



# CITY OF CRESTVIEW

## OFFICE OF THE CITY CLERK

P.O. DRAWER 1209, CRESTVIEW, FLORIDA 32536

Phone # (850) 682-1560 Fax # (850) 682-8077

**January 22, 2018**

**5:30 P.M.**

**Council Chambers**

### **SPECIAL COUNCIL MEETING**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Open Policy making and legislative session**
4. **Approve agenda**
5. **Public Hearing**
  - a. Ordinance 1632 – Traffic Impact Fees – by Growth Management
6. **Public Opportunity on Council proposition**
7. **Comments from the Audience**
8. **Adjournment**

Those not listed on the regular agenda who wish to address the council should fill out a yellow card. The Card must be submitted to the City Clerk. Speaking time should be three minutes or less, large groups may designate a spokesperson. All remarks should be addressed to the Council as a whole and not to individual members. All meeting procedures are outlined in the Meeting Rules and Procedures brochure available outside the Chambers. If any person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City Council of the City of Crestview, Florida does not discriminate upon the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American With Disabilities Act to insure access to and participation in the meeting should contact the Office of the City Clerk at (850)682-1560 prior to the meeting to make appropriate arrangements.



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  - a. Ordinance 1632 – Traffic Impact Fees – by Growth Management

5. Public Hearing:

Ordinance 1632 – Traffic Impact Fees  
Second Reading of Ordinance



CITY OF CRESTVIEW

Item # 5a

# AGENDA ITEM

CITY COUNCIL MEETING DATE: January 22, 2018

TYPE OF AGENDA ITEM: Public Hearing

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TO: Mayor and City Council; City Clerk;  
CC: Department Heads; City Attorney;  
FROM: Growth Management Department  
DATE: January 17, 2018  
SUBJECT: Ord 1632 Traffic Impact Fees

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**BACKGROUND:** The current Traffic Impact Fee Waiver expired on December 31, 2017. In the November 27<sup>th</sup> meeting, the Council request the fee waiver be extended for an additional 6-month time period. The Traffic Impact Fees Waiver adopted by Ordinance 1632 will extend the 100% waiver for an additional 6-month period, ending on June 30, 2018.

Currently, the City has the ability to collect the impact fees under the requirements of Ordinance 1419, based on the Technical Memorandum on the Methods of Calculating Traffic Impact Fees (Jan 2009), which was updated by the City's Consultant, Atkins North America, Inc. in April of 2016.

The Memorandum, which is based on the rational nexus standard and complies with the Florida Impact Fee Act, includes impact fee data, construction cost indexing, right of way indexing and the adopted capital improvement plan, presents a table of recommended Impact Fee amounts.

During the waiver period, Alternative Calculations Methods of Impact Fees, will be presented to the Council for discussion. The current study is based on averages and typical conditions. As shown in the Memorandum, it is possible that the impact of an individual new development could differ from the normal and having the opportunity for an alternative method of calculating the fees and even to mitigate the situation, by the location of the improvements and how payment would be accomplished, could be very advantageous to the City.

**STAFF RECOMMENDATION:** The Staff recommends adopting Ordinance 1632 on second reading and send to the Mayor, Council President and City Clerk for signatures.

**RECOMMENDED MOTION:** *I move to adopt Ordinance 1632 on second reading and send to the Mayor, Council President and City Clerk for signatures*

## ORDINANCE NO. 1632

### **AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR A WAIVER PERIOD FOR THE COLLECTION OF THE TRAFFIC IMPACT FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, impact fees are an important source of revenue for local governments to use in funding the infrastructure necessitated by new growth; and

**WHEREAS**, the imposition of impact fees is a product of the City of Crestview's home rule power; and

**WHEREAS**, the City of Crestview commissioned a Traffic Impact Fee Study in 2009 in order to determine the propriety of the adoption of a Traffic Impact Fee Ordinance and the appropriate scope of impact fee collection once adopted; and

**WHEREAS**, the City of Crestview adopted in 2009, an Ordinance providing for the collection of Traffic Impact Fees throughout the City of Crestview, that are necessitated by new growth; and

**WHEREAS**, a downturn in the national, state, and regional economy has resulted in the dramatic decline of construction projects within the City of Crestview; and

**WHEREAS**, such decline has negatively impacted all local industries dependent upon growth and resulted in increased inflation and unemployment within the City of Crestview; and

**WHEREAS**, the City Council of the City of Crestview, has determined that such conditions have reached a point that necessitates action in order to stimulate and re-energize Crestview's growth dependent industries, and as a result of the economy as a whole; and

**WHEREAS**, Florida Statute 163.31801 (3) (a) Requires that the calculation of the impact fee be based on the most recent and localized data; and

**WHEREAS**, the City of Crestview Code of Ordinances, Chapter 86 - TRAFFIC AND VEHICLES, Section 86-100 Review of Fees, as amended by Ordinance 1419, adopted January 26, 2009, effective April 27, 2009, mandates that a full evaluation of the impact fee calculation and impact fee study be performed to the standard that meets the requirements of state legal precedent; and

**WHEREAS**, neither the construction cost indexing nor the right-of-way indexing shall be applied for more than five consecutive years, with a full evaluation of the impact fee calculation and impact fee study no later than five years from the adoption of Ordinance 1419; and

**WHEREAS**, the mandated requirements, being the preparation of the impact fee study, which includes impact fee data, construction cost indexing, right of way indexing and the adopted capital improvement plan, has been accomplished via the completion of the Traffic Impact Fee Technical Memorandum 2016 Update by the City's Consultant, Atkins North America, Inc. in April of 2016; and

**WHEREAS**, any changes to either the construction costs, right-of-way costs or other components of the transportation impact fee shall be adopted by July 31 of each year (with an effective date of October 1), by the City Council, and no change shall be effective until such time as the City Council has adopted the changes; and

**WHEREAS**, the City Council of the City of Crestview, Florida desires to institute a temporary waiver for the assessment and collection of Traffic Impact Fees pending accomplishment of the required full evaluation of the impact fee calculation and impact fee study.

**BE IT ADOPTED BY THE CITY COUNCIL OF THE CITY OF CRESTVIEW, FLORIDA AS FOLLOWS:**

**Section 1. AUTHORITY.** The authority for enactment of this ordinance is Section 166.021 and Section 163.31801, Florida Statutes and Article I, Section 2 of the City Charter.

**Section 2.** That Section 86-114 of Article VI, Traffic Impact Fee Waiver, of Chapter 86, Traffic and Vehicles, of the Code of Ordinances, City of Crestview, Florida, is hereby amended to read as follows:

Sec. 86-114. - Terms and percentages of traffic impact fee due.

There is hereby established a traffic impact fee waiver for a period of approximately ~~3~~ six (6) months, beginning on ~~October 1, 2017 and ending on December 31, 2017.~~ January 1, 2018 and ending on June 30, 2018. The waiver shall not be applied retroactively to any building permit nor shall it apply to any re-issued building permit that was voluntarily cancelled within 180 days of the effective date of this section.

**Section 3. Severability.** If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**Section 4. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 5. Effective Date.** This ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON THE**

**\_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

**ATTEST:**

\_\_\_\_\_  
**J. B. WHITTEN**  
**Council President**

\_\_\_\_\_  
**ELIZABETH M. ROY**  
**City Clerk**

APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

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**DAVID CADLE**  
Mayor

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