each reporting period in accordance to the terms and conditions and satisfactory performance of all terms by the Recipient. The Recipient shall provide Claim Reports to the Department attesting to expenditures made during the reporting period. These reports are due 30 days after the end of each reporting period. For example: If the monthly reporting period is July 1-31, the Performance Report is due August 30<sup>th</sup>.

Claim Reports shall validate the receipt of goods and services and verify the Recipient's compliance with 69I-40.002, F.A.C. All expenditures for state financial assistance must comply with the Reference Guide for State Expenditures published by the Florida Department of Financial Services. All Claim Reports must be certified by the Recipient's chief financial official or financial designee and include a statement that costs claimed are incurred in accordance with the agreement.

Claim Reports must clearly identify the dates of services, a description of the specific contract deliverables provided during the reporting period, the quantity provided, and the payment amount specified in the agreement. All Claim Reports are reviewed and may be audited to the satisfaction of the Department. The Department's determination of acceptable expenditures shall be conclusive.

The final Claim Report shall be submitted to the Department no more than 30 days after the end date of the grant. Any payment due under the terms of this agreement may be withheld until performance of services, all reports due are received, and necessary adjustments have been approved by the Department.

The Recipient must maintain original supporting documentation for all funds expended and received under this agreement in sufficient detail for proper pre- and post-audit and to verify work performed was in accordance with the deliverable(s). Payment shall be contingent upon the Department's grant manager receiving and accepting the invoice and the associated supporting documentation. Supporting documentation includes, but is not limited to: quotes, procurement documents, purchase orders, original receipts, invoices, canceled checks or EFT records, bank statements, etc. The State Chief Financial Officer (CFO) reserves the right to require further documentation on an as needed basis.

Failure to comply with these provisions shall result in forfeiture of reimbursement.

## Administration

Changes to the following points of contact and chief officials below must be submitted to FDLE Office of Criminal Justice Grants in writing.

### Recipient Grant Manager

**Name:** Juliet Misconi  
**Title:** Deputy City Manager  
**Address:** 120 Malabar Rd SE  
Palm Bay FL, 32907  
**Phone:** (321) 952-3411  
**Email:** juliet.misconi@pbfl.org

### Recipient Chief Official

**Name:** Rob Medina  
**Title:** Mayor  
**Address:** 120 Malabar Rd  
Palm Bay FL 32907  
**Phone:** 321- 952-3414  
**Email:** MayorRobMedina@pbfl.org

### Recipient Chief Financial Officer

**Name:** Larry Wojciechowski  
**Title:** Finance Director  
**Address:** 120 Malabar Rd  
Palm Bay FL 32907  
**Phone:** 321-953-8937 ext. 7047  
**Email:** larry.wojciechowski@pbfl.org

### Florida Department of Law Enforcement (FDLE) Grant Manager

**Name:** Angela Ferrara  
**Title:** Government Analyst II  
**Address:** P.O. Box 1489  
Tallahassee, FL 32302-1489  
**Phone:** 850-617-1253  
**Email:** angelafergara@fdle.state.fl.us

## Award Signatures

In witness whereof, the parties affirm they each have read and agree to the conditions set forth in this agreement, have read and understand the agreement in its entirety and have executed this agreement by their duly authorized officers on the date, month and year set out below.

**Corrections on this page, including strikeouts, whiteout, etc. are not permitted.**

### Florida Department of Law Enforcement Office of Criminal Justice Grants

Signature: \_\_\_\_\_

Typed Name and Title: Cody Menacof, Bureau Chief

Date: \_\_\_\_\_

### Recipient City of Palm Bay

Signature: \_\_\_\_\_

Typed Name and Title: Rob Medina, Mayor

Date: \_\_\_\_\_

**THIS CONTRACT IS NOT VALID UNTIL SIGNED AND DATED BY ALL PARTIES**

## Appendix A: Special Conditions

Grant Number: 3W005  
Recipient: City of Palm Bay  
Project Title: City of Palm Bay Sacrifice Park Public Safety Memorial Improvements  
Project Period: 07/01/2023 - 06/30/2024

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In addition to the attached standard conditions, the above-referenced grant project is subject to the special conditions set forth below.

- W0001 Prior to the drawdown of funds for construction services, the Recipient must submit a copy of any third-party subcontracts related to the agreement and must address the requirements identified in 215.97(7)(a) and (d), Florida Statutes.
- W0002 Prior to the drawdown of funds for construction services, the Recipient must amend the budget to provide details of activities and associated costs for these services.
- W0003 Prior to the drawdown of funds for any third-party contracts entered into by the Recipient for any services, a completed DFS-A2-NS form must be provided to the Office of Criminal Justice Grants.

## Appendix B - Project Deliverables

Grant Number: 3W005  
Recipient: City of Palm Bay  
Project Title: City of Palm Bay Sacrifice Park Public Safety Memorial Improvements  
Project Period: 07/01/2023 - 06/30/2024

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Total payments for all deliverables will not exceed the maximum grant award amount.

<b>Deliverable 1</b>	Procure services through a licensed contractor for the renovation and construction of the City's new memorial at Sacrifice Park.
Minimum Performance Criteria:	Completion of progress with at least one activity described in the Scope of Work. Documentation includes an attestation of activities or services rendered on the expenditure report.
Financial Consequences:	This is a cost reimbursement deliverable. Only those items purchased and received will be eligible for payment.
Deliverable Price:	Total payments for this deliverable will be approximately \$150,000.00

## Appendix C - Budget Details

Grant Number: 3W005  
Recipient: City of Palm Bay  
Project Title: City of Palm Bay Sacrifice Park Public Safety Memorial Improvements  
Project Period: 07/01/2023 - 06/30/2024

Budget Category	Total
A. Personnel (Salary/Overtime)	\$0.00
B. Fringe Benefits	\$0.00
C. Travel	\$0.00
D. Equipment (OCO)	\$0.00
E. Supplies	\$0.00
F. Construction	\$150,000.00
G. Consultants/Contracts	\$0.00
H. Other Costs	\$0.00
<b>TOTAL</b>	<b>\$150,000.00</b>

### **Standard Budget Terms**

All items, quantities, and/or prices below are estimates based on the information available at the time of application or amendment.

The item(s) below may include additional individually priced, operationally necessary accessories, components, and/or peripherals and may be categorized as a “kit”, “bundle”, “system”, etc.

Award funds may be used to pay for applicable shipping, freight, and/or installation costs.

### **F. Construction = \$150,000.00**

Grant funds will be used at Sacrifice Park to renovate and construct a new memorial to honor first responders. The renovation and construction consist of removing the existing monument and sidewalks leading up to and around the memorial, site preparation, installing hardscape, landscape, site amenities, site lighting, and associated peripherals. Funds may also be used for certain pre-construction costs such as permits, bonds, contingency fees, etc.

\*\*\*\* contingent activities and cost breakdown are TBD until construction estimate and analysis is conducted. The City of Palm Bay will submit a budget amendment to detail these costs once more information is known.\*\*\*\*

## Appendix D - Fiscal Year 2023-2024 State Financial Assistance Standard Conditions

The following terms and conditions will be binding upon approval of the grant award and execution of the contract by both the Recipient and the Florida Department of Law Enforcement. The Recipient will maintain required registrations and certifications for eligibility under this program.

The Department and the Recipient agree that they do not contemplate the development, transfer or receipt of intellectual property as a part of this agreement.

### SECTION I: PROJECT IMPLEMENTATION

**Legal Authority:** The Recipient certifies with respect to this agreement that it possesses the legal authority to receive the funds to be provided under this agreement and that, if applicable, its governing body has authorized, by resolution or otherwise, the execution and acceptance of this agreement with all covenants and assurances contained herein. The Recipient also certifies that the undersigned possesses the authority to legally execute and bind Recipient to the terms of this agreement.

**Not Operational within 60 and 90 Days:** If a project is not operational within 60 days of the original start date of the award period, the Recipient must report by letter to the Department the steps taken to initiate the project, the reasons for delay, and the expected start date. If a project is not operational within 90 days of the original start date of the award period, the Recipient must submit a second statement to the Department explaining the implementation delay. Upon receipt of the 90-day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, require additional project documentation and justifications throughout the award period. The Department will also require the Recipient provide a revised project timeline that includes all anticipated project activities, tasks, and estimated completion date(s).

### SECTION II: PAYMENTS

**Obligation to Pay:** The State of Florida's obligation to pay under this agreement is contingent upon an appropriation by the Legislature.

**Overpayments:** Any funds paid in excess of the amount to which the Recipient is entitled under the terms and conditions of the agreement must be refunded to the Department. Any balance of unobligated cash that has been paid and has not been authorized to be retained for direct program costs in a subsequent period must be refunded to the Department.

**Advance Funding:** Advance funding may be provided to a subrecipient upon completion and submission of a Cash Advance Request form to the Department. The request must be signed by the Chief Financial Officer or the Chief Financial Officer designee. Advance funding should be requested only when the Subrecipient has an imminent and specific need to expend project funds. Cash advances must be spent on project costs within 30 days of receipt. Should extenuating circumstances arise which prevent the expenditure of advance funds within 30 days of receipt, a written request to retain the funds must be provided by the recipient and approved by the Department. An expenditure claim for advance funding must be submitted to the Department within 45 days of advance funding receipt.

### SECTION III: PROJECT AND GRANT MANAGEMENT

**Personnel Changes:** The recipient must notify the FDLE grant manager of any change in the Chief Officials or Project Director or any change in contact information, including mailing address, phone number, email, or title change.

**Obligation of Grant Funds:** Grant funds shall not under any circumstances be obligated prior to the effective date, or subsequent to the termination date, of the period of performance. Only project costs incurred on or after the effective date, and on or prior to the termination date of the Recipient's project are

eligible for reimbursement. All payments must be completed within thirty (30) days of the end of the grant period of performance.

**Financial Management:** The Recipient must have a financial management system able to record and report on the receipt, obligation, and expenditure of grant funds. An adequate accounting system must be able to separately track receipts, expenditures, assets, and liabilities for awards, programs, and subrecipients. The Recipient shall maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices. Recipient must have written procedures for procurement transactions.

**Travel:** Cost for travel shall be reimbursed at the Recipient's travel rate, but the maximum reimbursement for each type of travel cost shall not exceed rates established in State of Florida Travel Guidelines, §112.061, F.S.

**Subcontracts:** Recipient agrees that all employees, subcontractors, or agents performing work under the agreement shall be properly trained individuals who meet or exceed any specified training qualifications. Recipient agrees to be responsible for all work performance and all expenses incurred in fulfilling the obligations of this agreement, and will not assign the responsibility for this agreement to another party. If the Recipient subcontracts any or all of the work required under this agreement, the Recipient must provide a completed DFS-A2-NS (Recipient-Subrecipient vs. Vendor Determination) form and a copy of the executed subcontract within thirty (30) days after execution of the subcontract. The Recipient agrees to include in the subcontract that (i) the subcontractor is bound by all applicable state and federal laws and regulations, and (ii) the subcontractor shall hold the Department and Recipient harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this agreement, to the extent allowed and required by law.

**Grant Adjustments:** Recipients must submit a Request for Grant Adjustment to the FDLE grant manager for substantive changes such as: scope modifications, changes to project activities, target populations, service providers, implementation schedules, project director, designs or research plans set forth in the approved agreement, and for any budget changes affecting a cost category that was not included in the original budget. Recipients may transfer up to 10% of the total budget between current, approved budget categories without prior approval, as long as the funds are transferred to an existing line item. Adjustments are required when there will be a transfer of 10% or more of the total budget between budget categories. Under no circumstances can transfers of funds increase the total award. Requests for changes to the grant agreement must be signed by the Recipient or Implementing Agency's chief official or the chief official's designee. All requests for changes must be submitted no later than thirty (30) days prior to grant expiration date.

**Property Management:** The Recipient shall establish and administer a system to protect, preserve, use, maintain, and dispose of any property furnished to it by the Department or purchased pursuant to this agreement.

#### SECTION IV: MANDATORY DISCLOSURES

**Conflict of Interest:** The Recipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. Recipients must disclose in writing any potential conflict of interest to the Department.

**Violations of Criminal Law:** The Recipient must disclose all violations of state or federal criminal law involving fraud, bribery or gratuity violations potentially affecting the grant award.

**Convicted Vendors:** The Recipient shall disclose to the Department if it, or any of its affiliates, as defined in §287.133(1)(a) F.S., is on the convicted vendor list. A person or affiliate placed on the convicted vendor list following a conviction for a public entity crime is prohibited from doing any activities listed in the agreement for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

**Vendors on Scrutinized Companies Lists:** If this agreement is in the amount of \$1 million or more, Recipient certifies upon executing this agreement, that it is not listed on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to §215.473, F.S., or engaged in business operations in Cuba or Syria. In the event that federal law ceases to authorize the states to adopt and enforce the contracting prohibition identified herein, this provision shall be null and void.

**Discriminatory Vendors:** The Recipient shall disclose to the Department if it or any of its affiliates, as defined by §287.134(1)(a), F.S. appears on the discriminatory vendors list. An entity or affiliate placed on the discriminatory vendor list pursuant to §287.134, F.S. may not a) submit a bid, proposal, or reply on a contract or agreement to provide any goods or services to a public entity; b) submit a bid, proposal, or reply on a contract or agreement with a public entity for the construction or repair of a public building or public work; c) submit bids, proposals, or replies on leases of real property to a public entity; d) be awarded or perform work as a contractor, subcontractor, Recipient, supplier, subrecipient, or consultant under a contract or agreement with any public entity; or e) transact business with any public entity.

**Reporting Potential Fraud, Waste, Abuse, and Similar Misconduct:** The Recipient must promptly refer to the Department of Law Enforcement, Office of Criminal Justice Grants any credible evidence that a principal, employee, agent, contractor, subcontractor, or other person has either 1) submitted a claim for grant funds that violates the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds.

**Non-Disclosure Agreements:** Restrictions and certifications regarding non-disclosure agreements and related matters Recipients or contracts/subcontracts under this award may not require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits, restricts or purports to prohibit or restrict, the reporting of waste, fraud or abuse in accordance with law, to an investigative or law enforcement representative of a state or federal department or agency authorized to receive such information. The Recipient certifies that if informed or notified of any subrecipient, or contractor/subcontractor has been requiring their employees to execute agreements or statements that prohibit the reporting of fraud, waste, or abuse that it will immediately cease all further obligations of award funds to the entity and will immediately notify the Department. The Recipient will not resume obligations until expressly authorized to do so from the Department.

## **SECTION V: COMPLIANCE WITH STATUTES, RULES, AND REGULATIONS**

In performing its obligations under this agreement, the Recipient shall without exception be aware of and comply with all State and Federal laws, rules and regulations relating to its performance under this agreement as they may be enacted or amended from time-to-time, as well as any court or administrative order, judgment, settlement or compliance agreement involving the Department which by its nature affects the services provided under this agreement. The following are examples of rules and regulations that govern Recipient's performance under this agreement.

**Lobbying Prohibited:** The Recipient shall comply with the provisions of 11.062 and 216.347, F.S., which prohibit the expenditure of funds for the purpose of lobbying the Legislature, judicial branch, or a State agency. No funds or other resources received from the Department in connection with this agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

**State of Florida E.O. 20-44: Public-Private Partnerships:** Any entity named in statute with which the agency must form a sole-source, public-private agreement; and any nongovernmental Recipient receiving 50% or more of their annual budget from any combination of state or federal funding must submit an annual report to the Office of Criminal Justice Grants. The report must include the most recent IRS Form 990, detailing the total compensation for the entities' executive leadership teams. Total compensation shall include salary, bonuses, cashed-in leave, cash equivalents, severance pay, retirement benefits, deferred compensation, real-property gifts, and any other payout. In addition, the Recipient must agree through

appropriate contract or grant agreement amendment to inform the agency of any changes in total executive compensation between the annual reports. All compensation reports must indicate what percent of compensation comes directly from the State or Federal allocations to the Recipient.

**Civil Rights:** The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.) and shall not discriminate against any employee (or applicant for employment) in the performance of this agreement because of race, color, religion, sex, national origin, disability, age, or marital status. These requirements shall apply to all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to clients or employees in connection with its programs and activities.

**E-Verify:** The Department shall consider the employment by any contractor of unauthorized aliens a violation of section 274(e) of the Immigration and Nationalization Act. Such violation shall be cause for unilateral cancellation of this contract. Pursuant to F.S. 448.095, the Contracting Party and any subcontractors are required to register with and use the E-Verify system operated by the U.S. Department of Homeland Security beginning on January 1, 2021. The Contracting Party and any subcontractors are prohibited from entering into contracts with one another unless all parties register and use the E-Verify system. Subcontractors who enter into contracts with the Contracting Party are required to provide a certification that the subcontractor does not employ or use unauthorized aliens as defined in the statute, a copy of which the Contracting Party must maintain. The Contracting Party and any subcontractors are required to terminate a contract if a party has a good faith belief that another party is in violation of F.S. 448.09(1), prohibiting the employment of unauthorized aliens. If a public employer has a good faith belief that the subcontractor has violated these requirements, but that the Contracting Party has otherwise complied, the public employer must notify the Contracting Party to terminate its contract with the subcontractor. A party may challenge a contract termination in accordance with these requirements. A penalized Contractor is prohibited from obtaining another contract with a public employer for at least one year.

