

# The WV INDEPENDENT Observer

JEFFERSON COUNTY, WEST VIRGINIA

FEBRUARY-MARCH 2025

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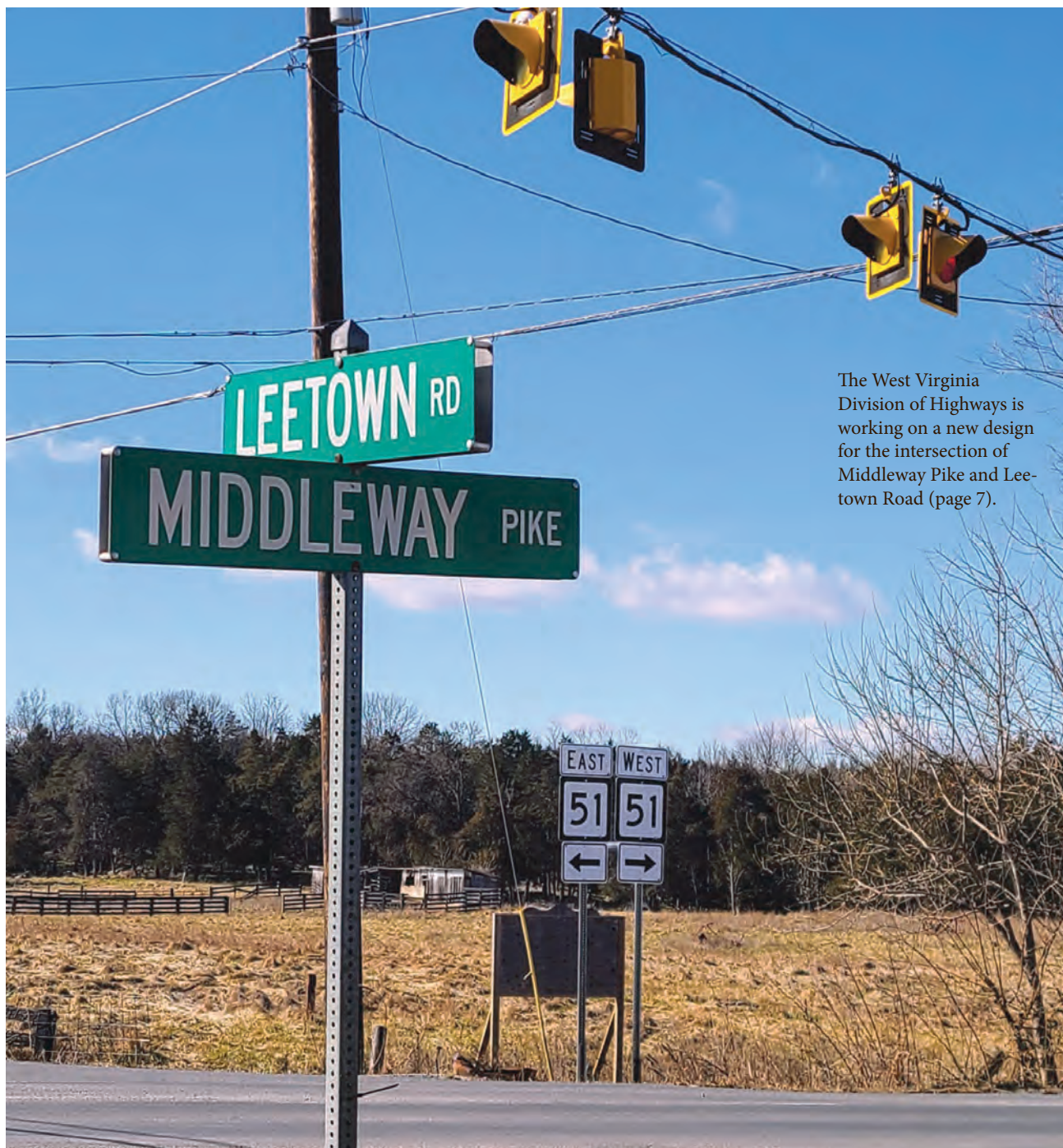
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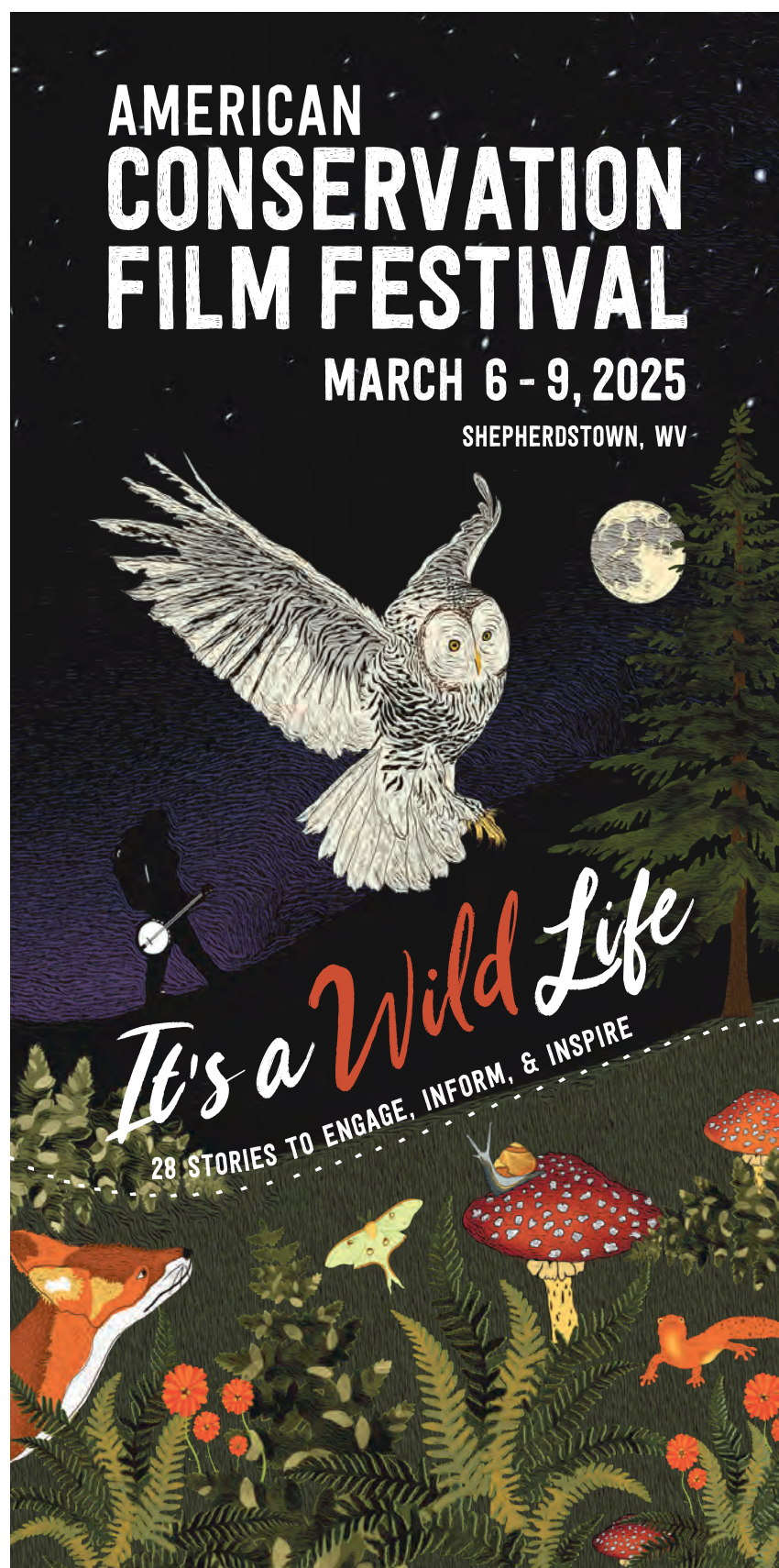
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// LOCAL HISTORY

