



Special City Commission Meeting Agenda

150 NE 2nd Avenue | Deerfield Beach, FL, 33441 | 954-480-4200

Mayor Bill Ganz

Vice Mayor Ben Preston

District 1 Commissioner Michael Hudak

District 3 Commissioner Bernie Parness

District 4 Commissioner Todd Drosky

Monday
September 13, 2021
6:00 PM

CALL TO ORDER & ROLL CALL

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

September 13, 2021

ZOOM MEETING

Join Zoom Meeting by clicking the below link:

<https://deerfield-beach.zoom.us/j/86463192400?pwd=dINKYWIQTkZpK3hNRXpyd2R4cUpUZz09>

Join Zoom Meeting via telephone by dialing:

Call-in Number: (301) 715-8592

Meeting ID: 864 6319 2400#

Participant ID: #

Passcode: 357691#

For complete instructions on joining and/or participating during Public Comment, please click the following link or attend in person in the City Commission Chambers adhering to social distancing protocols, temperature checks and face covering recommendations:

Attachment: Zoom Instructions

DEPARTMENTAL BUSINESS

- 1. P.H. 2021-109: Resolution 2021/ - A Resolution of the City of Deerfield Beach, Florida, relating to the provision of fire rescue services, facilities and programs in the City of Deerfield Beach, Florida; reimposing fire rescue assessments against assessed property**

located within the City of Deerfield Beach for the fiscal year beginning October 1, 2021; approving the rate of assessment; approving the assessment roll; and providing an effective date.

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Financial Services

Attachment: Fire Rescue Assessment

- 2. P.H. 2021-110: Resolution 2021/ - A Resolution of the City of Deerfield Beach, Florida, relating to the collection of Nuisance Abatement Services Assessments; adopting findings of fact; approving the rate of assessment for each affected property; adopting the Assessment Roll; providing for notice and providing an effective date.**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Financial Services

Attachment: Nuisance Abatement Services

ADJOURNMENT

FUTURE CITY COMMISSION MEETINGS

Regular City Commission Meeting - Tuesday, October 5, 2021

Any person wishing to appeal any decision made by the City Commission with respect to any matter considered at such meetings or hearings will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and the evidence upon which the appeal is made. The above notice is required by State Law (F.S. 286.0105). Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the presence of a certified court reporter at the hearing.



Special City Commission Meeting - September 13, 2021

DEERFIELD BEACH - YOU ARE HEREBY NOTIFIED that a **Special City Commission** meeting will be held on **Monday, September 13, 2021, at 6:00 PM in the City Commission Chambers located at the City Hall Complex, 150 NE 2nd Avenue, Deerfield Beach, Florida.** A quorum of the City Commission will be physically present at the meeting and the City will be utilizing communications media technology with most City staff participating through video conferencing.

The September 13, 2021, Special City Commission meeting will proceed utilizing communications media technology; **however, the City Commission Chambers located at the City Hall Complex, 150 NE 2nd Avenue, Deerfield Beach, will be open to the public as an additional method** for speakers wishing to speak on items with such attendees adhering to social distancing protocols, temperature checks and face covering recommendations. A copy of the agenda for the September 13, 2021 meeting will be available at <http://www.deerfield-beach.com/1554/Meetings-Agendas>.

Attending and Viewing the City Commission Meeting:

This meeting will be broadcast live for members of the public. There are several options available to the public to attend/view the meeting:

- 1. In Person Attendance.** Attend in person in the City Commission Chambers adhering to social distancing protocols, temperature checks and face covering recommendations.
- 2. Zoom**
 - a. Via Zoom Online** - Access to the meeting will begin at 5:30 PM on September 13, 2021.
 - i. Use the following link below to access the meeting via Zoom:
<https://deerfield-beach.zoom.us/j/86463192400?pwd=dINkYWlQTkZpK3hNRXpyd2R4cUpUZz09>
 - ii. The video camera display feature is disabled for public use
 - b. Via Zoom Telephone** - Join the meeting via telephone (audio only) using the Call-in number below, followed by the Meeting ID when prompted. No computer or access code is required.

Call-in Number: (301) 715-8592, Meeting ID: 864 6319 2400#, Participant ID: #, Passcode: 357691#

For more information on using Zoom, please visit Zoom Support at the following link:
<https://support.zoom.us/hc/en-us>.

