

LAKE COUNTY
IMPACT FEE / CAPITAL FACILITIES ADVISORY COMMITTEE
September 29, 2011

County Commission Liaison: Commissioner Sean Parks, District 2

Members Present:

Davis Talmage, Banking and Finance
Jeffrey Banker, Citizen at Large
Bill Benham, Agricultural Industry Representative
John Buxman, Chamber of Commerce
Nancy Hurlbert, Citizen At Large
Carol MacLeod, Lake County Schools
Linda Nagle, Home Builders Association of Lake County
Jim Richardson, League of Cities
Ralph Smith, Citizen At Large
Alan Winslow, Citizen at Large

Staff Present:

Melanie, Assistant County Attorney
Jim Stivender, Jr., Public Works Director
Steve Koontz, Budget Director
Paul Simmons, Planner
Debi Tinis, Financial Coordinator
Phyllis Hegg, Assistant to Jim Stivender
Cheryl Sutherland, Office Associate III

Media Present:

Livi Stanford, Daily Sun

Citizen Present:

Vance Jochim

Chairman Talmage called the meeting to order at 9:35 a.m.

Linda Nagle asked if the changes were made to the minutes pertaining to Mr. Benham's comment. The statement from the minutes read as follows:

Acting Chair Benham stated that the more alternative funding sources for transportation, the less it will bring down the impact fees.

The statement will now read as follows:

The more alternative funding sources for transportation, the more it will bring down the impact fee.

Nancy Hurlbert moved that the minutes be approved as presented and it was seconded by Linda Nagle. Motion passed unanimously

Mr. Stivender handed out a draft prepared as a result of input from the committee at the last meeting.

First Item: Ad Valorem Taxes

Mr. Winslow stated that he thought it was a general consensus of the committee that this is the number one priority, but if it can't be implemented, it says that roads and highways are not a high priority for the county.

Ralph Smith suggested stating in the report that the committee took a lot of time seriously looking at this, and the other options are contingent upon the Board of County Commissioners taking this recommendation very seriously.

Mr. Winslow suggested saying in the action item that all of the following items are contingent upon approval and implementation of this first recommendation.

A motion was made by Mr. Winslow that the Committee's recommendation to do the following items is contingent upon approval and implementation of the first recommendation of the ad valorem tax, and is to be included in the cover letter.

Nancy Hurlbert stated that she agrees with the philosophy behind it, however, she didn't want the Board of County Commissioners to get the message that it is this or nothing. Restate that this is the foremost and primary way we want to see the commission fund transportation and this should be considered before anything else is, but not in lieu of everything else.

Mr. Buxman wanted to ensure that the committee is not giving the Commission any latitude on the adjustment of the percentages.

Mr. Stivender suggested that this information be put in the letter to be prepared by the chairman of the committee. It would also be a good idea to have the chairman read the cover letter into the minutes of the Commission meeting for that day so that it will be placed in the public record.

Linda Nagle seconded Mr. Winslow's motion.

Chairman Talmage called for a vote - Jim Richardson opposed. Nancy Hurlbert and Carol MacLeod were late and missed the vote. The motion passed.

Linda Nagle made a motion that the cover letter going with this recommendation includes the committee's acknowledgement that since the School Board will be losing one third of a cent, they will possibly go out for their own referendum to secure an addition half cent.

Mr. Buxman seconded the motion.

Chair Talmage called for a vote – Carol MacLeod opposed – the motion passed.

Impact Fee was discussed.

Mr. Benham advised Mr. Stivender that he (Mr. Stivender) had not included the unemployment factor in his paperwork to the committee. He suggested it be included as a bullet "c". The higher the unemployment, the lower the impact fee and the scale of those fees is to be determined by the Board of County Commissioners.

Chair Talmage asked if the \$89 million assumed that all other options have been enacted.

Mr. Benham made a motion that the adoption of any impact fee be commensurate upon review of an unemployment rate to be scaled according to the county commission's evaluation.

Jim Richardson seconded the motion.

Linda Nagle clarified that the LDR states what a developer has to do in terms of roads, so that would be Mr. Stivender's main bargaining tool. Also, the negotiation that Mr. Stivender is talking about is beyond what the developer is required to do.

Mr. Stivender used an example of an 80 unit subdivision being built, and he could require them to put turn lanes in front of the subdivision and get right of way across the frontage as a normal requirement for a subdivision.

Ms. Nagle responded that her point is that the LDR is the county tool to develop roads. To sell a development, the developer will want that to be as attractive as possible to market it.

Mr. Stivender stated that the unemployment range will be incorporated into his paperwork for the next committee meeting. Language will be put under "plus".

Chair Talmage called for a vote. Linda Nagle opposed – motion passed.

Commissioner Parks told committee members of the upcoming Lake County Economic Summit to be held on November 14th.

MSTU discussed:

Mr. Stivender to utilize unincorporated MSTU for transportation needs at a fixed rate is \$2 million per year. MST started in 1999 with the purpose being instead of having a stormwater utility, they chose to fund stormwater. However, they wrote the resolution in such a way that it could be used for Parks, Roads, buildings, etc.

Mr. Stivender explained that the BCC made a conscious decision to use the fund for stormwater and not roads because stormwater is related to land mass.

