

AGENDA
JEFFERSON COUNTY COMMISSION
FIRST QUARTERLY SESSION - JANUARY-MARCH 2018
THURSDAY, JANUARY 4TH, 2018
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

1. 9:30 a.m. County Commission Organization
 - a. Selection of President
 - b. Selection of Vice President
 - c. Committee Assignments

APPROVAL OF MINUTES

- December 15, 2017 - Legislative Summit
- December 21, 2017 - Special Session

APPROVAL OF PURCHASE ORDERS

- January 4, 2018

APPROVAL OF ACCOUNTS PAYABLE

- December 28, 2017
- January 4, 2018

APPROVAL OF MANUAL CHECKS

- December 28, 2017
- January 4, 2018

APPROVAL OF PAYROLL

- December 28, 2017

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

PRESENTATIONS

2. 10:00 a.m. Matthew Harvey, Prosecuting Attorney and Debra Young, Jefferson County Victim Assistance Program
 - Approval to fill the position of the part-time Victim Advocate in the Jefferson County Victim Assistance Program - Discussion/Action
 - Approval of full-time Assistant Prosecuting Attorney - Discussion/Action
3. 10:15 a.m. Thomas Butcher, First Energy Corp.
 - Introduction to Jefferson County Commission as the new External Affairs Manager of First Energy Corp.
4. 10:30 a.m. Interviews/Appointments to the Jefferson County Public Service District - one unexpired term ending December 1, 2019 - Discussion/Action
5. 10:45 a.m. **BREAK**
6. 11:00 a.m. Appointment of Daryl Hennessy, Charles Town City Manager, to the Jefferson County Development Authority for one unexpired term ending April 5, 2020 - Discussion/Action
7. 11:15 a.m. Nathan Cochran, Assistant Prosecuting Attorney
 - Discussion of PSD Dissolution, Appeal/Intervention of the PSC decision, acquisition of PSD assets, and related issues - Discussion/Action - Possible Executive Session
 - Discussion of Jefferson County Civil Action No. 2017-C-282 - Discussion/Action - Possible Executive Session
 - Conference call with counsel regarding Comcast cable franchise contract and related issues - Discussion/Action - Possible Executive Session
 - Provide update and final report re: City of Charles Town v. Hilleary Trust, et al (Jefferson County Civil Action No. 2017-P-83)
8. 11:45 a.m. Stephen S. Allen, Deputy Director/Planner/Program Manager
 - Recommendation from JCHSEM Steering Committee for appointments/reappointments to the JCHSEM Steering Committee - Discussion/Action
9. 12:15 p.m. **Break for Lunch**

NEW BUSINESS

10. Approval of the 2018 Board of Review and Equalization Notice - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Discuss PSD Audit - Discussion/Action
- Discuss Security Cameras - Discussion/Action

COUNTY COMMISSION REPORTS

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

11. 1:30 p.m. Michelle Gordon, Finance Director
- Ambulance Fee Analysis - Continued - Discussion/Action

12. 2:00 p.m. Alexandra Beaulieu, Zoning Administrator
- Request to schedule a public hearing to receive input on the proposed amendments to the Jefferson County Zoning and Land Development Ordinance (File #ZTA16-02) which includes proposed revisions and additions to multiple sections including Section 2.2, Terms Defined; Section 3.4 Boards and Commissions; Section 4.6, Distance Requirements; Section 4.14 Historic Preservation; Section 5.10 Village (V) District; Section 10.4 Signs Requiring a Zoning Permit; and Appendix C: Principal Permitted and Conditional Uses Table - Discussion/Action

13. 2:15 p.m. Roger Goodwin, P.E. Director and Chief County Engineer
Ralph Blasey, Attorney, Peel Properties
Tim Pownell, United Bank
- Thorn Hill Subdivision (JCPC File No. 02-17) - Request for time extension on Tolling of Bonding Agreement expiration - Discussion/Action

14. 2:30 p.m. Roger Goodwin, P.E. Director and Chief County Engineer
- Complete Bond Release request for The Conservation Fund Freshwater Institute - Hoop Structure Replacement (File #S16-03) - Discussion/Action

15. 2:35 p.m. Roger Goodwin, P.E. Director and Chief County Engineer
- Engineering Consultant Proposal - Bardane Industrial Park Waste Water Treatment Plant Lagoon Decommissioning & Sinkhole Remediation Project - Discussion/Action

16. ADJOURN

CORRESPONDENCE/INFORMATION

Offices closed on Monday, January 15, 2018 in observance of martin Luther King Jr. Day.

Notice of Public Hearing on Thursday, January 18, 2018 at 1:30 p.m. regarding proposed text amendments to the Jefferson County Subdivision and Land Development Regulations, File #STA16-01.

Road Closure Detour Route - January 13-14, 2018 - 7AM to 5PM.

WV Lottery Weekly Settlement for Charles Town - week ending December 2, 2017.

WV Lottery Weekly Settlement for Charles Town - week ending December 9, 2017.

WV Lottery Weekly Settlement for Charles Town - week ending December 16, 2017.

WV Lottery Weekly Settlement for Charles Town - week ending December 23, 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.

**Assignment to Boards,
Commissions & Organizations
Calendar Year 2018**

<i>Organization</i>	<i>Commissioner 2017</i>	<i>Commissioner 2018</i>
Affordable Housing	Hudson	
Approval of Bills	Hudson	
Board of Health	Hudson	
Building Repair & Security Courthouse Committee	Noland	
Community Corrections Committee - Day Report Center	Hudson	
Development Authority	Onoszko	
E-911 Council	Tabb	
Extension Service	Tabb	
Farmland Protection Board	Tabb	
Jefferson County Convention & Visitors Bureau	Noland	
Jefferson County Emergency Services Agency / Fire & Rescue	Tabb	
Historic Landmarks Commission	Onoszko	
Homeland Security/LEPC	Tabb	
Legislative Liaison	AS NEEDED	
Mental Health Center	Noland	
MPO Interstate Council	Noland	
Pan Tran	Noland	
Parks and Recreation	Compton	
Planning Commission	Onoszko	
Public Service District Liaison	Compton	
Region 9	Noland	
Solid Waste Authority	Compton	
Water Advisory Committee	Hudson	
Workforce Investment Act Liaison	Hudson	

Minutes

Jefferson County Commission

Friday, December 15, 2017

A meeting of the Jefferson County Commission was held on Friday, December 15, 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, and Peter Onoszko and Jane Tabb. Legislative attendees included Senator Patricia Rucker, Delegate Jill Upson (65th District), Delegate Paul Espinosa (66th District), and Delegate Riley Moore (67th District). Also present were Stephanie Grove, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jim Eddy, Bailiff. (An audio tape of the Thursday, December 15, 2017 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Compton led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Noland to approve the December 7, 2017 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
079383	425	BLUE RIDGE GARAGE DOORS		\$ -	\$ 247.50	\$ 247.50
079384	424	BOLAND SERVICES		\$ -	\$ 270.00	\$ 270.00
079384	425	BOLAND SERVICES		\$ -	\$ 166.00	\$ 166.00
079384	425	BOLAND SERVICES		\$ -	\$ 125.00	\$ 125.00
079384	425	BOLAND SERVICES		\$ -	\$ 136.00	\$ 136.00
079384	425	BOLAND SERVICES		\$ -	\$ 1,232.00	\$ 1,232.00
079384	425	BOLAND SERVICES		\$ -	\$ 1,003.00	\$ 1,003.00
079385	P/R DED	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85

079386	412	JADA BENNETT		\$ -	\$ 124.12	\$ 124.12
079387	P/R DED	ELIZABETH JUNE BOWERS		\$ -	\$ 2,250.00	\$ 2,250.00
079388	P/R DED	BUREAU F/CHILD SPRT ENF		\$ -	\$ 212.31	\$ 212.31
079389	P/R DED	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
079390	P/R DED	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
079391	406	CASTO & HARRIS INC		\$ -	\$ 1,185.00	\$ 1,185.00
079392	P/R DED	PAMELA DUDASH		\$ -	\$ 1,807.43	\$ 1,807.43
079393	424	J.C.EHRLICH		\$ -	\$ 32.00	\$ 32.00
079393	425	J.C.EHRLICH		\$ -	\$ 639.00	\$ 639.00
079394	402	SALLY GRAN		\$ -	\$ 30.00	\$ 30.00
079395	717	GUTTMAN OIL CO		\$ -	\$ 2,251.70	\$ 2,251.70
079395	717	GUTTMAN OIL CO		\$ -	\$ 3,382.33	\$ 3,382.33
079395	717	GUTTMAN OIL CO		\$ -	\$ 3,191.69	\$ 3,191.69
079395	717	GUTTMAN OIL CO		\$ -	\$ 2,943.11	\$ 2,943.11
079396	425	G & TRIPLE T. LLC		\$ -	\$ 495.00	\$ 495.00
079397	405	MATTHEW HARVEY		\$ -	\$ 42.14	\$ 42.14
079398	P/R DED	JEFFERSON SECURITY BANK		\$ -	\$ 5,915.00	\$ 5,915.00
079399	405	GREG JONES		\$ -	\$ 37.44	\$ 37.44
079400	425	KONE INC.		\$ -	\$ 429.68	\$ 429.68
079400	425	KONE INC.		\$ -	\$ 4,589.81	\$ 4,589.81
079401	405	MATTHEW BENDER & CO		\$ -	\$ 155.03	\$ 155.03
079401	405	MATTHEW BENDER & CO		\$ -	\$ 410.14	\$ 410.14
079402	402	MR PRINT		\$ -	\$ 129.06	\$ 129.06
079403	P/R DED	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 543.86	\$ 543.86
079404	440	MOUNTAIN RESEARCH LLC		\$ -	\$ 270.00	\$ 270.00
079404	440	MOUNTAIN RESEARCH LLC		\$ -	\$ 415.00	\$ 415.00
079404	440	MOUNTAIN RESEARCH LLC		\$ -	\$ 138.00	\$ 138.00
079405	412	AMANDA MASTERS		\$ -	\$ 16.59	\$ 16.59
079406	P/R DED	NATIONWIDE RETIREMENT		\$ -	\$ 849.00	\$ 849.00
079407	424	NFPA		\$ -	\$ 175.00	\$ 175.00
079408	717	RICE TIRES CO		\$ -	\$ 159.24	\$ 159.24
079408	717	RICE TIRES CO		\$ -	\$ 613.88	\$ 613.88
079408	717	RICE TIRES CO		\$ -	\$ 439.20	\$ 439.20
079409	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,730.72	\$ 10,730.72
079409	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 45,882.82	\$ 45,882.82
079409	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 42,750.46	\$ 42,750.46
079410	P/R DED	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 6,200.68	\$ 6,200.68
079410	P/R DED	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 8,753.90	\$ 8,753.90
079411	712	SEN COMMUNICATIONS		\$ -	\$ 947.00	\$ 947.00
079412	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 2,355.00	\$ 2,355.00

079412	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 315.00	\$ 315.00
079413	P/R DED	TRAVIS STELY		\$ -	\$ 868.04	\$ 868.04
079414	424	TRENARY SERVICE CO		\$ -	\$ 360.00	\$ 360.00
079415	405	THOMSON REUTER - WEST		\$ -	\$ 1,255.00	\$ 1,255.00
079415	405	THOMSON REUTER - WEST		\$ -	\$ 423.00	\$ 423.00
079415	405	THOMSON REUTER - WEST		\$ -	\$ 1,255.50	\$ 1,255.50
079416	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 4,445.61	\$ 4,445.61
079416	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 2,424.87	\$ 2,424.87
079416	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 27,317.16	\$ 27,317.16
079416	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 11,175.28	\$ 11,175.28
079417	700	WV STATE POLICE		\$ -	\$ 6.00	\$ 6.00
079418	P/R DED	LISA WALTERS		\$ -	\$ 333.46	\$ 333.46
079419	440	XEROX CORPORATION		\$ -	\$ 532.50	\$ 532.50
079420	405	NEIL ZAHRADNIK		\$ -	\$ 304.95	\$ 304.95
TOTAL					\$ 206,319.14	\$ 206,319.14

Motion by Mr. Compton to approve the Accounts Payable for December 14, 2017 in the amount of \$206,319.14. Motion seconded and unanimously approved.

