

6. Ordinance 2024-17, repealing Ordinance 2019-40, which granted an Economic Development Ad Valorem Tax Abatement to Midwest Dental Arts, Inc., 1490 Treeland Boulevard SE, final reading.



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Ibis Berardi, Community & Economic Development Acting Director

**DATE:** April 4, 2024

**RE:** Ordinance 2024-17, repealing Ordinance 2019-40, which granted an Economic Development Ad Valorem Tax Abatement to Midwest Dental Arts, Inc., 1490 Treeland Boulevard SE, final reading.

### SUMMARY:

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

On September 6, 2018, City Council adopted Ordinance 2018-36 granting to Project Rainbow (later modified as Midwest Dental Arts by Ordinance 2019-40) an economic development Ad Valorem Tax (AVT) Abatement of 80 percent for a period of eight (8) years. Per the Ordinance, Midwest Dental Arts shall submit to the City an annual report providing evidence of continued compliance with the definition of an existing business planning to expand, per Section 196.012, Florida Statutes.

The City's Economic Development Ad Valorem Tax Exemption Program requires that all companies participating in this Program maintain eligibility each year. The City annually reviews each company's eligibility through their Annual Report filed each year with the City. The Annual Report provides the following information: tangible personal property added, the type of business, total sales in Florida and elsewhere, and the number of employees employed by the company in Palm Bay.

During the City's review of the company's 2023 Annual Report, it was determined that Midwest Dental Arts, Inc. no longer qualifies under the guidelines of the Program, outlined in Ordinance 2019-40, as the company has not maintained the minimum number of jobs created within the first three (3) years as represented on their original application seeking an AVT exemption.

A certified letter was sent to Midwest Dental Arts, Inc., notifying them that the City Council would consider rescinding their Ordinance 2019-40, based on the guidelines of the City's Economic Development Ad Valorem Tax Exemption Program.

Honorable Mayor and Members of the City Council

Legislative Memorandum

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Per Section 4 of City Resolution No. 98-55, City Council may recover any taxes waived during the exemption period. The AVT exemptions granted to-date are as follows:

| <b>Tax Year</b> | <b>Amount</b>      |
|-----------------|--------------------|
| 2021            | \$17,089.68        |
| 2022            | \$18,609.89        |
| 2023            | \$22,224.78        |
| <b>TOTAL:</b>   | <b>\$57,924.35</b> |

At the March 21, 2024 Regular Meeting, City Council directed staff to work with Midwest Dental Arts, Inc to come up with a payment plan/arrangement and bring forward to a future meeting.

**REQUESTING DEPARTMENTS:**

Community & Economic Development

**FISCAL IMPACT:**

Midwest Dental Arts, Inc. would no longer receive an ad valorem tax exemption beginning with the 2024 property tax bill.

**STAFF RECOMMENDATION:**

Motion to approve Ordinance 2024-17, revoking the Economic Development Ad Valorem Tax Abatement for Midwest Dental Arts, Inc. for property located at 1490 Treeland Boulevard SE 32909.

**ATTACHMENTS:**

1. 2023 Annual Report for Midwest Dental Arts, Inc.
2. Certified Letter to Midwest Dental Arts, Inc.
3. Ordinance 2018-36 (Project Rainbow)
4. Ordinance 2019-40 (Modified to Midwest Dental Arts, Inc.)
5. Project Rainbow Original Application for AVT Exemption
6. Ordinance 2024-17

ANNUAL REPORT

ECONOMIC DEVELOPMENT AD VALOREM  
TAX EXEMPTION PROGRAM  
RESOLUTION 98-55, PALM BAY CODE

As required by the Economic Development Ad Valorem Tax Exemption Ordinance, Chapter 102, Division 3, Section 189 Brevard County Code, this form is to be filed with the City of Palm Bay Council no later than March 1 of each year the exemption is desired.

