

AGENDA
JEFFERSON COUNTY COMMISSION
THIRD QUARTERLY SESSION - JULY - SEPTEMBER 2017
THURSDAY, JULY 6, 2017
9:30 A.M.
County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- June 29, 2017 - Regular Meeting

APPROVAL OF PURCHASE ORDERS

- July 6, 2017 - Ratify from June 29, 2017 meeting

APPROVAL OF ACCOUNTS PAYABLE

- June 29, 2017
- July 6, 2017

APPROVAL OF MANUAL CHECKS

- June 29, 2017
- July 6, 2017

APPROVAL OF PAYROLL

- June 29, 2017

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

PRESENTATIONS

1. 9:45 a.m. Peter Dougherty, Sheriff
 - Approval of Promotions - Discussion/Action
 - Appointment to Bailiff/Special Deputy List - Discussion/Action
 - Approval of donation of a vehicle - Discussion/Action
2. 10:00 a.m. Paul Lowe, Summit Point Resident
 - Discussion of speeding, aggressive driving, and disregard of traffic laws - Discussion/Action
3. 10:15 a.m. Nikki Painter, Elections Clerk
 - Approval of Polling place location changes for Road Bond Referendum - Discussion/Action
4. 10:30 a.m. Appointment and Interviews to the Jefferson County Planning Commission - One unexpired term ending March 30, 2019 - Discussion/Action
5. 10:45 a.m. **BREAK**
6. 11:00 a.m. Appointment and Interviews to the Jefferson County Emergency Services Agency - One unexpired term ending June 30, 2018 - Discussion/Action
7. 11:30 a.m. Elizabeth Wheeler, Administrator - Jefferson County Farmland Protection Board
 - Approval of purchase of one Agricultural Conservation Easement - Discussion/Action
8. 11:45 a.m. Nathan Cochran, Assistant Prosecuting Attorney
 - Discussion of PSD Dissolution Appeal of the PSC decision, acquisition of PSD assets, and related issues - Discussion/Action - Possible Executive Session
 - Review and/or amend Leash Law Ordinance - Discussion/Action - Possible Executive Session
9. 12:15 p.m. **BREAK FOR LUNCH**

UNFINISHED BUSINESS

10. Appointment of Jefferson County Municipal Representative to HEPMPO Council - Discussion/Action

NEW BUSINESS

11. Approval of employment - Administrative Assistant/Ambulance Fee Collector - Discussion/Action
12. Decision - Zoning Map Amendment for property designated as Tax District Harpers Ferry, Map 9, Parcel 58.1 - Harpers Ferry Holdings, LLC - Discussion/Action
13. Discuss replacement and options for Administrative Assistant/Ambulance Fee Collector position - Discussion/Action (JC)
14. Appointment to the Jefferson County Development Authority Board of Directors - Discussion/Action

FINANCIAL DIRECTOR REPORTS

- Review of FY2017 Budget to Actual as of 5/31/2017

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

~~~~~ AFTERNOON SESSION ~~~~~

15. 1:30 p.m. Stephen Groh, Assistant Prosecuting Attorney
- Discuss reimbursement of legal fees for Planning Commissioner Steve Stolipher - Discussion/Action - Possible Executive Session
16. 1:45 p.m. Matt Harvey, Prosecuting Attorney
- Discuss opioid litigation aimed at pharmaceutical drug distributors that are accused of contributing to the community's heroin epidemic - Discussion/Action - Possible Executive Session

~~~~~ EVENING SESSION ~~~~~

17. 7:00 p.m. Public Hearing - Dissolution of the Jefferson County Public Service District
18. Discussion of PSD Dissolution Appeal of the PSC decision, acquisition of PSD assets, and related issues - Discussion/Action - Possible Executive Session

19. ADJOURN

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS

- Jefferson County Homeland Security and Emergency Management Quarterly Report

CORRESPONDENCE/INFORMATION

Jefferson County Commission Notice of Intent to Appoint to the Jefferson County Community Criminal Justice Board on July 20, 2017.

Letter from the WV PSC re: Disbursement of Wireless E911 Subscriber Fees.

Letter from Mayor Auxer of the Corporation of Shepherdstown re: request for an MOU on Shepherdstown's growth management boundary.

Letter from the Eastern Panhandle Deaf Alliances, Inc. re: the need for more resources for the deaf in the Eastern Pahandle.

WV Lottery Weekly Settlement for Charles Town - week ending June 24, 2017.

At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public.

Minutes

Jefferson County Commission

Thursday, June 29, 2017

A meeting of the Jefferson County Commission was held on Thursday, June 29, 2017 in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Josh Compton, Caleb Hudson, Patricia Noland, Peter Onoszko and Jane Tabb. Also present were Stephanie Grove, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jim Eddy, Bailiff. (An audio tape of the Thursday, June 29, 2017 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Hudson led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Noland to approve the June 15, 2017 Regular Meeting Minutes as presented/amended. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Onoszko to approve Purchase Orders in the amount of \$15,045.79 to include Purchase Order Nos. 52664 and 52808.

Motion by Ms. Tabb to approve Purchase Order No. 52490 in the amount of \$6,080.00 for the County Clerk's Office. Motion seconded and unanimously approved.

PAYROLL APPROVAL

Motion by Mr. Noland to approve the Payroll for June 15, 2017 in the amount of \$240,438.42. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
078526	425	BIEDLERS ELEC MOTOR REP		\$ -	\$ 131.88	\$ 131.88
078527	424	BOLAND SERVICES		\$ -	\$ 270.00	\$ 270.00
078527	425	BOLAND SERVICES		\$ -	\$ 125.00	\$ 125.00
078527	425	BOLAND SERVICES		\$ -	\$ 166.00	\$ 166.00
078527	425	BOLAND SERVICES		\$ -	\$ 1,003.00	\$ 1,003.00
078527	425	BOLAND SERVICES		\$ -	\$ 136.00	\$ 136.00
078528	424	J.C.EHRLICH		\$ -	\$ 32.00	\$ 32.00
078528	425	J.C.EHRLICH		\$ -	\$ 622.00	\$ 622.00
078529	440	ALEXANDRA BEAULIEU		\$ -	\$ 45.01	\$ 45.01
078530	PAYROLL	ROGER GOODWIN		\$ -	\$ 112.29	\$ 112.29
078531	402	SALLY GRAN		\$ -	\$ 15.00	\$ 15.00
078532	425	HIRERIGHT		\$ -	\$ 71.36	\$ 71.36
078533	402	SPIRIT OF JEFFERSON		\$ -	\$ 97.30	\$ 97.30
078534	425	JEFFERSON COUNTY SOLID		\$ -	\$ 182.89	\$ 182.89
078535	425	JEFFERSON RENTAL		\$ -	\$ 333.75	\$ 333.75
078536	424	LTBP DRYWALL		\$ -	\$ 600.00	\$ 600.00
078537	PAYROLL	CHRISTINE MILLER		\$ -	\$ 531.75	\$ 531.75
078538	424	NORVAC LOCK TECHNOLOGY		\$ -	\$ 147.50	\$ 147.50
078539	425	PATRIOT FIRE AND SECURIT		\$ -	\$ 170.00	\$ 170.00
078539	425	PATRIOT FIRE AND SECURIT		\$ -	\$ 394.00	\$ 394.00
078540	425	POTOMAC EDISON/OH		\$ -	\$ 35.13	\$ 35.13
078540	425	POTOMAC EDISON/OH		\$ -	\$ 105.47	\$ 105.47
078540	425	POTOMAC EDISON/OH		\$ -	\$ 771.69	\$ 771.69
078541	698	SHERIFF OF JEFFERSON CO		\$ -	\$ 296,981.00	\$ 296,981.00
078542	405	THOMSON REUTER - WEST		\$ -	\$ 1,255.50	\$ 1,255.50
078542	405	THOMSON REUTER - WEST		\$ -	\$ 423.00	\$ 423.00
078543	401	WV ST TREASURER'S OFFICE		\$ -	\$ 4,800.00	\$ 4,800.00
078544	405	WVCORP		\$ -	\$ 5,000.00	\$ 5,000.00
TOTAL					\$ 314,558.52	\$ 314,558.52

Motion by Mr. Compton to approve the Accounts Payable for June 22, 2017 in the amount of \$314,558.52. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
078547	PAYROLL	AMERICAN FAMILY LIFE ICU		\$ -	\$ 5,308.56	\$ 5,308.56
078548	ALLOC	AHA/ART&HUMANITIES ALLNC		\$ -	\$ 1,357.73	\$ 1,357.73

078549	717	ANGELA L BANKS		\$ -	\$ 57.40	\$ 57.40
078550	PAYROLL	BOOTH AND MCCARTHY		\$ -	\$ 231.00	\$ 231.00
078551	425	BOLAND SERVICES		\$ -	\$ 2,081.36	\$ 2,081.36
078551	425	BOLAND SERVICES		\$ -	\$ 616.00	\$ 616.00
078552	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
078553	PAYROLL	BUREAU F/CHILD SPVRT ENF		\$ -	\$ 212.31	\$ 212.31
078554	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
078555	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
078556	413	CASTO & HARRIS INC		\$ -	\$ 355.70	\$ 355.70
078556	413	CASTO & HARRIS INC		\$ -	\$ 2,100.00	\$ 2,100.00
078557	405	MARCIA L. CHANDLER		\$ -	\$ 635.25	\$ 635.25
078558	440	DAVID M. CARTER		\$ -	\$ 126.26	\$ 126.26
078559	PAYROLL	COLONIAL LIFE		\$ -	\$ 307.65	\$ 307.65
078560	402	COMPILED TECHNOLOGIES LL	52490	\$ 6,080.00	\$ -	\$ 6,080.00
078561	425	DODSON'S SEPTIC		\$ -	\$ 285.00	\$ 285.00
078562	401	FEDEX		\$ -	\$ 86.20	\$ 86.20
078562	405	FEDEX		\$ -	\$ 15.33	\$ 15.33
078563	PAYROLL	ROGER GOODWIN		\$ -	\$ 34.63	\$ 34.63
078563	440	ROGER GOODWIN		\$ -	\$ 126.26	\$ 126.26
078564	717	GUTTMAN OIL CO		\$ -	\$ 2,378.67	\$ 2,378.67
078564	717	GUTTMAN OIL CO		\$ -	\$ 3,242.88	\$ 3,242.88
078564	717	GUTTMAN OIL CO		\$ -	\$ 2,897.51	\$ 2,897.51
078565	403	JEFFERSON CENTER		\$ -	\$ 100.00	\$ 100.00
078566	ALLOC	JEFFERSON COUNTY HISTORI		\$ -	\$ 2,010.46	\$ 2,010.46
078567	401	SPIRIT OF JEFFERSON		\$ -	\$ 59.98	\$ 59.98
078567	401	SPIRIT OF JEFFERSON		\$ -	\$ 33.74	\$ 33.74
078567	401	SPIRIT OF JEFFERSON		\$ -	\$ 33.74	\$ 33.74
078568	ALLOC	JEFFERSON DAY REPORT CNT		\$ -	\$ 25,000.00	\$ 25,000.00
078569	712	ROBERT E. JONES III		\$ -	\$ 1,000.00	\$ 1,000.00
078570	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,435.00	\$ 5,435.00
078571	712	LANGUAGE LINE SERVICES		\$ -	\$ 85.67	\$ 85.67
078572	403	MATTHEW BENDER & CO		\$ -	\$ 82.08	\$ 82.08
078572	406	MATTHEW BENDER & CO		\$ -	\$ 142.43	\$ 142.43
078572	406	MATTHEW BENDER & CO		\$ -	\$ 89.08	\$ 89.08
078573	711	BARBARA J. MILLER		\$ -	\$ 204.00	\$ 204.00
078574	PAYROLL	GAIL MCMILLION		\$ -	\$ 462.53	\$ 462.53
078575	PAYROLL	JASON MICKEY		\$ -	\$ 436.00	\$ 436.00
078576	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 543.86	\$ 543.86
078577	712	MILLER'S SUPPLIES AT WOR		\$ -	\$ 916.00	\$ 916.00
078578	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 849.00	\$ 849.00

078579	ALLOC	JEFF CO PARKS &		\$ -	\$ 30,575.03	\$ 30,575.03
078580	PAYROLL	WILLIAM POLK		\$ -	\$ 384.37	\$ 384.37
078581	424	WILLIAM POLK		\$ -	\$ 101.65	\$ 101.65
078582	425	PATRIOT FIRE AND SECURIT		\$ -	\$ 170.00	\$ 170.00
078583	717	RICE TIRES CO		\$ -	\$ 292.50	\$ 292.50
078584	704	WV REGIONAL JAIL &		\$ -	\$ 134,810.50	\$ 134,810.50
078585	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,764.02	\$ 10,764.02
078585	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 46,025.42	\$ 46,025.42
078585	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 3.98	\$ 3.98
078585	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 0.94	\$ 0.94
078585	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 2.82	\$ 2.82
078585	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 43,312.27	\$ 43,312.27
078586	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 48,757.21	\$ 48,757.21
078586	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 1.49	\$ 1.49
078586	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 536.90	\$ 536.90
078586	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 1,423.53	\$ 1,423.53
078587	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 22,068.05	\$ 22,068.05
078587	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 15,631.54	\$ 15,631.54
078588	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 315.00	\$ 315.00
078588	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 3,090.00	\$ 3,090.00
078589	425	TRENARY SERVICE CO		\$ -	\$ 4,800.00	\$ 4,800.00
078590	700	LARRY THOMPSON		\$ -	\$ 9.01	\$ 9.01
078591	ALLOC	JEFFERSON CO CONVENTION		\$ -	\$ 33,943.22	\$ 33,943.22
078592	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 90,966.21	\$ 90,966.21
078592	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 34,112.46	\$ 34,112.46
078592	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 1.44	\$ 1.44
078592	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 3.85	\$ 3.85
078592	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 13,503.96	\$ 13,503.96
078592	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 6,752.01	\$ 6,752.01
078593	700	WILLIAM WALTERS		\$ -	\$ 21.81	\$ 21.81
078594	412	EMILY WELLS		\$ -	\$ 101.75	\$ 101.75
078595	404	W.B. MASON CO. INC		\$ -	\$ 14.43	\$ 14.43
078596	424	CHARLES WISE		\$ -	\$ 117.69	\$ 117.69
TOTAL						\$ 609,265.26
TOTAL				\$ 6,080.00	\$ 603,185.26	\$ 609,265.26

Motion by Ms. Tabb to approve the Accounts Payable for June 29, 2017 in the amount of \$609,265.26. Motion seconded and unanimously approved.

MANUAL CHECKS

ASSESSOR VALUATION			
O56			
Date	Check #	VENDOR	Amount
6/23/2017	628	SHERIFF OF JEFFERSON CO	\$ 442,509.83
SHERIFF CAPITOL O/L			
246			
Date	Check #	VENDOR	Amount
6/23/2017	1627	MILLER'S SUPPLIES AT WORK	\$ 3,000.00
6/23/2017	1628	ZMM ARCHITECTS	\$ 450.00
6/23/2017	1629	BM PAINTING	\$ 23,573.68
6/23/2017	1630	WINCHESTER FLOORING	\$ 645.00
6/16/2017	1631	G & TRIPLE T LLC	\$ 450.00
TOTAL			\$ 470,628.51

Motion by Ms. Tabb to approve the Manual Checks for June 22, 2017 in the amount of \$470,628.51. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Cathryn Jackson, resident and member of the Westridge Hills Owners Association – spoke regarding her concerns for public safety in the Westridge Hills development due to lack of police presence and the increase in drug related overdose deaths and home robberies.

David Tabb, resident – provided the Commission with an update on his multiple cases against them.

PRESENTATIONS

1. Public Hearing – Zoning Map Amendment for property designated as Tax District Harpers Ferry, Map 9, Parcel 58.1 – Harpers Ferry Holdings, LLC.

Mr. Paul J. Raco, representative for the landowner, presented the Commission with information regarding the zoning amendment, noting the amendment was compatible with the Envision Jefferson 2035 Comprehensive Plan. President Onoszko then opened the floor for public comment; however, no public comment was received.

- **Motion by Mr. Onoszko to place the zoning map amendment for property designated as Tax District Harpers Ferry, Map 9, Parcel 58.1 – Harpers Ferry Holdings, LLC on the July 6, 2017 Regular Meeting agenda for decision. Motion seconded and unanimously approved.**
2. Angela Banks, Assessor – requested approval of a part-time employee.
 - **Motion by Ms. Tabb to approve the hire of Denise Barnhart as a part-time employee for the Assessor’s Office effective July 11, 2017. Motion seconded and unanimously approved.**
 3. Jacqueline Shadle, County Clerk – requested the approval of the Depository Bonds for fiscal year 2017-2018.
 - **Motion by Ms. Tabb to approve the depository bonds for FY17-18 as presented and authorize the President of the Commission to sign the associated resolutions. Motion seconded and unanimously approved.**
 4. Interviews and Appointments to the Jefferson County Parks and Recreation – three 3-year terms ending June 30, 2020.
 - **Motion by Ms. Tabb to appoint Paul Marshall and Dale Manuel and reappoint David Hill to the Jefferson County Parks and Recreation Commission each for a term of three years ending June 30, 2020. Motion seconded and unanimously approved.**
 5. Martin Burke, Chair, Jefferson County Historic Landmarks Commission – requested a contribution of \$10,000 to an agency endowed fund, Our History, Our Community Fund, at Eastern WV Community Foundation.
 - Commissioners Tabb, Noland, and Compton each stated that while they appreciate the work done by Mr. Burke on behalf of the Historic Landmarks Commission, they could not support funding the \$10,000 contribution at this time due to budget constraints. Commissioner Onoszko encouraged Mr. Burke to return periodically in the hopes the budget would eventually improve

6. Jennifer Myers, Director, Jefferson County Parks and Recreation – request to designate the month of July as Parks and Recreation month.
 - **Motion by Mr. Onoszko to designate the month of July as Parks and Recreation month. Motion seconded and unanimously approved.**
7. Jeffrey Polczynski, Director, Jefferson County Emergency Communications – requested the approval of part-time employment for the position of Public Safety Dispatcher II.
 - **Motion by Ms. Tabb to approve the employment of Brandon Potts as a part-time Public Safety Dispatcher II within the Jefferson County Emergency Communications department. Motion seconded and unanimously approved.**
8. Peter Dougherty, Sheriff
 - a. Requested approval of new hire
 - **Motion by Ms. Noland to approve the hire of Joseph Moffett as a sheriff's deputy within the Sheriff's Department, effective July 3, 2017. Motion seconded and unanimously approved.**
 - b. Requested an adjustment of pay to meet the new scale minimum.
 - **Motion by Ms. Tabb to approve the Animal Control Officer's increase to the new salary minimum of \$31,048.21 – Grade II, Step A, for David Boyle. Motion seconded and unanimously approved.**
9. Jefferson County Emergency Services – requested a discussion of funding for DOA's.
 - **Motion by Ms. Noland to enter into Executive Session to receive legal counsel. Motion seconded and unanimously approved.**
 - **Motion by Ms. Tabb to come out of Executive Session. Motion seconded and unanimously approved.**
 - **Motion by Ms. Tabb to authorize Mr. Cochran to draft a letter to Chief Earl Cogle and authorize the President of the Commission to sign the letter. Motion seconded and unanimously approved.**
10. Nathan Cochran, Assistant Prosecuting Attorney
 - Discussion of PSD Dissolution Appeal of the PSC decision, acquisition of PSD assets, and related issues

UNFINISHED BUSINESS

11. Discuss qualifications of Public Service District Board Appointees.

- **Motion by Mr. Compton to file a case in Circuit Court to determine the residency requirements for Public Service District Board appointees per Chapter 16 of the West Virginia Code, specifically regarding Mr. William Strider's ability to serve. Motion seconded and passes on a vote of 3-2 with Commissioners Noland and Tabb opposing.**

12. Review of quotes received for PSD independent audit

- **Motion by Mr. Compton to accept the bid from Valestra, Harr & Scherer for the 2016-2017 audit for the Jefferson County Public Service District not to exceed \$10,000. Motion seconded and passes on a vote of 3-2 with Commissioner Noland and Tabb opposing.**

COUNTY ADMINISTRATOR REPORTS

➤ Request for refrigerator for Magistrates

- **Motion by Mr. Compton to deny the request to purchase a new refrigerator for the magistrates. Motion seconded and unanimously approved.**

There being no further business, motion by Ms. Noland to adjourn at 10:10 pm. Motion was seconded and unanimously approved.

PETER ONOSZKO, PRESIDENT

Respectfully Submitted
Jessica D. Carroll
Administrative Assistant

PURCHASE ORDERS TO BE APPROVED

June 29, 2017

DEPARTMENT	P.O. NUMBER	AMOUNT	VENDOR	DESCRIPTION
COUNTY CLERK	52490	\$6,080.00	Compiled Technologies	4 Lookup Terminal Systems
GRAND TOTAL		\$ 6,080.00		

DESCRIPTION	Fund 001 CO.	Fund 003 Dog	Total
Gross Wages	\$ 372,653.60	\$ 32.10	\$ 372,685.70
6.2% Tax Payable OASDI	23,012.71	\$ 1.99	\$ 23,014.70
1.45% Tax Payable HI	5,382.01	\$ 0.47	\$ 5,382.48
Fed Withholding	43,312.27	\$ 2.82	\$ 43,315.09
WV State Withholding	16,922.59	\$ 1.49	\$ 16,924.08
PERS Retirement Deduct 4.5%	11,393.07	\$ 1.44	\$ 11,394.51
PERS Retirement Deduct 6%	2,242.65		\$ 2,242.65
Hosp. Pre-Tax	425.00		\$ 425.00
Cancer/ICU Pre-Taxed	1,003.63		\$ 1,003.63
Cancer/ICU Not Pre-Taxed	765.89		\$ 765.89
Optional Life Not Pre-Taxed	8.00		\$ 8.00
Christmas Club	5,435.00		\$ 5,435.00
Wage Attach #1	1,405.79		\$ 1,405.79
Wage Attach #3	212.31		\$ 212.31
DSRS Retirement Deduct 8.5%	5,411.87		\$ 5,411.87
457 - Nationwide	849.00		\$ 849.00
457I - Empower	3,090.00		\$ 3,090.00
457R - Roth	315.00		\$ 315.00
MD State Tax	487.63		\$ 487.63
D/VF	51.52		\$ 51.52
VA. State Tax	58.65		\$ 58.65
COLONIAL(PLUS)	102.55		\$ 102.55
Total Deductions	\$ 121,887.14	\$ 8.21	\$ 121,895.35
Net Wages Total	\$ 250,766.46	\$ 23.89	\$ 250,790.35
Payroll Date	29-Jun-2017		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Peter Dougherty.

Department or Organization: JCSO

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1st Choice: Next Meeting *July 6, 2017*
If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Promotions
Appointment to Bailiff/Special Deputy List
Donation of Vehicle

Please provide the County Commission with a description of your request or presentation, including any background information:
The Sheriff's Office has two open Corporal positions. Promotional testing was conducted. That score was combined with their longevity, and evaluations, determining that Deputies RJasko and Fletcher were the ones eligible for promotion.

I would like to add Forrest R. Feagans to the availability lists for Bailiff/Special Deputy.

We have a Dodge Durango that would benefit the JCESA. They have expressed an interest in it, therefore, I would like to donate it to them.

Is this a funding request? Y/N
If so, how much? \$

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): I move to approve the promotion of Deputies Robert RJasko and Douglas Fletcher to the rank of Corporal.

I move to approve the hire of Forrest Feagans for Bailiff/Special Deputy.

I move to approve the donation of the available JCSO Dodge Durango to the JCESA.

Attach supporting documents for request, or request may be denied.
If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:
Email address: pdougherty@jcsdvw.com. Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: PAUL LOWE

Department or Organization: SUMMIT POINT RESIDENTS

Estimation of amount of time needed for appointment: 15 MINUTES

Date Requested – 1st Choice: 7/6/17

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice: NEXT MEETING

Subject (Wording to be placed on agenda): SPEEDING, AGGRESSIVE DRIVING, AND DISREGARD
OF TRAFFIC LAWS

Please provide the County Commission with a description of your request or presentation, including any background information:

DISCUSSION / ACTION

Is this a funding request? Y/N NO

If so, how much?

Provide exact financial impact/request: NONE

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

Attach supporting documents for request, or request may be denied.

If not attached, explain: BOT + NAMES FROM SUMMIT POINT

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

NO

Contact information:

Email address: PAULLOWE

Phone Number: 304 725 0720

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Nikki Painter**

Department or Organization: **Elections**

Estimation of amount of time needed for appointment: **10 mins**

Date Requested – 1st Choice: **July 6, 2017**

*If a specific date is needed, please provide reason for specific date: **Polling place changes must be approved and published by July 9***

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Polling Place Location Changes for Road Bond Referendum**

Please provide the County Commission with a description of your request or presentation, including any background information:
Several polling places were not available for the Oct 7 election so the voter office had to find alternate locations.

Is this a funding request? **Y/N**

If so, how much? **\$**

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

To approve the polling place location changes as presented.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **July 6, 2017**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Interviews and Appointments to the Jefferson County Planning Commission – one unexpired term ending March 30, 2019 – Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, July 6, 2017, or as soon thereafter as the Commission may decide:

Planning Commission - one unexpired term ending March 30, 2019.

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, by 12:00 pm on the Monday prior to the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

SPIRIT OF JEFFERSON:

PLEASE ADVERTISE ON:

June 19 and June 26

THANKS - JEFFERSON COUNTY COMMISSION

Patoy,

I HAVE decided to RESIGN AS OF
JUNE 12TH

A special thank you to JANE
AND YOU for your support.

I, ofcourse wish you the BEST!

Thank you AGAIN

Gary Phalen

Gary Phalen - resignation letter
Planning Commission

FROM: F.J. Hefestay Jr. (known as Jack), 46 Sundance Lane, Kearneysville, WV 25430
(304)-728-0269, hefestay@yahoo.com
TO: Jefferson County Commission
SUBJECT: Appointment to the Jefferson County Planning Commission One Unexpired Term
ending March 30, 2019
DATE: June 20, 2017

Dear Jefferson County Commission President Peter Onoszko and the Honorable Jane Tabb,
Honorable Patsy Nolan, Honorable Josh Compton, and Honorable Caleb Wayne Hudson

I am formally submitting my name for consideration on the **Planning Commission**.

My abbreviated summary Professional and Military Resume is attached. A brief summary follows.


- **Professional** background includes extensive experience working on and managing elements of large, medium and small sized complex technical programs with an orientation toward national defense. Experience: 39 plus years.
- **Military Career** (US Navy) specialization in the Intelligence discipline, where the rank of US Navy Captain (O-6) was attained. Typically assigned to leadership and management positions supporting Command Objectives or US National Objectives. Served both on active duty and with reserve components for over 25 years.

My experience in the professional and military environment provided me with a strong appreciation on the value of adequate Program Management **Planning**. I place any potential project in the spectrum of the initiative's **Requirements, Restrictions, Costs and Schedules**. If appointed I will enthusiastically apply my expertise toward the Planning Commission and its goals for the betterment of Jefferson County. I have a strong opinion that county planning is an essential element of the future of our county. Additionally, I clearly recognize the importance of balance in the decision making process regarding property rights, infrastructure, the environment, existing codes and applicable ordinances. I am pro business and I fully support reasonable intelligent growth planning and transparent management of county decisions.

I am a resident of Jefferson County since 2006. My earliest American ancestors were eastern panhandle residents dating from the early to late 1800s (Martinsburg and Shepherdstown). **I am retired** and live here by choice (after being a corporate and military nomad for decades).

As a retired resident of Jefferson County **I am fully available to attend meetings and perform assigned duties**. Thank you for your consideration regarding appointment to this position.

Very respectfully,


F. J. HEFESTAY JR. (JACK)

F.J. HEFESTAY JR. (known as Jack) --ABBREVIATED RESUME

hefestay@yahoo.com, 204-728-0269

PROFESSIONAL: Lockheed Martin, 1967-2004. Worked at Martin Marietta, Ford Aerospace and Lockheed Missiles and Space Company (all were purchased or assimilated into Lockheed Martin).

Performed numerous assignments dealing with program controls (finance, configuration management and quality assurance). Assigned to the contracts department (business operations) software development, and systems engineering departments. Engineering Change Manager on two of the company's mega programs as well as multiple medium and small sized programs. After accepting a transfer to the east coast, was used primarily in support of Systems Integration or Systems Engineering tasks on various sized projects in a highly classified environment within local national Agencies and Offices. Assigned to offices in Waterton CO, Colorado Springs, CO, Los Angeles, CA, Langley, VA, and Reston, VA. Unclassified Programs included Skylab, Mars Viking Lander, Titan III and the Space Telescope. Awarded many multiple company recognition awards and mentioned by name in numerous company award fees.

MILITARY: US Navy, 1978-2006. Enlisted in the US Navy Reserve Program in 1978 as a Petty Officer First Class (E-6). Commissioned in 1982 as an Intelligence Officer and attained the rank in 2001 of US Navy Captain (O-6). Served with Fleet Intelligence Center Pacific (Honolulu, HI), Commander Navy Reserve Intelligence Command (Dallas, TX), Office of Naval Intelligence (Suitland, MD), Navy Criminal Investigative Service. Typically assigned as Intelligence Analyst, Instructor, National Program Head, Department Head, Executive Officer or Commanding Officer. Served brief overseas tours with Commander Naval Forces Japan (Yokosuka, JAP,) Commander Naval Forces Korea (Seoul, KOR), Fleet Ocean Surveillance Information Facility (Rota, SP), as well as long tours at Fifth Allied Tactical Air Force (Vicenza, IT) and Headquarters European Command (Stuttgart, GE) on two separate occasions. Typically served as a Watch Stander, Intelligence Officer Analyst, or assigned to Command Plans (N2 or J2) Awarded nine personal decorations as well as numerous unit ribbons, service campaign medals and marksmanship medals.

EDUCATION: Graduate of the University of Colorado 1971 (Boulder and Denver) CO. Bachelor of Arts. Student Body President 1970-71 (Denver), Who's Who Among Students In American Universities & Colleges, 1970-71. Graduate School, 1971-73 (Incomplete).

OTHER:

National Convention Delegate (D), 1976, New York City
State or County Executive Committee, Jefferson County, (CO, 1976-78) (W.V 2014-2018)
Quail Ridge Homeowners Association, Kearneysville, (President and or Treasurer, 2006-2013)

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **July 6, 2017**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Interviews and Appointments to the Jefferson Emergency Services Agency – one unexpired term ending June 30, 2018 – Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N **NO**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, July 6, 2017 or as soon thereafter as the Commission may decide:

Jefferson County Emergency Services Agency Board - one unexpired term for Citizen Representative, ending June 30, 2018.

Per the Ordinance to Dissolve and Reconstitute the Jefferson County Emergency Services Agency: Section 3 - Joint Emergency Services Board

(f) No citizen member of the Board may provide fire service or emergency ambulance service in Jefferson County. Nor may any member of the Board have any immediate family member who provides fire service or emergency ambulance service in Jefferson County.

(g) No member of the Board, nor their immediate family member, shall have any interest in any firm, partnership, corporation or association engaged in the business of providing ambulance or fire service, nor in the manufacture, sale or lease of ambulance or fire equipment or facilities. For purposes of this ordinance, immediate family member shall mean a spouse or other person with whom a member is living as husband and wife and any child or children, grandchild or grandchildren and parent or parents.

(h) Employees of the Agency are not eligible to serve as members of the Board.

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, no later than 12:00 p.m. the Monday prior to the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

SPIRIT OF JEFFERSON:

PLEASE ADVERTISE ON:

June 21 and June 28

Received

JUN 22 2017

Jefferson County Commission

June 16, 2017

Jefferson County Commissioners
P.O Box 250
Charles Town, WV 25414

Commissioners,

You will find my resume for consideration for an appointment to serve as the Citizen Representative on the Jefferson County Emergency Services Agency Board. I have an extensive background in law enforcement and security with county and federal government agencies. My experience includes working level, supervisory and senior management positions with these agencies. In addition, during my law enforcement career, I have served in emergency communications positions ranging from a 9-1-1 call taker to developing and administrating a public safety answering point, commonly known as a police and fire emergency operations center.