MANUAL CHECKS

COAL SEVERANCE			
OO2			
Date	Check #	VENDOR	Amount
12/15/2017	452	EASTRIDGE HEALTH SYSTEM	\$ 300.00
HOME DETETION			
OO8			
Date	Check #	VENDOR	Amount
12/15/17	587	CDA	\$ 495.00
ASSESSOR VALUATION			
O56			
Date	Check #	VENDOR	Amount
12/15/17	659	WV NETWORK	\$ 4.00

12/15/17	660	MONROE	\$ 467.50
SHERIFF C/O			
246			
Date	Check #	VENDOR	Amount
12/15/2017	1656	UNITED BANKCARD CENTER	\$ 229.07
12/15/2017	1657	C. GENE POPKINS	\$ 1,500.00
IMPACT FEES			
249			
Date	Check #	VENDOR	Amount
12/15/2017	115	JEFF CO BOARD OF EDUCATION	\$ 2,837,728.00
TOTAL			\$ 2,840,723.57

Motion by Ms. Tabb to approve the Manual Checks for December 15, 2017 in the amount of \$2,840,723.57. Motion seconded and unanimously approved.

PRESENTATIONS

Mr. Onoszko stated the purpose of the Special Session was to gather with the state legislators and discuss the Commission's legislative priorities for the upcoming year, which are listed below:

- Legislation regarding the transport and storage of unclaimed, deceased bodies.
- Tax reform
- West Virginia Statewide Interoperability Radio Network (SIRN)
- Department of Highways – Rt. 340 at Harpers Ferry
- Opposition to the Consolidation of Regional Development Authorities.

Due to another commitment and shortage of time, the legislators were unable to speak about their priorities for the upcoming session but assured the Commission they'd attempt to address their concerns once session began.

- Ratification of the decision to file a motion for a 90 day stay in the Jefferson County Public Service District dissolution case.

- **Motion by Mr. Onoszko to enter into Executive Session. Motion seconded and passes on a vote of 4-1 with Ms. Tabb opposing.**
- **Motion by ratify the decision to file a motion for a 90 day stay in the Jefferson County Public Service District dissolution case. Motion seconded and passes on a vote of 3-1 with Ms. Noland opposing (Ms. Tabb was not present for this vote due to a prior commitment)**

There being no further business, motion by Ms. Noland to adjourn at 12:17 pm. Motion was seconded and unanimously approved.

Respectfully Submitted
Jessica D. Carroll
Administrative Assistant

PETER ONOSZKO, PRESIDENT

SPECIAL SESSION

State of West Virginia, County of Jefferson, to-wit:

At a Special Session of the County Commission of said County and State continued and held in the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Thursday, December 21, 2017, beginning at 9:30 o'clock a.m.

PRESENT: Peter Onoszko, President
Jane Tabb, Vice President
Josh Compton, Commissioner
Caleb Hudson, Commissioner
Patricia Noland, Commissioner
Stephanie Grove, County Administrator
Jessica Carroll, Administrative Assistant

In re: Adoption of Governor's Proclamation to Provide Half Day for employees on Friday, December 22, 2017

The meeting was called to order at 9:31 a.m. by President Onoszko, and Commissioner Compton then led the Pledge of Allegiance. President Onoszko stated the purpose of the meeting was to adopt Governor Justice's Proclamation to provide a half day of work for employees on Friday, December 22, 2017.

- **Motion by Mr. Onoszko to adopt the Governor's Proclamation and make it applicable to County employees without charge of annual leave and close the County Courthouse at 12:00 p.m. on Friday, December 22, 2017. Motion seconded and unanimously approved.**
- **There being no further business, motion by Ms. Noland to adjourn at 9:36 a.m. Motion seconded and unanimously approved.**

PETER ONOSZKO, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant

PURCHASE ORDERS TO BE APPROVED

January 4, 2017

DEPARTMENT	P.O. NUMBER	AMOUNT	VENDOR	DESCRIPTION
IT	52825	\$8,455	Print-O-Stat	Eng. Large Format Multifunction Machine
	52828	\$ 19,613.64	Quality Uptime Services	Items for E911 Battery Replacement/Supplies
GRAND TOTAL		\$ 28,068.64		

DESCRIPTION	Fund 001 CO.	Fund 003 Dog	Total
Gross Wages	\$ 405,970.52	\$ 72.80	\$ 406,043.32
6.2% Tax Payable OASDI	24,180.05	\$ 4.14	\$ 24,184.19
1.45% Tax Payable HI	5,655.02	\$ 0.97	\$ 5,655.99
Fed Withholding	48,744.59	\$ 5.58	\$ 48,750.17
WV State Withholding	17,770.23	\$ 3.01	\$ 17,773.24
PERS Retirement Deduct 4.5%	11,225.08	\$ 3.28	\$ 11,228.36
PERS Retirement Deduct 6%	2,432.82		\$ 2,432.82
Hosp. Pre-Tax	13,362.00		\$ 13,362.00
Cancer/ICU Pre-Taxed	1,009.37		\$ 1,009.37
Cancer/ICU Not Pre-Taxed	1,102.79		\$ 1,102.79
Optional Life Not Pre-Taxed	2,130.44		\$ 2,130.44
Christmas Club	5,915.00		\$ 5,915.00
Wage Attach #1	1,427.35		\$ 1,427.35
Wage Attach #3	212.31		\$ 212.31
DSRS Retirement Deduct 8.5%	6,212.08		\$ 6,212.08
457 - Nationwide	849.00		\$ 849.00
457I - Empower	2,355.00		\$ 2,355.00
457R - Roth	315.00		\$ 315.00
MD State Tax	570.51		\$ 570.51
D/VF	1,603.15		\$ 1,603.15
VA. State Tax	99.92		\$ 99.92
COLONIAL(PLUS)	102.55		\$ 102.55
Total Deductions	\$ 147,274.26	\$ 16.98	\$ 147,291.24
Net Wages Total	\$ 258,696.26	\$ 55.82	\$ 258,752.08
Payroll Date	28-Dec-2017		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Matthew Harvey/Debra Young

Department or Organization: Prosecuting Attorney and Jefferson County Victim Assistance Program

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: January 4 2018
if a specific date is needed, please provide reason for specific date:

Date Requested-2nd Choice:

Subject (Wording to be placed on agenda): (1) - Approval to fill the position of the Part-time Victim Advocate in the Jefferson County Victim Assistance Program; and
(2) – Approval of full time Assistant Prosecuting Attorney

Please provide the County Commission with a description of your request or presentation, including any background information: The Victim Assistance Program was rewarded the request of a 20-hour part-time victim advocate which is fully grant funded by VOCA (Victims of Crime Act).

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):
Approval to fill the position of the Part-time Victim Advocate in the Jefferson County Victim Assistance Program and approval to hire full-time Assistant Prosecuting Attorney

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: dyoung@jeffersoncountywv.org Phone Number: 304-725-6550

FOR COMMISSION STAFF USE ONLY- FINANCIAL IMPACT/RECOMMENDATION

VOCA Grants Program	Itemization of Funds By Category Page 4		
Applicant: Jefferson County Commission	Local Matching Funds	Requested VOCA Grant Funds	Approved VOCA Funds (DJCS ONLY)
<u>Personnel and Contractual:</u>			
F/T Victim Advocate salary - Debra Young FICA 7.65% Retirement 12%	\$6,420	\$30,727	\$30,727
F/T Advocate C Gumbel-Shade FICA 7.65% Retirement 12%	\$5,920	\$28,652	\$28,652
P/T Advocate 80 hrs./month x 18.50/hr. FICA 7.65% \$ 1359; W/C 0.22% \$39		\$17,760	\$17,760
Match Support Staff 10% Volunteer hours \$10.00/hr.	\$5,919 \$1,500	\$1,398	\$1,398
<u>Travel and Training:</u>			
DJCS Pre-Approved Travel/Training (in-state only)		\$500	\$500
<u>Equipment (\$5,000 or more "per unit"):</u>			
<u>Space (includes telephone):</u>			
<u>Other:</u>			
Total Local Matching Funds	\$19,759		\$19,759
Total Federal Funds		\$79,037	\$79,037
Total Approved Project (DJCS ONLY)			\$98,796

Job Description and Qualifications

Jefferson County Part-Time Victim Advocate

The Jefferson County Part-Time Victim Advocate will provide direct services to victims under the supervision of the Project Director and Victim Advocate #1. The job will be performed on a part-time basis at a maximum of 20 hours a week (80 hours a month), on a professional level, and will operate out of the Jefferson County Prosecutor's Office. The Part-time Advocate will be expected to perform with the same degree of commitment and competence as the other key justice system officials operating out of this office.

Responsibilities will include:

- Informing victims of their rights within the criminal justice system.
- Continually informing and updating victims as to the status of their case.
- Notifying victims of all important developments in their case.
- Educating victims and explaining the criminal justice process to them.
- Offering emotional support and referrals to supporting social services.
- Providing forms and assisting victims in the completion of applications to the West Virginia Crime Victims Compensation Fund and/or Forensic Examination Fund. Also checking on the status of individual claims as needed.
- Assisting victims in the preparation of written and/or verbal Victim Impact Statements.
- Accompanying victims to court proceedings in their cases.
- Assist with recruiting, training and supervising interns and/or volunteers.
- Preparing victims for testimony in court and helping them to be effective as witnesses by arranging informative meetings, providing informative materials, and conducting courtroom orientation while court is not in session.
- Informing and enlisting the support of key hospital personnel, law enforcement officials and school personnel on behalf of victims.
- Being available to sit in with victims during any consultations with the Prosecuting Attorney.
- Consulting victims regarding any plea negotiations in their case and communicating their feelings to the Prosecutor.
- Maintain necessary documentation files on victims.