**Background Check:** Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of Chapter 435 F.S., shall apply. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile record checks through the Florida Department of Law Enforcement, and federal criminal record checks through the Federal Bureau of Investigation, and may include local criminal record checks through local law enforcement agencies.

**Public Records:** As required by 287.058(1)(c), F.S., the Recipient shall allow public access to all documents, papers, letters, or other public records as defined in 119.011(12), F.S. as prescribed by 119.07(1) F.S., made or received by the Recipient in conjunction with this agreement, except public records which are made confidential by law must be protected from disclosure. It is expressly understood that the Recipient's failure to comply with this provision shall constitute an immediate breach of contract, for which the Department may unilaterally terminate this agreement.

**Independent Contractor, Subcontracting and Assignments:** In performing its obligations under this agreement, the Recipient shall at all times be acting in the capacity of an independent contractor and not as an officer, employee, or agent of the State of Florida. Neither the Recipient nor any of its agents, employees, subcontractors or assignees shall represent to others that it is an agent of or has the authority to bind the Department by virtue of this agreement, unless specifically authorized in writing to do so.

**Timely Payment of Subcontractors:** To the extent that a subcontract provides for payment after Recipient's receipt of payment from the Department, the Recipient shall make payments to any subcontractor within 7 working days after receipt of full or partial payments from the Department in accordance with §287.0585, F.S., unless otherwise stated in the agreement between the Recipient and subcontractor. Failure to pay within seven (7) working days will result in a penalty that shall be charged

against the Recipient and paid by the Recipient to the subcontractor in the amount of one-half of one percent (.005) of the amount due per day from the expiration of the period allowed for payment. Such penalty shall be in addition to actual payments owed and shall not exceed fifteen (15%) percent of the outstanding balance due.

**Notice of Legal Actions:** The Recipient shall notify the Department of potential or actual legal actions taken against the Recipient related to services provided through this agreement or that may impact the Recipient's ability to complete the deliverables outlined herein, or that may adversely impact the Department. The Department's Grant Manager will be notified within 10 days of Recipient becoming aware of such actions or potential actions or from the day of the legal filing, whichever comes first.

**Property:** In accordance with 287.05805, F.S., any State funds provided for the purchase of or improvements to real property are contingent upon the Recipient granting to the State a security interest in the property at least to the amount of the State funds provided for at least five (5) years from the date of purchase or the completion of the improvements or as further required by law.

## **SECTION VI: RECORDS, AUDITS, AND INFORMATION SECURITY**

**Records Retention:** Retention of all financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to this agreement shall be maintained by the Recipient during the term of this agreement and retained for a period of five (5) years after completion of the agreement or longer when required by law. In the event an audit is required under this agreement, records shall be retained for a minimum period of five years after the audit report is issued or until resolution of any audit findings or litigation based on the terms of this agreement, at no additional cost to the Department. Upon demand, at no additional cost to the Department, the Recipient will facilitate the duplication and transfer of any records or documents during the term of this agreement and the required five (5) year retention period. No record may be withheld, nor may the Recipient attempt to limit the scope of any of the foregoing inspections, reviews, copying, transfers or audits based on any claim that any record is exempt from public inspection or is confidential, proprietary or trade secret in nature; provided, however, that this provision does not limit any exemption to public inspection or copying to any such record. These records shall be made available at all reasonable times for inspection, review, copying, or audit by State, or other personnel duly authorized by the Department.

**Records Inspection:** Pursuant to Section 216.1366, F.S., in order to preserve the interest of the state in the prudent expenditure of state funds, the Department shall be authorized to inspect the (a) Financial records, papers, and documents of the Contractor that are directly related to the performance of the Contract or the expenditure of state funds, and (b) Programmatic records, papers, and documents of the Contractor which the Department determines are necessary to monitor the performance of the Contract or to ensure that the terms of the Contract are being met. The Contractor shall provide such records, papers, and documents requested by the Department within ten (10) business days after the request is made.

**Monitoring:** The Recipient agrees to comply with the Department's grant monitoring guidelines, protocols, and procedures; and to cooperate with the Department on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, site visits, and/or Florida Department of Financial Services contract reviews and Expanded Audits of Payment (EAP). The Recipient agrees to provide the Department all documentation necessary to complete monitoring of the award and verify expenditures in accordance with 215.971, F.S. Further, the Recipient agrees to abide by reasonable deadlines set by the Department for providing requested documents. Failure to cooperate with grant monitoring activities may result in sanctions affecting the Recipient's award, including, but not limited to: withholding and/or other restrictions on the Recipient's access to funds, and/or referral to the Office of the Inspector General for audit review.

**Florida Single Audit Act (FSAA):** The Recipient shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by The Office of the Inspector General (§20.055, F.S.). In the event that the Recipient expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year, the Recipient must have a single audit or project-specific

audit in accordance with §215.97, F.S. and the applicable rules of the Department of Financial Services and the Auditor General. In determining the state financial assistance expended in its fiscal year, the Recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of Law Enforcement, other state agencies, and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements. The schedule of expenditures should disclose the expenditures by contract/agreement number for each contract with the Department in effect during the audit period. All questioned costs and liabilities due the Department shall be fully disclosed in the audit report package with reference to the specific contract number. If the Recipient expends less than \$750,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of 215.97, F.S., is not required. In the event that the Recipient expends less than \$750,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of 215.97, F.S., the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the Recipient's resources obtained from other than State entities). Pursuant to 215.97(8), F.S., state agencies may conduct or arrange for audits of state financial assistance that are in addition to audits conducted in accordance with §215.97, F.S. In such an event, the state awarding agency must arrange for funding the full cost of such additional audits. Any reports, management letters, or other information required to be submitted to the Department pursuant to this agreement shall be submitted within nine (9) months after the end of the Recipient's fiscal year or within 30 days of the Recipient's receipt of the audit report, whichever occurs first, unless otherwise required by Florida Statutes. Copies of financial reporting packages required by this agreement shall be submitted by or on behalf of the Recipient directly to each of the following:

The Department of Law Enforcement:  
Florida Department of Law Enforcement  
Office of Criminal Justice Grants  
ATTN: State Financial Assistance  
Post Office Box 1489 Tallahassee, Florida 32302-1489

The Auditor General's Office at:  
Auditor General's Office, Room 401  
Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

**Criminal Justice Information Data Security:** Acceptance of this award, constitutes understanding that transmission of Criminal Justice Information (CJI) between locations must be encrypted to conform to the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Security Policy.

**Recipient's Confidential and Exempt Information:** By executing this agreement, the Recipient acknowledges that any information not marked as "confidential" or "exempt" will be posted by the Department on the public website maintained by the Department of Financial Services pursuant to 215.985, F.S. The Recipient agrees that, upon written request of the Department, it shall promptly provide to the Department a written statement of the basis for the exemption applicable to each provision identified by the Recipient as "confidential" or "exempt", including the statutory citation to an exemption created or afforded by statute, and state with particularity the reasons for the conclusion that the provision is exempt or confidential. Any claim by Recipient of trade secret (proprietary) confidentiality for any information contained in Recipient's documents (reports, deliverables or work papers, etc., in paper or electronic form) submitted to the Department in connection with this agreement cannot be waived, unless the claimed confidential information is submitted in accordance with the following two paragraphs.

The Recipient must clearly label any portion of the documents, data, or records submitted that it considers exempt from public inspection or disclosure pursuant to Florida's Public Records Law as trade secret. The labeling will include a justification citing specific statutes and facts that authorize exemption of the information from public disclosure. If different exemptions are claimed to be

applicable to different portions of the protected information, the Recipient shall include information correlating the nature of the claims to the particular protected information.

The Department, when required to comply with a public records request including documents submitted by the Recipient, may require the Recipient to expeditiously submit redacted copies of documents marked as trade secret in accordance with this section. Accompanying the submission shall be an updated version of the justification, correlated specifically to redacted information, either confirming that the statutory and factual basis originally asserted remain unchanged or indicating any changes affecting the basis for the asserted exemption from public inspection or disclosure. The redacted copy must exclude or obliterate only those exact portions that are claimed to be trade secret. If the Recipient fails to promptly submit a redacted copy, the Department is authorized to produce the records sought without any redaction of proprietary or trade secret information.

## **SECTION VII: PENALTIES, TERMINATION, DISPUTE RESOLUTION, AND LIABILITY**

**Financial Penalties for Failure to Take Corrective Action:** Corrective action plans may be required for noncompliance, nonperformance, or unacceptable performance under this agreement. Penalties may be imposed for failures to implement or to make acceptable progress on such corrective action plans.

**Termination:** The Department reserves the right to unilaterally cancel this agreement for refusal by the Recipient to allow public access to all documents, papers, letters or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the Recipient in conjunction with this agreement, unless the records are exempt pursuant to Article I, Section 24(a), of the Florida Constitution and §119.07(1), F.S. The Department shall be the final authority as to the appropriation, availability and adequacy of funds. In the event the Recipient fails to fully comply with the terms and conditions of this agreement, the Department may terminate the agreement upon written notice. Such notice may be issued without providing an opportunity for cure if it specifies the nature of the noncompliance and states that provision for cure would adversely affect the interests of the State or is not permitted by law or regulation. Otherwise, notice of termination will be issued after the Recipient's failure to fully cure such noncompliance within the time specified in a written notice of noncompliance issued by the Department specifying the nature of the noncompliance and the actions required to cure such noncompliance. In addition, the Department may employ the default provisions in Rule 60A-1.006(3), F.A.C., but is not required to do so in order to terminate the agreement. The Department's failure to demand performance of any provision of this agreement shall not be deemed a waiver of such performance. The Department's waiver of any one breach of any provision of this agreement shall not be deemed to be a waiver of any other breach and neither event shall be construed to be a modification of the terms and conditions of this agreement. The provisions herein do not limit the Department's right to remedies at law or in equity. The validity of this agreement is subject to the truth and accuracy of all the information, representations, and materials submitted or provided by the Recipient in this agreement, in any subsequent submission or response to Department request, or in any submission or response to fulfill the requirements of this agreement, and such information, representations, and materials are incorporated by reference. The lack of accuracy thereof or any material changes shall, at the option of the Department and with thirty (30) days written notice to the Recipient, cause the termination of this agreement and the release of the Department from all its obligations to the Recipient. This agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this agreement shall lie in Leon County. If any provision hereof is in conflict with any applicable statute or rule, or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict, and shall be deemed severable, but shall not invalidate any other provision of this agreement. No waiver by the Department of any right or remedy granted hereunder or failure to insist on strict performance by the Recipient shall affect or extend or act as a waiver of any other right or remedy of the Department hereunder, or affect the subsequent exercise of the same right or remedy by the Department for any further or subsequent default by the Recipient. Any power of approval or disapproval granted to the Department under the terms of this agreement shall survive the terms and life of this agreement as a whole. The agreement may be executed in any number of counterparts, any one of which may be taken as an original. In the event of termination, the Recipient will be compensated for any work satisfactorily completed through the date of termination or an earlier date of suspension of work.

**Disputes and Appeals:** The Department shall make its decision in writing when responding to any disputes, disagreements, or questions of fact arising under this agreement and shall distribute its response to all concerned parties. The Recipient shall proceed diligently with the performance of this agreement according to the Department's decision. If the Recipient appeals the Department's decision, the appeal also shall be made in writing within twenty-one (21) calendar days to the Department's clerk (agency clerk). The Recipient's right to appeal the Department's decision is contained in Chapter 120, F.S., and in procedures set forth in Fla. Admin. Code R.28-106.104. Failure to appeal within this time frame constitutes a waiver of proceedings under Chapter 120, F.S. After receipt of a petition for alternative dispute resolution the Department and the Recipient shall attempt to amicably resolve the dispute through negotiations. Timely delivery of a petition for alternative dispute resolution and completion of the negotiation process shall be a condition precedent to any legal action by the Recipient concerning this agreement.

**Liability:** Unless the Recipient is a state agency or subdivision, the Recipient shall be solely responsible to parties with whom it shall deal in carrying out the terms of this agreement, and shall save the Department harmless against all claims of whatever nature by third parties arising out of the performance of work under this agreement. For purposes of this agreement, Recipient agrees that it is not an employee or agent of the Department, but is an independent contractor. Nothing herein shall be construed as consent by a state agency of the State of Florida to be sued by third parties in any matter arising out of any contract. Nothing shall be construed affect in any way the Recipient rights, privileges, and immunities under the doctrine of "sovereign immunity" and as set forth in 768.28, F.S.



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Mariano Augello, Chief of Police

**DATE:** 9/19/2023

**RE:** Consideration of a grant agreement for the Victims of Crime Act grant program (\$59,910).

On March 16, 2023, City Council authorized the Palm Bay Police Department to submit an application for Victims of Crime Act (VOCA) funding from the U.S. Department of Justice. The purpose of the VOCA grant is to support the availability of services to victims of crimes through a reimbursement program. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after victimization, assist victims to understand and participate in the criminal justice system, and provide victims of crime with a measure of safety and security. Eligibility to apply for VOCA funds is limited to victim assistance programs administered by state or local government agencies or not-for-profit corporations registered in Florida. Extending its over 20-year relationship with the grant program, the City of Palm Bay has once again been awarded VOCA funding for Fiscal Year 2023-2024 in the amount of \$59,910.

Under Grant No. VOCA-C-2023-City of Palm Bay Police Department-00228, the Palm Bay Police Department will be receiving \$59,910 to cover salary, taxes, and retirement costs for one (1) Victim Advocate and one (1) Senior Victim Advocate.

The funding cycle for this VOCA grant funding is October 1, 2023 thru September 30, 2024.

### **REQUESTING DEPARTMENT:**

Police Department

### **FISCAL IMPACT:**

The fiscal impact is a potential revenue of up to \$59,910 in General Fund Account #001-0000-331-2005 for partial reimbursement of annually budgeted salaries (001-5025-521-1210), taxes (001-5025-521-2110), retirement (010-5025-521-2210).

### **RECOMMENDATION:**

Motion to authorize the City Manager and Chief of Police to execute the Victims of Crime Act grant agreement, Grant No. VOCA-C-2023-City of Palm Bay Police Department-00228, for 2023-2024 grant program year.

**ATTACHMENTS:**

**Description**

**VOCA-C-2023-City of Palm Bay Police Departme-00228**



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Mariano Augello, Chief of Police

**DATE:** 9/19/2023

**RE:** Consideration of accepting a grant award from the Florida Department of Law Enforcement for improvements to the Police Department's regional training grounds and gun range (\$1,250,000).

The City sought and successfully secured \$1,250,000 in State appropriations during the Fiscal Year 2023-2024 legislative session for improvements to the City's regional training grounds and gun range operated the Police Department, also known as The Range. The State appropriations are directed to the City as a grant award by the Florida Department of Law Enforcement's Office of Criminal Justice Grants. The City secured State appropriations by leveraging \$110,000 in General Fund dollars specifically for the repair and repainting of the range rappel tower. In addition, the City is also funding \$100,000 in security and power improvements and \$150,000 to create a K9 training area and shed. All three projects, totaling \$360,000 are funded in the City's Fiscal Year 2024 budget.

The grant award will be used towards the planning, engineering, and new construction of a multi-purpose training facility at The Range. The multi-purpose training facility will hold capacity for instructional classes for up to 50 persons as well as office space for the training unit to be on-site and readily available at The Range during instructional courses. The facility will consist of two modular structure buildings, consisting of a larger building to host training and instruction and a smaller building for office space.

**REQUESTING DEPARTMENT:**  
Police Department

**FISCAL IMPACT:**

An estimated projected grant revenue totaling \$1,250,000 will be recorded in the Community Investment Fund, to the Public Safety/ Florida Department of Law Enforcement - FDLE, account 301-0000-334-2008. This is a cost reimbursement grant program. Grant revenue is received by the City following FDLE's review of qualifiable reimbursements based on document-supported expenditures.

**RECOMMENDATION:**

Motion to accept the grant award from the Florida Department of Law Enforcement and authorize the Mayor to execute the grant agreement.

**ATTACHMENTS:**

**Description**

**Grant Award Contract Agreement**

**State of Florida  
Office of Criminal Justice Grants  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, Florida 32308**

**GRANT AWARD**

Recipient: City of Palm Bay

FLAIR Vendor ID: 596018984

Grant Period: 07/01/2023 - 06/30/2024

Project Title: Improvements to Public Safety Facility, a Regional Training Grounds & Gun Range

Grant Number: 3W006

Awarded Funds: \$1,250,000.00

CSFA Catalog Number: 71.084

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This agreement is entered into by and between the Department of Law Enforcement (herein referred to as "FDLE" or "Department") and City of Palm Bay (herein referred to as "Recipient"); and

WHEREAS, the Department has authority pursuant to Florida law and does hereby agree to provide state financial assistance to the Recipient in accordance with the terms and conditions set forth in this agreement; and

WHEREAS the Department has available funds resulting from a single, non-recurring appropriation in The General Appropriations Act, 2023 Legislature, Section 4, Specific Appropriation 1281A, Grants and Aids-Special Projects, intended to be provided to the Recipient as reimbursement of eligible costs resulting from allowable activities as defined in the agreement, and

WHEREAS, the Recipient represents that it is fully qualified, possesses the requisite skills, knowledge, qualifications and experience to carry out the state project identified herein, and does offer to perform such services.