# PRESERVING VALUES

## Historic Landmarks Commission Has Multiple Preservation Tasks



Cement mill on the Potomac River

THE NATIONAL HISTORIC PRESERVATION ACT (NHPA) was drafted as a response to the destructive results of the highway building and urban renewal programs initiated by the federal government in the 1950s and 1960s. Signed into law in 1966, the NHPA significantly expanded the federal government's role in safeguarding historic properties. It also established the National Register of Historic Places, a federal database of historic buildings, structures, objects, and sites recognized by the National Park Service for their significance in local, state, or national history.

In West Virginia, state legislation authorizes local landmarks commissions, which work with the State Historic Preservation Office, to evaluate and designate individual buildings, structures or extended sites as historic landmarks based on criteria maintained by the National Park Service. Locally, the Jefferson County Historic Landmarks Commission (JCHLC) is a branch of the Jefferson County government and consists of a board of 5 volunteer commissioners appointed by the County Commission. The JCHLC focuses on heritage education, historic resource development, and research, in addition to preserving the county's invaluable historic resources.

The JCHLC first met on March 18, 1974. In its first year of operation, the Commission designated Traveler's Rest, Prato Rio, Lower Farm, Springdale, Piedmont, and White House Farm as Jefferson County historic landmarks. The most recent additions have been the Woodbyrne house in 2024 and the James Osbourn house (on the site of the Shepherdstown battlefield) in 2023.

According to the JCHLC website (JeffersonCountyHLC.org), there are currently 73 National Register landmarks in the county and the Historic Landmark Commission has recognized 135 county landmarks. In addition to individual landmarks, the county has several historic districts recognized on the National Register. 🗣️



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THIS PAPER WANTS TO BE RECYCLED.



Jefferson County EMS regularly stations an ambulance at Leetown Road and Route 9 to cover the area around Kearneysville.