3. YouTube

The meeting will also be available to the public via YouTube for audio and video access; however, public participation, i.e. comments are not possible. The link to watch the meeting via YouTube will be active no later than 5:30 PM on September 13, 2021, and can be found by clicking the camera icon in the Media column at <http://www.deerfield-beach.com/1554/Meetings-Agendas>.

Providing Public Comment:

Public participation is strongly encouraged. Your comments will be limited to three minutes per person. To participate, please choose the option best for you and remember to include your name and address for the record.

1. **In person** - Public comment may be given in the Commission chambers during the applicable public comment portion of the meeting.
2. **Via Email** - Public comments and documents may be submitted via email to web.clerk@dfb.city. Public comments will be read aloud during the meeting and added to the record. Emails can be submitted prior to the meeting or until the public hearing session is closed.
3. **Live Zoom Video Participation** - If attending via Zoom online, at the appropriate public comment period, click "raise hand" on the bottom of the "participants" tab, and your audio will be unmuted when you are recognized.
4. **Live Zoom Telephone Participation** - If attending via Zoom by telephone, at the appropriate public comment period, press *9 to "raise your hand" and your audio will be unmuted when you are recognized.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CITY CLERK NO LATER THAN 3 DAYS PRIOR TO THE MEETING AT (954) 480-4213 FOR ASSISTANCE.

Should you have any questions, please feel free to contact the City Clerk's Office at 954.480.4213. For additional information on the agenda items for the Commission meeting, please visit www.dfb.city.



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2021-926

Agenda Date: 9/13/2021

Status: DEPARTMENTAL BUSINESS

In Control: City Commission

Title

P.H. 2021-109: Resolution 2021/ - A Resolution of the City of Deerfield Beach, Florida, relating to the provision of fire rescue services, facilities and programs in the City of Deerfield Beach, Florida; reimposing fire rescue assessments against assessed property located within the City of Deerfield Beach for the fiscal year beginning October 1, 2021; approving the rate of assessment; approving the assessment roll; and providing an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

Per Ordinance No. 2002/003, the City is authorized to impose fire rescue assessments for fire rescue services, facilities, and programs against assessed property located within the City. In order to reimpose, the Ordinance requires the City Commission to adopt an Annual Rate Resolution, during its budget adoption process for each Fiscal Year.

Current Activity

The re-imposition of a Fire Rescue Assessment for fire rescue services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning the Fire Rescue Assessed Cost among parcels of Assessed Property.

Recommendation

Adopt the resolution.

CITY OF DEERFIELD BEACH, FLORIDA

**ANNUAL RATE RESOLUTION
RESOLUTION NO. 2021/____**

ADOPTED SEPTEMBER 13, 2021

TABLE OF CONTENTS

	Page
SECTION 1. AUTHORITY.	3
SECTION 2. DEFINITIONS AND INTERPRETATION.....	3
SECTION 3. REIMPOSITION OF FIRE RESCUE ASSESSMENTS.	3
SECTION 4. CONFIRMATION OF PRELIMINARY RATE RESOLUTION.	7
SECTION 5. EFFECT OF ADOPTION OF RESOLUTION.	7
SECTION 6. SEVERABILITY.....	7
SECTION 7. EFFECTIVE DATE.....	7
 APPENDIX A: AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS	 A-1
APPENDIX B: PROOF OF PUBLICATION	B-1
APPENDIX C: FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL.....	 C-1

CITY OF DEERFIELD BEACH, FLORIDA

RESOLUTION NO. 2021/____

A RESOLUTION OF THE CITY OF DEERFIELD BEACH, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF DEERFIELD BEACH, FLORIDA; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF DEERFIELD BEACH FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of Deerfield Beach, Florida (the "City Commission"), has enacted Ordinance No. 2002/003 (the "Ordinance"), which authorizes the imposition of Fire Rescue Assessments for fire rescue services, facilities, and programs against Assessed Property located within the City;

WHEREAS, the reimposition of a Fire Rescue Assessment for fire rescue services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning the Fire Rescue Assessed Cost among parcels of Assessed Property;

WHEREAS, the City Commission desires to reimpose a Fire Rescue Assessment within the City using the procedures provided by the Ordinance, including the tax bill collection method for the Fiscal Year beginning on October 1, 2021;