NOW THEREFORE, in consideration of the foregoing, the parties agree as follows:

The General Appropriations Act contains the following proviso language and provides information on the legislative intent for the use of these funds:

*From the funds in Specific Appropriation 1281A, \$1,250,000 in nonrecurring capital outlay funds is provided to the City of Palm Bay for the Improvements to Public Safety Facility, a Regional Training Grounds and Gun Range project.*

This award is subject to the special conditions outlined in **Appendix A** and all applicable standard conditions in **Appendix D**.

## Scope of Work

The City of Palm Bay will use grant funds for planning, engineering, and new construction of a multi-purpose training facility, as well as, repairing and painting the range rappel tower for the City of Palm Bay Police Department (PBPB). The multi-purpose training facility and rappel tower will be utilized by first responders.

Grant funds will also be used to purchase fire and first-aid supplies, as well as, printed signs/labels for the multi-purpose training facility. These purchases will allow the City to be compliant with safety code regulations.

The Recipient will be responsible for the following tasks and activities:

- Conducting procurement activities to select professional design services;
- Undergoing preliminary design services (needs assessments, site analyses, master planning);
- Drafting conceptual building design;
- Developing cost estimates;
- Applying for and obtaining necessary permits; and
- Hiring a contractor to construct the facility.

## Project Deliverables

Total payments for all deliverables in **Appendix B** will not exceed the maximum grant award amount of \$1,250,000.00.

## Performance Reports

The Recipient shall provide monthly Performance Reports to the Department attesting to the progress towards deliverables and to validate the required minimum acceptable level of service performed. Performance Reports are due 15 days after the end of each reporting period. For example: If the monthly reporting period is July 1-31, the Performance Report is due August 15<sup>th</sup>.

The Recipient shall respond to the questions below in the monthly performance reports. Information provided by the Recipient will be used by the Department to process payments, verify deliverables, and to compile reports on project progress to the Legislature and Executive Office of the Governor.

Performance Reports may require the following information:

1. A narrative describing the activities and accomplishments achieved during the reporting period.
2. Provide a summary report of activities completed and a status addressing the deliverables in the scope of work.
3. Describe any progress or barriers encountered related to achieving those goals during the reporting period and how these obstacles will impact the successful completion of the project.
4. Describe the return on investment or benefits of this program for the organization and/or the community.

Supporting documentation for performance must be maintained by Recipient and made available upon request for monitoring purposes. Examples of supporting documentation include but are not limited to timesheets, activity reports, meeting notices, delivery documents, public announcements, rosters, presentations, database statistics, etc.

## Payment Requirements & Financial Claim Reports

The State of Florida's performance and obligation to pay under this agreement is contingent upon an appropriation by the Legislature. The Department will administer and disburse funds under this agreement in accordance with ss. 215.97, 215.971, 215.981 and 215.985, F.S.

This is a cost reimbursement agreement with the ability to advance. The Department will reimburse the Recipient for allowable expenditures (**Appendix C**) which are incurred during each reporting period in according to the terms and conditions and satisfactory performance of all terms by the Recipient. The Recipient shall provide Claim Reports to the Department attesting to expenditures made during the reporting period. These reports are due 30 days after the end of each reporting period. For example: If the monthly reporting period is July 1-31, the Performance Report is due August 30<sup>th</sup>.

Claim Reports shall validate the receipt of goods and services and verify the Recipient's compliance with 69I-40.002, F.A.C. All expenditures for state financial assistance must comply with the Reference Guide for State Expenditures published by the Florida Department of Financial Services. All Claim Reports must be certified by the Recipient's chief financial official or financial designee and include a statement that costs claimed are incurred in accordance with the agreement.

Claim Reports must clearly identify the dates of services, a description of the specific contract deliverables provided during the reporting period, the quantity provided, and the payment amount specified in the agreement. All Claim Reports are reviewed and may be audited to the satisfaction of the Department. The Department's determination of acceptable expenditures shall be conclusive.

The final Claim Report shall be submitted to the Department no more than 30 days after the end date of the grant. Any payment due under the terms of this agreement may be withheld until performance of services, all reports due are received, and necessary adjustments have been approved by the Department.

The Recipient must maintain original supporting documentation for all funds expended and received under this agreement in sufficient detail for proper pre- and post-audit and to verify work performed was in accordance with the deliverable(s). Payment shall be contingent upon the Department's grant manager receiving and accepting the invoice and the associated supporting documentation. Supporting documentation includes, but is not limited to: quotes, procurement documents, purchase orders, original receipts, invoices, canceled checks or EFT records, bank statements, etc. The State Chief Financial Officer (CFO) reserves the right to require further documentation on an as needed basis.

Failure to comply with these provisions shall result in forfeiture of reimbursement.

## Administration

Changes to the following points of contact and chief officials below must be submitted to FDLE Office of Criminal Justice Grants in writing.

### Recipient Grant Manager

**Name:** Alyssa Snedeker  
**Title:** Projects Specialist  
**Address:** 130 Malabar Rd  
Palm Bay FL 32907  
**Phone:** 321-952-3456 ext.1493  
**Email:** alyssa.snedeker@pbfl.org

### Recipient Chief Official

**Name:** Rob Medina  
**Title:** Mayor  
**Address:** 120 Malabar Rd  
Palm Bay FL 32907  
**Phone:** 321- 952-3414  
**Email:** MayorRobMedina@pbfl.org

### Recipient Chief Financial Officer

**Name:** Larry Wojciechowski  
**Title:** Finance Director  
**Address:** 120 Malabar Rd  
Palm Bay FL 32907  
**Phone:** 321-953-8937 ext. 7047  
**Email:** larry.wojciechowski@pbfl.org

### Florida Department of Law Enforcement (FDLE) Grant Manager

**Name:** Angela Ferrara  
**Title:** Government Analyst II  
**Address:** P.O. Box 1489  
Tallahassee, FL 32302-1489  
**Phone:** 850-617-1253  
**Email:** angelafergara@fdle.state.fl.us

## Award Signatures

In witness whereof, the parties affirm they each have read and agree to the conditions set forth in this agreement, have read and understand the agreement in its entirety and have executed this agreement by their duly authorized officers on the date, month and year set out below.

**Corrections on this page, including strikeouts, whiteout, etc. are not permitted.**

### Florida Department of Law Enforcement Office of Criminal Justice Grants

Signature: \_\_\_\_\_

Typed Name and Title: Cody Menacof, Bureau Chief

Date: \_\_\_\_\_

### Recipient City of Palm Bay

Signature: \_\_\_\_\_

Typed Name and Title: Rob Medina, Mayor

Date: \_\_\_\_\_

**THIS CONTRACT IS NOT VALID UNTIL SIGNED AND DATED BY ALL PARTIES**

## Appendix A: Special Conditions

Grant Number: 3W006  
Recipient: City of Palm Bay  
Project Title: Improvements to Public Safety Facility, a Regional Training Grounds & Gun Range  
Project Period: 07/01/2023 - 06/30/2024

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In addition to the attached standard conditions, the above-referenced grant project is subject to the special conditions set forth below.

- |       |   |
|-------|---|
| W0001 | Prior to the drawdown of funds for construction services, the Recipient must submit a copy of any third-party subcontracts related to the agreement and must address the requirements identified in 215.97(7)(a) and (d), Florida Statutes. |
| W0002 | Prior to the drawdown of funds for project construction services, the Recipient must amend the budget to provide details of activities and associated costs for these services.   |
| W0003 | Prior to the drawdown of funds for consultants/contracts, the Recipient must submit a copy of any third-party subcontracts related to the agreement and must address the requirements identified in 215.97(7)(a) and (d), Florida Statutes. |
| W0004 | Prior to the drawdown of funds for project consultants/contracts, the Recipient must amend the budget to provide details of activities and associated costs once the third-party vendor is selected.  |
| W0005 | Prior to the drawdown of funds for any third-party contracts entered into by the Recipient for any services, a completed DFS-A2-NS form must be provided to the Office of Criminal Justice Grants.  |
| W0006 | Prior to the drawdown of funds for printed signs/labels, as well as, fire safety and first-aid supplies, the Recipient must amend the budget to provide details of activities and associated costs.   |

## Appendix B - Project Deliverables

Grant Number: 3W006  
Recipient: City of Palm Bay  
Project Title: Improvements to Public Safety Facility, a Regional Training Grounds & Gun Range  
Project Period: 07/01/2023 - 06/30/2024

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Total payments for all deliverables will not exceed the maximum grant award amount.

<b>Deliverable 1</b>	Procure fire safety and first-aid supplies and printed sign and labels to support the City's multi-purpose training facility.
Minimum Performance Criteria:	Delivery and receipt of the goods/services procured as attested on the claim report.
Financial Consequences:	This is a cost reimbursement deliverable. Only those items purchased and received will be eligible for payment.
Deliverable Price:	Total payments for this deliverable will be approximately \$5,000.00
<b>Deliverable 2</b>	Procure services through a licensed contractor to construct a multi-purpose training facility and repair/paint a range rappel tower for PBPD.
Minimum Performance Criteria:	Completion of progress with at least one activity described in the Scope of Work. Documentation includes an attestation of activities or services rendered on the expenditure report.
Financial Consequences:	This is a cost reimbursement deliverable. Only those items purchased and received will be eligible for payment.
Deliverable Price:	Total payments for this deliverable will be approximately \$1,165,000.00
<b>Deliverable 3</b>	Procure services through a licensed design/engineering firm to design and draft plans for the construction of a new a multi-purpose training facility for PBPD.
Minimum Performance Criteria:	Completion of progress with at least one activity described in the Scope of Work. Documentation includes an attestation of activities or services rendered on the expenditure report.
Financial Consequences:	This is a cost reimbursement deliverable. Only those items purchased and received will be eligible for payment.
Deliverable Price:	Total payments for this deliverable will be approximately \$80,000.00

## Appendix C - Budget Details

Grant Number: 3W006  
Recipient: City of Palm Bay  
Project Title: Improvements to Public Safety Facility, a Regional Training Grounds & Gun Range  
Project Period: 07/01/2023 - 06/30/2024

Budget Category	Total
A. Personnel (Salary/Overtime)	\$0.00
B. Fringe Benefits	\$0.00
C. Travel	\$0.00
D. Equipment (OCO)	.00
E. Supplies	\$5,000.00
F. Construction	\$1,165,000.00
G. Consultants/Contracts	\$80,000.00
H. Other Costs	\$0.00
<b>TOTAL</b>	<b>\$1,250,000.00</b>

### **Standard Budget Terms**

All items, quantities, and/or prices below are estimates based on the information available at the time of application or amendment.

The item(s) below may include additional individually priced, operationally necessary accessories, components, and/or peripherals and may be categorized as a “kit”, “bundle”, “system”, etc.

Award funds may be used to pay for applicable shipping, freight, and/or installation costs.

### **E. Supplies = \$5,000.00**

Award funds will be used to purchase fire safety and first-aid supplies, as well as, printed signs/labels for the multi-purpose facility. These purchases will allow for the City to comply with fire and safety regulations, as well as provide instructional guides/directions within the multi-purpose facility.

Fire safety and first-aid supplies = \$2,500.00

\*\*\*\* contingent activities and cost breakdown are TBD until supplies estimates and analysis is conducted for fire safety and first-aid supplies. The City will submit a scope and budget amendment to detail these costs once more information is known. \*\*\*\*

Printed signs/labels: \$2,500.00

\*\*\*\* contingent activities and cost breakdown are TBD until supplies estimates and analysis is conducted for printed signs/labels supplies. The City will submit a scope and budget amendment to detail these costs once more information is known. \*\*\*\*

#### **F. Construction = \$1,165,000.00**

Award funds will be used to hire a contractor to construct a multi-purpose training facility, as well as, repair and paint the range rappel tower for the PBDP.

Construction of a multi-purpose facility: \$1,055,000.00

\*\*\*\* contingent activities and cost breakdown are TBD until construction estimates and analysis is conducted. The City will submit a scope and budget amendment to provide details of activities and associated costs once more information is known. \*\*\*\*

Repairing/painting with associated components for range rappel tower = \$110,000.00

\*\*\*\* contingent activities and cost breakdown are TBD until construction estimates and analysis is conducted. The City will submit a scope and budget amendment to provide details of activities and associated costs once more information is known. \*\*\*\*

#### **G. Consultants/Contracts = \$80,000.00**

Award funds will be used to procure services for a design/engineering firm (TBD) to provide architectural design services and draft plans for the construction of the multi-purpose facility. This may include, but is not limited to: required survey, site civil design, architectural design, electrical design, mechanical design, and security requirements of the proposed project.

Design/engineering firm: \$80,000.00

\*\*\*\* contingent activities and cost breakdown are TBD until consultants/contracts estimates and analysis is conducted. The City will submit a scope and budget amendment to provide details of activities and associated costs once more information is known. \*\*\*\*

## Appendix D - Fiscal Year 2023-2024 State Financial Assistance Standard Conditions

The following terms and conditions will be binding upon approval of the grant award and execution of the contract by both the Recipient and the Florida Department of Law Enforcement. The Recipient will maintain required registrations and certifications for eligibility under this program.

The Department and the Recipient agree that they do not contemplate the development, transfer or receipt of intellectual property as a part of this agreement.

### SECTION I: PROJECT IMPLEMENTATION

**Legal Authority:** The Recipient certifies with respect to this agreement that it possesses the legal authority to receive the funds to be provided under this agreement and that, if applicable, its governing body has authorized, by resolution or otherwise, the execution and acceptance of this agreement with all covenants and assurances contained herein. The Recipient also certifies that the undersigned possesses the authority to legally execute and bind Recipient to the terms of this agreement.

**Not Operational within 60 and 90 Days:** If a project is not operational within 60 days of the original start date of the award period, the Recipient must report by letter to the Department the steps taken to initiate the project, the reasons for delay, and the expected start date. If a project is not operational within 90 days of the original start date of the award period, the Recipient must submit a second statement to the Department explaining the implementation delay. Upon receipt of the 90-day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, require additional project documentation and justifications throughout the award period. The Department will also require the Recipient provide a revised project timeline that includes all anticipated project activities, tasks, and estimated completion date(s).

### SECTION II: PAYMENTS

**Obligation to Pay:** The State of Florida's obligation to pay under this agreement is contingent upon an appropriation by the Legislature.

**Overpayments:** Any funds paid in excess of the amount to which the Recipient is entitled under the terms and conditions of the agreement must be refunded to the Department. Any balance of unobligated cash that has been paid and has not been authorized to be retained for direct program costs in a subsequent period must be refunded to the Department.

**Advance Funding:** Advance funding may be provided to a subrecipient upon completion and submission of a Cash Advance Request form to the Department. The request must be signed by the Chief Financial Officer or the Chief Financial Officer designee. Advance funding should be requested only when the Subrecipient has an imminent and specific need to expend project funds. Cash advances must be spent on project costs within 30 days of receipt. Should extenuating circumstances arise which prevent the expenditure of advance funds within 30 days of receipt, a written request to retain the funds must be provided by the recipient and approved by the Department. An expenditure claim for advance funding must be submitted to the Department within 45 days of advance funding receipt.

### SECTION III: PROJECT AND GRANT MANAGEMENT

**Personnel Changes:** The recipient must notify the FDLE grant manager of any change in the Chief Officials or Project Director or any change in contact information, including mailing address, phone number, email, or title change.

**Obligation of Grant Funds:** Grant funds shall not under any circumstances be obligated prior to the effective date, or subsequent to the termination date, of the period of performance. Only project costs incurred on or after the effective date, and on or prior to the termination date of the Recipient's project are

eligible for reimbursement. All payments must be completed within thirty (30) days of the end of the grant period of performance.

**Financial Management:** The Recipient must have a financial management system able to record and report on the receipt, obligation, and expenditure of grant funds. An adequate accounting system must be able to separately track receipts, expenditures, assets, and liabilities for awards, programs, and subrecipients. The Recipient shall maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices. Recipient must have written procedures for procurement transactions.

**Travel:** Cost for travel shall be reimbursed at the Recipient's travel rate, but the maximum reimbursement for each type of travel cost shall not exceed rates established in State of Florida Travel Guidelines, §112.061, F.S.

**Subcontracts:** Recipient agrees that all employees, subcontractors, or agents performing work under the agreement shall be properly trained individuals who meet or exceed any specified training qualifications. Recipient agrees to be responsible for all work performance and all expenses incurred in fulfilling the obligations of this agreement, and will not assign the responsibility for this agreement to another party. If the Recipient subcontracts any or all of the work required under this agreement, the Recipient must provide a completed DFS-A2-NS (Recipient-Subrecipient vs. Vendor Determination) form and a copy of the executed subcontract within thirty (30) days after execution of the subcontract. The Recipient agrees to include in the subcontract that (i) the subcontractor is bound by all applicable state and federal laws and regulations, and (ii) the subcontractor shall hold the Department and Recipient harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this agreement, to the extent allowed and required by law.

