

**SCHOOL IMPACT FEE ADVISORY GROUP**  
**MEETING MINUTES**  
**June 12, 2007**  
**5:30 p.m.**

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**MEMBERS PRESENT**

Lou Roeder  
Dottie Wynn  
Jim Cooper  
Miranda Fitzgerald  
Micky Grindstaff  
Roy Messinger  
Doug Kelly

**MEMBERS ABSENT**

N/A

**ORANGE COUNTY STAFF**

Chris Testerman	County Administrator's Office
Vivien Monaco	County Attorney's Office
Nikki Williams	Planning Division

**ORANGE COUNTY PUBLIC SCHOOLS**

Drew DeCandis	OCPS
Bob Wallace	Tindale-Oliver

**OTHERS**

Rick McKee	HBA
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**I. CALL TO ORDER**

The meeting was called to order at 5:35 P.M.

**II. APPROVAL OF MINUTES**

Mr. Cooper asked for clarification on the motion made by Ms. Fitzgerald regarding the use of 5-Year and 10-Year plans. Ms. Fitzgerald further explained her motion and Mr. Wallace pointed out that the steps are outlined on page three of the minutes. A motion was made and seconded to approve the June 5, 2007 minutes with changes. The committee voted unanimously to approve the motion.

**III. EXPLANATION OF CREDIT METHODOLOGY RELATIVE TO CSR FUNDING**

Mr. Wallace of Tindale Oliver responded to Mr. Messinger's concern as to whether the credit should be calculated by dividing the total amount of CSR by the number of projected new students or by the total student enrollment. Tindale Oliver contacted the Florida Department of Education to get clarification on the manner in which CSR is distributed. The representative indicated that CSR and CO & DS revenue is distributed based on historical student enrollment and historical student growth. The calculation performed in the study was based on information previously received that indicated new

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growth was heavily weighted in the formula used to calculate CSR revenue. As a result of the new information, Tindale-Oliver recommended the following which is also included in a handout distributed to the Group:

- The credit methodology should be revised to reflect the use of total student enrollment
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- The credit should be brought back to present value, consistent with the credits for the sales tax and the capital investment tax.

Mr. Wallace estimated that these changes could result in a two percent (2%) increase in the impact fees for each of the land uses.

Ms. Fitzgerald made a motion to make the requisite changes to reflect the calculation of the state revenue credit (CSR and CO & DS) using total student enrollment. In addition, the state revenue credit should be brought back to present value, consistent with the credits for the sales tax and the capital investment tax. These methodological changes should be incorporated in both the five year and ten year analysis. Ms. Wynn seconded the motion and it was unanimously approved.

**IV. DISCUSSION OF REVISIONS TO DRAFT SCHOOL IMPACT FEE ORDINANCE**

Ms. Monaco highlighted and explained the changes that were made to the ordinance. As Ms. Monaco explained the revisions made to the definition of dwelling unit, Mr. DeCandis asked for clarification on "housing for older people". Ms. Monaco explained what this means and agreed to bolster the definition with more specific information on what constitutes "housing for older people".

Mr. Testerman requested that Ms. Monaco add townhouses to the definition of multifamily dwelling unit.

The current ordinance includes a reference to F.S. 1013.35 (2) and the requirement that school districts submit a 5-year financially feasible district facilities program. Ms. Monaco will craft additional language explaining that OCPS has a 10-year financially feasible plan, which becomes applicable if the decision is made to use the 10-year time frame for the impact fees.

Ms. Monaco will modify the dates in the ordinance and insert as appropriate.

Chairman Roeder confirmed for Ms. Monaco that the indexing rate for the School Impact Fee is 5 percent (5%).

Ms. Monaco explained new language in the ordinance regarding the update of the School Impact Fee. If the fee is not updated by the year 2011 date established by the ordinance, the impact fees will cease to automatically increase through indexing and remain at the year 2010 rate until the School Impact Fee schedule is updated.

There was some discussion regarding the amnesty period provided for in the ordinance that allows payment of the old impact fee if certain requirements apply and the requisite deadlines are met. Staff indicated that the fee is based on what is in effect when a building permit is pulled.

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Mr. DeCandis had concerns with the payment frequency and accounting of impact fees and Ms. Monaco indicated that these issues should be addressed in the Interlocal Agreement between the cities and the County.

Ms. Monaco explained the change that was made in Sec. 23-161 (3) to require replacement of a dwelling unit within five (5) years of the date of the issuance of the demolition permit instead of using "previously occupied".

In Sec 23-167, language was removed discussing the requirement for the advisory group's initial May 2005 meeting and its recommendations to the BCC by January 31, 2006.

Ms. Monaco noted that the effective date is currently blank and that the effective date cannot be sooner than ninety (90) days after the notice is published.

Mr. DeCandis requested that "or as otherwise provided in an agreement between the property owner and the school board" is added to line 1225.

There was some discussion regarding the granting of credits as outlined in Sec 23-165, but no changes were made.

Chairman Roeder had concerns regarding the language in lines 930-935 concerning replacement units within five (5) years of the issuance of the demolition permit. This wording will be changed and language similar to what is found in the road impact fee regarding this exemption issue will be incorporated instead. The language in the road impact fee looks at the date that the first road impact fee was enacted.

A motion was made and seconded to approve the revisions to the School Impact Fee Study including the revisions to the ordinance listed in the preceding paragraphs. The motion was unanimously approved.

**V. DISCUSSION OF HBA MEMO**

Mr. McKee explained the purpose of the memo from Kirk Sorenson dated June 12, 2007. The memo noted that the methodology used to calculate Facility Service Delivery in the 2006 SIFAG report was **Total Permanent Square Feet divided by Total Permanent Student Stations**, but the 2007 School Impact Fee Study methodology used **Net Gross Permanent Square Footage (for prototype schools) divided by Available Permanent Capacity (for prototype schools.)** Mr. Wallace explained that the 2007 methodology better reflects what Orange County Public Schools is building and as a result provides for a more accurate impact fee. Mr. Messinger further noted that the 2007 methodology used to calculate facility service delivery is charging for the square footage being built based on the prototype school model, which is a smaller square footage. The majority of the SIFAG members felt that their charge was to review the methodology of the impact fee study, not to merely determine if the methodology was consistent or not with their previous recommendations

**VI. DISCUSSION OF RECOMMENDATION MEMO**

Ms. Fitzgerald suggested a change to the first recommendation listed in the memo and requested that "established SIFAG methodology" is changed to "recommended SIFAG methodology".

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Mr. Kelly noted that “recommendations” should be changed to “suggestions” in the third paragraph on page two.

Mr. Messinger requested that “including but not limited to Real Estate Investment Trust (REIT)” be added to the end of the second bullet point under the Group’s suggestions.

Chairman Roeder noted that the following items should also be added under suggestions:

- Removing the 2 mil cap and
- Reinstating the .5 mill removed in favor of the sales tax

Mr. Wallace suggested a rewording of the introductory paragraph to the recommendations.

Mr. Testerman suggested that text be included to address the Group’s review of the ordinance. Mr. Grindstaff recommended language for this item.

A motion was made and seconded to approve the changes listed above and the motion was unanimously approved.

**VI. ADJOURNMENT**

The meeting was officially adjourned at 7:45 P.M.

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Prepared By:

Nikki Williams

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Date

Attest By:

Lou Roeder

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Date