WHEREAS, the City Commission, on July 20, 2021, adopted Resolution No. 2021/112 (the "Preliminary Rate Resolution"), containing and referencing a brief and general description of the fire rescue facilities and services to be provided to Assessed Property, describing the method of apportioning the Fire Rescue Assessed Cost to compute the Fire Rescue Assessment for fire rescue services, facilities, and programs

against Assessed Property, estimating a rate of assessment, and directing the updating and preparation of the Assessment Roll, provision of published notice required by the Ordinance and mailed notice if circumstances described in Section 2.08(F) of the Ordinance so require;

WHEREAS, in order to reimpose Fire Rescue Assessments for the Fiscal Year beginning October 1, 2021, the Ordinance requires the City Commission to adopt an Annual Rate Resolution, during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the City Commission deems appropriate, after hearing comments and objections of all interested parties;

WHEREAS, the updated Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance;

WHEREAS, notice of a public hearing has been published and mailed as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; an affidavit regarding the form of notice mailed being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on September 13, 2021, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of the Ordinance, Resolution No. 2019/085 (the “Amended and Restated Initial Assessment Resolution”), Resolution No. 2019/133 (the “Amended and Restated Final Assessment Resolution”), Resolution No. 2021/112 (the “Preliminary Rate Resolution”), Article VIII, Section 2, Florida Constitution, the City Charter of the City of Deerfield Beach, sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION.

(A) This resolution constitutes the Annual Rate Resolution as defined in the Ordinance.

(B) All capitalized terms in this resolution shall have the meanings defined in the Ordinance, the Amended and Restated Initial Assessment Resolution, the Amended and Restated Final Assessment Resolution, and the Preliminary Rate Resolution. For the purposes of this Annual Rate Resolution, the following term shall have the following meaning:

"Government Property" means property owned by the United States of America, a sovereign state or nation, the State of Florida, a county, or a special district, or any agencies of the aforementioned governmental entities, or property owned or controlled by a municipal corporation, or any agency thereof and used for governmental purposes, including affordable housing.”

SECTION 3. REIMPOSITION OF FIRE RESCUE ASSESSMENTS.

(A) The parcels of Assessed Property included in the Assessment Roll, as updated, which is hereby approved, are hereby found to be specially benefited by the provision of the fire rescue services, facilities, and programs described or referenced in the Preliminary Rate Resolution in the amount of the Fire Rescue Assessment set forth in the

updated Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference.

(B) Additionally, the Assessment Roll, as approved, includes those Tax Parcels of Assessed Property that cannot be set forth in that Assessment Roll due to the provisions of Section 119.071(4), Florida Statutes, concerning exempt “home addresses.”

(C) It is hereby ascertained, determined and declared that each parcel of Assessed Property within the City will be specially benefited by the City's provision of fire rescue services, facilities, and programs in an amount not less than the Fire Rescue Assessment for such parcel, computed in the manner set forth in the Preliminary Rate Resolution.

(D) Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance, the Amended and Restated Initial Assessment Resolution, the Amended and Restated Final Assessment Resolution, and the Preliminary Rate Resolution, from the fire rescue services, facilities, or programs to be provided and a legislative determination that the Fire Rescue Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Preliminary Rate Resolution.

(E) The method for computing Fire Rescue Assessments described and referenced in the Preliminary Rate Resolution is hereby approved. The Cost Apportionment, Cost Factor, and Parcel Apportionment methodologies adopted in Sections 6 and 7 of the Preliminary Rate Resolution are hereby approved.

(F) For the Fiscal Year beginning October 1, 2021, the estimated Fire Rescue Assessed Cost to be assessed is \$15,986,043.00. The Fire Rescue Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Rescue Assessed Cost for the Fiscal Year commencing October 1, 2021, are hereby established as follows:

RESIDENTIAL PROPERTY USE CATEGORIES	Rate Per Dwelling Unit			
Residential	\$235			
NON-RESIDENTIAL PROPERTY USE CATEGORIES	Building Classification (in square foot ranges)	Commercial	Industrial/Warehouse	Institutional
	< 1,999	\$437	\$106	\$1,225
	2,000 - 3,499	\$874	\$212	\$2,450
	3,500 - 4,999	\$1,529	\$371	\$4,288
	5,000 - 9,999	\$2,184	\$529	\$6,125
	10,000 - 19,999	\$4,368	\$1,058	\$12,249
	20,000 - 29,999	\$8,736	\$2,115	\$24,498
	30,000 - 39,999	\$13,103	\$3,173	\$36,747
	40,000 - 49,999	\$17,471	\$4,230	\$48,996
	> 49,999	\$21,839	\$5,287	\$61,245