**Grant Adjustments:** Recipients must submit a Request for Grant Adjustment to the FDLE grant manager for substantive changes such as: scope modifications, changes to project activities, target populations, service providers, implementation schedules, project director, designs or research plans set forth in the approved agreement, and for any budget changes affecting a cost category that was not included in the original budget. Recipients may transfer up to 10% of the total budget between current, approved budget categories without prior approval, as long as the funds are transferred to an existing line item. Adjustments are required when there will be a transfer of 10% or more of the total budget between budget categories. Under no circumstances can transfers of funds increase the total award. Requests for changes to the grant agreement must be signed by the Recipient or Implementing Agency's chief official or the chief official's designee. All requests for changes must be submitted no later than thirty (30) days prior to grant expiration date.

**Property Management:** The Recipient shall establish and administer a system to protect, preserve, use, maintain, and dispose of any property furnished to it by the Department or purchased pursuant to this agreement.

#### SECTION IV: MANDATORY DISCLOSURES

**Conflict of Interest:** The Recipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. Recipients must disclose in writing any potential conflict of interest to the Department.

**Violations of Criminal Law:** The Recipient must disclose all violations of state or federal criminal law involving fraud, bribery or gratuity violations potentially affecting the grant award.

**Convicted Vendors:** The Recipient shall disclose to the Department if it, or any of its affiliates, as defined in §287.133(1)(a) F.S., is on the convicted vendor list. A person or affiliate placed on the convicted vendor list following a conviction for a public entity crime is prohibited from doing any activities listed in the agreement for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

**Vendors on Scrutinized Companies Lists:** If this agreement is in the amount of \$1 million or more, Recipient certifies upon executing this agreement, that it is not listed on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to §215.473, F.S., or engaged in business operations in Cuba or Syria. In the event that federal law ceases to authorize the states to adopt and enforce the contracting prohibition identified herein, this provision shall be null and void.

**Discriminatory Vendors:** The Recipient shall disclose to the Department if it or any of its affiliates, as defined by §287.134(1)(a), F.S. appears on the discriminatory vendors list. An entity or affiliate placed on the discriminatory vendor list pursuant to §287.134, F.S. may not a) submit a bid, proposal, or reply on a contract or agreement to provide any goods or services to a public entity; b) submit a bid, proposal, or reply on a contract or agreement with a public entity for the construction or repair of a public building or public work; c) submit bids, proposals, or replies on leases of real property to a public entity; d) be awarded or perform work as a contractor, subcontractor, Recipient, supplier, subrecipient, or consultant under a contract or agreement with any public entity; or e) transact business with any public entity.

**Reporting Potential Fraud, Waste, Abuse, and Similar Misconduct:** The Recipient must promptly refer to the Department of Law Enforcement, Office of Criminal Justice Grants any credible evidence that a principal, employee, agent, contractor, subcontractor, or other person has either 1) submitted a claim for grant funds that violates the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds.

**Non-Disclosure Agreements:** Restrictions and certifications regarding non-disclosure agreements and related matters Recipients or contracts/subcontracts under this award may not require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits, restricts or purports to prohibit or restrict, the reporting of waste, fraud or abuse in accordance with law, to an investigative or law enforcement representative of a state or federal department or agency authorized to receive such information. The Recipient certifies that if informed or notified of any subrecipient, or contractor/subcontractor has been requiring their employees to execute agreements or statements that prohibit the reporting of fraud, waste, or abuse that it will immediately cease all further obligations of award funds to the entity and will immediately notify the Department. The Recipient will not resume obligations until expressly authorized to do so from the Department.

## **SECTION V: COMPLIANCE WITH STATUTES, RULES, AND REGULATIONS**

In performing its obligations under this agreement, the Recipient shall without exception be aware of and comply with all State and Federal laws, rules and regulations relating to its performance under this agreement as they may be enacted or amended from time-to-time, as well as any court or administrative order, judgment, settlement or compliance agreement involving the Department which by its nature affects the services provided under this agreement. The following are examples of rules and regulations that govern Recipient's performance under this agreement.

**Lobbying Prohibited:** The Recipient shall comply with the provisions of 11.062 and 216.347, F.S., which prohibit the expenditure of funds for the purpose of lobbying the Legislature, judicial branch, or a State agency. No funds or other resources received from the Department in connection with this agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

**State of Florida E.O. 20-44: Public-Private Partnerships:** Any entity named in statute with which the agency must form a sole-source, public-private agreement; and any nongovernmental Recipient receiving 50% or more of their annual budget from any combination of state or federal funding must submit an annual report to the Office of Criminal Justice Grants. The report must include the most recent IRS Form 990, detailing the total compensation for the entities' executive leadership teams. Total compensation shall include salary, bonuses, cashed-in leave, cash equivalents, severance pay, retirement benefits, deferred compensation, real-property gifts, and any other payout. In addition, the Recipient must agree through appropriate contract or grant agreement amendment to inform the agency of any changes in total executive

compensation between the annual reports. All compensation reports must indicate what percent of compensation comes directly from the State or Federal allocations to the Recipient.

**Civil Rights:** The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.) and shall not discriminate against any employee (or applicant for employment) in the performance of this agreement because of race, color, religion, sex, national origin, disability, age, or marital status. These requirements shall apply to all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to clients or employees in connection with its programs and activities.

**E-Verify:** The Department shall consider the employment by any contractor of unauthorized aliens a violation of section 274(e) of the Immigration and Nationalization Act. Such violation shall be cause for unilateral cancellation of this contract. Pursuant to F.S. 448.095, the Contracting Party and any subcontractors are required to register with and use the E-Verify system operated by the U.S. Department of Homeland Security beginning on January 1, 2021. The Contracting Party and any subcontractors are prohibited from entering into contracts with one another unless all parties register and use the E-Verify system. Subcontractors who enter into contracts with the Contracting Party are required to provide a certification that the subcontractor does not employ or use unauthorized aliens as defined in the statute, a copy of which the Contracting Party must maintain. The Contracting Party and any subcontractors are required to terminate a contract if a party has a good faith belief that another party is in violation of F.S. 448.09(1), prohibiting the employment of unauthorized aliens. If a public employer has a good faith belief that the subcontractor has violated these requirements, but that the Contracting Party has otherwise complied, the public employer must notify the Contracting Party to terminate its contract with the subcontractor. A party may challenge a contract termination in accordance with these requirements. A penalized Contractor is prohibited from obtaining another contract with a public employer for at least one year.

**Background Check:** Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of Chapter 435 F.S., shall apply. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile record checks through the Florida Department of Law Enforcement, and federal criminal record checks through the Federal Bureau of Investigation, and may include local criminal record checks through local law enforcement agencies.

**Public Records:** As required by 287.058(1)(c), F.S., the Recipient shall allow public access to all documents, papers, letters, or other public records as defined in 119.011(12), F.S. as prescribed by 119.07(1) F.S., made or received by the Recipient in conjunction with this agreement, except public records which are made confidential by law must be protected from disclosure. It is expressly understood that the Recipient's failure to comply with this provision shall constitute an immediate breach of contract, for which the Department may unilaterally terminate this agreement.

**Independent Contractor, Subcontracting and Assignments:** In performing its obligations under this agreement, the Recipient shall at all times be acting in the capacity of an independent contractor and not as an officer, employee, or agent of the State of Florida. Neither the Recipient nor any of its agents, employees, subcontractors or assignees shall represent to others that it is an agent of or has the authority to bind the Department by virtue of this agreement, unless specifically authorized in writing to do so.

**Timely Payment of Subcontractors:** To the extent that a subcontract provides for payment after Recipient's receipt of payment from the Department, the Recipient shall make payments to any subcontractor within 7 working days after receipt of full or partial payments from the Department in accordance with §287.0585, F.S., unless otherwise stated in the agreement between the Recipient and subcontractor. Failure to pay within seven (7) working days will result in a penalty that shall be charged against the Recipient and paid by the Recipient to the subcontractor in the amount of one-half of one percent

(.005) of the amount due per day from the expiration of the period allowed for payment. Such penalty shall be in addition to actual payments owed and shall not exceed fifteen (15%) percent of the outstanding balance due.

**Notice of Legal Actions:** The Recipient shall notify the Department of potential or actual legal actions taken against the Recipient related to services provided through this agreement or that may impact the Recipient's ability to complete the deliverables outlined herein, or that may adversely impact the Department. The Department's Grant Manager will be notified within 10 days of Recipient becoming aware of such actions or potential actions or from the day of the legal filing, whichever comes first.

**Property:** In accordance with 287.05805, F.S., any State funds provided for the purchase of or improvements to real property are contingent upon the Recipient granting to the State a security interest in the property at least to the amount of the State funds provided for at least five (5) years from the date of purchase or the completion of the improvements or as further required by law.

## **SECTION VI: RECORDS, AUDITS, AND INFORMATION SECURITY**

**Records Retention:** Retention of all financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to this agreement shall be maintained by the Recipient during the term of this agreement and retained for a period of five (5) years after completion of the agreement or longer when required by law. In the event an audit is required under this agreement, records shall be retained for a minimum period of five years after the audit report is issued or until resolution of any audit findings or litigation based on the terms of this agreement, at no additional cost to the Department. Upon demand, at no additional cost to the Department, the Recipient will facilitate the duplication and transfer of any records or documents during the term of this agreement and the required five (5) year retention period. No record may be withheld, nor may the Recipient attempt to limit the scope of any of the foregoing inspections, reviews, copying, transfers or audits based on any claim that any record is exempt from public inspection or is confidential, proprietary or trade secret in nature; provided, however, that this provision does not limit any exemption to public inspection or copying to any such record. These records shall be made available at all reasonable times for inspection, review, copying, or audit by State, or other personnel duly authorized by the Department.

**Records Inspection:** Pursuant to Section 216.1366, F.S., in order to preserve the interest of the state in the prudent expenditure of state funds, the Department shall be authorized to inspect the (a) Financial records, papers, and documents of the Contractor that are directly related to the performance of the Contract or the expenditure of state funds, and (b) Programmatic records, papers, and documents of the Contractor which the Department determines are necessary to monitor the performance of the Contract or to ensure that the terms of the Contract are being met. The Contractor shall provide such records, papers, and documents requested by the Department within ten (10) business days after the request is made.

**Monitoring:** The Recipient agrees to comply with the Department's grant monitoring guidelines, protocols, and procedures; and to cooperate with the Department on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, site visits, and/or Florida Department of Financial Services contract reviews and Expanded Audits of Payment (EAP). The Recipient agrees to provide the Department all documentation necessary to complete monitoring of the award and verify expenditures in accordance with 215.971, F.S. Further, the Recipient agrees to abide by reasonable deadlines set by the Department for providing requested documents. Failure to cooperate with grant monitoring activities may result in sanctions affecting the Recipient's award, including, but not limited to: withholding and/or other restrictions on the Recipient's access to funds, and/or referral to the Office of the Inspector General for audit review.

**Florida Single Audit Act (FSAA):** The Recipient shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by The Office of the Inspector General (§20.055, F.S.). In the event that the Recipient expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year, the Recipient must have a single audit or project-specific audit in accordance with §215.97, F.S. and the applicable rules of the Department of Financial Services

and the Auditor General. In determining the state financial assistance expended in its fiscal year, the Recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of Law Enforcement, other state agencies, and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements. The schedule of expenditures should disclose the expenditures by contract/agreement number for each contract with the Department in effect during the audit period. All questioned costs and liabilities due the Department shall be fully disclosed in the audit report package with reference to the specific contract number. If the Recipient expends less than \$750,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of 215.97, F.S., is not required. In the event that the Recipient expends less than \$750,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of 215.97, F.S., the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the Recipient's resources obtained from other than State entities). Pursuant to 215.97(8), F.S., state agencies may conduct or arrange for audits of state financial assistance that are in addition to audits conducted in accordance with §215.97, F.S. In such an event, the state awarding agency must arrange for funding the full cost of such additional audits. Any reports, management letters, or other information required to be submitted to the Department pursuant to this agreement shall be submitted within nine (9) months after the end of the Recipient's fiscal year or within 30 days of the Recipient's receipt of the audit report, whichever occurs first, unless otherwise required by Florida Statutes. Copies of financial reporting packages required by this agreement shall be submitted by or on behalf of the Recipient directly to each of the following:

The Department of Law Enforcement:

Florida Department of Law Enforcement  
Office of Criminal Justice Grants  
ATTN: State Financial Assistance  
Post Office Box 1489 Tallahassee, Florida 32302-1489

The Auditor General's Office at:

Auditor General's Office, Room 401  
Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

**Criminal Justice Information Data Security:** Acceptance of this award, constitutes understanding that transmission of Criminal Justice Information (CJI) between locations must be encrypted to conform to the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Security Policy.

**Recipient's Confidential and Exempt Information:** By executing this agreement, the Recipient acknowledges that any information not marked as "confidential" or "exempt" will be posted by the Department on the public website maintained by the Department of Financial Services pursuant to 215.985, F.S. The Recipient agrees that, upon written request of the Department, it shall promptly provide to the Department a written statement of the basis for the exemption applicable to each provision identified by the Recipient as "confidential" or "exempt", including the statutory citation to an exemption created or afforded by statute, and state with particularity the reasons for the conclusion that the provision is exempt or confidential. Any claim by Recipient of trade secret (proprietary) confidentiality for any information contained in Recipient's documents (reports, deliverables or work papers, etc., in paper or electronic form) submitted to the Department in connection with this agreement cannot be waived, unless the claimed confidential information is submitted in accordance with the following two paragraphs.

The Recipient must clearly label any portion of the documents, data, or records submitted that it considers exempt from public inspection or disclosure pursuant to Florida's Public Records Law as trade secret. The labeling will include a justification citing specific statutes and facts that authorize exemption of the information from public disclosure. If different exemptions are claimed to be

applicable to different portions of the protected information, the Recipient shall include information correlating the nature of the claims to the particular protected information.

The Department, when required to comply with a public records request including documents submitted by the Recipient, may require the Recipient to expeditiously submit redacted copies of documents marked as trade secret in accordance with this section. Accompanying the submission shall be an updated version of the justification, correlated specifically to redacted information, either confirming that the statutory and factual basis originally asserted remain unchanged or indicating any changes affecting the basis for the asserted exemption from public inspection or disclosure. The redacted copy must exclude or obliterate only those exact portions that are claimed to be trade secret. If the Recipient fails to promptly submit a redacted copy, the Department is authorized to produce the records sought without any redaction of proprietary or trade secret information.

## **SECTION VII: PENALTIES, TERMINATION, DISPUTE RESOLUTION, AND LIABILITY**

**Financial Penalties for Failure to Take Corrective Action:** Corrective action plans may be required for noncompliance, nonperformance, or unacceptable performance under this agreement. Penalties may be imposed for failures to implement or to make acceptable progress on such corrective action plans.

**Termination:** The Department reserves the right to unilaterally cancel this agreement for refusal by the Recipient to allow public access to all documents, papers, letters or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the Recipient in conjunction with this agreement, unless the records are exempt pursuant to Article I, Section 24(a), of the Florida Constitution and §119.07(1), F.S. The Department shall be the final authority as to the appropriation, availability and adequacy of funds. In the event the Recipient fails to fully comply with the terms and conditions of this agreement, the Department may terminate the agreement upon written notice. Such notice may be issued without providing an opportunity for cure if it specifies the nature of the noncompliance and states that provision for cure would adversely affect the interests of the State or is not permitted by law or regulation. Otherwise, notice of termination will be issued after the Recipient's failure to fully cure such noncompliance within the time specified in a written notice of noncompliance issued by the Department specifying the nature of the noncompliance and the actions required to cure such noncompliance. In addition, the Department may employ the default provisions in Rule 60A-1.006(3), F.A.C., but is not required to do so in order to terminate the agreement. The Department's failure to demand performance of any provision of this agreement shall not be deemed a waiver of such performance. The Department's waiver of any one breach of any provision of this agreement shall not be deemed to be a waiver of any other breach and neither event shall be construed to be a modification of the terms and conditions of this agreement. The provisions herein do not limit the Department's right to remedies at law or in equity. The validity of this agreement is subject to the truth and accuracy of all the information, representations, and materials submitted or provided by the Recipient in this agreement, in any subsequent submission or response to Department request, or in any submission or response to fulfill the requirements of this agreement, and such information, representations, and materials are incorporated by reference. The lack of accuracy thereof or any material changes shall, at the option of the Department and with thirty (30) days written notice to the Recipient, cause the termination of this agreement and the release of the Department from all its obligations to the Recipient. This agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this agreement shall lie in Leon County. If any provision hereof is in conflict with any applicable statute or rule, or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict, and shall be deemed severable, but shall not invalidate any other provision of this agreement. No waiver by the Department of any right or remedy granted hereunder or failure to insist on strict performance by the Recipient shall affect or extend or act as a waiver of any other right or remedy of the Department hereunder, or affect the subsequent exercise of the same right or remedy by the Department for any further or subsequent default by the Recipient. Any power of approval or disapproval granted to the Department under the terms of this agreement shall survive the terms and life of this agreement as a whole. The agreement may be executed in any number of counterparts, any one of which may be taken as an original. In the event of termination, the Recipient will be compensated for any work satisfactorily completed through the date of termination or an earlier date of suspension of work.

