



City of Indian Harbour Beach Staff Report

City Council Agenda Item

Public Hearing of Resolution No. 683 Adopting the Annual Stormwater Utility Non-Ad Valorem Assessment for FY 2017/2018

Meeting Date: August 8, 2017

Staff Recommendation: Hold a Public Hearing of Resolution No. 683 adopting the Annual Stormwater Utility Non-Ad Valorem Assessment for FY 2017/2018.

Background Information:

In 1992 the City of Indian Harbour adopted Chapter 16.5 creating a municipal Stormwater Utility Code and non-ad valorem tax program, as authorized by Florida Statutes 403.0893, to fund citywide stormwater improvements and projects to reduce or eliminate pollutants entering the Indian River Lagoon. In accordance with Section 16.5-5 of the Code of Ordinances, the City will hold the annual public hearing for the Stormwater Utility Non-Ad Valorem Assessment for FY 2015-2016 on Tuesday, August 8, 2017. Included in the agenda package is a copy of Resolution No. 683. There are no proposed changes to the stormwater rate system in FY 2017/2018.

This is a public hearing.

Staff Recommendation:

Staff recommends approval of Resolution No. 683.

RESOLUTION NO. 683

A RESOLUTION OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, IMPOSING AN ANNUAL STORMWATER UTILITY ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AGAINST ALL REAL PROPERTY WITHIN THE CITY LIMITS OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA; PROVIDING FOR CLASSIFICATIONS OF PROPERTY; PROVIDING FOR CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 16.5-5 of the Code of Ordinances of the City of Indian Harbour Beach, Florida, the City 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 City; and

WHEREAS, Section 197.3632, Florida Statutes and Section 16.5-5 of the Code of Ordinances of the City, provides that on or before the fifteenth day of September of any year, the City 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; and

WHEREAS, prior to September 15, 2017, the City Council will hold a public hearing to adopt a budget for the operation and maintenance of the City's stormwater management program for the ensuing fiscal year, and this rate resolution adopted by the City Council provides sufficient revenues to fund the budget adopted for the operation and maintenance of the City's stormwater management program; and

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

WHEREAS, the City Council is satisfied that the annual Stormwater Utility Assessment Roll has been prepared in conformity with the said Schedule of Rates and Classifications.

NOW, THEREFORE, be it resolved by the City Council of the City of Indian Harbour Beach, Brevard County, Florida, as follows:

SECTION 1. The City Council does hereby adopt the Schedule of Rates and Classifications attached to this Resolution as Exhibit “A” for all property located within the City of Indian Harbour Beach.

SECTION 2. It is intended by the City Council that this Resolution constitutes the rate resolution specified in Section 16.5-5 of the Code of Ordinances of the City.

SECTION 3. The City 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 City Council.

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

SECTION 5. Those stormwater utility assessments imposed during the fiscal year beginning October 1, 2017, shall be billed by the City or its authorized representative, pursuant to the provisions of Section 16.5-5 and 16.5-7 of the Code of Ordinances of the City and shall be due and payable on November 1 of each year, pursuant to law.

SECTION 6. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Indian Harbour Beach, Brevard County, Florida, this 8th day of August, 2017.

DAVID A. PANICOLA, MAYOR

ATTEST:

DEBORAH MALISKA, CMC
CITY CLERK

Prepared/Sponsored By Jacqueline R. Burns, City Manager

EXHIBIT A

SCHEDULE OF RATES AND CLASSIFICATIONS FOR ANNUAL STORMWATER UTILITY ASSESSMENT FOR CITY FISCAL YEAR BEGINNING OCTOBER 1, 2017 (See Tables for land use categories)

BILLING CLASSIFICATIONS:

A – Agricultural: Any property without structures which is used for agricultural pursuits, and is designated as agricultural on the Brevard County Property Appraiser's records.

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.

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.

M – Multifamily Dwelling: Any property, designated as a trailer park, or upon which is located any building or structure, consisting of more than one dwelling unit, each designed for occupancy for one family.

B – Condominium: Any parcel identifying an individual condominium or townhouse unit.

E – Commercial: Any lot or parcel upon which is located any structure or facility designed for business related uses (other than as a single family dwelling unit).

I – Industrial: Any lot or parcel upon which there is a structure or building for use as productive enterprises and/or manufacturing activities.

T – Vacant Natural: Any lot or parcel which is unaltered, contains no structures, and has not been designated as Agricultural (A) or Non-Billable (N). These parcels may be determined on a case by case basis.

V – Vacant Altered: Any lot or parcel which contains no structures, is not designated as Agricultural (A) or Non-Billable (N), and has been modified from its natural state. These parcels will be determined on a case by case basis.

Y – Vacant Improved: Any lot or parcel which is not designated as agricultural or non-billable, and has been either graded, cleared, compacted and/or excessively landscaped.

N – Non-Billable: Those parcels or lots which are right-of-ways, State or Federal lands, or properties designated by the Stormwater Utility to receive an assessment through other means than the Tax Notice.

H – All Else: Any lot or parcel which has not been classified under one of the above billing classes due to its unique land use. The assessment for these parcels will be calculated individually.

RATES:

\$48 per ERU per year

An 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.