Qualifications:

- Personable and able to work well with the public in general and people in distress in particular.
- Committed to the goal of serving the various needs of crime victims.
- Preference will be given to candidates with social science backgrounds.
- Computer literate.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Thomas Butcher

Department or Organization: **First Energy Corp**

Estimation of amount of time needed for appointment: 10 Minutes

Date Requested – 1st Choice: **January 4, 2017**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Introduction to Jefferson County Commissioners as the new External Affairs Manager of First Energy Corp.**

Please provide the County Commission with a description of your request or presentation, including any background information:
See above (Nic Diehl of JCDA will accompany him and introduce him if possible)

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*):

None

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

If not attached, explain: Simple introduction

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

Contact information: Nic Diehl, Jane Jones

Email address: nic@jcda.net; janejones@jcda.net

Phone Number: 304-728-3255

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: 5 minutes

Date Requested – 1st Choice: January 4, 2018

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Interviews/Appointments to the Jefferson County Public Service District – one unexpired term ending December 1, 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

**RICHARD W. WEESE
POB 1060
CHARLES TOWN, WV 25414
304-279-2874**

12-4-2017
~~12-4-2017~~

Jefferson County Commission
124 E. Washington St.
Charles Town, WV 25414

Received

DEC 05 2017

Jefferson County Commission

In re: Richard W. Weese / NOTICE OF RESIGNATION

To Whom It May Concern:

By this letter, I am tendering my resignation as a member of the Jefferson County Public Service District effective immediately.

Thank you,

Richard W. Weese

Enclosure as stated

Cc file

November 26, 2017

Dear Jefferson County Commission,

My career in the public sector began over twenty years ago where I was either solving a problem or serving need. I hope to continue this service by serving at the behest of the Jefferson County Commission in a community I've been a part of for over fifteen years.

As an entrepreneur I found the time to start several businesses, most recently a gas station / convenience store, and a tech company that develops television apps for Apple TV and Roku. Serving on the Public Service District Board allows me to draw from my board knowledge of what the customers and businesses of Jefferson County want for their communities.

Having worked in high stressed environments like the White House Complex as a uniformed member of the United States Secret Service, and now the Department of Homeland Security, I understand the report writing style, culture, and attention to detail this assignment requires. It is against this background and the supporting documentation in my attached resume, I would like my candidacy to be considered.

Regards,

A handwritten signature in black ink, appearing to read 'L. Nard Bradley', with a long, sweeping horizontal line extending to the right.

La Nard Bradley

La Nard Bradley

59 Belgian Way Charles Town, WV. 25414

Work: 571.423.9776

Email: lanard.bradley@dhs.gov

Cellular: 646.391.7389

OBJECTIVE

Seeking a Board Member position on the Public Service District in the Jefferson County Commission.

WORK SUMMARY

<i>Senior Federal Air Marshal, Washington Field Office</i>	09/2005 - Present
<i>PriceScaler.com, LLC</i>	01/2011 - 12/2014
<i>SPE Dive School, LLC</i>	07/2013 - 12/2013
<i>Federal Air Marshal, Liaison Division - FAMS HQ</i>	05/2003 - 09/2005
<i>Controller, Systems Operation Control Division (M.O.C.)</i>	11/2002 - 05/2003
<i>Federal Air Marshal, Washington Field Office</i>	11/2001 - 11/2002

Desired Knowledge, Skills, and Abilities:

1. Knowledge to articulate agency policies and initiatives.

I participated in informal hearings with Federal Air Marshal Service (FAMS) legal advisors, Aircraft Operators (AO) and their attorneys while assigned to Flight Operations Liaison Division. Such hearings were the results of the complaint process in which a regulatory violation by an AO and/or an employee of an AO were in question. I drew on my knowledge of agency policies and procedures during these hearings to forge a positive resolution.

I also fielded questions and expounded on the FAMS standard operation procedures during official briefings with the General Accountability Office where I had a broad knowledge of TSA initiatives within the Air Carrier Section. I served as a conduit between corporate security and the FAMS Office of Field Operation underscoring the agencies policies as appropriate.

Understanding the agencies policies and initiatives, I took an early ground base assignment at the transportation Security Operations Center (TSOC) as a FAMS Mission Operations Controller (MOC) assisting Air Marshals with flight scheduling, delays, cancelations, and agency crisis deployments. I used my knowledge and expertise of airline software such as Sabre Aircrews, to build flight schedules and reservations to include entering and building new flight information for special mission coverage.

2. Knowledge of the Associated Press stylebook and plain language.

I served as technical writer for PriceScaler.com and executed the wireframe which was used as a go-by to design the website and script writing. My strong background in associated press stylebook afforded me the opportunity to fill the position as social media manager until a viable candidate could be identified. I edited and provided daily social mentions for PriceScaler's Blogger, Twitter, Facebook, Tumblr, Flickr, YouTube, LinkedIn, and Pinterest accounts to include an RSS feeds. I also stood up accounts and was lead project manager for web development team when the site was redesigned.

I came on as strategic advisor for SPE Dive School, LLC when the director decided a website overhaul was needed (<http://scubaedu.com>). Formally serving as social media manager I created and maintained all social media platforms and created web content using associated press stylebook and plain language. I ran Facebook ad campaigns, assisted in the launch of the new website, and blogged about dive trips with supporting photographs and verbiage for my daily social mentions across multiple platforms using AP stylebook. Upon completion of my contract, I transferred all intellectual property to the director using plain language communication.

3. Ability to demonstrate strong verbal and writing skills.

During my career as a FAM I've exhibited verbal/written communications to assist key officials at FAMS-HQ and crafted responses for congressional inquiries which were prepared in associated press stylebook. My duties and intricate knowledge while assigned to the Liaison Division allowed me to offer guidance to corporate security representatives and attendees at various Aviation Industry Conferences. I fielded questions and articulated the workflow process in following up on actionable items, as appropriate.

I also performed the site survey for arrival/departure procedures in Ho Chi Minh City, Vietnam. This included conducting briefings with the U.S. Embassy personnel, TSA Vietnam representative or TSAR, U.S. Embassy RSO, and the Vietnam delegation regarding specific security requirements on behalf of DHS. In each meeting, I was responsible for composing executive briefing notes, speaking / presentations, and oral briefs to TSA and FAM leadership.

Additionally, I produced, directed and edited several underwater video for SPE Dive School, LLC that I used to improve brand awareness and Search Engine Optimization on Google and YouTube as a technical writer. Each video contains a written narrative on the confined open water skills demonstrated by the instructor and students during the dive course.

4. Ability to build effective working interdepartmental relationships.

I was able to identify a cost saving opportunity for the Office of Law Enforcement during a casual conversation with one of the Assistant Directors of Customs and Border Protection (CBP) at the Harper Ferry, West Virginia facility. During a tour of the shooting range, classrooms and other venues on the compound, I took pictures and made notes of the training environment. I immediately saw the crossover potential and savings TSA/OLE could have by establishing an interagency relationship. I communicated with my immediate supervisor and advised of my findings then followed up with a written proposal to our training staff, complete with point of contacts for a follow phone call and visit, to work out the minutia's. This initiative lead to an effective working interdepartmental relationship in that it got FAMS and TSA attorneys talking, which ultimately led to discussions with CBP attorneys about training protocols.

Jefferson County Commission:

I am applying for a position on the Jefferson County Public Service District (JCPSD) board. As someone who has grown up in Jefferson County, and a current resident, I understand the tremendous growth that has impacted the area. With this growth, it is important that public infrastructure continues to match the needs of the communities and their respective residents. To that end, I feel that I can benefit my fellow residents in helping to address the issues currently facing our county ratepayers and future developments.

Respectfully,



//Tara D. Ashley

Received

NOV 17 2017

Jefferson County Commission

Tara D. Ashley

48 Sinker Dr
Inwood, WV 25428
(H) 304.820.9620 (W) 540.324.3025
E-mail: tara.d.ashley@gmail.com

U.S. Citizen
Information Technology, 2002 – Present
Military Status: United States Air Force, 2002-2008

Objective A positive team environment with long term career and advancement opportunities.

Summary of Qualifications Over 10 years of experience in the Information Technology and Customer Support fields. Extensive knowledge and skill supporting applications, hardware, troubleshooting, as well as administration of Microsoft Windows and Linux platforms. Expertise in documentation, analysis, procedures and policies. Highly motivated team player as well as quick learner.

Skill Summary

- Network Administration
- Network Security
- Computer Security
- Research & Analysis
- Active Directory
- Group Policy
- Infrastructure
- Help Desk
- Troubleshooting
- Applications

Professional Experience **PNC Financial Services, Remote, WV**
Supervisor: Scott Mastny Telephone: 216.257.5233

Technical Platform Specialist, Senior, 04/2014 - Present
Firewall rule management in complex environments requiring intimate knowledge of PNC architecture. Manage different elements of the following firewall platforms; CISCO ASAs, Checkpoint, Stonesoft, Fortinet. Troubleshooting different protocols and platform issues – HTTP(S), FTP(S), SFTP, SSH, SMTP, Telnet, Syslog. Proxy management and troubleshooting of Bluecoat platform involving different proxy OS versions. Tufin application management (SecureTrack, SecureChange), troubleshooting errors, and vendor interaction for support issues. ArcSight logging administration, assisting individuals with usage of tool, using Archsight application to troubleshoot connectivity issues within the enterprise. VPN configuration, troubleshooting and management on CISCO ASA platform, Checkpoint, Stonegate, Fortinet. Project support - troubleshooting, process creation, documentation, implementation tasks, meeting deadlines. Documentation of business processes and security policies. Training new members of the team, and actively participate in inter-team functionality to research, collaborate, and develop solutions for connectivity.

Provide quality support for over 30+ applications used by the USCG, DHS, contractor, and civilian employees in accordance with Coast Guard policies. Supporting these applications includes general inquiries, connectivity (including from remote locations), policy, troubleshooting, account management, data-entry and more. Track trouble-tickets using Remedy ticketing system. Performed as primary POC for a 24hr supported VPN that required Nortel VPN, CAC, and Verisign VIP access credentials. Create and review documentation and installation guides for users and coworkers.

Unisys, United States Coast Guard Operation Systems Center

408 Coast Guard Dr, Kearneysville, WV 25430

Supervisor: Douglas Stemper

Telephone: 204.398.9263

Consultant 02/2007-07/2008

Created documentation for the Classified Data Floor, Data Floor, and Facilities in accordance with Coast Guard and OSC policies. Documentation included user guides, Standard Operating Procedures, meeting minutes, spread sheets, and entry access controls. Maintained documentation for the safe space, escorted maintenance personnel into restricted areas.