**Disputes and Appeals:** The Department shall make its decision in writing when responding to any disputes, disagreements, or questions of fact arising under this agreement and shall distribute its response to all concerned parties. The Recipient shall proceed diligently with the performance of this agreement according to the Department's decision. If the Recipient appeals the Department's decision, the appeal also shall be made in writing within twenty-one (21) calendar days to the Department's clerk (agency clerk). The Recipient's right to appeal the Department's decision is contained in Chapter 120, F.S., and in procedures set forth in Fla. Admin. Code R.28-106.104. Failure to appeal within this time frame constitutes a waiver of proceedings under Chapter 120, F.S. After receipt of a petition for alternative dispute resolution the Department and the Recipient shall attempt to amicably resolve the dispute through negotiations. Timely delivery of a petition for alternative dispute resolution and completion of the negotiation process shall be a condition precedent to any legal action by the Recipient concerning this agreement.

**Liability:** Unless the Recipient is a state agency or subdivision, the Recipient shall be solely responsible to parties with whom it shall deal in carrying out the terms of this agreement, and shall save the Department harmless against all claims of whatever nature by third parties arising out of the performance of work under this agreement. For purposes of this agreement, Recipient agrees that it is not an employee or agent of the Department, but is an independent contractor. Nothing herein shall be construed as consent by a state agency of the State of Florida to be sued by third parties in any matter arising out of any contract. Nothing shall be construed affect in any way the Recipient rights, privileges, and immunities under the doctrine of "sovereign immunity" and as set forth in 768.28, F.S.



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Mariano Augello, Chief of Police

**DATE:** 9/19/2023

**RE:** Consideration of participating in the Drug Recognition Expert (DRE) Call-Out Overtime Reimbursement Program Contract with the Florida Department of Transportation.

The Police Department is requesting City Council's approval to submit an application to participate in the Drug Recognition Expert (DRE) Call-Out Overtime Reimbursement Agreement through The Institute of Police Technology and Management (IPTM) at the University of North Florida. The IPTM has received a subgrant from the Florida Department of Transportation (FDOT) to fund contracts with law enforcement agencies for the reimbursement of qualified overtime costs for Drug Recognition Experts (DREs).

The DRE program operates through a Call-Out Overtime Reimbursement Agreement, which signifies a collaborative effort between the Florida Department of Transportation and law enforcement agencies. By participating in this program, officers receive additional support and resources to carry out their duties effectively, including honing their skills in drug/alcohol-impaired driving investigations and compensation for overtime work. This collaboration helps strengthen the overall response to drug/alcohol-impaired driving and promotes a more coordinated approach.

The scope is limited to actual overtime costs for the performance and immediate documentation of drug influence evaluations related to possible violations of Florida Statute 316.193, Driving Under the Influence. We will seek reimbursement up to \$5,000.00 for any qualifying DRE call-out made during the reporting period.

### **REQUESTING DEPARTMENT:**

Police Department

### **FISCAL IMPACT:**

No fiscal impact at this time. The fiscal impact will be enumerated when the contract agreement is presented for Council approval.

### **RECOMMENDATION:**

Motion to authorize the Palm Bay Police Department's application submission for the Drug Recognition Expert (DRE) Call-Out Overtime Reimbursement Agreement through The Institute of Police Technology and Management (IPTM).

**ATTACHMENTS:**

**Description**

Application for DRE Callout Program Participation



## **Application for Funding Drug Recognition Expert (DRE) Call-Out Overtime Reimbursement Agreement Subgrant Year: 2022 - 2023**



The Institute of Police Technology and Management (IPTM) at the University of North Florida has received a subgrant from the Florida Department of Transportation to fund contracts with law enforcement agencies for the reimbursement of qualified overtime costs for Drug Recognition Experts (DREs).

The scope is limited to actual overtime costs for the performance and immediate documentation of drug influence evaluations related to possible violations of Florida Statute 316.193, Driving Under the Influence.

For each call-out/overtime occurrence, agencies will be required to submit:

- Overtime Call-Out Notification Form
  - o A template will be supplied with contract
- Drug Influence Evaluation form
- An invoice for the actual, fully burdened overtime costs incurred
  - o A template will be supplied with contract
- Payroll or other documentation that verifies the overtime costs incurred
  - o It must show the DRE was on overtime status for the occurrence
  - o It must show the overtime costs incurred for the occurrence

The DRE Overtime Call-Out contract CANNOT be used to reimburse for:

- Work hours that are outside of the contract's effective dates
- Regularly scheduled work hours (straight time)
- Hours worked by a law enforcement officer which the agency is already being reimbursed under another subgrant or other state or federally sourced funding
- Law enforcement officers that do not possess an active certification as a Drug Recognition Expert (DRE) at the time of the occurrence
- Depositions, court appearances, or other legal proceedings
- Activities related to DRE program administration or training
- Prisoner transport, crash investigations, or other law enforcement activities that do not relate to the response to, performance of, and documentation of drug influence evaluations as a result of possible violations of Florida Statute 316.193, Driving Under the Influence

The overtime pay rate for personnel shall be based on the actual cost per employee in accordance with the agency's payroll policy. Each agency shall comply with Fair Labor Standards Act (FLSA) requirements and thresholds for overtime accrual and payment and its own policies and procedures, insofar as those policies apply uniformly to both federally financed and other activities of the agency, as required by 2 CFR 200.403(c). Additional hours may be called overtime, off duty, extra, additional, etc.

To apply for contract funding, complete the attached application and return to:

Tim Cornelius  
Florida DEC Program State Coordinator  
[t.cornelius@unf.edu](mailto:t.cornelius@unf.edu)

For additional information, call 904-620-4216



**Application for Funding  
Drug Recognition Expert (DRE) Call-Out  
Overtime Reimbursement Agreement  
Subgrant Year: 2022 - 2023**



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Applicant organization: \_\_\_\_\_

Please verify the name is listed exactly as it is to be reflected in the contract.

Examples: Town of Anywhere; City of Anywhere Police Department; Anywhere Police Department; Anywhere Sheriff's Office; etc.

Name of official who will sign contract: \_\_\_\_\_

Signing official's title: \_\_\_\_\_

Agency Federal Identification Number: \_\_\_\_\_

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Physical mailing address:

Street address: \_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_ State: FL ZIP Code \_\_\_\_\_

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If we have questions, or need additional information, who should we contact?

Contact name: \_\_\_\_\_

Contact's Title: \_\_\_\_\_

Contact phone: \_\_\_\_\_

Contact email: \_\_\_\_\_

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**Application for Funding  
Drug Recognition Expert (DRE) Call-Out  
Overtime Reimbursement Agreement  
Subgrant Year: 2022 - 2023**



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Funding amount requested: \$ \_\_\_\_\_

As part of the “fully burdened” overtime costs, the agency can be reimbursed for the additional benefit costs paid on the overtime worked. These benefit costs must be additional costs incurred specifically due to the overtime being reimbursed. These benefits may include the associated portions of FICA (Social Security and Medicare), Worker’s Compensation, Retirement benefits, and fixed shift differential costs. Prorated portions of leave accrual, health/life insurance, uniform allowance, salary incentive, and other standard benefits cannot be reimbursed as they are not additional costs incurred specifically due to the overtime worked.

Benefits paid under this contract must be supported by payroll documentation that clearly indicates that the hours worked conducting a drug influence evaluation under this contract were on overtime status along with the overtime rates and benefit rates that were paid.

As this is a cost-reimbursable contract, IPTM can only reimburse for an amount up to the total costs incurred for the overtime worked; therefore, the contracting agency must include either a pay stub or payroll ledger documentation indicating payment to each officer for which reimbursement is requested. It is the responsibility of the agency to redact any personally identifiable information (PII) such as Social Security numbers prior to submission.

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I certify that I am authorized to apply for contract funding on behalf of the above listed organization.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Title



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

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

**DATE:** 9/19/2023

**RE:** Consideration of a budget amendment appropriating funds from the Solid Waste Fund Undesignated Fund Balance to the Solid Waste Fund to cover the September 2023 invoice balance for Republic Services (\$578,000).

The Public Works Department is requesting the use of Solid Waste Fund Undesignated Fund Balance to cover the final Fiscal Year 2023 (September 2023) invoice with an anticipated balance of \$1,170,223 for services provided by the City's solid waste provider, Republic Services.

The total budgeted amount for the service in Fiscal Year 2023 is \$13,068,000. Following the August 2023 invoice payment of \$1,160,151, the available balance on the purchase order will be \$592,223, which is not sufficient funding to cover the estimated September 2023 invoice. To cover the final expenditures for the year, the Public Works Department is requesting a transfer of \$578,000 from the Solid Waste Fund Undesignated Fund Balance to the Solid Waste Fund Other Contractual Services. The additional funding is needed due to the increase in accounts serviced by Republic as the City is experiencing significant population growth.

### **REQUESTING DEPARTMENT:**

Public Works

### **FISCAL IMPACT:**

The additional funding request of \$578,000 will be transferred from Solid Waste Fund Undesignated Fund Balance (account 471-0000-392-3006) to the Solid Waste Fund Other Contractual Services account (471-7037-534-3418) on the next scheduled Budget Amendment.

### **RECOMMENDATION:**

Motion to approve the appropriation of funds in the amount of \$578,000 from Solid Waste Fund Undesignated Fund Balance to Solid Waste Fund Other Contractual Services to cover the September 2023 invoice balance for Republic Services.

### **ATTACHMENTS:**

Description



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**DATE:** 9/19/2023

**RE:** Consideration of travel and training for specified City Employee (Growth Management Department).

The Growth Management Department would like to request City Council's acknowledgement and approval for the new Growth Management Director, Lisa Frazier, to fulfill a prior commitment to participate as a panelist while attending the 2023 Florida Redevelopment Association (FRA) Annual Conference. The Conference will be from October 25th through October 26th, 2023, in Ponte Vedra Beach, Florida. Ms. Frazier will leave on the morning of October 25 and return to work October 27, 2023.

Although Ms. Frazier will not have a role over the City's Bayfront Community Redevelopment Agency, her position with the City as Growth Management Director will require collaboration with the Bayfront CRA. The sessions at the Conference will provide credits toward her application for designation of AICP (American Institute of Certified Planners) by the American Planning Association and such knowledge can be used for making informed planning decisions by utilizing proper data, which will also benefit the City of Palm Bay.

The cost to the City will be the registration fee of \$395. The hotel and any other costs will be covered by Ms. Frazier personally. Although this was not included in the Fiscal Year 2024 training and travel spreadsheet, the Growth Management Department will have funds available within the Travel & Training account.

### **REQUESTING DEPARTMENT:**

City Manager's Office

### **FISCAL IMPACT:**

This travel will be funded within the Fiscal Year 2024 budget. The total cost for this conference will be \$395 and will be available within account number 001-3311-515-5501.

### **RECOMMENDATION:**

Motion to acknowledge and approve travel and training for the new Growth Management Director to be funded within Fiscal Year 2024.

### **ATTACHMENTS:**

**Description**

Travel Advance



# CITY OF PALM BAY, FLORIDA

## Travel Request/Advance Request

Control #

Request Date: 8/31/2023

Contact/Ext Angela Burak x3207

<b>Name:</b> Lisa Frazier		<b>Destination:</b> 2023 Florida Redevelopment Association (FRA) Annual Conference - Ponte Vedra Beach, FL				
<b>Department/Division:</b> CMO / GM		<b>Departure</b> <b>Date of:</b> 10/25/2023 <b>Time of:</b> 7am		<b>Return</b> <b>Date of:</b> 10/26/2023 <b>Time of:</b> 8pm		
<b>Account To Be Charged:</b> 001-3311-515-4001 & 5501		<b>Estimated Cost:</b> before mileage reimbursement <b>\$395.00</b>				
<b>Purpose of Travel</b> (Specify Conference, School or Other Reason) - <b>ATTACH ITINERARY</b> attendance to the 2023 Florida Redevelopment Association (FRA) Annual Conference. Only requesting registration fee as new employee with prior obligations.						
<b>Date Approved By Council :</b>						
<b>Transportation:</b> boldface or circle choice(s) <span style="border: 1px solid red; border-radius: 50%; padding: 2px;">POV - Estimated Mileage</span> City Vehicle Common Carrier (complete below)						
<b>PREPAID EXPENSES</b>		<b>VENDOR/ADDRESS</b>		<b>EXPLANATION</b>	<b>AMOUNT</b>	<b>FINANCE USE ONLY</b>
Registration		FRA Annual Conference		Registration: \$395		Vendor # Check #
Due Date						Date
Hand Carry Y N		via A.Burak Pcard			\$395.00	
Lodging		Sawgrass Marriott Golf Resort &		Rate \$199.00 ea nt/ \$10 daily resort fee		Vendor # Check #
Due Date				# Nights 1		Date
Hand Carry Y N		via A.Burak Pcard			na	
Common Carrier (if applicable)						Vendor # Check #
Due Date						Date
Hand Carry Y N		Tolls -est. at \$8 ea way			na	
Other Expenses		Hotel Parking				Vendor # Check #
Due Date				\$17 per day self park		Date
Hand Carry Y N					na	
Other Expenses						Vendor # Check #
Due Date				Hotel tax (held with card, will come off - tax exempt)		Date
Hand Carry Y N					na	
<b>PER DIEM ADVANCE</b> <b>Refer to www.gsa.gov for rates - attach proof of rate</b> (Lodging prepaid - receipt required)						Vendor # Check #
Breakfast		@	\$16.00	=	\$0.00	Date
Lunch		@	\$17.00	=	\$0.00	
Dinner		@	\$31.00	=	\$0.00	
Incidentals		@	\$5.00	=	\$0.00	
					\$0.00	

### TRAVEL APPROVALS

Department Head

Date

Finance

Date

(if applicable)

City Manager

Date



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Mariano Augello, Chief of Police

**DATE:** 9/19/2023

**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:

Per Admin Code AC 1-33 "Travel for City Business Restriction", if travel arises unexpectedly and is required by the circumstances to be completed prior to the next regular meeting of the City Council, the travel shall be approved by the City Manager and then placed on the next regular City Council Meeting. Therefore, the Police Department sent to the City Manager and was approved in writing on September 8, 2023, and is now requesting acknowledgement and approval by Council for the following employees for travel:

Detective Matthew Boggess and Lieutenant Thomas Ribnicky traveled to Guntersville, AL and Rome, GA September 8-11, 2023, to conduct interviews regarding a current and ongoing Homicide Investigation. The Lodging Cost is estimated at \$344.22, and the per diem is estimated at \$386.00 with an approximate total of \$730.22. This will be paid out of the Investigations Account (3501).

**REQUESTING DEPARTMENT:**

Police Department

**FISCAL IMPACT:**

The total cost of travel for FY23 is estimated at \$730.22 and is available in 001-5013-521-3501 (\$730.22).

**RECOMMENDATION:**

Motion to acknowledge and approve travel as mentioned above.

**ATTACHMENTS:**

Description



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Mariano Augello, Chief of Police

**DATE:** 9/19/2023

**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:

*The following travel requests will be travel that is included on the master spreadsheet of Fiscal Year (FY) 2024 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 FY 2024, October 2023 to December 2023, and would need City Council's approval prior to the approval of the FY 2024 Budget to register and book this travel. Therefore, the Police Department would like for Council to acknowledge and approve travel as noted below:*

Commander Jeff Spears, Sergeant Stephanie Fay, Sergeant Marlena Hentschel, and Wellness Coordinator Officer Ron Lugo will be traveling to Dallas, Texas from October 28, 2023 through November 1, 2023, to attend the Women in Law Enforcement and Mental Health Summit. This summit focuses specifically on any updates or new training that is available for the mental health and wellness of law enforcement personnel to ensure occupational safety. The key themes that will be focused on will be mental health awareness/support, guidance with compassion, and knowledge transfer with peer-to-peer engagement.

The training will be held approximately 1,161 miles away. The Registration Cost is estimated at \$4,580.00, the Lodging Cost is estimated at \$2,952.00, and the Airline/Baggage Cost is estimated at \$2760.00, the Transportation Cost is estimated at \$800.00, and the per diem is estimated at \$952.00. The approximate total cost is estimated at \$12,044.00. These costs will be paid from the Executive Division Account (5010), the Uniform Services Division Account (5012), and the Investigation Division Account (5013).

**REQUESTING DEPARTMENT:**  
Police Department

**FISCAL IMPACT:**

The total cost of travel for FY 2024 is estimated at \$12,044.00 and is available in 001-5010-521-4001 (\$2,112); 001-5010-521-5501 (\$1,145); 001-5012-521-4001 (\$2,112); 001-5013-521-4001 (\$1,145); 001-5013-521-4001 (\$3,240); and 001-5013-521-5501 (\$2,290).

**RECOMMENDATION:**

Motion to acknowledge and approve travel as mentioned above.

**ATTACHMENTS:**

**Description**



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Larry Wojciechowski, Finance Director

**DATE:** 9/19/2023

**RE:** Acknowledgement of the City's monthly financial report for July 2023 (Unaudited).

Attached for your information is the monthly financial report which provides an overview of the City's financial activities for July 2023. July is the tenth month of the fiscal year and represents 83% of the annual budget year.