(G) The above rates of assessment are hereby approved. Fire Rescue Assessments for fire rescue services, facilities, and programs in the amounts set forth in the updated Assessment Roll, as herein approved, are hereby levied and reimposed on all parcels of Assessed Property included in such Assessment Roll for the Fiscal Year beginning October 1, 2021.

(H) The following exemptions shall apply to the Fire Rescue Assessment program:

(1) No Fire Rescue Assessment shall be imposed upon a parcel of Government Property; however, Government Property that is owned by federal mortgage entities, such as the VA and HUD, shall not be exempted from the Fire Rescue Assessment.

(2) No Fire Rescue Assessment shall be imposed upon Buildings located upon parcels of Institutional Property whose Building use is wholly exempt from ad valorem taxation under Florida law.

(3) In accordance with Section 170.01(4), Florida Statutes, no Fire Rescue Assessment shall be imposed against any Building of Non-Residential Property located on a Tax Parcel that is classified by the Property Appraiser as agricultural lands pursuant to Section 193.461, Florida Statutes, unless that Building exceeds a just value of \$10,000 as determined by the Property Appraiser and is not an "agricultural pole barn" as defined in Section 170.01(4), Florida Statutes.

(I) Any shortfall in the expected Fire Rescue Assessment proceeds due to any reduction or exemption from payment of the Fire Rescue Assessments required by law or authorized by the City Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Rescue Assessments.

(J) As authorized in Section 2.13 of the Ordinance, interim Fire Rescue Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.

(K) Fire Rescue Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(L) The Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in the Ordinance, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 4. CONFIRMATION OF PRELIMINARY RATE RESOLUTION. The Preliminary Rate Resolution is hereby confirmed.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Fire Rescue Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

SECTION 6. SEVERABILITY. If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this resolution.

SECTION 7. EFFECTIVE DATE. This Annual Rate Resolution shall take effect immediately upon its passage and adoption.

Resolution 2021/____

PASSED, ADOPTED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2021.

CITY OF DEERFIELD BEACH, FLORIDA.

Bill Ganz, Mayor

ATTEST:

Samantha Gillyard, CMC, City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

Anthony Soroka, City Attorney

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared David Santucci, who, after being duly sworn, deposes and says:

1. David Santucci, as City Manager of the City of Deerfield Beach, Florida ("City"), pursuant to the authority and direction received from the City Commission, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Fire Rescue Assessment Ordinance No. 2002/003 adopted by the City Commission on November 14, 2001 (the "Assessment Ordinance") in conformance with the Preliminary Rate Resolution No. 2021/112 adopted by the City Commission on July 20, 2021 (the "Preliminary Rate Resolution").

2. In accordance with the Assessment Ordinance, Mr. Santucci timely provided all necessary information for notification of the Fire Rescue Assessment to the Property Appraiser of Broward County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

FURTHER AFFIANT SAYETH NOT.

David Santucci, affiant

STATE OF FLORIDA
COUNTY OF BROWARD COUNTY

The foregoing Affidavit of Mailing was sworn to and subscribed before me, by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2021 by David Santucci, City Manager, City of Deerfield Beach, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____
Commission No.: _____

APPENDIX B
PROOF OF PUBLICATION

SUN-SENTINEL

Sold To:

City of Deerfield Beach - CU00122386
150 NE 2nd Ave
Deerfield Beach, FL 33441-3506

Bill To:

City of Deerfield Beach - CU00122386
150 NE 2nd Ave
Deerfield Beach, FL 33441-3506

Published Daily

**Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida**

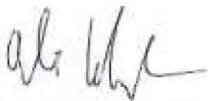
State Of Illinois

County Of Cook

Before the undersigned authority personally appeared
Charlie Welenc, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL,
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the
attached copy of advertisement, being a Legal Notice in:

The matter of ,
Was published in said newspaper in the issues of; Aug 24, 2021

Affiant further says that the said SUN-SENTINEL is a newspaper published in said BROWARD/PALM
BEACH/MIAMI-DADE County, Florida, and that the said newspaper
has heretofore been continuously published in said BROWARD/PALM BEACH/MIAMI-DADE County,
Florida, each day and has been entered as second class matter at the post office in BROWARD County,
Florida, for a period of one year next preceding the first publication of the attached copy of advertisement;
and affiant further says that he or 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.