Air National Guard

222 Sabre Jet Blvd. Rm. 107, Martinsburg, WV 25401

Supervisor: Andrew S. Beveridge (Ret)

Telephone: 304.616.5122

Grade: E-4

Honorably Discharged

Communications Systems Controller, SrA 02/2002 – 02/2008

Installed, configured, monitored, and trouble-shot system hardware, software, and peripheral equipment in accordance with policy from DISA, AFIs, and local policies. Technical support including customer service and user instruction. Network administration including shared/networked printers/scanners/copiers. Document tracking and trouble tickets. Assisted with secure encryption to include KIV and STU devices. Assisted with Cisco routers and switches including TCP/IP configurations. Installed, configured, documented, and trouble-shot Common Access Card Readers. Extensive administration of computer and user accounts using the Active Directory Users and Computers tool. Extensive administration of email accounts using Microsoft Exchange Server.

**Education &
Certifications**

CISSP, 12/2013

Sociology with Emphasis in Crime and Social Control, Bachelors Degree, West Virginia University, 5/2006

Communications Systems Control, Community College of the Air Force 7/2003

USMAX, United States Coast Guard Operation Systems Center

408 Coast Guard Dr, Kearneysville, WV 25430

Supervisor: Susan Cole

Telephone: 304.264.7985

IT Security Specialist III, Information Assurance Team, 07/2013 – 04/2014

Implement and administer McAfee HBSS and HIPS module for two sites, one of which is remote. This includes building task policy, exceptions, troubleshooting, building queries and reports, as well as briefing management of implementation schedules. Provide certification and accreditation support for the USCG Financial Center including but not limited to, documentation, POA&M tracking, and assess technical requirements mandated by DHS and DoD.

Dell, Inc., United States Coast Guard Operation Systems Center

408 Coast Guard Dr, Kearneysville, WV 25430

Supervisor: Nicholas Langevin

Telephone: 304.264.2528

Security Systems Administrator, Point of Presence Team, 10/2011 – 07/2013

Perform as the main POC for DoD Security Technical Implementation Guides (STIGs) and DHS Policy for the purposes of maintaining and deploying security posture as well as auditing and C&A documentation. Performed duties for the DoD Whitelist process including submitting servers for NIPRNet inclusion, training on process, and attending DoD-wide information meetings. Implement, configure, upgrade, and support network monitoring architecture including VSS taps, Netscouts, and NetVCRs, and Symantec DLP. Provide user support, account management, and training for the aforementioned devices. Created policy for access enforcement using security zones and presented training for USCG personnel on the same. Provide centralized authentication support for the TACACS+/RADIUS SSO technologies.

Wyle IS, Veteran Affairs Medical Center

221 Butler Avenue, Martinsburg, WV 25405

Supervisor: David Bucher

Telephone: 304.262.5201

Helpdesk Analyst, Tier 2 5/2011 – 9/2011

Provide support to remote end-users experiencing issues related to networking and remote connections via IPSec and enhanced SSL VPN solutions. Provide support to Information Security Officers (ISOs), assisting with VPN account and systems management. Triage and escalate problems appropriately. Assist with communication notifications to the end user communities. Thorough and accurate tracking all issues using Remedy tracking system. Active monitoring and incident response and management of critical infrastructure systems using industry standard monitoring tools and systems.

STG, Inc., United States Coast Guard Operation Systems Center

408 Coast Guard Dr, Kearneysville, WV 25430

Supervisor: April Funkhouser

Telephone: 304.264.7985

User Support Specialist 3 7/2008 – 05/2011

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

Received
NOV 15 2017

Jefferson County Commission

November 11, 2017

Dear Commissioners:

I am applying to fill the board position at the Jefferson County Public Service District and my resume in enclosed for review.

I have voluntarily served as an advocate for over-burdened rate payers in this County for 10 years and have often worked against the current board. This is because I saw waste and corruption on that board and the needs of the ratepayers not only ignored, but legally fought against, at unnecessary expense to the ratepayers. It my belief, however, that the board is to make sewer services affordable and safe, and follow the law regarding any growth so that current ratepayers do not become the sole source of funding for future growth, WV 24-2-2(b):

(b) Notwithstanding any other provision of this code to the contrary, rates are not discriminatory if, when considering the debt costs associated with a future water or sewer project which would not benefit existing customers, the commission establishes rates which ensure that the *future customers to be served by the new project are solely responsible for the debt costs associated with the project. (Italics added)*

To make this possible, I believe that the board should be working towards consolidating services with Charles Town Utility Board.

Thank you for your consideration.

Sincerely,



Heidi Parker

32 Buckskin Court, Charles Town, WV 25414
heidiparker.1@gmail.com
304-579-4717

Heidi Parker
32 Buckskin Court, Charles Town, WV 25414
304-579-4717 home, heidiparker.1@gmail.com

OBJECTIVE:

To fill the board position at the Jefferson County Public Service District

SKILLS PROFILE:

Effective teacher, communicator, and coach - Works well with children, youth, and adults -
Manage a home with 7 children the past 22 years, while attending school, working and
volunteering in my community and church - Previously licensed as a Clinical Social Worker in
the State of Utah, but let license go to raise my family.

EDUCATION HISTORY:

Master of Social Work, University of Utah, 1995— 1997, Salt Lake City, Utah

Bachelor of Family Science, Brigham Young University, 1988 — 1994, Provo, Utah

Graduate of Elk Grove High School, 1984— 1988, Elk Grove, California

EMPLOYMENT HISTORY:

Substitute Teacher, Jefferson County Schools 2/2016-Present

Domestic Violent Worker, Department of Child and Family Services, State of Utah, 1997-1999,
Provo, Utah--Organized, planned curriculum, and moderated a domestic violence group -
Advocated for the legal rights of domestic violence victims - Coordinated with the women's
shelter to offer services to victims - Provided individual therapy for victims of domestic violence

Utah State Hospital Children's Unit, 1996 — 1997, Provo, Utah - Interned as a therapist, Co-lead
social skills group - Recreational and play therapy with children

Family Support and Treatment Center, 1995 — 1996, Orem, Utah – Interned as a therapist
providing individual therapy for adults, play therapy with children

Missionary Training Center, Teacher, 1993 — 1994 Provo, Utah - Taught communication and
problem solving skills to missionaries

VOLUNTEER ACTIVITIES:

Experienced teacher and leader of children, youth, and adults at church, 1993-present

Girls Youth Harpers Ferry Ward Camp Director, 2015

Basketball coach, 2011, 12, 14-15, *Upward*

Soccer coach for Jefferson County Youth Soccer League (AYSO), 2009-2013

Cub Master 2010-2013, Shenandoah Area Council, Awarded the Mannahoac Cub Scout District Volunteer of the Year 2013

Missionary: Served 18 months to Tulsa, Oklahoma, 1991-1992

**References available upon request*

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: January 4, 2018

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 Daryl Hennessey, Charles Town City Manager, to the Jefferson County Development Authority for one unexpired term ending April 5, 2020 – 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



City of Charles Town

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

November 20, 2017

MAYOR

Scott Rogers

Ms. Stephanie Grove
County Administrator
124 E. Washington Street, P.O. Box 250
Charles Town, WV 25414

**CITY
COUNCIL**

Ann Paonessa

Chet Hines

Bob Trainor

Michael Tolbert

Nick Zupaja

Michael George

Mike Brittingham

Todd Coyle

Dear Ms. Grove:

The City of Charles Town has recently hired a new city manager, Daryl Hennessy, and would like to appointment him to serve as the city's representative to the Jefferson County Development Authority ("Authority"). Councilmember Ann Paonessa has been temporarily serving as the city's representative to the Authority and will step down once the appointment is confirmed.

In addition to this letter, I have enclosed a copy of Mr. Hennessy's resume so you can see he is well qualified to serve as the city's representative to this economic development organization. Please reach out directly to him by phone at 304-725-2311 or email at dhennessy@charlestownwv.us if you need any additional information to approve the appointment.

City Manager

Daryl Hennessy

Thank you for your assistance with this important matter. If you have any additional questions regarding this request, please do not hesitate to contact me.

Sincerely,

Scott Rogers
Mayor

Enclosure

c: Daryl Hennessy, City Manager
Ann Paonessa, Councilmember
Jessica Carroll, Jefferson County

DARYL P. HENNESSY

2965 Palmetto Street, Columbus, Ohio 43204
(614) 572-9636 • daryl@westgatebusinessworks.com

EMPLOYMENT HISTORY

Economic Development Professional – Ohio Development Services Agency (2012-Present). Serve as Chief of the Business Services Division; Substitute Chair of the Ohio Tax Credit Authority; and former Interim State Director of Ohio's Small Business Development Centers. Currently lead a Division staff of 53 FTE with a \$240.7 million annual operating budget and another \$310 million in tax credit authority. Direct 57 local networks partners and other programming to serve the entrepreneurial and small business development needs of Ohio's 900,000+ businesses. Collaborate with JobsOhio to manage the state's traditional economic development incentives, resulting in the creation of over 20,600 jobs, \$994 million in new payroll, and \$4.6 billion in new fixed asset investments for CY 2016. Monitor performance of nearly 2,000 active incentive projects and hold beneficiaries accountable. Execute and monitor early stage financing, bond, and economic development loan projects totaling more than \$500 million in lending to over 250 active borrowers. Encourage local government innovation, increase multi-jurisdictional collaboration, enhance operational efficiencies, improve police and fire safety, and reduce local government costs through effective management of \$21.9 million in annual loan and grant initiatives. Facilitate the revitalization of 207 historic buildings in 37 Ohio communities by leveraging \$60 million in competitive annual tax credits. Other recent accomplishments include improved public accountability resulting from the development of a new data management system, transformed customer service resulting from a new web-based annual reporting tool, and more strategic investment of economic incentives based on enhanced return on investment modeling.

Community Development Leader, Investor, and Small Business Owner – Westgate BusinessWorks, Blair Investment Group, and HL&D Services (2004–Present). Founder and operator of Westgate's first small business accelerator designed to help entrepreneurs and small businesses grow in one of Columbus' older urban neighborhoods. Four permanent tenants are now growing their small business in the accelerator and another 20+ vendors benefited from participation in a sponsored pop-up marketplace in 2016. Served as Managing Director of real estate investments and former Chief Executive Officer of a family-based, landscape design, construction, and maintenance company. Worker productivity increased and company sales doubled, helping company rank among the largest 20 percent of all firms in the Midwest. The company was the only full-service firm in central Ohio to receive the prestigious Angie's List super service award each year of operation.

