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**Developer impact fees get scrutiny** *by Jeff Newman Staff writer*

The Charles County commissioners signed off Tuesday on most of the requests made last month during an annual public hearing on local legislative proposals, but asked for additional clarity on enabling legislation that would allow the county to impose impact fees on new development.

Planning Director Stephen Ball proposed including such a bill as part of the county's legislative package ahead of the 2014 General Assembly session.

In an Oct. 3 memo to County Attorney Barbara Holtz, Ball said county staff has proposed a countywide impact fee study for fiscal 2015 that "may or may not result in recommendations for new or revised impact fees related to: sewer, water, roads, schools, parks, drainage, fire and emergency services; and potentially other areas of impact such as farmland and open space preservation costs."

While reading through the 11 proposals during the commissioners' Tuesday meeting, Holtz said the proposal had been removed from the legislative package at the recommendation of County Administrator Mark Belton, who said it was "perhaps a year too early" for the request.

Commissioners' President Candice Quinn Kelly (D) took exception.

"I don't think that's going to be very well received by the" School Adequate Public Facilities Program and Funding Review Committee, which has pushed for allowing impact fees, she said.

"When you look at our school allocations, there are no school allocations. We're literally shutting down development, which is contrary to what anyone wants to do in terms of economic development," Kelly said. "If this tool isn't available to us, I think we're going to put ourselves in a pickle."

State law currently prohibits the county from imposing both an excise tax and impact fee, Holtz said. The statute dates to when the county originally went to code home rule following the 2002 election, and replaced its \$5,000 school construction impact fee with an excise tax, Kelly said.

Enabling legislation would only allow the county to impose an impact fee, not actually establish one, Holtz said.

"Why don't we see if we can get some clarity?" commissioners' Vice President Reuben B. Collins II (D) asked.

Commissioner Ken Robinson (D) said it should not take long to review the proposal, but it should be done quickly ahead of Nov. 15, the deadline for lawmakers to request drafting of bills prior to the 2014 session.

The delegation indicated that "to get the conversation started" on a bill request from the Charles County Sheriff's Office that would make it illegal to extort sexual images from a person, it would need broad support from organizations such as the Maryland Sheriff's Association, Maryland Chiefs of Police Association, Maryland State Police and Maryland State's Attorney's Association, Holtz said.

Delaware has a felony statute similar to the requested bill, but other states and the U.S. Department of Justice use child pornography laws to prosecute such extortion, said Chris Welsh, general counsel to the sheriff's office.

Charles County State's Attorney Anthony B. Covington (D) told the sheriff's office he would support the request and present it to the state's attorney's association, Welsh said. The department still is seeking approval from the sheriff's association, but has not received any negative feedback on the proposal, he said.

The sheriff's office withdrew a proposal that would have excluded correctional officers in probationary status from the Law Enforcement Officers Bill of Rights.

Sen. Thomas "Mac" Middleton (D-Charles) felt a 20- to 25-year lease on the Hughesville property slated for the long-planned Southern Maryland Carousel would be needed in order to underwrite the \$250,000 bond bill requested for purchase of the carousel's platform, Holtz said.

"I understand that that's been taken care of, so I guess we need to make sure the paperwork is submitted," said Robinson, whose district includes Hughesville. Holtz recommended that the county send the matter forward indicating that a lease had been agreed to in principle.

The Charles County Department of Economic Development had asked for a bill establishing a property tax credit for businesses that create jobs via new construction, but jurisdictions already have the authority to do that, Holtz said. A local bill has been drafted and is on the commissioners' Dec. 3 agenda, she said.

Holtz said the delegation has agreed to pre-file bills that would:

- Increase from 500 feet to 1,000 feet the distance liquor stores must be from accredited schools.
- Effectively halve the number of liquor licenses available in the county's 6th Election District — which spans Waldorf and White Plains — by increasing the number of residents per liquor license from 1,350 to 2,700.
- Require additional signs advertising a pending liquor license if its future location is not easily accessible to the public.
- Split liquor licenses for sales on premises into subcategories for restaurants, bars, taverns, nightclubs, hotels and stadiums, each with its own criteria and fee structure.
- Increase the salaries of the Charles County Board of Education's chairman and its members by \$2,000 to \$7,000 and \$6,000, respectively, raise the members' annual expense stipends from \$600 to \$800 and provide a \$1,000 scholarship for the board's student member.
- Add Charles County to the list of jurisdictions where taxis are regulated by the Maryland Public Service Commission.

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