

**TOWN OF MALABAR  
SPECIAL TOWN COUNCIL MEETING  
MONDAY AUGUST 14, 2017  
7:30 PM  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

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**AGENDA**

**A. CALL TO ORDER, PRAYER AND PLEDGE**

**B. ROLL CALL**

**C. PUBLIC HEARINGS: 2**

**1. Resolution 16-2017 Increasing Stormwater Utility Fee  
Used in Assessment Calculation:**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING FOR AN INCREASE IN THE STORMWATER NON ADVALORUM ASSESSMENT FROM \$36.00 PER ERU SET IN FY 2000 TO \$52.00 PER ERU FOR THE TAX YEAR 2017, 2018 and 2019 AND A FURTHER INCREASE TO \$64.00 PER ERU FOR THE TAX YEAR 2020 AND BEYOND; PROVIDING FOR THE USE OF THE SAME BILLING CLASSIFICATIONS APPROVED IN 2000; PROVIDING FOR A COPY OF THE RESOLUTION TO BE DELIVERED TO THE BREVARD COUNTY TAX COLLECTOR; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.**

**Exhibit: Agenda Report 1**

**Recommendation: Approve Resolution 16-2017**

**2. Resolution 17-2017 Certifying the Stormwater Assessment Roll and approving the Stormwater Budget for FY 2017/2018**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING FOR CERTIFICATION OF THE STORMWATER ASSESSMENT ROLL FROM BREVARD COUNTY; PROVIDING FOR A BUDGET OF \_\_\_\_\_ IN THE STORMWATER REVENUE ACCOUNT TO FUND STORMWATER PROJECTS APPROVED BY COUNCIL FOR FY 2017/2018; PROVIDING FOR AN EFFECTIVE DATE.**

**Exhibit: Agenda Report 1**

**Recommendation: Approve Resolution 17-2017**

**D. ADJOURNMENT:**

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to ensure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service. In compliance with F.S. 86.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

Karlene & John Conroy  
1865 Alexander Lane  
Malabar, FL 32950

August 7, 2017

Received  
during  
RTC  
8/7/17  
DKZ

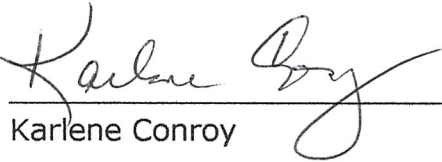
Town of Malabar  
2725 Malabar Road  
Malabar, FL 32950

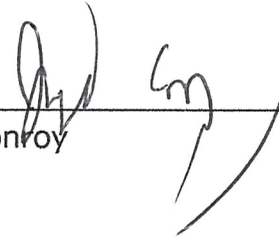
Re: NOTICE OF PUBLIC HEARING ON PROPOSED STORMWATER UTILITY FEE  
INCREASE

Per the right to file a written objection to the town within 20 days of this notice dated July 20, 2017, we hereby declare that we object to the proposed Stormwater Utility Fee Increase.

You have collected this fee from all town residents for many, many years, and because you have not been good stewards of these funds, we can't justify adding more money to the pot.

Sincerely,

  
\_\_\_\_\_  
Karlene Conroy

  
\_\_\_\_\_  
John Conroy

**Town of Malabar  
2725 Malabar Rd.  
Malabar Fl 32950**



**July 26, 2017**

**Dear Sirs:**

**Per: Notice of Public Hearing on Proposed Stormwater Utility Fee Increase**

**I request to comment and address my concerns regarding this increase.**

**I request to address the council regarding my concerns and issues regarding the proposed increase.**

**Sincerely,**

**Gary L. Sandoe**

*Sandra T. Sandoe*  
**Sandra T. Sandoe**

**1830 Sandy Creek Ln.**

**Malabar Fl. 32950**

*321-729-6384*

August 2, 2017



**Via Certified Mail**

Mr. Doug Hoyt  
Town Administrator  
Town of Malabar  
2725 Malabar Road  
Malabar, FL 32950  
E-mail: dhoyt@townofmalabar.org