Workforce, Taxation, and Economic Development Management - Ohio Department of Development (1998-2004). Served as Manager of the Office of Workforce Development and Executive Director of the Ohio Workforce Policy Board (2002-2004) and Manager of the Office of Tax Incentives and Executive Director of the Ohio Tax Credit Authority (1998-2002). Managed the activities of two public boards, prepared monthly meeting materials, developed policy recommendations, initiated legislative and administrative rule changes, and represented board members at public speaking events. Administered over \$20 million each year in annual tax credit projects and recommended policies affecting more than \$100 million each year in federal workforce development funds. Accomplishments included the proposal and implementation of a high-wage tax credit initiative; reorganization of a non-compliant federal workforce development system; and implementation of a local business planning process for regional workforce development boards.

Daryl P. Hennessy
Resume Continued, Page 2

State Budget and Policy Analyst - Ohio Office of Budget and Management (1994-1998). Served as budget and management analyst for a cluster of development-related agencies including the Ohio departments of Development, Taxation, and Agriculture. Developed and monitored operating and capital budgets affecting the use of more than \$600 million per year; implemented fiscal and management initiatives affecting more than 2,300 employees; and analyzed and developed policy proposals for senior executive and legislative staff. Other duties included contract management responsibilities for a comprehensive review of the state's economic development programs; initiated program performance reviews of executive branch agencies; and led a production team of peers that won a Distinguished Budget Presentation Award from the Government Finance Officers Association.

Federal Budget and Policy Analyst - United States Office of Management and Budget (1991-1994). Served in the Executive Office of the President of the United States as a policy analyst/budget examiner and special assistant to the Deputy Director of Housing, Treasury, and Finance. Primary job duties included examining federal housing, community development, and fair housing budgets totaling \$3 billion in annual spending and affecting nearly 3,800 federal employees. Accomplishments included negotiating a new federal lead-based paint law; coordinating the President's briefing materials for a nationally-televised event on severe Midwest flooding; planning a comprehensive review of the federal government's civil rights programs; and recruiting/training budget staff for special projects.

Other significant professional experiences include a Presidential Management Internship with the National Institutes of Health (1989-1991), a graduate internship with the city of Worthington (1988), and service in the United States Air Force National Guard (1982-1988).

EDUCATION AND CERTIFICATIONS

Master of Public Administration (1989). The Ohio State University School of Public Policy and Management.

Bachelor of Science (1987). Ohio University School of Communications.

Certified Economic Development Finance Professional (1997). National Development Council.

RECENT PROFESSIONAL AND CIVIC AFFILIATIONS

Ohio Economic Development Association and Member of the State Advisory Board
International Economic Development Council, Current Member
International City/County Management Association, Current Member
Ohio City/County Management Association and Member of Support of the Profession Committee
Greater Hilltop Area Commission, Current Member and Zoning Committee Co-Chair
Hilltop Business Association, Current Member
Westgate Neighbors Association, Current Member; Former Business Committee Chair
Homes on the Hill Community Development Corp., Former Chair and Member
Hilltop YMCA Board, Former Chair and Member
Ohio Development Finance Advisory Council, Former Member

REFERENCES AVAILABLE UPON REQUEST

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.charlestown.wv.us

June 23, 2017

MAYOR

Scott Rogers

CITY
COUNCIL

*Ann
Paonessa*

*Chet
Hines*

*Bob
Truiner*

*Michael
Tolbert*

*Nick
Zogljfa*

*Michael
George*

Mike Brittingham

Todd Coyte

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



JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 - Fax: (304) 725-7916

Web: www.jeffersoncountywv.org

PRESIDENT

Peter Onoszko

VICE PRESIDENT

Jane Tabb

COMMISSIONER

Josh Compton

COMMISSIONER

Caleb Hudson

COMMISSIONER

Patricia Noland

City of Charles Town
Attn: Mr. Todd L. Wilt, II
101 E. Washington Street
PO Box 14
Charles Town, WV 25414

Dear Mr. Wilt:

At the July 6, 2017 regular meeting of the Jefferson County Commission, the members of the Commission voted unanimously to approve the City of Charles Town's request to appoint council member Ann Paonessa as the interim representative for the City of Charles Town on the Jefferson County Development Authority Board of Directors. Ms. Paonessa will need to take an Oath of Office for the JCDA Board at the Jefferson County Courthouse at her earliest convenience. The Commission thanks you for your attention to this matter.

Sincerely,

Jessica Carroll

Executive Administrative Assistant

County Administrator
Stephanie Grove

Deputy County Administrator
Sandy Slusher McDonald

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: **January 4, 2018**

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/Intervention of the PSC decision, acquisition of PSD assets, and related issues. Discussion/Action. Possible Executive Session.**
- 2. Discussion of Jefferson County Civil Action No. 2017-C-282. Discussion/Action. Possible Executive Session.**
- 3. Conference call with counsel regarding Comcast cable franchise contract and related issues. Discussion/Action. Possible Executive Session.**
- 4. Provide update and final report re: City of Charles Town v. Hilleary Trust, et al. (Jefferson County Civil Action No. 2017-P-83).**

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: **Stephen S. Allen, Deputy Director/Planner/Program Manager**

Department or Organization: **Jefferson County Homeland Security and Emergency Management**

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

Date Requested – 1st Choice: **January 4, 2018**

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

Date Requested – 2nd Choice: **January 18, 2018**

Subject (*Wording to be placed on agenda*): **Recommendation from JCHSEM Steering Committee for appointments/reappointments to the JCHSEM Steering Committee**

Please provide the County Commission with a description of your request or presentation, including any background information: **Appointments to the JCHSEM Steering Committee are for a period of 2 years. These appointments are recommended by the current committee and final approval is from the County Commission. (Please see attached letter from the Committee)**

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*):

I move to approve the recommendation of the JC HSEM Steering Committee for the appointments of the following people to serve on the JCHSEM Steering Committee, per their letter (dated December 26, 2017), for a term of 2 years beginning January 1, 2018: John Sherwood, Chair, representing the Chamber of Commerce; Ed Smith, Vice Chair, Fire Representative; Clair Brendel, American Red Cross, representative of community organizations; Sanford (Sandy) Green, WV Homeland Security and Emergency Management Representative; Jeff Polczynski, Director, Emergency Communications Center; Nic Diehl, Director, Jefferson County Development Authority, representing business; Thomas Butcher, First Energy, Utility Company representative; Donald L. Grubb, Jr., Jefferson Medical Center, representing Non-Profit; Paula Marrone-Reese, Good Shepherd Interfaith Volunteer Caregivers, representing non-profit.

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

If not attached, explain:

Attachment: **Letter of recommendation of the Steering Committee from their meeting of December 05, 2017.**

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

Contact information:

Email address: **sallen@jeffersoncountywv.org**

Phone Number: **(304) 728-3329**

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION



Jefferson County Homeland Security and Emergency Management
28 Industrial Blvd., Suite 101
Kearneysville, WV 25430

Jefferson County Commissioners:

- Peter Onaszko, President**
- Jane Tabb, Vice President**
- Joshua Compton**
- Caleb Hudson**
- Patry Moland**

Jefferson County Homeland Security and Emergency Management Steering Committee:

- John Sherwood, Chair, Chamber of Commerce Representative**
- Ed Smith, Vice Chair, Fire and Rescue Representative**
- Michele Goldman, Health Representative**
- Clair Brendel, Mass Care Representative**
- Katherine Dunbar, Non-Governmental Organization Representative**
- Mason Carter, Jefferson County Department of Engineering Representative**
- Jeffrey A. Polczynski, ENP, Jefferson County Emergency Communications Center Representative**
- Jane Tabb, County Commission Representative**
- Kally Parsons, Private Industry Representative**
- Pete Dougherty, Sheriff, Law Enforcement Representative**
- UMHES Representative**
- John Reisenweber, Jefferson County Development Authority Representative**
- Sanford "Sandy" Green, Region 3 Homeland Security Area Liaison**
- Holly Frye, Shepherd University Service Learning Program Education Representative**

Staff:

- Barbara J. Miller, CEM, CFM**
Director
804-728-3320-Office
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- Fax: 804-728-3320**

December 26, 2017

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

Dear Commissioners:

At a meeting of the Jefferson County Homeland Security and Emergency Management Steering Committee today, a motion by the body was unanimously passed to propose to you the following list of names as reappointments on the committee:

- John Sherwood, Chair, Chamber of Commerce Representative
- Clair Brendel, Red Cross, Representative of Community Organization
- Sanford "Sandy" Green, WV Homeland Security and Emergency Management Representative
- Jeff Polczynski, Director, Emergency Communications Center
- Ed Smith, Vice Chair, Fire Representative

The following are new appointments to the committee:

- Nic Diehl, Jefferson County Development Authority (Replacing John Reisenweber, former JCDA)
- Thomas Butcher, First Energy, Utility Company Representative (Replacing Chuck Ellison from Frontier)
- Donald L. Grubb, Jr. Jefferson Medical Center Non-Profit (Replacing Michele Goldman Jefferson County Community Organizations Active in Disasters)
- Paula Marrone-Reese Non-Profit Representative Good Shepherd Interfaith Volunteer Caregivers (Replacing Katherine Dunbar, Good Shepherd Interfaith Volunteer Caregivers)

Others on the Steering Committee that are not up for reappointment this year who will be continuing their service are:

**Pete Dougherty, Sheriff, Representing Law Enforcement
Kelly Parsons, Nichols, DeHaven and Associates,
Representing the Private Sector
Holly Morgan Frye, representing education
Mason Carter, representing Jefferson County Engineering
Department
And the County Commission Representative (currently
Commissioner Jane Tabb)**

Per the bylaws, "The Steering Committee shall consist of fourteen members, appointed by the County Commission. Appointments shall be for a period of two years. New appointments or reappointments will be made at the first meeting of each calendar year."

Thank you for your continued support!

Sincerely,



John Sherwood, Chair



**Barbara J. Miller, CEM, CFM
Director**



AGENDA REQUEST FORM
www.jeffersoncountywv.org

Name: **Sandy McDonald, Deputy County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **January 4, 2018**

If a specific date is needed, please provide reason for specific date: Click here to enter text.

Date Requested – 2nd Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): **Notice for the 2018 Board of Review and Equalization Notice - 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*):

Motion to approve the Board of Review and Equalization Notice for the purpose of reviewing and equalizing assessments for the tax year 2018 and to authorize staff to advertise the notice

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
Board of Review and
Equalization

The County Commission of Jefferson County will convene as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County, 100 E. Washington Street, Charles Town, WV on Thursday, February 1st, 2018, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the tax year 2018.

If you disagree with your appraisal, you may appeal by filing a written petition for an informal review with your county Assessor within eight (8) business days of receiving your Notice of Increase in Assessment.

Please be advised that questions of property tax class changes, questions of taxability or late filing requesting of farm use valuation shall not be addressed.

The Jefferson County Commission will continue to sit as a Board of Review and Equalization in February, 2018 and hold hearings at the Courthouse of said County, 100 E. Washington Street, Charles Town, WV on the following dates and times:

Thursday	February 1, 2018	1:30 p.m.
Tuesday	February 6, 2018	1:30 p.m.
Thursday	February 8, 2018	1:30 p.m.
Tuesday	February 13, 2018	1:30 p.m.
Friday	February 16, 2018	1:30 p.m.

