

## ORDINANCE 2019-40

**AN ORDINANCE OF THE CITY OF PALM BAY BREVARD COUNTY, FLORIDA, GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO MIDWEST DENTAL ARTS, WHICH PROPERTY IS LOCATED AT LOT 6 BLOCK 3042 PORT MALABAR UNIT 56, SPECIFYING THE ITEMS EXEMPTED, PROVIDING FOR THE EXPIRATION DATE OF THE EXEMPTION, FINDING THAT THE BUSINESS MEETS THE REQUIREMENTS OF SECTION 196 1995(8) FLORIDA STATUTES PROVIDING FOR AN ANNUAL REPORT BY MIDWEST DENTAL ARTS, PROVIDING FOR A REVOCATION CLAUSE PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, economic development and the creation and retention of value-added jobs is a priority of the City Council of the City of Palm Bay and

**WHEREAS** the citizens of Palm Bay voted to provide economic incentives to qualified new and expanding businesses in the November 2008 general election and

**WHEREAS** Midwest Dental Arts has requested that the City Council of the City of Palm Bay exempt ad valorem taxes for a future building and tangible personal property at Lot 6 Block 3042 Port Malabar Unit 56 and

**WHEREAS**, Midwest Dental Arts meets the requirements of Section 196 1995(8) Florida Statutes as a business planning to expand in Palm Bay Florida

**WHEREAS** the Palm Bay Chamber of Commerce Committee of 100 has recommended approval of the exemption for Midwest Dental Arts and

**WHEREAS** the Property Appraiser has provided the Palm Bay City Council with its report as required by Section 196 1995(8) Florida Statutes and

**WHEREAS** it has been determined that Midwest Dental Arts meets the requirements of Section 196.012 Florida Statutes as an expanding business in Palm Bay Florida

**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 by this reference are hereby incorporated into and made an integral part of this ordinance

**SECTION 2.** An Economic Development Ad Valorem Tax Exemption is hereby granted to Midwest Dental Arts for its new construction and tangible personal property

**SECTION 3.** The total amount of revenue available to the City from ad valorem tax sources for the current fiscal year is \$30,395,936.09

**SECTION 4.** \$512,885.17 is lost to the City for the current fiscal year by exemptions currently in effect from previous years

**SECTION 5.** The tax exemption hereby granted shall be for a term of eight (8) years commencing with the first year the expanded facility and tangible personal property are added to the assessment roll and lasting eight (8) years thereafter for eighty percent (80%) of City ad valorem taxes

**SECTION 6** In accordance with the findings of the City Council of the City of Palm Bay and the Property Appraiser the property hereby exempted from ad valorem tax exemption meets the definition of an expansion of an existing business as defined by Section 196.012 Florida Statutes

**SECTION 7** Midwest Dental Arts shall submit to the City Manager at the beginning of each year an annual report providing evidence of continued compliance with the definition of an expansion of an existing business for each of the eight (8) years during which is Midwest Dental Arts eligible to receive ad valorem tax exemption. If the annual report is not received or if the annual report indicates Midwest Dental Arts no longer meets the criteria of Section 196.012 Florida Statutes the City Manager shall make a report to the City Council of the City of Palm Bay for consideration of revocation of this Ordinance granting the tax exemption

**SECTION 8.** If the City Manager or designee receives written notice that the company qualifying for an ad valorem tax abatement under the authority of this ordinance has decided not to undertake or complete the new business activity or expansion of an existing business activity including construction or equipment purchases giving rise to an ad valorem tax exemption granted under this section the exemption granted shall be void shall not take effect and shall not be implemented. If such a notice is received the foregoing provision shall be self-executing and no further action of the City Council of the City of Palm Bay will be required to void the granted exemption. Upon the City's receipt of any such notice, the City Manager or designee shall forward the notice to the Property Appraiser along with a copy of this subsection of the ordinance.

**SECTION 9.** If the City Council of the City of Palm Bay revokes this Ordinance it shall be a requirement of the company to reimburse those County ad valorem taxes abated in favor of Midwest Dental Arts for that period of time that it was determined that Midwest Dental Arts no longer met the criteria of Section 196.012 Florida Statutes.

**SECTION 10.** 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

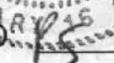
**SECTION 11** The City Clerk shall file a certified copy of this ordinance with the State of Florida Office of the Secretary of State within ten (10) days of its enactment

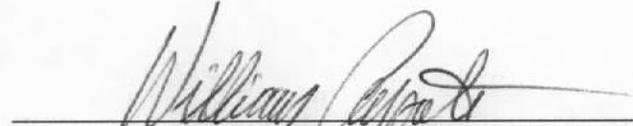
**SECTION 12.** The provisions within this ordinance shall take effect immediately upon the enactment date

Read in title only at Meeting No 2019 15 held on July 2 2019 and read in title only and duly enacted at Meeting No 2019-16 held on July 18, 2019

ATTEST

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

Reviewed by CAO 

  
\_\_\_\_\_  
William Capote MAYOR

cc. 07 19-19 Andy Anderson Director of Economic Development (3 certified copies)  
Midwest Dental Arts  
Greater Palm Bay Chamber of Commerce  
State of Florida Office of the Secretary State