***Re: Proposed Increase in Stormwater Fees; Good Thunder Enterprises, LLC.***

Dear Doug:

I am in receipt of the proposed Stormwater Impact fees for nine (9) land parcels owned by Good Thunder Enterprises, LLC. I do object to this increased stormwater and any stormwater fee as:

1. The Town of Malabar provides no benefit to those land parcels.
2. The Town of Malabar has no infrastructure connected to these land parcels and maintains no storm sewer, ditches, canals or roadways connected to these land parcels.
3. These parcels do not drain to or indirectly to any stormwater facilities maintained or even contemplated by the Town of Malabar.
4. These parcels are permitted through the Florida Department of Agriculture, drain to Goat Creek and have BMAP exemption.

An assessment must carry a benefit and in our case, in our location no benefit is being provided.

We would appreciate your assistance to resolve this again. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott M. Glaubitz". The signature is stylized and somewhat cursive, with a long horizontal line extending to the right.

Scott M. Glaubitz, P.E., P.L.S.  
Good Thunder Enterprises, Managing Member

SMG/ml

u:/SGlaubitz/SMG Documents (from H Drive)/Good Thunder Corr/17-s3855.aug

Enclosures:

# Brevard County Property Appraiser



August 4, 2017

753 Brevard Cty  
 253 Brevard Cty  
 504 Brevard Cty

Account	Parcel ID	Property Site Address	Land Use Code	Taxing District	Acreage	Mailing Address Formatted 1
2954521	29-38-17-00-259	3325 WILLIAMS AVE GRANT VALKAR VACANT RESIDENTIAL LAND (SINC GRANT-VALKARIA			1.17	GOOD THUNDER ENTERPRISES LLC
2953409	29-38-08-00-511	3330 VALKARIA RD MALABAR FL 326 SINGLE FAMILY RESIDENCE MALABAR			1.35	GOOD THUNDER ENTERPRISES LLC
2953408	29-38-08-00-509	3480 GOAT CREEK LN MALABAR FL 3 RESIDENTIAL RELATED AMENITIES MALABAR			1.11	GOOD THUNDER ENTERPRISES LLC
2930172	29-37-09-GO-673-19	893 TALUGA AVE SE PALM BAY FL 32 VACANT RESIDENTIAL LAND (SINC PALM BAY			0.28	GOOD THUNDER ENTERPRISES LLC
2953373	29-38-07-00-752	UNKNOWN FL	VACANT RESIDENTIAL LAND (SINC MALABAR		2.04	GOOD THUNDER ENTERPRISES LLC
2953405	29-38-08-00-503	UNKNOWN FL	GRAZING LAND - SOIL CAPABILITY MALABAR		34.62	GOOD THUNDER ENTERPRISES LLC
2953407	29-38-08-00-507	UNKNOWN FL	GRAZING LAND - SOIL CAPABILITY MALABAR		4.15	GOOD THUNDER ENTERPRISES LLC
2958944	29-38-08-00-515	UNKNOWN FL	VACANT RESIDENTIAL LAND (SINC MALABAR		0.12	GOOD THUNDER ENTERPRISES LLC
2961747	29-38-08-00-508	UNKNOWN FL	GRAZING LAND - SOIL CAPABILITY MALABAR		18.45	GOOD THUNDER ENTERPRISES LLC
2961785	29-38-07-00-758	UNKNOWN FL	VACANT RESIDENTIAL LAND (SINC MALABAR		3.58	GOOD THUNDER ENTERPRISES LLC
2961786	29-38-18-00-7	UNKNOWN FL	VACANT INDUSTRIAL LAND GRANT-VALKARIA		1.32	GOOD THUNDER ENTERPRISES LLC
2962375	29-38-07-00-759	UNKNOWN FL	GRAZING LAND - SOIL CAPABILITY MALABAR		9.96	GOOD THUNDER ENTERPRISES LLC
2962928	29-38-07-00-760	UNKNOWN FL	GRAZING LAND - SOIL CAPABILITY MALABAR		9.96	GOOD THUNDER ENTERPRISES LLC
2964970	29-38-17-00-266	UNKNOWN FL	GRAZING LAND - SOIL CAPABILITY GRANT-VALKARIA		10.28	GOOD THUNDER ENTERPRISES LLC

