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Developer unhappy with growing threat of impact fees

By Monique Lewis
Daily Times Staff Writer

SALISBURY -- Bud Esham is not happy about Wicomico County's attempt to impose a school impact fee on developers.

But when he heard that the city was also considering the impact fee, it was too much for him.

"Developers are already paying their fair share," Esham, head of Eastern Shore Builders Association, said Tuesday. "Where is it going to stop? Personally, I think we're just getting out of hand."

The City Council received a feasibility study Monday from TischlerBise to calculate five impact fees. The study cost \$73,800. The impact fees include transportation, police, fire and emergency medical services, parks and playgrounds and municipal facilities and equipment.

Developers pay a lot of upfront money as it is, Esham said.

"They're already forced to improve the roads and pay water and sewer upfront," he said. "I'm beginning to wonder why we need an impact fee when developers already have to do (road) improvements anyway."

Also, TischlerBise -- a consulting firm that specializes in generating reports for jurisdictions considering impact fees -- recommended the capacity fee of \$5,300 per detached single-family unit "be recalibrated in order to more fully represent the cost to the capital facilities of the system due to growth. ...It is highly likely that the city could increase the capacity fee," the report stated.

A further study for that re-calculation would cost the city \$36,400, bringing the bill to TischlerBise to \$110,200. TischlerBise estimated that the entire study would take four months.

Next to impact fees, the council chose a second consultant, Jakubiak & Associates Inc., to develop an annexation agreement for future growth. The 15-week study would cost the city \$29,540.

TischlerBise claims the city has been "fueled by annexations," and reported that the annual annexations per year ranged from two to four from 1996 to 2002. That number jumped to seven annexations in 2003 and 12 in 2004.

Jakubiak & Associates, a town planning firm, is also completing projects for Crisfield and Pocomoke City.

City Councilwoman Debbie Campbell preferred the other annexation candidate, Community Conservation Group Inc.

"I think the second company's credentials were deeper and broader," she said. "They have more relative experience and a very highly regarded experienced attorney in the field of annexation agreements."

Frederick C. Sussman was also an attorney and member of CCG and Campbell said his legal expertise was a necessity.

"We should do more diligence than just reading those resumes," she said. "(The council) had no opportunities to ask questions that we might have."

Council President Mike Dunn said he was comfortable with the decision process. The administration and parties involved do an initial screening and they make a recommendation, he said, referring to Erin Kesler, acting director of procurement and parking; Jack Lenox, director of planning and zoning; and John Pick, city administrator.

"We want this to happen very quickly. We're excited and looking forward to seeing where this takes us," he said.

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