In addition, as required by Jefferson County Ordinance Section 3, Joint Service Board, (f), (g) and (h), I am not an employee of the agency, and have never provided fire or emergency ambulance service in Jefferson County. Also, I nor any member of my immediate family has any interest in any firm, partnership, corporation or association engaged in the business of providing ambulance or fire service, nor in the manufacture, sale or lease of ambulance or fire equipment or facilities in or outside Jefferson County.

If you have additional questions or would like additional information, please contact me at 301-529-0887 (Cell) or 304-725-0078 (Home), or email me at BSAT220WILL@aol.com.

Regards,



Willard L. Liston "Will"
282 Rose Hill Drive
Kearneysville, WV 25430
P.O. Box 818
Charles Town, WV 25414 (mail)

Attachments

1. Resume
2. Synopsis of Experience

Willard L. Liston
282 Rose Hill Drive
Kearneysville, WV 25430
PO BOX 818
Charles Town, WV 25414 (mail)
Cell: 301-529-0887
Home: 304-725-0078
BSAT220WILL@GMAIL.COM

04/05 to 07/2010 (Retired) - Chief, Corporate Liaison Branch, Program Security Division, Office of Security (SIS), National Geospatial Intelligence Agency (NGA). I was responsible for managing both government and contract Security Officers located at several NGA mission critical sites in the United States and in foreign countries (CONUS/OCOUS), including a staff member assigned to the Executive Office of the President of the United States, as well as a CIA government Security Officer. I frequently meet with high-level managers in the intelligence, law enforcement and security communities to develop long-range plans and projections, including intelligence officers from other countries. I represented SIS as Chairman on joint inter-agency working groups with mission partners to address security issues at several mission critical sites. I also represented Security and Installation Operations Directorate (SI) on working groups with NGA's mission partners. I oversaw all aspects of NGA security at several non-core sites. I acted as a Subject Matter Expert on all facets of security and law enforcement, advising both SIS staff members and management officials at these sites. I oversaw the establishment and development of all aspects of NGA security operations at new host sites. I served on the NGA Law Enforcement Advisory Panel with input on all aspects of police operations, including policy development. I evaluated the performance of subordinate government and contract employees and served as a monitor for contract performance. I developed, negotiated and oversaw the implementation of Memorandums of Understandings, Standard Operating Procedures and business processes/procedures with our customers and mission partners for security operations at these sites. I was appointed as Acting Director, Program Security Division in the absence of the Director. In addition, I built a strong, hardworking team that focused on customer service, with the NGA mission as first priority.

07/02 to 04/05 - Health and Human Services (HHS); Office of the Secretary, Division of Real Property Policy and Management Programs, Washington, D.C. - As Departmental Physical Security Program Manager, I managed the Department's Physical security program and provided expert advice to the Assistant Secretary for Management, Deputy Assistant Secretary and HHS Operational Divisions (OPDIVS) security directors, on all facets of security policy and law enforcement issues. I conducted law enforcement business process management reviews, physical security audits and vulnerability assessments of HHS-owned, leased and delegated buildings, including Critical Infrastructure Protections Sites. I also monitored HHS compliance with the Department of Homeland Security, GSA and HHS security policies and procedures. I Co-chaired the Departmental Security Council and coordinated monthly meetings with the members. I reviewed and analyzed HHS OPDIV's security procedures. I planned, developed, administered and evaluated Department-wide physical security programs, including departmental access control, contract security, emergency preparedness and loss prevention. I developed physical security program documents, including policies, directives, manuals, and budget proposals. I represented HHS on interagency work groups, committees and task forces, including the Interagency Security Committee and the Federal Identity Credentialing Committee. I addressed all security related issues and concerns that came to the attention of the Office of the Secretary.

01/00 to 07/02 - National Institutes of Health (NIH); Division of Public Safety (DPS); Bethesda, MD - Chief, Crime Prevention Branch, I served as a recognized expert in the field of crime prevention, access control, law enforcement and physical security. I implemented and managed security systems to protect 23,000 federal employees, patients and visitors in over 100 buildings. I managed over 200 employees in the Security Section, Employee Transportation Services Office, Emergency 9-1-1 Communications Section and Locksmith Section. I directed and had approval authority for crime prevention programs for all components of NIH. I coordinated the Disaster Recovery Continuity of Operation Plan (COOP). I assisted with the development of plans to build a Sensitive Compartmented Information Facility (SCIF) at NIH. I managed security infraction investigations and recommended corrective procedures. I authored and implemented numerous physical security policies and procedures. I managed employees responsible for handling and distributing classified materials. I was responsible for directing annual inspections of high security biomedical

research areas on and off the Bethesda campus. I analyzed complex security processes and procedures and implemented findings. I gave oral presentations at briefings and seminars to staff and senior officials. I assisted with the development and Presentation of the Division's annual budget request to approving authorities. I implemented the 1995 Department of Justice (DoJ) Vulnerability Assessment of Federal Facilities Standards, and HHS Security directives, policies and procedures. I analyzed and interpreted security policies, including federal and state law, HHS, DoJ, and NIH security procedures, and Presidential Directives. I served as a major communications link between DPS and the NIH Research Community.

06/95 to 01/2000 - NIH; Division of Public Safety (DPS); Bethesda, MD - Acting Chief, Police Branch, Police Captain, Police Lieutenant, Management Analyst for the Director, DPS, I participated in the development and direction of all law enforcement, security and fire safety programs within the Division. I directed and/or managed all criminal investigations, including law enforcement misconduct cases that occurred while I served in this position. I commanded seventy government employees, including police officers, emergency service dispatchers and non-sworn staff members. I advised the Director, DPS regarding the vital functions of the Division. I acted as representative and advisor for the Director, DPS on committees and task groups. I managed and coordinated special projects assigned by the Director, DPS. I was the chief negotiator for the government on binding labor agreements, labor arbitrations and security contracts while in this position.

1/67 to 1/95 - Montgomery County Department of Police; Rockville, MD; Retired after 28 years of law enforcement service. Supervisory/management duties: My assignments included: Staff Officer to Chief, Investigation Services Bureau, Communications Division, SWAT Supervisor, Uniform Patrol Shift Commander, Vice and Intelligence Commander, Narcotics Commander, Traffic and Special Assignment Team Commander.

I was born in Preston County, WV.

Graduated - Montgomery Blair High School, Silver Spring, MD

08/63 to 08/66 United States Navy - Honorable discharge - Vietnam Service

- Twenty-eight years with Montgomery County Department of Police; Rockville, Maryland, with various supervisory and management assignments:
 - Commanded patrol units
 - Vice and Intelligence
 - Narcotics Section
 - Traffic Section
 - Special Assignment Team
 - Assistance to the Chief, Investigation Services Bureau
 - Communications Section

- Eighteen years as a Federal Employee, which included senior management positions:
 - Federal Law Enforcement
 - Intelligence Community Service
 - Senior management positions with the National Institutes of Health, Police Branch
 - Senior Management positions with National Institutes of Health, Division of Public Safety
 - Senior Management position with the Department of Health and Human Services where I coordinated security functions nationwide
 - Senior Management positions with National Geospatial Intelligence Agency where I managed security officers and security programs. These responsibilities included security officers assigned to the Office of the President of the United States, employees in the United States and in foreign countries

- Armed Services Veteran - Vietnam Service

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Elizabeth Wheeler, Administrator

Department or Organization: **Jefferson County Farmland Protection Board**

Estimation of amount of time needed for appointment: 5- 10 minutes

Date Requested – 1st Choice: June 29, 2017

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice: July 6, 2017

Subject (*Wording to be placed on agenda*): **Approval of purchase of one Agricultural Conservation Easement**

Please provide the County Commission with a description of your request or presentation, including any background information:
The attached Deed of Easement (AAA) is ready to close, and the Board has submitted all necessary paperwork to the Natural Resources Conservation Service. Matching funding is provided for the easement through the Natural Resources Conservation Service and the Jefferson County Farmland Protection Program. The easement is for 320.14 acres with a cost to the Board of \$706,604.26. The County funds have been committed since June 2014. The owner is offering a generous bargain sale with a donation of \$3,372,090.00 of easement value to the County.

Is this a funding request? Y/N **NO**

If so, how much? \$ 0

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

That the Jefferson County Commission approve the purchase by the Jefferson County Farmland Protection Board for the Jefferson County Farmland Protection Program and the Natural Resources Conservation Service of one conservation easement on the property in Jefferson County owned by the following person: Susannah Mayo Buckles.

Attach supporting documents for request, or request may be denied. Map of easement location, Deed of Conservation Easement

If not attached, explain:

Is equipment needed? NO Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address: farmlandprotection@jcda.net

Phone Number: 304-724-1414

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION



DEED OF CONSERVATION EASEMENT

This **DEED OF CONSERVATION EASEMENT** ("Easement" or "Easement Deed") is made this _____ day of _____, 2017, by Susannah Mayo Buckles, having an address at 371 Gap View Lane, Charles Town, WV 25414 ("Grantor"), to the JEFFERSON COUNTY FARMLAND PROTECTION BOARD ("JCFPB" or "Grantee"), having its address at P.O. Box 731, Charles Town, WV, 25414, and with a right of enforcement to the United States of America ("United States"), acting by and through the United States Department of Agriculture (USDA), Natural Resources Conservation Service ("NRCS" or "USDA-NRCS") with its mailing address at 1550 Earl Core Road, Morgantown, WV 26505, acting on behalf of the Commodity Credit Corporation (CCC), as its interest appears herein, for the purpose of protecting the agricultural use and future viability, and related Conservation Values (hereinafter defined), by limiting nonagricultural uses. For purposes of this agreement, references to the rights, duties and obligations of Grantor and Grantee apply equally and in full force to any successors to the parties to this agreement.

WITNESSETH:

WHEREAS, Grantor is the sole owner in fee simple of certain real property in Jefferson County, West Virginia, consisting of 320.14 acres of land, more or less, and more particularly described in Exhibit A, incorporated herein by reference (the "Protected Property"). The Protected Property is also part of the same real property conveyed in a deed of record in the office of the Clerk of the County Commission, Jefferson County at Deed Book 923, at Page 617, title to said property having been vested in Susannah Mayo Buckles by the Last Will and Testament of Frank Woodruff Buckles recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Will Book 20, at Page 21;

WHEREAS, the Protected Property possesses agricultural, including prime, unique, statewide or locally important soils; open space and natural values (collectively, "Conservation Values") of great importance to Grantor, the people of Jefferson County, and the people of the State of West Virginia, and all current and future generations of mankind;

WHEREAS, this Easement is acquired with funds provided, in part, under the Agricultural Conservation Easement Program (ACEP), 16 U.S.C Section 3865 et seq., and 7 CFR Part 1468 et seq. for the purpose of protecting the agricultural use and future viability, and related Conservation Values, by limiting nonagricultural uses of the Protected Property;

WHEREAS, under the authority of the Agricultural Conservation Easement Program, the United States Department of Agriculture's Natural Resources Conservation Service has provided \$1,361,305.74 to Grantee for the acquisition of this conservation easement, entitling the United States to the rights identified herein;

WHEREAS, the JCFPB has provided \$706,604.26 to purchase a conservation easement on 320.14 acres of the Protected Property;

WHEREAS, the specific Conservation Values of the Protected Property are documented in an inventory of relevant features of the Protected Property, on file at the office of Grantee and incorporated by reference ("Baseline Documentation"), which consists of reports, maps, photographs, and other documentation that the parties agree provide an accurate

DEED OF CONSERVATION EASEMENT

representation of the Protected Property at the time of this contract and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this Easement;

WHEREAS, Grantor and Grantee have the common purpose of protecting the agricultural use and future viability, and related Conservation Values;

WHEREAS, Grantor further intends, as owner of the Protected Property, to convey to Grantee the right to preserve and protect the Conservation Values of the Protected Property in perpetuity;

WHEREAS, the Legislature of the State of West Virginia ("Legislature") has recognized in West Virginia Code §8A-12-1 et seq. the importance and significant public benefit of conservation and preservation easements in its ongoing efforts to protect the natural, historic, agricultural, open-space and scenic resources of the State of West Virginia;

WHEREAS, the Legislature has declared that agriculture is a unique life support industry, and recognizes the need to support the irreversible loss of agricultural land, and the legislature authorizes the State of West Virginia and its counties so desiring to protect agricultural land and woodland as open-space land, to develop programs, to accept qualifying properties voluntarily entered into the program, and pursuant to West Virginia Code §8A-12-5 provided Jefferson County Farmland Protection Board has the authority to acquire and hold conservation easements;

WHEREAS, the County Commission of Jefferson County, West Virginia ("County Commission") has declared that the agriculture community of Jefferson County provides sources of agricultural products for the citizens of the state; enhances tourism, protects worthwhile community values, institutions and landscapes which are inseparably associated with traditional farming; and controls urban expansion which is consuming land, topsoil and woodland of the county;

WHEREAS, the County Commission has resolved to provide persons of Jefferson County an opportunity to voluntarily protect agricultural land by creating the Jefferson County Farmland Protection Board and authorizing it to create and administer the Jefferson County Farmland Protection Program;

WHEREAS, JCFPB is a public agency established to provide landowners with an opportunity to voluntarily protect agricultural land in Jefferson County by the voluntary placement of conservation or preservation easements on eligible property; and

WHEREAS, Grantee affirms that this Easement represents a unique and valuable asset to the quality of life in Jefferson County and the state of West Virginia, that by the acceptance of this Easement it will act in good faith to uphold the conservation easement and not seek to benefit from its conversion or elimination, and that it agrees to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the Conservation Values of the Protected Property for the benefit of this generation and the generations to come in the future;

DEED OF CONSERVATION EASEMENT

NOW, THEREFORE, in consideration of the above and the mutual covenants, good and valuable consideration, terms, conditions and restrictions contained herein, and pursuant to the laws of West Virginia, Grantor hereby voluntarily grants, bargains, and conveys to Grantee, and with a right of enforcement to the United States, a conservation easement in perpetuity over the Protected Property of the nature and character and to the extent hereinafter set forth in this Easement. It is the purpose of this Easement to protect the agricultural use and future viability of the Protected Property by limiting nonagricultural uses; and to prevent any use of the Protected Property that will significantly impair or interfere with the Conservation Values of the Protected Property, including its prime, unique, statewide and locally important soils.

To achieve these objectives, the terms, conditions, and restrictions of this Easement are hereinafter set forth. The parties agree that the United States is granted enforcement rights under the terms of this Easement. However, the United States will only exercise its rights as set forth below at Paragraph II. 5. e (*United States Right of Enforcement*). Until such time, if ever, the United States exercises its rights under this Easement, Grantee is the primary manager and enforcer of this Easement.

The Grantor and Grantee and their respective heirs, successors, agents, assigns, lessees, and any other person claiming under them must comply with all terms and conditions of this easement, including the following:

I. TERMS, CONDITIONS AND RESTRICTIONS

1. **Agricultural Land Easement Plan.** As required by 16 U.S.C. Section 3865a, agricultural production and related uses of the Protected Property are subject to an Agricultural Land Easement Plan (ALE Plan), as approved by NRCS, to promote the long-term viability of the land to meet the ALE purposes. The ALE Plan must also be approved by the Grantor and the Grantee. Grantor agrees that the use of the Protected Property will be subject to the ALE Plan on the Protected Property.

The ALE Plan is incorporated by reference and must not include any provisions inconsistent with the conservation purposes of this ALE. The Grantee and Grantor agree to update the ALE Plan in the event the agricultural uses of the Protected Property change. A copy of the current ALE Plan is kept on file with the Grantee.

The Grantee must take all reasonable steps to secure compliance with the ALE Plan. In the event of substantial or ongoing noncompliance with the ALE Plan or the requirement to update the ALE Plan, NRCS may notify the Grantee. NRCS will give the Grantee and Grantor a reasonable amount of time, not to exceed 180 days, to take corrective action. If Grantee fails to enforce the terms of the ALE, including, but not limited to, compliance with the ALE Plan, the United States may exercise its right of enforcement.

2. **Use and Quiet Enjoyment.** Grantor has the right to reside on the Protected Property and to benefit from all aspects of the quiet enjoyment of the Protected Property. Grantor has the right to engage in any and all personal recreational uses of the Protected Property, including but not limited to hiking, touring, swimming, camping, biking, horseback riding, hunting, and fishing, so long as said personal recreational uses require no development of the Protected Property and are consistent with the Conservation Values.

DEED OF CONSERVATION EASEMENT

Grantor reserves to itself, and to grantor's personal representatives, heirs, successors, and assigns, all rights accruing from grantor's ownership of the Protected Property, including the right to engage in or permit or invite others to engage in all uses of the Protected Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement; provided, however, that any activities inconsistent with the purposes of this Easement are prohibited.

3. Agricultural Uses of the Land. Any activities inconsistent with the purposes of the ALE are prohibited. Grantor may engage in any and all agricultural uses of the Protected Property provided it is conducted in a manner consistent with the terms of the ALE Plan. Examples of permitted agricultural uses include the production of plants and animals useful to man, including, but not limited to: forage, grain, and field crops; pasturage, dairy, and dairy products; poultry and poultry products; equestrian uses; livestock and fowl uses and livestock and fowl products; bees and apiary products; fruits, nuts, and vegetables of all kinds; nursery, floral, and greenhouse products; aquaculture; a grain mill; and the processing and storage of the agricultural products produced principally on the Protected Property. Grantors must not hay, mow, or harvest for seed during certain nesting seasons for birds whose populations are in significant decline as identified by Grantee or NRCS. Determinations of nesting seasons for birds whose populations are in significant decline will be made in writing to the Grantors, or set forth within the ALE Plan for the Protected Property. Any secondary agricultural activity, including but not limited to farm mechanics, blacksmithing, or related activities, shall be considered an agricultural activity. However, such secondary agricultural activities must be undertaken in the permitted agricultural or residential structures and must be consistent with the Conservation Values.

4. Agricultural Structures. Grantor has the right to maintain, construct, and place agricultural structures contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the Protected Property. Agricultural structures shall be constructed or placed within the areas described in Exhibit C attached hereto and made a part hereof ("Farmstead Complex Areas"), and shall be limited by the maximum square footage as described in Paragraph I. 11. (*Maximum Impervious Surface Coverage*).

5. Retail Sale of Farm Products. Businesses directly related to the retail sale of farm products produced primarily on the Protected Property that are supportive and agriculturally compatible may be established on the Protected Property. Such businesses include roadside stands or structures to facilitate the direct sale to the public of agriculture products, as long as not more than 2,000 square feet of structures are erected to facilitate such retail sales. Structures permitted under this paragraph (**Error! Reference source not found.**) shall be subject to Paragraph I. 11. (*Maximum Impervious Surface Coverage*).

6. Activities for Religious, Charitable or Educational Purposes or to Foster Tourism. Activities or businesses undertaken for charitable or educational purposes or to foster tourism may be conducted on the Protected Property in order to foster rural economic uses while protecting the rural character of the Protected Property. Such activities or businesses must be compatible with and supportive of the rural character of the Protected

DEED OF CONSERVATION EASEMENT

Property, and must remain incidental to the agricultural and open-space character of the Protected Property.

- (a) Non-agricultural commercial and industrial structures and uses are prohibited. Activities or businesses undertaken for charitable or education purposes or to foster tourism must be undertaken in the agricultural structures permitted under Paragraph I. 4. (*Agricultural Structures*) or Paragraph I. 8. (*Residential Dwellings*); no other structures are permitted on the Protected Property.
- (b) The stables, horseback riding arenas both within and outside the barn, and supporting pavilion(s) and buildings are considered agricultural buildings. Such buildings shall be located within the Farmstead Complex Areas described in Exhibit C, and shall be limited by the maximum square feet as described below in Paragraph I. 11. (*Maximum Impervious Surface Coverage*).
- (c) Accommodation of tourists and visitors is permitted but only within permitted residential structures and appurtenances, and/or agricultural structures, except for rural recreational activities such as hayrides, corn mazes, etc.
- (d) Accommodation of overnight guests is permitted, but only within permitted residential structures.
- (e) Non-agricultural commercial operation of dune buggies, motorcycles, all-terrain vehicles, hang gliders, aircraft, jet skis, motorized boats or any other types of mechanized vehicles whether or not considered to foster tourism is prohibited.
- (f) Extensive commitment of land resources as required by golf courses, racetracks, tennis clubs, baseball, soccer and other ball fields and similar uses whether or not considered to foster tourism is prohibited.
- (g) "More than a *de minimus* use for commercial recreational activity," as such phrase is used in Section 2031(c)(8)(B) of the Code, is prohibited. Grantor agrees that the preceding sentence is intended as a limiting condition and not as a reservation of rights by the Grantor, and the prohibition in the preceding sentence does not allow more commercial activity than may otherwise be allowed under the other provisions of this instrument.

7. **Home Based Businesses.** Industrial or commercial activities on the Protected Property are prohibited except the following:

- (a) agricultural production and related uses conducted as described in the ALE Plan;
- (b) temporary or seasonal outdoor activities or events that do not harm the agricultural use, future viability, and related Conservation Values of the Protected Property herein protected;
- (c) commercial enterprises related to agriculture or forestry including but not limited to agritourism, processing, packaging, and marketing of farm or forest products, farm machinery repair, and small-scale farm wineries; and
- (d) home-based businesses that do not require a Department of Environmental Protection permit to operate, provided that:
 - i. the occupation or business use is conducted entirely within the Single Residential Dwelling(s) (as described in Exhibit B) or appurtenances allowable under Paragraph I. 8. (*Residential Dwellings*); and

DEED OF CONSERVATION EASEMENT

- ii. the use of the dwelling for the home-based business is clearly incidental and subordinate to the use of the dwelling for residential purposes.

8. Residential Dwellings. Grantor and Grantee acknowledge the existence of two (2) Single Residential Dwelling(s) on the Protected Property as more fully described in Exhibit B. In addition, Grantor may construct one (1) additional Single Residential Dwelling(s) on the Protected Property, to be located within a separate Building Envelope as indicated in Exhibit D (the "Retained Development Rights"). No other Single Residential Dwellings shall be constructed or placed on the Protected Property. All new or relocated structures and improvements must be located within the Building Envelopes, except for agricultural structures permitted herein under Paragraph I. 4. (*Agricultural Structures*). The following conditions and restrictions shall apply:

- (a) Each Building Envelope shall contain no greater than two (2) acres each.
- (b) Grantor has the right to maintain, repair, enlarge, or replace all structures and improvements, including Single Residential Dwellings, as grantor may so desire, except that the impervious surface of each Single Residential Dwelling is limited to 5,000 square feet.
- (c) Grantor has the right to construct appurtenances such as garages, sheds, and recreational facilities within each Building Envelope, except that the total allowed impervious surface within each Building Envelope, including Single Residential Dwellings, shall not exceed 9,000 square feet.
- (d) The boundaries and location of the Building Envelopes may be adjusted if Grantee and the Chief of NRCS provide prior written approval of the adjusted boundaries and location. The Building Envelopes may not increase in size and the adjusted Building Envelopes must provide equal or greater protection of the agricultural use and future viability and related Conservation Values of the Protected Property.
- (e) The Single Residential Dwellings may house one or more families or occupants but shall not be converted to apartments, townhomes, condos, or any other commercial multi-family dwelling.

9. Transfer of Development Rights. All other development rights not specifically reserved under this Easement are hereby extinguished and shall not be transferred to any other property pursuant to a transfer of development rights program or any other means or used to calculate permitted development density.

The Protected Property and any portion thereof shall not be included as part of the gross area of other property not subject to this Conservation Easement for the purposes of determining density, lot coverage, or open spaces requirements under otherwise applicable laws, regulations or ordinances controlling land use and building density. No development rights which have been encumbered or extinguished by this Conservation Easement shall be transferred to any other lands pursuant to a transferable development rights scheme or cluster development arrangement or otherwise; provided, however, that with prior written permission of Grantee, this paragraph shall not preclude such transfer of development rights resulting from the destruction or demolition of any existing residential building on the Protected Property.

DEED OF CONSERVATION EASEMENT

10. Subdivision. The Protected Property must not be divided or subdivided into, or separately conveyed as, more than two (2) farm or ranch parcels (one (1) division allowed), the boundaries of which shall match those of the parcels described as containing 183.33 acres and 136.81 acres, respectively, as identified in EXHIBIT A. The maximum impervious surface coverage, as defined in Section I. 11., shall be allocated between said parcels as follows: 159,717 square feet for the parcel described as containing 183.33 acres; and 119,188 square feet for the parcel described as containing 136.81 acres. To protect the agricultural use and future agricultural viability, and related conservation values of the Protected Property, the boundaries of such divisions have been preapproved in writing by Grantee and the Chief of NRCS or his or her authorized designee (Chief of NRCS). Deviations from the identified boundaries will not be allowed. Grantor must give Grantee and the Chief of NRCS written notice prior to subdividing, dividing or separately conveying a parcel of the Protected Property.

Notwithstanding the fact that, as of the Conservation Easement Date, the Protected Property might consist of more than one parcel for real estate tax or any other purpose or if it may have been acquired previously as separate parcels, it will be considered one parcel for purposes of this Easement, and the restrictions and covenants of this Easement will apply to the Protected Property as a whole.

11. Maximum Impervious Surface Coverage. The total surface coverage of impervious surfaces on the Protected Property shall be subject to the limitations defined below:

- (a) Impervious surfaces shall be defined as any material that covers land and inhibits the percolation of stormwater directly into the soil, including, but not limited to, buildings, roofs, any area covered by permanent or nonpermanent structures, macadam and pavement, and gravel and stone driveways and parking areas.
- (b) The total surface coverage of the Protected Property by all impervious surfaces, including all Single Residential Dwellings, structures considered as an appurtenance to such dwellings, structures associated with agricultural uses, driveways, and parking areas, but excluding NRCS-approved conservation practices, shall not exceed 278,905 square feet, which is less than 2% of the total Conservation Easement area. This limitation shall not include public roads or other roads owned and controlled by parties with rights superior to those rights conveyed to Grantee by this Easement.
- (c) In the event the Protected Property is subdivided as provided for in Paragraph I. 10. (*Subdivision*), the total cumulative impervious surface of the subdivided parcels must not exceed the impervious surface limitation referenced above in Paragraph I. 11. (b). The Grantor, with Grantee approval, will allocate the impervious surface limit among the subdivided parcels and ensure said impervious surface limitation is clearly defined in each subdivided parcel's recorded instrument.

12. Surface Alteration. Grading, blasting, filling, sod farming, excavating, removal of topsoil, earth, sand, gravel, or rock, or any other activity that will disturb the soil surface or materially alter the topography, surface or subsurface water systems, or wetlands of the Protected Property is prohibited, except as follows:

DEED OF CONSERVATION EASEMENT

- (a) dam construction to create ponds for agricultural use, fire protection, or wildlife enhancement, or wetland restoration, enhancement or creation, in accordance with an ALE Plan;
- (b) erosion and sediment control pursuant to a plan approved by the Grantee;
- (c) as required in the construction of approved buildings, structures, roads, or utilities, provided that the required alteration has been approved in writing by Grantee as being consistent with the Conservation Values; or
- (d) agricultural activities conducted in accordance with the ALE Plan.

Provided, however, that activities permitted under this paragraph (12) are conducted in accordance with the ALE Plan, disturbed land does not exceed one (1) acre in total area, and all disturbed land is restored within a reasonable time period.

13. Oil, Gas, or Mineral Exploration and Extraction. The exploration, development, mining, or extraction of soil, sand, gravel, oil, natural gas, fuel, coal, or any other mineral substance owned by Grantor as of the date of this Easement or later acquired by Grantor, using any surface mining, subsurface mining, or dredging method, from the Protected Property is prohibited.

If a third party owns or leases the oil, natural gas, or any other mineral substance at the time this Easement is executed, and their interests have not been subordinated to this Easement, the Grantor must require, to the greatest extent possible, that any oil, natural gas, and mineral exploration and extraction conducted by such third party is conducted in accordance with this paragraph (13).

14. Management of Woodland Resources. Easement property with contiguous forest that exceeds the greater of 40 acres or 20 percent of the easement area will have a current forest management plan that is subject to approval by the Grantee and the NRCS. The agricultural use of timber and woodland products on the Protected Property is permitted, provided it is carried out to the extent practicable in accordance with current, generally accepted, best management practices for the site's soils and the terrain of the Protected Property.

A forest management plan shall not be required for the following activities and do not require prior approval of the Grantee or NRCS:

- (a) removal of trees posing an imminent hazard to the health or safety of persons or livestock;
- (b) cutting of trees for firewood, or for other domestic uses of Grantor;
- (c) cutting of trees for the construction or maintenance of permitted structures or landscaping within the Residential Area or the Retained Development Areas or for access otherwise permitted in this Easement;
- (d) removal of trees for the maintenance or the improvement to existing pastures or fence lines; or
- (e) removal of invasive species both plant and insect

The Grantor reserves the right to remove trees in areas of the Protected Property that were forested at the time this Deed of Conservation Easement was executed, as indicated in the

DEED OF CONSERVATION EASEMENT

Baseline Documentation, in order to convert management systems from a forest land use to an agricultural land use. Such land use conversion shall be conducted through an update to the ALE Plan, which update must be approved by NRCS, the Grantor, and the Grantee before any trees are removed.

Forest management and timber harvesting activities must be carried out in accordance with all applicable local, State, Federal, and other governmental laws and regulations and be consistent with this Easement and the protection of Conservation Values of the Protected Property.

Such forest management and timber harvesting must be performed in accordance with a written forest management plan consistent with this Easement prepared and signed by a licensed professional forester. NRCS and the Grantee will approve the plan to ensure it is consistent with the agricultural conservation value of this Easement. Said plan must have been prepared not more than 10 years prior to the date any harvesting is expected to commence.

15. Other Construction. Except as specifically permitted herein, there shall be no constructing or placing of any buildings, manufactured homes, swimming pools or other recreational facilities, commercial lighting, or any other temporary or permanent structure or facility on or above the premises.

16. Roads. New roads may be constructed if they are within impervious surface limits, approved in advance by Grantee, and necessary to carry out the agricultural operations or other allowed uses on the Protected Property, including providing access to the Retained Development Rights (Exhibit D) on the Protected Property. Maintenance of existing roads documented on the Baseline Documentation Report is allowed; however, existing roads may not be widened or improved unless widening and improving is within impervious surface limits, approved in advance by Grantee, and necessary to carry out the agricultural operations or other allowed uses on the Protected Property. Paved roads are subject to the impervious surface limitations referenced above.

17. Fences. Existing fences may be maintained, repaired, and replaced and new fences may be built on the Protected Property as necessary for agricultural operations on the Protected Property, including for customary management of livestock and to delineate the boundary of the Protected Property.

18. Signs. Except for no trespassing signs, for-sale signs, signs identifying this Easement, and signs to advertise an on-site activity or business, all other signs, advertisements and billboards of any nature are prohibited. The permitted signs may not exceed 15 square feet per sign.

19. Wastes. Dumping or storage of trash, garbage, hazardous substances, abandoned vehicles or machines, or other material on the Protected Property is prohibited. However, composting of biodegradable material used or produced on the Protected Property to improve gardens and pastures on the Protected Property is permitted so long as composting and its application is consistent with the ALE Plan.

DEED OF CONSERVATION EASEMENT

20. Granting of Easements. The granting or modification of easements for utilities or roads is prohibited when the utility or road will adversely affect the Conservation Values of the Protected Property as determined by the Grantee in consultation with the Chief of NRCS.

