



Berkeley seeks to change impact fee law

Failure would mean county might be forced to charge school districts, others

BY ANDY PARAS
The Post and Courier
Saturday, April 19, 2008

MONCKS CORNER — Berkeley County officials say they might be forced to impose hefty impact fees on new schools unless legislators amend a state law.

County Council originally exempted schools, churches and nonprofits two years ago when it approved transportation impact fees on new construction projects in its high-growth area.

But the county's attorney says those exemptions aren't necessarily in line with state law.

At the request of County Attorney Nicole Ewing, the council earlier this week reluctantly gave preliminary approval to an ordinance that will rescind the exemptions.

County and school district officials say it's ridiculous to charge the school district an impact fee since schools are the result of growth, not the cause of it.

Ken Coffey, Berkeley County School District's assistant superintendent of operational services, said a fee would cost everyone in the county, not just those moving into the high-growth area.

"The only way for us to (afford the impact fee) is to charge every citizen in the county a tax levy," he said.

State legislators are looking at ways to use growth to pay for new schools, but it might be next year until it considers an amendment to the impact fees law, Sen. Paul Campbell, R-Goose Creek, said.

"I doubt we can get anything done this year, to be honest with you," Campbell said.

County officials say they are worried that the town of Moncks Corner will challenge the viability of the county's ordinance as it considers annexing parts of the growth area along the U.S. 52 corridor.

County Councilman Jack Schurlknight said he still supports the exemptions but that he doesn't want the county to be subject to a lawsuit.

"I feel uncomfortable with Berkeley County being a guinea pig going before the judge," he

said.

Mayor William Peagler said Tuesday that the county's concern is unfounded.

"I don't know where this is coming from," he said. "That's never been the position of Moncks Corner. We would like to work with the county, and I think that's always been our position."

He said he's glad the county is moving to correct any deficiencies with its ordinance, "but we are not going to play David and Goliath with them."

If the county does rescind the exemptions, Ewing said the fees would not be retroactive.

That means the district would not have to pay for Cane Bay High School and

Cane Bay Elementary School, which are scheduled for completion this year and in 2009, respectively.

The fee for a high school is \$1,815 per 1,000 square feet. It's \$1,940 for a middle school and \$2,040 for an elementary school.

The district would have been charged an estimated \$667,920 with the construction of the 368,000 square-foot Cane Bay High School.

Coffey said the district is identifying money for a new middle school in the area, one of about 11 schools the district expects to be needed to fulfill growth requirements over the next two decades.

"That's millions of dollars that everyone in the county would have to pay," Coffey said.

The council will hear more about the issue from outside attorneys during a workshop May 12.

Reach **Andy Paras** at 745-5891 or at aparas@postandcourier.com.

Copyright © 1997 - 2007 the Evening Post Publishing Co.