**Palm Bay**

VI

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VII

# TOWN OF MALABAR

## AGENDA ITEM REPORT

AGENDA ITEM NO: 1

Workshop Meeting Date: August 14, 2017

Prepared By: Debby Franklin, CMC, Town Clerk/Treasurer

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**SUBJECT: Council Approval of Reso 16-2017 re: SW fee Increase to 52 and 64**

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### **BACKGROUND/HISTORY:**

The Town Council has assessed a Stormwater Utility Fee since 2000, but has not been consistent in budgeting for appropriate stormwater projects. In 2014, Council reviewed and prioritized a series of stormwater projects that would provide the “most bang for the buck” as submitted by the Town Engineer. Only one project was completed at that time and two others started. Since that time, two additional stormwater projects have been proposed to Council with their support to proceed. Both will require stormwater monies.

There are 1,681 billable parcels within Malabar. Resolution 03-2017 was adopted at the RTCM on April 14, 2017 to allow staff to proceed with individual mailed notices and a Public Notice advertisement in the newspaper in order to hold a Public Hearing on a proposed rate increase to be used in the formulas adopted in 2000.

Malabar's rate is \$36.00 now per ERU and it has never been increased since it was adopted 17 years ago. We currently budget 70,000.00 for this tax.

This tax is calculated by the Brevard County Tax Office based on information provided by the Brevard County Natural Resources Department that calculates the rates, issues credits based on the eligible stormwater systems, performs annual inspections on those sites claiming a stormwater credit and collects the non-ad valorem tax and distributes the portion to the Town. For these services the County bills the Town for ten percent (10%) of the collection. This is far more economical than for Malabar to hire staff to perform these tasks. The Department of Natural Resources also does data collection and public education for the benefit of the Town and the IRL. They also assist the Town with the required reporting to the State and compliance with our NPDES (National Pollution Elimination Discharge System) permit.

Staff would ask Council approve the increases as voted on at the RTCM of 4/14/17.

### **FINANCIAL IMPACT:**

Increasing to 52.00 per ERU will provide \$102,307.00 in SW funding for the tax years 2017, 2018 and 2019.

A further Increase to 64.00 per ERU will provide \$124,601.00 in SW funding beginning in the tax year 2020 and thereafter.

Please Note: the numbers above reflect the total collection.

### **ATTACHMENTS:**

Resolution 16-2017 with Exhibit "I"

### **ACTION OPTIONS:**

Staff requests Adoption of Reso 16-2017.

**RESOLUTION 17-2016**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL; ADOPTING AN ANNUAL BUDGET FOR THE TOWN'S STORMWATER UTILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, on August 14, 2017, the Town Council certified the annual stormwater utility assessment roll and adopted a budget for the operation and maintenance of the Town's Stormwater Management Program for the fiscal year beginning October 1, 2017; and

**WHEREAS**, an annual assessment roll has been prepared by Brevard County, a summary of which is attached to and made part of this Resolution by reference and labeled Exhibit "A"; and

**WHEREAS**, a copy of such Annual Stormwater Utility Assessment Roll has been sent to the Brevard County Tax Collector for collection in the same manner as ad valorem taxes are collected; and

**WHEREAS**, the Town Council is satisfied that the annual Stormwater Utility Assessment Roll has been prepared for fiscal year beginning October 1, 2017, in conformity with the Schedule of Rates adopted by the Town Council on August 7, 2000 and incorporating the rate increase in the per ERU from \$36.00 to \$52.00 per ERU (Equivalent Residential Unit).

