LAKE COUNTY IMPACT FEE COMMITTEE
June 17, 2010

The Lake County Impact Fee Committee met on Thursday, June 17, 2010 in Training Room "B" at the Lake County Agricultural Center at 1951 Woodlea Rd. Tavares, Florida. Ordinance 1996-31, effective April 19, 1996, created this Committee to review impact fees adopted by the Board of County Commissioners, evaluate the expenditure of funds collected via impact fees, and make recommendations to the Board of County Commissioners.

Ordinance 2004-26, enacted April 6, 2004, effective April 13, 2004, changed the name of the Impact Fee Evaluation and Review Committee to the Lake County Impact Fee Committee. A current commissioner of the Lake County Board of County Commissioners shall serve as liaison in a nonvoting position and shall not be considered a member.

County Commission Liaison
Commissioner Jennifer Hill

Members Present:
Bill Benham, Agricultural Industry Representative
Bill Calhoun, Citizen at Large
Richard Giacobe, Citizen at Large
Peter Glenn, Banking and Finance
Nancy Hurlbert, Citizen at Large, Chairman
Karen LeHeup-Smith, Lake County League of Cities
Linda Nagle, Home Builders Association of Lake County
Ray San Fratello, Chamber of Commerce

Members Not Present:
James Argento, Citizen at Large
Robert Foley, Lake County Conservation Council
Carol MacLeod, Lake County Schools

Staff Present:
Angi Thompson, Development Processing Manager
Ed O'Malley, Program Specialist
Erin Hartigan, Assistant County Attorney
Wendy Breeden, Public Resources Director
Tom Merchant, Library Services Director
Douglas McCarl, Lake County School Board

Chairman Hurlbert called the meeting to order at 9:30 a.m. and noted that the meeting had been duly advertised. Ms. Hurlbert asked for self introductions of those in attendance for the record and then asked for a motion on the May 20, 2010 Lake County Impact Fee Committee meeting minutes.

MOTION was made by Bill Benham, SECONDED by Ray San Fratello to approve the May 20, 2010 Lake County Impact Fee Committee minutes.

FOR:	**Benham, Calhoun, Giacobe, Glenn, Hurlbert, LeHeup-Smith, Nagle, San Fratello**
AGAINST:	**None**
NOT PRESENT:	**Argento, Foley, MacLeod**
MOTION CARRIED:	**8 – 0**

Old Business

Ordinance Review

Ms. Hurlbert asked the committee members if they had reviewed the impact fee ordinance and asked if there were any comments on the changes to the ordinance as shown. Ms. Nagle suggested a change in punctuation on page 4 under Capital Improvement. She suggested a comma be added.

There was a question about restoration of public land to its natural habitat and whether that fell under Parks and Recreation. Ms. Thompson explained that Parks and Recreation had asked for clarification if this restoration was an allowable expense under impact fees. Ms. Hartigan offered that any change in the ordinance should specify that this restoration should only be included for areas where the public had access and not in those areas where conservation was the only benefit and the public would be excluded from using the land. Ms. Nagle raised questions about this restoration and its definition of returning the land to a "two hundred year status". Ms. Thompson stated the comments from legal were only answering the question of whether impact fees could be used for restoration of land to be available to the public versus land restored but unavailable to the public.

Questions were then raised about the Public Land Acquisition Program and whether that money was intended for restoration as well as conservation. Commissioner Hill indicated that using the money for restoration was never in the ballot initiative and therefore that money could not be used for restoration. She thought perhaps the interest on this money or other county funds could be used to pay for the restoration. Further discussion centered on when the land acquired under this program reverted to the Parks and Trails Department.

Ms. Thompson brought the discussion back to the issue at hand by stating that if the committee was uncomfortable with the proposed ordinance language they could just recommend removal of this language.

Discussion continued on what the definition of restoration to an indigenous state means and why impact fees should pay for restoration. The argument against inclusion of the use of these fees was that impact fees come from new construction and would be shouldering a cost that if reasonable and legitimate should be borne by all the citizens of the county.

Ms. Thompson reiterated that the Parks Department was only looking for clarification on whether impact fee funds could be used for this purpose. If the committee found this use to be inappropriate the wording in the ordinance would exclude the use of impact fees for restoration of public land to its indigenous state.

MOTION was made by Ray San Fratello, SECONDED by Bill Calhoun to preclude the use of impact fees to pay for restoration of public lands.

FOR:	**Benham, Calhoun, Giacobe, LeHeup-Smith, Nagle, San Fratello**
AGAINST:	**Glenn, Hurlbert**
NOT PRESENT:	**Argento, Foley, MacLeod**
MOTION CARRIED:	**6-2**

Ms. Thompson indicated one further minor change being recommended in the ordinance. This change in Section 22-59-1 would include "all residents of Lake County" as opposed "to residents of the unincorporated area and of certain municipalities".

MOTION was made by Bill Calhoun, SECONDED by Bill Benham to make the recommended change.

FOR:	**Benham, Calhoun, Giacobe, Glenn, Hurlbert, LeHeup-Smith, Nagle, San Fratello**

AGAINST: None

NOT PRESENT: Argento, Foley, MacLeod

MOTION CARRIED: 8 – 0

Ms. Thompson further indicated that the revised ordinance contained the new fees from the impact fee study which still had to go before the board. She further stated to the committee that the transportation fee shown in the ordinance was at 100% but the Board of County Commissioners (BCC) would be aware that the committee was recommending approval of this fee at 50% of the study amount.

Ms. Nagle stated for the record, while she appreciated some of the discussion and changes made to the ordinance at today's meeting, she would be voting against the revised ordinance due to opposition to any increase or indexing of impact fees.

MOTION was made by Karen LeHeup-Smith, SECONDED by Bill Calhoun to approve the amended changes to the impact fee ordinance.

FOR: Benham, Calhoun, Giacobe, Glenn, Hurlbert, LeHeup-Smith, San Fratello

AGAINST: Nagle

NOT PRESENT: Argento, Foley, MacLeod

MOTION CARRIED: 7-1

Ms. Thompson advised the committee that Ms. MacLeod had advised her that the school board had approved the hiring of Henderson, Young to update the school impact fee study. They were to begin on July 1, 2010 and finish in a one year time frame.

New Business

Ms. Thompson indicated that the tentative calendar for meetings of the Impact Fee Committee was available. The County Attorney had indicated that a meeting in October would satisfy remaining meeting requirements of the committee for 2010. Items previously shown to be discussed at a July, 2010 meeting including a legislative update and an update on the Metropolitan Planning Organization could be updated as necessary at an October meeting of the committee. It was the general consensus of the committee to make October 21, 2010 the next meeting of the committee.

Ms. Nagle asked if it had been determined when the impact fee study would go before the BCC. Ms. Thompson indicated she would be preparing an agenda item but it would not occur before the end of July or beginning of August. Ms. Hurlbert asked if Ms. Thompson would notify the committee when a date certain was available for the agenda item. Ms. Thompson agreed to do so.

Ms. Hurlbert entertained a motion to adjourn which was seconded at 10:17 AM.

Respectfully submitted,

E. C. O'Malley

Ed O'Malley
Program Specialist

Nancy L. Hurlbert

Nancy Hurlbert
Chairman