TO OUR READERS — It's hard to believe that the events taking place in our nation's capital are just a short drive away from Jefferson County. Whatever your politics, I expect most of us agree that we don't want federal-levels of division and disrespect in our community.

It's encouraging to report in this issue that the county budget process is underway and the new County Commission and its President have not fallen prey to the distractions that plagued the Commission last year. Even the Midway Bottling Plant proposal — controversial as it is — seems to be bringing people together to voice their concerns and protect the history and economic future of the region.

If recent local events teach us anything, however, it's that change with lasting impact can happen with lightning speed. The price of liberty (and democracy) is eternal vigilance, as Thomas Jefferson is credited with saying. That's why we're proud to share that 2025 marks *The Observer's* 5th anniversary under its current ownership. But when you are finished changing, you're finished, Ben Franklin is supposed to have said. Wise words that ring true today, especially given technology and market changes in local journalism.

So we are also pleased to announce the launch of the new online Jefferson Observer newsletter — a quick-read roundup of key news and events information sent directly to your email inbox every week or so. The Observer's paper will still get published, shifting to a bimonthly schedule.

Almost a thousand of your neighbors have already signed up to receive the new Jefferson Observer newsletter — go to ObserverWV.com to sign up so you receive it from the start.

Steve Pearson  
EDITOR IN CHIEF

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// GOVERNMENT

# COUNTY COMMISSION DISCUSSES 2025 PLANS

## New Commissioners Agree To Take On Several Big Issues

By Steve Pearson

EACH YEAR, THE JEFFERSON COUNTY COMMISSION meets in early January to organize itself. The past few years have been contentious as the commissioners struggled to come to a consensus on leadership, committee assignments and priorities.

A different tone was on display at this year's first meeting on January 2. The Commissioners gathered before the meeting for a group photo (right) and seemed genuinely excited to be working together for the next year. Pasha Majdi was the consensus to assume the role of Commission President and Mike Mood was elected as Vice President. The group quickly ran through the list of appointments to the 21 boards and commissions that include a representative from the Commission.

The next order of business was a discussion of the budget, led by David Bound, the County's new CFO. This was the first time in four years that the Commission has had a permanent CFO/Budget Director in place at the start of the budget process. Bound walked the commissioners through the preliminary outline of the 2025-2026 (FY26) budget which included a projection of revenue growth and a recommendation to budget for both merit and cost of living increases for all employees. The commissioners unanimously approved the "budget charge" which allows the CFO to work with the various county department heads to develop a detailed line-item budget that will be



The current Jefferson County Commission (from left to right): Steve Stolipher, Pasha Majdi, Cara Keys, Mike Mood, Jack Hefestay. Cara Keys, Jack Hefestay and Mike Mood are new to the Commission. Pasha Majdi has been serving since December 2023, but won election last November to fill the remainder of a term. Steve Stolipher has been serving since 2021.

presented, discussed, and debated at the County Commission later this spring.

Later in the month, the commissioners had a workshop session to discuss priorities for the Commission, with a narrowed-down list that was approved at the Commission's February 6 meeting. Highlights include developing a

balanced budget, completing the acquisition of the new county headquarters building on North Lawrence Street by May, then managing the relocation of almost all of the county employees to the new facility, conducting a study on the county's fire service needs, and redesigning the county website.

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// GOVERNMENT

# COUNTY BEGINS WORK ON 2025-2026 BUDGET

## Commission Plans For Revenue Increase & Employee Raises

By Steve Pearson

A year ago, budget discussions at the County Commission got off to a confusing start when the Commission staff raised questions about \$4 million in the prior year (FY24) budget that appeared to be unaccounted for. By the next meeting, the staff was able to assure the commissioners that no actual funds were missing, but the accounting still remained unclear even as the Commission approved a budget for 2024-2025 (FY25) without fully resolving the issue.