Citywide cash and investments increased by \$32.9 million or 10.8% in comparison to the prior year. This is primarily due to increased balances in Impact Fee funds, Utilities funds, and General Fund. This also contributed to the increase in Citywide revenues.

The General Fund is the City's primary operating fund. General Fund revenues received through July were \$86.4 million and are 80.8% of the annual budget. General Fund expenditures through the end of July were \$73.5 million and are 68.7% of the annual budget. General Fund total cash & investments on July 31, 2023 was \$50.6 million, which is \$15.1 million or 42.4 % higher than one year ago.

General Fund revenues collected through July 31, 2023, overall were 17.9% higher than the revenues collected during the same period last year. The overall increase was mainly attributable to an increase in revenue collections from Ad Valorem Taxes and State shared revenues compared to the same period last year.

General Fund expenditures through July 31, 2023, overall were 8.5% higher than expenditures incurred during the same period last year. Pages 14 through 16 provide a summary of all funds' budget, revenues and expenditures posted for July 31, 2023.

**REQUESTING DEPARTMENT:**  
Finance

**FISCAL IMPACT:**  
None.

**RECOMMENDATION:**  
Motion to acknowledge receipt of the July 2023 Financial Report.

**ATTACHMENTS:**

**Description**

July 31, 2023 Monthly Financial Report



# MONTHLY FINANCIAL REPORT (UNAUDITED)

## JULY 2023

### City of Palm Bay, Florida

#### Report Summary



<b>Financial Report Summary</b>	Page 1
<b>General Fund</b>	
➤ Year-to-Date Revenue	Page 2
➤ Year-to-Date Expenditures	Page 3
➤ Cash & Investments	Page 4
➤ Operating Statement & Change in Fund Balance	Page 5
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<b>Impact Fee Funds</b>	
➤ Cash & Investments	Page 7
➤ Fund Equity	Page 8
<b>Utilities Fund</b>	
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<b>Stormwater Fund</b>	
➤ Cash & Fund Equity	Page 10
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<b>General Obligation Road Program Funds</b>	
➤ Cash & Fund Equity	Page 12
<b>Financial Activity by Fund</b>	
➤ General Fund, Special Revenue Funds, and Impact Fee Funds	Page 14
➤ Debt Service Funds and Capital Projects Funds	Page 15
➤ Enterprise Funds and Internal Service Funds	Page 16

# MONTHLY FINANCIAL REPORT (UNAUDITED)

JULY 2023

CITY OF PALM BAY, FLORIDA



The City of Palm Bay, Florida's (the "City") monthly financial report presents an overview and analysis of the City's financial activities during the month of July 2023. July is the tenth month of the fiscal year and represents 83% of the annual budget.

## Financial Report Summary

- Citywide revenues<sup>1\*</sup> of \$212.0 million are at 48.2% of the annual budget. Citywide expenditures<sup>1\*</sup> of \$181.7 million are at 41.3% of the annual budget. Traditionally revenue collections are two months in arrears. For this reason, certain revenues for grants and other governmental resources are accrued at year end to reflect the period in which it represents.
- Citywide cash and investments increased by \$33.0 million, or 10.8%, in comparison to the prior year. This was primarily due to increased balances in Impact Fee funds (\$19.6m), Utilities funds (\$11.0m), and the General Fund (15.1m).
- Citywide revenues<sup>1\*</sup> increased by \$16.2 million, or 8.3% in comparison to the prior year.

Citywide - Cash & Investments <sup>1</sup>		Citywide - Revenues <sup>1*</sup>		Citywide - Expenditures <sup>1*</sup>	
7/31/2023	\$ 337,977,116.41	7/31/2023	\$ 211,960,447.99	7/31/2023	\$ 181,679,996.88
7/31/2022	305,020,758.51	7/31/2022	195,795,095.80	7/31/2022	145,948,882.76
<b>Increase</b>	<b>10.8% \$ 32,956,357.90</b>	<b>Increase</b>	<b>8.3% \$ 16,165,352.19</b>	<b>Increase</b>	<b>24.5% \$ 35,731,114.12</b>

<sup>1</sup> Not including Cash, Revenues, or Expenditures from PB Municipal Foundation.

\* Not including interfund transfers

- General Fund revenues of \$86.4 million are at 80.8% of the annual budget. This is an increase of \$13.1 million, or 17.9%, in comparison to the prior year.
- General Fund expenditures of \$73.5 million are at 68.7% of the annual budget. This is an increase of \$5.8 million, or 8.5%, in comparison to the prior year.
- General Fund cash and investments increased by \$15.1 million, or 42.4%, in comparison to the prior year. Of this increased General Fund cash, \$234,256 is reserved.

General Fund - Cash & Investments		General Fund - Revenues		General Fund - Expenditures	
7/31/2023	\$ 50,671,591.49	7/31/2023	\$ 86,365,234.23	7/31/2023	\$ 73,489,450.09
7/31/2022	35,582,325.98	7/31/2022	73,281,799.98	7/31/2022	67,711,540.39
<b>Increase</b>	<b>42.4% \$ 15,089,265.51</b>	<b>Increase</b>	<b>17.9% \$ 13,083,434.25</b>	<b>Increase</b>	<b>8.5% \$ 5,777,909.70</b>

The General Fund is the City's primary operating fund and is used to account for all resources except those that are required to be accounted for in another fund.

*This report contains unaudited information. If you have any questions or comments on the financial reports, please contact Larry Wojciechowski, Finance Director, or Ruth Chapman, Assistant Finance Director.*

City Website: <http://www.palmbayflorida.org/>  
Finance Website: [www.palmbayflorida.org/finance](http://www.palmbayflorida.org/finance)

**MONTHLY FINANCIAL REPORT (UNAUDITED)****JULY 2023**

CITY OF PALM BAY, FLORIDA

**General Fund (GF) Revenues - Summary**➤ **FY 2023 YTD Revenue Variance**

As Compared to Prior Year

	Prior YTD	Current YTD	% Variance	Annual Budget
Ad Valorem Taxes (1)	\$ 38,307,768	\$ 46,669,882	21.8%	\$ 46,501,681
Local Option Fuel Tax	3,245,769	3,501,522	7.9%	4,159,113
Utility Service Taxes (2)	6,748,200	7,647,598	13.3%	9,699,000
Communication Service Tax	1,781,712	1,887,765	6.0%	2,784,721
Franchise Fees (3)	4,232,825	4,869,192	15.0%	6,248,250
State Shared Revenues (4)	3,423,452	3,941,571	15.1%	5,950,921
Half Cent Sales Tax	5,718,280	6,158,475	7.7%	7,868,633
Licenses and Permits (5)	873,805	1,136,606	30.1%	746,300
Grants and Other Entitlements (6)	308,595	640,307	107.5%	796,790
Charges for Services	5,360,278	5,671,006	5.8%	5,981,418
Fines and Forfeitures (7)	451,906	348,867	-22.8%	493,500
Interest, Rents & Other Revenues (8)	471,310	2,349,098	398.4%	986,900
Interfund Transfers & Other Sources (9)	2,357,900	1,543,343	-34.5%	2,431,912
Fund Balance	-	-	0.0%	12,252,743
	<b>\$ 73,281,800</b>	<b>\$ 86,365,234</b>	<b>17.9%</b>	<b>\$ 106,901,882</b>

(1) Increase primarily due to higher year-to-date collections of Ad Valorem Taxes in FY23.

(2) Increase primarily due to higher year-to-date electric Utility Service Taxes in FY23.

(3) Increase primarily due to higher year-to-date collections of Franchise Fees in FY23.

(4) Increase primarily due to higher year-to-date collections of State Shared Revenues in FY23.

(5) Increase primarily due to higher year-to-date collections of Driveway Permits in FY23.

(6) Increase primarily due to higher year-to-date collections of Dept. of Justice grants in FY23.

(7) Decrease primarily due to lower year-to-date collections of Code Compliance fines in FY23.

(8) Increase primarily due to increased year-to-date interest income in FY23.

(9) Decrease primarily due to lower budgeted transfers to General Fund and lower year-to-date sales proceeds received in FY23.

# MONTHLY FINANCIAL REPORT (UNAUDITED)

JULY 2023

CITY OF PALM BAY, FLORIDA



## General Fund (GF) Expenditures - Summary

### ➤ FY 2023 YTD Expenditure Variance As Compared to Prior Year

	Prior YTD	Current YTD	% Variance	Annual Budget
Legislative (1)	\$ 815,154	\$ 726,703	-10.9%	\$ 915,387
City Manager (2)	864,453	1,131,731	30.9%	1,968,425
City Attorney (3)	306,932	337,664	10.0%	532,264
Procurement	522,865	477,961	-8.6%	758,949
Finance (4)	1,097,516	1,257,193	14.5%	1,639,871
Information Technology (5)	2,600,095	3,829,106	47.3%	7,127,902
Human Resources (6)	394,520	453,026	14.8%	862,802
Growth Management (7)	1,320,803	1,718,880	30.1%	2,419,388
Comm & Economic Dev. (8)	579,868	755,315	30.3%	1,117,692
Recreation (9)	1,306,179	1,700,560	30.2%	2,493,998
Parks and Facilities	5,375,237	4,866,696	-9.5%	8,020,759
Police (10)	18,871,213	22,342,593	18.4%	31,935,670
Fire (11)	13,851,346	15,716,433	13.5%	22,898,100
Public Works (12)	4,910,364	5,818,762	18.5%	9,513,134
Non-Departmental	4,776,347	5,071,426	6.2%	6,457,874
Transfers (13)	10,118,647	7,285,403	-28.0%	8,239,667
	<b>\$ 67,711,540</b>	<b>\$ 73,489,450</b>	<b>8.5%</b>	<b>\$ 106,901,882</b>

(1) Increase primarily due to implementation of wage study recommendations in FY23.

(2) Increase primarily due to implementation of wage study recommendations and hiring second Deputy City Manager in FY23.

(3) Increase primarily due to implementation of wage study recommendations for the City Attorney in FY23.

(4) Increase primarily due to implementation of wage study recommendations in FY23.

(5) Increase primarily due to more personnel, implementation of wage study recommendations, and higher operating costs in FY23.

(6) Increase primarily due to implementation of wage study recommendations in FY23.

(7) Increase primarily due to implementation of wage study and more personnel in Land Development Division in FY23.

(8) Increase primarily due to more personnel, including Asst. Director position, implementation of wage study, & \$51,000 for Strategic Plan in FY23.

(9) Increase primarily due to implementation of wage study and increased operating costs in FY23.

(10) Increase primarily due to higher year-to-date costs for personnel and capital expenditures in FY23.

(11) Increase primarily due to purchase of fire apparatus and higher year-to-date personnel costs in FY23.

(12) Increase primarily due to higher year-to-date costs for personnel and operating expenditures in FY23.

(13) Decrease primarily due to lower budgeted transfers to Fleet Fund in FY23.

	YTD Actual	YTD Budget	Annual Budget	% Spent
Debt Service	\$ 5,810,946.54	\$ 5,658,166	\$ 6,789,799	85.6%
Personnel	50,267,106.76	54,477,575	65,373,090	76.9%
Operating	13,318,864.24	17,404,153	20,884,983	63.8%
Capital	2,618,076.55	10,336,785	12,404,142	21.1%
Contributions	-	-	-	0.0%
Transfers	1,474,456.00	1,208,223	1,449,868	101.7%
Reserves	-	-	-	0.0%
	<b>\$ 73,489,450.09</b>	<b>\$ 89,084,902</b>	<b>\$ 106,901,882</b>	<b>68.7%</b>

The total budgeted expenditures for FY23 are \$106,901,882 (including encumbrances from prior year and budget amendments). Of this amount, \$65,373,090, or 61.2%, is related to personnel costs.

# MONTHLY FINANCIAL REPORT (UNAUDITED)

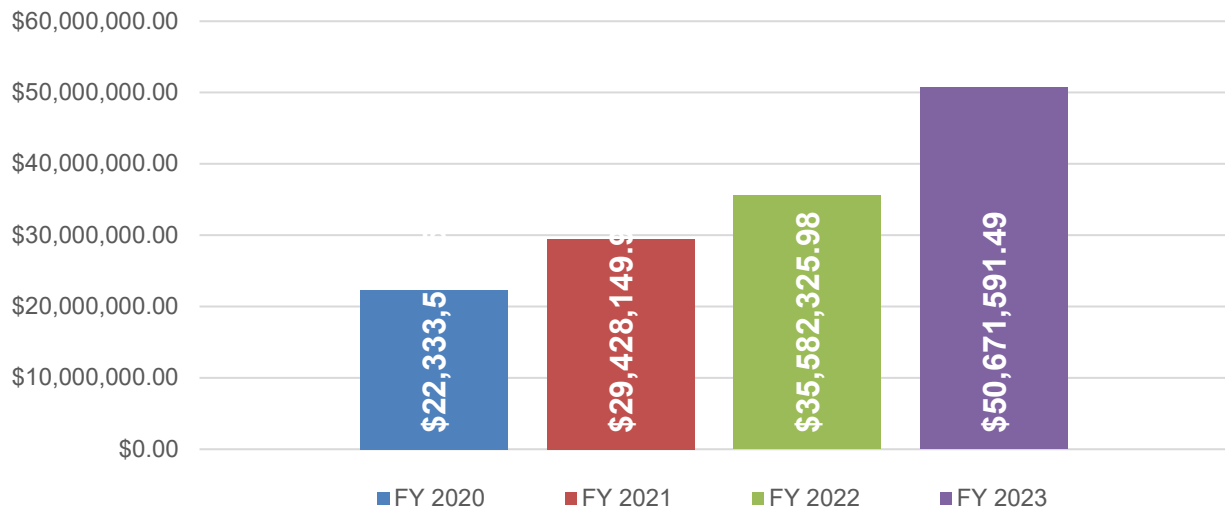
JULY 2023

CITY OF PALM BAY, FLORIDA



## General Fund (GF) Cash & Investments - Summary

### ➤ Year-to-Date (YTD) Cash & Investments Comparisons



General Fund Cash & Investments		General Fund Cash & Investments	
Prior Month Ending Balance	\$ 53,893,495.07	July 2023 Ending Balance	\$ 50,671,591.49
Cash Increase (Decrease)	(3,221,903.58)	Cash Advanced to Other Funds:	
		CDBG Funds #112 and #126	(106,095.08)
Ending Balance 7/31/2023	\$ 50,671,591.49	Total Available Cash & Investments	\$ 50,565,496.41

**MONTHLY FINANCIAL REPORT (UNAUDITED)****JULY 2023**

CITY OF PALM BAY, FLORIDA

**General Fund (GF) Balance - Summary****CITY OF PALM BAY, FLORIDA****OPERATING STATEMENT AND CHANGES IN FUND BALANCES****GENERAL FUND**

For the Month Ended July 31, 2023

	<b>Prior YTD</b>	<b>Current YTD</b>
<b><u>REVENUES</u></b>		
Ad Valorem Taxes	\$ 38,307,768	\$ 46,669,882
Local Option Fuel Tax	3,245,769	3,501,522
Utility Service Taxes	6,748,200	7,647,598
Communication Service Tax	1,781,712	1,887,765
Franchise Fees	4,232,825	4,869,192
State Shared Revenues	3,423,452	3,941,571
Half Cent Sales Tax	5,718,280	6,158,475
Licenses and Permits	873,805	1,136,606
Grants and Other Entitlements	308,595	640,307
Charges for Services	5,360,278	5,671,006
Fines and Forfeitures	451,906	348,867
Interest, Rents and Other Revenues	471,310	2,349,098
Interfund Transfers and Other Sources	2,357,900	1,543,343
<b>Total Revenues</b>	<b>73,281,800</b>	<b>86,365,234</b>
<b><u>EXPENDITURES</u></b>		
Legislative	815,154	726,703
City Manager	864,453	1,131,731
City Attorney	306,932	337,664
Procurement	522,865	477,961
Finance	1,097,516	1,257,193
Information Technology	2,600,095	3,829,106
Human Resources	394,520	453,026
Growth Management	1,320,803	1,718,880
Economic Development	579,868	755,315
Parks and Recreation	1,306,179	1,700,560
Facilities	5,375,237	4,866,696
Police	18,871,213	22,342,593
Fire	13,851,346	15,716,433
Public Works	4,910,364	5,818,762
Non-Departmental	4,776,347	5,071,426
Transfers	10,118,647	7,285,403
<b>Total Expenditures</b>	<b>67,711,540</b>	<b>73,489,450</b>
<b>Excess (Deficiency) of Revenues Over Expenditures</b>	<b>5,570,260</b>	<b>12,875,784</b>
<b>Fund Balance - Beginning</b>	<b>30,613,782</b>	<b>36,968,707.61</b>
<b>Fund Balance - Ending</b>	<b>\$ 36,184,041</b>	<b>49,844,491.75</b>

**MONTHLY FINANCIAL REPORT (UNAUDITED)****JULY 2023**

CITY OF PALM BAY, FLORIDA

**General Fund (GF) Balance - Summary**

The minimum General Fund unrestricted fund balance, as established by Resolution 2021-03 (effective with the preparation of the City's September 30, 2022, Annual Comprehensive Financial Report and adoption of the City's Fiscal Year 2022 Budget), is two months of regular budgetary General Fund operating expenditures. The following is a history of the City's General Fund unrestricted fund balance.