Signature of Affiant

Sworn to and subscribed before me this: August 26, 2021.



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped
Personally Known (X) or Produced Identification ()

**CITY OF DEERFIELD BEACH
RECEIVED**

AUG 30 2021

CITY CLERK'S OFFICE

SUN-SENTINEL

Order # - 7022548

APPENDIX C

**FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL**

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Mayor of the City of Deerfield Beach, or authorized agent of the City of Deerfield Beach, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire rescue services (the "Non-Ad Valorem Assessment Roll") for the City is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Broward County Department of Finance and Administrative Services by September 15, 2021.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Broward County Department of Finance and Administrative Services and made part of the above described Non-Ad Valorem Assessment Roll this _____ day of _____, 2021.

CITY OF DEERFIELD BEACH, FLORIDA

By: _____
Mayor

**[to be delivered to Broward County Department of
Finance and Administrative Services prior to September 15]**



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2021-927

Agenda Date: 9/13/2021

Status: DEPARTMENTAL BUSINESS

In Control: City Commission

Title

P.H. 2021-110: Resolution 2021/ - A Resolution of the City of Deerfield Beach, Florida, relating to the collection of Nuisance Abatement Services Assessments; adopting findings of fact; approving the rate of assessment for each affected property; adopting the Assessment Roll; providing for notice and providing an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The enclosed Resolution approves a final assessment roll for the City's Nuisance Abatement Assessment Program for Fiscal Year 2021. Under the City's Nuisance Abatement Program codified in Chapter 34, Article VI of the City Code, the City imposes a nuisance abatement assessment on properties where the City has abated a nuisance. The assessment includes the actual cost of abating the nuisance, the cost of inspections, and all other specifically related costs. Any funds in the Nuisance Abatement Trust Fund may be used to abate public nuisances on property to which title is not clear, abate nuisances on government property, which may not be assessed, or for other purposes directly related to the abatement of nuisances.

Current Activity

Nuisance abatement services assessments for the upcoming and for prior fiscal years are as follows:
FY 2022 - \$49,931.12; FY 2021 - \$22,633.60; FY2020 - \$27,525.42; FY2019 - \$29,357.62; FY2018 - \$48,367.25.

Recommendation

To help to defray the cost of providing nuisance abatement services, staff recommends City Commission approval of this item.

RESOLUTION 2021/

A RESOLUTION OF THE CITY OF DEERFIELD BEACH, FLORIDA, RELATING TO THE COLLECTION OF NUISANCE ABATEMENT SERVICES ASSESSMENTS; ADOPTING FINDINGS OF FACT; APPROVING THE RATE OF ASSESSMENT FOR EACH AFFECTED PROPERTY; ADOPTING THE ASSESSMENT ROLL; PROVIDING FOR NOTICE AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Deerfield (“City”) has been continuously confronted with the challenge of abandoned and unmaintained homes within the City; and

WHEREAS, the City has instituted its Nuisance Abatement Program to address certain property maintenance issues affecting these abandoned and unmaintained homes; and

WHEREAS, these property maintenance issues negatively affect the public health, safety and welfare by enabling the deterioration of neighborhoods, facilitating and providing opportunities for criminal activity, producing blight and contributing to lower property values; and

WHEREAS, affected property owners and mortgagees were provided notice and an opportunity to be heard concerning conditions on their property that threatened the public health, safety and welfare; and

WHEREAS, the owners or mortgagees have either abandoned the property or refused to address the issues that threaten the community; and

WHEREAS, in an effort to combat these negative effects on the City of Deerfield Beach and its residents, the City has undertaken to improve the various properties throughout the City by abating conditions deemed to be a nuisance pursuant to its Nuisance Abatement Program; and

WHEREAS, the City Commission finds that properties so improved have specifically benefited from the City’s actions in an amount equal to or greater than the costs incurred by the City in carrying out its Nuisance Abatement Program and greater in kind and degree than other properties located within the City; and