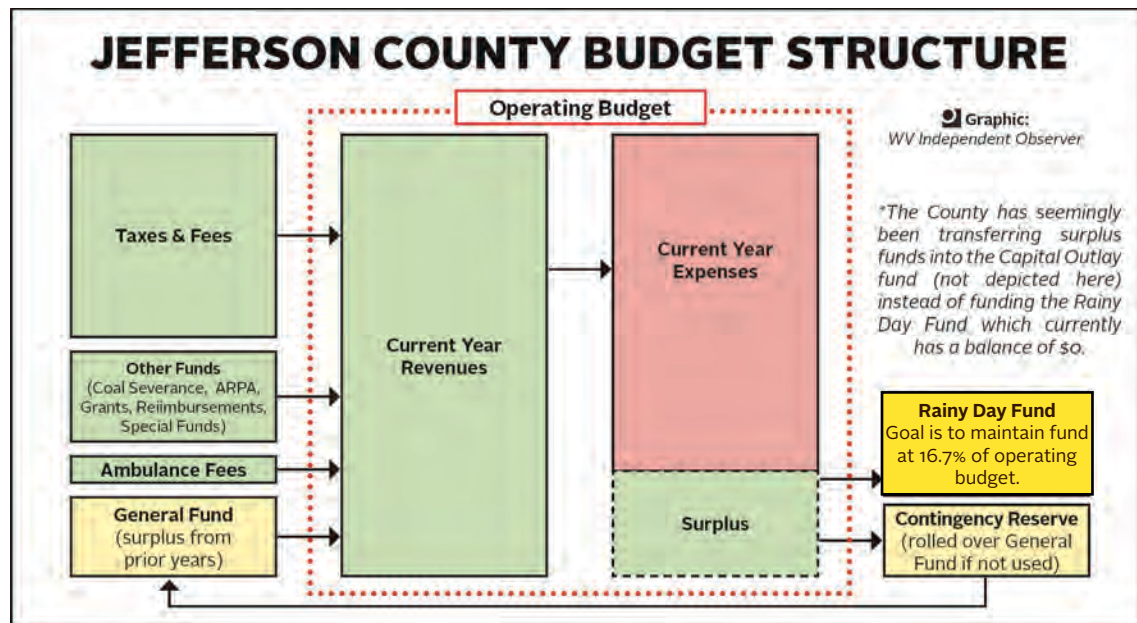
This week, at the February 6 County Commission meeting, the current commissioners welcomed a FY25 budget revision request presented by David Bound, the county's recently-hired CFO, that identified \$4,033,276 that was unspent and unassigned at the end of the FY24 budget year. This \$4 million was a combination of the surplus of operating revenues over expenses for 2023-2024 and the accumulated surpluses from prior years that are routinely rolled forward at the end of each year.

The West Virginia Auditor's office provides guidance to counties on how to account for surplus funds from year to year, including assigning these amounts to capital reserve funds, a fiscal stabilization ("rainy day") fund, or a general contingency reserve. The capital reserve funds should have a plan that outlines the use of those funds (for example, building and vehicle purchases or major maintenance projects). County policy,

as allowed by the Auditor, currently sets targets for the balances held in the stabilization and contingency accounts — equivalent to 16.7% of the current year budget for the stabilization fund and 10% of the current year budget for the contingency reserve.

According to the Auditor's guidelines, the unspent amount of the contingency reserve should roll forward into the following year's budget, but the stabilization fund should be maintained as a separate account, to be "topped up" every year to reflect any year-to-year growth in the operating budget. The County's budgets for several years prior to FY24 had shown allocations of year-end surpluses to the stabilization fund, but the money had never actually been transferred from the general fund. The "zero balance" in the stabilization fund is what had triggered the alarm in early 2024, even though the \$4 million was rolling forward as unassigned funds.

The FY25 budget revision, which was approved by the Commission during the February 6 meeting, allocates all of the unassigned \$4,033,276, designating \$3,629,948 to the stabilization fund and \$403,328 to the contingency reserve. Once the CFO actually transfers the funds according to the approved allocation, the stabilization fund balance will be \$4,082,655 and the contingency fund balance will be \$4,466,350. The stabilization fund balance would be at 9.1% of the current year budget (the target number is 16.7%) and the contingency reserve would be at 10.4% (the target number is 10%).



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“Resistance to the organized mass can be effected only by the man who is as well organized in his individuality as the mass itself.”

— C.G. Jung  
(Civilization in Transition, 1964, Chapter IV, p. 278)

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// PLANNING

# DOES ZONING ALLOW WATER EXTRACTION?

## Public Hearing On February 11 Expected To Draw A Crowd

By Steve Pearson

**THE PUBLIC HEARING ON THE CONCEPT PLAN** for a proposed water bottling factory in Middleway is scheduled for February 11, to begin at 7:00 pm. Anticipating a large crowd, the Planning Commission will conduct the meeting in the auditorium of Jefferson High School (4141 Flowing Springs Rd, Shenandoah Junction). The previous meeting on this topic ran for more than five hours, so be prepared for a long night if you attend. As of February 4, the Planning Commission had received over 1,000 comments — almost all against the project.

### Is Water Extraction A Permitted Use?

Many of the public comments raise the question of whether the Planning Commission should even be considering this application. The claim is that “water extraction” is not defined as a use in the Jefferson County Zoning Ordinance and therefore the applicant needs to request a text amendment to the zoning ordinance to define “water extraction” before the concept plan could even be submitted for consideration.

### The Rules For Land Development

There are two documents that govern the development of land in Jefferson County. The *Zoning And Land Development Ordinance* governs the use of land in the county that is not within any of the incorporated municipalities. The *Subdivision And Land Development Regulations* define the review and approval process for implementing various aspects of the Zoning Ordinance.

