



AGENDA ITEM COVERSHEET

PREPARED BY: Ed H. Parvin, Assistant Town Manager **DEPARTMENT:** Executive
MEETING: Town Council – October 13, 2020
SUBJECT: Review request from RGL Development LLC for reimbursement of project costs.

BACKGROUND:

On several occasions staff has met with the developers of the business center located at the corner of Lake Park and Bertram. RGL Development LLC (RGL) have faced unanticipated infrastructure costs associated with water, sewer, and streets (see enclosure 1). RGL believes these circumstances are a result of poor communications by the Town staff, therefore there should be additional costs paid by the Town for the project.

ANALYSIS:

A conditional use permit was issued for this project on July 11, 2017 (see enclosure 2). During this quasi-judicial hearing it was discussed that public and private water, sewer, stormwater, and road improvements would be required. This is evident and documented on the grant order under conditions:

- 1 all permits must be obtained,
- 2 site plan showing infrastructure improvements was approved
- 9 additional fire hydrants shall be installed
- 10 water and sewer must be upgraded),
- 12 sidewalks provided per plans, and
- 15 required engineered solution to enhance safety of the Bertram and LPB intersection.

These are all standard conditions as developers are required to pay for the costs to extend public utilities to new residential and/or commercial development. The Town could not sustain continued partnerships to expand our infrastructure for new development without significant increases in fees. However, the applicant believes their situation is unique. RGL has met with staff on a number of occasions to request funding from the Town similar to this request before Town Council. The Town staff does not have the authority to fund private development even if it requires expanding public infrastructure. Knowing this we (staff) did not accommodate all the requests from the developer. There were several requests that staff did agree to:

1. The contractor was going to cut and patch the Bertram to accommodate water and sewer lines for their property. Based on concerns with the final product (patched road) we agreed to pay ½ of the costs for the final overlay. This equates to \$7,809.96.
2. The turning radius of Bertram and LPB was discussed during the quasi-judicial hearing and Town Staff did agree to pay for extending Bertram to LPB 314 square yards at a cost of \$4,317.59.

3. Staff provided the required fire hydrant for the project because it was difficult to find the specific type used by the Town. This was at a cost of \$1,700.

ACTION REQUESTED:

RGL did reach out to Councilmember Shuttleworth and he has requested staff bring this back for review and consideration by Town Council. The request for your consideration includes directing staff to pay for the public infrastructure improvements identified by the developer.

1. The developer was told at TRC, P&Z, and Town Council that it would be their responsibility to pay for the water and sewer extension.
2. WATER LINE: Staff did request that the water lines be looped for water quality and fire protection. This is standard practice for a water system. This was not discussed on April 22, 2019. This meeting did not include utility staff, but did include planning. At that time the project was about to expire and the focus of the discussion was how to get the project extended. Staff worked with RGL to obtain the extension of their permit which was granted on July 9, 2019. During permit review utility staff did tell the applicant that the water line needed to be looped. The design fee for this was listed at \$360. RGL is requesting costs incurred for lost time due to having to loop the system at a cost of \$10,500.
3. SIDEWALKS: The project must be in compliance with ADA including sidewalks. The slopes of the driveway cuts were initially too steep to meet Fire code and ADA code. The building inspector was in constant comms with RGL. RGL is requesting \$2,250 due to delays. The plans did not illustrate the slope that would be put in. Due to lack of detail staff informed RGL that it would need to meet ADA requirements. RGL is requesting \$15,047.
4. WATER LINE CONNECTION: The contractor was required to field verify as identified on their plan. The Town did have an old as-built from Portside that staff provided, but we also asked that they verify locations/sizes as their engineer also noted on the plans. RGL is requesting \$8,282.
5. POOR COMMS: RGL is requesting \$7,000 due to delays caused by Town Staff. Staff has reviewed correspondence. All phone calls and emails were returned as soon as staff could obtain information and typically same day.
6. Total request from RGL = \$43,439.

STAFF RECOMMENDATION:

Staff does not agree with payment of any of the requested \$43,439.

It is not atypical to ask for additional public improvements as was the case in this CUP. However, staff did agree to payment of ½ of the overlay costs that will have a positive impact on the safety and accessibility of the LPB and Bertram intersection. Staff recommends moving forward with paying Southern Asphalt \$12,127.55 for these road improvements.

No budget amendments are requested at this time. If directed to pay for a portion of or all of the requested costs staff can take money out of this year's budget and come back to Town Council later in the year if funds fall short for other planned infrastructure improvements that were included in the budget.