1. Business name: Midwest Dental Arts Inc  
Mailing address: 1490 Treeland Blvd SE Palm Bay, FL 32909

2. Name of person in charge of business: Jamcy Schropp  
Telephone No.: (321) 426-7723 FAX No.: ( )

3. Location of business (legal description and street address) of property for which this report is filed:  
1490 Treeland Blvd SE  
Palm Bay, FL 32909

4. Date business opened at this facility: 11/18/21

5. a. Description of improvements to real property for which this exemption is requested:  
New Construction of Dental Lab

b. Date of commencement of construction of improvements: 01/01/21

6. a. Description of the tangible personal property for which this exemption is requested and date when property was purchased:  
*Provide this information on the attached form entitled: "Tangible Personal Property" Audit Report.*

b. Average value of inventory on hand: 40750

7. Have you maintained the definition of a "New Business" or as an "Expansion of an Existing Business?" Yes (X) No ( )

8. Describe the type or nature of your business: Dental Lab

9. Trade level (check as many as apply):  
Wholesale ( ) Manufacturing (X) Professional ( ) Service ( ) Office ( ) Other ( )

10. a. Number of full-time employees employed in Florida: 54  
b. If an expansion of an existing business:  
(1) Net increase in employment 10 or \_\_\_\_\_ %  
(2) Increase in productive output resulting from this expansion: \_\_\_\_\_ %

11. Sales factor for the facility requesting exemption:  
Total sales in Florida from this facility - one (1) location only 9062379.31 divided by  
Total sales everywhere from this facility - one (1) location only \_\_\_\_\_ = \_\_\_\_\_

12. For office space owned and used by a corporation newly domiciled in Florida:  
a. Date of incorporation in Florida: 11/19/13  
b. Number of full-time employees at this location: 37

I agree to furnish such other reasonable information as the City of Palm Bay Council may request in regard to this exemption. 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 for which he/she has any knowledge.)

DATE: 01.31.2024 SIGNED: Tabitha January  
 SIGNED: \_\_\_\_\_ SIGNED: 240 Wiley Blvd SW #B CR., IA 52404  
 TITLE: President (Taxpayer) SIGNED: 319.390.2046  
 (Preparer's address) (Preparer's telephone number)

PROPERTY APPRAISER'S USE ONLY

I. Estimate of the revenue which will be lost to the City during the current fiscal year had the exempt property otherwise been subject to taxation:  
22,224.78

II. Estimate of the taxable value lost to the City:  
Improvements to real property: 2,535,160 Personal property: 632,072

DATE: 3-5-24 SIGNED: \_\_\_\_\_  
(Property Appraiser)



March 5, 2024

Via Certified Letter # 9589 0710 5270 0695 4802 52

Jamey Schropp, President  
Midwest Dental Arts, Inc.  
1291 Highway 965  
Swisher, IA 52338

Dear Mr. Schropp,

On September 6, 2018, Palm Bay City Council granted Midwest Dental Arts, Inc., also known as Project Rainbow, an ad valorem tax exemption for a period of 8 years at 80 percent on real and tangible property added to the County's assessment roll at 1490 Treeland Boulevard SE, Palm Bay, Florida. Companies that participate in the City's Ad Valorem Tax Exemption Program must maintain their eligibility as set forth in Ordinance 2018-36. The City annually reviews the eligibility of each company. During the annual review, the City examines a company's annual report along with employment verification information such as an Employer's Quarterly Federal Tax Return (Form 941) and the records of the Brevard County Property Appraiser's Office.

Based on the information provided in Midwest Dental Arts, Inc.'s 2023 Annual Report, the Company no longer qualifies for the City's Ad Valorem Tax Exemption program. The original application for the ad valorem exemption stated that the Company planned to create 30 new jobs (in addition to maintaining the 28 employees that were working within Brevard County at the time of adoption) with an average wage of \$46,000 within three (3) years and invest \$5.1 million in improvements to real property and additional tangible personal property added to the assessment rolls. However, as reported in the 2023 Annual Report, the Company reported 9 total new jobs over the past three (3) years (28 to 37), therefore not meeting the minimum job creation requirement. City staff is considering recommending that the Palm Bay City Council revoke the City's Ad Valorem Tax Exemption granted to Midwest Dental Arts, Inc. during the Council meeting on Thursday, March 21, 2024, at 6:00 p.m. If you have compelling reasons for the City to reconsider the revocation, please provide the information to my office at your earliest convenience.

Should you have any questions or wish to discuss this matter further, please contact my office directly.

