

Impact Fee Review Committee Meeting

Minutes Friday, April 22nd, 2022

9:00 a.m. – 12:42 p.m.

The meeting was called to order at 9:02 a.m. by Chairman Llwyd Ecclestone III..

Roll call/Attendance: Present: Llwyd Ecclestone, III, Laura Danowski, Lawrence Gordon, Robert Gottlieb, Darnell Gardener, Robert Harvey, and Scott Worley.

Invocation/Moment of silence: Chairman Ecclestone, III called for a brief moment of silence; and thereafter, everyone stood and participated in the pledge of allegiance.

In-person attendees: Katherine (KT) Catlin, Viguel Saihvilus, Alicia Garrow, Bob Hamilton, Paul Duperman, Kevin Radery, Michael Weiner, Eric McClellan, Mike Marts, Richard Iavarone, & Shawna Baker.

WebEx attendees: Nilgun Kamp, Khurshid Mohyuddin, Andrea McCue, Brian Schreidell, Hanane Akif, Jason Gunther, Joni Brinkman, Karyn Sykes, Ken Metcalf, Kirk Blouin, Leanne Evans, Motasem Al-Turk, Mark Braun, Morton Rose, Rebecca Schnirman, Scott Reynolds, Ellen DeLima, (561)-2**-**00, David Ricks, Margaret Charles, M. Troxell, K. Farrell.

Introductions:

Mr. Ecclestone, III led the introductions and asked the Committee to state their names and titles. Mr. Moore also introduced himself as the Impact Fee Manager, Ms. Margaret Charles, Financial Analyst II, and Ms. Shawna Baker, Temp Associate. Ms. Nilgun Kamp, Consultant, attended the meeting via WebEx.

Mr. Moore mentioned that item D on the agenda has links attached for points of reference.

OLD Business:

Chair Ecclestone, III asked for a motion to approve the meeting minutes from April 1, 2022. Mr. Gottlieb moved and Ms. Danowski seconded the motion. The motion was approved unanimously.

Palm Beach County Sheriff Office:

Mr. Eric McClellan introduced himself as the representative from Facilities Development Operations. Mr. McClellan also restated that he is not a Palm Beach County Sheriff Office (PBSO) employee and that he is not authorized to speak on PBSO's behalf. Mr. McClellan states that FDO is responsible for distributing PBSO's facility impact fees, so he is speaking solely about the mechanics of their facilities. Mr. McClellan stated, because PBSO has contracted with municipalities, FDO does see a need for additional facilities. No representative from PBSO participated in the meeting. Ms. Kamp informed the Committee that PBSO's level of service is measured by officers per 1,000 population. Ms. Kamp also stated that the fees for PBSO only included vehicles and equipment and their buildings are under the Building's component with Facilities Development Operations (FDO). Ms. Kamp stated that in some cases, depending on the jurisdiction, some PBSO credits can include buildings. Mr. Moore reassured the Committee that he and Ms. Kamp have and will continue to reach out to PBSO regarding all data needed for proper calculation of their impact fees. Mr. Maher stated that regarding capital improvement FDO and PBSO are following statues 163.13801. Mr. Worley answered questions from the Committee regarding the buildings portion of the impact fee component. PBSO will need to explain any item related to the law enforcement component of impact fees.

FDO:

Mr. Eric McClellan appeared before the Committee as the Director of Strategic Planning for the County's Facility Development Operations and answered questions related to the parking garages. Ms. Kamp stated that the study uses primary square footage both in Tables II-2 and II-3 and that using total square footage in both tables instead would result in the same fee levels. Ms. Kamp asked the Committee if they would prefer her to use the total square footage instead to make it easier to follow the calculations. Mr. Worley agreed and stated that he thinks that is a more accurate approach for the impact fee calculation. Ms. Kamp stated that she would make additional adjustments and calculations to the report for the building impact fee component.

Fire Rescue:

Ms. Kamp stated that she removed a training center that was in the prior calculations and Fire Rescue also confirmed their building sizes and corrected the numbers regarding the increase. Ms. Kamp also mentioned how they added incidents within the Glades area.

Libraries:

Ms. Alicia Garrow introduced herself as the Director of Finance for the Palm Beach County library system. Ms. Garrow informed the Committee she used an online resource too to locate her demographic data. Ms. Garrow informs the Committee the data is based on a three mile radius due to their book mobile traveling up to three miles for consumers.

Parks and Recreations:

Mr. Bob Hamilton introduces himself to the Committee as the Director of Parks Development for Parks & Recreation. Mr. Hamilton stated that he believes it's beneficial to have two benefit zones for both regional and district parks for easier distribution of funds. Mr. Hamilton reported that there have been 97 land donations and a lot of the donations were primarily from government agencies.