21. Utilities. Grantor shall not sell, lease, or grant an easement covering any portion of the Protected Property where such sale, lease, or easement is for the purpose of construction or installation of underground or above-ground utility systems, including, but not limited to, water, sewer, power, fuel, sewerage pumping stations, and cellular telephone or other communication towers, except where such easement is for the sole purpose of serving approved buildings or structures on the Protected Property. Utilities to serve approved buildings or structures on the Protected Property that neither individually nor collectively have an adverse impact on the agricultural use and future viability and related conservation values of the Protected Property may be built or installed outside of the Building Envelopes with prior written approval of the Grantee and NRCS provided that said utilities are consistent with the ALE Plan. Renewable energy production is allowed for the purpose of generating energy for the agricultural and residential needs of the Property. Renewable energy sources must be built and maintained within impervious surface limits, with minimal impact on the Conservation Values of the Protected Property and consistent with the purposes of the Easement.

22. Streams, Wetland and Water Bodies. There shall be no pollution, alteration, depletion of surface water, natural water courses, lakes, ponds, marshes, wetlands, springs, subsurface water or any other water bodies, nor shall there be activities conducted on the Protected Property that would be detrimental to water purity or that could alter natural water level and/or flow in or over the Protected Property. Nothing in this paragraph shall prohibit the creation or dredging of farm ponds or the reasonable use of the available water of the Protected Property for agricultural purposes permitted by this Easement. Structures and facilities associated with irrigation, farm pond impoundment, or soil and water conservation on the Protected Property shall be considered to be intended for agricultural purposes. Expansion and construction of ponds and structures outside the Farmstead Complex Area shall be conducted in accordance with Paragraph I. 12. (*Surface Alteration*) and the ALE Plan. Farm ponds both inside and outside the Farmstead Complex Area shall not exceed two (2) acres in area.

II. GENERAL PROVISIONS

1. Preserving Agricultural Uses. The provisions of this Easement Deed and associated exhibits will not be interpreted to restrict the types of agricultural operations that can function on the Protected Property, so long as the agricultural operations are consistent with the long term viability of the Protected Property, ALE Plan and ALE purposes, and do not violate Federal laws, including Federal drug laws. No uses will be allowed that decrease protection for the agricultural use and future viability, and related Conservation Values, of the Protected Property.

2. Access. No right of access by the general public to any portion of the Protected Property is conveyed by this Easement.

DEED OF CONSERVATION EASEMENT

3. **Rights of the Grantee.** To accomplish the purpose of this Easement the following rights are conveyed to Grantee or its agent by this Easement:

- (a) To preserve and protect the Conservation Values of the Protected Property;
- (b) To enter upon the Protected Property on a yearly basis (or more frequently if violations are observed or suspected) in order to monitor Grantor's compliance with and otherwise enforce the terms of this Easement; provided that such entry shall be upon prior reasonable notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Protected Property; and
- (c) To prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Protected Property that may be damaged by any inconsistent activity or use, pursuant to Paragraph II. 5. (*Grantee's Remedies*).

4. **Grantee Notification/Approval.** Grantor reserves for itself the right to engage in any and all activities not expressly prohibited herein and not inconsistent with the purpose of this Easement without seeking the approval of Grantee.

5. **Grantee's Remedies.**

(a) **Notice of Violation; Corrective Action.** If Grantee determines that Grantor is in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand that the Grantor take corrective action within 60 days sufficient to cure the violation and, where the violation involves injury to the Protected Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Protected Property so injured to its prior condition in accordance with a plan approved by Grantee.

(b) **Injunctive Relief.** The Grantee and its successors or assigns, jointly or severally, shall have the right to enforce these restrictions by injunction and other appropriate proceedings, including, but not limited to, the right to require Grantor to restore the Protected Property to the condition existing at the time of this Easement in order to correct any violation(s) of this Easement. Grantee's rights under this paragraph (5. (b)) apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantor agrees that Grantee shall be entitled to the injunctive relief in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies.

(c) **Costs of Enforcement.** Any costs incurred by Grantee in enforcing the terms of this Easement against Grantor, including without limitation costs of suit and attorneys' fees and costs or restoration necessitated by Grantor's violation of the terms of this Easement, shall be borne by Grantor. If Grantor prevails in action to enforce the terms of this Easement, Grantor's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantee. Costs incurred by Grantee in enforcing the terms of this Easement against third parties shall be borne by Grantee. The preceding two sentences shall not apply to the United States should the United States exercise its rights under (e) below (*United States Right of Enforcement*).

DEED OF CONSERVATION EASEMENT

(d) **Forbearance.** Forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

(e) **United States Right of Enforcement.** Pursuant to 16 U.S.C. Section 3865 et seq., the United States is granted the right of enforcement that it may exercise only if the terms of the Easement are not enforced by the Grantee. The Secretary of the United States Department of Agriculture (the Secretary) or his or her assigns, on behalf of the United States, may exercise this right of enforcement under any authority available under State or Federal law if the Grantee, or its successors or assigns, fails to enforce any of the terms of this Easement, as determined in the sole discretion of the Secretary.

In the event the United States exercises this right of enforcement, it is entitled to recover any and all administrative and legal costs associated with any enforcement or remedial action related to the enforcement of this Easement from the Grantor, including, but not limited to, attorneys' fees and expenses related to Grantor's violations. In the event the United States exercises this right of enforcement, it is entitled to recover any and all administrative and legal costs associated with any enforcement of this Easement from the Grantee, including, but not limited to, attorneys' fees and expenses related to Grantee's violations or failure to enforce the easement against the Grantor up to the amount of the United States contribution to the purchase of the ALE.

The Grantee will annually monitor compliance and provide the United States with an annual monitoring report that documents that the Grantee and Grantor are in compliance with the Easement and ALE Plan. If the annual monitoring report is insufficient or is not provided annually, or if the United States has evidence of an unaddressed violation, as determined by the Secretary, the United States may exercise its right of inspection. For purposes of inspection and enforcement of the Easement, the ALE Plan, and the United States Cooperative Agreement with the Grantee, the United States will have reasonable access to the Protected Property with advance notice to Grantee and Grantor or Grantor's representative.

In the event of an emergency, the United States may enter the Protected Property to prevent, terminate, or mitigate a potential or unaddressed violation of these restrictions and will give notice to Grantee and Grantor or Grantor's representative at the earliest practicable time.

(f) **General Disclaimer and Grantor Warranty.** The United States, its employees, agents, and assigns disclaim and will not be held responsible for Grantee's or Grantor's negligent acts or omissions or Grantee's or Grantor's breach of any representation, warranty, covenant, or agreements contained in this Easement Deed, or violations of any Federal, State, or local laws, including all Environmental Laws including, without limitation, those that give rise to liabilities, claims, demands, losses, expenses, damages, fines, fees, penalties, suits, proceedings, actions, costs of actions, or sanctions asserted by or on behalf of any person or governmental authority, and other liabilities (whether legal

DEED OF CONSERVATION EASEMENT

or equitable in nature and including, without limitation, court costs, and reasonable attorneys' fees and attorneys' fees on appeal) to which the United States may be subject or which the United States may incur relating to the Protected Property.

6. Acts beyond the Grantor's Control. Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Protected Property resulting from causes beyond Grantor's control including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Protected Property resulting from such causes. In the event the terms of this Easement are violated by acts of trespassers that Grantor could not reasonably have anticipated or prevented, Grantor agrees that Grantee shall have the right to pursue enforcement action against the responsible parties.

7. Costs, Legal Requirements, and Liabilities. Grantor and grantor's heirs, successors, and assigns retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Protected Property.

8. Control. Nothing in this Easement shall be construed as giving rise to any right or ability of Grantee or the United States to exercise physical or managerial control over the day-to-day operations of the Protected Property, or any responsibility to the Protected Property within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (42 U.S.C. §§ 9602 et seq.).

9. Taxes. Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Protected Property or residences contained thereon by competent authority, including any taxes imposed upon, or incurred as a result of, this Easement.

10. Hold Harmless. Grantor shall hold harmless, indemnify, and defend Grantee and the United States and its members, directors, officers, employees, agents, assigns, and contractors (collectively "Indemnified Parties") from and against all liabilities, fines, fees, penalties, costs, losses, damages, expenses, causes of action, suits, proceedings, claims, demands, judgments, and sanctions asserted by or on behalf of any person or governmental authority, and other liabilities (whether legal or equitable in nature and including, without limitation, court costs and reasonable attorneys' fees and attorneys' fees on appeal), to which Indemnified Parties may be subject or which Indemnified Parties may incur relating to the Protected Property, which may arise from, but are not limited to, Grantor's negligent acts, omissions, or breach of any representation, warranty, covenant, or agreements contained in this Easement, or violations of any Federal, State, or local laws, including all Environmental Laws.

11. Environmental Warranty. "Environmental Law" or "Environmental Laws" means any and all Federal, state, local, or municipal laws, rules, orders, regulations, statutes, ordinances, codes, guidelines, policies, or requirements of any governmental authority regulating or imposing standards of liability or standards of conduct (including common law) concerning air, water, solid waste, hazardous materials, worker and community right-to-know, hazard communication, noise, radioactive material, resource protection, subdivision,

DEED OF CONSERVATION EASEMENT

inland wetlands and watercourses, health protection, and similar environmental health, safety, building, and land use as may now or at any time hereafter be in effect.

“Hazardous Materials” means any petroleum, petroleum products, fuel oil, waste oils, explosives, reactive materials, ignitable materials, corrosive materials, hazardous chemicals, hazardous wastes, hazardous substances, extremely hazardous substances, toxic substances, toxic chemicals, radioactive materials, infectious materials, and any other element, compound, mixture, solution, or substance that may pose a present or potential hazard to human health or the environment.

Grantor warrants that it is in compliance with, and shall remain in compliance with, all applicable Environmental Laws. Grantor warrants that there are no notices by any governmental authority of any violation or alleged violation of, non-compliance or alleged non-compliance with, or any liability under, any Environmental Law relating to the operations or conditions of the Protected Property.

Grantor further warrants that it has no actual knowledge of an undisclosed release or threatened release of any Hazardous Materials, as such substances and wastes are defined by applicable Federal and State law. Furthermore, Grantor warrants the information disclosed to Grantee and United States regarding any past violations or non-compliance with Environmental Laws and associated remedial actions, or any past releases of Hazardous Materials and any associated remedial actions is complete and accurate. Moreover, Grantor hereby promises to hold harmless and indemnify Grantee and the United States against all litigation, claims, demands, penalties, and damages, including reasonable attorneys’ fees, arising from or connected with the release or threatened release of any Hazardous Materials on, at, beneath, or from the Protected Property, or arising from or connected with a violation of any Environmental Laws by Grantor or any other prior owner of the Protected Property. Grantor’s indemnification obligation shall not be affected by any authorizations provided by Grantee or the United States to Grantor with respect to the Protected Property or any restoration activities carried out by Grantee at the Protected Property; provided, however, that Grantee shall be responsible for any Hazardous Materials contributed after this date to the Protected Property by Grantee.

12. Extinguishment, Termination, and Condemnation. The interests and rights under this Agricultural Land Easement may only be extinguished or terminated with written approval of the Grantee and the United States. Due to the Federal interest in this Easement, the United States must review and approve any proposed extinguishment, termination, or condemnation action that may affect its Federal interest in the Protected Property.

With respect to a proposed extinguishment, termination, or condemnation action, the Grantor, Grantee and the United States stipulate that the appraised fair market value of the Easement is \$5,440,000. The United States contributed \$1,361,305.74, or twenty-five percent (25%) of the acquisition value of the Easement, and the Grantee contributed \$706,604.26, or thirteen percent (13%) of the acquisition value of the Easement (collectively referred to as the “Bargain Purchase Price”). The difference between the appraised fair market value of the Easement for acquisition purposes and the Bargain Purchase Price, \$3,372,090, or sixty-two percent (62%) of the value of the Easement, represents the value that the Grantor contributed or donated to Grantee towards the acquisition of this Easement. The sum of these

DEED OF CONSERVATION EASEMENT

contributions as divided by the fair market value of the Protected Property unencumbered by this Easement (\$6,400,000) at the time of the creation of this Easement is hereinafter referred to as the "Proportionate Share." The Proportionate Share equals eighty-five percent (85%) of the appraised fair market value of the Protected Property unencumbered by this Easement. The Proportionate Share will remain constant over time.

If this Easement is extinguished, terminated, or condemned, in whole or in part, then the Grantor must reimburse Grantee and the United States an amount equal to the Proportionate Share of the fair market value of the Protected Property unencumbered by this Easement. The fair market value will be determined at the time all or a part of this Easement is terminated, extinguished, or condemned by an appraisal that meets the Uniform Standards of Professional Appraisal Practice (USPAP) or Uniform Acquisition Standards or Federal Land Acquisition (UASFLA). The appraisal must be completed by a certified general appraiser and be approved by the Grantee and the United States.

The allocation of the Proportionate Share between the Grantee and the United States will be as follows: (a) to the JCFPB or its designee, thirty-four percent (34%) of the Proportionate Share; (b) to the United States, sixty-six percent (66%) of the Proportionate Share. Until such time as the Grantee and the United States receive the Proportionate Share from the Grantor or the Grantor's successor or assign, the Grantee and the United States each have a lien against the Protected Property for the amount of the Proportionate Share due each of them. If proceeds from termination, extinguishment, or condemnation are paid directly to Grantee(s), the Grantee(s) must reimburse the United States for the amount of the Proportionate Share due to the United States.

Grantor, upon receipt of notification of any pending condemnation action brought by any government entity affecting and/or relating to the Protected Property, shall notify the Grantee and the United States, in writing, within fifteen (15) days of receipt of said notification.

In making this Easement, Grantor has considered the possibility that uses prohibited by the terms of this Easement may become more economically valuable than permitted uses, and that neighboring properties may in the future be put entirely to such prohibited uses. Grantor believes that any such changes in the use of neighboring properties will increase the benefit to the public of continuation of this Easement, and Grantor and Grantee intend that any such changes shall not be deemed to be circumstances justifying the termination or extinguishment of this Easement.

The conveyance of this Easement gives rise to a property right immediately vested in the Grantee and the United States with a fair market value equal to the proportionate value that this Easement at the effective date hereof bears to the value of the Property as a whole at that time. The interests and rights under this Agricultural Land Easement may only be extinguished or terminated with written approval of the Grantee and the United States and by judicial proceedings in a court of competent jurisdiction. Any proceeds received by the Grantee shall be used in a manner consistent with the conservation purposes of the Easement.

13. Assignment. This Easement is not transferable by the Grantee to any other local, county, or state department, board, agency, commission, or successor. In the event that the JCFPB ceases to operate or exist, the rights of the Grantee under this Easement shall be

DEED OF CONSERVATION EASEMENT

transferred to an organization that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and is a West Virginia-domiciled organization authorized to acquire and hold conservation easements under the West Virginia Conservation and Preservation Easements Act, (W. Va. Code 20-12-1, et seq., 1995). The USDA-NRCS or its successor must approve any such transfer in advance.

Grantee further covenants and agrees that the terms of the transfer or assignment will be such that the transferee or assignee will be required to continue to carry out in perpetuity the conservation purposes which this Easement was originally intended to advance. The transfer of this Easement to a new or successor transferee or assignee will not create a financial obligation of any kind on the Grantor.

14. Subsequent Transfers. Grantor agrees to incorporate the terms of this Easement in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Protected Property, including, without limitation, a leasehold interest. Notwithstanding any failure of the Grantor to comply with this requirement, all the Grantor's heirs, successors, and assigns shall be bound by the terms of this Easement.

15. Estoppel Certificates. Upon request by Grantor, Grantee shall within thirty (30) days execute and deliver to Grantor any document, including an estoppel certificate, which certifies Grantor's compliance with any obligation of Grantor contained in this Easement and otherwise evidences the status of this Easement as may be requested by Grantor.

16. Notices. Any notice, demand, request, consent, approval, or communication that any party desires or is required to give to any other party shall be in writing and either served personally or sent by certified mail, return receipt, addressed as follows:

To Grantor: SUSANNAH MAYO BUCKLES
 371 Gap View Lane
 Charles Town, WV 25414

To Grantee: JEFFERSON COUNTY FARMLAND PROTECTION BOARD
 P.O. Box 731
 Charles Town, WV 25414

To United States: NATURAL RESOURCES CONSERVATION SERVICE
 1550 Earl Core Road
 Morgantown, WV 26505

or to such other address as a party from time to time shall designate by written notice to the other parties.

17. Recordation. Grantee shall record this instrument in timely fashion with the Office of the Clerk of Jefferson County, West Virginia and may re-record it at any time as may be required to preserve its rights in this Easement.

DEED OF CONSERVATION EASEMENT

18. Amendment. This Easement may be amended only if, in the sole and exclusive judgment of the Grantee and United States, by and through the Chief of NRCS, such amendment is consistent with the purposes of this Easement and complies with all applicable laws and regulations. The Grantee must provide timely written notice to the Chief of NRCS of any proposed amendments. Prior to the signing and recordation of the amended Easement Deed, such amendments must be mutually agreed upon by the Grantee, Grantor, and United States, by and through the Chief of NRCS. Any purported amendment that is recorded without the prior approval of the United States is null and void.

19. Other Provisions.

- (a) **Controlling Law.** The interpretation and performance of this Easement shall be governed by the laws of the State of West Virginia and the United States.
- (b) **Severability.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
- (c) **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of the Grantor's title in any respect.
- (d) **Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Protected Property.
- (e) **Subordination.** Any mortgage or lien arising after the date of this Easement shall be subordinated to the terms of this Easement.
- (f) **Title Warranties.** Grantor warrants that the Grantor has good title to the Protected Property, that the Grantor has the right to convey this Easement, and that the Protected Property is free and clear of any encumbrances other than those of record.
- (g) **Merger.** If Grantee at some future time acquires the underlying fee title in the Protected Property, the interest conveyed by this Easement will not merge with fee title but will continue to exist and be managed as a separate estate. The Grantor and Grantee explicitly agree that it is their express intent, forming an part of the consideration hereunder, that the provisions of this Easement set forth herein are to last in perpetuity, and that to that end no purchase or transfer of the underlying fee interest in the Protected Property by or to the local grantee, the United States, or any successor or assignee will be deemed to eliminate these conservation easement terms, or any portion thereof, pursuant to the doctrine of "merger" or any other legal doctrine.
- (h) **Boundary Line Adjustments.** Boundary line adjustments are permitted in the case of technical errors made in the survey or legal description. In such cases, boundary line adjustments cannot exceed two (2) acres for the entire Protected Property.

TO HAVE AND TO HOLD this Easement hereunto the Grantee, the United States, and their successors and assigns forever

DEED OF CONSERVATION EASEMENT

DECLARATION OF CONSIDERATION OF VALUE. The undersigned hereby declare under penalty of fine and imprisonment as provided by law, that the conveyance made by this document is a transfer of property right to Federal, state and county governmental entities, and therefore, is exempt from the West Virginia excise tax due on the transfer of real property.

IN WITNESS WHEREOF Grantor and Grantee have set their hand:

GRANTOR:

Susannah Mayo Buckles

Signature

Date

GRANTEE:

Jefferson County Farmland Protection Board

Signature

Date

DEED OF CONSERVATION EASEMENT

STATE OF WEST VIRGINIA

COUNTY OF JEFFERSON, to-wit:

The foregoing instrument was acknowledged before me this ___ day of _____, ____ by SUSANNAH MAYO BUCKLES.

My commission expires: _____

Notary Public

STATE OF WEST VIRGINIA

COUNTY OF JEFFERSON, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, ____ by _____, Chairman on behalf of the Jefferson County Farmland Protection Board.

My commission expires: _____

Notary Public

SCHEDULE OF EXHIBITS

- A. Legal Description of Property Subject to Easement (Protected Property)
- B. Residential Dwelling(s)
- C. Farmstead Complex Areas
- D. Retained Development Rights

DEED OF CONSERVATION EASEMENT

Exhibit A

PETER H. LORENZEN P.S.
PROFESSIONAL SURVEYOR
P.O. BOX 316
SUMMIT POINT
W.V. 25446
(304) 728-6093

Meet & bounds description:

Conservation easement for the Jefferson County Farmland Protection Board

PROPERTY OF SUSANNAH M. BUCKLES
WILL BOOK 20 PAGE 21 TAX MAP 1 PARCEL 47
CHARLES TOWN DISTRICT, JEFFERSON COUNTY WV.

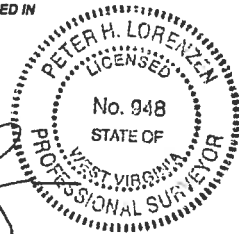

FARMLAND CONSERVATION EASEMENT

BEGINNING AT A 5/8" REBAR IN THE EASTERN R/W OF RT. # 115, CORNER WITH T.M. 2119, THENCE LEAVING THE RIGHT OF WAY THE FOLLOWING COURSES:

S 79-06'-10" E 1488.36' TO A 5/8" REBAR, THENCE
S 88-51'-55" E 1008.53' TO A 5/8" REBAR, IN N & W RAILROAD RIGHT OF WAY, THENCE
N 08-58'-07" E 111.23' TO A FENCE POST, THENCE
N 80-42'-29" W 15.60' TO A FENCE POST, THENCE
N 09-17'-31" E 1229.65' TO A FENCE POST, THENCE
N 76-08'-24" W 55.72' TO A FENCE POST, THENCE
N 09-21'-50" E 348.78' TO A FENCE POST, THENCE
S 79-12'-04" E 98.34' TO A FENCE POST, THENCE
N 09-21'-05" E 211.06' TO A FENCE POST, THENCE
N 09-56'-54" E 287.19' TO A FENCE POST, THENCE
N 11-28'-34" E 375.89' TO A FENCE POST IN THE SOUTHERN R/W OF SHENANDOAH JUNCTION ROAD, THENCE WITH SAID R/W:
N 84-23'-11" W 715.48' TO A FENCE POST, THENCE
S 05-17'-08" W 149.49' TO A FENCE POST, THENCE
N 84-45'-28" W 100.55' TO A FENCE POST, THENCE
N 05-19'-51" E 148.98' TO A FENCE POST, THENCE
N 83-04'-39" W 323.43' THENCE
N 79-59'-09" W 217.67' THENCE
N 83-54'-47" W 424.60' TO A FENCE POST, THENCE
S 63-38'-54" E 89.68' TO A FENCE POST, THENCE
S 83-42'-12" W 145.49' TO A FENCE POST, THENCE
N 82-52'-04" W 271.41' TO A FENCE POST, THENCE LEAVING ROAD RIGHT OF WAY:
S 07-51'-17" W 528.19' TO A 1" IRON PIPE, THENCE
N 85-47'-30" W 117.65' TO A 1" IRON PIPE, THENCE
S 08-16'-13" W 1439.87' TO A 1" IRON PIPE, THENCE
N 79-49'-46" W 209.07' TO A 1" IRON PIPE, THENCE
S 06-50'-04" W 474.83' TO THE POINT OF BEGINNING, CONTAINING A TOTAL AREA OF 136.81 ACRES. ALL OF WHICH TO BE PLACED IN CONSERVATION EASEMENT.

DATED AT JEFFERSON COUNTY THIS 28 TH DAY OF SEPTEMBER 2015

PETER H. LORENZEN P.S



DEED OF CONSERVATION EASEMENT

PETER H. LORENZEN P.S.
PROFESSIONAL SURVEYOR
P.O. BOX 316
SUMMIT POINT
W.V. 25446
(304) 728-6093

Meet & bounds description:
Conservation easement for the Jefferson County Farmland Protection
Board
PROPERTY OF SUSANNAH M. BUCKLES
WILL BOOK 20 PAGE 21 TAX MAP 2 PARCEL 19
CHARLES TOWN DISTRICT, JEFFERSON COUNTY WV.

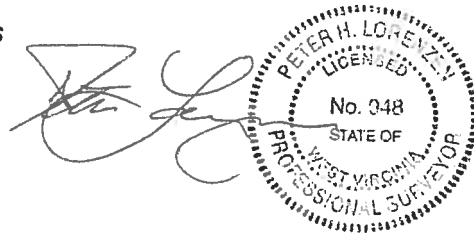
FARMLAND CONSERVATION EASEMENT

BEGINNING AT A 5/8" REBAR IN THE EASTERN R/W OF RT. # 115, CORNER WITH T.M. 1147,
THENCE WITH THE RIGHT OF WAY THE FOLLOWING COURSES:

S 08-50'-04" W 1238.51' THENCE
S 01-50'-27" E 195.43' THENCE
S 10-44'-47" E 816.76' THENCE
S 03-25'-40" E 193.43' THENCE
S 02-11'-38" W 233.20' TO A 5/8" REBAR, THENCE LEAVING R/W
N 70-54'-47" W 687.58' TO A 5/8" REBAR, THENCE
S 19-05'-13" W 146.00' TO A 5/8" REBAR, THENCE
N 70-54'-47" W 125.00' TO A 5/8" REBAR, THENCE
S 19-05'-13" W 100.00' TO A 5/8" REBAR, THENCE
N 70-54'-47" W 506.75' TO A 5/8" REBAR, THENCE
S 06-18'-05" W 224.60' TO A 5/8" REBAR, THENCE
S 704-27'-03" E 793.83' TO A FENCE POST, THENCE
S 21-02'-27" W 1179.13' TO A 5/8" REBAR, THENCE
S 70-45'-53" E 808.32' TO A 5/8" REBAR, IN THE RAILROAD R/W THENCE WITH SAID R/W
N 23-27'-23" E 1308.00' TO A FENCE POST, THENCE
N 66-34'-19" W 35.50' TO A FENCE POST, THENCE
N 23-25'-41" E 1281.78 TO A FENCE POST, THENCE
N 11-08'-38" E 1341.20' TO A FENCE POST, THENCE
N 09-08'-41" E 669.08' TO A FENCE POST, THENCE
N 75-26'-47" W 27.85' TO A FENCE POST, THENCE
N 08-58'-07" E 88.90' TO A FENCE POST, THENCE LEAVING RAILROAD
N 88-51'-55" W 1008.53' TO A 5/8" REBAR, THENCE
N 78-06'-10" W 1488.36' TO THE POINT OF BEGINNING, CONTAINING A TOTAL AREA OF 183.33
ACRES.
WHICH INCLUDES THE 50' ACCESS EASEMENT ALL OF WHICH TO BE PLACED IN CONSERVATION
EASEMENT.

DATED AT JEFFERSON COUNTY THIS 28 TH DAY OF SEPTEMBER 2015

PETER H. LORENZEN P.S



DEED OF CONSERVATION EASEMENT

Exhibit B

PETER H. LORENZEN P.S.
PROFESSIONAL SURVEYOR
P.O. BOX 316
SUMMIT POINT
W.V. 25446
(304) 728-6093

Meet & bounds description:
Conservation easement for the Jefferson County Farmland Protection
Board

PROPERTY OF SUSANNAH M. BUCKLES
2 ACRE RESIDENTIAL PARCEL
CHARLES TOWN DISTRICT, JEFFERSON COUNTY WV.

2 ACRE RESIDENTIAL PARCEL

BEGINNING AT A FENCE POST, SAID POINT BEING S 65-53'-33" W 537.36' FROM THE EASTERN
RAILROAD RIGHT OF WAY AS SHOWN ON PLAT, THENCE THE FOLLOWING COURSES:

N 85-48'-01" W 240.01' THENCE

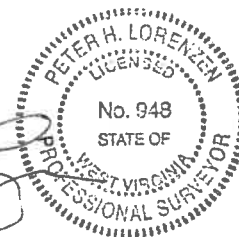
S 07-49'-58" W 368.40' THENCE

S 82-12'-33" E 224.24' THENCE

N 10-06'-57" E 383.75' TO THE POINT OF BEGINNING, CONTAINING A TOTAL AREA OF 2.00
ACRES.

DATED AT JEFFERSON COUNTY THIS 28 TH DAY OF SEPTEMBER 2015

PETER H. LORENZEN P.S.



DEED OF CONSERVATION EASEMENT

PETER H. LORENZEN P.S.
PROFESSIONAL SURVEYOR
P.O. BOX 316
SUMMIT POINT
W.V. 25446
(304) 728-6093

Meet & bounds description:
Conservation easement for the Jefferson County Farmland Protection
Board

PROPERTY OF SUSANNAH M. BUCKLES
0.6 ACRE RESIDENTIAL PARCEL
CHARLES TOWN DISTRICT, JEFFERSON COUNTY WV.

0.6 ACRE RESIDENTIAL PARCEL

BEGINNING AT A FENCE POST, SAID POINT BEING S 84-24'-20" W 1173.65' FROM THE EASTERN
RAILROAD RIGHT OF WAY AS SHOWN ON PLAT, THENCE THE FOLLOWING COURSES:

N 78-51'-14" W 169.93' THENCE

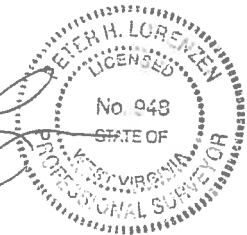
S 09-27'-14" W 151.86' THENCE

S 79-43'-32" E 169.44' THENCE

N 09-37'-11" E 149.26' TO THE POINT OF BEGINNING, CONTAINING A TOTAL AREA OF 0.60
ACRES.

DATED AT JEFFERSON COUNTY THIS 28 TH DAY OF SEPTEMBER 2015

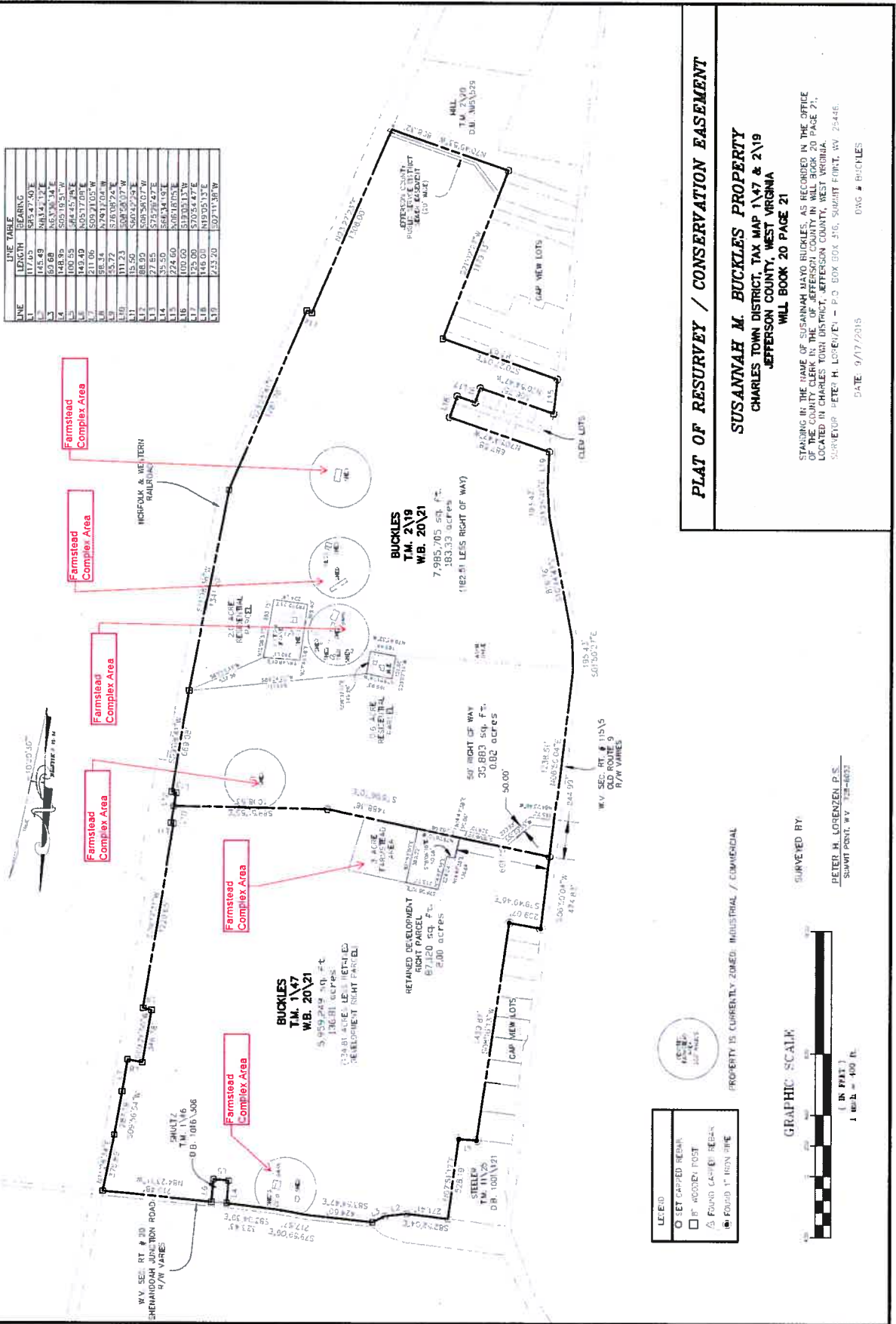
PETER H. LORENZEN P.S



DEED OF CONSERVATION EASEMENT

Exhibit C

Exhibit C: Farmstead Complex Areas



DEED OF CONSERVATION EASEMENT

Exhibit D

PETER H. LORENZEN P.S.
PROFESSIONAL SURVEYOR
P.O. BOX 316
SUMMIT POINT
W.V. 25446
(304) 728-6093

Meet & bounds description:

Conservation easement for the Jefferson County Farmland Protection Board

**PROPERTY OF SUSANNAH M. BUCKLES
CHARLES TOWN DISTRICT, JEFFERSON COUNTY WV.**

2 ACRE RETAINED DEVELOPMENT RIGHT PARCEL

BEGINNING AT A FENCE POST, SAID POINT BEING S 78-06'-10" E 801.15' FROM THE EASTERN RAILROAD RIGHT OF WAY AS SHOWN ON PLAT, THENCE THE FOLLOWING COURSES:

S 78-06'-10" E 282.06' THENCE

N 11-53'-50" E 360.22' THENCE

N 78-06'-10" W 213.77' THENCE

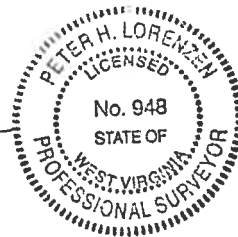
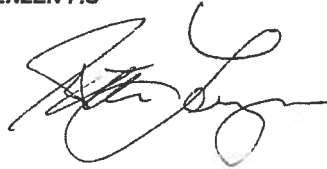
S 14-47'-38" W 224.04' THENCE

N 78-06'-108" W 50.08' THENCE

S 14-47'-38" W 136.64' TO THE POINT OF BEGINNING, CONTAINING A TOTAL AREA OF 2.00 ACRES.