General Fund Balance - History			
	Minimum Required	Unrestricted Fund Balance	Unrestricted Fund Balance %
FY 2022	\$ 13,838,672	\$ 36,044,563	43.4%
FY 2021	7,553,655	29,713,480	39.3%
FY 2020	6,758,163	23,658,524	35.0%
FY 2019	6,784,007	18,205,817	26.8%
FY 2018	6,478,266	14,940,492	23.1%

# MONTHLY FINANCIAL REPORT (UNAUDITED)

JULY 2023

CITY OF PALM BAY, FLORIDA

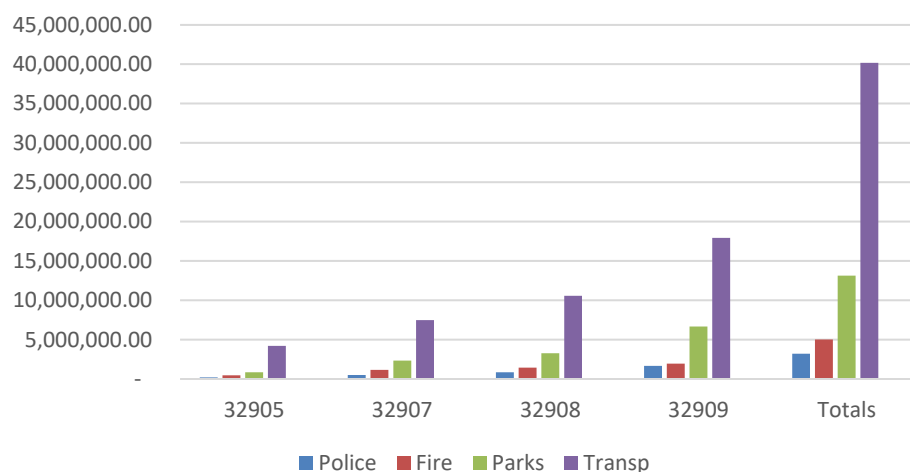


## Impact Fees by Nexus Zone - Cash & Investments – Summary\*

7/31/2023	Zone 1	Zone 2	Zone 3	Zone 4	
	32905	32907	32908	32909	Totals
Police	202,160.54	503,482.07	843,839.84	1,659,129.98	3,208,612.43
Fire	470,943.81	1,153,408.29	1,444,080.52	1,945,915.34	5,014,347.96
Parks	862,602.83	2,346,644.60	3,265,380.94	6,662,158.24	13,136,786.61
Transp	4,198,209.78	7,481,126.66	10,569,950.84	17,923,487.19	40,172,774.47
Totals	5,733,916.96	11,484,661.62	16,123,252.14	28,190,690.75	61,532,521.47

\*Not including Transportation Impact Fees Zone 32909 segregated amount of \$73,467 resulting from an I.L.A. with Brevard County.

## Impact Fees Cash & Investments



# MONTHLY FINANCIAL REPORT (UNAUDITED)

JULY 2023

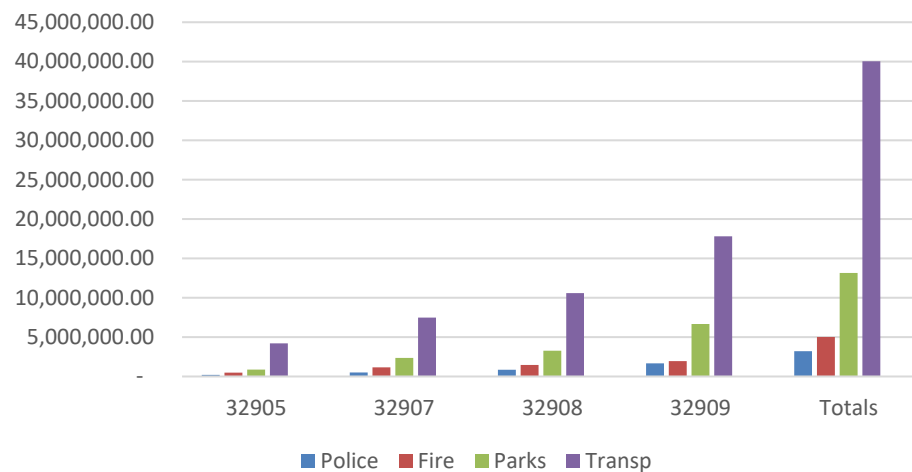
CITY OF PALM BAY, FLORIDA



## Impact Fees by Nexus Zone – Fund Balance - Summary

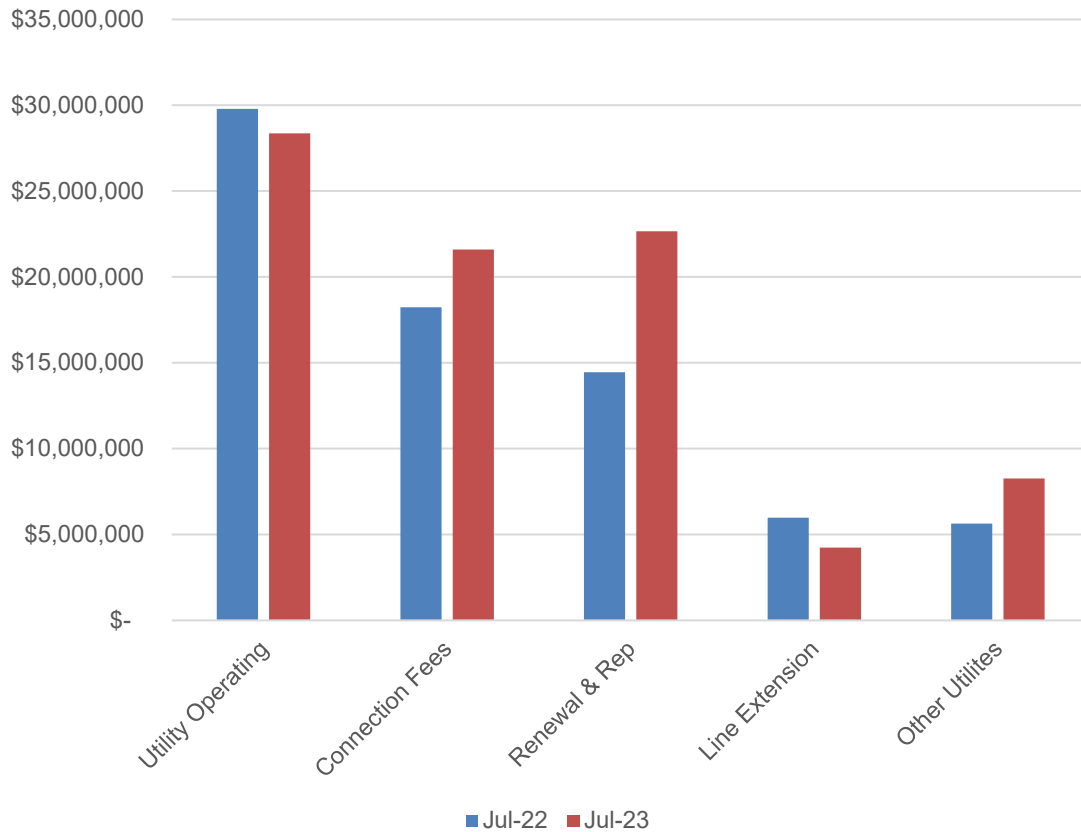
7/31/2023	32905	32907	32908	32909	Totals
Police	202,160.54	503,482.07	843,839.84	1,659,129.98	3,208,612.43
Fire	470,943.81	1,153,408.29	1,444,080.52	1,940,490.19	5,008,922.81
Parks	862,602.83	2,346,644.60	3,265,380.94	6,662,158.24	13,136,786.61
Transp	4,198,209.78	7,466,927.88	10,569,950.84	17,798,501.29	40,033,589.79
Totals	5,733,916.96	11,470,462.84	16,123,252.14	28,060,279.70	61,387,911.64

Fund Equity by Zone



**Utilities Fund Cash & Investments - Summary**

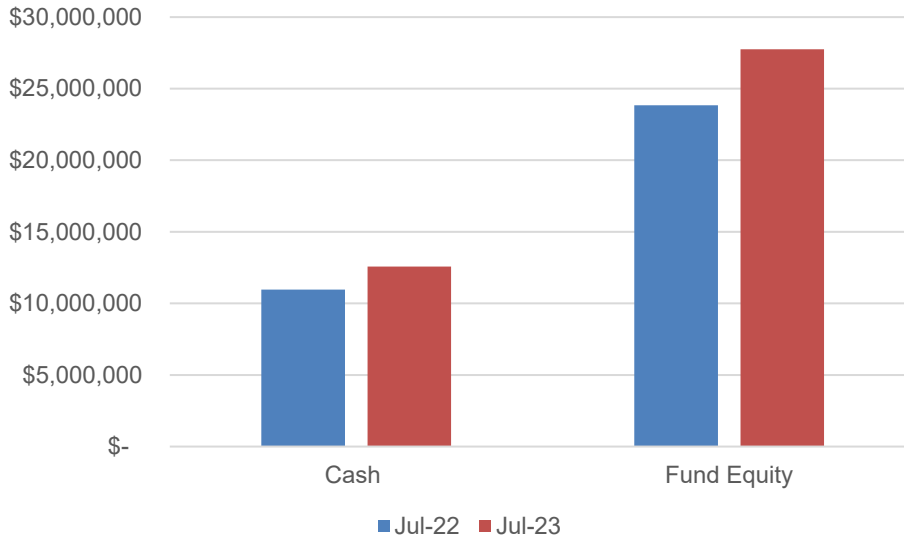
Year-to-Date (YTD) Comparison: Water & Sewer



Overall, the Water & Sewer Funds cash and investments increased by \$11.0 million, or 14.9%, year over year.

### Stormwater Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity

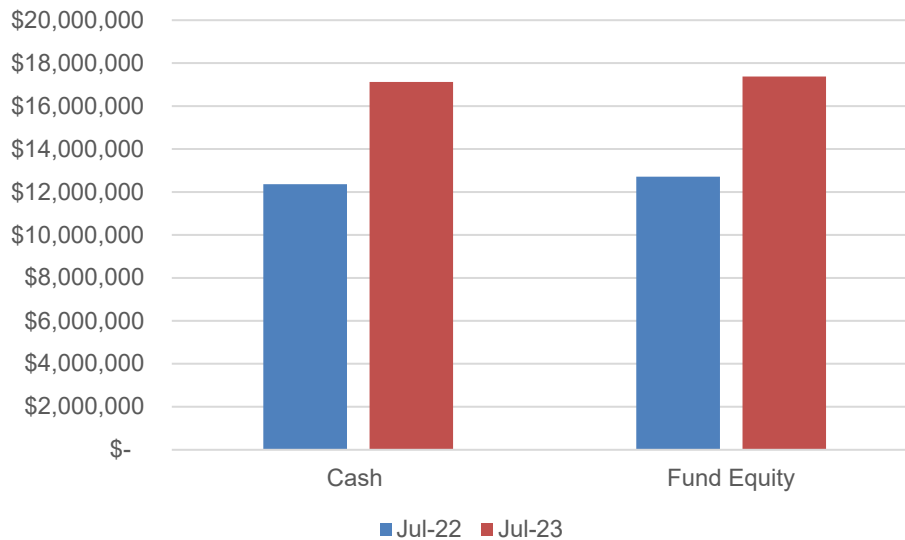


Overall, the Stormwater cash and investment balance increased by \$1,612,626, or 14.7%, year over year.

Overall, the Stormwater fund equity increased by \$3,920,530, or 16.5%, year over year.

### Building Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity

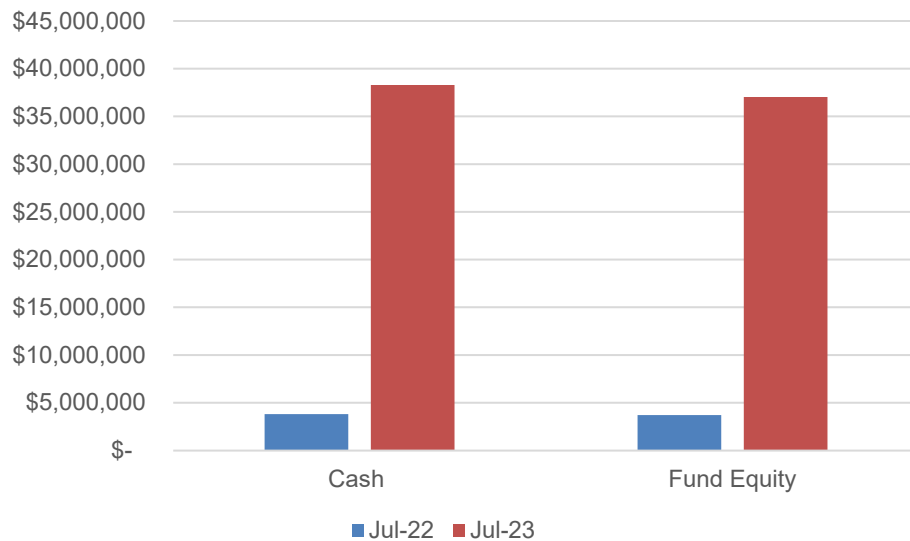


Overall, the Building cash and investment balance increased by \$4,756,665, or 38.5%, year over year.

Overall, the Building fund equity increased by \$4,662,566, or 36.7%, year over year.

**General Obligation Road Program Fund Cash & Equity - Summary**

➤ Year-to-Date (YTD) Cash & Fund Equity



The 2019 General Obligation Road Program Fund cash and investment balance increased by \$34,477,049, or 906.0%, year over year.

The 2019 G.O. Road Program Fund equity increased by \$33,331,759, or 900.5%, year over year.

**MONTHLY FINANCIAL REPORT (UNAUDITED)**

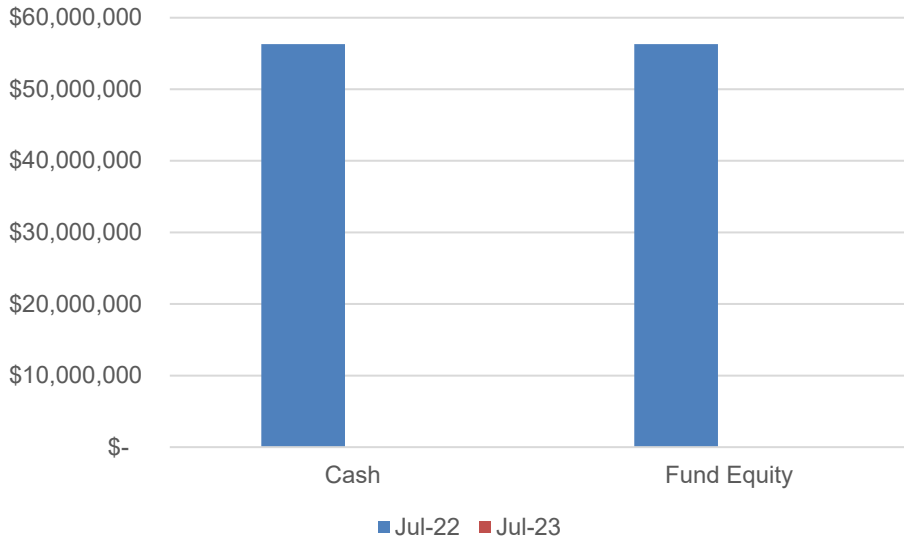
**JULY 2023**

CITY OF PALM BAY, FLORIDA



**General Obligation Road Program Fund Cash & Equity - Summary**

➤ Year-to-Date (YTD) Cash & Fund Equity



The 2021 General Obligation Road Program Fund cash and investment balance decreased by \$56,297,324, or 100.0%, year over year.

The 2021 G.O. Road Program Fund equity decreased by \$56,297,324, or 100.0%, year over year.

