

City of Fellsmere City Council
Agenda Request Form

Meeting Date: February 16, 2023

Agenda Item No. 6 (a)

☒ **PUBLIC HEARING**

☐ RESOLUTION

☒ **Ordinance on Second Reading**

☒ **Public Hearing**

☐ DISCUSSION

☐ ORDINANCE ON FIRST READING

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Public Hearing on the Consideration of Revising Utility Billing Payment Window to 21 Days

RECOMMENDED MOTION/ACTION: Conduct second reading and public hearing and approve Code Amendment.

Approved by City Manager Marion Mathis **Date:** 2-9-23

Originating Department:	Costs: \$ Funding Source: Acct. #	Attachments: 1. Chapter 78 CofO (O-2023-06)
Department Review: <input checked="" type="checkbox"/> City Attorney _____ <input checked="" type="checkbox"/> Comm. Dev. _____	<input type="checkbox"/> Finance <u>X</u> _____ <input type="checkbox"/> Utility _____ <input type="checkbox"/> FPD _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> City Clerk <u>X</u> _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>X</u> _____ Please initial one.

Submittal information: Council meets on the first and third Thursday's of each month. Agenda submittal deadline to the City Clerk is 5:00 p.m. of the last and second Thursday of each month. Therefore the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Thursday deadline.

Summary Explanation/Background: As discussed at the 2/2/2023 City Council meeting, a first reading and first public hearing was held to consider this issue. This is now the second public hearing to adopt the revised ordinance.

As discussed in the Manager's Matters during the 1/12/2023 Council Meeting, staff wishes to return to a 21-day billing cycle instead of the current 28-day billing cycle that was adopted in response to the COVID crisis. A 28-day cycle is creating incorrect billings and unnecessary customer complaints. We had much less confusion when we had the 21-day cycle. Since the number of days is mandated in the City Code, it can only be amended via Ordinance change.

Staff recommends approval.

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA BY AMENDING CHAPTER 78 UTILITIES, SECTION 78-94 UTILITY BILL PAYMENT SCHEDULE; AND PROVIDING FOR RATIFICATION; AMENDMENT; CONFLICTS; SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Fellsmere, Florida is a duly constituted municipality having such powers and authority conferred upon it by the Florida Constitution and Chapter 166 Florida Statutes; and

WHEREAS, the City Council held duly advertised public hearing(s) and has determined that the amendment(s) to the Code of Ordinances of the City of Fellsmere, Florida is/are in the best interest of the City and that the public health, safety, environmental and general welfare of the citizens of the City will be furthered by the amendment(s) to the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. RATIFICATION. The above recitals are hereby ratified, adopted and incorporated herein as legislative findings of the City Council.

SECTION 2. AMENDMENT. That the Code of Ordinances of the City of Fellsmere, Florida Section 78-94, is amended to read as set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

SECTION 3. CONFLICTS. All previous ordinances or parts of ordinances, resolutions, or motions of the City which conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. If any section, part of a sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part.

SECTION 5. CODIFICATION. The provisions of this Ordinance may be incorporated into the Code of Ordinances of the City of Fellsmere, Florida and the word "ordinance" may be changed to "section", "article" or other appropriate word, and the sections of the ordinance may be re-titled, re-numbered or re-lettered, to accomplish such codification. Grammatical, typographical and other like errors may be corrected and additions, alterations and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

The foregoing Ordinance 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:

Mayor, Joel Tyson	_____
Council Member Fernando Herrera	_____
Council Member Inocencia Hernandez	_____
Council Member Gerald Renick	_____
Council Member Jessica Salgado	_____

The Mayor thereupon declared this Ordinance fully passed and adopted this _____ day of _____, 2023.

