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Council urged to look at school 'impact fee'

Resident wants new developments to help ease burden

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Should Huntsville levy a school "impact fee" on new developments?

That's what one Huntsville resident suggested to the City Council Thursday night as part of a continuing crusade to make developers and future home buyers pay for the schools that serve their subdivisions.

In other business, the council awarded a contract for architectural services to design the \$1 million renovation of the Von Braun Center South Hall. The makeover is being done in tandem with the adjacent Embassy Suites Hotel.

The council also postponed a zoning decision where a CVS Pharmacy was recently completed near the Village of Providence development. A lawsuit is pending over deed restrictions that limit the property to residential use.

Concerning the impact fees, Walter J. Stenberg asked the city to seek an opinion from the state attorney general on their legality. The council took no action on his request.

Stenberg says school impact fees make the end users help defray the cost of schools so the burden doesn't fall on every citizen. He's made similar appeals to the city school board and county commissioners - all to no avail.

Huntsville School Board member Topper Birney said earlier Thursday he supports the notion of a school impact fee.

"To me, it's logical there be an impact fee so present taxpayers don't have to pick up the entire burden" for the cost of new schools, he said. "Until somebody convinces me it's the wrong thing to do, I would certainly support it."

Birney recalled his parents paying stiff sewer hookup fees when they first moved to Huntsville in 1950

during its boom era. A school impact fee seems timely with the thousands of new defense and support jobs coming to Huntsville, Birney said.

Stenberg believes elected leaders don't want to anger developers, who would have to jack up the prices of their homes.

But City Attorney Peter Joffrion said the Legislature would have to authorize the city to levy impact fees for education improvements. Impact fees for roads, sewer and water are already allowed under state law.

"Everything a municipality does has to be authorized by state law," he said.

City Council President Mark Russell said after the meeting he would consider a school impact fee if the city is empowered to levy one. "You can't argue with the concept that those who benefit pay a little more."

But Russell said he'd first want to know how it could affect city growth. And he also wonders about the notion of charging a school impact fee to residents who buy new homes but not to citizens who buy in established neighborhoods.

Councilwoman Sandra Moon expressed similar ambivalence.

"If you could wave a magic wand and it was legal, I'd like to look at it," she said.

Moon questioned the amount of the fees and whether the resulting higher cost of homes might deter people from locating in Huntsville.

Stenberg furnished an analysis using the number of homes in Hampton Cove and the cost of building the elementary and middle school there. A hypothetical school impact fee on the new 1,104-home McMullen Cove development would tack on \$10,677 to the price of each house. That would generate nearly \$11.8 million.

On the zoning issue, the council postponed setting the zoning on the property to await the outcome of a court appeal. The 2.2-acre lot, proposed to be zoned Highway C-4, is at the northwest corner of Providence Main Street and University Drive. Residents of the nearby Beasley Spring neighborhood protested the zoning, saying prior deed restrictions limit the tract to residential use only.

Developers of a CVS Pharmacy constructed a two-story building on the lot when it was still outside the city limits. The city recently annexed the property at the request of the property owner. Assistant City Planning Director Marie Bostick said the plans never came through the city planning process.

"They started construction while it was still in the county," she said.

Also Thursday, the council upheld the firings of two city employees with the Department of Recreation and Landscape Management: Jared Cotton, for failing to disclose a 1995 manslaughter conviction on his resume, and Russell Sisk, for improper contact with an Alabama A&M University intern.

Cotton had worked for the landscape division since March 2004; Sisk, a city employee since January 1989, worked at a northwest Huntsville recreation center.

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