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Leaders press for impact fees

Commissioners use a breakfast with Durham legislators to make their case for the fees

By **MICHAEL BIESECKER**, Staff Writer

DURHAM -- Durham commissioners got their annual chance Friday to buttonhole the local legislative delegation, urging the lawmakers to push for the authority to impose impact fees and provide more money to run the courts.

As if to illustrate the county's dire financial straits, participants in the breakfast meeting were offered a meager spread of cold bagels and mini-muffins -- a menu devoid of pork.

The county is embroiled in a legal battle with a group of 13 Triangle developers who sued after the county began imposing an impact fee on residential construction to help meet a corresponding increase in the need for new schools.

A judge ruled last month that the county did not have legal authority to impose such fees and could have to give back the \$2.3 million collected since the local ordinance went into effect Jan. 1, 2003. The case is now headed for the state Court of Appeals, which ruled Friday that the county can temporarily continue collecting the fees -- \$2,000 for a new single-family home and \$1,155 for each apartment or condo.

Though at least three counties -- Orange, Chatham and Cabarrus -- have won approval from the legislature to impose fees for schools, lobbyists for the home builders have repeatedly blocked efforts to grant Durham the same authority, which spurred the county's efforts to go forward with the fees on its own.

Now that Durham's ordinance is in legal trouble, commissioners urged the legislators to push for a statewide law granting counties the authority to impose impact fees to raise money for education, jail construction and other needs.

Commissioners' Chairwoman Ellen Reckhow and Vice Chairwoman Becky Heron said such fees were the county's only chance for curbing steep increases in the property tax rate, which she said would severely hamper the county's efforts to compete with locales in other states for corporate expansions. Reckhow argued that granting the local option to impose fees was only fair, considering the legislature's repeated cuts in funding to counties to avoid statewide tax increases.

"We haven't got anyplace to go but to the property tax, and that's going to run people out of their homes," Heron said.

State Rep. Mickey Michaux, a Durham Democrat, said he'd be willing to

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introduce such a bill but said the staunch opposition of the developers' lobby -- and the industry's generous campaign contributions -- would likely mean the legislation would be dead on arrival in Raleigh.

"They run the show over there," Michaux said of the builders' power on Jones Street. "Impact fees are just not going to fly. We can put it in, but they will kill it."

Democratic Rep. Paul Luebke said Durham might need to consider a local moratorium on new development until a mechanism can be found to help pay for schools. Such building curbs imposed in Charlotte had been successful in forcing developers to the bargaining table, he said.

Among other pressing issues, the commissioners also stressed the need for more money at the Durham courthouse. Clogged courtrooms and a lengthening backlog of cases illustrate the need for more clerks, magistrates, prosecutors and judges, they said.

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