### What the Zoning Ordinance Says

The Zoning Ordinance is very clear about the priority of the Zoning Ordinance over the Subdivision Regulations. Division 1.3.B of the Zoning Ordinance states:

*Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, or by other rules, regulations or ordinance, or by private restrictions, covenants or declarations, the provisions of this Ordinance shall control, except where stated specifically herein.*

### What the Subdivision Regulations Say

Likewise, the Subdivision Regulations acknowledge the priority of the Zoning Ordinance. Division 20.101 of the Subdivision Regulations states (emphasis added):

*The purpose of the subdivision and land development regulations is to facilitate the County Government's review of proposals for development of land either by subdivision plat or site plan, to ensure that proposed subdivision plats or site plans meet the standards of the Jefferson County Zoning Ordinance and satisfy the legal requirements of the State and County for the subdivision and development of land, and to promote efficient and attractive development in a manner that reduces off-site impacts.*

### What The Staff Report Claims

The Planning Commission staff report for the Mountain Pure Concept Plan seems to invert the priority of Zoning Ordinance over the Subdivision Regulation. The report states: "Per Division 20.200 of the Jefferson

County Subdivision and Land Development Regulations states that “developments for the purpose of extraction or harvesting of resources and for roads on agricultural land for the purpose of conducting the agricultural operation” are excluded from processing under the Subdivision Regulations."

There appear to be two problems in the staff report’s reference to the Subdivision Regulations. First, the proposed use (“water bottling factory”) is clearly not an agricultural operation. More importantly, the Subdivision Regulations cannot override the Zoning Ordinance, as noted in the ordinance itself.

### Zoning Ordinance Complies With State Law

The county Zoning Ordinance clearly contemplates the regulation of resource extraction as a use under the ordinance, albeit in a very restricted cases. According to Appendix C of the ordinance, which is a table of uses permitted under the ordinance, mineral extraction and processing is listed as a conditional use in two types of industrial zones. In contrast, the ordinance grants broad exemptions to agricultural uses of land.

### Zoning Protects Agriculture

It seems clear that the Zoning Ordinance, as authorized by state law, can both 1) Allow the use of natural resources for agriculture and other uses for which the natural resources are applied as inputs to permissible activities occurring directly on a specific parcel of land, and 2) Restrict the extraction and processing of resources that are intended as outputs to be transported elsewhere.

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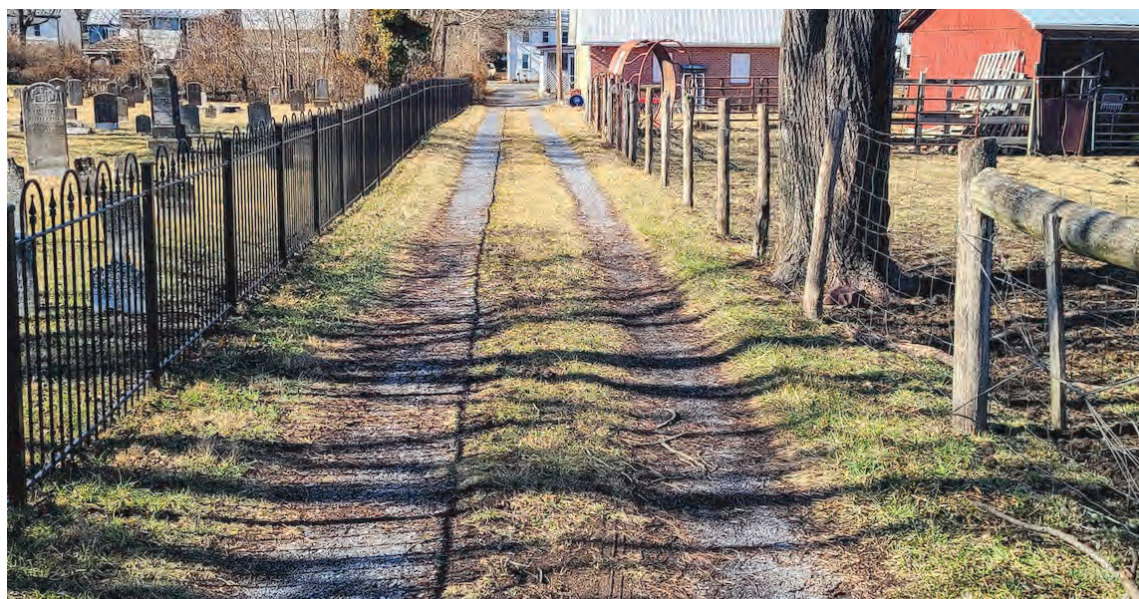
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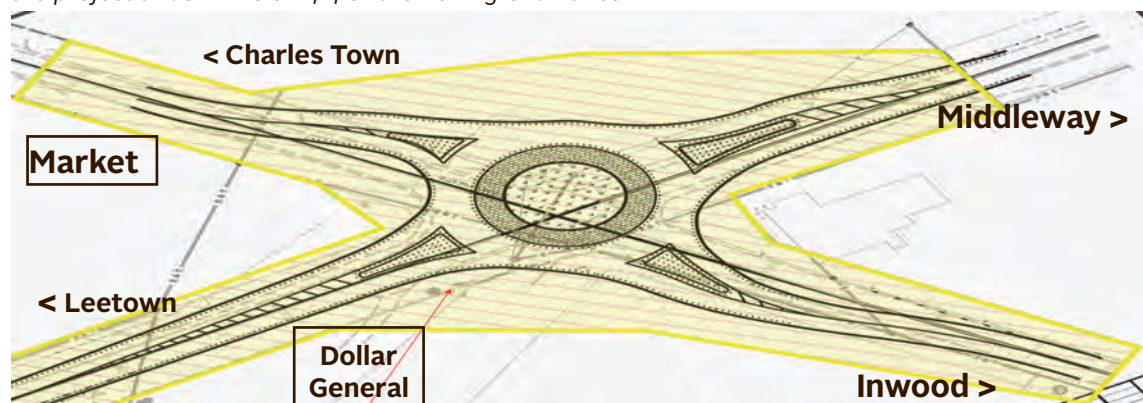
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// PLANNING