DATED AT JEFFERSON COUNTY THIS 28 TH DAY OF SEPTEMBER 2015

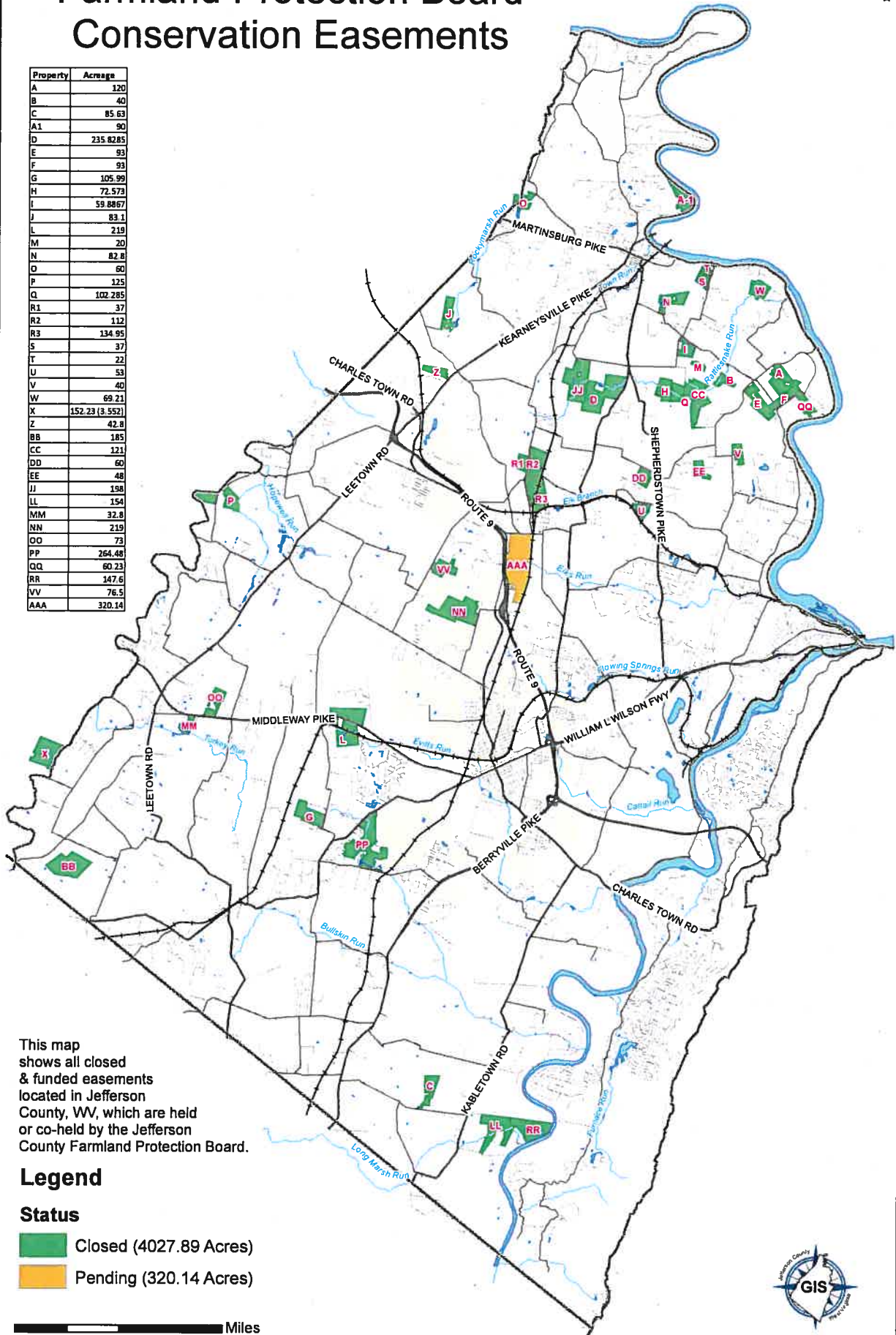
PETER H. LORENZEN P.S.



Jefferson County Farmland Protection Board Conservation Easements



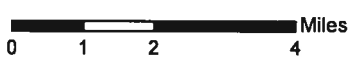
Property	Acres
A	120
B	40
C	85.63
A1	90
D	235.8285
E	93
F	93
G	105.99
H	72.573
I	59.8867
J	83.1
L	219
M	20
N	82.8
O	60
P	125
Q	102.285
R1	37
R2	112
R3	134.95
S	37
T	22
U	53
V	40
W	69.21
X	152.23 (3.552)
Z	42.8
BB	185
CC	121
DD	60
EE	48
JJ	198
LL	154
MM	32.8
NN	219
OO	73
PP	264.48
QQ	60.23
RR	147.6
VV	76.5
AAA	320.14



This map shows all closed & funded easements located in Jefferson County, WV, which are held or co-held by the Jefferson County Farmland Protection Board.

Legend

- Status**
- Closed (4027.89 Acres)
 - Pending (320.14 Acres)



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Nathan Cochran, Assistant Prosecuting Attorney**

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **July 6, 2017**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*):

Please provide the County Commission with a description of your request or presentation, including any background information:

- 1. Discussion of PSD Dissolution Appeal of the PSC decision, acquisition of PSD assets, and related issues. Possible Executive Session – Discussion/Action.**
- 2. Review and/or amend Leash Law Ordinance. Discussion/Action. Possible Executive Session.**
- ~~**3. Jefferson County Farmland Protection Board re: Gap View Farm Deed of Easement (date already requested by JC Farmland Protection Board). Review of Farmland Protection issues Discussion/Action. Possible Executive Session.**~~

Is this a funding request? Y/N **NO**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **July 6, 2017**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Appointment of Seth Rivard, Charles Town City Planner, as interim representative to the Hagerstown/Eastern Panhandle Metropolitan Planning Organization – Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information:

Matt Mullenax from HEPMPO came before the Commission on June 1, 2017 asking for the appointment of a representative from the local cities and municipalities to the HEPMPO Board. It was the consensus of the Commission to send a letter to the mayors of each city/municipality asking for their nominees. Commission staff only received one response, which was from the City of Charles Town, who wishes to have their City Planner, Seth Rivard, serve as the interim representative until they've hired a new city manager.

Is this a funding request? Y/N **NO**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION





City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Fax: (304) 725-1014 ♦ Web: www.charlestownwv.us

MAYOR

Scott Rogers

June 23, 2017

CITY
COUNCIL

*Ann
Paonessa*

*Chet
Hines*

*Bob
Trainor*

*Michael
Tolbert*

*Nick
Zaglifa*

*Michael
George*

Mike Brittingham

Todd Coyle

Interim City
Manager

Todd L. Wilt II

Ms. Stephanie Grove
Jefferson County Commission
P.O. Box 250
Charles Town, WV 25414

Dear Ms. Grove:

I am writing in response to your letter to former Mayor Smith dated June 6 requesting the submission of a candidate for the open post on the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) that was previously filled by former Charles Town City Manager David Mills.

As you may be aware, the City is currently in the process of hiring a new city manager who would normally fill this vacancy. In the interim, the City is pleased to submit the name of City Planner, Seth Rivard to fill the position on a temporary basis. Mr. Rivard's current position and experience would make him an excellent candidate for this open position.

If you have any questions, please contact me.

Sincerely,

Todd L. Wilt II
Interim City Manager

CC: Seth Rivard
Charles Town City Council

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Matt Mullenax**

Department or Organization: **Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO)**

Estimation of amount of time needed for appointment: **5-10 minutes**

Date Requested – 1st Choice: **June 1**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice: **June 8**

Subject (*Wording to be placed on agenda*): **Appointment of Jefferson County Municipal Representative to HEPMPO Council**

Please provide the County Commission with a description of your request or presentation, including any background information: **The HEPMPO Interstate Council currently has a vacant position on its Board to be filled by a representative of Jefferson County municipalities. HEPMPO's Bylaws state this representative shall be appointed by the Jefferson County Commission. In 2005, the County Commission appointed then-Mayor Hamill of the City of Ranson for this position, who in turn was represented by then-City Manager David Mills. Now that the position is vacant, HEPMPO is requesting the County Commission appoint a new representative.**

Is this a funding request? **No**

If so, how much? **\$**

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): **HEPMPO recommends City of Ranson Mayor Keith "Duke" Pierson for appointment to the Interstate Council as a representative of Jefferson County municipalities.**

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **N** Internet/Wi Fi **N** Telephone for conference call **N**

Contact information: **400 W. Stephen Street, Suite 301 Martinsburg WV, 25401**

Email address: **mmullenax@hepmo.net**

Phone Number: **(304) 707-5166 - Mobile**

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

**HAGERSTOWN / EASTERN PANHANDLE (HEP)
METROPOLITAN PLANNING ORGANIZATION**

BY-LAWS AND ORGANIZATION

ARTICLE 1 – MISSION AND AUTHORITY

Section A: Mission Statement/Goals/Objectives

The primary mission of the Hagerstown/Eastern Panhandle MPO is to perform transportation planning and coordination within the region. In that role, the MPO shall prepare a long range transportation plan for the region in accordance with prevailing Federal transportation guidelines and establish regional consensus on the Transportation Improvement Program. In addition, the MPO shall assure consistency of the TIP with the long range transportation plan.

The MPO shall coordinate its activities with the appropriate authorities and departments of all impacted state and local governments. It shall work to strengthen the continuing local transportation planning processes of the states, counties and municipalities. The MPO is an organization through which individual governmental units can work on regional problems and coordinate their efforts. It is not a substitute for local or State government.

The MPO region is defined as portions of Washington County, Maryland, Berkeley County, West Virginia, Jefferson County, West Virginia and Franklin County, Pennsylvania. It includes the cities of Hagerstown (MD), Martinsburg (WV), Ranson (WV), and Charles Town (WV) as well as smaller towns and municipalities in the region.

The major goals of the MPO are as follows:

- Move people and goods efficiently and safely
- Use existing facilities to the fullest extent practical
- Use limited financial resources to generate maximum benefit to the transportation system
- Limit impacts on air quality, the built environment, as well as historic, cultural and natural resources
- Ensure public involvement throughout the transportation planning and project development process

Section B: Authority

Authority for the State of Maryland, State of West Virginia and Commonwealth of Pennsylvania to participate in the HEPMPO is granted through the respective State Codes and through the executive power of the Governors. Powers of the MPO, its officers and member groups are derived from and are commensurate with the applicable sections of the respective state codes and applicable federal law.

ARTICLE II – MEMBERSHIP

Section A: Interstate Council

The Interstate Council shall consist of 17 members, of which 8 members will be from West Virginia, 7 members from Maryland and 2 members from Pennsylvania. Of these members, 15 shall be voting and two shall be non-voting.

The voting membership of the MPO Interstate Council shall consist of 15 members representing the following governments or agencies:

Number of Positions	Region/Agency	Appointed By:
1	West Virginia Department of Transportation	Secretary of Transportation of WV
1	Eastern Panhandle Regional Planning & Development Council (Region 9)	Region 9 Council
1	City of Martinsburg, WV	Martinsburg City Council
1	Cities and Towns of Jefferson County, WV	Jefferson County, WV Commissioners
2	Berkeley County, West Virginia	Berkeley County, WV Commissioners
1	Jefferson County, West Virginia	Jefferson County, WV Commissioners
1	Eastern Panhandle Transit Authority	Transit Authority Board
1	Maryland Department of Transportation	Secretary of Transportation of MD
1	Washington County Transit (County Commuter)	Washington County, MD Commissioners
2	City of Hagerstown, Maryland	Hagerstown City Council
2	Washington County, Maryland	Washington County, MD Commissioners
1	Washington County at Large	Washington County, MD Commissioners

Voting membership and composition of the Interstate Council shall be reviewed in concurrence with the release of the US Census Bureau's most recent decennial census to ensure equitable representation among member governments and agencies.

The non-voting membership of the MPO Interstate Council shall consist of two (2) members representing each of the following governments or agencies:

1	Pennsylvania Department of Transportation	Secretary of Transportation of PA
1	Franklin County, Pennsylvania	Franklin County, PA Commissioners

The Interstate Council shall meet on an annual basis or as needed to act on items of regional significance and the TIP program.

Representation of the local governments shall be limited to elected officials appointed by the local governmental unit. The representatives of the Departments of Transportation for both States shall be the Secretary of Transportation or their designee. The representative of Eastern Panhandle Regional Planning & Development Council (Region 9) shall be appointed by the Council and shall be an elected official or the Executive Director from the Region 9 Council.

Each member shall be appointed for a term of two (2) years.

Section B: Council Alternates

Any Interstate Council member may request, in writing, to designate an alternate to attend Interstate Council meetings. The request must specify the reason for the designation and length of time for the appointment. An alternate must be either an elected official or senior staff member from the represented local government. An alternate must be approved in advance by a majority vote of the Interstate Council. The letter of request and the letter of approval shall be kept on file at the MPO offices. Designated alternates shall have the privilege of voting on any Council matters.

Section C: Officers

At the first meeting of each calendar year, the Interstate Council shall elect a Chairperson and Vice-Chairperson with one officer position being held by a member from Maryland and the other by a member from West Virginia. The term of office shall be for one (1) year or until the first meeting of the next calendar year. In the event the Chairperson or Vice-Chairperson is unable to fulfill their duties, the Interstate Council may conduct a special election to fill the position for the remainder of the term.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **July 20, 2017**

If a specific date is needed, please provide reason for specific date: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*): **Approval of employment – Administrative Assistant/Fee Collector – Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? **Y/N** [Click here to enter text.](#)

If so, how much? **\$**[Click here to enter text.](#)

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? **Projector** **Y/N** [Click here to enter text.](#) **Internet/Wi Fi** **Y/N** [Click here to enter text.](#) **Telephone for conference call** **Y/N** [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

Decision 7-6-17

**NOTICE OF PUBLIC HEARING
COUNTY COMMISSION OF JEFFERSON COUNTY
ZONING MAP AMENDMENT**

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment for property designated as Tax District Harpers Ferry, Map 9, Parcel 58.1 - Harpers Ferry Holdings, LLC. The property is currently zoned Residential Growth and a request has been made by the property owner to change to the Residential-Light Industrial-Commercial zoning category.

The hearing will be held on Thursday, June 29, 2017, at 7:15 p.m. in the Old Charles Town Library Meeting Room, 200 East Washington Street, Charles Town, WV 25414.

Anyone wishing to provide written or oral comment may do so at this meeting or send comments to info@jeffersoncountywv.org.

**Review of the documents are available at the following website:
www.jeffersoncountywv.org**

**By Order of The County
Commission of Jefferson County
Peter Onoszko, President**



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV 25414

www.jeffersoncountyv.wv.org

Email: planningdepartment@jeffersoncountyv.wv.org
zoning@jeffersoncountyv.wv.org

Phone: (304) 728-3228
Fax: (304) 728-8126

MEMO

TO: County Commission of Jefferson County
FROM: Jennifer M. Brockman, AICP, County Planner and
Alexandra Beaulieu, Zoning Administrator
DATE: June 29, 2017
RE: Planning Commission Recommendation regarding Harpers Ferry Holdings, LLC
Zoning Map Amendment Request (PC File # Z17-02)

On Thursday, June 1, 2017 Paul Raco (consultant) on behalf of Harpers Ferry Holdings, LLC (applicant) presented a petition for a zoning map amendment for parcel 58.1 on Tax Map 9 in the Harpers Ferry (04) Tax District, located at 126 Alstadts Hill Road, before the County Commission. The petition is to rezone the referenced parcel from Residential Growth (RG) to Residential-Light Industrial-Commercial (RLIC).

In accordance with West Virginia State Code Section 8A-7-9(c), the County Commission referred the petition to the Planning Commission for their recommendation as to whether the proposed amendment is consistent with the adopted Comprehensive Plan.

On Tuesday, June 13, 2017 Paul Raco (consultant) on behalf of Harpers Ferry Holdings, LLC (applicant) presented the zoning map amendment request (Z17-02) before the Planning Commission. The subject parcel is located within the identified Preferred Growth Area for 340 East as referenced in the *Envision Jefferson 2035 Comprehensive Plan* and is shown as Future Residential or Commercial on the Future Land Use Guide. In reviewing the request with the County's adopted Comprehensive Plan, the Planning Commission determined that the proposed Zoning Map Amendment to rezone the subject parcel from Residential Growth to Residential-Light Industrial-Commercial is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

In accordance with West Virginia State Code 8A and Article 12 of the Jefferson County Zoning Ordinance, a Public Hearing before the County Commission has been scheduled for June 29, 2017 at 7:15 p.m.

Attachment:

- *Staff Report -- Zoning Map Amendment Z17-02 for 06-13-17 Planning Commission Meeting*

STAFF REPORT

Jefferson County Planning Commission Meeting

June 13, 2017

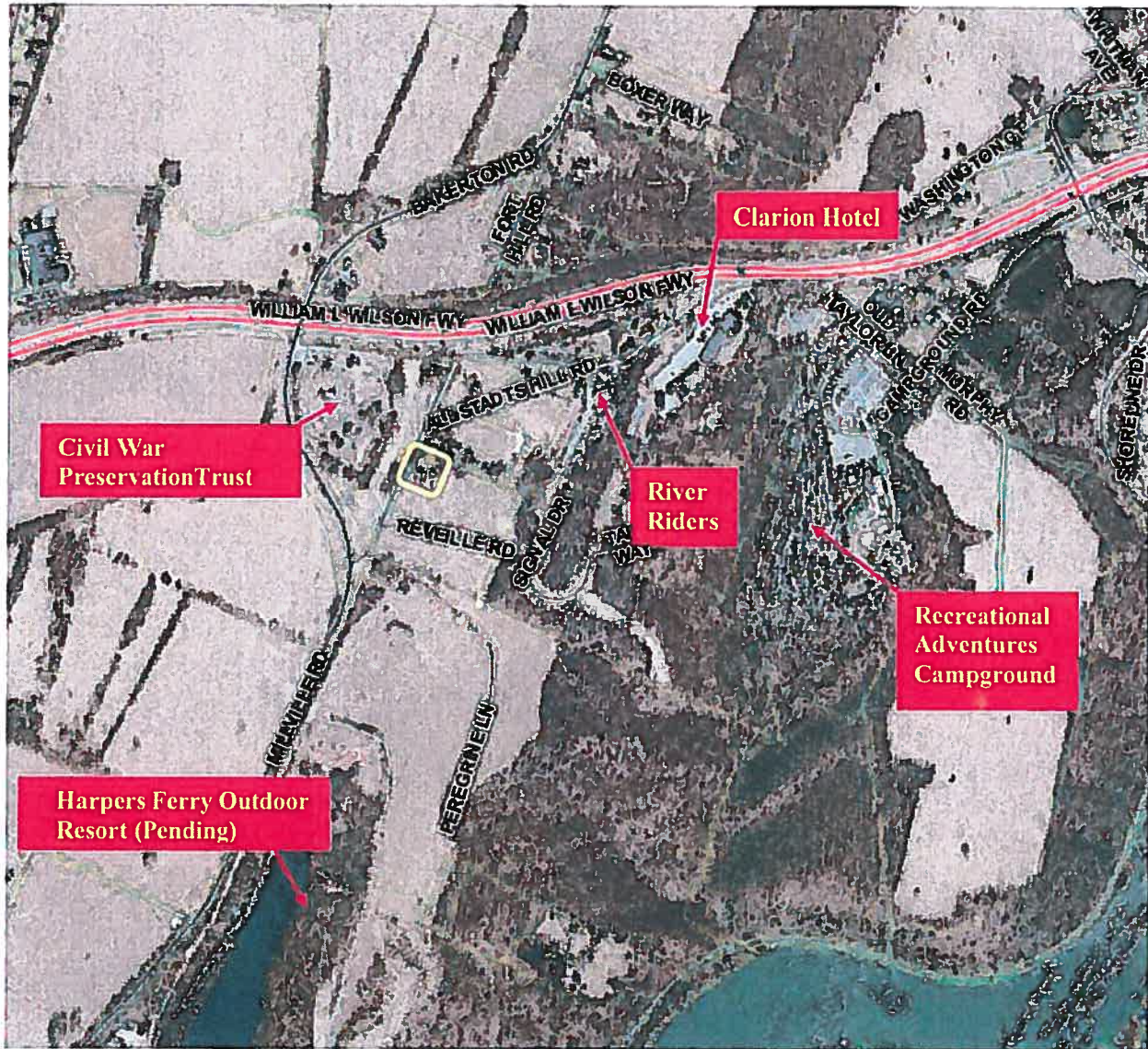
Applicant's Request

The applicant's request is to have the property located at 126 Alstads Hill Road rezoned from Residential Growth (RG) to Residential/Light Industrial/Commercial (RLIC).

Neighboring Uses

The property under consideration for this Zoning Map Amendment is adjacent to or in close proximity to the following non-residential uses:

- Civil War Preservation Trust
- Harpers Ferry Outdoor Resort (Pending)
- Clarion Hotel
- River Riders
- Recreational Adventures Campground (KOA)



STAFF REPORT

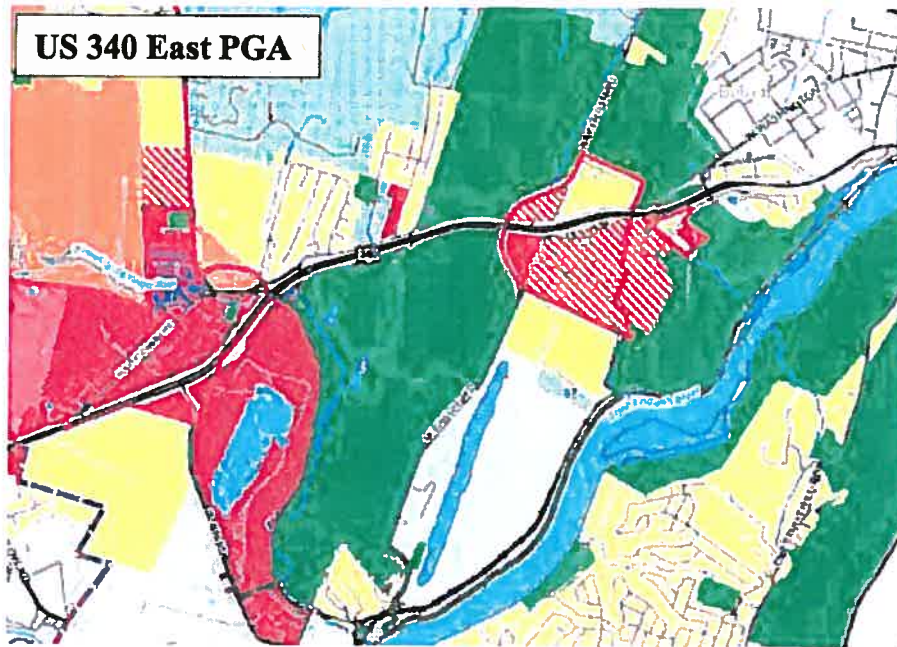
Jefferson County Planning Commission Meeting

June 13, 2017

Scope of this Assessment

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various plan sections and elements. Staff's professional recommendation is that the request is **consistent** with the *2035 Plan* because of its location within the County designated US 340 East Preferred Growth Area and its designation on the Future Land Use Guide as Future Residential or Commercial.

It should be noted that Staff have no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.



Zoning Map Amendment Public Hearing Process

Article 12 of the Zoning Ordinance requires that the "procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended." Regarding amendments by petition, State statute provides that, "Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan." [See WVC 8A-7-9(c)].

Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary

1. Land Use and Growth Management Element

Future Land Use Guide (p. 215)

The *Envision Jefferson 2035 Comprehensive Plan* differs from other Plans previously adopted in Jefferson County, in part, due to the inclusion of the Future Land Use Guide, which depicts recommended future land uses (p.16). The Future Land Use Guide is intended to be used in combination with the recommendations of the *2035 Plan* when considering owner initiated zoning map amendments. The purpose of the Future Land Use Guide is to assist the Planning Commission and County Commission in making decisions on changes to the Zoning Map. The *2035 Plan* states

STAFF REPORT

Jefferson County Planning Commission Meeting

June 13, 2017

that the review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan and that all zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of the *2035 Plan* (p.17). The Future Land Use Guide also includes a note that states: "Use of this map is to be in combination with the text and land use recommendations of the *Envision Jefferson 2035 Comprehensive Plan* when considering zoning map amendments and future land use decisions."

A subsection of the *Plan* found on page 26, entitled "Land Use Classifications as shown on the Future Land Use Guide" further states the following:

"The land use classifications on the Existing Land Use Map and Future Land Use Guide were developed throughout the planning process and may not relate precisely to a single zoning classification. These land use classifications are intended to provide guidance to the County and Planning Commissions when considering owner initiated zoning map amendments (rezoning requests). According to Chapter 8A of the West Virginia State Code, as amended, the County Commission can approve any zoning ordinance map or text amendment by finding that the request is consistent with the Comprehensive Plan."

The subject parcel is located within the identified Preferred Growth Area for US 340 East and is shown on the Future Land Use Guide as Future Residential or Commercial and does not specify a single zoning district. The applicant is requesting Residential-Light Industrial-Commercial.

The criteria for evaluating zoning map amendments in a Preferred Growth Area are found within the Recommendations Section under "Urban Level Development" (p. 30).

The *2035 Plan* includes a recommendation that states all future commercial/industrial zoning map amendment requests should be required to utilize the new zoning categories and should be discouraged from using the existing Residential-Light Industrial-Commercial (R-LI-C) District as a zoning category for zoning map amendment requests. However, because the surrounding properties are primarily zoned Residential-Light Industrial-Commercial, it seems appropriate to allow this one acre parcel to utilize the same zoning category as the surrounding properties to create uniformity.

2. Land Use Map Classifications

Appendix G (p. 237) of the *Envision Jefferson 2035 Comprehensive Plan* provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests).

Appendix G states that the intent of the "Residential or Commercial" land use category is to reflect properties zoned Residential-Light Industrial-Commercial where it may be more likely that residential or commercial development would occur. However, the property is still zoned R-LI-C and has the zoning entitlement right to utilize light industrial uses.

The majority of the surrounding properties are owned by Harpers Ferry Holdings and zoned Residential-Light Industrial-Commercial. Therefore, based on the Future Land Use Map reflecting Future Residential or Commercial, and the location within the Preferred Growth Area, Staff believes the request is compatible with the *Comprehensive Plan*.

STAFF REPORT

Jefferson County Planning Commission Meeting

June 13, 2017

3. Proposed Zoning District – Residential-Light Industrial-Commercial:

The purpose of the Residential-Light Industrial-Commercial (RLIC) District (Section 5.8) is to guide high intensity growth into the designated growth area. The uses permitted in this district include light industrial uses.

4. Staff Recommendation

Staff finds the proposed rezoning is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan*. It is located within the identified US 340 East Preferred Growth Area and is shown as Future Residential or Commercial development on the Future Land Use Guide.

5. Planning Commission Action

Article 12 of the Zoning Ordinance, in accordance with State Code, requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted *Comprehensive Plan*. Such recommendation will be required to be sent to the County Commission prior to the County Commission's public hearing which shall be held within 60 days of the date the petition is presented.

The County Commission has scheduled the required Public Hearing for June 29, 2017 at 7:00 PM. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this meeting.

Attachments:

- Appendix C: Residential/Light Industrial/Commercial Principal Permitted and Conditional Uses



JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338
 Charles Town, WV 25414

File Number: _____
 Staff Initials: _____
 Application Fee: \$ _____

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
 Fax: (304) 728-8126

Zoning Map Amendment (Rezoning)

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

Property owner information

Name: Harpers Ferry Holdings, LLC
 Mailing Address: 408 Alstedt Hill Road, Harpers Ferry, WV 25425
 Phone Number: 304.535.2663 Email: _____

Applicant contact information

Name: Same as above & below
 Mailing Address: _____
 Phone Number: _____ Email: _____

Applicant representative

Name: Paul J. Raco, P.J. Raco Consulting, LLC
 Mailing Address: PO Box 548, Charles Town WV 25414
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical property details

Physical Address: Alstedt Hill Road
 City: Harpers Ferry State: WV Zip Code: 25425
 Tax District: HF D Map No: 9 Parcel No: 58.1
 Parcel Size: 1 ac Deed Book: 1183 Page No: 309

Current Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (O/C)
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Place Received Date Stamp Here

Proposed Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Commercial (GC)	Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/ Commercial Mixed-Use (O/C)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For a Zoning Map Amendment request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.

SEE Attached

Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.

see Attached

Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.

See Attached

Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?

- Yes, I request that the Planning and Zoning Staff present the petition N/A
- No, I prefer to present the petition

Plat or Sketch Plan (provide as an attachment to this application)

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

Is Plat or Sketch Plan attached?

Yes No

Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).



Signature of Property Owner

Date

Signature of Property Owner

Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

Recommended Not Recommended

The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

Approved Disapproved

Final Determination/Other Comments

MAP AMENDMENT REQUEST
Article 12, Jefferson County Zoning Ordinance
Harpers Ferry Holdings, LLC
April 15, 2017

Owner:

Harpers Ferry Holdings, LLC
408 Alstadts Hill Road
Harpers Ferry, WV 25425
304-535-2663

Applicant:

Same: Harpers Ferry Holdings, LLC C/O Matt Knott

Ordinance Citation:

Article 12 of the Jefferson County Zoning and Development Review Ordinance, as amended.

Map Amendment/Rezoning Request:

An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.