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:**

**Section 1. Findings:** The above WHEREAS" statements are true and correct.

**Section 2.** Those stormwater utility assessments imposed during fiscal year beginning October 1, 2017, shall be billed by the Town of Malabar or its authorized representative, pursuant to the provisions of Section 13.5-8 of the Code of Ordinances, Town of Malabar, and shall be due and payable on November 1<sup>st</sup> of each year, pursuant to law.

**Section 4.** That a certified copy of this Resolution shall be delivered to the Tax Collector of Brevard County, Florida.

**Section 5.** This Resolution shall take effect immediately upon its adoption. This Resolution was moved for adoption by Council Member \_\_\_\_\_ . This motion was seconded by Council Member \_\_\_\_\_ and, upon being put to vote, the vote was as follows:

Council member Grant Ball	_____
Council member Laura Mahoney	_____
Council Member Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Richard Kohler	_____

This Resolution was then declared to be duly passed and adopted this 14<sup>th</sup> day of August, 2017.

TOWN OF MALABAR  
By:

\_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

Approved as to Form and Content:

\_\_\_\_\_  
Karl Bohne, Jr., Town Attorney



ATTEST:

\_\_\_\_\_  
Debby K. Franklin, C.M.C.  
Town Clerk/Treasurer

(seal)

# TOWN OF MALABAR

## AGENDA ITEM REPORT

AGENDA ITEM NO: 2  
Meeting Date: August 14, 2017

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

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**SUBJECT: Certification of Assessment Roll and Approve Assessment (Reso 17-2017)**

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**BACKGROUND/HISTORY:**

The certification of the assessment roll for stormwater and the estimated amount to be assessed must be approved by Council prior to the collection by the Tax Collector. Malabar Ordinance 1992-4 requires legal advertising before a Public Hearing can be held to approve the Stormwater Budget.

The action of Council for this item, is to approve the assessment roll and following the public hearing on the stormwater fee increase will determine the assessment amount.

Following approval of this resolution it will be directed to the County Tax Collector and the amount they estimate.

**FINANCIAL IMPACT:**

\$ 70,000.00 without fee increase

\$105,327.00 with increase to \$52.00 per ERU (equivalent residential unit)

**ATTACHMENTS:**

Resolution 17-2017

**ACTION OPTIONS:**

Town Clerk requests approval of Resolution 17-2017 Certifying the Assessment Roll and amount.

## RESOLUTION 16-2017

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING FOR AN INCREASE IN THE STORMWATER NON ADVALORUM ASSESSMENT FROM \$36.00 PER ERU SET IN FY 2000 TO \$52.00 PER ERU FOR THE TAX YEAR 2017, 2018 and 2019 AND A FURTHER INCREASE TO \$64.00 PER ERU FOR THE TAX YEAR 2020 AND BEYOND; PROVIDING FOR THE USE OF THE SAME BILLING CLASSIFICATIONS APPROVED IN 2000; PROVIDING FOR A COPY OF THE RESOLUTION TO BE DELIVERED TO THE BREVARD COUNTY TAX COLLECTOR; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Malabar Council began assessing a non-advalorum Stormwater Utility Fee in 2000 and has not increased it since that time; and

**WHEREAS**, pursuant to Section 13.5-6 of the Code of Ordinances of the Town, the Town Council is authorized to adopt a rate resolution for the purposes of imposing a Stormwater Utility Fee or Assessment upon the owners of all real property located within the Town; and

**WHEREAS**, Section 197.3632, Florida Statutes and Section 13.5-6 of the Code of Ordinances of the Town, provides that the Town Council shall hold a public hearing to adopt a rate increase to the annual Stormwater Utility Fee Formulas after proper notice and publication as necessary; and

**WHEREAS**, the Town of Malabar Council began budgeting for stormwater management projects that would begin the process of putting the stormwater drainage system within the Town's rights-of-way where they can be properly maintained by the Town and this increase will assist in the required funding of such projects; and