WHEREAS, some owners or mortgagees of the benefited properties have failed or refused to reimburse the City for the costs incurred by the City in improving their property; and

WHEREAS, the City Commission finds that it is fair and equitable to assess against each benefited property a non-ad valorem special assessment in an amount equal to the costs incurred by the City in improving said property, less any amounts paid by the property owner to offset such costs; and

WHEREAS, the uniform method of collecting non-ad valorem assessments, as authorized by section 197.3632, Florida Statutes, provides for the collection of non-ad valorem assessments by including such assessments on the tax bills issued for the collection of non-ad valorem taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA:

SECTION 1. This Resolution is adopted pursuant to the provisions of Chapter 34, Nuisance Abatement Program of the City of Deerfield Beach Code of Ordinances, Chapter 170, Florida Statutes, and Sections 197.3632 and 197.3635, Florida Statutes, and other applicable provisions of law.

SECTION 2. The foregoing findings are incorporated herein by reference and made a part hereof. Further, it is hereby ascertained, determined and declared as set forth in Chapter 34 of the City of Deerfield Beach Code of Ordinances, that the City Commission of the City of Deerfield Beach has the authority under its home rule powers and other applicable Florida Statutes to impose Nuisance Abatement Services Assessments upon certain defined residential properties ("Assessed Property"), within the incorporated area of the City of Deerfield Beach, as more fully described in Exhibit A attached hereto and incorporated herein by this reference.

In addition, it is hereby ascertained, determined and declared that each parcel of Assessed Property has been benefited by the City's provision of nuisance abatement services in an amount not less than the cost of such service by the City for each parcel computed in the manner set forth in this Assessment Resolution based upon the following legislative determinations:

(A) Nuisance abatement services provide a special benefit and possess a logical relationship to the use and enjoyment of property.

(B) Nuisance abatement services benefit Assessed Property by providing reasonable, safe and cost effective remediation of nuisance conditions on such property.

(C) Nuisance abatement services benefit Assessed Property by protecting the value of the property, protecting the property from becoming the target of crime, and promoting the health, safety and welfare of the owners and occupants of such property, if any, resulting from the delivery of such services in a reasonable and cost effective manner.

(D) Nuisance abatement services assist in facilitating the eventual sale of property following foreclosure by promoting maintenance of the property, preventing vandalism of the property and improving the appearance of the neighborhood.

SECTION 3. Nuisance Abatement Services are provided to benefited properties after the property has been declared a nuisance pursuant to the City's Nuisance Abatement Program. Nuisance Abatement Services Assessments are imposed when the property owner fails to abate the conditions which give rise to the nuisance and, as a result, the City abates the nuisance(s). Each assessment includes the actual cost incurred by the City for the work performed on the property in abating the nuisance condition(s), utilizing either an outside contractor or City forces; the cost of providing notice, including, but not limited to, the cost of postage and publication and/or service by a process server; and a flat fee of \$325.00 for administrative/personnel costs. The Assessments set forth in the attached Exhibit A are hereby approved and shall be collected utilizing the uniform method of collecting non-ad valorem assessments.

SECTION 4. The City Commission hereby adopts the Assessment Roll, attached as Exhibit “A”, as the non-ad valorem assessment roll for Nuisance Abatement Services for the Fiscal Year commencing October 1, 2021.

SECTION 5. The City held a public hearing on Monday, September 13, 2021, at 6:00 p.m. in the City Commission Chambers of City Hall, 150 N.E. Second Avenue, Deerfield Beach, Florida, at which time the City Commission received and considered any comments on the Nuisance Abatement Services Assessments from the public and affected property owners and considered imposing the Nuisance Abatement Services Assessments and collecting such assessments on the same bill as ad valorem taxes.

SECTION 6. The City Manager caused the publication of a notice of the public hearing authorized by Section 5 above. The notice was published no later than August 24, 2021, in substantially the form attached as Exhibit “B”.

SECTION 7. A notice of public hearing was also provided by first class mail to the Owner of each parcel of Assessed Property in substantially the form attached hereto as Exhibit “C”. Such notices were mailed no later than August 24, 2021.

SECTION 8. This Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF SEPTEMBER, 2021.

