

January 11, 2006

Charter to get impact fees

School board to decide response after \$2.24 million OK'd for Odyssey

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Odyssey Charter School will receive up to \$2.24 million in school impact fees to help put the finishing touches on its new campus on nine acres donated by Bayside Lakes.

In the first reported use of a year-old state law that allows school impact fees to be used for charter school construction, Brevard County commissioners voted 3-1 on Tuesday to divert the money from the public school district's building program to Odyssey.

They said the independently run school built with the help of private donations and Bayside Lakes meets the requirements of the law because it helped alleviate school crowding in rapidly growing Palm Bay at a time when the school district had nothing on the drawing board.

"That's why the developer needs to pay impact fees," said Commission Chairwoman Helen Voltz, who brought the request to the board on behalf of Odyssey and Bayside Lakes.

When Odyssey's charter was approved in 1999, Westside Elementary School was 300 students over capacity. When Odyssey opened, many parents were thrilled they could send their children elsewhere.

"I needed an alternative," Jane Cardenas said.

Commissioner Truman Scarborough voted against the proposal, saying it didn't meet the criteria the requirements spelled out in state and county law.

"With this expenditure we're not increasing school capacity," Scarborough said.

Jackie Colon abstained from voting because she has a child who attends Odyssey.

School officials said the decision conflicts with state law and the county's ordinance adopting the law because the school's charter doesn't spell out exactly how many classrooms it has to build to relieve crowding created by actual new housing.

Also, they said, the county commission's decision is in conflict with the school district's own school construction plans and takes money away from other needed projects. The money Odyssey will get is about half the impact fee revenue that came from new housing construction in Palm Bay last year.

"To me, in my mind, we are giving the taxpayer money to the few instead of allowing the public schools

to do their jobs," school board member Robert Jordan said.

They'll decide in the next couple of days what their "plan of action" will be, district spokeswoman Sara Stern said. Superintendent Richard DiPatri declined to comment until then, she said.

The school board meets next Tuesday. Some predicted legal action will come of this.

"The precedent that it will set is that the courts will determine that the county absolutely must follow the requirements of the statutes," school board member Larry Hughes said. "I'm a big supporter of charter schools, and I'm afraid because of the county's action, that ultimately what will come out of this is that charter schools can't get impact fees."

School board member Amy Kneessy called the decision a good compromise because the commission made sure that the school will meet state construction guidelines.

Constance Ortiz, the charter school's founding director, said the 517 students who attend Odyssey also are public school students.

"Why are we quibbling over this?" she asked commissioners.

The school moved from several leased portables and a church building into a new, 48,000-square-foot building in August. While the classrooms were done, the school still needs about \$2.3 million to finish the library, kitchen, parking and soccer field.

The money must come from impact fees generated by construction in Bayside Lakes, county planner Steve Swanke said.

"If it didn't generate enough revenue, then they eat it," he said.

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