At the end of January, the Preservation Alliance of West Virginia announced it had added the Middleway Historic District to its West Virginia Endangered Properties List as a result of the potential construction and operation of the proposed Mountain Pure water bottling facility. This announcement followed a report issued by the Jefferson County Historic Landmarks Commission (JCHLC) to the Planning Commission. The report noted that the construction and operation of the proposed project poses a significant threat to the village, which is defined as a Category I Historical Site under the Jefferson County Zoning Ordinance. The JCHLC report requested that the Planning Commission deny the project under Division 4.4 of the Zoning Ordinance.



According to documents obtained from the West Virginia Division of Highways, the state is planning to build a roundabout at the intersection of Leetown Road and Middleway Pike. The construction budgeted, included in plans for fiscal year 2026, is \$1.4 million. The sketch above is a preliminary design which is still being reviewed. Even with improvements to the Leetown Road and Middleway Pike intersection, turning from Grace Street onto Queen Street (below, looking left and right from the stop sign) will remain difficult, due to the narrow roadways and restricted sight lines.



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## EXPLORE // NATURE

## WINTER DUCK CAPTIVATES THE HUNTER &amp; ARTIST

By Doug Pifer

*Doug Pifer is an artist, naturalist, and writer. He has a Master's Degree in Journalism from Penn State and has been an editor and art educator. His illustrations have appeared in various books and magazines and he has been a contributor to The Observer for several years. He lives with his wife and assorted animals on 5.7 acres in a historic farmhouse near Shepherdstown, West Virginia.*

**STARTING IN DECEMBER,** I look forward to seeing black ducks on the spring-fed pond beside the Fresh Water Institute on Turner Road. Sometimes they are on the downstream side of the culvert, at other times they're swimming near a bed of watercress in the upper pond. The other day eight of them jumped warily out of the water and flew to the middle of the pond.

Black ducks aren't really black, but a color somewhere between black and brown that the old nature guides used to call "fuscous." In flight their all-dark wings are relieved by a violet-blue "speculum" of iridescent feathers on the topsides of the wings. The feathers lining the undersides of the wings are dazzling white, visible when the duck flies overhead. And unlike most ducks, male and female black ducks look similar.

I admire the understated beauty of black ducks. Years ago, as an art exhibitor at the Ward Foundation's annual waterfowl festival in Easton, Maryland, I entered a decoy painting contest. Given an unpainted, life-sized wooden decoy with glass eyes, all contestants were supposed to paint it to depict a black duck.

I started with a base coat of flat black acrylic paint. I painted the duck's head a dull shade of tan and added fine streaks of dark brown, a dark line through the eye, and a wider dark stripe along the top of the head. Then I carefully outlined all the black body feathers with fine tan lines. Many artists painted the violet speculum on the wings. I didn't, because on a swimming bird that part of the wing is often hidden by the flank feathers. I painted the bill yellow mixed with olive green, with black trim on the nostrils and on the tip of the bill. My admittedly over-simplified entry took no prize, but I thoroughly enjoyed the exercise. I believe every artist sees things differently.

My favorite piece of art featuring the black duck is the design of the 1940-1941 Federal Duck Stamp. Duck stamps back then were reproduced in black and white. The artist of this stamp, Francis Lee Jaques, portrayed the pair of ducks flying over some reeds, just as a duck hunter might see them. His lovely rendering of their white wing linings and elegantly shaped



bodies say "black duck" to me like nothing else.

Sometimes called black mallards, black ducks spend the winter here, following the rivers and tributaries inland from the Chesapeake Bay. Most of them spend the winter just off the Atlantic Coast southward to North Carolina, roosting in flocks on open water and feeding in bays and estuaries. They breed in northern forests and muskeg bogs in boreal Quebec and northern Ontario, and southward into Maine and other New England States. There, they nest on the ground, sometimes far from water. Their winter diet is largely vegetarian but in summer the ducklings and adult ducks consume considerable pond life, chiefly aquatic insects, mussels, and crayfish. Because of their shyness and a tendency to gather in flocks far offshore of large bodies of water, black ducks are a challenging quarry for duck hunters,

During the 1980s and 1990s black ducks suffered a major population decline. Biologists list several causes, including pesticide use that caused their eggshells to soften and break, and the draining of marshes for mosquito control. Many ducks also die of lead poisoning after they ingest lead pellets while feeding in marshes and wetlands shot over by hunters. Federal restrictions on lead shot have helped alleviate this problem.