CITY OF DERFIELD BEACH, FLORIDA

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CITY CLERK

EXHIBIT A

NAME OF OWNER	PARCEL ID#	AMOUNT	MAILING ADDRESS
381 THE COVE LLC	4843-0508-1090	\$7,751.08	2500 N MILITARY TRL, STE 100 BOCA RATON, FL 33441
DENHOLTZ DEERFIELD LLC%DENHOLTZ PROPERTIES	4842-0229-0030	\$3,825.00	116 CHESTNUT#102, RED BANK NJ 07701
STARBUCK, GARRETT	4842-1227-0710	\$1,465.00	730 SW 11 CT DEERFIELD BEACH, FL 33441
LCR 2009 NE 2ND LLC	4843-0502-0460	\$1,093.00	10115 JEFFERSON BLVD CULVER CITY, CA 90232
HOLDER, DOROTHY L EST	4842-1403-1140	\$4,202.92	6510 BRAVA WAY BOCA RATON, FL 33433-8240
1951 E HILLSBORO LLC	4843-0504-0650	\$1,881.12	2020 NE 163 ST, SUITE 300 NORTH MIAMI BEACH, FL 33162
DENSMORE, JOEL R & MERILEE A	4843-0712-0100	\$2,695.96	1701 SW 6 AVE BOCA RATON, FL 33486-7006
KOWALSKI, ANNE M EST	4843-0712-0340	\$11,711.80	1313 SE 2 AVE DEERFIELD BEACH, FL 33441-6707
OCEAN BLEU DEVELOPMENT LLC	4743-3102-0051	\$3,125.00	1375 GATEWAY BLVD, GATE 542 BOYNTON BEACH, FL 33426
YING, SEM PO%RAE FRANKS PA	4842-0103-0940	\$7,975.00	9534 EQUUS CIR BOYNTON BEACH, FL 33472
TOUCHE DOUCE INC/DEAN, SHANEKA	4842-0103-1410	\$3,209.92	13920 NE 12 AVE MIAMI, FL 33161
TOLEDANO PROPERTIES LLC	4743-3100-0240	\$995.32	333 E 14 ST#17F NEW YORK, NY 10003
TOTAL		\$ 49,931.12	

Copies of the assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessment is available for inspection in the office of the City Clerk, located at 150 N.E. Second Avenue, Deerfield Beach, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2021, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in a loss of title.

EXHIBIT B

OWNER
ADDRESS
CITY, STATE, ZIP

NOTICE OF HEARING TO IMPOSE A
NON-AD VALOREM ASSESSMENT FOR
NUISANCE ABATEMENT SERVICES

NOTICE DATE: AUGUST XX, 2021

Parcel Identification Number: Parcel ID XXXX-XX-XX-XXXX
Legal Description:

***** NOTICE TO PROPERTY OWNER*****

As required by Section 197.3632, Florida Statutes, and at the direction of the City Commission for the City of Deerfield Beach, Florida, notice is hereby given by the City of Deerfield Beach, Florida, that the City is proposing to collect a previously imposed special assessment against your property for nuisance abatement services, using the tax bill collection method. The special assessment was levied against your property for the cost to the City of providing nuisance abatement services pursuant to Chapter 34, of the City's Code of Ordinances. The assessment levied against your property was based upon the actual cost to the City for providing the service, including all direct and indirect costs. However, the City will waive any interest on its liens when paid as a non-ad valorem assessment on the tax roll.

The Nuisance Abatement Services Assessment for your property which the City is proposing to collect on the 2021 tax roll is = \$XX,XXX.XX. The total revenue the City will collect for the nuisance abatement services assessments for nuisance abatement services is estimated to be **\$49,931.12**. The nuisance abatement service assessments levied will be collected in the same manner as ad valorem taxes by the Broward County Department of Finance and Management Services and will appear on the "non-ad valorem" portion of the 2021 tax bill. If the property owner fails to pay this assessment when due, it will result in the sale of a tax certificate against the affected property and may subject the property owner to loss of title to the property.

