

## **ORDINANCE NO 2018-36**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO PROJECT RAINBOW, TO BE LOCATED AT PORT MALABAR UNIT 56, LOT 6, BLOCK 3042, SPECIFYING THE ITEMS EXEMPTED, PROVIDING 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 PROJECT RAINBOW, 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**, Project Rainbow 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 Port Malabar Unit 56 Lot 6 Block 3042 and

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

**WHEREAS**, the Palm Bay Chamber of Commerce, Committee of 100, has recommended approval of the exemption for Project Rainbow, 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 Project Rainbow 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 Project Rainbow, 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.** Project Rainbow 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 Project Rainbow is eligible to receive ad valorem tax exemption. If the annual report is not received, or if the annual report indicates Project Rainbow, 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 Project Rainbow for that period of time that it was determined that Project Rainbow 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

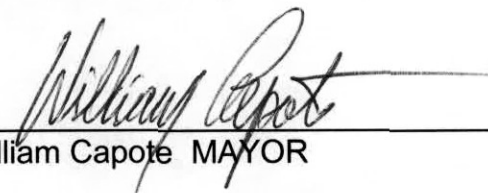
**SECTION 12.** The provisions within this ordinance shall take effect immediately upon the enactment date

Read in title only at Meeting No 2018-19 held on August 14, 2018 and read in title only and duly enacted at Meeting No 2018-21, held on September 6 2018

ATTEST

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

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

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

cc      09-07 18      Andy Anderson, Director of Economic Development (3 certified copies)  
Project Rainbow  
Greater Palm Bay Chamber of Commerce  
State of Florida, Office of the Secretary State

Exemption Resolution, 98-55, Palm Bay Code SUPPLEMENTAL APPLICATION

PALM BAY ECONOMIC DEVELOPMENT  
AD VALOREM TAX EXEMPTION PROGRAM

APPLICANT NAME: Project Rainbow

NOTICE: This supplement is to be used by the applicant to provide additional information required by Economic Development Ad Valorem Tax Exemption Resolution 98-55, Palm Bay Code and to provide other information requested by the Board of County Commissioners and the entities who will review the application.

1. Length of exemption requested is total of 10 years (length of exemption approved is sole discretion of City Council and commences on the adoption date of the ordinance granting the exemption.)
2. Proposed Property Address (legal description & street address):  
Parcel ID #29-37-09-MY-3042-8 Legal Description: Plat Book/Page: 0030/0060 Port Malabar Unit 55 Lot 6 Blk 304
3. Property Owner Name: MRI Global  
Address: 425 Volker Blvd. Kansas City, MO 64110  
Telephone No.: ( ) FAX No.: ( )
4. Authorized Agent: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone No.: ( ) FAX No.: ( )
5. Type of industry or business: Design and Manufacturing Services  
Brief description of product and expansion plans: Project Rainbow is a leading manufacturer of products used in medical settings. The company provides design and manufacturing services both inside and outside the state of Florida.
6. Anticipated number of new employees: 30
7. Percent increase in overall employees: 100%
8. Expected number of new employees who will reside in Palm Bay: 10
9. Percentage of existing employees who have resided in the City for more than two years: 50%
10. Anticipated average wage of employees: \$46,000
11. Anticipated average annual payroll: \$1,380,000
12. Anticipated new capital investment as a result of expansion or relocation of business:  
New construction value: \$3,000,000  
New personal property value: \$2,100,000
13. Environmental impact of business. (Identify the number and type of environmental permits required as a result of this project; e.g. air, soil and water pollution, water and sewer, dredge and fill, stormwater, industrial wastewater.): standard water, sewer and stormwater
14. Anticipated volume of business or production: Estimated volume of business in excess of \$3M
15. The relocation or expansion would not occur without the exemption: Yes (X) No ( )
16. Source of supplies (local or otherwise):  
% source of supplies County: 0%  
% source of supplies Florida: 20%  
% source of supplies out-of-state: 80%
17. Business is/will be located in a community redevelopment area: Yes ( ) No (X)  
Name of area: \_\_\_\_\_