**MONTHLY FINANCIAL REPORT (UNAUDITED)****JULY 2023**

CITY OF PALM BAY, FLORIDA

**Unaudited Financial Activity - All Funds**

City of Palm Bay, Florida

As of July 31, 2023 (unaudited)

83% of fiscal year completed

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
General Fund							
001	General Fund	\$93,375,216	\$106,901,882	\$86,365,234	80.8%	\$73,489,450	68.7%
Special Revenue Funds							
101	Law Enforcement Trust Fund	0	74,158	28,008	37.8%	10,731	14.5%
103	Palm Bay Municipal Foundation	30,000	30,000	89,621	298.7%	44,398	148.0%
105	Code Nuisance Fund	400,000	400,000	138,814	34.7%	94,594	23.6%
111	State Housing Grant Fund	863,744	1,898,840	1,239,309	65.3%	959,283	50.5%
112	Comm Devel Block Grant Fund	1,013,936	3,850,376	1,537,716	39.9%	1,567,706	40.7%
114	Home Invest Grant Fund	853,835	2,419,690	79,961	3.3%	347,550	14.4%
123	NSP Program Fund	0	142,790	44,359	31.1%	140,026	98.1%
124	Coronavirus Relief Tr. Fund	0	0	0	0.0%	-	0.0%
126	CDBG Coronavirus Fund	142,375	446,279	19,345	4.3%	104,635	23.4%
128	ARPA Fund	0	16,727,163	506,351	3.0%	2,228,457	13.3%
129	Opioid Settlement Fund	0	0	87,744	0.0%	-	0.0%
131	Donations Fund	0	0	27,700	0.0%	19,025	0.0%
161	Environmental Fee Fund	366,828	366,828	458,238	124.9%	24,600	6.7%
181	Bayfront Comm Redev Fund	2,277,904	2,536,799	2,641,200	104.1%	8,757	0.3%
Impact Fee Funds							
180	Police Impact Fees - 32905	63,400	215,400	46,098	21.4%	4	0.0%
183	Police Impact Fees - 32907	159,250	253,308	207,194	81.8%	121,907	48.1%
184	Police Impact Fees - 32908	200,400	200,400	284,506	142.0%	19	0.0%
186	Police Impact Fees - 32909	350,600	350,600	553,394	157.8%	29	0.0%
187	Fire Impact Fees - 32905	95,400	164,598	75,831	46.1%	5,993	3.6%
188	Fire Impact Fees - 32907	264,600	335,650	333,235	99.3%	33,355	9.9%
189	Fire Impact Fees - 32908	350,800	530,800	452,790	85.3%	61,983	11.7%
190	Fire Impact Fees - 32909	551,000	776,529	849,014	109.3%	265,595	34.2%
191	Parks Impact Fees - 32905	191,100	355,680	109,866	30.9%	10	0.0%
192	Parks Impact Fees - 32907	476,000	1,202,701	609,650	50.7%	38,778	3.2%
193	Parks Impact Fees - 32908	751,500	1,214,137	947,358	78.0%	48	0.0%
194	Parks Impact Fees - 32909	1,003,000	1,003,000	1,831,936	182.6%	28	0.0%
196	Trans Impact Fees - 32905	852,000	852,000	1,749,526	205.3%	39	0.0%
197	Trans Impact Fees - 32907	1,603,200	4,806,446	2,283,988	47.5%	331,756	6.9%
198	Trans Impact Fees - 32908	2,504,500	7,053,425	3,227,852	45.8%	4,321	0.1%
199	Trans Impact Fees - 32909	4,015,500	9,900,326	6,868,112	69.4%	3,489,066	35.2%

**MONTHLY FINANCIAL REPORT (UNAUDITED)****JULY 2023**

CITY OF PALM BAY, FLORIDA

**Unaudited Financial Activity - All Funds****City of Palm Bay, Florida****As of July 31, 2023 (unaudited)****83% of fiscal year completed**

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
Debt Service Funds							
201	Debt Service Fund	536,673	536,673	536,672	100.0%	536,672	100.0%
214	2004 Pension Bond Debt Svc Fd	210,100	210,105	178,819	85.1%	190,001	90.4%
221	2013 Pension Bonds DS Fund	1,445,911	1,445,921	1,221,187	84.5%	1,438,824	99.5%
223	2015 Franchise Fee Note DS Fd	531,338	531,358	457,657	86.1%	526,232	99.0%
224	2015 Sales Tax Bonds DS Fd	824,664	824,664	698,689	84.7%	814,409	98.8%
225	2015 Sales Tax Bonds DS Fd - TIF	227,318	227,318	233,689	102.8%	224,274	98.7%
226	2016 Franchise Fee Note DS Fd	347,807	347,812	295,005	84.8%	333,427	95.9%
227	2018 LOGT Note DS Fd	769,088	769,098	791,798	103.0%	759,940	98.8%
228	2019 GO Bonds DS Fd	6,980,575	6,980,575	7,115,967	101.9%	6,912,802	99.0%
229	2019 Pension Bonds DS Fund	2,209,924	2,209,934	1,869,144	84.6%	2,200,623	99.6%
230	2020 Special Oblig Ref Note	328,782	328,787	279,319	85.0%	326,429	99.3%
231	2021 Pension Bonds DS Fund	3,450,450	3,450,450	3,450,956	100.0%	3,450,450	100.0%
Capital Projects Funds							
301	Community Investment Fund	2,500	5,017,193	740,433	14.8%	599,568	12.0%
306	2015 FF Nt Procds I-95 Intchg Fd	50	385,397	297	0.1%	204,999	53.2%
307	Road Maintenance CIP Fd	1,000,000	2,402,000	1,252,877	52.2%	1,887,287	78.6%
308	'18 LOGT Nt Procds-Rd I-95 Fd	50	309,658	6,466	2.1%	0	0.0%
309	'19 GO Bond Proceeds-Road Fd	11,194,184	78,458,160	58,457,122	74.5%	20,863,304	26.6%
310	'21 GO Bond Proceeds-Road Fd	0	57,043,799	570,136	1.0%	56,982,780	99.9%

**MONTHLY FINANCIAL REPORT (UNAUDITED)****JULY 2023**

CITY OF PALM BAY, FLORIDA

**Unaudited Financial Activity - All Funds**

City of Palm Bay, Florida

As of July 31, 2023 (unaudited)

83% of fiscal year completed

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
Proprietary Funds							
Utility Funds							
421	Utilities Operating Fund	41,847,507	49,211,138	29,685,899	60.3%	30,706,437	62.4%
423	Utility Connection Fee Fund	8,261,085	8,785,578	3,600,971	41.0%	1,467,287	16.7%
424	Utility Renewal / Replace Fd	11,981,574	27,937,249	11,412,887	40.9%	3,667,482	13.1%
425	Main Line Extension Fee Fund	5,178,464	6,105,894	1,216,636	19.9%	3,145,794	51.5%
426	2016 Utility Bond Fund	5,313,170	5,314,170	4,520,816	85.1%	66,085	1.2%
427	2001 Bond Fund	1,930,600	1,930,600	1,744,349	90.4%	0	0.0%
431	USA1 Assessment Fund	0	2,000	2,870	0.0%	2,001	0.0%
432	Unit 31 Assessment Fund	297,731	2,300	2,617	113.8%	4	0.2%
433	Utility SRF Loan Fund	3,777	20,878,814	0	0.0%	4,257,928	20.4%
434	2020 Utility Note Fund	221,755	1,333,759	234,354	17.6%	739,912	55.5%
Other Enterprise Funds							
451	Building Fund	5,516,984	12,572,357	7,583,057	60.3%	3,932,493	31.3%
461	Stormwater Fund	15,189,293	24,507,140	8,529,907	34.8%	5,986,612	24.4%
471	Solid Waste Fund	13,482,670	13,288,202	11,437,225	86.1%	10,340,905	77.8%
Internal Service Funds							
511	Employee Health Insurance Fd	16,786,307	16,232,916	14,482,884	89.2%	11,434,215	70.4%
512	Risk Management Fund	5,105,867	5,183,553	4,766,811	92.0%	3,196,864	61.7%
513	Other Employee Benefits Fd	4,280,960	4,280,960	3,698,619	86.4%	2,880,361	67.3%
521	Fleet Services Fund	4,590,687	7,706,001	4,215,214	54.7%	5,191,079	67.4%



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

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

**DATE:** 9/19/2023

**RE:** Acknowledgement of the September 2023 GO Road Bond Paving Report.

The GO Roads Paving program funded \$150 million in general obligation bond approved by the voters in November 2018. Public Works Engineering and inspection staff is tasked with managing the design and construction for the 8-year paving construction program. The program requires staff to prepare an annual paving program to be reviewed by the Infrastructure Advisory Oversight Board (IAOB) and then approved by City Council at the beginning of each year.

The amounts shown for completed and under contract projects is based on true numbers through September 1, 2023. Unit 13 required a change order to accommodate additional night work to avoid working within a school zone during school hours. Minton Road from Malabar to Jupiter was added to the list.

The third and final draw of \$50 million was completed last week; next month's report will reflect that update.

All planned projects include estimated costs.

### **REQUESTING DEPARTMENT:**

Public Works

### **FISCAL IMPACT:**

The financial spreadsheet of the current budget for each road project is attached. All projects which are complete or under contract have been reviewed and show actual expenses/ encumbrances to date.

### **RECOMMENDATION:**

Motion to acknowledge the September 2023 GO Road Bond Paving update.

### **ATTACHMENTS:**

#### **Description**

Road Bond Paving Update September 2023

## Road Bond Paving Update – September 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 **355 miles or 45%** of the 791 miles of Road Paving Program.
- Knecht Road and Pt. Malabar Blvd from Babcock to US1 is complete and awaiting final payment.
- NE Area Miscellaneous Road Paving is approximately **75% complete**.
- Madden and Osmosis is paved. Work has begun in Units 13 and 14.
- Minton Road from Malabar to Jupiter was added to the list.

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	Close-out
Knecht RD & Pt Malabar from Babcock to US 1	2	9.49	\$4,431,232	Punch List
Northeast Area Misc.	2	17.68	\$6,139,927	NTP 5/15/23
Units 13, 14 and Madden and Osmosis	3	34.16	\$10,858,092	NTP 5/22/23
Country Club 1-10	2	20.9	\$8,028,695	Re-Design
Units 22, 37, 57, Waco and Minton	3	27.18	\$12,992,038	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

Locations	Phase	Miles	Cost	Status
Unit 45	4	23.62	\$8,617,501	Phase 4 Estimates
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	\$93,642,076
Estimated Future Projects	\$123,324,799
Total Expected Expenditures	\$216,966,875
Difference Between Estimates/Costs and Bond	-\$66,966,875



## LEGISLATIVE MEMORANDUM

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

**FROM:** Terese Jones, City Clerk

**DATE:** 9/19/2023

**RE:** Appointment of (1) member to the Melbourne-Tillman Water Control District.

As you may recall, the term of Don Jordan from the above board will expire on September 30, 2023. Mr. Jordan has reapplied to continue service on the board.

The term has been announced at the last two regular Council meetings and applications solicited for same. The following application has been received.

Don Jordan  
2141 Madden Avenue, SW 32908

**REQUESTING DEPARTMENT:**

Legislative

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Motion to approve the appointment of one (1) member to serve on the Melbourne-Tillman Water Control District.

**ATTACHMENTS:**

**Description**

D.Jordan



Office of The

AUG 23 2023

City Clerk

## APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907  
Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

### BOARD/COMMITTEE

Name of Board/Committee:   
Full Name:   
Home Address:   
City:  Zip Code:   
Telephone Number:  Fax Number:   
Email Address:

### EMPLOYMENT

Employer:  Occupation:   
Address:   
City:  State:  Zip Code:   
Telephone Number:  Fax Number:   
Email Address:   
Job Responsibilities:

### EDUCATION

High School Name:   
Location:  Years Completed:  Major/Degree:   
College Business or Trade School:   
Location:  Years Completed:  Major/Degree:   
Professional School:   
Location:  Years Completed:  Major/Degree:   
Other:   
Location:  Years Completed:  Major/Degree:

## APPLICANT INFORMATION

Have you ever held a business tax receipt? ☐ Yes ☒ No *If yes, please provide the following:*

Title:

Issue Date:  Issuing Authority:

*If any disciplinary action has been taken, please state the type and date of the action taken:*

Disciplinary Action:  Disciplinary Date:

Are you a resident of the City? ☒ Yes ☐ No *If yes, how long?*  13 Years  4 Months

How long have you been a resident of Brevard County?  13 Years  4 Months

Are you a United States citizen? ☒ Yes ☐ No

Are you a registered voter of the City? ☒ Yes ☐ No

Are you employed by the City? ☐ Yes ☒ No *If yes, what department?*

Do you presently serve on a City board(s)? ☒ Yes ☐ No *If yes, please list board(s):*

Melbourne-Tillman Water Control District Board

Have you previously served on a City board(s)? ☒ Yes ☐ No *If yes, please list board(s):*

Building & Construction Advisory Committee (2 terms), Local Road Advisory Board

Are you currently serving on a board, authority, or commission for another governmental agency?

☒ Yes ☐ No *If yes, what board(s):*  Melbourne-Tillman Water Control District Board

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest) to a criminal charge? ☐ Yes ☒ No *If yes, what charge:*

Where:  When:

Disposition was: ☐ Convicted ☐ Pled Guilty ☐ Pled No Contest

Have your civil rights been restored? ☐ Yes ☐ No

Are you a member or participant of any community organizations? ☒ Yes ☐ No

*If yes, please list:*  American Legion Post 117, Grace Bible Church

What are your hobbies / interests? Volunteering as Vcop, Powered Paragliding, maintaining a home & 16 ac.

Why do you want to serve on this board / committee? To continue serving the community by remaining  
on this board.

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race: Wt Gender: M Physically Disabled: ☐

### APPLICATION CERTIFICATION

By filing this application with the City of Palm Bay and placing my signature below, I do hereby acknowledge the following:

1. This Application, when completed and filed with the Office of the City Clerk, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and is open to public inspection.
2. I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the City Clerk.
3. I consent to filing the Statement of Financial Interests if required for this board.  
<http://www.ethics.state.fl.us>
4. If appointed to a board/committee, I acknowledge that it is my obligation and duty to comply with the following:  
Code of Ethics for Public Officials (Florida Statutes, Chapter 112, Part III)  
Florida Sunshine Law (Florida Statutes, Chapter 286)  
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature:



Date: 8/15/2023

Mail the application to:

City of Palm Bay  
Office of the City Clerk  
120 Malabar Road, SE  
Palm Bay, Florida 32907

Fax the application to:

321-953-8971

**SUBMIT FORM**



## LEGISLATIVE MEMORANDUM

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

**FROM:** Patricia Smith, City Attorney

**THRU:** Pamela Torres-Spivey, Risk Manager

**DATE:** 9/19/2023

**RE:** Consideration of expenditures for Risk Insurance and Risk Management Services (\$1,460,813).(AGENDA REVISION)

Brown & Brown dba Public Risk Insurance Advisors (PRIA) was awarded contract #39-0-2021 on 10/1/2021 to provide insurance coverage for the City's self-insured Risk program. They broker coverage across multiple lines of insurance, including Property / Inland Marine, Boiler & Machinery, General Liability, Business Automobile Liability, Public Official Liability, Employment Practices Liability, Law Enforcement Liability, Crime, Workers' Compensation, Cyber Liability, Drone Liability, Storage Tank Liability, and Special Events Liability. PRIA also provides additional services to include account management advising for self-insured products & claims and processing of request for certificates of insurance.

The initial contract was for a two-year term, renewable by the Procurement Department for two (2) additional two-year terms. 10/1/2023 – 9/30/2025 will be the City's first option to renew.

### REQUESTING DEPARTMENT:

City Attorney's Office

### FISCAL IMPACT:

The cost for Fiscal Year 2024 (10/1/2023 – 9/30/2024) in the amount of \$1,460,813 is budgeted and approved in Account #512-1417-519.45-13 (Insurance / Other Premiums).

### RECOMMENDATION:

Motion to approve the expenditure of \$1,460,813 budgeted funds for risk insurance and risk management services.



## LEGISLATIVE MEMORANDUM

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

**FROM:** Patricia Smith, City Attorney

**THRU:** Pamela Torres-Spivey, Risk Manager

**DATE:** 9/19/2023

**RE:** Consideration of expenditures to meet the self-insured retention level and reimburse the third-party administrator for payment of claims.(AGENDA REVISION)

Johns Eastern Company was awarded contract number #26-0-2021 on 10/1/2021 to administer claims for the City's self-insured Risk program. They administer claims for workers' compensation, property, automobile, and liability losses incurred by the City of Palm Bay. In servicing the claims, Johns Eastern personnel reviews all claims reported on behalf of the City; and processes each claim with respect to minimizing the City's potential exposure, in accordance with all applicable statutory and administrative regulations. They handle all aspects of the reported claims in collaboration with the City's Risk Management Department.

The initial contract was for a two-year term, renewable by the Procurement Department for three additional one-year terms. 10/1/2023 – 9/30/2024 will be the City's first option to renew.

The City operates a self-insured Risk insurance program, we are responsible for the following self-insured retention levels:

Workers' Compensation \$350,000

Property & Automobile Liability \$200,000 per person / \$300,000 per occurrence

Johns Eastern will pay all claims the City becomes responsible for due to a verified loss and subsequently send the City an itemized monthly bill for reimbursement of claims paid on behalf of the City. The City will budget annually to reimburse Johns Eastern for claims paid on incurred losses.

### REQUESTING DEPARTMENT:

City Attorney's Office

### FISCAL IMPACT:

Funds are budgeted in the following Risk accounts to address payment of claims monthly:

512-1417-519.45-53 (Insurance / Liability Claims): **\$400,000**

512-1417-519.45-54 (Insurance/Workers' Compensation Claims):**\$1,250,000**

512-1417-519.45-55 (Insurance / Auto Liability Claims): **\$800,000**

**RECOMMENDATION:**

Motion to approve the expenditure of budgeted funds to meet the self-insured retention level and reimburse the third party administrator for payment of claims.



## **LEGISLATIVE MEMORANDUM**

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

**FROM:** Terese Jones, City Clerk

**DATE:** 9/19/2023

**RE:** Committee/Council Reports

**Committee Reports:**

- Space Coast Transportation Planning Organization
- Space Coast League of Cities
- Tourist Development Council

**Council Reports**

**REQUESTING DEPARTMENT:**

Legislative