Also, the loss of suitable breeding and wintering habitat caused black ducks to move into areas that contained the more common mallards. Closer association with a similar duck species resulted in increased hybridization between black ducks and mallards. Black duck-mallard crosses are among the more frequent hybrids that birdwatchers see. A black duck with touches of iridescent green on its head, or white edging on the violet wing speculum feathers, is likely to be a mallard-black duck cross.

Since 2000, Black duck numbers have begun to increase. We can thank duck hunters for that. Funds collected through taxes on shotgun ammunition and component parts, and through purchasing of the mandatory Federal Duck Stamp, have financed government programs to improve and restore duck habitat.





EXPLORE // WRITERS CONFERENCE

# UNCOVERING THE MYSTERY OF THE WRITING BUSINESS

**THE THIRD MANUSCRIPT TO MARKETPLACE** Writers Conference at Shepherd University has a dramatic, new location for 2025 — The Marinoff Theater. Conference Founder and Co-Director Alan Gibson says that the event “strives to strike a balance between marketing and craft sessions; literary and genre fiction; formal sessions and chat time,” and he hopes the new location will inspire new ideas.

Keynote speaker Shawn Reilly Simmons, award-winning author of the “Red Carpet Catering” mystery series and co-owner and publisher of Level Best Books, is recognized for her leadership in conferences that host thousands of attendees each year. When asked what attracted her to Shepherdstown’s upcoming conference she commented, “Like large conferences, Manuscript to Marketplace offers an exciting line-up of authors and industry experts, but the audience gets to connect with them in a small, relaxed setting — likely to foster lasting, productive relationships.”

Art Taylor, also a keynote speaker, is the author of two Edgar Award-winning short story collections and the novel “On the Road with Del and Louise.” Taylor writes frequently for the *Washington Post* and the Washington Independent Review of Books and is associate professor of English at George Mason University.



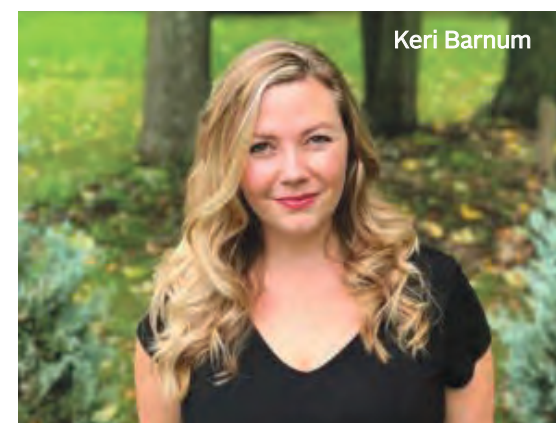
Art Taylor

Keri Barnum, owner and CEO of New Shelves Books, will devote her keynote address to helping authors understand what propels a book from launch to bestseller status. She and Gibson will teach authors to explain what their book is about in a way that spikes the interest of agents and publishers.

Even writers of ground-breaking works may be bewildered about how to attract the attention of an agent or publisher. Ed Aymar, author of bestselling novels who reviews fiction for the *Washington Post*, will discuss this essential part of the author’s life. Carrie Callahan, author of historical novels and short stories and senior editor with the Washington Independent Review of Books, will advise on

how to use history in a story to best effect, regardless of its genre. And who can resist poet Kirk Judd’s session, “Metaphors Be with You”? Shepherdstown itself is brimming with brilliant authors. The conference is fortunate to include as speakers Pam Clark, Ginny Fite, D.W. Gregory, with her sister Riley Kilmore, and Shepherd University’s own Dr. James Pate. Attendees are encouraged to sign up for individual sessions with agent Natalie Kimber and publisher Simmons and submit manuscript excerpts to author-editor Hannah Grieco.

The Conference is scheduled for March 21 and 22. Details and registration at [WritersConferenceSU.com](http://WritersConferenceSU.com).



Keri Barnum

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EXPLORE // THEATER

# THEATER COMPANY MOVES TO SHEPHERDSTOWN

THE ROVING PEREGRINE THEATRE COMPANY describes itself as a theater space where all are welcome to learn, grow and wander. The company held a ribbon cutting in November 2024 to welcome the community to its new home at the Black Box Arts Center at 113 South Princess Street in Shepherdstown. Since then it's been a flurry of activity, with youth theater, holiday events, and planning for a full calendar of performances.

"The Sweet Science of Bruising" will kick off Roving Peregrine's 2025 season, with shows on March 7, 8, 9, 14, 15, and 16. Joy Wilkinson's play is set in London, circa 1869. Four very different Victorian women are drawn into the dark underground world of female boxing by the eccentric Professor Sharp. Controlled by men and constrained by corsets, each finds an unexpected freedom in the boxing ring. As their lives begin to intertwine, their journey takes the audience through grand drawing rooms, bustling theatres, and rowdy Southwark pubs, where the women fight inequality as well as each other.