**SIGNATURES:**

I hereby confirm the information provided by \_\_\_\_\_ to the Committee of 100 and the Palm Bay City Council for the purpose of calculating the economic impact and benefit of the proposed tax abatement is true, accurate and complete. I further confirm that \_\_\_\_\_ is not in violation of any federal, state, or local law, or regulation governing environmental matters:

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
(Applicant)

2425 Pineapple Ave # 108 Melbourne, FL 32935  
(Preparer's Address)

TITLE: \_\_\_\_\_

321 663-3546

(Preparer's Telephone Number)

**COMMITTEE OF 100 USE ONLY**

**Committee Economic Impact Analysis:**

Committee RECOMMENDS 8 YEAR - 80% -

**Committee Recommendation:**

The Committee of 100 hereby certifies that it has proof, to the satisfaction of the Committee, that the applicant meets the criteria of a new business or for an expansion of an existing business as defined in Resolution 98-55, Palm Bay Code. Furthermore, the Committee has conducted an economic impact analysis, applying acceptable multipliers as defined by the State Department of Commerce which concludes that the applicant does hereby meet the economic benefit test; and, therefore, the Committee recommends to the City Council that the applicant receive an ad valorem tax exemption for 80 percent of its eligible taxes and for a period of 8 years.

DATE: 7/23/18

SIGNED: \_\_\_\_\_

(Committee Chairman)

**CITY USE ONLY**

**City Manager's Recommendation:**

City staff concurs with staff recommendations

DATE: 7/23/18

SIGNED: \_\_\_\_\_

(City Manager)

**PALM BAY  
ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION  
Chapter 196, Florida Statutes**

To be filed with the Board of County Commissioners, the City of Palm Bay, or both, no later than March 1 of the year the exemption is desired to take effect.

1. Business name: Project Rainbow  
Mailing address: \_\_\_\_\_
2. Name of person in charge of business: \_\_\_\_\_  
Telephone No. ( ) \_\_\_\_\_ FAX No. ( ) \_\_\_\_\_
3. Location of business (legal description and street address) of property for which this report is filed:  
Parcel ID #29-37-09-MY-3042-6 Legal Description: Plat Book/Page: 0030/0000 Port Malabar Unit 56 Lot 6 Blk 3042
4. Date business opened at this facility: TBD
5. a. Description of the improvements to real property for which this exemption is requested:  
\$3,000,000 new construction
- b. Date of commencement of construction of improvements: Estimated 2<sup>nd</sup> quarter 2019
6. a. Description of the tangible personal property for which this exemption is requested, and date when property was purchased:

Class or Item	Age	Date of Purchase	Original Cost	Taxpayer's Estimate of Condition			Taxpayer's Estimate of Fair Market Value	APPRAISER'S USE ONLY
				Good	Avg.	Poor		
Misc Manufacturing Equipment TBD anticipated \$2,100,000								1,890,000

- b. Average value of inventory on hand: \$500,000
- c. Any additional personal property not listed above for which an exemption is claimed must be returned on form DR-405 (Tangible Personal Property Tax Return) and a copy attached to this form.
7. Do you desire exemption as a "New Business" ( ) or as an "Expansion of an Existing Business" (X) ?
8. Describe the type or nature of your business: Design and Manufacturing Services
9. Trade level (check as many as apply):  
Wholesale ( )    Manufacturing (X)    Professional ( )    Service (X)    Office ( )    Other ( )

10. a. Number of full-time employees employed in Florida: 35
- b. If an expansion of an existing business:
- (1) Net increase in employment 30 or 100 %
- (2) Increase in productive output resulting from this expansion: 50-100 %
11. Sales factor for the facility requesting exemption:
- Total sales in Florida from this facility - one (1) location only \$1,200,000 divided by
- Total sales everywhere from this facility - one (1) location only \$3,000,000 = 40%
12. For office space owned and used by a corporation newly domiciled in Florida:
- a. Date of incorporation in Florida: N/A
- b. Number of full-time employees at this location: 28
13. If requesting an exemption due to location in a slum or blighted area, please furnish such additional information as required by the County Commission, City Commission, or Property Appraiser