Persons wishing to appear before the Commission should apply with the Assessor's office no later than Friday, February 9, 2018 in order to complete the proper forms and to schedule a hearing date prior to the planned final hearing date of Friday, February 16, 2018.

In the alternative, you may also request an appeal by filing a written protest with the Clerk of the County Commission no later than February 20, 2018, indicating you wish your protest to be heard by the County Commission sitting as a Board of Assessment Appeals in October, 2018. If the Board of Review and Equalization has adjourned sine die before February 20, 2018, and a request to have your protest heard by the Board of Assessment Appeals is filed no later than February 20, 2018 with the Clerk of the County Commission, your appeal will be heard by the County Commission sitting as a Board of Assessment Appeals in October, 2018.

Given under my hand this 4th day of January, 2018.

JACQUELINE C. SHADLE, COUNTY CLERK

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: **January 4, 2018**

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

Date Requested – 2nd Choice:

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

- Ambulance Fee Analysis-Continued

Please provide the County Commission with a description of your request or presentation, including any background information:
Continue discussions on the rates for ambulance fee billings.

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

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Alexandra Beaulieu, Zoning Administrator

Department or Organization: Office of Planning and Zoning

Estimation of amount of time needed for appointment: 15 Minutes

Date Requested – 1st Choice: January 4, 2018

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

Date Requested – 2nd Choice:

Subject (Wording to be placed on agenda):

On December 12, 2017, the Jefferson County Planning Commission voted to recommend to the County Commission the attached proposed text amendment to the Jefferson County Zoning and Land Development Ordinance (File# ZTA16-02). The purpose of this request is to provide an overview of the recommended amendment and to request scheduling the required Public Hearing to be held by the County Commission. The text amendment, in accordance with WV Code § 8A-4-5, proposes revisions and additions to multiple sections of the Zoning Ordinance including Section 2.2, Terms Defined; Section 3.4 Boards and Commissions; Section 4.6, Distance Requirements; Section 4.14 Historic Preservation; Section 5.10 Village (V) District; Section 10.4 Signs Requiring a Zoning Permit; and Appendix C: Principal Permitted and Conditional Uses Table.

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

On May 12, 2015, the Planning Commission directed the Historic Landmarks Commission to work with Staff in drafting a text amendment to the Zoning Ordinance to incorporate regulations relative to the demolition of and adaptive reuse of historic resources. On July 11, 2017 the Planning Commission held a Public Hearing on the proposed text amendment. The Planning Commission held three subsequent work sessions to revise the additional historic preservation standards in the Zoning Ordinance. The version before you today is the final product recommended by the Planning Commission for consistency with the Comprehensive Plan on December 12, 2017.

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):

I move to schedule a public hearing on _____, 2018 at ___ a.m./p.m. to receive input on the proposed amendments to the Jefferson County Zoning and Land Development Ordinance (File #ZTA16-02) which includes proposes revisions and additions to multiple sections including Section 2.2, Terms Defined; Section 3.4 Boards and Commissions; Section 4.6, Distance Requirements; Section 4.14 Historic Preservation; Section 5.10 Village (V) District; Section 10.4 Signs Requiring a Zoning Permit; and Appendix C: Principal Permitted and Conditional Uses Table.

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

- Pages 117 & 118 of the Comprehensive Plan, Historical and Cultural Resources Recommendations (Goals 14 & 15) (see Goal 4)
- Proposed draft amendment to the Zoning Ordinance (ZTA16-02) forwarded from the Planning Commission with a finding that the amendment is consistent with the Envision Jefferson 2035 Comprehensive Plan on December 12, 2017.

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: planningdepartment@jeffersoncountywv.org Phone Number: 304-728-3228

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Historical and Cultural Resources Recommendations (Goals 14 & 15)	
1.	Coordinate with the Jefferson County Historic Landmarks Commission (JCHLC) to build a Countywide inventory of historic, cultural, and heritage landscape resources to aid officials, planners, preservationists, property owners and researchers to better understand the County's significant resources.
	a. Identify and implement ways to balance accessibility to, and awareness of, historic sites with privacy and property rights of landowners.
	b. Embark on a collaborative effort with the JCHLC and the County's Convention and Visitors Bureau to educate the County's residents and visitors about historic preservation, goals and current projects in Jefferson County.
2.	Create a non-profit leadership track as part of the Jefferson County Chamber of Commerce's Leadership Jefferson program that could be used to better connect the for profit and non-profit fields to the County's cultural and historic assets.
	a. Work with the Chamber, local philanthropic organizations, and with Leadership Jefferson sponsors to create additional scholarships for the Leadership Jefferson program that would be available to non-profit cultural agencies serving Jefferson County.
	b. Partner with local arts and cultural organizations and other key stakeholders to create a countywide public art program for local artists to display sculpture or other art works depicting the area's history and scenic beauty in public areas.
3.	Coordinate with the West Virginia Division of Highways (WVDOH) to ensure the protection of historic and cultural resources is considered when making decisions related to the location of future highway projects.
4.	Review and amend the Zoning Ordinance and Subdivision Regulations to improve historic and cultural resource protections.
	a. Collaborate with the JCHLC to develop and incorporate language into the County Zoning Ordinance that supports the JCHLC's classification of the County's historic resources into four different levels of importance and varying levels of protection.
	b. Collaborate with County residents, Jefferson County's development community, and members of the JCHLC to create voluntary design guidelines and standards related to historic sites to encourage development or redevelopment of properties in a way that would be reflective of the site's historic nature and context, while respecting property owner's rights.
	c. In collaboration with property owners, the development community, and the JCHLC, identify and utilize a series of incentives to encourage the use of the voluntary design guidelines discussed above to ensure the historic integrity of the site is protected.

	d. Identify archaeological and historically significant built resources as part of a developer's Concept Plans.
	e. Collaborate with property owners and the JCHLC to protect historically and/or culturally significant resources during development of a site by providing a credit or reallocation of the density rights on a property or to another property located in Jefferson County in exchange for the retained historic or cultural resource.
5.	Create a program, with the input of property owners and the JCHLC, that would allow property owners to convey architectural and historical assets to the JCHLC (or similar agency) under protective easement.
6.	Collaborate with the Harpers Ferry National Historical Park on the following concepts:
	a. Build upon intergovernmental efforts to develop strategies to entice visitors who come to the Harpers Ferry National Historical Park to stay in Jefferson County for more than a one-day visit to the Park.
	b. Promote the development of an interconnected trail network that would move visitors from Harpers Ferry and the C&O Canal National Historical Park in Maryland to other areas of the County.
	c. Develop interconnected and broader public transit opportunities for the Heritage Tourism visitor.
	d. Expand upon the existing interconnected marketing of the County's multiple historic resources and the National Historical Park.
7.	Partner with the American Battlefield Protection Program/National Park Service, the Civil War Trust, the Land Trust of the Eastern Panhandle, and the States of West Virginia and Maryland to help maintain the historic and natural features associated with properties in the Pack Horse Ford area and/or identified in the National Landmarks nomination documents submitted to the States of West Virginia and Maryland by the JCHLC.
8.	Explore the creation of a County or regional battlefield trust to fund the purchase of, and the stewardship of, battlefield sites and corridors in Jefferson County, in partnership with local, state, and national organizations.
	a. Explore opportunities to collaborate with other land trusts and private entities with other preservation goals.
9.	Encourage the County's municipalities to work toward membership in the State's Main Street program.
	a. Assist communities in the creation and administration of revitalization efforts and obtaining funding that would aid in façade improvements and restoration, the utilization of upper stories in existing buildings, and streetscape improvements.

ZTA16-02 - Historic Preservation

**Adaptive Reuse of
Historic Structures³²**

Adaptive reuse refers to the process of reusing ~~a historic site or building~~^{an old site or building} for a purpose other than that for which it was built or designed.

Addition, Major

A major addition shall include those additions which will directly affect the function of the site or those areas surrounding the site. Any substantial change of use classification, alteration of on-site parking requirements, potential adverse impacts of off-site storm water drainage, increased demand for public water and sewerage or additions which will cause the rerouting of traffic circulation shall be considered "major additions".

**Adjacent/Confronting
Affected Property Owner⁷**

The owner of property adjacent to or confronting a proposed development (including the properties across any road, right of way or easement) which will be impacted either positively or negatively by that proposed development. Names and addresses of affected property owners will be taken from current tax records in the Jefferson County Court House.

Adult Arcade¹⁵

An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Bookstore¹⁵

An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia that are designed for use in connection with specifies sexual activities.

Adult Cabaret¹⁵

A nightclub, bar, restaurant, facility, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides or other photographic reproductions of material that is characterized by any emphasis upon the depiction of specified sexual activities or specifies anatomical areas.

**Adult Mini Motion
Picture Theatre¹⁵**

An enclosed building with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as herein defined, for observation by patrons therein. The phrase "used for" in this definition shall mean a regular and substantial course of conduct and not a one-time presentation of such material.

Adult Sauna¹⁵

A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, using steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an

ZTA16-02 - Historic Preservation

Battlefield ³²	There are Federally recognized battlefields in Jefferson County as determined by the Civil War Sites Advisory Commission. For the purpose of this Ordinance, green space includes battlefield core areas.
Bed and Breakfast ²³	A single-family dwelling where lodging is offered for compensation, having no more than seven (7) bedrooms for this purpose, and meeting the requirements for such a use in Article 8 of this Ordinance.
Bicycle Parking Space ²⁷	A volume of space that can accommodate locked storage of one (1) bicycle at a bicycle rack, i.e. a fixture to which one or more bicycles can be securely locked.
Billboard	A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located. (See Sign, Outdoor Advertising)
Blue Ridge Line ¹¹	The common surveyed boundary between Jefferson County, West Virginia and Loudoun County, Virginia.
Board ^{17, 21}	The Jefferson County Board of Zoning Appeals.
Boarding or Rooming House ²⁴	A building other than a Hotel, Motel, Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn where lodging is provided for compensation for more than 6 unrelated persons. Meals may or may not be served but are not provided to outside guests. There is one common kitchen facility.
Brewer	Any person manufacturing craft beer from malt and hops by infusion, boiling, and fermentation for sale at wholesale to any licensed distributor.
Brewpub	An establishment owned by a resident brewer in which craft beer is manufactured and sold on premises in accordance with WV State Code licensing requirements. A brewpub may include the incidental sale of food.
Broadcast Tower ²²	A structure situated on a lot that is intended for transmitting television or AM/FM radio signals.
Buffer ⁵	An area on a property defined by a distance from the property line or other specifically designed line such as flood plain, wetland limit or stream bank. Said area is intended to absorb, lessen or neutralize the impacts of one land use from another. The nature of the buffer will depend on the impact(s) being neutralized.
Building	Any structure which is permanently affixed to the land and has one or more floors and a roof. The term building shall include manufactured homes.
Building Line	The line established by law beyond which a building shall not extend as determined by front, side and rear yards, herein.