Auditions for "Civil" by Rob Matsushita will be held at 7:00 pm on March 24 and 25. The play is set in an unspecified future, where trials are held in a virtual environment, and can only



outcomes of both trials.

Roving Peregrine also holds regular "No Shame Theater" events on the first Friday of each month. Described as open mic for theater, these events have only three rules: It must be original; No breaking anything including yourself & the

Valentine's weekend No Shame Theater event will be held on February 15.

Information all of Roving Peregrine's programming, auditions, workshops, youth programs, and No Shame Theatre is available at [RovingPeregrineTheatre.org](http://RovingPeregrineTheatre.org)

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EXPLORE // THEATER

# NEW DRAMA IN SHEPHERDSTOWN



**THE TOWN RUN THEATER COMPANY** is a new community theater ensemble that will make its home at the Shepherdstown Opera House. The name of the company pays homage to the beloved waterway that flows through the historic town.

Led by Artistic Director Joe Yates, the Town Run Theater Company will draw upon the immense talent pool in our region to bring plays to life in Shepherdstown. Yates himself brings 30 years' experience in the local artistic community, as an actor, director, producer and consultant – most recently in the historic drama *The Rivalry*. "One of the first things my wife Beth and I did as a young married couple was to tour the Opera House, then vacant and in serious disrepair, and dream of producing plays there. I am thrilled for the opportunity to use the now-updated theater to create quality community productions."

Joining Yates as founding members of the

Town Run Theater Company are Homer Speaker, Emily Wanger, Sarah Ward, and Richard Yates. "Homer and I have worked together for decades on various shows, and there is no one I respect more as a person or as an artist. I've known Emily for decades as well, and only recently convinced her to move from the ballet stage to the theater, and she has been amazing in each role she has undertaken. Sarah is new to the stage but showed remarkable artistic honesty in each meeting we have had, and I'm thrilled to see her rapid growth with every rehearsal. Richard is my son and took to the stage from an early age with great ease, acting in virtually every show I've produced over the past 10 years or so."

The Town Run Theater Company's first production will be "Bleeding Kansas" by Kathryn Walat. The powerful drama is set in the Kansas territory in 1855-56, where George and Kitty Clarke have set out to start a new life as farmers. In 1854, the Kansas-Nebraska Act allowed settlers in the new territory of Kansas to vote to determine if the new state would be slave or free. As voter fraud turned into violence, the threat of bloodshed became all too real to even those who wanted no part of the issue.

Yates recently produced and acted in "The Anvil - The Trial of John Brown" at the Charles Town Courthouse and "The Rivalry" in Shepherdstown, both of which earned rave reviews and capacity audiences. He considers "Bleeding Kansas" to be the third in this series of historical dramas with a message that is relevant today. Said Yates, "Bleeding Kansas asks the question, what will you do when conflict is at your door? As Americans in 2025, it's a question we all need to take a hard look at."

Bleeding Kansas will be presented at the Shepherdstown Opera House in May. Details and ticket purchase at [OperaHouseLive.com](http://OperaHouseLive.com).

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## REVIEW FOR BIRDHILL SUBDIVISION ON FEB 25

The Jefferson County Planning Commission has a meeting scheduled for February 25 at 7 pm (this is a different meeting than the February 11 meeting to review the concept plan for the Middleway water bottling plant). The agenda includes a preliminary plat review for the Birdhill Meadows subdivision in Kearneysville. The concept plan was previously approved by the Planning Commission in May 2024 for 720 houses on 195 acres.

During the May meeting, neighbors expressed concerns about the density of the development, a lack of buffers to the adjacent properties, and the traffic burden on Route 480 (the original request to rezone this parcel for high density housing was based in part on the extension of Northport Blvd from Route 115, but the developer is now indicating that this extension is no longer planned and all traffic will enter and exit via Route 480). During the May meeting, the developer did agree to negotiate with neighbors over fencing, which will be included in the plan that will be presented at a public hearing expected to be held sometime in the fall of 2025.

The preliminary plat review scheduled for the February 25 meeting will look at phase one of the project, which includes 219 housing units at the north end of the subdivision.

## HIGHWAY DEPT LOOKS AT WV51 INTERSECTION IN CHARLES TOWN



The City of Charles Town hosted a town hall meeting on January 29 to gather community input on the proposed improvements to the three-way intersection of West Washington Street, MLK Jr. Boulevard and Summit Point Road. The City hired a consulting engineer to review the West Virginia Department of Transportation Preliminary Draft Design Study for this intersection. Options in the study included a traffic signal, a roundabout, and several bypass options. The DOT document and the meeting presentation are on the city website (CharlesTownWV.us). The city is encouraging all citizens to voice their opinions. Comments can be emailed to City Manager John Nissel (jnissel@charlestownwv.us).

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