CITY OF FELLSMERE, FLORIDA

ATTEST:

Joel Tyson, Mayor

Maria Suarez-Sanchez, CMC, City Clerk

I HEREBY CERTIFY that Notice of the public hearing on this Ordinance was published in the Press Journal, as required by State Statute, that the foregoing Ordinance was duly passed and adopted on the _____ day of _____, 2023, and the first reading was held on the _____ day of _____, 2023, and that the second and final reading and public hearing was held on the _____ day of _____, 2023.

Maria F. Suarez-Sanchez, CMC, City Clerk

EXHIBIT "A"
TO
ORDINANCE NO. 2023-05

Sec. 78-94. Utility bill payment schedule.

All utility bills are due when rendered, however, customers are allowed ~~28~~-21 days from the billing date to pay utility bills in full before they are considered delinquent. At the expiration of ~~28~~-21 days, a late payment charge shall be added to the account. At the expiration of the ~~28~~-21-day period, a notice of intent to discontinue service (delinquent notice) will be mailed, allowing seven additional days in which to make the required payment. If payment is not received by the dates specified thereon, a cut-off list shall be prepared, at which time an administrative charge shall be added to the account. Such charges shall be set forth in an appropriate rate resolution. In the event service is discontinued for non-payment, re-instatement of service will not be effected until all charges due at the time service was discontinued have been paid including the appropriate utility deposit and the following non-refundable fees:

Services disconnected at the meter shall be charged a re-connection fee plus a disconnection charge. In the event a utility service that has been discontinued for nonpayment is connected by unauthorized personnel, such service shall be disconnected, and the meter removed. This constitutes a second disconnect and an additional service charge shall be made in addition to that required for the first disconnect as stated above. Such fees and charges shall be set forth in the rate resolution.

If a negotiable instrument is tendered to pay a utility bill, such instrument will be processed for payment as soon as possible. If the negotiable instrument is not honored by the institution upon which it is drawn, utility service for which payment was intended shall be subject to immediate discontinuance without further notice. Future payments from customers uttering a non-negotiable instrument may be refused and such payment required to be made in cash, cashier's check or money order. In accordance with F.S.66.251 a service charge in accordance with F.S. 832.08(5) or five percent of the face amount of the check, draft or order, whichever is greater, shall be required when payment is attempted with a non-negotiable instrument.

2/6/2023 10:53am
putnam

CITY OF FELLSMERE
Accounts Receivable Sales History Report
For All Customers

Page: 1

For Sales Date Range From 1/1/2023 to 1/31/2023 and Order By Customer ID

Customer ID	Customer Name	Contact	Document	Apply To ID	Type	Date	Total	Balance
82SOLEAN	MIRIAM MARRERO		(WATER)-		Invoice	01/23/23	\$754.40	\$754.40
							Total	\$754.40
FELLSPRE	FELLSMERE PRESERVE LLC		31777	Unapplied	Payment	01/27/23	(\$21,750.00)	
							Total	(\$21,750.00)
SREIT-PD	SREIT SONRISE VILLAS, LLC		2022		Invoice	01/17/23	\$12,669.00	\$0.00
			31865	2022	Payment	01/31/23	(\$12,669.00)	
			331866	Sept-22-PDD	Payment	01/31/23	(\$5,043.00)	
							Total	\$0.00
							Report Total	(\$20,995.60)

Accounts Payable Check Register Report - MARINE BANK & TRUST-3030003226

For The Date Range From 1/1/2023 To 1/31/2023

For All Vendors And For Outstanding, Cleared, Voided Checks - Computer Generated, Hand Written, eCheck

