

**TOWN OF DAVIE  
WORKSHOP MEETING  
APRIL 1, 2009**

The meeting was called to order at 5:35 p.m.

Present at the meeting were Mayor Paul, Vice-Mayor Crowley and Councilmembers Caletka, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson and Assistant Town Clerk McDaniel recording the meeting.

Fire Chief John Montopoli introduced Michael Burton from Burton and Associates, who had assessed the Town's impact fees and created recommendations.

Mr. Burton described how the study was conducted, which included police, fire, parks and recreation and general government fees. He explained that impact fees were charges levied on new development intended to reimburse local governments for the capital costs, equipment and public facilities necessary to provide the levels of service to the new development. Local governments could choose to levy fees at the full cost of recovery or some portion thereof. Mr. Burton said that he would describe the maximum fees the Town could charge and provide a survey of fees in nearby peer communities for comparison.

Mr. Burton explained the "rational nexus" standard, which had been established through case law and which required that the impact fees must bear a relationship to the benefit received by those who paid it. The fees must not exceed the proportional share of the cost of new facilities or services needed for new development and could not include the cost of curing existing deficiencies, or curing deficiencies relative to adopted levels of service. Mr. Burton advised that for police, fire and general government, there was no adopted level of service, so the observed level of service for equipment and facilities was used.

Mr. Burton said that the fee calculation must include credits for contributions the development would make toward deferring the cost, such as ad valorem, sales and other taxes. Credit could also be granted for in-kind contributions made after the fact. Mr. Burton stated that impact fees must be earmarked and spent to ensure that those paying realized the benefits of the payment. He remarked that cities were fairly homogeneous and the benefit district was usually defined as the entire city, which was why he used this model for Davie.

Mr. Burton believed that the police and fire fees were last updated in 1997 and parks and open space fees were last updated in 1989. The Town did not presently charge a general government fee. He explained that the cost basis for the methodology used current unit prices for land, equipment and fixed assets, based on local data. The level of service was defined in terms of equipment or assets per unit of population. For example: acres of parkland per 1,000 population or number of tennis courts per 2,000 population.

Mr. Burton referred to a chart describing the Town's current fees and other municipalities' average fees and noted that the average police impact fee was \$227.37 per equivalent residential dwelling unit; the impact fee for commercial development was \$ .45 per square foot. The average fire impact fee was \$337.67 per dwelling unit and \$ .3354 per square foot of commercial space. The average parks and recreation impact fee was currently \$1,698.21 for residential units and there was no charge for commercial. Mr. Burton remarked that as a rule, Davie's fees were lower than other municipalities. Mr. Burton's calculated fees would result in significant increases, particularly regarding fire assessments and parks and recreation, due to the recent increase in land prices.

Mr. Burton said that they had wanted to determine how the Town could get its fees near the survey average and decided to base the police and fire fees at 100% of the calculated fee and base parks and recreation fees at 35%. This would result in Davie's being approximately 3.5% above the survey average for the residential fees and 8.8% above the survey average for the commercial fees.

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Mr. Burton explained that there was pending legislation that would place a moratorium on the collection of impact fees for three years, beginning this summer. He said that an attorney and lobbyist with whom he worked believed the legislation would not pass. Mr. Burton added that once the fees were adopted, there was a 90-day waiting period until they would become effective.

Councilmember Luis was concerned about raising impact fees in this economic environment because he feared it would discourage development. Mr. Burton said that this was a common concern and was the reason the surveys were important to compare fees in nearby communities. He suggested the new fee structure could be phased in over a few years' time.

Councilmember Starkey asked if impact fees could be zone-specific. Mr. Burton explained that zones were usually created in counties, not municipalities, because municipalities were smaller and more homogeneous. If a municipality had a redevelopment zone, this could be segregated out.

Mr. Shimun asked Council's direction to begin creating the ordinances to implement the levels they were seeking, with the option to phase them in. He suggested phasing in 25% per year for four years or 33% per year for three years to reach the levels Mr. Burton had recommended earlier.

Councilmember Caletka said that he could support the increase Mr. Burton had recommended because he felt it was fair, but suggested phasing in the new fees over three years.

Vice-Mayor Crowley asked staff to prepare scenarios describing current/calculated impact fees on proposed development such as Downtown Davie. He asked Mr. Rayson to examine the pending bill that could affect impact fees and report back to Council.

Councilmember Starkey asked to see fee statistics for Cooper City, Plantation and Weston. She also wanted to determine how some towns managed to charge very low impact fees. Mr. Burton agreed to consult with staff on this.

There being no further business to discuss and no objections, the meeting was adjourned at 6:15 p.m.

Approved \_\_\_\_\_

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Mayor/Councilmember

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Town Clerk