Substantiation for the Request:

1. The Envision 2035 Comprehensive Plan and Future Land Use Guide are the documents that were just adopted to guide growth. Both the Plan and Map/Guide support the Map Amendment/Rezoning. The properties are currently shown on the Future Land Use Guide as Commercial/Residential and the Owner is seeking a map amendment to the Residential/Light Industrial/Commercial District (commonly known as the Mixed-Use Zone). The property is already zoned Residential Growth, so the addition of the commercial possibility will make it much more consistent with the surrounding land already zoned Mixed Use. The Light Industrial aspect of the zone is not relevant as the property is only one acre, so that use would not be practical.

2. Many of the properties in this area were zoned as Mixed Use since 1989. However, in the last 5 years, the remaining property surrounding this property were rezoned to the Mixed-Use Zone (including the Old Standard Quarry Property most recently). As illustrated on the attached zoning map, the subject one acre parcel is totally engulfed by the Mixed-Use Zone.
3. The subject property is within the US 340 East Preferred Growth Area. As such, the Comprehensive Plan supports Urban Level Growth in and around this property.
4. Central Water and Sewer services are available in this neighborhood.
5. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. The Ordinance requires a discussion on the Neighborhood Change from the original zoning ordinance adopted in 1988. These changes are addressed in this request; and,
6. There have been changes in the Transportation Characteristics since the Jefferson County Zoning Ordinance was adopted in 1988. The Ordinance requires a discussion on these changes in the transportation from when the original zoning ordinance was adopted in 1988. These changes are discussed in this application; and,

Tax District, Map and Parcel Number:

Harpers Ferry Tax District, Map 9, Parcel 58.1

Deed Book Reference:

Deed Book 1183, Page 309

Sketch Plat:

Attached

Tract Size:

1 +- Acre

Discussion on:

Comprehensive Plan compatibility of the proposed change: Included in this Application.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in this Application.

A. Comprehensive Plan Compatibility

According to page 13 of the 2015 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcel is within one of these PGAs. The attached map shows the US 340 East PGA. The Comprehensive Plan was recently adopted after several years of meetings in various neighborhoods of the County and after extensive work by the Staff, the Steering Committee, Planning Commission and County Commission. Accordingly, both text and map amendments to the ordinances are going to be common in the next several years to make the Ordinances and Zoning Map more consistent with the new Plan. These changes are based in part on the new Comprehensive Plan and its recommendations.

While the new Plan encourages the use of the newer zoning districts for map amendments, the Plan also encourages rezonings based on the following (found on Page 30 of the Plan):

“Urban Level Development Recommendations (Goal 1)

2. Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future Land Use Guide and the recommendations of this Plan; the County Commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:
 - a. Economic Well-Being of the County; or
 - b. Error or Under Scrutinized Property on the Future Land Use Guide; or
 - c. Change in Neighborhood; or
 - d. Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
 - e. Environmental impacts are considered.”

As explained in this Application, the map amendment for this one acre parcel totally fits within this Recommendation. The subject parcel is totally surrounded by the Mixed-Use Zone and was unfortunately left out of the Mixed-Use Zone as a result of the fact that either the County designated portions of the area as the Mixed-Use Zone, or the County Commission approved property owners petitions to rezone their property around this site. The County’s Mixed Use Designation included all of the area adjacent on the north side of the subject property. The County Commission approved property owners’ rezonings include the Capriotti Parcel adjacent on the east and south side of the subject property; the Gibson Property confronting this property on the west side; and, the large Old Standard

Property south of the Capriotti parcel. Now, the 1 acre parcel is a small island surrounded by Mixed Use Zoned property.

As previously described, the subject property is properly located on the Future Land Use map (Guide) as Commercial or Residential in the 2015 Comprehensive Plan. The property is now Residential and would like to expand the capabilities of the property to commercial opportunities. As shown on this guide, this requested change is consistent with the Future Land Use Guide.

The Comprehensive Plan's maps and guides show that this property continues to be slated for future development. The requested Mixed Use District would really be no more impacting than what is already located and permitted in the area. This type of use is what the Commission intended when it was added to the Preferred Growth Area and designated as Commercial or Residential on the Future Land Use Guide.

Page 17 of the Comprehensive Plan describes the various categories of land, including PGAs as follows:

"Land Use Activity Areas

This Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035.

Four Comprehensive Types of Land Use Activity within the Designated Areas

Urban Growth Boundaries
Preferred Growth Areas (PGAs)
Villages
Rural/Agricultural Areas

The first two area types addressed below, Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) (including one residential growth area), are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035." **Emphasis Added.**

A further explanation of PGAs is found on **Page 20** of the Plan:

"The PGAs are not intended to be promoted in favor of the UGB for the municipalities. Both areas are expected to be viable areas for development and no policy decision is being made to favor one area over another. Each of the PGA Maps can be found in Appendix F – Maps" Emphasis Added.

Such description of the PGA, along with the previously cited section of the Plan that allows the Commission to approve map amendments that make sense from an economical perspective, proves that this Map Amendment Request is very consistent with the New Envision Jefferson 2035 Comprehensive Plan.

Furthermore, the following recommendation is found in the Urban Level Development Recommendations Table starting on Page 30 of the Plan:

"5. Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.

The requested Map Amendment is also supported by the following Economic Development portions of the 2015 Comprehensive Plan:

"Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas

Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and Preferred Growth Areas, where the infrastructure is expected to be available to support these uses." (Page 69)

Recommendations:

"5. Create a business friendly environment in Jefferson County.

6. Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County." (Page 70)

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, and the US 340 East PGA Map, this map amendment is consistent and compatible with the Plan. The Consistency and Compatibility to the existing Comprehensive Plan and the Future Land Use Guide are the two most important criteria that should be used for a Map Amendment.

B. Compatible with Surrounding Zoning Classification

As eluded to in the previous discussion on Comprehensive Plan Compatibility, the second compelling argument for rezoning of the 1 acre subject parcel is that it is the only remaining parcel in that entire area that is not zoned Mixed Use. It is left as a spot zoning of Residential Growth as a donut hole in the center of a Mixed-Use District. The size and existing structure limits the use from anything that would include heavy impacts. Anything that the Applicant could do

residentially will not change since the Mixed-Use designation would allow the same residential uses and currently permitted. Nothing really could be added of the industrial nature due to the size limitation and needed setbacks. So, the rezoning would only allow the addition of a commercial type use. Accordingly, this use would be compatible with the other uses that the Applicant already has in the surrounding area.

The Applicant, personally and with his corporations, owns all but three parcels from the top of Alstadts Hill down to this parcel. This includes the Fly Fishing Outfitters and Beauty Shop at the Clarion Inn (Former Cliffside/Quality Inn) entrance, the Clarion Inn, River Riders and the area at the bottom of the Alstadts Hill. His properties are approved for a large Commercial Recreational Master Plan that includes multiple vacation homes, campgrounds, cabins, large proposed commercial, recreational building, maintenance and storage areas for his buses and multiple recreational and tourism related items such and zip lines, adventure park, zorb course, amphitheater, etc. These uses have all gone through the proper planning and zoning procedures. All of these properties are already zoned as Mixed Use and even the three parcels not owned by the Applicant are already zoned for the same use. This is literally the only parcel remaining without the designation.

The requested rezoning will make this property compatible with all the properties in that entire area.

C. Preferred Growth Area in 2015 Envision 2035 Comprehensive Plan

This issue was also presented under the Comprehensive Plan Compatibility Section. The subject parcel is within this area's portion of the US 340 East Preferred Growth Area (PGA). As such, the property has already been determined to be an intensive growth area. This area was vetted by the Public, Staff, Planning Commission and County Commission as an area for Urban Level Growth. This is a small lot that needs to be included in the same zoning district that the County Commission has already approved for all the area surrounding the property.

D. Availability of Central Water and Sewer

This property, as the rest of the area, now has access to central water and sewer. Although the house on the property currently utilizes a septic system and well, the property can be easily served by these central utilities if either the well or septic fails. Although any use on the property will not need additional utilities, the Comprehensive Plan endorses a higher intensity of Urban Level Growth in areas that are or can easily be served by Central or Public Water and Sewer facilities. Based on the presence of these utilities, the Comprehensive Plan supports the rezoning.

Page 27 of the Comprehensive Plan explains the rationale for designating areas as PGAs:

“This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan. By encouraging higher densities within the Urban Growth Boundaries and Preferred Growth Areas and working closely with municipalities, the best result can be accomplished by providing opportunities for development within these areas with established infrastructure systems. It should be noted that these statements are not about reducing development; it is about growing in a fashion that more efficiently uses existing infrastructure and services.”

Statements like this are found throughout the Comprehensive Plan. The availability of these services support this requested map amendment.

E. Change of Neighborhood

Although it seems odd to discuss changes in the neighborhood since 1988, the Zoning Ordinance does require a discussion of these changes all the way back to the **original** adoption of the Zoning Ordinance. These changes are therefore relevant.

The most recent changes are probably most relevant and they include the purchase of all but three of the parcels by the same Applicant. These include the Clarion Inn (formerly known as Cliffside and Quality), the small businesses around the Clarion Inn, and most of the properties bounded by the quarry, Route 340, and the western section of Alstadts Hill Road that turns into Millville Road. This area now includes a Master Plan for development into a Tourism and Recreational Area and Adventure Resort. Many changes have already been completed in the Clarion and River Riders has expanded several times in the past 10 years. The Applicant is currently in the active design phase of internally connecting the Clarion Hotel with the River Riders and Adventure Park with two roads to make the area into a destination resort.

The other major recent change to the area includes the recent rezoning of the Old Standard Quarry to the Mixed-Use District (same district requested by the Applicant). This was approved by the County Commission in the last several years. The Developer of the Quarry has already submitted a Concept Plan to develop this property into a tourism based project.

Other significant changes to the neighborhood that would support the requested change from Residential Growth to the Mixed-Use Zone going back to 1988 include:

Availability of Central/Public Water and Wastewater Treatment Facilities:

Public utilities were not available in this neighborhood when the original zoning ordinance was adopted. These services are now available in the neighborhood. As stated earlier, a goal of the Comprehensive Plan is to encourage growth and development where sewer and water services are available.

Adjacent and Confronting Zoning, Commercial and Industrial Subdivision Approval and Intensity of Use has changed:

The zoning classification on the property directly across Route 340 (Shenandoah Professional Building) was changed from Residential Growth to the Mixed-Use district. As earlier stated, the zoning classification of nearly all the other adjacent and confronting properties to the subject property has been changed to the Mixed-Use District. These include, the Capriotti Property to the South and the Gibson Property to the West. These rezonings have engulfed the subject one acre parcel creating a donut hole that needs to be corrected to be compatible with the other properties.

Since the adoption of zoning, the intensity of use on nearby properties has also increased. River Riders has greatly expanded operations to the benefit of the region and the Shenandoah Professional Building is a converted residential structure.

In additions to those changes and expansions, the nearby Old Standard Quarry was rezoned and now has an approved Concept for a commercial tourism mixed use development. This is certainly a change in the neighborhood that should favorably justify this application.

Addition of the Park Service Parking Lot and Bus Transportation/Tourist Center:

The Park Service parking lot and transportation center was added since the adoption of the zoning ordinance. This parking and transportation has enhanced the transportation network in the area. It also converted open land into a paid parking lot.

Addition of Commercial and Residential Uses in the Neighborhood:

Besides the Shenandoah Professional Building, at least two other commercial enterprises have opened in the immediate neighborhood. These include Through the Garden Landscaping and Meadow's Nursery. These businesses were opened after the zoning ordinance was adopted and are adjacent to two residential developments that were developed after zoning was adopted. These additions

further demonstrate that the neighborhood has changed into a mixed-use neighborhood.

Most recently, the Customs and Border Patrol completed one of the largest nonresidential developments in the neighborhood. Regardless of who owns it, it is a massive complex that includes offices and training facilities, among other uses. It can't be ignored as a notable change in this particular neighborhood. Based on intensity of use, it is a significant quasi-commercial development in this area.

There have been multiple changes in the slightly expanded neighborhood that would support a change to the Residential/Light Industrial/Commercial District. These include the addition of Eckels-Spencer Funeral Home, the Sears Store along with the multi-unit commercial and warehousing complex in which it is located, the new Sheetz store, the Aldi Grocery Store, Gypsy Antique Store, the Farm and Tractor Supply Store, the WVU Urgent Care and Physical Therapy Offices, the zip-line operation along the Potomac River and the townhouse development at Windmill Crossing. All of these projects were developed after the zoning ordinance was adopted. Not only does this demonstrate that the neighborhood has changed to mixed-use, it also demonstrates that mixed-use must be consistent with the Comprehensive Plan, since all of these projects were approved in the past twelve or so years.

Finally, with regard to changes in the area since the zoning ordinance was adopted, no discussion would be complete without mentioning the addition of slot machines and table games at the Charles Town Race Track. These enhancements to the Race Track have increased incoming visitors to this area of Jefferson County. Accordingly, the Route 340 Corridor needs to continue to change in order to accommodate the additional commercial growth needed to serve these visitors.

F. Change of Transportation Characteristics:

Please note that this property is already been determined to be part of the Preferred Growth Area. This fact alone makes it evident that the property has adequate roads serving the area. The existing uses, the proposed and approved new uses in the area, as well as the other commercial and redeveloped commercial uses in the area, were also a factor in that PGA designation. As such, the change in Transportation Characteristics have already been taken into consideration for the PGA designation and associated Plan support for this commercial rezoning. The beneficial thing about the subject property is that most of the surrounding area is already used commercially, so any enhancements or additions to this small property should not produce a large volume of additional traffic.

Again, keeping in mind that the zoning ordinance dictates a discussion of changes in transportation characteristics going back to 1988, some of these changes may seem out of date. However, it is required.

The more recent changes include the addition of the signalized intersection at the Customs and Border Patrol facility. While some would argue that it may not be necessary, it was added to facilitate traffic in the area during peak hours of operation for that facility. However, the most recent change that does directly affect this property was the addition of the signal at the intersection of Route 340 and Millville and Bakerton Roads. This allows the effective and safe flow of traffic that serves this area.

A new change to the transportation characteristics in the area is currently proposed should be very favorable to the area. This is the proposed internal connections of the Clarion Hotel and the River Riders area along Alstadts Hill Road. Since most of these properties are now commonly owned, this interconnectivity of projects should reduce the amount of traffic in the area that now must enter onto Route 340 in order to access the other portions of the proposed tourism center. The Applicant is currently working with the Engineering Department and the Department of Highways on the design.

There have been other changes in the transportation characteristics in this area since the adoption of the zoning ordinance in 1988. These include: the reconstruction of the Route 340 Bridge over the Shenandoah River; a new traffic signal at the intersection of Route 230 and Route 340; a new traffic signal at the intersection of Route 24 (Country Club Road) and Route 340; the improvement of the Shipley School access to Route 340; and, the addition of the previously mentioned Harpers Ferry Parking Facility and Bus Transportation Center along Route 340 near Bolivar.

All of these improvements have had a positive effect on the transportation characteristics and traffic flow in this area. The opening of the new four lane Route 9 towards Leesburg has also had a positive effect on the traffic flow along Route 340.

Furthermore, the proposed map amendment from Residential Growth to Residential/Light Industrial/Commercial should have very little impact on traffic, since the property is only an acre and is already zoned for high density residential uses.

G. Practical and Common Sense Reason for Rezoning/Map Amendment:

This document lists all of the technical and Comprehensive Plan needed reasons for a Map Amendment; however, it is important to explain the most practical reason for this request. One glance at the Preferred Growth Area Map, the Future Land Use Guide and the Zoning Map will show that the one acre parcel is the only

parcel in the entire area not zoned RLIC. It just looks incorrect and should be fixed to make the zoning of the parcel consistent with the area.

H. Conclusion:

The Applicant respectfully requests that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Application cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the 2015 Envision Jefferson Comprehensive Plan; the property is included in the 2015 Preferred Growth Area; the property is shown as Commercial or Residential on the Future Land Use Guide (Map); the positive changes in the transportation characteristics in the area and the changes in the neighborhood from when the original zoning ordinance was adopted; the fact that the Applicant (and his other corporations) own all but three of the properties in the described area; all of the properties surrounding the land are already zoned as RLIC; the property can be served by central water and sewer; and, the rezoning will have a negligent impact on the neighborhood, but a positive impact on economic development. This map amendment will change the zoning classification on the Applicant's property from the Residential Growth District to the Residential/Light Industrial/Commercial District.

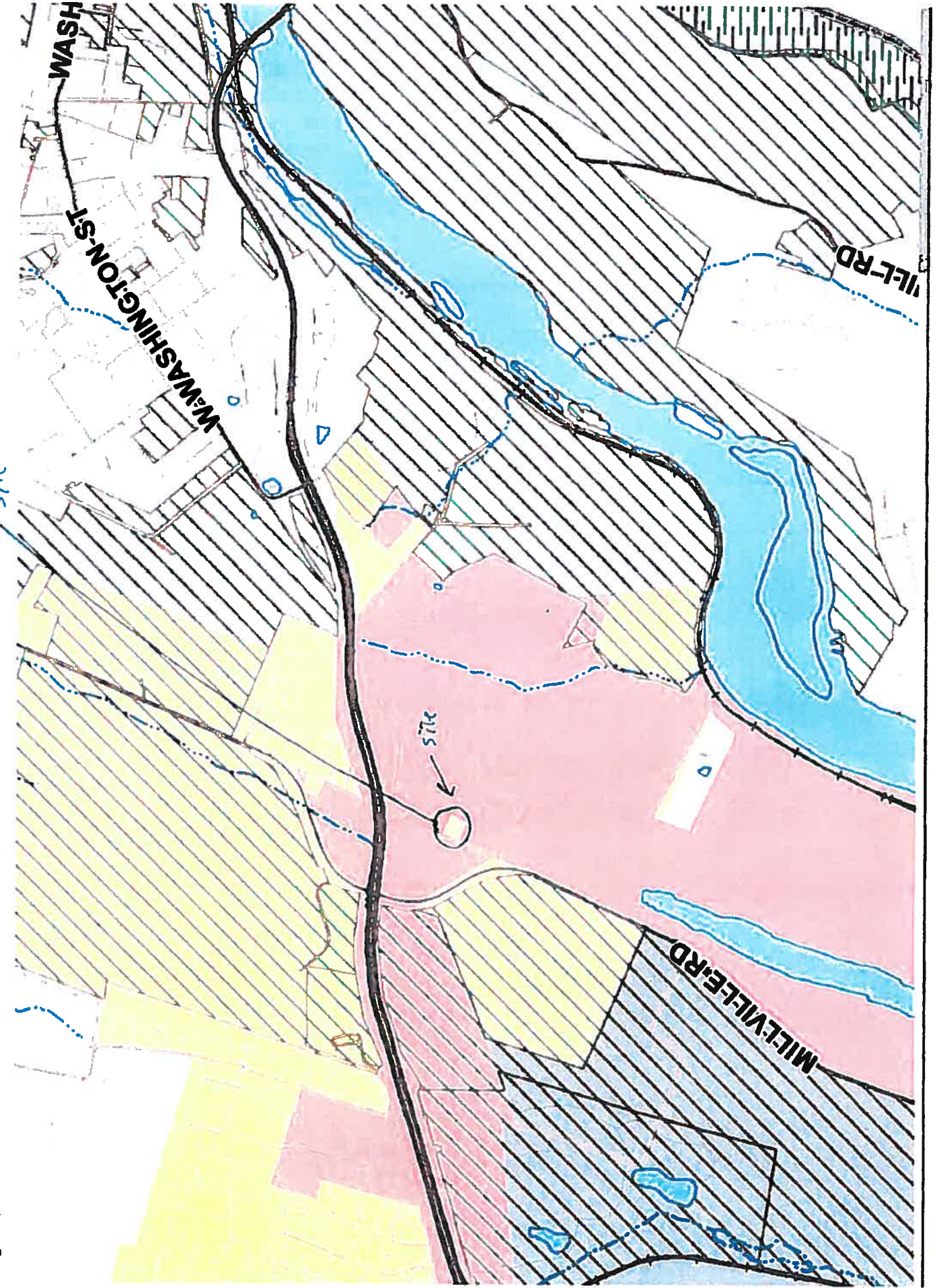


Matt Knott, Owner
Harpers Ferry Holdings, LLC

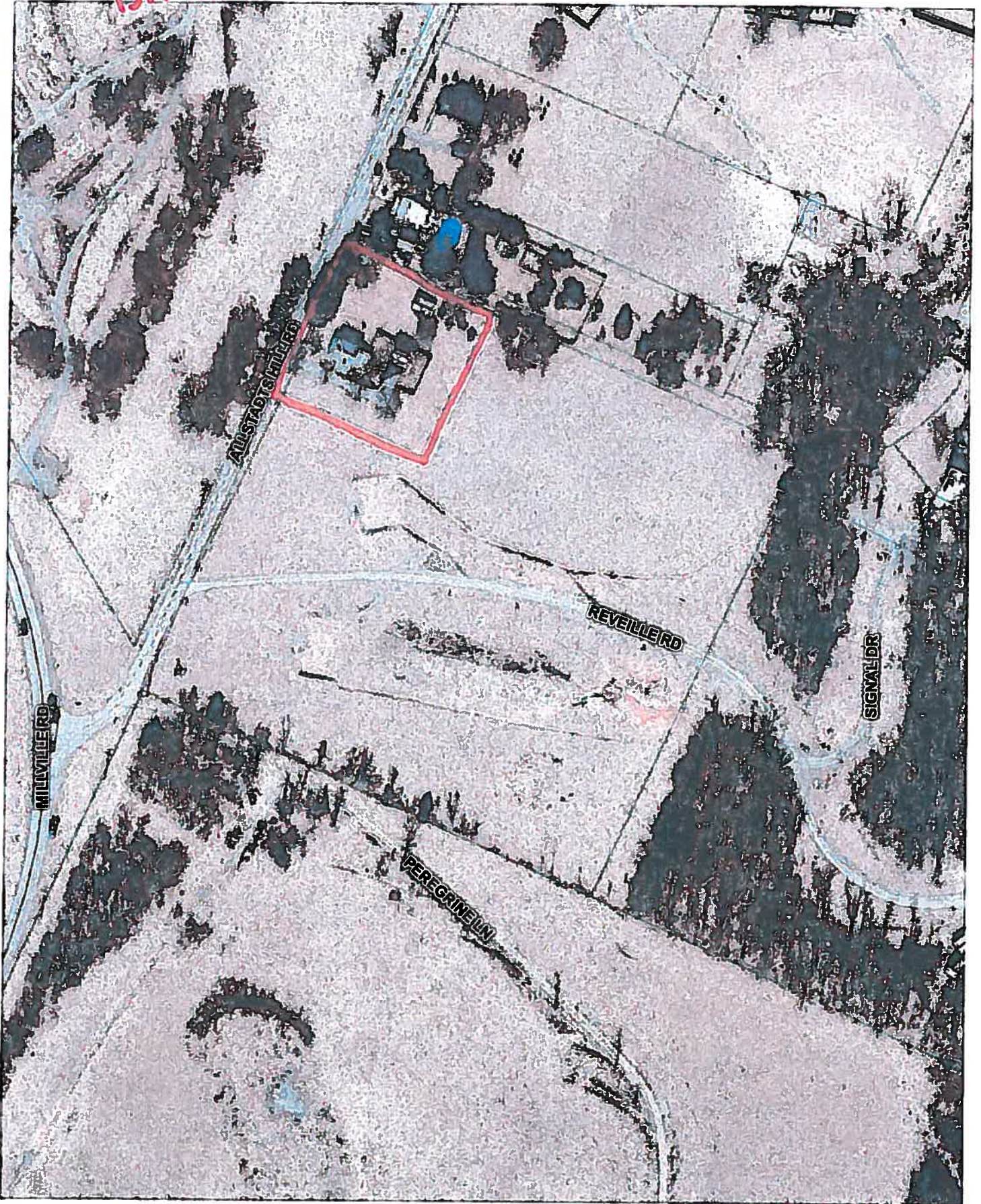


Date

577c



PRR stash





BAKER TON RD

FORT HILL RD

WILLIAM L WILSON FWY
WILLIAM L WILSON FWY

ALLSTADTSHILLER RD

CAMPGROUND RD

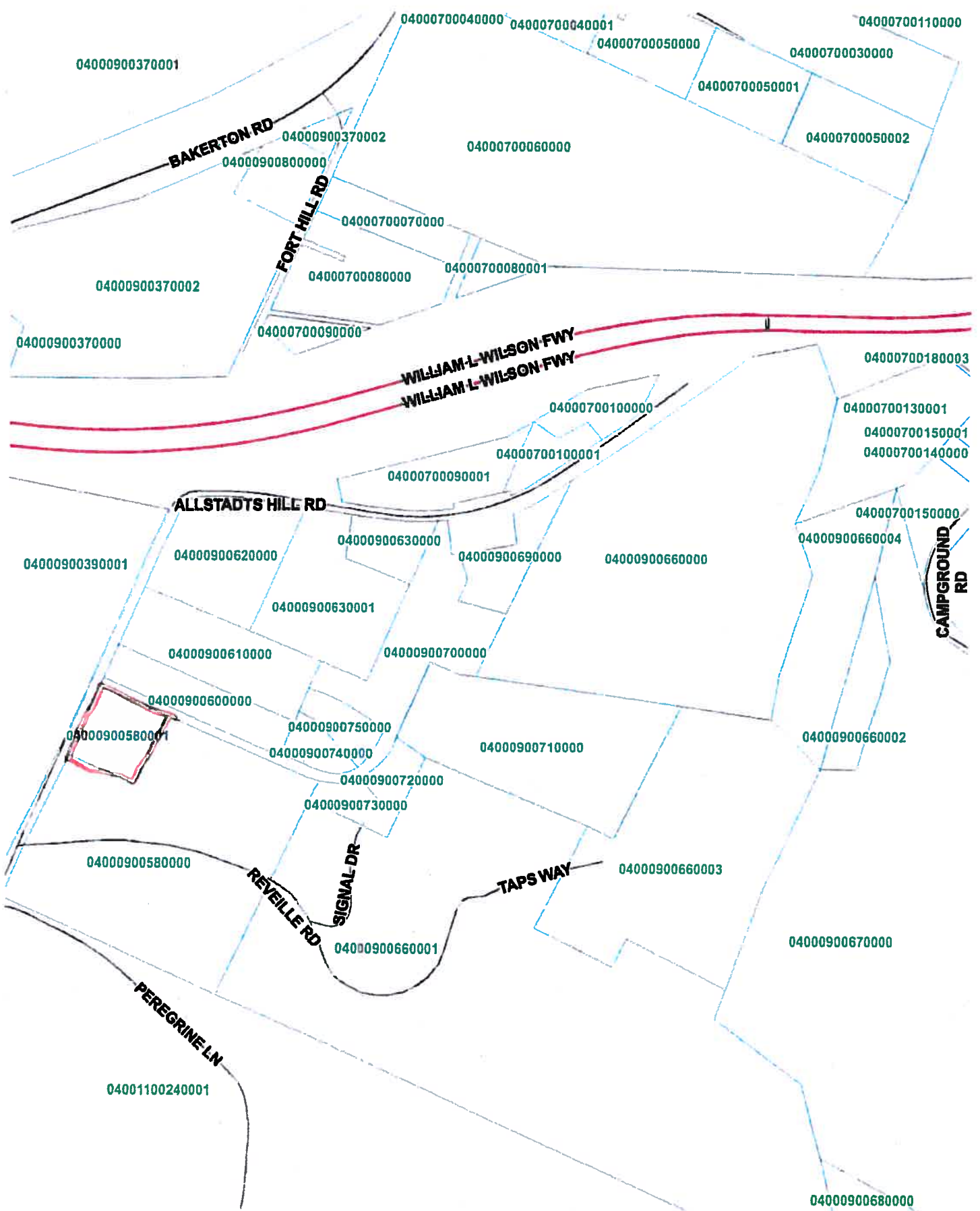
← SITE

REVELLER DR

SIGNAL DR

TAPSWAY

PEREGRINE LN



04000900370001

BAKERTON RD

04000900370002

04000900880000

04000700040000

04000700040001

04000700050000

04000700110000

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04000700050002

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FORT HILL RD

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WILLIAM L. WILSON FWY
WILLIAM L. WILSON FWY

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ALLSTADTS HILL RD

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REVEILLE RD

SIGNAL DR

TAPS WAY

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PEREGRINE LN

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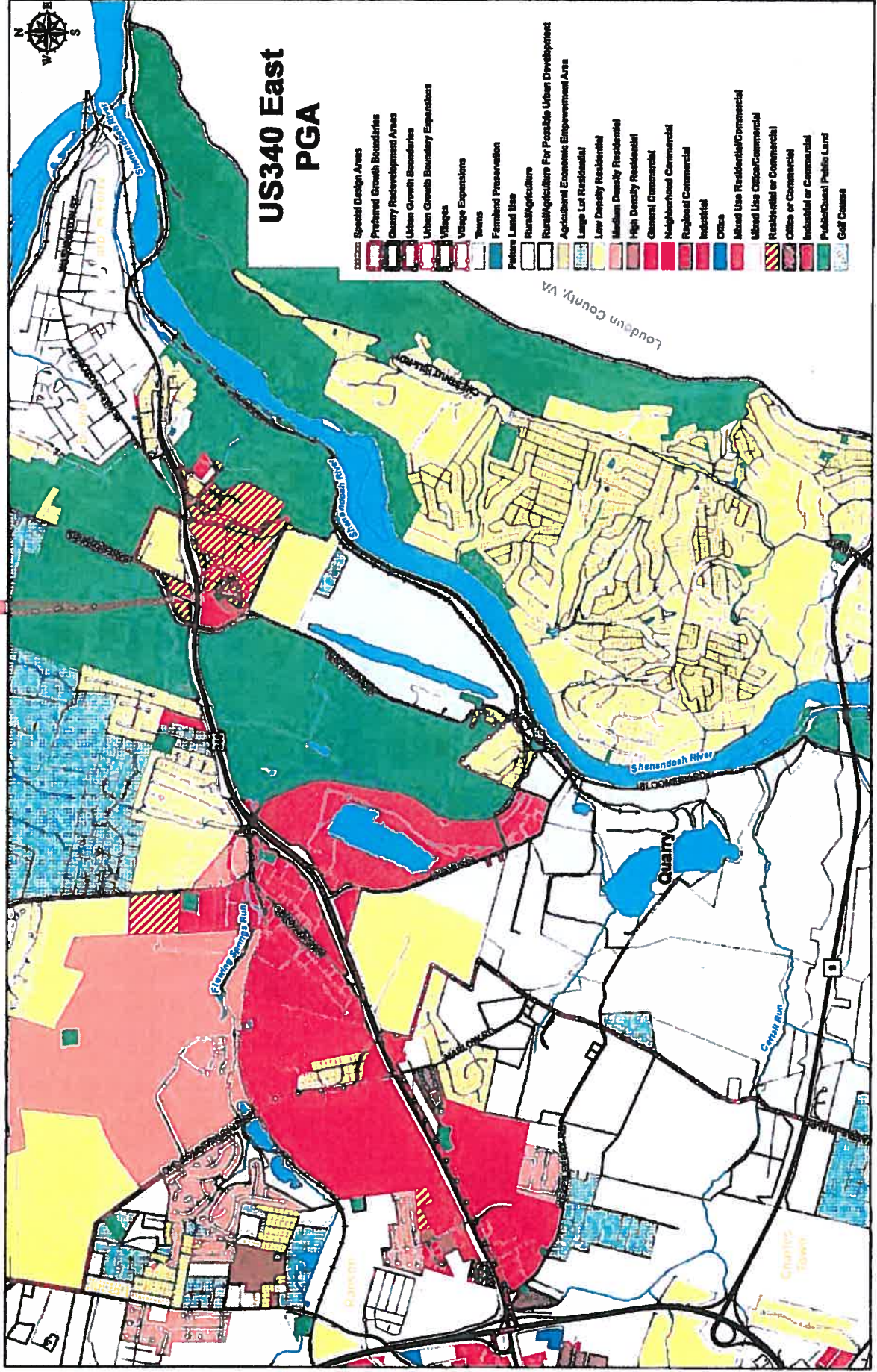
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US340 East PGA