I hereby request the adoption of an ordinance granting an exemption from ad valorem taxation on the above property pursuant to Section 196.1995, Florida Statutes. I agree to furnish such other reasonable information as the Board of County Commissioners, the governing authority of the municipality, or the Property Appraiser may request in regard to the exemption requested herein. I hereby certify that the information and valuation stated above by me is true, correct, and complete to the best of my knowledge and belief. (If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/she has any knowledge.)

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_

(Preparer)

SIGNED: \_\_\_\_\_

2425 Pineapple Ave #108 Melbourne FL 32908

(Preparer's address)

TITLE: \_\_\_\_\_

321 663 3546

(Preparer's telephone number)

## PROPERTY APPRAISER'S USE ONLY


- I. Total revenue available to the County or municipality for the current fiscal year from ad valorem tax sources: 30,395,936.09
- II. Revenue lost to the County or municipality for the current fiscal year by virtue of exemptions previously granted under this section: 512,885.19
- III. Estimate of the revenue which will be lost to the County during the current fiscal year if the exemption applied for was granted had the property for which the exemption is requested otherwise been subject to taxation: 37,518.00
- IV. Estimate of the taxable value lost to the County or municipality if the exemption applied for were granted: Real Estate: 2,550,000 TPP: 1,890,000
- V. I have determined that the property listed above meets the definition, as defined by Section 196.012(15) or (16), Florida Statutes, as a New Business ( ), an Expansion of an Existing Business (☒) or Neither ( ).
- VI. Last year for which exemption may be applied: dependent upon the number of years granted by City Council
- DATE: 7-26-18
- SIGNED: Danica B. Binkley
- (Property Appraiser)

RETURN TO BE FILED NO LATER THAN MARCH 1



## LEGISLATIVE MEMORANDUM

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

**FROM** Gregg Lynk, City Manager 

**DATE** August 14, 2018

**RE** Project Rainbow- granting ad valorem tax exemptions, approving as a Qualified Target Industry Business and requesting a waiver of the average wage requirement

The City of Palm Bay through its Ad Valorem Exemption Program, provides incentives to businesses to stimulate economic growth and development within the City. The incentive is in the form of tax exemptions for businesses that provide high quality jobs and improvements to real estate and capital equipment. The exemption only applies to taxes levied by Palm Bay.

Project Rainbow plans to construct a 20,000 SF build-to-suit facility in Palm Bay, Brevard County, Florida, hire 58 new employees at an average wage of \$46,000 over three years and invest approximately \$5,100,000 in capital expenditures.

The Brevard County Property Appraiser conducted the required analysis and provided the Palm Bay City Council with a report as required by Chapter 196, 1995(8) F.S.

The Palm Bay Chamber of Commerce Committee of 100 conducted an economic impact analysis of the Company and provided its recommendation of an exemption of 8 years at the 80% level.

### **REQUESTING DEPARTMENTS**

City Manager's Office Economic Development and External Affairs

### **FISCAL IMPACT**

FY2018-2019 – No fiscal impact until company modifies and moves into facility

FY2019-2020 – Fiscal impact will be 80% of city ad valorem taxes

### **RECOMMENDATION**

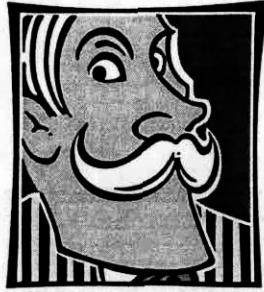
Motion to adopt ordinance granting economic development ad valorem exemption to Project Rainbow, and approve Resolution supporting the designation of Qualified Target Industry and Wage Waiver.