ZTA16-02 - Historic Preservation

Condominium ⁵	A common interest community in which portions of the real estate are designated for separate fee simple ownership of cubic air interior spaces and the remainder of the real estate is designated for common ownership solely by the owners of those portions. Said common interest community may be residential, commercial or industrial depending on other provisions of this Ordinance. All such projects are subject to the West Virginia Uniform Common Interest Ownership Act. In the event that a specific requirement within the Uniform Common Interest Ownership Act is inconsistent with a commercial or industrial project, that specific requirement shall not apply.
Contiguous ^{17, 21}	Lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous.
Contractor with No Outdoor Storage ²⁷	Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area other than incidental storage.
Contractor with Outdoor Storage ²⁷	Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage. This use may include outdoor storage of building materials and heavy equipment such as road graders, dump trucks, cement mixers.
<u>Contributing Structure</u>	<u>Buildings, structures, or sites that add to the historical association, architectural quality, or archeological value of a property or district because (a) they were present during the period of significance and possess historical integrity reflecting their character at the time or potential for yielding historical information; or (b) their potential to qualify independently for the National Register of Historic Places.</u>
Convenience Store ²⁷	An establishment, not exceeding 10,000 square feet of gross floor area, engaged in the retail sale, from the premises, of food, beverages and other frequently or recurrently needed items for household use. This land use does not include a gas station.
Convenience Store, Limited ²⁷	A convenience store not exceeding 1,500 square feet of retail floor, with hours of operation limited to the period between 6:00 A.M. and 11:00 P.M.
Convention Center ²⁷	A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including

ZTA16-02 - Historic Preservation

Group Residential Home ²³	A building owned or leased by developmentally disabled or behaviorally disabled persons for purposes of establishing a personal residence, and complying with all applicable requirements of the state of West Virginia. Per Chapter 17 of the West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts.
Harpers Ferry Overlay District ²²	For purposes of regulating Wireless Telecommunication Facilities, an area bounded on the north by a line running west from the Potomac River shore to and along Engle Switch Road to its intersection with Route 230; thence south along Route 230 to its intersection with the CSX Railroad Valley Line; thence south along said railroad to Milepost 4 on the railroad at its intersection with Millville Road; thence east from that point to and across the Shenandoah River to a point 1000 feet distant on the eastern shore of the said Shenandoah River; then following a line 1000 feet inland from that opposite shore of the Shenandoah River to its confluence with the Potomac River; then along a line 1000 feet inland from the Potomac river shore running east to the Virginia state line; thence north to the Potomac River shore; thence west along the shore of the Potomac River to the point of origin. This district excludes the area within the jurisdictional boundaries of the town of Harpers Ferry and the town of Bolivar.
Heavy Industrial Use ²⁷	Manufacturing or other enterprises with significant external effects including but not limited to noise, dust, glare, odors or vibrations, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. This use also includes those land uses characterized by heavy trucking activity or extensive warehousing.
Helipad ²⁷	A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.
Heliport ²⁷	An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.
<u>Historic District</u>	<u>A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.</u>
<u>Historic Landmark</u>	<u>A site, building, structure, or object designated as a "Landmark" either on a national, state, or local register.</u>
Historic Landmarks Commission ³²	<u>A five member commission, appointed by the Jefferson County Commission. Powers, Membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County</u>

ZTA16-02 - Historic Preservation

Historic Landmarks Commission and Chapter 8, Article 26A of the West Virginia Code.

Historic Resource²³

~~A site, structure, area, or district possessing historic importance as defined by the U.S. Department of Interior, West Virginia State Historic Preservation Office, Jefferson County Historic Landmarks Commission, or other governmental agency.~~

Historic Site/~~Property~~

Any lot, parcel, historic structure, or designated area which has been listed on the West Virginia or the National Register of Historic Places, which may include the location of a significant event, landscape feature, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing structure.

Home Occupation, Level 1^{8, 24}

An occupation conducted in a residential premises, as described in Article 4A of this Ordinance.

Home Occupation, Level 2^{8, 24}

An occupation conducted in a residential premises, as described in Article 4A of this Ordinance.

Horse Racing Facility²⁷

A facility licensed by the State of West Virginia to offer, for public viewing and amusement, on-site horse racing events with on-site related wagering thereupon. This use can also include the conduct of other occasional special events. In addition to the race course and spectator areas, this use also includes accessory uses (including but not limited to eateries, off-street parking structures, public, community or private utilities, exhibits, and shops). This use may also include the provision of resident employee and guest lodging services for both humans and animals incidental to the visit or stay on the site. This use may also include veterinary care for animals kept or visiting the site.

Hotel/Motel²⁷

A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn (as defined in this Ordinance). A hotel/motel may include a restaurant, bar, personal and retail services, and entertainment as accessory uses.

Hunting, Shooting, Archery and Fishing Clubs, Public or Private²³

Land owned by an organized group of persons formed as a club that is used for hunting, fishing, shooting, archery and similar types of passive recreation.

Impervious Surface

Any structure, material, or surface which reduces and prevents absorption of storm water into the earth.

Improvements

Modifications to land which increase its value or utility. Improvements include, but are not limited to, buildings and structures, road grading, road surfacing, landscaping, curbs, gutters, storm sewers and drains,

ZTA16-02 - Historic Preservation

Mixed Use Building ³²	A mixed use unit consisting of a commercial or office use and a residential use. The commercial or office use must be located on the first floor.
Mobile Home Park	A lot, site, or parcel of land used or intended to accommodate two (2) or more mobile homes for residential purposes with adequate public or community water and sewerage service meeting Health Department standards. A mobile home park does not include mobile home sales lots, which unoccupied mobile homes are parked for inspection and sale. This term includes all buildings, structures, vehicles, accessories and appurtenances used or intended as equipment in such a park.
Mobile Home, Boat and Trailer Sales ²⁷	Use of a site for the sale, rental or servicing of mobile homes, boats and trailers. This use includes outdoor display of items for sale or rent, and accessory retail sale of merchandise related to mobile homes, boats and trailers. This use does not include a gas station.
Mobile Home ^{23, 32}	A manufactured single family detached home built prior to the Federal Manufactured Home Construction and Safety Standards which became effective June 15, 1976.
Model Home/ Sales Office ²³	A dwelling unit temporarily used for display purposes as an example of dwelling units available for sale in a residential development approved by Jefferson County. Model homes may include sales offices for dwellings within the development.
Modular Home ³²	A single family detached structure built in a factory that meets the State or Local Building Codes where the homes will be sited.
Monopole ^{9, 22}	A support structure constructed of a self-supporting hollow metal tube securely anchored to a foundation.
Motor Vehicle ^{17, 21}	Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or other public ways.
Movie Theater ²⁷	A building containing audience seating and one or more screens and auditoriums intended for the viewing of films. A movie theater may contain a lobby and refreshment stand, and may include service of food and beverages to seated patrons. Incidental use of a movie theater for community events and live performances is permitted. This use does not include an adult use or a bar/nightclub.
Multi-Residential Use	A deeded lot or parcel on which two or more dwelling units is located.
Natural Undisturbed Conditions ⁵	This exists where the terrain has not been altered in form by human activities such as cutting, filling, blasting or leveling and where natural vegetation exists.
<u>National Historic Landmark</u>	<u>Authorized in 1935 and implemented in 1960, National Historic Landmarks are nationally significant historic places designated by the Secretary of the</u>

ZTA16-02 - Historic Preservation

Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States.

National Register of Historic Places

The National Register of Historic Places, authorized by the National Historic Preservation act of 1966, is the official list of culturally significant buildings, structures, objects, sites, and districts in the United States. Authorized by the National Historic Preservation Act of 1966. The list is maintained by the U.S. Department of Interior.

Natural Vegetation⁵

This occurs when a property is allowed to revert to a wild condition with native plants. No cutting, trimming or cultivation takes place in areas of natural vegetation.

Nature Center and Preserve³²

A land use providing environmental and conservation education for adults and youth.

Neighborhood^{17, 21}

An area generally confined to a one-mile radius from the perimeter of a proposed development.

Nightclub²⁷

A commercial establishment where the primary activity is dancing and musical entertainment and in which alcoholic beverages are dispensed for consumption on the premises. This use may include live entertainment (other than an adult use) that complies with Jefferson County noise restrictions.

Nonconforming Lot³²

A lot or parcel that lawfully existed at the time this Ordinance became effective and which does not conform with the dimensional requirements of the district in which it is located. This includes the dimensions, acreage, and/or access, etc. Any new lines of division within a subdivision of a parcel that is a nonconforming lot shall meet the regulations of this Ordinance.

Nonconforming Use³²

A land use that lawfully existed at the time this Ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Nonconforming Structure³²

A building that lawfully existed at the time this Ordinance became effective and which does not conform with the site coverage, setback, height, open space, or other regulations describing the physical development standards of the district in which it is located. Any new lines of division within a subdivision of a parcel that contains a nonconforming structure shall not create a further nonconformity and shall meet the regulations of this Ordinance.

Non-Residential^{17, 21}

A commercial, industrial, or institutional use.

Nursing or Retirement Home

This term includes rest homes, nursing homes, convalescent homes for children and homes providing chronic and convalescent care.

Open Space³²

Land area to be left undeveloped as part of a natural resource preservation, recreation, bufferyards, or other open space provision of the Subdivision Regulations. Open space excludes areas in lots, street right-of-ways, or parking. Private open space is designed and intended for

ZTA16-02 - Historic Preservation

Preservation of a Historic Site

The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Primary Public Safety Provider²²

An FCC licensed governmental user that uses wireless telecommunication facilities to provide primary communications for law enforcement, fire, ambulance or related emergency services. Primary Public Service Provider does not include Commercial Wireless Service Providers, or Competitive Local Exchange Carriers (CLEC), who provide telecommunication services on a commercial basis to Primary Public Service Providers, or who deliver emergency calls or messages from its customers to a Public Safety Answering Point (PSAP).

Principal Permitted Use^{23, 31, 32}

Any use included on the Principal Permitted and Conditional Uses Table (Appendix C) which is or may be lawfully established in a particular district, approved by the Office of Planning and Zoning without requirement of approval by a board or commission, provided the use conforms with all applicable requirements of this Ordinance. Such use does not include Conditional Uses as defined in this Ordinance.

Principal Use²³

The primary or predominant use of any site.

Printing and Publishing²⁷

A printing operation of an industrial scale, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing. This use may include the production of books, magazines, newspapers and other printed matter.

Private Business User²²

Persons or entities which operate radio facilities (including microwave) requiring an FCC license solely for intra-company communications and who do not employ those facilities to offer fixed or mobile wireless communication services, or point-to-point microwave links for commercial wireline communication services, to third parties for compensation.