The following is a list of the terms used in the rate calculation formulas given below:

G	=	Gross area of parcel in square feet
I	=	Impervious area of parcel in square feet
M	=	Mitigation factor with a range of 0.3 to 1, 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 use only
0.40	=	Infiltration factor for agricultural land use cover for good soil condition
0.60	=	Average runoff coefficient for open space for average soil condition

A – Agricultural

$$\# \text{ ERU's} = \frac{G \times 0.03 \times 0.4}{2500 \text{ square feet}}$$

$$\text{Billing} = \# \text{ ERU's} \times \$48 \times M$$

S – Single Family Dwelling

$$\text{Billing} = 1 \text{ ERU} \times \$48 \times M$$

D – Multiple Single Family Dwelling Units

$$\text{Billing} = 1 \text{ ERU} \times N \times \$48 \times M$$

M – Multifamily Dwelling

$$\text{Billing} = 1 \text{ ERU} \times 0.50 \times N \times \$48 \times M$$

B – Condominium

The billing amount is calculated for each unit as a fraction of an ERU.

$$\text{Billing} = 1 \text{ ERU} \times 0.50 \times \$48 \times M$$

E – Commercial

$$NI = I \times 1.25$$

$$\# \text{ ERU's Commercial} = \frac{[(NI - I) \times 0.2] + (I \times 0.9)}{2500 \text{ square feet}}$$

$$\# \text{ ERU's Vacant Altered} = \frac{(G - NI) \times 0.03 \times 0.40}{2500 \text{ square feet}}$$

$$\text{Billing} = (\# \text{ERU's Commercial} + \# \text{ERU's Vacant Altered}) \times \$48 \times M$$

I – Industrial

$$NI = I \times 1.25$$

$$\# \text{ERU's Commercial} = \frac{[(NI - I) \times 0.2] + (I \times 0.9)}{2500 \text{ square feet}}$$

$$\# \text{ ERU's Vacant Improved} = \frac{(G - NI) \times 0.03 \times 0.60}{2500 \text{ square feet}}$$

$$\text{Billing} = (\# \text{ERU's Commercial} + \# \text{ERU's Vacant Improved}) \times \$48 \times M$$

T – Vacant Natural

No Bills generated for these lands.

V – Vacant Altered

$$\text{\#ERU's} = \frac{G \times 0.03 \times 0.4}{2500 \text{ square feet}}$$

$$\text{Billing} = \text{\#ERU's} \times \$48 \times M$$

Y – Vacant Improved

$$\text{\#ERU's} = \frac{(G \times 0.03 \times 0.60) + (I \times 0.9)}{2500 \text{ square feet}}$$

$$\text{Billing} = \text{\#ERU's} \times \$48 \times M$$

N – Non-Billable

No bills generated for these land uses.

H – All Else

The assessments for the parcels that fall under this category will be determined on an individual basis. One of the formulas provided will be used to calculate the assessment for each parcel according to its land use.

For any of the above categories – if a mitigation credit is granted then the number of ERU's will be multiplied by a factor ranging from 0.3 to 1.0 to arrive at the mitigated number of ERU's.

For any of the above categories (except Non-Billable and Vacant), the minimum billing is set at \$2.35 per parcel.



City of Indian Harbour Beach Staff Report

City Council Agenda Item

Approve on First Reading Ordinance No. 2017 – 05 Amending Ordinance No. 2016-14 Which Declared a Temporary Moratorium on the Operation of Medical Marijuana Treatment Centers and Dispensing Organizations to Change the Terms in the Original Moratorium Ordinance to be Consistent with SB 8A Adopted by the Florida Legislature in June 2017

Meeting Date: August 8, 2017

Staff Recommendation: Approve on first reading Ordinance No. 2017 – 05 amending Ordinance No. 2016-14 which declared a Temporary Moratorium on the operation of Medical Marijuana Treatment Centers and Dispensing Organizations to change the terms in the original moratorium ordinance to be consistent with SB 8A adopted by the Florida Legislature in June 2017

Background Information:

You will recall during the November 2014 General Election the voters of Florida were asked to cast a “yes” or “no” vote on Amendment 2 which, per the ballot title, would allow for the “Use of Marijuana for Certain Medical Conditions.” Under Florida’s State Constitution this amendment required approval by a 60% majority. In advance of this referendum election, October 2014, the City of Indian Harbour Beach adopted an ordinance regulating medical marijuana operations within the community, including the prohibition of cultivation of medical marijuana in the city. These municipal regulations were adopted to provide for the location and regulation of such facilities, as it was unclear what regulations, if any, the State of Florida would pass to implement the Medical Marijuana industry.

Amendment 2 failed in the November 2014 General Election as a result of not obtaining more than 60% approval of the proposed amendment. However, the city retained the regulations on this issue as we believed this amendment would be revised and return to the General Election Ballot in November 2016. This revised amendment did, in fact, return to the ballot in November 2016 and was approved by 71 percent of the voters in Florida. The approved Constitutional Amendment required the Florida Legislature to enact legislation implementing rules governing the Medical Marijuana industry prior to July 1, 2017. Absent such legislation, the Florida Department of Health was required to adopt implementation regulations.