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## City wants court opinion on building permits

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CHARLES TOWN, W.Va. - A decision by the Charles Town City Council to seek a court opinion on the collection of school impact fees is generating concern among some officials.

Charles Town City Council members voted Monday night to seek an opinion in Jefferson County Circuit Court on whether the city should issue building permits to housing developers who do not pay school impact fees, council member Matt Ward said.

Ward, who voted against the action, said the issue revolves around senior living communities.

Ward said he could not elaborate on the council's action.

Mayor Peggy Smith could not be reached for comment Thursday.

One senior living community being proposed in the city is at the 3,200-home Huntfield development south of Charles Town along U.S. 340.

Huntfield developers believe they are entitled to an exemption from the school impact fee for the senior living community because it will not include any children who will attend local schools.

People who will be living in Four Seasons at Huntfield must be at least 55 years old and they will not be allowed to have any children living with them, the developers have said.

Not paying school impact fees would amount to about a \$6 million break on school impact fees for the proposed 821-home senior living community, and the idea has generated controversy.

Jefferson County Schools officials have spoken against the fee break and some city residents have said they worry that school operation costs would be passed onto them if the fee break is given.

School impact fees are charged to developers to help pay for new school facilities needed because of growth.

Jefferson County Board of Education President Lori Stilley said Thursday said she is concerned about city council's actions, and believes any questions about school impact fees should first be discussed among council members, the board of education and county officials before going to court.

"These are issues that directly affect the children of the county," Stilley said.

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