Palm Beach County School District:

Ms. Leanne Evans attended the meeting via WebEx as the Treasurer for the Palm Beach County School District. Mr. Worley asks if there would be any legal issue if the state cap on construction costs for schools and if they can exceed those costs. Ms. Evans informed the Committee they are only allowed exemptions for specific items. Ms. Evans further discussed the details of the limitation and that they are in compliance with the rules.

Engineering and Roads:

The Committee had no further questions or comments at the time regarding engineering and roads.

Fiscal Year 2022 Impact Revenue & Expenditure History (Aging) Reports (To date):

Mr. Moore discussed the aging analysis report and stated it's regarding the impact fees that have been collected for up to 9 years. Mr. Moore informed the Committee that Article 13 states that we have six years to encumber the funds provided from impact fees and nine years to spend the funds. Chair Ecclestone, III asked why Parks and Recreation's funds are still unspent. Mr. Moore informed the Committee that Mr. Hamilton brought up that they are obtaining money to fund parks since the cost to build is increasing. Mr. Worley also questioned as to why PBSO is asking for a substantial increase but is not spending the money. Mr. Moore assured Mr. Worley he will follow up with this item. Mr. Moore also discussed the process for encumbering and expending the impact fees.

Mr. Moore presented the revenue report to the Committee and explained that the report showed the adopted budget, modified budget, and revenue received. Mr. Gordon asks Mr. Moore if credits are transferrable or if builders can sell credits. Mr. Moore stated that recent state legislation (House Bill 337) clarified that Impact fee credits are assignable and transferrable.

NEW Business:

Mr. Moore mentions that he is going before Land Development Regulatory Advisory Board (LDRAB) to get their sign off that the report does not conflict with the Uniform Land Development Code (ULDC). Mr. Moore advised the Committee that he would like to appear before the meeting on May 25, 2022.

Mr. Moore suggested having another meeting to give PBSO another opportunity to present their data to support their calculations. Chair Ecclestone, III asked for a motion to table agenda item 4. A until the next meeting. Ms. Danowski moved the motion and Mr. Worley seconded the motion. Motion carried unanimously. All Committee members agreed the next meeting should be May 6th, 2022 from 11:00 a.m. – 3:00 p.m.. Mr. Moore suggested that if the date was too early for PBSO to accumulate their requested data that he will reach out to the Committee and communicate with them accordingly. Ms. Kamp suggested we agree on an alternate meeting date. The Committee agreed and decided the alternate meeting date would be June 10th, 2022 at 9:00 a.m. – 1:00 p.m.

County Attorney's Report/Comments:

Mr. Ryan Maher's, Assistant County Attorney, had no comments or reports.

Impact Fee Manager's Report/Comments:

Mr. Moore informed the Committee he sent the meeting notice out to every stakeholder and industry participant that he was aware. The notice was sent to over 12,000 people.

Committee Comments:

Mr. Worley briefly expressed how he believed the Committee should discuss the 50% percent rule and provide input regarding same. Mr. Worley asked Ms. Kamp to present data regarding PBSO's employment in relation to other expansion.

Public Comments:

Michael Wiener introduces himself to the Committee as the zoning and governmental attorney with Gulf Coast Builders Association. Mr. Wiener mentioned how calculations are regarding future dwellings and projects. Mr. Wiener suggested an analysis of cost savings of old dwellings and believes it's important for calculations. Mr. Wiener explained that he believes collecting this data could possibly provide more accurate data.

Mr. Kevin Ratteree introduced himself to the Committee as the Vice President of GL Homes. Mr. Ratteree stated that he is seeking clarification on land dedications and cash out credits. He asked about civic dedications. Mr. Ratteree commented about calculations related to civic land dedications. Mr. Hamilton informs the Committee that out of the 97 donations they have received only 13 were from land developers, which equals about 13% of their inventory with dedicated land. Mr. Hamilton referred to Article 13 and stated that any land donations are eligible to apply for impact fee credit, but its land developers chose not to apply for the credits. Mr. Moore added that in the new legislation (House Bill 337) supports giving credits for those dedications. Chair Ecclestone, III asked Mr. Moore and Mrs. Kamp if they can review their calculations on funds paid into dedicated land and if the land was properly credited.

Katherine (KT) Catlin introduced herself as the Executive Officer for Gulf Coast Builders Association. Ms. Catlin stated that due to the rise of impact fees, it is heavily affecting new home buyers. Ms. Catlin asked the Committee to take into account what Mr. Wiener and Mr. Ratteree stated in their statements. Ms. Catlin asked the Committee to branch out and review other alternatives for calculations for impact fees to avoid such increases in cost. Chair Ecclestone, III asked Mr. Moore and Ms. Kamp to include the exemption and/or waiver for affordable housing in their report to present it to the Board of County Commissioners.

Chair Ecclestone, III called for a motion for adjournment. Mr. Gottlieb moved the motion for adjournment. Ms. Danowski seconded the motion. The motion was carried. Meeting adjourned at 12:42 p.m.