



City dishes up heartburn to restaurant owners

By Angela Daughtry, News-Leader

The city recently tried to collect nearly \$800,000 in impact fees from local restaurants it said had more seating than indicated in documents filed with the state, causing some restaurant owners heartburn when they got their bills.

City staff determined recently when it conducted undercover counts that about 40 restaurants in town have more seats than are recorded with the state Department of Business & Professional Regulation.

Altogether, impact fees owed the city for the extra seats amounted to nearly \$800,000.

That's because each additional restaurant seat beyond the official state count requires a one-time impact fee payment of \$534, said City Manager Michael Czymbor. And because the city has seldom or never inspected restaurants for additional seating, those fees have risen over the years - in some cases to the tens of thousands of dollars.

"The impact fees are intended (to) ensure that the development bears a proportionate share of the cost to accommodate such development," Czymbor wrote in an email.

According to a city chart, The Surf restaurant on South Fletcher Avenue owed the largest amount - about \$93,000 - for 174 additional seats that were never reported. Sliders Seaside Grill, with 108 additional seats, owed nearly \$56,000 and the Fernandina Beach Golf Club, which is owned by the city, had 86 additional seats and owed nearly \$46,000.

Czymbor said the issue came up several months ago when some local restaurant owners expressed concern about rules and regulations not being followed by all businesses. Czymbor did not specify who made the complaints.

He said the state publishes an annual list of how many seats each restaurant is supposed to have so city staff counted the actual seats versus the seats the restaurants were licensed for.

However, some business owners complained the seats were not properly counted by city staff and that they included such areas as poolside and stacked seating, Czymbor said.

He subsequently met with the Amelia Island-Fernandina Beach-Yulee Chamber of Commerce to discuss the issue and a decision was made to not collect fees from restaurants that added seating before 2003.

Rather, Czymbor said, city staff will evaluate the seating of those restaurants with the owner present and the owner will then sign a document stating the official number of seats.

Czymbor said he hoped to have all the inspections done within 30 days. The evaluation forms will then be sent to the Department of Business & Professional Regulation.

Restaurants that have been recently permitted will have to pay seating impact fees if they have not already done so, he said.

Impact fees, which have at times been controversial within the city, are one-time charges "paid pursuant to the City Code section 2-482 when there is a change of usage or expansion of a facility which increases the usage of water and sanitary sewer systems," Czymbor wrote in an email.

He said the fees have been used to increase the efficiency of the city's wastewater and water distribution systems.

Czymbor said from now on the city will conduct annual restaurant inspections to be "fair and equitable" to all.

Alexis Antonacci Lambert of the DBPR said it "does not have jurisdiction over city impact fees" but that the city notified it Oct. 18 about several restaurants that had "increased seating without prior notification." Those restaurants were provided with a seating change evaluation form, she said.

The evaluation forms must get city approval or "the division can take action against the restaurant's license through an administrative complaint," which can include fines, license suspension, probation or revocation of the license, she noted.

Restaurants are inspected twice a year by sanitation and safety inspectors working for the Division of Hotels and Restaurants, she added.

Vice Mayor Tim Poynter, who recently expanded his restaurant, Cafe Karibo at 27 N. Third St. in downtown Fernandina Beach, did not respond to a phone message asking about the seating issue.

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