- Special Design Areas
- Preferred Growth Boundaries
- Quarry Redevelopment Areas
- Urban Growth Boundaries
- Urban Growth Boundary Expansions
- Villages
- Towns
- Farmland Preservation
- Future Land Use
- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Employment Area
- Large Lot Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- General Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Office
- Mixed Use Residential/Commercial
- Mixed Use Office/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course

Site

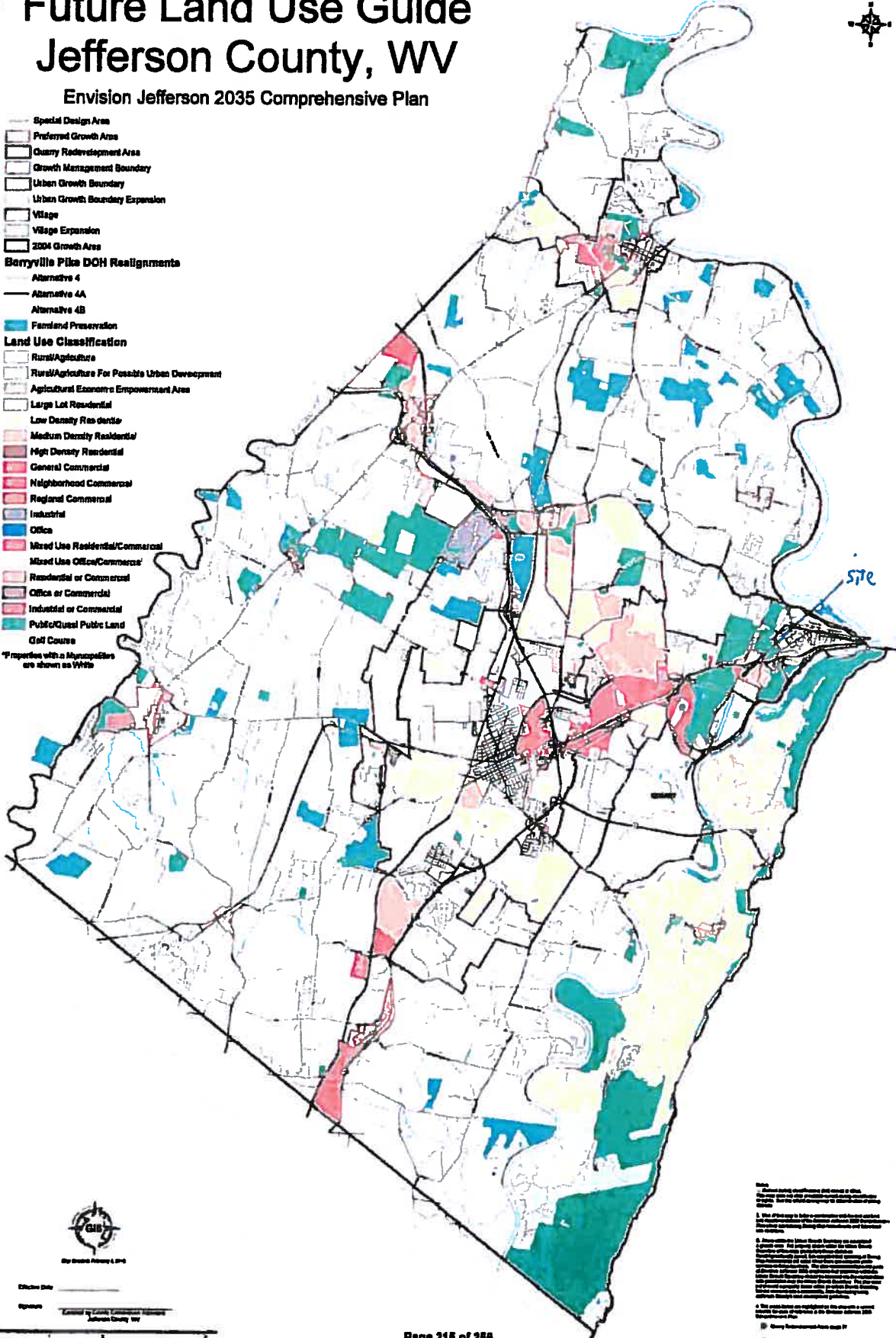


Future Land Use Guide Jefferson County, WV

Envision Jefferson 2035 Comprehensive Plan



- Special Design Area
- Preferred Growth Area
- Quarry Redevelopment Area
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansion
- Village
- Village Expansion
- 2004 Growth Area
- Berryville Pike DCH Realignments**
- Alternative 4
- Alternative 4A
- Alternative 4B
- Farmland Preservation
- Land Use Classification**
- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- General Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Office
- Mixed Use Residential/Commercial
- Mixed Use Office/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course
- *Properties with a Municipality are shown as WMA



Effective Date: _____
 Prepared by: County Commission
 Jefferson County, WV

Notes:

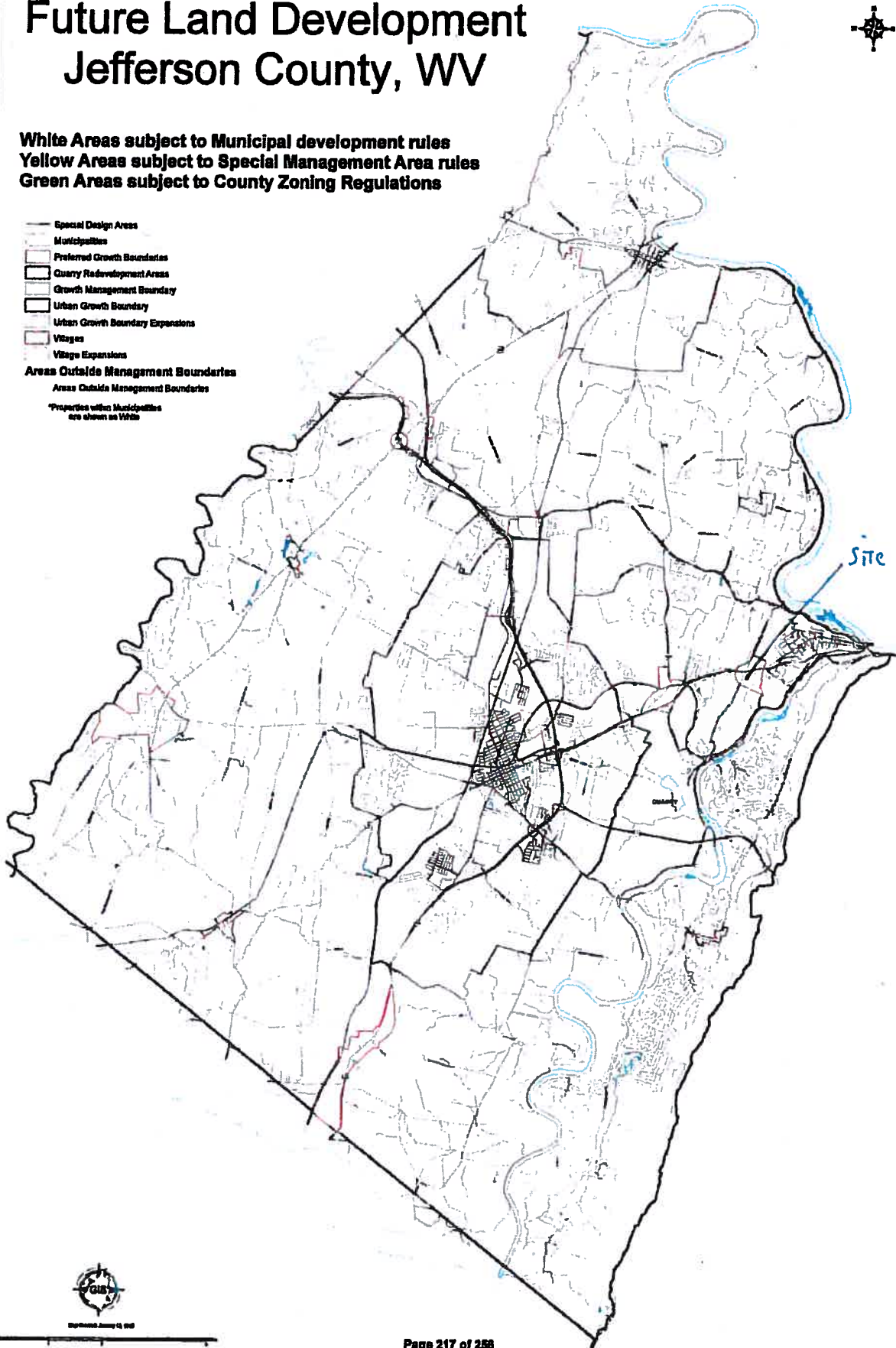
1. The Planning Commission did not intend to show the future land use map as a final plan. It is a guide for future development and should be used in conjunction with the Comprehensive Plan and other planning documents.
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Future Land Development Jefferson County, WV

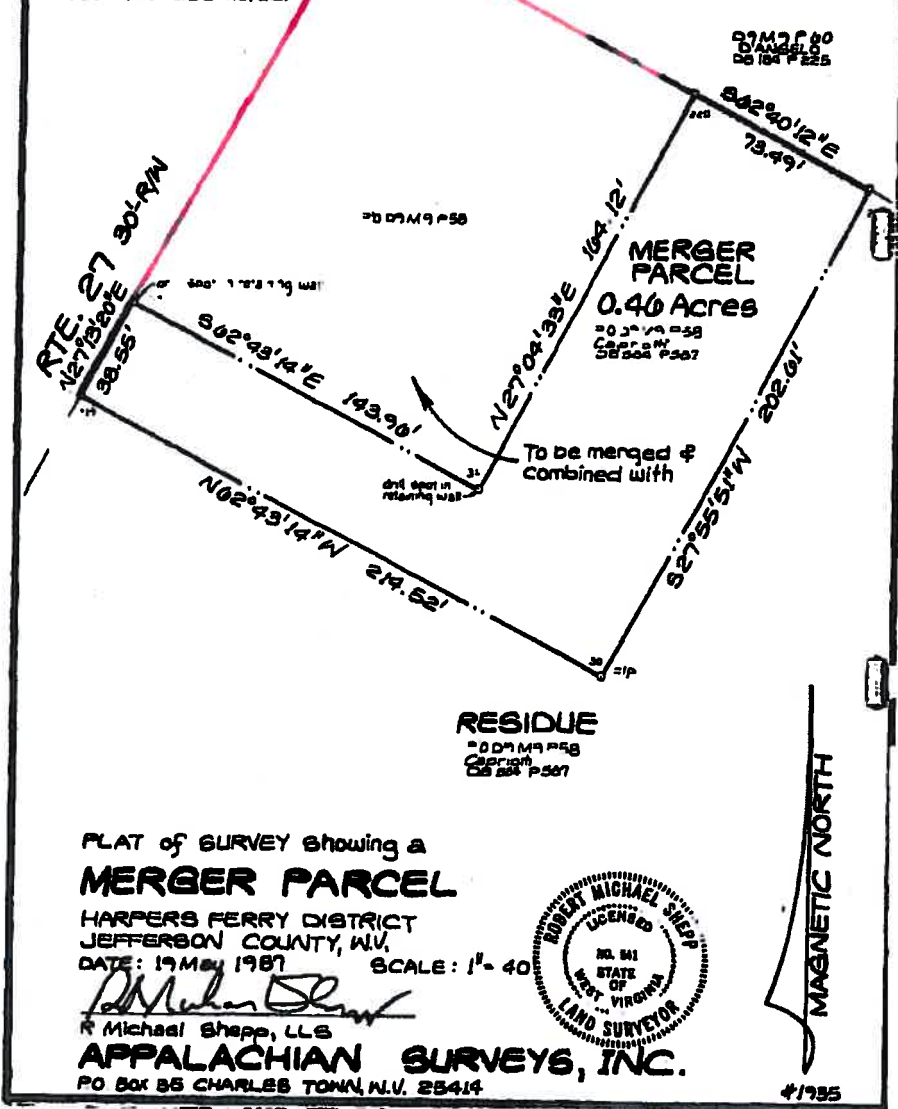


White Areas subject to Municipal development rules
Yellow Areas subject to Special Management Area rules
Green Areas subject to County Zoning Regulations

- Special Design Areas
- Municipalities
- Preferred Growth Boundaries
- Quarry Redevelopment Areas
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansions
- Villages
- Village Expansions
- Area Outside Management Boundaries**
- Areas Outside Management Boundaries
- *Properties within Municipalities are shown in White



Corners are to be set # 3 Rebars unless otherwise noted.



PLAT of SURVEY showing a
MERGER PARCEL

HARPERS FERRY DISTRICT
JEFFERSON COUNTY, W.V.

DATE: 19 May 1987 SCALE: 1" = 40'

R. Michael Shepp
R. Michael Shepp, L.L.S.

APPALACHIAN SURVEYS, INC.

PO BOX 85 CHARLES TOWN, W.V. 25414



MAGNETIC NORTH
#1995

State of West Virginia, County of Jefferson, Sec.

IN THE CLERK'S OFFICE OF COUNTY COMMISSION:

On JAN 10 1989, at 4:52 P.M., the foregoing
Deed of B. & S. was received in my said office and duly
admitted to record.

Test.

John E. Ott
Clark of County Commission

PSK
1/25/89

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Josh Compton, Commissioner**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **July 6, 2017**

If a specific date is needed, please provide reason for specific date: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*): **Discuss replacement and options for Administrative Assistant/Ambulance Fee Collector - Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? **Y/N** [Click here to enter text.](#)

If so, how much? **\$**[Click here to enter text.](#)

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? **Projector** **Y/N** [Click here to enter text.](#) **Internet/Wi Fi** **Y/N** [Click here to enter text.](#) **Telephone for conference call** **Y/N** [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **July 6, 2017**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Appointment of Ann Paonessa to the Jefferson County Development Authority Board of Directors as interim representative for the City of Charles Town – Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information:

The City of Charles Town is in the process of hiring a new city manager and requests councilwoman Ann Paonessa be appointed to serve on the Jefferson County Development Authority Board of Directors as the interim representative for the City of Charles Town until a new city manager has been hired.

Is this a funding request? Y/N **NO**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION



City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Fax: (304) 725-1014 ♦ Web: www.charlestownwv.us

June 23, 2017

MAYOR

Scott Rogers

CITY
COUNCIL

*Ann
Paonessa*

*Chet
Hines*

*Bob
Trainor*

*Michael
Tolbert*

*Nick
Zaglifa*

*Michael
George*

Mike Brittingham

Todd Coyle

Interim City
Manager

Todd L. Wilt II

Ms. Jessica Carroll
Executive Administrative Assistant
Jefferson County Commission
P.O. Box 250
Charles Town, WV 25414

Dear Ms. Carroll:

I am writing in response to your letter to former Mayor Smith asking the City to submit a potential candidate to serve on the Jefferson County Development Authority Board of Directors in place of former City Manager Dave Mills.

As you may be aware, the City is in the process of hiring a new city manager. In the meantime, the City would like to submit Councilmember Ann Paonessa to serve on the Jefferson County Development Authority Board on a temporary basis until a new city manager is selected. Councilmember Paonessa has previously served as the City's representative to the board and is well qualified to temporarily assume this position.

If you have any questions or concerns, please contact me. Thanks for your service to our community.

Sincerely,

Todd L. Wilt II
Interim City Manager

cc: Ann Paonessa
Charles Town City Council

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Michelle Gordon, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **July 6, 2017**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*):

- Review of FY2017 Budget to Actual as of 05/31/2017

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N **No**

If so, how much? \$ **NA**

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N NO** Internet/Wi Fi **Y/N NO** Telephone for conference call **Y/N NO**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

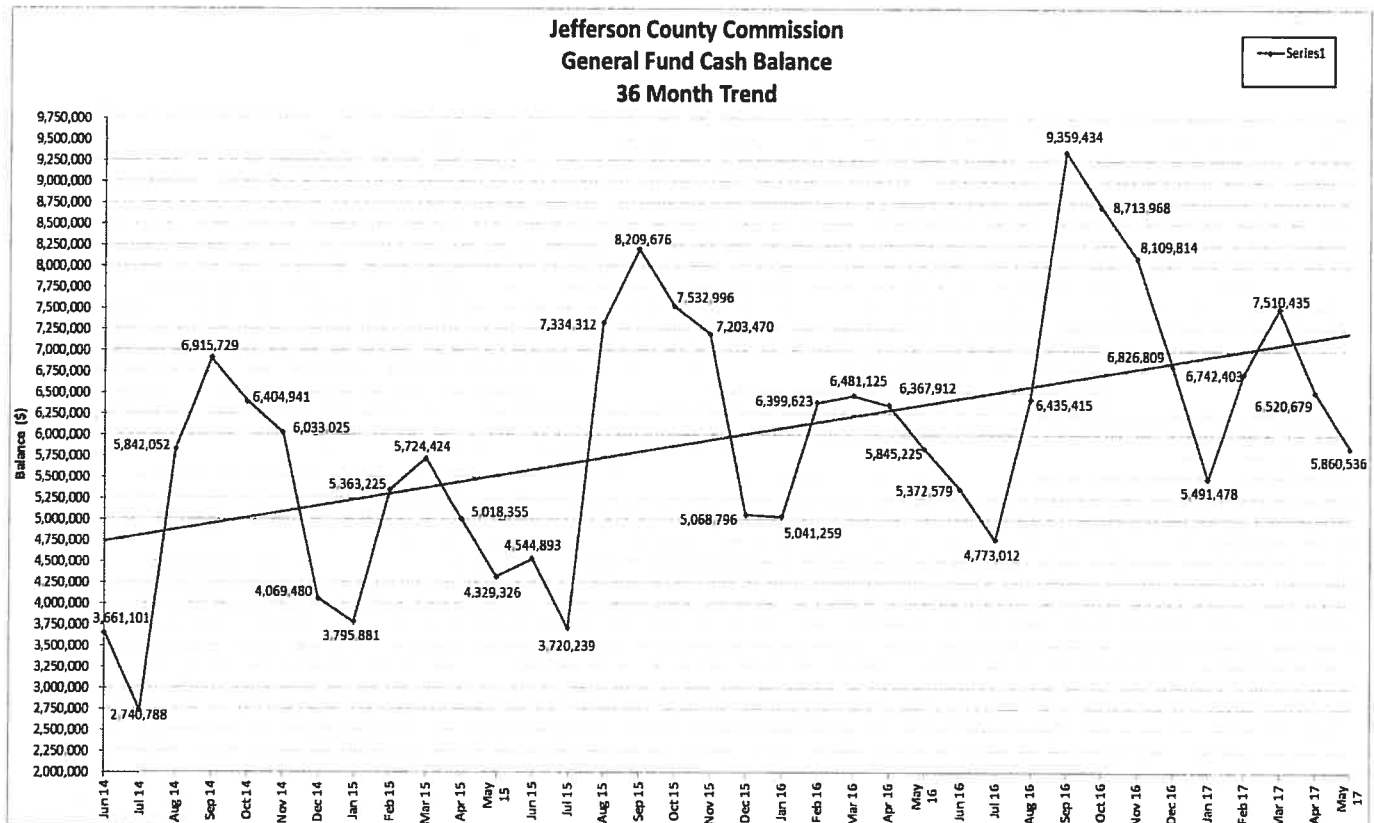
not applicable

Jefferson County Commission
Coal Severance Fund 002

Description	FY15 Actual	FY16 Actual	FY17		FY18 Budget
			Budget	Est Actual	
Fund Bal Carry Forward	8,321	6,229	106,187	106,187	179,677
Revenues					
Coal Severance Tax	147,727	109,718	86,000	92,799	86,000
Interest	348	378	250	788	730
Total Revenue	148,075	110,096	86,250	93,587	86,730
Expenditures					
Other Buildings	10,652	-	-	-	-
County Commission	-	-	160,437	-	234,407
Ambulance Authority	125,000	-	17,000	-	17,000
Mental Health	14,515	10,138	15,000	14,982	15,000
Total Expenditures	150,167	10,138	192,437	14,982	266,407
Fund Bal Ending	6,229	106,187	-	184,792	-

Jefferson County Commission
 Cash Balances by Fund
 As of 05-31-2017

Fund	Discription	05/31/2017	06/30/2017	07/31/2017
		Balance	Projection	Projection
001	General Operating	\$ 5,860,536	\$ 5,200,000	\$ 4,000,000
002	Coal Severance	185,711		
003	Dog & Kennel	43,277		
004	General School	-		
005	Magistrate Court	34,610		
006	Worthless Check	32,473		
008	Home Confinement	16,983		
009	Federal Grants	-		
010	State Grant	(810)		
023	Flood Mitigation	34,959		
039	Waste Coal	8,432		
056	Assessor Valuation	795,719		
057	Farmland Protection	1		
059	Concealed Weapons	81,434		
063	Voter Registration	933		
074	Drug Forfeiture	17,095		
075	Sub Division Bond Forfeiture	172		
077	Teen Court	-		
244	Bardane Public Health Center	6,356		
246	Capital Outlay	3,463,393		
247	Parks Land Fund	-		
249	Impact Fees	3,558,000		
315	State Police	60		
369	Deputy Sheriff Retire	1		
Total Cash all Funds		<u>\$ 14,139,335</u>		



Jefferson County Commission
 FY17 General Fund Revenues and Expenditures
 Compiled June 26, 2017
 Expenditures by Department

	FY17 Budget	FY17 YTD	Budget	% Rec'd /Exp'd	FY16 YTD	YTD Actual	% Rec'd /Exp'd
		Actual as of 05/31/17	Variance Favorable / (Unfavorable)		Actual as of 05/31/16	FY17-FY16 Var Favorable / (Unfavorable)	
REVENUE							
AD VALOREM TAXES	13,025,919	12,587,928	(437,991)	96.64 %	12,163,423	424,505	3.49 %
TAX PENALTIES	296,000	266,911	(29,089)	90.17 %	260,488	6,423	2.47 %
PROPERTY TRANSFER TAX	785,228	646,107	(139,121)	82.28 %	612,129	33,978	5.55 %
GAS & OIL SEVERANCE TAX	58,800	58,840	40	100.07 %	95,320	(36,480)	(38.27) %
HORSE & DOG RACING TAX	11,000	10,861	(139)	98.73 %	11,032	(171)	(1.55) %
WINE & LIQUOR TAX	43,000	43,784	784	101.82 %	36,831	6,953	18.88 %
HOTEL OCCUPANCY TAX	764,918	707,627	(57,291)	92.51 %	580,763	126,864	21.84 %
LICENSE/DECALS	61	108	47	177.05 %	66	42	63.64 %
BUILDING PERMIT FEES	240,000	198,505	(41,495)	82.71 %	249,678	(51,172)	(20.50) %
MISC. RENTS	120	150	30	125.00 %	142	8	5.63 %
FEDERAL GOV GRANTS	240,000	24,551	(215,449)	10.23 %	160,570	(136,020)	(84.71) %
FED PYMNT IN LIEU OF TAXS	11,676	-	(11,676)	-	12,006	(12,006)	(100.00) %
SHERIFF'S SRVC OF PROCESS	19,512	17,015	(2,497)	87.20 %	17,880	(865)	(4.84) %
SHERIFF EARNINGS	163,727	175,744	12,017	107.34 %	19,397	156,346	806.03 %
COUNTY CLERK'S EARNING	192,375	176,395	(15,980)	91.69 %	186,091	(9,696)	(5.21) %
CIRCUIT CLERK'S EARNING	61,000	57,327	(3,673)	93.98 %	56,736	591	1.04 %
PROSECUTING ATTY EARNINGS	1,134	1,651	517	145.60 %	987	664	67.26 %
ACCIDENT REPORTS	4,900	4,450	(450)	90.82 %	3,610	840	23.27 %
MAP SALES	3,697	1,597	(2,101)	43.18 %	2,349	(753)	(32.03) %
RENT - CONCESSIONS	44,679	1,975	(42,704)	4.42 %	35,725	(33,750)	(94.47) %
AMBULANCE FEES	880,000	525,000	(355,000)	59.66 %	800,460	(275,460)	(34.41) %
EMG COMM - 911 FEE	1,797,200	1,512,262	(284,938)	84.15 %	1,573,566	(61,304)	(3.90) %
FRANCHISE FEES	496,000	386,498	(109,502)	77.92 %	461,550	(75,052)	(16.26) %
IRP FEES-INTNATL REG PGM	11,700	10,424	(1,276)	89.10 %	14,072	(3,648)	(25.92) %
JAIL FEES	69,300	69,244	(56)	99.92 %	97,813	(28,569)	(29.21) %
INTEREST EARNED	33,737	30,785	(2,952)	91.25 %	28,210	2,575	9.13 %
MISCELLANEOUS REVENUE	2,583	4,749	2,166	183.85 %	33	4,716	14,476.21 %
SHERIFF'S COMMISSION	11,498	11,536	38	100.33 %	11,563	(27)	(0.23) %
FILING FEES	10,800	10,752	(48)	99.56 %	-	10,752	-
GAIN/LOSS SALE-FIX ASSETS	-	-	-	-	10,950	(10,950)	(100.00) %
REIMBURSEMENTS	302,520	345,019	42,499	114.05 %	364,147	(19,128)	(5.25) %
GEN SCHOOL FUND REIMB	264,000	166,820	(97,180)	63.19 %	201,464	(34,644)	(17.20) %
TRANS/ASSR VAL FUND	447,551	6,675	(440,876)	1.49 %	-	6,675	-
TOTAL REVENUES	20,294,635	18,061,290	(2,233,345)	89.00 %	18,069,051	(7,761)	(0.04) %
EXPENDITURES							
COUNTY COMMISSION	1,781,233	1,553,463	227,770	87.21 %	1,628,641	75,178	4.62 %
COUNTY CLERK	739,881	607,487	132,394	82.11 %	634,204	26,717	4.21 %
CIRCUIT CLERK	596,187	500,488	95,699	83.95 %	524,981	24,493	4.67 %
SHERIFF AND TREASURER	576,969	472,874	104,095	81.96 %	491,683	18,809	3.83 %
PROSECUTING ATTORNEY	1,802,394	1,525,058	277,336	84.61 %	1,554,162	29,103	1.87 %
ASSESSOR	527,389	461,341	66,048	87.48 %	454,690	(6,651)	(1.46) %
ASSESSOR'S VALUATION FUND	441,008	387,714	53,294	87.92 %	382,164	(5,550)	(1.45) %
STATEWIDE COMPUTER NET	58,077	40,402	17,675	69.57 %	27,616	(12,786)	(46.30) %
AGRICULTURAL AGENT	128,704	108,304	20,400	84.15 %	101,449	(6,855)	(6.76) %
ELECTIONS COUNTY CLERK	313,742	275,723	38,019	87.88 %	267,107	(8,616)	(3.23) %
MAGISTRATE COURT	1,700	1,715	(15)	100.88 %	1,761	46	2.63 %
COURTHOUSE (MAINTENANCE)	1,116,812	973,971	142,841	87.21 %	1,041,062	67,091	6.44 %
OTHER BUILDINGS	531,000	450,505	80,495	84.84 %	469,690	19,185	4.08 %
IT DATA PROCESSING	412,980	347,815	65,165	84.22 %	204,178	(143,636)	(70.35) %
REGIONAL DEVELOPMENT AUTH	19,795	19,794	1	100.00 %	19,794	-	-
ECONOMIC DEVELOPMENT	423,249	379,200	44,049	89.59 %	378,146	(1,054)	(0.28) %

Jefferson County Commission
 FY17 General Fund Revenues and Expenditures
 Compiled June 26, 2017
 Expenditures by Department

	FY17 YTD		Budget		FY16 YTD		YTD Actual	
	FY17 Budget	Actual as of 05/31/17	Variance Favorable / (Unfavorable)	% Rec'd /Exp'd	Actual as of 05/31/16	FY17-FY16 Var Favorable / (Unfavorable)	% Rec'd /Exp'd	
ENGINEERING	1,414,045	1,203,785	210,260	85.13 %	1,275,094	71,309	5.59 %	
CONTINGENCIES	85,000	-	85,000	-	-	-	-	
SHERIFF LAW ENFORCEMENT	3,781,357	3,269,492	511,865	86.46 %	3,221,996	(47,496)	(1.47) %	
SHERIFF SVC OF PROCESS	19,512	11,747	7,765	60.20 %	17,564	5,818	33.12 %	
REGIONAL JAIL	1,537,800	1,249,772	288,029	81.27 %	1,015,325	(234,447)	(23.09) %	
HOMELAND SECURITY	273,360	197,695	75,665	72.32 %	190,164	(7,532)	(3.96) %	
COMMUNICATIONS CENTER	1,908,251	1,599,319	308,932	83.81 %	1,584,832	(14,487)	(0.91) %	
FIRE DEPARTMENTS	595,000	445,000	150,000	74.79 %	370,000	(75,000)	(20.27) %	
AMBULANCE AUTHORITY	2,223,366	2,079,751	143,615	93.54 %	2,248,312	168,561	7.50 %	
ANIMAL CONTROL	328,947	255,768	73,179	77.75 %	272,859	17,091	6.26 %	
CENTRAL GARAGE	254,396	221,705	32,691	87.15 %	210,320	(11,384)	(5.41) %	
SOLID WASTE AUTHORITY	15,600	-	15,600	-	-	-	-	
PARKS AND RECREATION	595,302	542,343	52,959	91.10 %	471,206	(71,137)	(15.10) %	
ARTS AND HUMANITIES	14,749	13,147	1,602	89.14 %	10,243	(2,904)	(28.35) %	
HISTORICAL COMMISSION	22,964	19,468	3,496	84.77 %	15,168	(4,300)	(28.35) %	
VISITOR'S BUREAU	382,457	328,678	53,779	85.94 %	256,080	(72,598)	(28.35) %	
LIBRARIES	330,000	330,000	-	100.00 %	250,000	(80,000)	(32.00) %	
PUBLIC TRANSPORTATION	20,000	20,000	-	100.00 %	10,275	(9,725)	(94.65) %	
TOTAL EXPENDITURES	23,273,226	19,893,521	3,379,705	85.48 %	19,600,764	(292,757)	(1.49) %	
NET PRIOR TO GAMING REVENUE	(2,978,591)	(1,832,231)	(1,146,360)		(1,531,714)	(300,517)	19.62 %	
TABLE GAMES	740,000	680,936	(59,064)	92.02 %	776,512	(95,576)	(12.31) %	
VIDEO LOTTERY	3,140,000	2,935,152	(204,848)	93.48 %	3,056,286	(121,134)	(3.96) %	
NET REVENUE LESS EXPENDITURES	901,409	1,783,857	882,448		2,301,083	(517,227)	(22.48) %	
TRANSFERS TO OTHER FUNDS								
TRANSFER TO CAPITAL OUTLAY FUND	1,353,000	1,056,019	(296,981)	78.05 %	-	(1,056,019)	-	
TOTAL TRANSFERS	1,353,000	1,056,019	(296,981)	78.05 %	-	(1,056,019)	-	
NET USE OF FUNDS - SURPLUS/(DEFICIT)	(451,591)	727,838	1,179,429		2,301,083	1,573,246		
BEGINNING FUND BALANCE	5,453,076	5,453,076			3,951,985			
NET CHANGE INFUND BALANCE	(451,591)	727,838			2,301,083			
ENDING FUND BALANCE	5,001,485	6,180,914			6,253,068			
FUND BALANCE AS A % OF OPERATING EXP	21.49%	31.07%			31.90%			

Jefferson County Commission
 FY17 General Fund Revenues and Expenditures
 Compiled June 26, 2017
 General Fund Expenditures by Object Code