Attachments

- 1) Ordinance 2018-\_\_\_\_\_
- 2) Resolution 2010 \_\_\_\_\_
- 3) Ad Valorem Tax Exemption Application – Project Rainbow
- 4) Brevard Property Appraiser property information and TRIM notice
- 5) Executive Summary and Committee of 100 Information

AA/cb/ab





# TRADER JAKE'S

August 15, 2018

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Palm Bay, Florida, will hold a public hearing for the purpose of enacting Ordinance Nos. 2018-31, 2018-32, 2018-33, 2018-34, 2018-35, and 2018-36, at City Hall, 120 Malabar Road, SE, Palm Bay, on September 6, 2018, at 7:00 P.M., titled as shown:

### ORDINANCE NO. 2018-31

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 JU (INSTITUTIONAL USE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT) FOR FINAL DEVELOPMENT PLAN OF A SINGLE-FAMILY RESIDENTIAL SUBDIVISION TO BE KNOWN AS SABAL KEY PUD, WHICH PROPERTY IS LOCATED EAST OF AND ADJACENT TO RIVIERA DRIVE, IN THE VICINITY NORTH OF NEWBORN STREET, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

### ORDINANCE NO. 2018-32

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM OF ONE HUNDRED AND EIGHTY (180) DAYS PROHIBITING THE ACCEPTANCE, PROCESSING, AND CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT, DEVELOPMENT PERMITS, AND BUILDING PERMITS FOR PROPERTIES WITHIN THE BAYFRONT COMMUNITY REDEVELOPMENT DISTRICT, KIRBY INDUSTRIAL AREA PROPOSED DOWNTOWN DISTRICT AND ADJACENT AREA LOCATED ALONG PALM BAY ROAD AND ROBERT J. CONLAN BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; DECLARING ZONING IN PROGRESS IN ORDER TO PROVIDE ADEQUATE TIME TO DEVELOP A DOWNTOWN DISTRICT AND ADOPT ZONING AND LAND DEVELOPMENT REGULATIONS IN ACCORDANCE WITH THE BAYFRONT REDEVELOPMENT DISTRICT PLAN, AS AMENDED BY RESOLUTION NO. 2008-73 AND TO IMPLEMENT THE COMPREHENSIVE PLAN AMENDMENT REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE.

### ORDINANCE NO. 2018-33

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTERS 'DISTRICT REGULATIONS' AND 'OFF-STREET PARKING AND LOADING REQUIREMENTS', BY REVISING PROVISIONS RELATED TO OFF-STREET PARKING AND PROVIDING FOR REFERENCE WITHIN RM-20 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT) ZONING; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

### ORDINANCE NO. 2018-34

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 177, FIRE PREVENTION AND PROTECTION, SUBCHAPTER 'BUILDINGS AND STRUCTURES', IN ORDER TO COMPLY WITH THE NATIONAL FIRE PROTECTION ASSOCIATION REGULATIONS; 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.

### ORDINANCE NO. 2018-35

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 184, SUBDIVISIONS, IN ORDER TO COMPLY WITH THE NATIONAL FIRE PROTECTION ASSOCIATION REGULATIONS; 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.

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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 or adversely affected person desiring to become 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. (§9.03, Palm Bay Code of Ordinances).

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 verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (286.0105, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.

Terece M. Jones, CMC - City Clerk

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 Jake's is a newspaper published at Melbourne in said Brevard County, Florida, and that the said Trader Jake's 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 the said newspaper

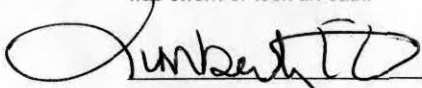
3. The NOTICE OF PUBLIC HEARING in the above-styled cause, a true and correct copy of which is included herein was published for one (1) week specifically August 17 2018.

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

  
SUSAN BENJAMIN

STATE OF FLORIDA  
COUNTY OF BREVARD

SWORN TO OR SUBSCRIBED before me, on the 21<sup>st</sup> day of August, 2018, the undersigned, by Susan Benjamin who was sworn or took an oath.



NOTARY PUBLIC-STATE OF FLORIDA

Publication cost: \$250

Ad/Invoice Number: 012125

8/28/18  
TJL

