

The Journal

Working For You Every Day!

[«--back to story](#)

Impact fee dispute case gets resolved

By Naomi Smoot / Journal staff writer

POSTED: April 8, 2009

CHARLES TOWN - A battle between Jefferson County and the city of Ranson over who has the right to collect impact fees within the municipality's borders appears to have reached a conclusion.

The Jefferson County Commission asserted that the city was not exempt from its impact fees during a suit that was filed three years ago. The commission challenged the proffers that the city had collected and used to finance infrastructure projects within its own boundaries.

The city, officials said earlier, had previously agreed to give the county a portion of the proffer fee that it charged for the Jefferson County Board of Education. Ranson had not, however, paid the county for impact fees related to parks and recreation, and fire and emergency services.

Late last year, Circuit Court Judge Christopher C. Wilkes declared the proffer system illegal, and ordered that the city was not exempt from paying impact fees to the Jefferson County government.

That order was appealed to the West Virginia Supreme Court. But following the court's recent refusal to take up the case for consideration, the matter now seems to have come to a close.

"It appears to me that they've exhausted their options for appeal," Jefferson County Commission President Dale Manuel said Tuesday.

Manuel said he was glad that the case, which was initially filed in January 2006, is now over.

"I'm glad that the issue is resolved, and that we can get on with getting those moneys out to the proper channels," he said.

Ranson's Mayor, David Hamill agreed.

"I have to say that I am relieved that it's over. I'm glad that it's been resolved," Hamill said in a phone interview Tuesday. "I'm just glad that we're going to be able to put our relationship together and move forward in harmony."

Hamill said that in years past, the city has used the funds from the proffers to help meet the demands of a growing population. Money was spent on infrastructure upgrades related to parks, police service and other issues.

Now, he said the burden of financing those items has shifted to the county's shoulders.

Hamill said it will also be up to the county to ensure that they use the impact fees in the portions of the county where growth is the most prevalent.

"I think that's a concept that may not be fully understood," he said of the need to spend money in the areas affected by growth.

Manuel said the additional money will help ensure the commission is able to meet the demands of a growing county.

The funds will not go to the county's general coffers. Instead, he said they will be spent on infrastructure and other projects aimed at meeting the challenges that come along with a growing community.

- Staff writer Naomi Smoot can be reached at (304) 725-6581 or nsmoot@journal-news.net

[Subscribe to The Journal](#)