Check # / eCheck ID	Type	Date	Vendor	Name	Amount	Status
302670	C	1/4/2023	3533	BURGE, KEVIN	\$52.53	O
302671	C	1/4/2023	2406	CINTAS CORPORATION #283	\$144.10	O
302672	C	1/4/2023	85	CLERK OF THE CIRCUIT COURT	\$10.00	O
302673	C	1/4/2023	85	CLERK OF THE CIRCUIT COURT	\$18.50	O
302674	C	1/4/2023	1774	CULPEPPER & TERPENING, INC	\$7,203.00	O
302675	C	1/4/2023	424	DILL, EVANS & RHODEBACK	\$18,710.00	O
302676	C	1/4/2023	3470	ENVIRONMENTAL SERVICES UNLIMITED, INC.	\$2,020.00	O
302677	C	1/4/2023	2946	FLORIDA CITY GAS	\$29.86	O
302678	C	1/4/2023	169	FPL	\$5,384.17	O
302680	C	1/4/2023	422	GRAINGER, INC.	\$161.59	O
302681	C	1/4/2023	3976	HERNANDEZ, OSIEL	\$75.38	O
302682	C	1/4/2023	1753	JORDAN & ASSOCIATES	\$5,000.00	O
302683	C	1/4/2023	3769	KYOCERA DOCUMENT SOLUTIONS AMERICA INC.	\$607.59	O
302684	C	1/4/2023	3989	MACIAS, GLENDA	\$200.00	O
302685	C	1/4/2023	3826	MIMS, LORRAINE	\$129.86	O
302686	C	1/4/2023	3902	ODP BUSINESS SOLUTIONS, LLC	\$51.91	O
302687	C	1/4/2023	3038	STARK EXTERMINATORS CO	\$274.00	O
302688	C	1/4/2023	3620	STAVOLA AGGREGATE SUPPLY, LLC	\$805.89	O
302689	C	1/4/2023	3029	SYMBOL ARTS	\$491.70	O
302690	C	1/4/2023	411	USABUEBOOK	\$1,014.50	O
302691	C	1/4/2023	2120	VERIZON WIRELESS	\$521.07	O
302692	C	1/4/2023	2793	VISA	\$25.00	O
302693	C	1/4/2023	3213	VISA	\$665.33	O
302694	C	1/4/2023	3535	VISA	\$35.76	O
302695	C	1/4/2023	3629	VISA	\$343.97	O
302696	C	1/4/2023	3990	ZAMORA, USBALDO & BRENDA	\$75.38	O
302697	C	1/12/2023	1715	AT&T MOBILITY	\$487.23	O
302698	C	1/12/2023	2406	CINTAS CORPORATION #283	\$72.05	O
302699	C	1/12/2023	85	CLERK OF THE CIRCUIT COURT	\$140.40	O
302700	C	1/12/2023	2741	COMCAST ACCOUNT ENDING#0065061	\$212.74	O
302701	C	1/12/2023	3537	DAVID DOZER	\$80.00	O
302702	C	1/12/2023	169	FPL	\$1,825.57	O
302703	C	1/12/2023	422	GRAINGER, INC.	\$274.75	O
302704	C	1/12/2023	3859	GREATLAND CORPORATION	\$312.00	O
302705	C	1/12/2023	3231	GUETTLER BROTHERS CONSTRUCTION LLC	\$6,175.00	O