**WHEREAS**, this Resolution provides the same Schedule of Billing Classifications, Definition of the Equivalent Residential Unit (ERU) and Method of Calculation as approved in 2000, and increases the per ERU value from \$36.00 to \$52.00 in that Formula beginning in October 1, 2017 for three years and then further increasing it to \$64.00 in October 1, 2020 and thereafter; and

**WHEREAS**, the Town of Malabar Council will take public comment on the proposed increase at this public hearing scheduled for August 14, 2017.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Malabar, Brevard County, Florida, that:

**SECTION 1.** Findings. The above "Whereas" statements are true and correct and incorporated herein.

**SECTION 2.** Schedule.

1. The Malabar Council adopts the Schedule of Stormwater Assessments and Classifications, attached hereto as "Exhibit I", for Stormwater Benefit Areas within the Town of Malabar.
2. The Malabar Council hereby adopts Stormwater Utility Fees incorporating the rate of \$52.00 per ERU for tax years 2017, 2018 and 2019 in the calculation formulas set forth in "Exhibit I". The rate increase to \$64.00 per ERU for tax year 2020 and beyond.

**SECTION 3.** It is intended by the Town Council that this Resolution constitutes the rate resolution specified in Section 13.5-6 of the Code of Ordinances of the Town.

**SECTION 4.** A certified copy of this rate resolution shall be delivered to the Brevard County Tax Collector.

**SECTION 5.** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SECTION 6.** Effective Date.

This Resolution shall take effect immediately after the Public Hearing held on August 14, 2017.

This Resolution was moved for adoption by Council Member \_\_\_\_\_. The motion was seconded by Council Member \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	_____
Council Member Laura Mahoney	_____
Council Member Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Richard Kohler	_____

This Resolution was then declared to be duly passed and adopted this 14th day of August, 2017.

By: TOWN OF MALABAR

\_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

ATTEST:

\_\_\_\_\_  
Debby K. Franklin  
Town Clerk/Treasurer

(seal)

Approved for Legal Sufficiency:

\_\_\_\_\_  
Karl Bohne, Jr., Town Attorney

**EXHIBIT I****SCHEDULE OF CLASSIFICATIONS AND CALCULATIONS FOR ANNUAL STORMWATER UTILITY ASSESSMENT ROLL FOR COUNTY FISCAL YEAR BEGINNING OCTOBER 1, 2014.**

<b>BILLING CLASSIFICATIONS</b>		
A	Agricultural	Any property which is used for commercial agricultural pursuits, and is designated as commercial agricultural on the Brevard County Property Appraiser's records.
B	Condominium and Manufactured Housing	Any property identifying an individual condominium or townhouse unit or any property upon which is located a manufactured home.
D	Multiple Single Family Dwelling Units	Any property upon which is located more than one building or structure, each of which is designed and constructed for, and capable for use as a residence for one family.
E	Commercial	Any lot or parcel upon which is located any structure or facility designed for business related uses.
I	Industrial	Any lot or parcel upon which there is a structure or building for use as productive enterprises and/or manufacturing activities.
M	Multifamily Dwelling	Any property upon which is located any building or structure, consisting of more than one dwelling unit, each designed for occupancy for one family.
N	Non-Billable	Those parcels or lots which are right of way, local Government-Owned lands or properties not billable by state, and local laws.
R	Mixed Use Residential	Any lot or parcel which contains more than one use, including one or more Single family dwellings in conjunction with more than one multi-family unit, each unit being assessed at its corresponding billing class ERU calculation.
S	Single Family Dwelling	Any property upon which is located any building or structure designed or constructed for, and capable for use as a residence for one family and is erected on a separate lot or parcel.
T	Vacant Natural	Any lot or parcel that is unaltered, contains no structures, and has not been designated as Agricultural (A) or Non-Billable (N).
V	Vacant Altered	Any lot or parcel that contains no structures, is not designated as Agricultural (A) or Non-Billable (N), and has been modified from its natural state, including lots within platted subdivided areas.
Y	Vacant Improved	Any lot or parcel which is not designated as Agricultural (A) or Non-Billable (N), and has been either graded, cleared, compacted and/or excessively landscaped.