## LEGISLATIVE MEMORANDUM

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

**FROM** Lisa Morrell City Manager 

**DATE** July 2 2019

**RE** Updated AVT Ordinance changing Project Rainbow to Midwest Dental Arts

The City Council previously adopted ordinance 2018-36 providing for an Economic Development Ad Valorem Tax Exemption identified as Project Rainbow

An amendment to ordinance 2018-36 is now required to change the business entity previously identified as Project Rainbow to Midwest Dental Arts

**REQUESTING DEPARTMENT**  
Economic Development and External Affairs

**FISCAL IMPACT**  
No fiscal impact

**RECOMMENDATION**  
Motion to approve the amended Ordinance changing from Project Rainbow to Midwest Dental Arts

Attachment 1) Ordinance No 2018-36  
2) Amended Ordinance No 2019

AA/ab



# TRADER JAKE'S

July 3, 2019

CITY OF PALM BAY  
120 MALABAR RD. SE PALM BAY, FL 32907  
AFFIDAVIT OF PUBLICATION

COMES NOW Affiant, SUSAN BENJAMIN, and states:

1. Affiant is an owner of Trader Jake's newspaper with knowledge of the publication of the NOTICE OF PUBLIC HEARING in the above-styled cause.

2. Affiant further says that Trader Jakes is a newspaper published at Melbourne, in said Brevard County, Florida, and that the said Trader Jakes has heretofore been continuously published in said Brevard County, Florida, each week, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and Affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in th said ewspaper.

3. The NOTICE OF PUBLIC HEARING in the above-styled cause, a true and correct copy of which is included herein was published for one (1) week, specifically July 5, 2019

All of the matters set forth are true and correct. I understand that the penalty for making false statement under oath includes fines nd/or imprisonment.

SUSAN BENJAMIN  
STATE OF FLORIDA  
COUNTY OF BREVARD

SWORN TO OR SUBSCRIBED before me, on the 8 day of July, 2019 th undersigned, by Susan Benjamin who was sworn or took an oath.

NOTARY PUBLIC-STATE OF FLORIDA

Publication cost: \$250  
Ad/Invoice Number: 012485

JLL  
7/15/19

JESSICA HINKAMP  
Commission # GG 093964  
Expires April 13, 2021  
Bonded Thru Troy Fain Insurance 800-395-7617

## NOTICE OF PUBLIC HEARING

CITY OF PALM BAY, FLORIDA  
Notice is hereby given that the City Council the City of Palm Bay, Florida, will hold a public hearing for the purpose of enacting Ordinance Nos. 2019-22, 2019-25, 2019-30, 2019-37, 2019-38, 2019-39 and 2019-40. City Hall, 120 Malabar Road, SE, Palm Bay, July 1 201 7:00 P.M., titled shown:

ORDINANCE 2019-22  
AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING FUTURE LAND USE MAP SERIES 9; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 19-25  
AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XIII, GENERAL OFFENSES, CHAPTER 130, STATE MISDEMEANORS, BY INCLUDING PROVISIONS FOR CIVIL PENALTIES FOR THE POSSESSION OF CANNABIS (MARIJUANA) FOR AMOUNTS UNDER TWENTY (20) GRAMS AND POSSESSION OF DRUG PARAPHERNALIA; SETTING FORTH PENALTIES AND ENFORCEMENT RESPONSIBILITIES FOR A VIOLATION OF THIS SECTION; 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 SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2019-30  
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 (C), ADOPTION OF COMPREHENSIVE PLAN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2019-37  
AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM RS-3 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO RM-20 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED NORTH OF AND ADJACENT TO GRAN AVENUE, THE VICINITY BETWEEN DIXIE HIGHWAY AND VICTOR COURT, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2019-38  
AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE SIDE FIVE (5) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 59, FAIRWAY ISLES AT BAYSIDE LAKES, PHASE 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 47, PAGE 75, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2019-39  
AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TEN (10) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 7, BLOCK 15, PORT MALABAR UNIT 21, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24, PAGE 10, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2019-40  
AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO MIDWEST DENTAL ARTS, WHICH PROPERTY LOCATED AT LOT BLOCK 3042, PORT MALABAR UNIT 56; SPECIFYING THE ITEMS EXEMPTED; PROVIDING FOR THE EXPIRATION DATE OF THE EXEMPTION; FINDING THAT THE BUSINESS MEETS THE REQUIREMENTS OF SECTION 196.1995(B), FLORIDA STATUTES; PROVIDING FOR AN ANNUAL REPORT BY MIDWEST DENTAL ARTS; PROVIDING FOR A REVOCATION CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance(s). The ordinance draft(s) may be inspected by the public from 8:30 A.M. to 5:00 P.M., weekdays, in the Office of the City Clerk, City Hall, 120 Malabar Road, SE, Palm Bay, Florida.

Any aggrieved adversely affected person desiring to become a party to the quasi-judicial proceeding shall provide written notice to the City Clerk which notice shall, at a minimum, set forth the aggrieved affected person's name, address, and telephone number, indicate how the aggrieved affected person qualifies as aggrieved affected person and indicate whether the aggrieved 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 the close of business, which is 5:00 p.m., before the hearing. (Section 59.03, Palm Bay Code Ordinances).

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 (Section 228.0105, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.

Terese M. Jones, CMC  
City Clerk