	FY17 YTD	Budget			FY16 YTD	YTD Actual	
	Actual	Variance	% Rec'd		Actual	FY17-FY16 Var	% Rec'd
FY17 Budget	as of 05/31/17	Favorable / (Unfavorable)	/Exp'd		as of 05/31/16	(Unfavorable)	/Exp'd
REVENUES							
CHARGES FOR SERVICES	3,745,224	2,939,582	(805,642)	78.49 %	3,031,396	(91,814)	(3.03) %
INTERGOVERNMENTAL	251,676	24,551	(227,125)	9.76 %	161,086	(136,535)	(84.76) %
INTEREST EARNED	33,737	30,785	(2,952)	91.25 %	25,562	5,223	20.43 %
LICENSES & PERMITS	240,181	198,763	(41,418)	82.76 %	249,878	(51,115)	(20.46) %
MISCELLANEOUS REVENUE	327,401	372,056	44,655	113.64 %	375,408	(3,352)	(0.89) %
OTHER TAXES	5,542,946	5,083,308	(459,638)	91.71 %	4,727,086	356,222	7.54 %
TRANSFERS	711,551	173,495	(538,056)	24.38 %	178,539	(5,044)	(2.83) %
TAXES	13,321,919	12,854,838	(467,081)	96.49 %	12,237,395	617,443	5.05 %
TOTAL REVENUES	24,174,635	21,677,378	(2,497,257)	89.67 %	20,986,350	691,028	(0.04) %
EXPENDITURES							
SALARIES	9,943,086	8,580,449	1,362,637	86.30 %	8,501,862	(78,587)	(0.92) %
FICA	763,245	629,140	134,105	82.43 %	651,645	22,505	3.45 %
HEALTH INSURANCE	1,965,167	1,699,266	265,901	86.47 %	1,696,351	(2,915)	(0.17) %
RETIREMENT	1,118,723	960,535	158,188	85.86 %	1,105,324	144,788	13.10 %
TELEPHONE	227,445	189,516	37,929	83.32 %	199,171	9,655	4.85 %
PRINTING	21,170	10,785	10,385	50.95 %	16,071	5,286	32.89 %
UTILITIES	316,000	293,797	22,203	92.97 %	276,081	(17,716)	(6.42) %
TRAVEL	55,025	32,205	22,820	58.53 %	40,596	8,391	20.67 %
MAINT/REP BLDG & GRNDS	51,200	12,192	39,008	23.81 %	39,329	27,137	69.00 %
MAINT/REP EQUIPMENT	155,875	77,273	78,602	49.57 %	108,310	31,037	28.66 %
MAINT/REP AUTO	7,000	3,174	3,826	45.35 %	1,608	(1,566)	(97.39) %
POSTAGE	120,597	105,197	15,400	87.23 %	101,686	(3,511)	(3.45) %
BLDG/EQUIP RENTAL	65,756	59,512	6,244	90.50 %	126,620	67,107	53.00 %
ADVERTISING/LEGAL PUBS	39,170	21,411	17,759	54.66 %	28,308	6,896	24.36 %
TRAINING AND EDUCATION	45,100	28,724	16,376	63.69 %	30,321	1,597	5.27 %
DUES AND SUBSCRIPTIONS	70,024	59,405	10,619	84.83 %	60,127	723	1.20 %
PROFESSIONAL SERVICES	334,700	264,230	70,470	78.95 %	197,894	(66,336)	(33.52) %
AUDIT COSTS	35,000	-	35,000	-	69,052	69,052	100.00 %
INSURANCE AND BONDS	479,000	467,087	11,913	97.51 %	468,695	1,607	0.34 %
COURT COSTS AND DAMAGES	16,100	15,200	900	94.41 %	1,007	(14,193)	(1,409.43) %
CONTRACTED SERVICES	229,397	171,376	58,021	74.71 %	216,801	45,425	20.95 %
BANK CHARGES	250	415	(165)	165.97 %	328	(87)	(26.52) %
REMITTANCE FEES COLLECTED	724,692	600,000	124,692	82.79 %	800,000	200,000	25.00 %
REFUNDING ERRONEOUS PMTS	650	930	(280)	143.08 %	79	(851)	(1,077.81) %
INSURANCE PREMIUM RETIREE	80,000	68,194	11,806	85.24 %	77,971	9,777	12.54 %
MATERIALS AND SUPPLIES	363,699	306,516	57,183	84.28 %	243,427	(63,089)	(25.92) %
RECORD BOOKS	5,150	2,181	2,969	42.35 %	1,876	(305)	(16.26) %
AUTO SUPPLIES	142,000	128,151	13,849	90.25 %	121,651	(6,500)	(5.34) %
C/F PRISONRS REG JAIL FEE	1,537,800	1,249,772	288,029	81.27 %	1,015,325	(234,447)	(23.09) %
UNIFORMS	27,987	20,351	7,636	72.72 %	28,149	7,798	27.70 %
CHARGES BY OTHR GOV UNITS	58,077	40,402	17,675	69.57 %	27,616	(12,786)	(46.30) %
COMPUTER SOFTWARE	45,075	20,872	24,203	46.30 %	3,165	(17,706)	(559.37) %
COMPUTER HARDWARE	69,671	74,561	(4,890)	107.02 %	18,870	(55,691)	(295.13) %
IT SUPPORT	98,290	50,731	47,560	51.61 %	69,587	18,856	27.10 %
LICENSE AND ANNUAL FEES	51,382	58,960	(7,578)	114.75 %	39,570	(19,390)	(49.00) %
CAPITAL OUTLAY-EQUIPMENT	189,000	183,225	5,775	96.94 %	130,450	(52,775)	(40.46) %
CONTR/TRSFR OTHR GOV UNIT	3,514,141	3,216,704	297,437	91.54 %	2,881,416	(335,289)	(11.64) %
CONTR/TRSFR OTHER	221,582	191,082	30,500	86.24 %	204,428	13,346	6.53 %
CONTINGENCY FOR EMERGENCIES	85,000	-	85,000	-	-	-	-
TOTAL EXPENDITURES	23,273,226	19,893,521	3,379,705	85.48 %	19,600,764	(306,103)	(1.49) %
NET REVENUE LESS EXPENDITURES	901,409	1,783,857	882,448		1,385,586	398,271	(22.48) %
TRANSFERS TO OTHER FUNDS							
TRANSFER TO CAPITAL OUTLAY FUND	1,353,000	1,056,019	296,981	78.05 %	-	(1,056,019)	-
TOTAL TRANSFERS	1,353,000	1,056,019	296,981	78.05 %	-	(1,056,019)	-
NET USE OF FUNDS - SURPLUS/(DEFICIT)	(451,591)	727,838	1,179,429		1,385,586	657,748	
BEGINNING FUND BALANCE	5,453,076	5,453,076			3,951,985		
NET CHANGE INFUND BALANCE	(451,591)	727,838			1,385,586		
ENDING FUND BALANCE	5,001,485	6,180,914			5,337,571		
FUND BALANCE AS A % OF OPERATING EXP	21.49%	31.07%			27.23%		

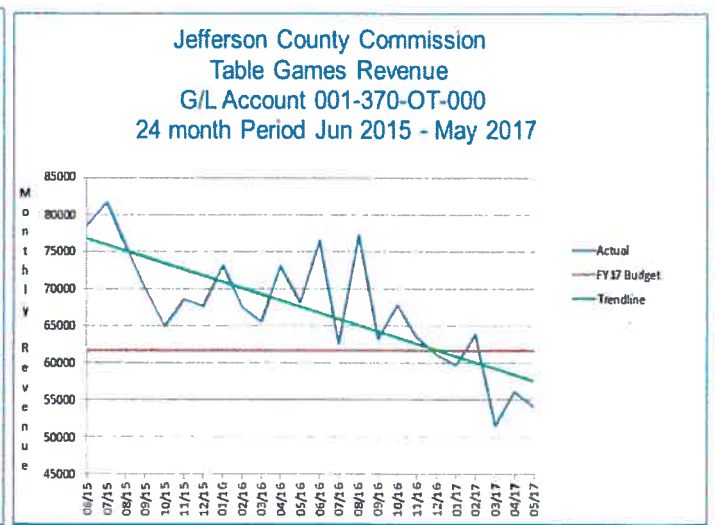
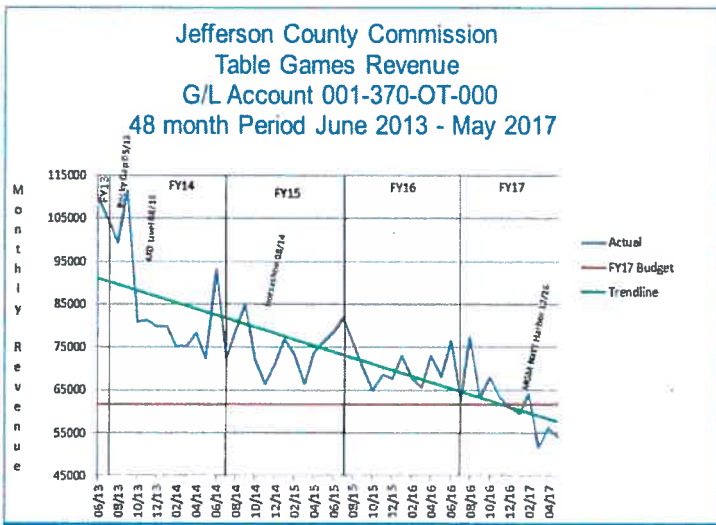
Jefferson County Commission
Table Games Revenue

0013700T000

	Act Rev	Est Rev	Budget	Act % Inc/(Dec)	Avg Mo	Decrease from FY12	
						%	Cumulative
FY12	1,596,516	1,596,516	920,000	35.2%	133,043		
FY13	1,556,473	1,556,473	1,800,000	-2.5%	129,706		(40,043)
FY14	1,032,251	1,032,251	1,163,539	-33.7%	86,021		(564,265)
FY15	891,153	891,153	943,444	-13.7%	74,263	-44.2%	(705,363)
FY16	853,009	853,009	790,000	-4.3%	71,084	-46.6%	(743,507)
FY17	680,935	743,122	740,000	-13.2%	61,667	-52.3%	(915,581)
FY18			617,700	-16.5%			
			Avg Dec FY13-16	-13.5%			(2,968,759)
			Act Dec FY16-17	-12.9%			

Table Games Revenue
FY17 Projected Revenue

Month	Actual Rev	Estimated Chg/Mo	Estimated Revenue/Mo	Est. FY17 Total Revenue	FY17 Budget	Projected Variance	Decrease Over PY
07/16	62,652						-23.3%
08/16	77,286						2.0%
09/16	63,258						-9.8%
10/16	67,809						4.3%
11/16	63,493						-7.5%
12/16	61,114						-9.7%
01/17	59,638						-18.4%
02/17	63,921						-5.5%
03/17	51,575						-21.4%
04/17	56,059						-23.3%
05/17	54,130						-20.7%
06/17	-	14.9%	62,187				
Totals	680,935		62,187	743,122	740,000	3,122	



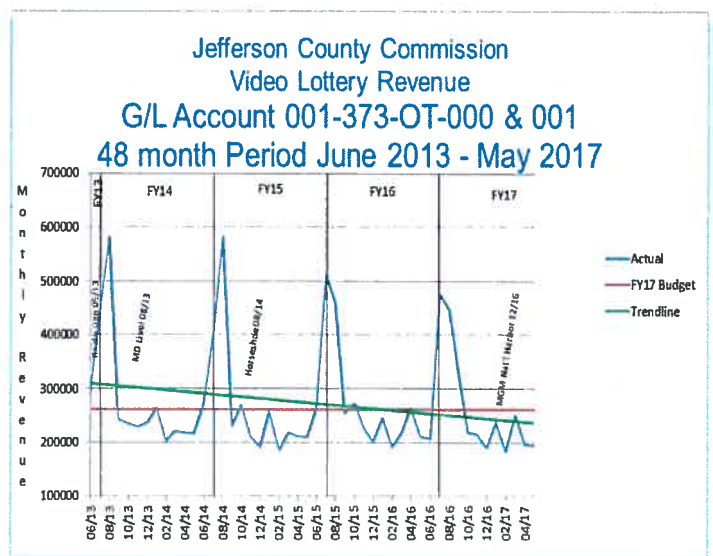
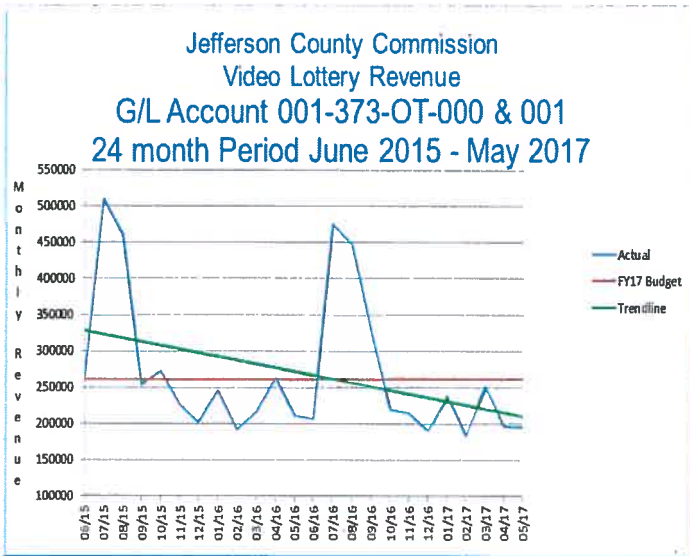
Jefferson County Commission
Video Lottery Revenue

001373OT000 001373OT001

	Actual Rev	Est Rev	Budget	Act % Inc/(Dec)	Avg Mo	Change from FY12	
						%	Cumulative
FY12	4,269,886	4,269,886	4,700,000	3.6%	355,824		
FY13	3,632,491	3,632,491	4,100,000	-14.9%	302,708		(637,395)
FY14	3,365,543	3,365,543	3,303,301	-7.3%	280,462		(904,343)
FY15	3,237,305	3,237,305	3,224,793	-3.8%	269,775	-24.2%	(1,032,581)
FY16	3,263,264	3,263,264	3,114,553	0.8%	271,939	-23.6%	(1,006,622)
FY17	2,934,852	3,162,941	3,140,000	-3.1%	261,667	-26.5%	(1,106,945)
FY18			3,020,000	-4.5%			
			Avg Dec FY13-16	-6.3%	(0.038)		(4,687,886)

Video Lottery Revenue
FY17 Projected Revenue

Month	Actual Rev	Estimated Chg/Mo	Estimated Revenue/Mo	Est. FY17 Total Revenue	FY17 Budget	Projected Variance	Decrease Over PY
07/16	474,513						-7.0%
08/16	446,950						-3.0%
09/16	327,598						28.6%
10/16	219,196						-19.5%
11/16	214,983						-5.3%
12/16	190,029						-5.9%
01/17	236,486						-4.1%
02/17	183,451						-4.2%
03/17	250,599						16.0%
04/17	196,314						-25.6%
05/17	194,733						-8.0%
06/17	-	17.1%	228,089				
Totals	2,934,852		228,089	3,162,941	3,140,000	22,941	



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Steve Groh, Assistant Prosecuting Attorney

Department or Organization: **Prosecuting Attorney's Office**

Estimation of amount of time needed for appointment: 15

Date Requested – 1st Choice: **July 6, 2017**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Reimbursement of Legal Expenses to Planning Commissioner Steve Stolipher—Possible Executive Session

Please provide the County Commission with a description of your request or presentation, including any background information: Mr. Stolipher incurred legal expenses as a result of an Ethics Complaint that was filed against him alleging that he had violated the Ethics Act by participating in Planning Commission discussions about the Mass Gathering Ordinance. The Ethics Commission found that Mr. Stolipher's actions did not violate the Ethics Act and dismissed the complaint.

Is this a funding request? Y/N **Yes**

If so, how much? \$ 4,617.98

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): Motion to find that the attorney's fees and expenses incurred by Mr. Stolipher are reasonable, that Mr. Stolipher acted in good faith, and to authorize reimbursement to Mr. Stolipher in the amount of \$4,617.98.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

April 5, 2017

Mr. Matthew Harvey
Prosecuting Attorney
Office of the Prosecuting Attorney of Jefferson County
120 S. George St., 2nd Floor
Charles Town, WV 25414

Dear Prosecutor Harvey:

You have asked for an Opinion of the Attorney General regarding whether the Jefferson County Commission has any express or implied authority to indemnify an official for attorney fees incurred while defending himself or herself against an ethics complaint requesting no specific remedy or sanction. This Opinion is being issued pursuant to West Virginia Code § 5-3-2, which provides that the Attorney General “may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office.” To the extent this Opinion relies on facts, it is based solely upon the factual assertions set forth in your correspondence with the Attorney General’s Office.

In your letter, you explain that in August 2014 a citizen of Jefferson County filed an ethics complaint with the West Virginia Ethics Commission against the then-President of the Planning Commission of Jefferson County. You note that the ethics complaint did not specify the remedy sought. The ethics complaint alleged that the President improperly used his position on the Jefferson County Planning Commission for financial gain in the following ways: (1) While serving on the Planning Commission, he allegedly appeared before the Jefferson County Board of Zoning Appeals to argue in favor of granting a seasonal use variance to the “All Good” rock concert; (2) While serving as Planning Commission liaison, he allegedly appeared before the Jefferson County Development Authority to influence a vote in favor of the application; (3) As President of the Planning Commission, he allegedly presided over meetings in which a proposed mass gathering ordinance was watered down; and (4) He allegedly refused to disqualify himself from participation in the Planning Commission’s work on the mass gathering ordinance.

The West Virginia Ethics Commission dismissed the case, and the then-President is seeking to have the Jefferson County Commission pay his legal expenses in defending against the complaint. You further explain that your office previously requested an opinion concerning whether or not the county had authority to reimburse the President for attorney fees under the standards set forth in W. Va. Code § 11-8-31a(b). Now you ask whether the County Commission has express or implied authority to reimburse the President under any provision.

Your letter raises the following specific legal question:

Does a county commission have express or implied authority to reimburse the President of the County Planning Commission for legal expenses paid in successfully defending against an ethics complaint seeking no specific remedy or sanction?

We conclude that the West Virginia Supreme Court of Appeals would likely find that the county commission has express or implied authority to reimburse legal expenses paid in successfully defending against an ethics complaint seeking no specific remedy or sanction under the facts presented in your letter. While West Virginia Code § 11-8-31a does not contain that express authority, the Supreme Court of Appeals has held that county commissions have authority to reimburse legal expenses under a more general statute (West Virginia Code § 7-1-3) that governs county administration.

As explained in our prior letter, the West Virginia Supreme Court of Appeals has applied a three-part test for determining whether an official is entitled to reimbursement of attorney fees. In *Powers v. Goodwin*, 170 W. Va. 151, 291 S.E.2d 466 (1982), the Court surveyed the law of other jurisdictions on the authority of a government body to reimburse its officials for attorneys' fees and derived from that case law a three-part test. *Id.* at 157–160, 291 S.E.2d at 472–475. Specifically, the Court held that reimbursement is warranted where: (1) the underlying action “arise[s] from the discharge of an official duty in which the government has an interest”; (2) “the officer . . . acted in good faith”; and (3) “the agency seeking to indemnify the officer must have either the express or implied power to do so.” *Id.* at 157, 291 S.E.2d at 472. While the first two prongs of the test are fact-specific, the Court in *Powers* concluded that the third prong had been satisfied for county commissions by the State Legislature through enactment of West Virginia Code § 7-1-3, which provides that such commissions have authority over “the superintendence and administration of the internal police and fiscal affairs of their counties.” *Id.* at 157 n.3, 291 S.E.2d at 472 n.3 (quoting W. Va. Code § 7-1-3).

Following the *Powers* decision, the State Legislature enacted West Virginia Code § 11-8-31a, which expressly provides that county commissions have authority to indemnify officials for successfully defending against an action that seeks either (a) “[the official’s] removal from office” or (b) “the recovery of moneys alleged to have been wrongfully expended.” W. Va. Code § 11-8-31a. This provision appears to apply only to a particular type of action described in neighboring parts of the statute—namely, a civil or criminal action relating to the misuse of funds collected by the county through levies. W. Va. Code §§ 11-8-29, -30, -31.

Given this narrow legislative authorization, one might have argued that the Legislature was responding to *Powers* by clarifying that it was only authorizing reimbursement of attorney fees for a narrow category of actions.¹ But the Supreme Court of Appeals has not interpreted West Virginia Code § 11-8-31a in this narrow manner. To the contrary, the Court has concluded that county commissions still possess authority to reimburse fees under the more general language in West Virginia Code § 7-1-3 even in those circumstances where § 11-8-31a does not apply on its face—for example, where the commission does not have a quorum sufficient to make a determination under § 11-8-31a. *State ex rel. Smith v. Mingo Cnty. Comm'n*, 228 W. Va. 474, 481–82, 721 S.E.2d 44, 51–52 (2011) (citing Syl. Pt. 3, in part, *Powers*, 170 W. Va. 151, 291 S.E.2d 466). *State ex rel. Smith v. Mingo County Commission* held that in such cases, a court must apply the *Powers* framework to determine whether reimbursement of fees is appropriate, that is, an inquiry into whether the action arises out of an official duty and whether the officer acted in good faith. *Id.* at 482, 721 S.E.2d at 52.²

Further, the same year that the Court decided *Smith*, the Court applied the *Powers* test in the unrelated context of a claim for attorney fees expended in defending against an action challenging an official's eligibility for election. *State ex rel. Hicks v. Bailey*, 227 W. Va. 448, 451, 711 S.E.2d 270, 273 (2011). In *State ex rel. Hicks v. Bailey*, the Court explained that *Powers* recognized that county commissions have the general authority to award attorney fees under West Virginia Code § 7-1-3. *Id.*, 711 S.E.2d at 273 (citing *Powers*, 170 W. Va. at 157 n.3, 291 S.E.2d at 472 n.3). Consistent with *Powers* and *Smith*, the Court in *Bailey* concluded that § 7-1-3 only authorized a county commission to reimburse fees where the person was “discharging an official duty” and acting in good faith. *Id.*, 711 S.E.2d at 273.

On the specific facts in *Hicks*, the Court concluded that a county commission had no authority to reimburse attorney fees for an election contest because the contest did not arise from the discharge of an official duty. *Id.*, 711 S.E.2d at 273. In assessing whether an election contest is an official duty, the lower court had relied in the statement in *Powers* that “the voters have a legitimate interest in protecting their duly elected officials from being hectoring out of office.” *Id.* at 451–52, 711 S.E.2d at 273–74. But the Supreme Court declined to extend such reasoning to cover election contests because the interest at stake is “purely personal.” *Id.* at 452, 711 S.E.2d at 274. And although the public has an interest in ensuring that properly elected candidates hold office, the Court reasoned that the public does not have an interest in a particular person holding that office. *Id.*, 711 S.E.2d at 274.

¹ After *Powers*, the Legislature also enacted the Torts Claims Act, which requires county commissions to indemnify employees in certain civil actions. In *Atkinson v. County Commission of Wood County*, 200 W. Va. 380, 489 S.E.2d 762 (1997), the Court indicated that the Act might suggest a need to revisit its decision in *Powers*, but the Court has since declined to revisit its decision in *Powers*. *Atkinson*, 200 W. Va. at 386 & n.14, 489 S.E.2d 762, 768 & n.14.

² Indeed, the Court in *Smith* held that these two factors from *Powers* should govern the exercise of a county commission's discretion even in those instances when § 11-8-31a applies directly. *Smith*, 228 W. Va. at 482, 721 S.E.2d at 52.

Based on the reasoning in *Powers*, *Smith*, and *Hicks*, we think that the Supreme Court of Appeals would conclude that the Jefferson County Commission has authority under West Virginia Code § 7-1-3 to reimburse a county official for attorney fees where the action involved the discharge of an official duty and the official acted in good faith.

There are a few points worth noting in applying that general principle to the specific facts raised in your letter. *First*, we are not aware of a case in which the Court has applied the *Powers* framework in connection with an administrative proceeding as opposed to litigation. But the rationale of *Powers* seems broad enough to permit reimbursement for defense of a complaint brought before the state ethics board. The majority rule that the Court articulated when developing the *Powers* test permitted reimbursement for expenses incurred in the “discharge” of official duties, 170 W. Va. at 157, 291 S.E.2d at 472, which would seem to apply regardless of the forum in which the official was defending his or her conduct. Moreover, an adverse ruling from the ethics board could serve as the predicate for an action to remove the official from office. W. Va. Code §§ 6B-2-4(s)(2)-(3).

Second, and related, we are not aware of a case in which the Court applied *Powers* where the underlying action did not seek the official’s removal from office or any other particular sanction. But unlike the specific text of West Virginia Code § 11-8-31a, which makes explicit reference to requests for removal from office, there appears to be no similar requirement when applying the *Powers* framework under West Virginia Code § 7-1-3. To the contrary, as the Court explained in *Powers* and reiterated in *Smith* and *Hicks*, the policy underlying reimbursement of fees applies broadly whenever “the voters have a legitimate interest in protecting their duly elected officials from being hectoring out of office through the constant charge of bankrupting attorneys’ fees on their own resources.” *Powers*, 170 W. Va. at 161, 291 S.E.2d at 476; *Smith*, 228 W. Va. at 481, 721 S.E.2d at 51; *Hicks*, 227 W. Va. at 451, 711 S.E.2d at 273. Therefore, we conclude that the Court would likely determine that where the *Powers* test is met, county commissions may reimburse their officials for fees even if the underlying action does not expressly seek the official’s removal from office or some other specific sanction.

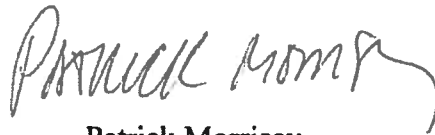
Third, while the actual application of *Powers* to these specific facts is beyond the scope of this opinion, it appears that the county commission would have strong bases to conclude that, unlike in *Hicks*, at least some of the claims in the ethics complaint arose from the discharge of an official duty. The complaint alleges, for example, that the president violated the West Virginia Ethics Act in presiding over multiple meetings of the Planning Commission in which he allegedly guided the watering down of a proposal that would benefit his client. The Court is likely to conclude that the complaint arose from the president’s exercise of his official duty to preside over meetings of the Jefferson County Commission. See Bylaws of the Jefferson County Planning Commission, § 3.2, available at <http://www.jeffersoncountywv.org/home/showdocument?id=259>. And further, the Court is likely to determine that the government has an interest in the orderly conduct of Planning Commission meetings and the President’s conduct when presiding over those meetings.

Mr. Matthew Harvey
April 5, 2017
Page 5

Of course, as noted above, prior to awarding fees, the county commission must also assure itself that the officer acted in good faith. Here, the fact that the complaint against the officer was dismissed appears to be some indication that the President acted in good faith, but that determination must be made by the county commission in the first instance.

Finally, although we are not aware of a case that presents these specific facts, the Supreme Court has previously suggested that the county commission's decision whether or not to award fees, while discretionary, could be challenged in an appropriate petition for mandamus to that Court. *Powers*, 170 W. Va. at 160, 291 S.E.2d at 475. In any such challenge, the Court would likely evaluate whether the county commission abused its discretion by engaging in an analysis of the *Powers* factors. *Smith*, 228 W. Va. at 482, 721 S.E.2d at 52.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Morrisey", with a stylized flourish at the end.

Patrick Morrisey
Attorney General

Thomas M. Johnson, Jr.
Deputy Solicitor General

Erica N. Peterson
Assistant Attorney General

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Matt Harvey, Prosecutor**

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **July 20, 2017**

If a specific date is needed, please provide reason for specific date: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*): **Discuss opioid litigation aimed at pharmaceutical drug distributors that are accused of contributing to the community's heroin epidemic - Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? **Y/N** [Click here to enter text.](#)

If so, how much? **\$**[Click here to enter text.](#)

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? **Projector** **Y/N** [Click here to enter text.](#) **Internet/Wi Fi** **Y/N** [Click here to enter text.](#) **Telephone for conference call** **Y/N** [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

NOTICE OF PUBLIC HEARING

BEFORE THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

**IN RE: DISSOLUTION OF THE JEFFERSON COUNTY
 PUBLIC SERVICE DISTRICT**

Notice of Proposal and Continuation of Hearing

Please take notice that the Jefferson County Commission shall hold the continuation of a hearing (which was first convened on May 4, 2017) on the proposed dissolution of the Jefferson County Public Service District on Thursday, July 6, 2017, beginning at 7:00 p.m. in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, West Virginia 25414. The proposed dissolution is contingent upon a plan for the acquisition of the District's assets and customers being presented to the County Commission by the Charles Town City Council and/or its Utility Board, for ratification by the County Commission, and subject to the consent and approval of the Public Service Commission of West Virginia.

All persons residing in or owning or having any interest in property in the territory of the Jefferson County Public Service District or the City of Charles Town may be heard for or against the proposed dissolution. A copy of the Order proposing dissolution of the Jefferson County Public Service District is available from the Office of the Clerk of the County Commission of Jefferson County, West Virginia, located at 100 E. Washington Street, Charles Town, West Virginia 25414.

**By Order of The County
Commission of Jefferson County
Peter Onoszko, President**



**Jefferson County Homeland Security and Emergency Management
Quarterly Report to the Jefferson County Commission
Fourth Quarter of FY-2017 –April-June, 2017**

Projects Completed:

Sponsored the G-402 Incident Command for Executives and Local Officials on April 5 at Independent Fire Department.

Sponsored the Skywarn Stormspotter Class on Floods at Independent Fire Department in April.

The Director and Deputy Director took a Train the Trainer Course for Basic Emergency Management from FEMA in Flatwoods in May.

The Director helped to develop the Disaster Risk Reduction Curriculum and taught it at PEMA (Pennsylvania Emergency Management Agency) for the RNN (Resilient Neighbors Network) in May to over 60 people in the room and others through online.

The Director participated in the FEMA RAC (Regional Advisory Committee) to the Regional FEMA Director in Philadelphia by telephone/GoToMeeting on June 6 & 7.

Director participate in the EPEMA (Eastern Panhandle Emergency Management Agencies) meeting at the Berkeley County EOC in May.

HAM Radio testing night was held at Jefferson EOC in April, May, and June.

JCHSEM staff attended a Lunch-n-Learn at Shepherd University titled, "Lessons Learned from Hurricane Katrina."

Held meetings of JCHSEM's Public Awareness Committee, Counter Terrorism Committee and Steering Committee. Also held Local Emergency Planning Committee (LEPC) meetings.

JCHSEM held the Quarterly Partnership Luncheon at the US Fish and Wildlife Center's National Conservation Training Center in April. The speaker was John Sherwood about the Jefferson County Community Organizations Active in Disaster.

JCHSEM Staff Briggs Animal Adoption Center from the perspective of Animals in Disaster and for the Disaster Ready Kids Program planning.

Participated with a booth at Bark in the Park at Jefferson Memorial Park in June.

Participated in National Pet Preparedness Day at PetValu in Ranson on May 6.

Provided training to Volunteers for the Disaster Ready Kids Program. All volunteers had to attend training, sign a paper agreeing to all of the rules of the program, and successfully pass a background investigation, as well as sign a County Volunteer form.

Staff and Volunteers have provided 3 Disaster Ready Kids Trainings, thus far. This program continues through the end of September.

Staff conducted quarterly equipment testing to ensure operational reliability.

JCHSEM Staff and Jefferson County agencies participated in a Virtual Table Top Exercise with FEMA via a VOC System at the US Fish and Wildlife Services' National Conservation Training Center near Shepherdstown in May.

JCHSEM staff and Jefferson County agencies participated in the Shaky Ground Tabletop Functional Exercise for WV Homeland Security Region 3 in Hampshire County with other participants from Jefferson County and from throughout the region in June.

Staff completed the FEMA-required tour of all repetitive loss properties (those who have had 2 or more flood insurance claims in any 10-year period, and of all properties that were mitigated through Hazard Mitigation Grant funds from FEMA. There are 20 properties in all that have to be visited and photographed annually. A signed Repetitive Loss Worksheet for each property was completed, with the cover sheet signed by the County Commission President sent to ISO (Insurance Service Offices)

Projects Working on Now:

Finalizing the updates to the Jefferson County EOP annexes.

Worked with the LEPC, their contractor on the LEPC's two planning projects. One is an advanced commodity flow study for propane being transported by trains through Jefferson County. The other is an advanced commodity flow study on hazardous waste that is either generated in, or transported through the County.