Sincerely

Suzanne Sherman  
City Manager

cc: Nancy Bunt, Director of Community & Economic Development  
Patricia Smith, City Attorney





## 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

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

ATTEST   
\_\_\_\_\_  
Terese M. Jones, CITY CLERK  
Reviewed by CAO: 

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 #29-37-08-MY-3D42-8 Legal Description: Plat Book/Page: 0030/0060 Port Malabar Unit 56 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: Ken R. Chell  
(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: 0030/0060 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            |
|  |     |                  |               |                                  |      |      |  |                      |
|  |     |                  |               |                                  |      |      |  |                      |
|  |     |                  |               |                                  |      |      |  |                      |
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|  |     |                  |               |                                  |      |      |  |                      |
|  |     |                  |               |                                  |      |      |  |                      |

- 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: 80-100 %
- 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: [Signature]  
 (Preparer)  
 SIGNED: \_\_\_\_\_ 2425 Pineapple Ave #108 Melbourne FL 32905  
 (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: 512,885.17
- 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: [Signature]  
 (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 2018 \_\_\_\_\_
  - 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:

**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

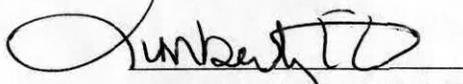
3. The NOTICE OF PUBLIC HEARING in the above-styled cause, a true and correct copy of which is included herein was published for one (1) week specifically August 17 2018.

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

8/18/18  
721

### 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 RIVERA 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, KREBY 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.

### ORDINANCE NO. 2018-36

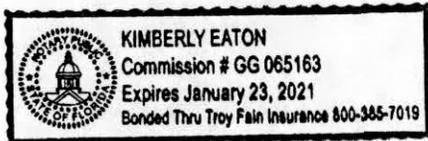
AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO PROJECT RAINBOW TO BE LOCATED AT PORT MALABAR UNIT 56, LOT 6, BLOCK 3042; SPECIFYING THE ITEMS EXEMPTED; PROVIDING THE EXPIRATION DATE OF THE EXEMPTION; FINDING THAT THE BUSINESS MEETS 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.

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. (59.03, 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 a 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.

Terese M. Jones, CMC - City Clerk



## 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

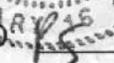
**SECTION 11** The City Clerk shall file a certified copy of this ordinance with the State of Florida Office of the Secretary of State within ten (10) days of its enactment

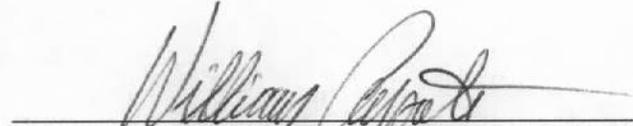
**SECTION 12.** The provisions within this ordinance shall take effect immediately upon the enactment date

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

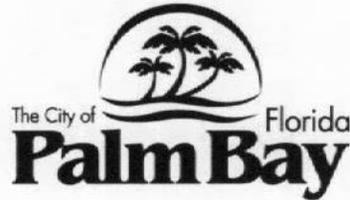
ATTEST

  
\_\_\_\_\_  
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 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 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 and/or imprisonment.

*Susan Benjamin*  
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.

*Jessica Hinkamp*  
NOTARY PUBLIC-STATE OF FLORIDA

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

*JJK*  
*7/15/19*

JESSICA HINKAMP  
Commission # GG 093984  
Expires April 13, 2021  
Bonded Thru Troy Fain Insurance 600-395-7013

## NOTICE OF PUBLIC HEARING

CITY OF PALM BAY, FLORIDA  
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. 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, 2019 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 VICTORY 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 58, 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 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 made, which record includes the testimony and evidence upon which the appeal is based (Section 258.0105, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.

Terese M. Jones, CMC  
City Clerk



## LEGISLATIVE MEMORANDUM

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

**FROM:** Gregg Lynk, City Manager

**DATE:** August 14, 2018

**RE:** Ordinance granting economic development ad valorem tax exemptions to Project Rainbow; Resolutions Recommending Project Rainbow 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 30 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 DEPARTMENT(S):**

Office of the City Manager – 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:**

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

Attachment(s): 1) Ordinance 2018-\_\_\_\_\_  
2) Resolution 2010-\_\_\_\_\_  
2) Ad Valorem Tax Exemption Application – Project Rainbow  
3) Brevard Property Appraiser property information and TRIM notice

AA/

## **Project Rainbow Ad Valorem Tax Abatement Executive Summary**

Project Rainbow is a Midwest based corporation with four locations across the United States including locations in Florida. The company currently employs 76 people across all locations.

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. All of our products are made in the United States with zero outsourcing.

