

A work session of the Beaufort-Port Royal Metropolitan Planning Commission (MPC) was held on **September 16, 2019 at 5:00 p.m.** in the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Mike Tomy; Commissioners Caroline Fermin, Judy Alling, Jim Crower, and Bill Bardenwerper, and Beaufort/ Port Royal Fire Chief Reece Bertholf. Commissioner Robert Semmler was absent.

In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80(d) as amended, all local media were duly notified of the time, date, place, and agenda of this meeting.

Chairman Tomy called the work session to order at 5:04 p.m.

REVIEW AND DISCUSSION: FIRE DEVELOPMENT IMPACT FEE STUDY – FINAL INPUT

Chief Bertholf apologized for the delay in sending the ordinance to the commissioners for review because of Hurricane Dorian. At tonight's meeting, they will discuss the impact fee study, he said.

After the last meeting with the commissioners, **John Robinson** said, an intern had reviewed the study to determine if the demographic information from the US Census that the commissioners had questioned "was really needed." They found that part of the information was "more related to a transportation study," so they removed that unnecessary data and "reviewed the information that was applicable," which was about the workforce and the number of residents, he said.

Chairman Tomy said he still thinks "the statistics" that were provided "are way, way off." Mr. Robinson said, "It is the data that they provided." Chairman Tomy said he understands that. Chief Bertholf said, "A lot of those are forward-looking projections" that won't "sway the calculation of the current impact fee one way or the other." Chairman Tomy said he understands that, but he hopes there will be more accurate data available in the future. Chief Bertholf said **Bill Prokop** is working on that for the City of Beaufort.

Mr. Robinson said there was a lot of discussion last time about affordable housing. He researched what Beaufort County had provided (i.e., the data in the Bowen housing needs assessment), but that wasn't an affordable housing study, so it "didn't define 'affordable housing'." That's why they had used the HUD study for 80% of the MFI (median family income.) Chairman Tomy said he thinks HUD's data is probably good, but the commissioners had questioned whether there was data that might "shed more light" on affordable housing in this area. Chief Bertholf said he hasn't seen the county's "newly published study" on affordable housing; its release is "imminent," but it hasn't been released to the public yet.

On the capital improvement plan, Mr. Robinson said, the commissioners recommended including a total column and a replacement schedule for the assets, so they did that at

the bottom of the capital improvement plan in this draft. He reviewed these additions for the commissioners.

Chairman Tomy said when he looks at the "Table of Current Assets with Replacement Costs or Market Value," Station #1 was built in 1984; he asked about "Construction 1." Chief Bertholf said, "That's contemplated to be a new asset if necessary," so "it's a new station that doesn't exist today." Chairman Tomy asked if the \$2,950,000 would be for a new station or a renovation. Chief Bertholf said it would likely be "what's affordable at the time." At the last work session, they had discussed "the reality of a 20-year . . . horizon and overlaying that with what we actually collect in impact fees." They "expect to expend funds within the planning window," he said, but they "don't ever expect these funds to wholly fund any one of our projects." The \$2.95 million amount is an estimate of what they would need "to meet the need" based on "the growth of the community," Chief Bertholf said.

Since Station #1 was recommended to be refurbished in 2009, and now it's 10 years after that, Chairman Tomy asked if there has been any analysis of the facility to find out about the "actual need." Chief Bertholf said they have analyzed the need twice since 2009. As for the need to update or replace infrastructure, they haven't gone as far as seeking funds, he said, and no architectural planning has been done.

Mr. Robinson said the commissioners recommended having a third-party review by contractors who might be affected by the impact fee. Chief Ogden reached out to developers, and only **Gerald Neal** of Neal's Construction responded. Mr. Robinson said Mr. Neal was supportive of the impact fee policy but had one concern: affordable housing. He was concerned that builders might find a loophole to apply for the affordable housing exemption and then later sell the properties at market rates. Mr. Robinson said they would address that concern in the ordinance.

Mr. Robinson said the Beaufort County's community development director, **Eric Greenway**, had reviewed the study. Chief Bertholf said that's "still ongoing."

Chief Bertholf said he is looking for "a general consensus of comfort with the study." A legal review of the ordinance needs to be conducted, and if there were changes to be made, that would happen at that time. If the commission is ready to put the study to rest, they could move to the ordinance in a work session, he said.

Chairman Tomy said he had presented questions at the previous work session that were "going to be ruled on by the state." He suggested that a state attorney could address some of the issues; if Chief Bertholf could provide a name of the state attorney who would be responsible for this, Chairman Tomy said he would be glad to call him. Chief Bertholf they could give him that information. In his experience, the local city attorney reviews ordinances, Chief Bertholf said, but he also expects "management to reach out

to the Municipal Association,” which “has a staff of attorneys” that will “make sure that all requirements are met.”

Commissioner Bardenwerper asked if the “service area” is “all of the City of Beaufort,” or if any parts of the city had been exempted because of redevelopment. Chief Bertholf said, in the ordinance, “instead of naming redevelopment corridors” as impact fee-free zones, they have “devised a way to give credit for redevelopment of existing structures.” He explained that, at the time of the redevelopment, if a structure would qualify “for some portion of an impact fee,” when it’s redeveloped as something new, the developer is “going to get credit for what was previously existing.”

Commissioner Bardenwerper said he doesn’t think “picking winners and losers” is necessarily a bad idea in the context of development/redevelopment. His experience with impact fees is that “you tend to have growth paying for growth.” There might be areas that are going to grow, but “you might not necessarily want growth to be directed there,” Commissioner Bardenwerper said, while there are other areas where they would want to encourage growth.

Chief Bertholf said all of the impact fees are being treated the same way right now in the county and in all of the municipalities within it. While they would collect this municipal impact fee, he said, they “would treat it in calculation just like the credits given for those [county] impact fees,” he said. The MPC could “send multiple recommendations” for council to choose from; that has been done before. Staff feels this is “the prudent way to move forward,” and if the MPC “see[s] it differently, so be it,” Chief Bertholf said.

Chairman Tomy said Chief Bertholf might be able to discuss “areas of incentive” in the next work session. Chief Bertholf said there are specific exemptions for impact fees at the state level, and those would apply in this case, as well. Development and redevelopment incentives from the city have been utilized to varying degrees of success, he said; how that could eventually apply to impact fees, he couldn’t say.

Chief Bertholf said the ordinance is in the commissioners’ drop boxes, and he suggested that the next work session should be before the next MPC regular session.

Chairman Tomy made a motion to adjourn the work session, and the meeting ended at 5:28 p.m.