Mr. Stivender suggested saying that the committee supports roads being included in the MSTU as a shared portion, and a much larger shared portion.

Mr. Richardson made a motion to remove #5 from the recommended list. The motion was seconded by Nancy Hurlbert.

Ms. MacLeod suggested putting something in the report that the commission address the distribution of that fund. It is not really part of this, but the Commission needs to address it.

Mr. Richardson amended his motion to include Ms. MacLeod's statement.

Motion restated as follows:

If we remove number 5 as an option, but include a recommendation in 7E that the Commission reallocate the current distribution of the MSTU road funds.

Seconded by Nancy Hurlbert as amended.

Chair Talmage called for a vote – passed unanimously.

Chair Talmage called for a break at 11:00 a.m. – meeting reconvened at 11:07 a.m.

Mr. Stivender began discussing #6, the 5 cent local option gas tax.

Mr. Smith made a motion to accept #6 as written.

Motion seconded by Mr. Benham.

Chair Talmage called for a vote to accept #6 as written. Passed unanimously.

Mr. Stivender began discussing # 7 a, b, c, e & e

Mr. Benham stated that MSBU's are something that needs to utilize where it is feasible. Privatization of some of the duties performed by the Public Works Department needs to be reviewed. Use long term financing when you have a large project.

Commissioner Parks encouraged the committee to delve deeper into the mobility fee issue.

Melanie Marsh was asked if the county could levy a tire surcharge fee on its own. She will check and get back to the committee with an answer.

Mr. Smith asked Melanie Marsh is the county could charge more for a business license for tire retailer/wholesaler to levy a tire surcharge.

Melanie Marsh will check into it and get back to the committee.

Commissioner Parks interjected that Representative O'Toole is introducing legislation to do away with all business fees for city and counties.

Linda Nagle made a motion to remove item "c" from number 7.

Motion was seconded by Mr. Richardson.

Chair Talmage called a vote and it passed unanimously.

Carol MacLeod stated that on Jim Stivender's handout, it says to enact a transportation fee; it needs to be part of the entire impact fee process not just directed at transportation. The doc stamp fee would be used in place of impact fees. She also stated that she would rather it read that the BCC ask the legislative delegation to enact a fee as part of the doc stamp collection in lieu of impact fees.

She also asked "for road purposes" to be removed from the narrative. Change to read "every time a property is transferred a fee is collected." Then you are directing it at all the impact fees.

A motion was made by Ms MacLeod to ask the BCC to make a request to the legislative delegation to enact a fee as part of the doc stamp fee collection in lieu of impact fees. Each Real estate transaction will provide revenue stream. Every time a property is transferred, a fee will be collected.

Motioned seconded by Mr. Richardson.

Chair called for a vote on amended language. Opposed by Mr. Smith. Motion Passed.

Linda Nagle stated that in item "d" the statement is inaccurate because the fee is the same, but you use the fee to reward development, and it is not automated. It should say "maybe". She said that she is not in favor of it. Those funds could go to all kinds of alternative modes of transportation.

Nancy Hurlbert made a motion to incorporate Mr. Benham's three items into the list.

Motion seconded by Linda Nagle.

Chair Talmage called for a vote – passed unanimously.

Mr. Benham made a motion to change the language on mobility fees to incorporate the fact that these fees will be charged in lieu of impact fees. (# 7D)

Motion seconded by Jim Richardson.

Chair Talmage called for a vote – passed unanimously.

Motion by Mr. Benham to accept as restated.

Seconded by Nancy Hurlbert

Chair Talmage called for a vote – Opposed by Linda Nagle and Ralph Smith –passed

Mr. Stivender listed for clarification what he thought the committee wanted for item # 7.

- A. Doc Stamp
- B. Tire Surcharge
- C. Mobility Fee
- D. MSTU
- E. MSBU
- F. Privatization
- G. Long Term financing

Motion made by Jim Richardson to reprioritize the recommended list as follows:

- #1 stays as #1
- #2 stays as #2
- #3 stays as #3
- #4 becomes #5
- #5 becomes #4
- #6 stays as #6

Motion seconded by Bill Benham

Chair Talmage called for a vote – motion carried unanimously.

Nancy Hurlbert stated that she thought it would be a good idea to put in the cover letter that the committee recognizes that there is an estimated \$700 million need. However, this is the committee's recommendation to start the process to address that issue.

Mr. Stivender will bring back the changes to the committee on October 6, 2011, and the chairman should have the draft of the cover letter to review at the same time.

Commissioner Parks suggested moving the presentation by the Committee to the BCC to the first part of November. The presentation to the BCC is scheduled for November 1, 2011.

October 6, 2011 is the next scheduled committee meeting, followed by another meeting on October 20, 2011.

The committee discussed the next step in the process which will be the School Board.

Mr. Benham asked if there is a conflict with Carol MacLeod serving on the committee while look at School Board funding. Melanie Marsh said she didn't think so, but would check on it,

Linda Nagle suggested that the calendar for upcoming meetings be discussed at the October 6, 2011 meeting.

Motion was made to adjourn the meeting by Alan Winslow and seconded by Jim Richardson. Meeting adjourned at 12:00 p.m.