Companywide growth necessitates the expansion of our manufacturing capabilities. The expansion is agnostic with respect to place and is driven by internal cost analysis.

If the project goes forward in Palm Bay Project Rainbow would build a 20,000 sq. ft facility. The expansion would support an increase in workforce of near 100% from 28 to 58 employees within 3 years from completion of the building. Estimated cost to complete the build-to-suit would be approximately \$3,000,000 and an additional approximately \$2,100,000 in new equipment.

Project Rainbow has determined the manufacturing would most likely take place in either Florida or at the Midwest HQ location. Given that product shipping costs are an incidental part of the final product price our location decision is driven by a variety of variable cost factors, including property taxes. The Ad Valorem Tax Abatement program considerably strengthens the Florida business case for the company.

# AD VALOREM TAX ABATEMENT

Job Creation Distribution Worksheet

| <b>JOB TITLE / DESCRIPTION</b> | <b>NUMBER OF JOBS</b> | <b>WAGE</b> | <b>ANTICIPATED HIRE TIMELINE (YEARS 1-3)</b> |
|--------------------------------|-----------------------|-------------|--|
| Manufacturing Technicians      | 7                     | \$46,000    | Year 1                                       |
| Cad                            | 3                     | \$70,000    | Year 1                                       |
| Manufacturing Technicians      | 6                     | \$46,000    | Year 2                                       |
| Cad                            | 4                     | \$70,000    | Year 2                                       |
| Manufacturing Technicians      | 5                     | \$46,000    | Year 3                                       |
| Cad                            | 5                     | \$70,000    | Year 3                                       |
|                                |                       |             |  |

**Project Rainbow**

City of Palm Bay

06/25/18

**Overview:**

|                      |          |                     |             |
|----------------------|----------|---------------------|-------------|
| New Job Commitment:  | 30       | Capital Investment: | \$5,100,000 |
| Average Annual Wage: | \$46,000 |                     |             |

**Economic impact from job creation:**

| <u>Jobs</u>     | <u>Net New Wage</u>      | <u>Contribution to GDP</u> |
|-----------------|--------------------------|----------------------------|
| 30 (Direct)     | \$1,380,000 (Direct)     | \$1,203,573 (Direct)       |
| 20 (Indirect)   | \$770,292 (Indirect)     | \$1,171,258 (Indirect)     |
| 12 (Induced)    | \$456,540 (Induced)      | \$821,284 (Induced)        |
| <b>62 TOTAL</b> | <b>\$2,606,831 TOTAL</b> | <b>\$3,196,115 TOTAL</b>   |

- For every employment position created by Project Rainbow approximately 1.06 additional jobs will be developed to support the operation of the facility.
- For every payroll dollar paid to Project Rainbow approximately \$0.89 will be generated for consumer spending.

**City Tax Impact**

| <b>Years 1-10</b>             | <b>Annual Taxes on Construction</b>      |           |
|-------------------------------|--|-----------|
| Projected Tax Assessed        | \$                                       | 20,280.00 |
| Potential Abatement (at 100%) | \$                                       | 20,280.00 |
|                               | <b>Annual Taxes on Personal Property</b> |           |
| Projected Tax Assessed        | \$                                       | 14,196.00 |
| Potential Abatement (at 100%) | \$                                       | 14,196.00 |

**Years 11+:** Company will be assessed for 100% of tax liability

Tax Millage Code – 34U0

NAICS – 541990

IMPLAN Sector – 460

*Analysis based on information supplied by Project Rainbow - June 2018*

*Economic impact calculations furnished by EDC Research Office, using IMPLAN Professional 3.0 (www.IMPLAN.com).*

*Abatement & millage numbers are estimates; all final numbers determined solely by the Brevard County Property Appraiser's Office and the City of Palm Bay.*

*\*Subject to City of Palm Bay's Ad Valorem Tax Abatement Program Guidelines.*

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-3042-6 Legal Description: Plat Book/Page: 0030/0060 Port Malabar Unit 56 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 of 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: Ken R. Allen  
(Committee Chairman)

**CITY USE ONLY**

**City Manager's Recommendation:**

City still concurs with staff recommendation  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: 0030/0060 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: \_\_\_\_\_

3425 Pineapple Ave #108 Melbourne, FL 32905  
(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: 512,885.17
  - 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: Dana Blinley  
(Property Appraiser)

RETURN TO BE FILED NO LATER THAN MARCH 1