All affected property owners have the right to appear and be heard at a public hearing held by the City Commission and have the right to file written objections with the City Clerk within twenty (20) days of this notice. **The public hearing is to be held on Monday, September 13, 2021 at 6:00 p.m. in the Commission Chambers, City Hall - 150 N.E. Second Avenue, Deerfield Beach, Florida.** At the hearing, the City Commission will consider comments and objections to collection of nuisance abatement services assessments in this manner and will approve the assessment roll as final. Upon the filing of such assessment roll with the Broward County Department of Finance and Management Services, the assessments shall stand as legal, valid and binding liens, co-equal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid. In accordance with the Americans with Disabilities Act, persons needing special accommodations should contact the City Clerk's office at 954-480-4200 at least two (2) days prior to the hearing.

In the event any person decides to appeal any decision by the City with respect to any matter relating to the consideration of the resolution at the above referenced public hearing, a record of the proceeding may be needed and in such event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based.

EXHIBIT C

NOTICE OF PUBLIC HEARING REGARDING THE COLLECTION OF NUISANCE ABATEMENT SERVICES SPECIAL ASSESSMENTS ON THE 2021 TAX ROLL

Notice is hereby given that the City Commission of the City of Deerfield Beach, Florida ("Commission") will conduct a public hearing concerning the collection of nuisance abatement services assessments on the 2021 tax roll for the purpose of adopting the non-ad valorem assessment roll. The nuisance abatement services assessments were previously assessed against certain properties, which were declared public nuisances and located within the city boundaries of the City of Deerfield Beach, to recover the cost of providing nuisance abatement services to such properties. The assessments for each property were calculated based upon the actual cost of the abatement, plus administrative costs, 8% interest, and the cost of collection.

The public hearing will be held in the City Commission Chambers at City Hall located at 150 N.E. Second Avenue, Deerfield Beach, Florida at 6:00 p.m. on September 13, 2021 or as soon thereafter as the matter may be heard, for the purpose of receiving public comment on the proposed collection of the assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Commission in care of the City Clerk within 20 days of this notice. If a person decides to appeal any decision made by the Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to arrange for a court reporter to ensure that a verbatim record is made. In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the City Clerk's office at 954-480-4200, at least two (2) days prior to the date of the hearing.

The assessments to be included as non-ad valorem assessments on the 2021 tax roll include the following:

EXHIBIT C – “CONTINUED”

NAME OF OWNER	PARCEL ID#	AMOUNT	MAILING ADDRESS
381 THE COVE LLC	4843-0508-1090	\$7,751.08	2500 N MILITARY TRL, STE 100 BOCA RATON, FL 33441
DENHOLTZ DEERFIELD LLC%DENHOLTZ PROPERTIES	4842-0229-0030	\$3,825.00	116 CHESTNUT#102, RED BANK NJ 07701
STARBUCK, GARRETT	4842-1227-0710	\$1,465.00	730 SW 11 CT DEERFIELD BEACH, FL 33441
LCR 2009 NE 2ND LLC	4843-0502-0460	\$1,093.00	10115 JEFFERSON BLVD CULVER CITY, CA 90232
HOLDER, DOROTHY L EST	4842-1403-1140	\$4,202.92	6510 BRAVA WAY BOCA RATON, FL 33433-8240
1951 E HILLSBORO LLC	4843-0504-0650	\$1,881.12	2020 NE 163 ST, SUITE 300 NORTH MIAMI BEACH, FL 33162
DENSMORE, JOEL R & MERILEE A	4843-0640-0090	\$2,695.96	1701 SW 6 AVE BOCA RATON, FL 33486-7006
KOWALSKI, ANNE M EST	4843-0712-0340	\$11,711.80	1313 SE 2 AVE DEERFIELD BEACH, FL 33441-6707
OCEAN BLEU DEVELOPMENT LLC	4743-3102-0051	\$3,125.00	1375 GATEWAY BLVD, GATE 542 BOYNTON BEACH, FL 33426
YING, SEM PO%RAE FRANKS PA	4842-0103-0940	\$7,975.00	9534 EQUUS CIR BOYNTON BEACH, FL 33472
TOUCHE DOUCE INC	4842-0103-1410	\$3,209.92	13920 NE 12 AVE MIAMI, FL 33161
TOLEDANO PROPERTIES LLC	4743-3100-0240	\$995.32	333 E 14 ST#17F NEW YORK, NY 10003
TOTAL		\$ 49,931.12	

Copies of the assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessment is available for inspection in the office of the City Clerk, located at 150 N.E. Second Avenue, Deerfield Beach, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2021, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in a loss of title.