Jefferson County Homeland Security and Emergency Management 28 Industrial Blvd., Suite 101, Kearneysville, WV 25430 304-728-3290 bmiller@jeffersoncountywv.org
<http://www.jeffersoncountywv.org/county-government/departments/homeland-security-and-emergency-management>

The Director is writing a grant to acquire funding for the 2018 update to the Jefferson County Multi-Jurisdictional Risk Assessment and Mitigation Plan. Once funding is secured, an RFP will be let to choose the contractor and commence with this project.

Developing the RFP for the above plan.

Planning the required annual meeting with stakeholders on the 2013 All Hazards Risk Assessment and Mitigation Plan.

Staff is preparing the FEMA-required annual letters that must be sent to all properties that are in or near a floodplain as a part of the CRS (Community Rating System of the National Flood Insurance Program) requirements.

Staff is working with the LEPC and other stakeholders to complete the 2017 THIRA (Threat Hazard Identification Risk Assessment).

FEMA and State representatives will be in the County on July 18th to conduct audits (Programmatic and Financial) of the Emergency Management Performance Grants for the years 2014-present.

We are conducting meetings with all stakeholders that will be participating in the 2017 Shaky Ground Full Scale Exercise on Saturday, September 9th throughout WV Homeland Security Region 3, including Jefferson County. Our Emergency Operations Center will be activated for the event, and there will be a variety of activities throughout the area.

Things the County Commission Should be Aware of:

The next Quarterly Partnership Meeting will be held on July 28 at Noon at Skippers in Charles Town. Thomas Butcher, the new External Affairs representative for First Energy has been requested to be the speaker.

The WV Division of Homeland Security and Emergency Management's program to issue PIV-I Cards. (Personal Identity Verification-Interoperable) is on hold. Our department is responsible for assisting to have those cards issued in Jefferson County. The program is on hold as the state identifies a new vendor for the program.

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, July 20, 2017 or as soon thereafter as the Commission may decide:

Jefferson County Community Criminal Justice Board - seven three-year terms ending July 03, 2020

The following board member positions are vacant:

- One member with a background in mental health care and services.
- One member with a background in substance abuse treatment and services.
- One member who can represent organizations or programs advocating for the rights of victims of crimes with preference given to organizations or programs advocating for the rights of victims of the crimes of domestic violence.
- Three at-large members who are familiar with the community and have an interest in advancing access to substance abuse treatment
- One member who is a public defender or an attorney who practices in the area of criminal defense.

All appointees must be residents of Jefferson County.

"The Criminal Justice Board evaluates and monitors community corrections programs, services, and facilities to determine their impact on offenders and develop and apply for approval of community corrections programs operated by the Jefferson Day Report Center, a non-profit organization."

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414 no later than 12:00 pm on the Monday before the proposed appointment date.

Please direct any questions regarding the background needed to apply for these positions to Ronda Eddy, Executive Director, Jefferson Day Report Center at (304) 728-3527.

Additional information regarding appointments to County boards, commissions, and committees may be obtained by calling the Commission Office at (304) 728-3284.

Public Service Commission of West Virginia

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323



Phone: (304) 340-0300
Fax: (304) 340-0325

Received

June 13, 2017

JUN 22 2017

Jefferson County Commission

Jefferson County Commission
124 East Washington Street
Charles Town, WV 25414

SUBJECT: Disbursement of Wireless E-911 Subscriber Fees

Dear County Commissioner:

A check in the amount of \$192,602.12 representing a disbursement of Wireless E-911 subscriber fees **will be mailed directly from the West Virginia State Auditor's Office.** This amount is your County's share of the fees remitted to the Public Service Commission for the months of March, April, and May 2017. The next disbursement will be in three months.

I can be reached at our toll-free number, 1-800-344-511, Extension 364, or direct at 304-340-0364, should you have any questions about the disbursement calculation or about the fees in general.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Mitchell".

Sandra Mitchell
Budget & Finance Manager

SM:kp



CORPORATION OF SHEPHERDSTOWN

104 NORTH KING STREET
P.O. Box 248
SHEPHERDSTOWN, WEST VIRGINIA 25443-0248
TEL: (304)876-2312
FAX: (304) 876-1473

Donnie Fisher, President
Jefferson County Planning Commission
P.O. Box 716
Charles Town, WV 25414

June 26, 2017

Dear Mr. Fisher,

On May 23, 2017, the Jefferson County Planning Commission (JCPC) approved development of a Dollar General store to be located at 7174 Martinsburg Pike near Shepherdstown (file #S17-05). The Shepherdstown Planning Commission (SPC) is deeply concerned with the outcome and the process that led to this decision. In this letter, I offer comments on behalf of the Shepherdstown Planning Commission (SPC), as approved on June 19, 2017.

First, Highway 45, which borders the site to the North, constitutes a gateway to Shepherdstown and was included as a Special Design Area (SDA) in the Jefferson County Comprehensive Plan, Envision 2035. At the May 23 meeting, the JCPC argued that since no standards have been developed for the SDA, there could be no consideration of the SDA. Unfortunately, this decision by the JCPC undermines the intent of the Comprehensive Plan and breaks the trust with County residents who participated in the planning process and expected it to be implemented. **We therefore request the County develop SDA standards before additional projects are approved in this area.**

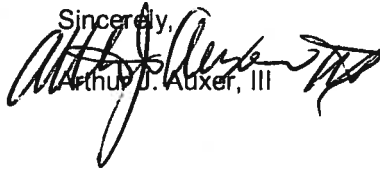
Second, the re-zoning process for this parcel was problematic. A presentation on the Shepherdstown Preferred Growth Area was made to the Shepherdstown Planning Commission during the Envision 2035 development process and this area was subsequently expanded without informing the Town. In our view, the approved development is incompatible with the adjacent residential zone. Indeed, many County residents expressed their concern about this development at the May 23 meeting. Critical issues were raised regarding traffic safety, future development, noise and light pollution.

Third, the parcel is within the Shepherdstown Growth Management Boundary (GMB). This boundary was designed to allow the Corporation some level of management (in cooperation with the County) as to future growth within that boundary. The Corporation was directed by the County in 2012/2013 to establish such a boundary in accordance with state code. The Corporation obliged, established a boundary that was believed to be appropriate and, on May 15, 2014, the County approved it. However, there was no communication from the County to the

Corporation when this parcel(s) was included in the Preferred Growth Area and subsequently rezoned from residential to commercial. Again, this action by the County clearly undermines what the Corporation was lead to believe was one intent of a municipal GMB (or Urban Growth Boundary). Thus, the Corporation sent a request for a Memorandum of Understanding (MOU) to the County in September of 2015 and received a letter of denial in June of 2016. **Once again, the Corporation of Shepherdstown requests that an MOU be established between the County and the Town (the specifics of which can be negotiated).**

It is our understanding that our request for the development of a MOU will be added to the Jefferson County Commission agenda in July by Caleb Hudson. The importance of our request is underscored by the recent decision by the JCPC to approve commercial development on Route 45 without SDA standards. The MOU would be an opportunity to jointly address SDA standards for all gateways to Shepherdstown, and would improve our working relationship with the County.

Thank you for considering my comments. We look forward to your response on the requests we detail above. Please feel free to contact me for additional information or clarification.

Sincerely,

Arthur J. Auxer, III

Mayor

cc. Chazz Printz, Bowles Rice
Jane Tabb, County Commission Vice President
Patsy Noland, County Commissioner
Josh Compton, County Commissioner
Caleb Hudson, County Commissioner
Peter Onoszko, County Commission President
Jennifer Brockman, County Planner
Andrew Temple, Shepherdstown Chronicle
Michael Chambers, The Observer
Tim Cook, Martinsburg Journal



Eastern Panhandle Deaf Alliances, Inc.

We serve Deaf, Hard of Hearing, Deaf-Blind, and Late-Deafened

Ms. Stephanie Grove, County Administrator
Jefferson County Commission
124 E. Washington St.
Charles Town, WV 25414

June 18, 2017

Dear Ms. Grove,

The Eastern Panhandle of West Virginia is the beloved home to essential communities of Deaf, Hard of Hearing, Deaf-Blind, Late-Deafened, and Interpreters. These individuals in the Eastern Panhandle of West Virginia are receiving minimal to zero recognition in response to their daily struggles. These individuals within the Eastern Panhandle areas (Martinsburg, Charles Town, Berkeley Springs, Romney, Keyser) have no support services in nearly every area of their lives. It cost the communities their dignity and humanity when they are **unable** to obtain employment, are required to fight for their human rights as individuals with hearing losses/vision losses, to be provided with adequate or appropriate resources to support their young children and young adults in order to achieve academically, socially, and emotionally in relation to their hearing and/or vision losses, and to receive mental and emotional supports related to their daily obstacles.


West Virginia's neighbors provide far more services to deaf, hard of hearing, deaf-blind, and late-deafened. Ohio, and Maryland for instance, have sixteen (16) agencies and organizations that supply ample support services to enhance the quality of the lives of deaf, hard of hearing, deaf-blind, and late deafened in their states. Pennsylvania has over 70 services.

There is a great need for case management, advocacy, resources, and town hall. While we have already established the **Eastern Panhandle Deaf Alliances, Inc.** in Martinsburg, West Virginia, our goal is to ensure that both hearing and deaf communities are capable of exchanging businesses, services, knowledge, and others to flourish by empower and advocate deaf, hard of hearing, deaf-blind, and late-deafened and educate the major population. Raising awareness through a town hall event is one of approachable models. As West Virginians, we need **your** support to accomplish raising awareness.

You can help Eastern Panhandle Deaf Alliances, Inc. **Your support is key in solving this problem.**

We look forward to work with you collaboratively in creating much healthier and flourish communities in West Virginia. In early 2018, we will send you an invitation to the May 2018 town hall event in Martinsburg, West Virginia

With Warms Regards,


Christina Vorreyer-Davis, M.S.
Executive Director

Christina Vorreyer-Davis, M.S., Executive Director
Board of Directors: Mary Ann Jividen, Kaye Peacock, Gloria Hollen, Kristopher Davis

P.O. Box 1886 Hedgesville, WV 25427 304-433-8612

EPDeafAlliances@gmail.com

**WEST VIRGINIA LOTTERY
WEEKLY SETTLEMENT FOR CHARLES TOWN**

Week Ending Date	FY17 June 24, 2017
To be Deposited on:	June 30, 2017
Amount Played	\$ 57,439,003.43
Amount Won	51,546,287.71
Amount Promo	495,884.00
MWAP Contribution	_____
Adjusted Gross Terminal Revenue	<u>5,396,831.72</u>
Administrative Costs @ 4%	-
Excess Lottery Fund @ 4%	<u>215,873.28</u>
Net Terminal Revenue	<u>5,180,958.44</u>
Surcharge @ 10%	518,095.84
State Share Excess @ 58% & 10% of 42%	322,255.61
Track Share of Capital Reinvestment @ 90% of 42%	<u>195,840.23</u>
<i>Track Share of Capital Reinvestment @ 96%</i>	<i>188,008.82</i>
<i>Track Share of Capital Reinvestment @ 4%</i>	<i>7,833.81</i>
Adjusted Net Terminal Revenue	<u>4,662,862.60</u>
Racetrack @ 46.50% / 42%	1,958,402.29
Lottery Fund @ 30% / 0%	-
Excess Lottery Fund @ 0% / 41%	1,911,773.71
Excess Lottery Fund @ 12.85% / 9.55%	445,303.36
Race Track Purses @ 90% of 7% / 4%	167,863.05
Employee Pension Fund @ 1% / .5%	23,314.31
Greyhound Development @ 90% of .75%	31,474.32
Thoroughbred Development @ 90% of .75%	31,474.32
County/Municipality @ 2%	<u>93,257.24</u>
	<u>\$ 4,662,862.60</u>

WEST VIRGINIA LOTTERY

First Benchmark
Charles Town
County / City Split
Fiscal Year 2017

1999 Net Terminal Revenue \$ 45,603,174
Benchmark Goal @ 2% \$ 912,063.48

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 7.93%	CHARLES TOWN 39.90%	HARPERS FERRY 2.17%	RANSON 33.68%	SHEPHERDS TOWN 16.32%
2 days ending: 07/02/16	\$ 51,477.36	\$ 51,477.36	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/09/16	125,605.24	125,605.24	-	-	-	-	-	-
07/16/16	107,876.48	107,876.48	-	-	-	-	-	-
07/23/16	107,196.20	107,196.20	-	-	-	-	-	-
07/30/16	111,534.28	111,534.28	-	-	-	-	-	-
08/06/16	110,378.32	110,378.32	-	-	-	-	-	-
08/13/16	101,561.56	101,561.56	-	-	-	-	-	-
08/20/16	115,270.28	115,270.28	-	-	-	-	-	-
08/27/16	111,097.28	96,130.52	14,966.76	1,186.86	5,971.74	324.78	5,040.80	2,442.58
09/03/16	120,896.24	60,448.12	60,448.12	4,793.54	24,118.80	1,311.72	20,358.93	9,865.13
09/10/16	123,196.08	61,598.04	61,598.04	4,884.72	24,577.62	1,336.68	20,746.22	10,052.80
09/17/16	101,219.28	50,609.64	50,609.64	4,013.34	20,193.25	1,098.23	17,045.33	8,259.49
09/24/16	102,399.36	51,199.68	51,199.68	4,060.14	20,428.67	1,111.03	17,244.05	8,355.79
10/01/16	108,692.68	54,346.34	54,346.34	4,309.65	21,684.19	1,179.32	18,303.85	8,869.32
10/08/16	101,792.36	50,896.18	50,896.18	4,036.07	20,307.57	1,104.45	17,141.83	8,306.26
10/15/16	103,115.76	51,557.88	51,557.88	4,088.54	20,571.59	1,118.81	17,364.69	8,414.25
10/22/16	107,651.80	53,825.90	53,825.90	4,268.39	21,476.53	1,168.02	18,128.56	8,784.40
10/29/16	101,706.44	50,853.22	50,853.22	4,032.66	20,290.43	1,103.51	17,127.37	8,299.25
11/05/16	111,917.68	55,958.84	55,958.84	4,437.53	22,327.58	1,214.31	18,846.94	9,132.48
11/12/16	106,692.36	53,346.18	53,346.18	4,230.35	21,285.13	1,157.61	17,966.99	8,706.10
11/19/16	94,349.80	47,174.90	47,174.90	3,740.97	18,822.78	1,023.70	15,888.51	7,698.94
11/26/16	113,653.88	56,826.94	56,826.94	4,506.38	22,673.95	1,233.14	19,139.31	9,274.16
12/03/16	96,815.72	48,407.86	48,407.86	3,838.74	19,314.74	1,050.45	16,303.77	7,900.16
12/10/16	87,486.28	43,743.14	43,743.14	3,468.83	17,453.51	949.23	14,732.69	7,138.88
12/17/16	67,205.08	33,602.54	33,602.54	2,664.68	13,407.41	729.18	11,317.34	5,483.93
12/24/16	80,444.92	40,222.46	40,222.46	3,189.64	16,048.76	872.83	13,546.92	6,564.31
12/31/16	121,307.80	60,653.90	60,653.90	4,809.85	24,200.91	1,316.19	20,428.23	9,898.72
01/07/17	85,269.00	42,634.50	42,634.50	3,380.92	17,011.16	925.17	14,359.30	6,957.95
01/14/17	75,502.36	37,751.18	37,751.18	2,993.67	15,062.72	819.20	12,714.60	6,160.99
01/21/17	93,741.16	46,870.58	46,870.58	3,716.84	18,701.36	1,017.09	15,786.01	7,649.28
01/28/17	81,385.92	40,692.96	40,692.96	3,226.95	16,236.49	883.04	13,705.39	6,641.09
02/04/17	88,554.20	44,277.10	44,277.10	3,511.18	17,666.56	960.81	14,912.53	7,226.02
02/11/17	85,028.56	42,514.28	42,514.28	3,371.38	16,963.20	922.56	14,318.81	6,938.33
02/18/17	96,173.60	48,086.80	48,086.80	3,813.28	19,186.63	1,043.49	16,195.63	7,847.77
02/25/17	110,730.04	55,365.02	55,365.02	4,390.45	22,090.64	1,201.42	18,646.94	9,035.57
03/04/17	95,762.48	47,881.24	47,881.24	3,796.98	19,104.62	1,039.02	16,126.40	7,814.22
03/11/17	92,549.16	46,274.58	46,274.58	3,669.57	18,463.56	1,004.16	15,585.28	7,552.01
03/18/17	87,919.56	43,959.78	43,959.78	3,486.01	17,539.95	953.93	14,805.65	7,174.24
03/25/17	98,261.24	49,130.62	49,130.62	3,896.06	19,603.12	1,066.13	16,547.19	8,018.12
04/01/17	96,249.44	48,124.72	48,124.72	3,816.29	19,201.76	1,044.31	16,208.41	7,853.95
04/08/17	92,525.20	46,262.60	46,262.60	3,668.62	18,458.78	1,003.90	15,581.24	7,550.06
04/15/17	93,537.96	46,768.98	46,768.98	3,708.78	18,660.82	1,014.89	15,751.79	7,632.70
04/22/17	91,228.00	45,614.00	45,614.00	3,617.19	18,199.99	989.82	15,362.80	7,444.20
04/29/17	96,408.68	48,204.34	48,204.34	3,822.60	19,233.53	1,046.04	16,235.22	7,866.95
05/06/17	93,780.60	46,890.30	46,890.30	3,718.40	18,709.23	1,017.52	15,792.65	7,652.50
05/13/17	95,296.32	47,648.16	47,648.16	3,778.50	19,011.61	1,033.97	16,047.90	7,776.18
05/20/17	87,996.48	43,998.24	43,998.24	3,489.06	17,555.30	954.76	14,818.61	7,180.51
05/27/17	99,861.88	49,930.94	49,930.94	3,959.52	19,922.45	1,083.50	16,816.74	8,148.73
06/03/17	105,006.24	52,503.12	52,503.12	4,163.50	20,948.74	1,139.32	17,683.05	8,568.51
06/10/17	85,126.16	42,563.08	42,563.08	3,375.25	16,982.67	923.62	14,335.25	6,946.29
06/17/17	95,307.36	47,653.68	47,653.68	3,778.94	19,013.82	1,034.08	16,049.76	7,777.08
06/24/17	93,257.24	46,628.62	46,628.62	3,697.65	18,604.82	1,011.84	15,704.52	7,609.79
Subtotal	\$ 5,108,999.36	\$ 3,010,531.42	\$ 2,098,467.94	\$ 166,408.48	\$ 837,288.69	\$ 45,536.78	\$ 706,764.00	\$ 342,469.99

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

VIDEO LOTTERY REPORT

FY 2013		FY 2014		FY 2015		FY 2016		FY 2017	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
7/7/2012	161,637.92	7/6/2013	123,196.88	7/5/2014	106,819.12	7/4/2015	89,446.56	7/1-2/2016	51,477.36
7/14/2012	129,458.04	7/13/2013	128,060.40	7/12/2014	111,792.16	7/11/2015	119,132.68	7/9/2016	125,605.24
7/21/2012	130,037.00	7/20/2013	115,128.84	7/19/2014	116,320.32	7/18/2015	112,706.24	7/16/2016	107,876.48
7/28/2012	137,164.44	7/27/2013	123,049.56	7/26/2014	112,502.48	7/25/2015	109,356.88	7/23/2016	107,196.20
8/4/2012	132,931.16	8/3/2013	116,180.80	8/2/2014	117,145.12	8/1/2015	119,089.60	7/30/2016	111,534.28
8/11/2012	134,212.88	8/10/2013	120,078.64	8/9/2014	114,374.60	8/8/2015	115,689.52	8/6/2016	110,378.32
8/18/2012	110,241.90	8/17/2013	124,888.56	8/16/2014	114,105.32	8/15/2015	108,726.48	8/13/2016	101,561.56
8/25/2012	66,209.90	8/24/2013	89,882.12	8/23/2014	116,097.04	8/22/2015	108,922.12	8/20/2016	115,270.28
9/1/2012	67,133.42	8/31/2013	58,913.18	8/30/2014	60,280.02	8/29/2015	73,285.10	8/27/2016	96,130.52
9/8/2012	74,029.40	9/7/2013	67,758.74	9/6/2014	61,420.28	9/5/2015	55,890.76	9/3/2016	60,448.12
9/15/2012	61,838.04	9/14/2013	53,374.22	9/13/2014	51,364.96	9/12/2015	63,273.30	9/10/2016	61,598.04
9/22/2012	56,996.90	9/21/2013	54,277.94	9/20/2014	50,664.54	9/19/2015	54,233.06	9/17/2016	50,609.64
9/29/2012	61,611.40	9/28/2013	54,881.50	9/27/2014	50,127.22	9/26/2015	52,439.60	9/24/2016	51,199.68
10/6/2012	62,715.20	10/5/2013	55,950.74	10/4/2014	53,531.28	10/3/2015	53,104.94	10/1/2016	54,346.34
10/13/2012	60,710.18	10/12/2013	55,837.92	10/11/2014	51,127.00	10/10/2015	50,291.26	10/8/2016	50,896.18
10/20/2012	62,333.08	10/19/2013	61,327.20	10/18/2014	56,414.64	10/17/2015	53,048.80	10/15/2016	51,557.88
10/27/2012	58,073.54	10/26/2013	52,854.06	10/25/2014	49,890.20	10/24/2015	55,418.72	10/22/2016	53,825.90
11/3/2012	56,545.30	11/2/2013	57,543.54	11/1/2014	52,242.34	10/31/2015	57,023.64	10/29/2016	50,853.22
11/10/2012	56,110.96	11/9/2013	54,666.76	11/8/2014	52,819.26	11/7/2015	55,832.08	11/5/2016	55,958.84
11/17/2012	57,432.36	11/16/2013	56,495.96	11/15/2014	51,810.32	11/14/2015	56,012.86	11/12/2016	53,346.18
11/24/2012	65,888.86	11/23/2013	48,628.62	11/22/2014	46,228.62	11/21/2015	50,193.76	11/19/2016	47,174.90
12/1/2012	50,243.34	11/30/2013	59,645.66	11/29/2014	55,593.44	11/28/2015	60,010.98	11/26/2016	56,826.94
12/8/2012	50,770.96	12/7/2013	47,306.24	12/6/2014	46,792.50	12/5/2015	47,767.86	12/3/2016	48,407.86
12/15/2012	47,022.38	12/14/2013	29,229.02	12/13/2014	40,904.98	12/12/2015	42,938.56	12/10/2016	43,743.14
12/22/2012	46,838.96	12/21/2013	44,581.02	12/20/2014	41,600.84	12/19/2015	43,087.16	12/17/2016	33,602.54
12/29/2012	59,697.22	12/28/2013	62,117.14	12/27/2014	58,114.68	12/26/2015	52,835.48	12/24/2016	40,222.46
1/5/2013	71,673.52	1/4/2014	62,963.88	1/3/2015	68,277.28	1/2/2016	74,963.14	12/31/2016	60,653.90
1/12/2013	50,416.30	1/11/2014	37,935.94	1/10/2015	37,099.34	1/9/2016	41,474.24	1/7/2017	42,634.50
1/19/2013	51,211.88	1/18/2014	49,418.64	1/17/2015	43,217.36	1/16/2016	43,455.58	1/14/2017	37,751.18
1/26/2013	46,966.26	1/25/2014	42,720.80	1/24/2015	41,212.80	1/23/2016	25,025.40	1/21/2017	46,870.58
2/2/2013	52,067.92	2/1/2014	47,681.60	1/31/2015	42,783.32	1/30/2016	36,805.26	1/28/2017	40,692.96
2/9/2013	52,222.20	2/8/2014	45,434.52	2/7/2015	47,859.18	2/4/2016	51,695.74	2/4/2017	44,277.10
2/16/2013	64,243.52	2/15/2014	41,076.08	2/14/2015	48,131.08	2/13/2016	44,941.78	2/11/2017	42,514.28
2/23/2013	64,115.70	2/22/2014	61,523.98	2/21/2015	37,610.66	2/20/2016	50,505.40	2/18/2017	48,086.80
3/2/2013	62,602.74	3/1/2014	57,744.78	2/28/2015	56,982.14	2/27/2016	52,426.86	2/25/2017	55,365.02
3/9/2013	59,213.26	3/8/2014	50,439.94	3/7/2015	43,750.42	3/5/2016	53,474.66	3/4/2017	47,881.24
3/16/2013	62,366.36	3/15/2014	54,414.66	3/14/2015	55,096.66	3/12/2016	51,447.02	3/11/2017	46,274.58
3/23/2013	59,841.02	3/22/2014	50,734.62	3/21/2015	53,081.08	3/19/2016	50,356.80	3/18/2017	43,959.78
3/30/2013	57,567.98	3/29/2014	51,174.60	3/28/2015	50,548.88	3/26/2016	52,217.46	3/25/2017	49,130.62
4/6/2013	63,108.84	4/5/2014	55,229.90	4/4/2015	51,713.78	4/2/2016	54,185.88	4/1/2017	48,124.72
4/13/2013	56,849.30	4/12/2014	48,653.18	4/11/2015	51,024.54	4/9/2016	49,690.04	4/8/2017	46,262.60
4/20/2013	55,432.12	4/19/2014	54,469.22	4/18/2015	49,338.10	4/16/2016	49,071.82	4/15/2017	46,768.98
4/27/2013	58,612.74	4/26/2014	51,637.18	4/25/2015	49,656.62	4/23/2016	49,485.78	4/22/2017	45,614.00

5/4/2013	61,102.92	5/3/2014	54,757.72	5/2/2015	54,079.66	4/30/2016	50,872.46	4/29/2017	48,204.34
5/11/2013	57,428.70	5/10/2014	51,011.76	5/9/2015	50,062.82	5/7/2016	52,135.22	5/8/2017	46,890.30
5/18/2013	61,172.80	5/17/2014	51,148.34	5/16/2015	48,308.08	5/14/2016	51,441.84	5/13/2017	47,648.16
5/25/2013	57,131.24	5/24/2014	53,082.60	5/23/2015	47,705.92	5/21/2016	48,392.48	5/20/2017	43,998.24
6/1/2013	65,920.66	5/31/2014	62,642.98	5/30/2015	58,258.10	5/28/2016	49,380.84	5/27/2017	49,930.94
6/8/2013	55,233.74	6/7/2014	49,517.18	6/6/2015	53,927.82	6/4/2016	58,228.50	6/3/2017	52,503.12
6/15/2013	54,067.52	6/14/2014	50,266.50	6/13/2015	50,110.84	6/11/2016	45,053.42	6/10/2017	42,563.08
6/22/2013	54,690.28	6/21/2014	48,768.14	6/20/2015	47,109.22	6/18/2016	46,179.18	6/17/2017	47,653.68
6/29/2013	55,991.38	6/28/2014	49,250.32	6/27/2015	55,325.14	6/25/2016	47,230.00	6/24/2017	46,628.62
6/30/2013	11,509.54	6/30/2014	12,010.70	6/30/2015	16,018.68	6/30/2016	27,584.00		

3,580,645.18

3,261,565.02

3,148,372.80

3,167,478.80

3,010,531.42

Table Game Revenue

Date	Amount	Date	Amount	Date	Amount	Date	Amount
July/August, 2010	154,185.68	July, 2011	141,718.01	July, 2012	138,663.64	July, 2013	99,274.36
September, 2010	94,247.84	August, 2011	137,473.92	August, 2012	133,245.83	August, 2013	111,427.75
October, 2010	105,903.60	September, 2011	110,375.25	September, 2012	127,532.40	September, 2013	80,857.74
November, 2010	108,717.67	October, 2011	124,273.94	October, 2012	126,482.02	October, 2013	81,066.09
December, 2010	118,721.11	November, 2011	121,118.87	November, 2012	134,443.93	November, 2013	79,853.94
January, 2011	106,189.21	December, 2011	140,509.93	December, 2012	146,677.92	December, 2013	79,617.31
February, 2011	105,776.45	January, 2012	137,812.68	January, 2013	132,650.35	January, 2014	75,093.81
March, 2011	120,927.10	February, 2012	142,770.01	February, 2013	121,636.62	February, 2014	75,170.90
April, 2011	130,654.61	March, 2012	151,845.46	March, 2013	149,033.62	March, 2014	78,201.51
May, 2011	130,492.02	April, 2012	127,862.26	April, 2013	105,545.23	April, 2014	72,380.72
June, 2011	121,576.41	May, 2012	137,905.13	May, 2013	109,747.38	May, 2014	93,191.89
		June, 2012	129,235.38	June, 2013	104,803.37	June, 2014	72,350.70
Total 2010-2011	1,297,391.70	Total 2011-2012	1,602,900.84	Total 2012-2013	1,530,462.31	Total 2013-2014	998,486.72

Date	Amount	Date	Amount	Date	Amount
July, 2014	78,639.07	July, 2015	75,674.79	July, 2016	77,234.20
August, 2014	84,726.51	August, 2015	70,064.73	August, 2016	63,158.62
September, 2014	71,967.51	September, 2015	64,845.44	September, 2016	67,701.42
October, 2014	66,257.02	October, 2015	68,440.97	October, 2016	63,392.97
November, 2014	71,046.66	November, 2015	67,488.54	November, 2016	61,087.94
December, 2014	76,797.24	December, 2015	73,055.05	December, 2016	59,508.00
January, 2015	73,346.66	January, 2016	67,545.11	January, 2017	63,836.29
February, 2015	66,262.78	February, 2016	65,518.59	February, 2017	51,478.72
March, 2015	73,747.70	March, 2016	72,986.23	March, 2017	
April, 2015	76,343.68	April, 2016	68,149.38	April, 2017	54,086.05
May, 2015	78,424.23	May, 2016	76,415.84	May, 2017	55,545.56
June, 2015	81,569.83	June, 2016	62,572.11		
Total 2014-2015	899,128.89	Total 2015-2016	832,756.78	Total 2016-2017	617,029.77

Table Game Revenue Distribution - Jefferson County School Board

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08	July, 2014	235,917.21
August, 2011	412,421.76	August, 2012	399,737.49	August, 2013	334,283.25	August, 2014	254,179.53
September, 2011	331,125.75	September, 2012	382,597.20	September, 2013	242,573.22	September, 2014	215,902.53
October, 2011	372,821.82	October, 2012	379,446.06	October, 2013	243,198.27	October, 2014	198,771.06
November, 2011	363,356.61	November, 2012	403,331.79	November, 2013	239,561.82	November, 2014	213,139.98
December, 2011	421,529.79	December, 2012	440,033.75	December, 2013	238,851.93	December, 2014	230,391.72
January, 2012	413,438.04	January, 2013	397,951.05	January, 2014	225,281.43	January, 2015	220,039.98
February, 2012	428,310.03	February, 2013	381,857.07	February, 2014	225,512.70	February, 2015	198,788.34
March, 2012	455,536.38	March, 2013	447,100.86	March, 2014	234,604.53	March, 2015	221,243.10
April, 2012	383,586.78	April, 2013	316,635.69	April, 2014	217,142.18	April, 2015	229,031.04
May, 2012	413,715.39	May, 2013	329,242.14	May, 2014	279,575.67	May, 2015	235,272.69
June, 2012	387,706.12	June, 2013	314,410.11	June, 2014	217,052.10	June, 2015	244,709.49
Total 2011-2012	4,808,702.50	Total 2012-2013	4,608,334.13	Total 2013-2014	2,995,460.18	Total 2014-2015	2,697,386.67

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2015	227,024.37	July, 2016	231,702.60
August, 2015	210,194.19	August, 2016	189,475.86
September, 2015	194,536.32	September, 2016	203,104.26
October, 2015	205,322.91	October, 2016	190,178.91
November, 2015	202,465.62	November, 2016	183,263.82
December, 2015	219,165.15	December, 2016	178,524.00
January, 2016	202,635.33	January, 2017	191,508.87
February, 2016	196,555.77	February, 2017	154,436.16
March, 2016	218,958.69	March, 2017	
April, 2016	204,448.14	April, 2017	162,258.15
May, 2016	229,247.52	May, 2017	166,636.68
June, 2016	187,716.33		
Total 2015-2016	2,498,270.34	Total 2016-2017	1,851,089.31