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Check # / eCheck ID	Type	Date	Vendor	Name	Amount	Status
302706	C	1/12/2023	3746	Hernandez, Inocensia	\$75.38	O
302707	C	1/12/2023	392	HOME DEPOT CREDIT SERVICES	\$308.92	O
302708	C	1/12/2023	2179	IKES'S BIKES	\$99.95	O
302709	C	1/12/2023	724	INDIAN RIVER COUNTY UTILITIES	\$14,001.28	O
302711	C	1/12/2023	3769	KYOCERA DOCUMENT SOLUTIONS AMERICA INC.	\$660.35	O
302712	C	1/12/2023	1360	MASTELLER & MOLER, INC	\$195.00	O
302713	C	1/12/2023	3902	ODP BUSINESS SOLUTIONS, LLC	\$74.20	O
302714	C	1/12/2023	3991	PEREZ, JUAN	\$10.00	O
302715	C	1/12/2023	3153	REGAL SERVICES, LLC	\$325.00	O
302716	C	1/12/2023	3031	SAFEBUILT, LLC	\$16,133.00	O
302717	C	1/12/2023	3620	STAVOLA AGGREGATE SUPPLY, LLC	\$2,469.85	O
302718	C	1/12/2023	3158	THE MILCOR GROUP INC.	\$6,100.00	O
302719	C	1/12/2023	3154	UNIFIED TECHNOLOGY SOLUTIONS INC	\$4,237.80	O
302720	C	1/12/2023	411	USABBLUEBOOK	\$152.17	O
302721	C	1/12/2023	3992	USIQ Inc.,	\$5,646.50	O
302722	C	1/12/2023	3727	VERIZON WIRELESS#242236184-0001	\$22.21	O
302723	C	1/12/2023	3994	WALLER, ROD	\$10.90	O
302724	C	1/25/2023	2063	ADVANCE AUTO PARTS	\$23.35	O
302725	C	1/25/2023	1757	AFLAC	\$910.60	O
302726	C	1/25/2023	3617	AMAZON CAPITAL SERVICES, INC	\$43.21	O
302727	C	1/25/2023	3469	AXON ENTERPRISE, INC.	\$59,418.90	O
302728	C	1/25/2023	2406	CINTAS CORPORATION #283	\$144.10	O
302729	C	1/25/2023	85	CLERK OF THE CIRCUIT COURT	\$70.20	O
302730	C	1/25/2023	2759	COMCAST BUSINESS ACCT ENDING 4635	\$319.92	O
302731	C	1/25/2023	3422	COMCAST BUISNESS-ACCT END# 0062928	\$306.25	O
302732	C	1/25/2023	3440	COMCAST BUSINESS ACCT ENDING#0071879	\$62.96	O
302733	C	1/25/2023	832	CUSTOM AIR SYSTEMS, INC.	\$89.00	O
302734	C	1/25/2023	424	DILL, EVANS & RHODEBACK	\$11,219.00	O
302735	C	1/25/2023	3470	ENVIRONMENTAL SERVICES UNLIMITED, INC.	\$585.00	O
302736	C	1/25/2023	3083	FDOT	\$3.00	O
302737	C	1/25/2023	169	FPL	\$307.22	O
302738	C	1/25/2023	422	GRAINGER, INC.	\$180.05	O
302739	C	1/25/2023	1703	INDIAN RIVER COUNTY CHAMBER OF COMMERCE	\$1,400.00	O
302740	C	1/25/2023	1891	INDIAN RIVER COUNTY SHERIFF'S OFFICE	\$1,644.83	O
302741	C	1/25/2023	3971	LEGAL SHIELD	\$460.90	O

