



## Berkeley studies fees on schools, nonprofits

Officials say impact fee ordinance possibly open to challenge

By Andy Paras  
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### If you go

Berkeley County Council meets at 6 p.m. today at 1003 U.S. Highway 52, Moncks Corner.

MONCKS CORNER — Berkeley County Council will be encouraged today to assess impact fees on schools, churches and other nonprofit organizations in the county's high-growth area.

Council exempted those three groups in November 2006 when it adopted impact fees after months of debate. The fees, which go toward local road projects, affect all new construction on homes and businesses in the county's high-growth area.

County Attorney Nicole Ewing said the issue is coming up again because the county's ordinance needs to conform to the state statute in case of a legal challenge.

Attorneys advised council in 2006 that the state law allowing impact fees does not specifically exempt schools or nonprofits. The council surprised everybody by adding the exemptions anyway, prompting roaring applause from residents and school district officials who considered the fees a double tax.

The county didn't anticipate a legal challenge then, but officials say they are now worried that they could end up in court with Moncks Corner over closely guarded plans to annex property along the U.S. Highway 52 corridor, which is the heart of the high-growth area.

'We have heard that Moncks Corner is looking to challenge it,' Ewing said.

The county has accused the town of trying to lure businesses into town limits by assuring them that by moving into the town they wouldn't have to pay the impact fee. The county says businesses would have to pay the impact fee anyway. Town Administrator Marc Hehn, who has been mostly mute on the issue, responded by saying that 'lots of lawyers have varying opinions.'

Chip Boling, deputy county supervisor, said he doesn't expect council to rescind the exemption.

Councilman Phil Farley, whose land use committee will consider the request today, said he thinks it's important council discuss the issue during the council meeting.

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