**LAND USE Bill Class Formulas**

One **ERU**, or Equivalent Residential Unit, for the purpose of calculating service charge rates has been determined through engineering analysis to be 2,500 square feet of effective impervious area.

List of terms used in the rate calculation formulas

TERM	DEFINITION
G	Gross Area of Parcel in Square Feet
I	Impervious Area of Parcel in Square Feet
M	Mitigation Factor with a range of 0.2 to 1.0 and an increment of 0.01
N	Number of Dwelling Units or Hook-Ups
NI	Adjustment Factor for Alteration of Pervious Surfaces
0.20	Pervious Factor Coefficient
0.90	Impervious Factor Coefficient
0.03	Pervious Factor Coefficient for Agricultural, Vacant Altered, Industrial Use Only
0.40	Infiltration Factor for Agricultural Land Use Cover for Good Soil Conditions (same question as prevs)
0.60	Average Runoff Coefficient for Open Space for Average Soil Conditions
DF	Melbourne Tillman Drain Fee
RATE	Per ERU. This is set by the taxing authority. (County or city with inter-local agreement)
Billing	Stormwater assessment amount

BILL CLASS		CALCULATION FORMULA
A	Agricultural (same as Vacant Altered)	# ERU's = $G \times 0.03 \times 0.4 / 2,500$ sq. ft. Billing = [ #ERU's x RATE x M ] – DF
B	Condominium	Billing = [ 1 ERU x .50 x RATE x M ] - DF
D	Multiple Single Family Dwelling Units	Billing = [ 1 ERU x N x RATE x M ] - DF <i>(If number units is unavailable this defaults to calculating with 2.)</i>
E	Commercial	NI = $I \times 1.25$ # ERU's Commercial = $\{ [(NI - I) \times 0.2] + (I \times 0.9) \} / 2,500$ sq. ft. # ERU's Vacant Altered = $[ (G - NI) \times 0.03 \times 0.40 ] / 2,500$ sq. ft. <i>(If Vacant Altered LT 0 then this defaults to 0)</i> Billing = [ {(# ERU's Commercial x RATE) + (# ERU's Vacant Altered x RATE)} x M ] – DF
I	Industrial	NI = $I \times 1.25$ # ERU's Commercial = $\{ [(NI - I) \times 0.2] + (I \times 0.9) \} / 2,500$ sq. ft. # ERU's Vacant Improved = $[ (G - NI) \times 0.03 \times 0.60 ] / 2,500$ sq. ft. <i>(If Vacant Improved LT 0 then this defaults to 0)</i> Billing = [ {(# ERU's Commercial x RATE) + (# ERU's Vacant Improved x RATE)} x M ] - DF
M	Multifamily Dwelling	Billing = [ 1 ERU x 0.50 x N x RATE x M ] – DF
N	Non Billable	Billing = 0. No bills generated for these land uses
R	Mixed Use Residential	Billing = [ (Sum of S, M, B, D ERUs) x RATE x M ] – DF <i>Sum explained – Mixed Use Residential accounts will have more than one structure on the account. To each individual structure the Property Appraiser Office assigns a number of units and a use code. Each use code has a calculation factor of either 0.5 or 1.0. An amount for each structure is computed by multiplying the number of units times the calculation factor times the rate. The sum of these amounts for the account is then used in the Bill Class R calculation.</i>
S	Single Family Dwelling	Billing = [ 1 ERU x RATE x M ] – DF
T	Vacant Natural	Billing = 0. No bills generated for these land uses
V	Vacant Altered (same as agricultural)	# ERU's = $G \times 0.03 \times 0.4 / 2,500$ sq. ft. Billing = [ #ERU's x RATE x M ] – DF
Y	Vacant Improved	# ERU's = $[ (G \times 0.03 \times 0.4) + (I \times 0.9) ] / 2,500$ sq. ft. Billing = [ #ERU's x RATE x M ] – DF
	Minimum Bill Amount	The minimum billing is set at \$2.35 per parcel