

RESOLUTION 03-2017

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING FOR FINDINGS; 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 CLASSIFICATIONS OF PROPERTY; PROVIDING FOR CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL; ADOPTING THE UNIFORM AD VALOREM METHOD OF COLLECTION; PROVIDING FOR MASS MAIL OUT NOTIFICATION OF PUBLIC HEARING TO TAKE PLACE AT THE COUNCIL MEETING OF JUNE 19, 2017; 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 on or before the fifteenth day of September of any year, the Town Council shall hold a public hearing to adopt a rate resolution for the purpose of imposing said schedule of annual stormwater utility fees or assessment, 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 plan 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, prior to September 15, 2017, the Town Council will hold a public hearing to adopt a budget for the operation and maintenance of the Town's stormwater management program for the ensuing fiscal year, and this rate resolution adopted by the Town Council provides sufficient revenues to fund the budget adopted for the operation and maintenance of the Town's stormwater management program; and

WHEREAS, this Resolution provides a Schedule of Stormwater Assessments and Classifications specifying the amount and calculation of annual stormwater utility fee and assessment imposed within the Town for the fiscal year beginning October 1, 2017; and

WHEREAS, the proposed new rates are similar to the rates approved by Brevard County when they proposed rate increases in 2014; and

WHEREAS, upon adoption of this resolution, the Town of Malabar Council will hold a public hearing after mailing out notices as required under state law when proposing a stormwater utility fee rate increase; and

WHEREAS, the Town Council is satisfied that the annual Stormwater Utility Assessment Roll has been prepared in conformity with the said Schedule of Stormwater Assessments and Classifications; and

WHEREAS, the Town of Malabar Council will take public comment on the proposed increase at this public hearing scheduled for June 19, 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 A, 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 A. 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. The Town Council hereby ratifies, confirms, and certifies that the annual Stormwater Utility Assessment Roll for the fiscal year beginning October 1, 2017 is in conformity with the Schedule of Rates adopted by the town Council.

SECTION 5. A certified copy of this rate resolution shall be delivered to the Brevard County Tax Collector.

SECTION 6. Those stormwater utility assessments imposed during the fiscal year beginning October 1, 2017, shall be billed by the Town or its authorized representative, pursuant to the provisions of Chapter 13.5 of the Code of Ordinances of the Town and shall be due and payable on November 1 of each year, pursuant to law.

SECTION 7. The Town Council adopts the uniform ad valorem method for the levy, collection and enforcement of non-ad valorem assessments pursuant to section 197. 3632, Florida Statutes.

SECTION 8. The Clerk is hereby directed to provide mail out notice of the public hearing to take place at the council meeting of June 19, 2017.

SECTION 9. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 10. Effective Date.

This Resolution shall not take effect until after the Public Hearing set for June 19, 2017.

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

BILLING CLASSIFICATIONS	
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.

BILLING CLASSIFICATIONS	
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) x 0.2] + (I x 0.9) } / 2,500 sq. ft. # ERU's Vacant Altered = [(G - NI) x 0.03 x 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) x 0.2] + (I x 0.9) } / 2,500 sq. ft. # ERU's Vacant Improved = [(G - NI) x 0.03 x 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</i>

	BILL CLASS	CALCULATION FORMULA
		<i>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 x 0.03 x 0.4 / 2,500 sq. ft.
		Billing = [#ERU's x RATE x M] - DF
Y	Vacant Improved	# ERU's = [(G x 0.03 x 0.4) + (I x 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

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

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

This Resolution was then declared to be duly passed and adopted this 17th day of April, 2017.

By: TOWN OF MALABAR

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

ATTEST:

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

(seal)

Approved for Legal Sufficiency:

Karl Bohne, Jr.
Karl Bohne, Jr., Town Attorney