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Check # / eCheck ID	Type	Date	Vendor	Name	Amount	Status
302742	C	1/25/2023	3939	MERAKI SOLUTIONS	\$1,729.70	O
302743	C	1/25/2023	3995	NELCO	\$201.70	O
302744	C	1/25/2023	3902	ODP BUSINESS SOLUTIONS, LLC	\$124.44	O
302745	C	1/25/2023	3000	PRINCIPAL LIFE INSURANCE COMPANY	\$1,133.05	O
302746	C	1/25/2023	1515	RENKER EICH PARKS ARCHITECTS	\$1,063.00	O
302747	C	1/25/2023	3744	SHELTON, JOSHUA	\$150.00	O
302748	C	1/25/2023	3009	STANDARD INSURANCE CO	\$462.40	O
302749	C	1/25/2023	3038	STARK EXTERMINATORS CO	\$253.00	O
302750	C	1/25/2023	3620	STAVOLA AGGREGATE SUPPLY, LLC	\$3,468.69	O
302751	C	1/25/2023	3154	UNIFIED TECHNOLOGY SOLUTIONS INC	\$3,092.80	O
302752	C	1/25/2023	3993	USA COMSER INC	\$394.05	O
302753	C	1/25/2023	411	USABUEBOOK	\$5,497.21	O
302754	C	1/25/2023	2120	VERIZON WIRELESS	\$522.53	O
302755	C	1/25/2023	3943	WATER WERKS INC	\$84,358.00	O
615	E	1/4/2023	92	COMMUNICATIONS INT'L INC	\$67.23	O
616	E	1/4/2023	602	COMPLETE ELECTRIC INC.	\$3,380.00	O
617	E	1/4/2023	1338	EAGLES BENEFITS BY DESIGN, INC.	\$4,555.73	O
618	E	1/4/2023	2076	RELIABLE SEPTIC & SERVICES	\$450.00	O
619	E	1/4/2023	2353	PITNEY BOWES, INC.	\$165.00	O
620	E	1/4/2023	3405	SOUTHERN CLASS LAWN MAINTENANCE LLC	\$3,704.50	O
621	E	1/4/2023	3563	WALSH ENVIRONMENTAL SERVICES, INC	\$2,225.00	O
622	E	1/4/2023	3617	AMAZON CAPITAL SERVICES, INC	\$151.76	O
623	E	1/4/2023	3810	AMERICAN RAMP COMPANY	\$13,000.00	O
624	E	1/4/2023	3967	BOROMEI CONSTRUCTION, INC	\$68,168.29	O
625	E	1/12/2023	3957	AE ENGINEERING, INC.	\$11,100.00	O
626	E	1/12/2023	3617	AMAZON CAPITAL SERVICES, INC	\$82.43	O
627	E	1/12/2023	3012	CARR, RIGGS & INGRAM	\$2,000.00	O
628	E	1/12/2023	3656	CIGNA Healthcare	\$33,551.97	O
629	E	1/12/2023	3107	MOREMAN, PUTNAM	\$227.50	O
630	E	1/12/2023	2370	OMNISITE, INC	\$334.00	O
631	E	1/12/2023	2076	RELIABLE SEPTIC & SERVICES	\$150.00	O
632	E	1/12/2023	2983	SOUTHERN JANITOR SUPPLY INC.	\$686.49	O
633	E	1/12/2023	2973	TREASURE COAST NEWSPAPERS	\$539.46	O
634	E	1/12/2023	3598	VADIM MUNICIPAL SOFTWARE INC.	\$14,153.18	O
635	E	1/12/2023	3853	SPMR LLC	\$6,141.96	O

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Check # / eCheck ID	Type	Date	Vendor	Name	Amount	Status
636	E	1/25/2023	185	GLOVER OIL COMPANY INC	\$1,626.24	O
637	E	1/25/2023	229	TYSON, JOEL	\$37.50	O
638	E	1/25/2023	415	VERO CHEMICAL DIST., INC.	\$1,102.90	O
639	E	1/25/2023	602	COMPLETE ELECTRIC INC.	\$965.16	O
640	E	1/25/2023	1338	EAGLES BENEFITS BY DESIGN, INC.	\$14,230.00	O
641	E	1/25/2023	2076	RELIABLE SEPTIC & SERVICES	\$450.00	O
642	E	1/25/2023	3272	SUPERIOR VISION INSURANCE INC	\$209.66	O
643	E	1/25/2023	3556	MUTUAL OF OMAHA	\$244.31	O
644	E	1/25/2023	3563	WALSH ENVIRONMENTAL SERVICES, INC	\$2,225.00	O
645	E	1/25/2023	3617	AMAZON CAPITAL SERVICES, INC	\$42.93	O
646	E	1/25/2023	3699	BACKFLOW SOLUTIONS INC	\$495.00	O
647	E	1/25/2023	3832	APPLIED WEBBOLOGY FL LLC	\$100.00	O
648	E	1/25/2023	3913	WEX BANK	\$4,125.45	O
302679	C	1/4/2023	169	VOID FOR OVERFLOW	\$0.00	V
302710	C	1/12/2023	3835	ISLAS, PETRA	\$6,141.96	V
Cleared					\$0.00	
Outstanding					\$474,481.05	
Void					\$6,141.96	