Professional Office, Small³²

A professional office, as defined herein, limited to two professionals/practitioners and related support staff.

Professional Office²⁷

A building used primarily for offices for administrative, executive, professional, research, or similar organizations; and for real estate, advertising, and insurance agencies and similar firms. No merchandise is sold on the premises. An office building may include ancillary services for employees, such as a restaurant or coffee shop. This land use does not include a Medical/Dental/Optical Office.

Prohibited Use

A use that is not permitted.

ZTA16-02 - Historic Preservation

Protection Radius

The area surrounding a historic site or historic resource not exceeding the boundary lines of the property. The size of the protection radius is governed by Section 4.6G of this Ordinance.

Public Highway

Any highway or road in Jefferson County which is part of the Federal or West Virginia public highway system and which is so identified by and numbered on the most recent General Highway Map published by the West Virginia Department of Highways.

Public Safety Facility²³

Facilities that provide health and safety services to the general public including, but not limited to fire stations, police stations, and emergency medicine or ambulance stations or facilities.

Publicly Owned Facility²³

Use of a site for government operations or activities, and not otherwise defined as a public safety facility; school, elementary or secondary; school, university or college; school, vocational or professional; hospital; cultural facility; or essential utility equipment.

Recycling Drop-Off Center²⁷

A building or site used for a drop-off location for temporary storage of recyclable, recoverable or reusable materials such as paper, cardboard, glass, metal, plastic, batteries and motor oil. Processing of materials is limited to separation. This land use is intended for household or consumer use rather than commercial or industrial use.

Research and Development¹³

Research, development and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products.

Residential Care Home²³

The use of a site for the provision of a family-based facility in a single-family dwelling unit providing 24 hour care in a protected living arrangement with not more than two supervisory personnel and not more than six residents who are suffering from mobility, orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, cognitive disability, autism, emotional illness, or similar conditions.

Residential¹

Any detached or attached structure that is used for permanent living quarters and has kitchen facilities.

Restaurant²⁷

A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building. A restaurant may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the uses Bar or Nightclub.

Restaurant, Fast Food²⁷

Any establishment whose principal business is the sale of foods and/or beverages in ready-to-consume individual servings, for consumption either inside or outside the restaurant building or for carry-out. Customer orders and/or service may be by means of a window or walk-up counter. A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service

Section 3.4 Boards and Commissions^{23, 32}

A. Board of Zoning Appeals

1. The Board of Zoning Appeals will consist of five members to be appointed by the County Commission. Their terms of office, succession, removal, filing of vacancies, and their powers and duties shall be provided in Chapter 8A of the West Virginia Code, as amended.
2. Meetings of the Board of Zoning Appeals shall be conducted according to the Rules of Procedure adopted by the Board of Zoning Appeals. In the event of a conflict between this Ordinance and the Rules of Procedure, the Rules of Procedure shall prevail.²
3. The powers and duties of the Board of Zoning Appeals include but are not limited to the following:
 - a. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official in regard to the enforcement of this Ordinance or of any ordinance adopted thereto.³²
 - b. The Board of Zoning Appeals shall consider requests for variances, seasonal use permits, and special exceptions from the terms of this Ordinance.³²
 - c. The Board of Zoning Appeals shall have authority over the issuance or denial of a Conditional Use Permit.³²

B. Planning Commission²³

1. Membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Planning Commission and Chapter 8A of the West Virginia Code, as amended.
2. The powers and duties of the Jefferson County Planning Commission include but are not limited to the following:
 - a. Review applications for major site plans, major subdivisions, and waivers from minimum standards, pursuant to the Subdivision and Land Development Regulations;
 - b. Review requests for amendments to the County zoning map and Zoning and Land Development Ordinance;
 - c. Research and recommend to the County Commission improvements to the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations;
 - d. Make recommendations to the County Commission concerning planning and zoning issues;
 - e. Make an annual report to the County Commission concerning the operation of the Planning Commission and the status of planning within its jurisdiction;
 - f. Prepare the Jefferson County Comprehensive Plan and recommend to the County Commission for adoption or amendment.

C. County Commission²³

1. General. The County Commission shall have all powers conferred upon it by the Constitution, the laws of the State of West Virginia, and the County Charter. With respect to development approval and amendments to this Ordinance and the County's Comprehensive Plan, the powers that the County Commission retains and shall exercise include but are not limited to the powers set out in this Section.
2. Approvals. Following a public hearing and the submittal of recommendations by Staff and the Planning Commission, the County Commission may take action on the proposed adoption of, or amendments to, the following, including text, maps, and other elements:

ZTA16-02 - Historic Preservation

- a. Comprehensive Plan
- b. Zoning and Land Development Ordinance
- c. Subdivision and Land Development Regulations
- d. The Jefferson County Zoning Map
- e. An Urban Growth Boundary in accordance with Chapter 8 of the West Virginia Code, as amended:
 - i. A boundary shall be established by the County Commission in agreement with each individual municipality regarding that municipality's boundary.
 - ii. If the County Commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court.
 - iii. Once the county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality.
 - iv. The County Commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.
3. Hiring. The County Commission shall hire staff of the Office of Planning and Zoning.
4. Appointments. The County Commission shall appoint the members of the Planning Commission and the Board of Zoning Appeals.
5. Fees. The County Commission shall adopt a fee schedule for processing applications pursuant to this Ordinance. The fee schedule may be amended from time to time as determined appropriate by the County Commission.

D. Historic Landmarks Commission

1. A five member commission, appointed by the Jefferson County Commission. Powers, membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Historic Landmarks Commission and Chapter 8 Article 26A of the West Virginia Code.
2. The Jefferson County Historic Landmarks Commission does not have the authority to nominate or designate a historic site for inclusion on the National Register without the property owner's consent and does not have the authority to create a Historic District due to the restrictions in WV State Code §8-26A-3 and related statutes.
3. Historic Preservation is not to infringe on the property owner's rights. The Jefferson County Historic Landmarks Commission is encouraged to protect historic sites in Jefferson County by raising capital to purchase historic sites and battlefields at fair market value.
4. This Ordinance encourages the preservation of historic buildings and historic sites by working with the landowner on a voluntary basis. All historic sites in Jefferson County are classified by their Category of Importance, used to determine the level of protection afforded that site. The categories are as follows:
 - a. Category I. These are the most important historic sites in Jefferson County. This category includes individually listed National Register structures and properties; Historic Districts including their contributing structures; and Federally recognized Civil War Battlefields. These properties retain a high level of original condition and integrity.

ZTA16-02 - Historic Preservation

- b. Category II.** These sites are classified as important. This category includes Jefferson County Landmarks, historic sites that may be National Register eligible, and other Civil War battle sites. Sites in this Category may have been altered or changed to such a degree that they no longer retain the same level of integrity as the original condition.
- c. Category III.** These sites have moderate importance.
- d. Category IV.** These are sites that are at least 50 years old, have little or no significance, but are listed on the Landmarks Commission's inventory.

Refer to Section 4.6 for distance requirements and protection radius standards.

Section 4.6 Distance Requirements

- A. Industrial uses are subject to this subsection, unless otherwise specified in this Ordinance. Any uses (not including parking) or buildings subject to compliance with this Section shall be located at least 200 feet from:²⁷
 - 1. Any lot in the Residential Growth District;²⁷
 - 2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;¹
 - 3. Any lot which is part of a recorded subdivision; and
 - 4. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.
- B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:^{7, 27}
 - 1. Any lot in the Residential Growth District;
 - 2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
 - 3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.²³
- C. A commercial use (not including parking) located in the Neighborhood Commercial District or the Office/Commercial Mixed Use shall be located at least 25 feet from a land use identified in Section 4.6B.1-3.²⁷
- D. Housing for farm animals and feeding pens shall be set back a minimum of 50 feet from all property lines; excluding chicken coops which may be set back 25 feet from all property lines, if no roosters are housed there.³²
- E. Structure used to store manure shall comply with distance requirements specified in 4.6A.³²
- F. All portions of a kennel land use must be buffered pursuant to Article 4 and set back at least 300' from any other property line that contains a residence. If the adjacent use is a commercial use, setbacks shall conform with commercial setbacks in Appendix B.³²
- G. Historic Sites are subject to this subsection, unless otherwise specified in this Ordinance. All properties designated as a historic site shall be subject to a protection radius as described in this section when a non-residential development or major residential subdivision is proposed. A protection radius is the area surrounding a historic site not exceeding the boundary lines of the property.
 - 1. Protection Radius: Category I historic sites shall be subject to a 200-foot protection radius, as measured from the center of the site or principal structure. When an entire site is placed on the National Register and contains historic structures, preference shall be given to the Property Owner as to whether the protection radius is applied to the center of the principal historic structure or the center of the area of property on the National Register.
 - 2. Uses permitted within the Protection Radius include Residential Uses as listed in Appendix C, barns, and residential accessory structures as defined by this Ordinance. Existing structures (which existed prior to the adoption of this text amendment) within the protection radius may be converted to a non-residential use in accordance with Appendices B & C and shall comply with applicable district regulations as required by Article 5.

ARTICLE 4B: WIRELESS TELECOMMUNICATION FACILITIES^{10, 22}

Section 4B.1 Purpose and Legislative Intent

The purpose of Article 4B, Wireless Telecommunication Facilities, is to balance the needs of residents of and visitors to Jefferson County for reliable access to wireless telecommunication networks and services with the community's desire to preserve the County's rural, historic and agricultural character and the quality of its residential neighborhoods.

To accomplish these objectives and to ensure that the placement, construction or modification of wireless telecommunication facilities complies with the provisions of the Telecommunications Act of 1996 and other Federal laws, and is consistent with Jefferson County's land use policies and Comprehensive Plan, this Article is intended to regulate the construction, placement and operation of wireless telecommunication facilities within Jefferson County. When any provision of this article is in conflict with any provision of the Jefferson County Zoning Ordinance or the Jefferson County Subdivision and Land Development Regulations, the stricter regulation shall apply.

This Article establishes parameters for the siting of Wireless Telecommunication Facilities. It is Jefferson County's intent to:

- A. Ensure access to reliable and robust wireless communications services throughout Jefferson County consistent with the aforementioned objectives;
- B. Encourage the use of existing structures such as buildings, water towers, silos, church steeples, monopoles, lattice towers, utility poles, electric distribution and transmission structures and other existing structures for the co-location of Wireless Telecommunication Facilities;
- C. Encourage the location of new Wireless Telecommunication towers in non-residential areas, with taller towers limited to the Industrial-Commercial zoning district;
- D. Minimize the number of new Wireless Telecommunication Towers that would otherwise need to be constructed by providing incentives for the use of existing structures;
- E. Encourage the location of new Wireless Telecommunication Towers, to the greatest extent possible, in areas where the adverse impact on the community will be minimal; and by encouraging the use of camouflage or concealment to create structures such as silos, faux trees and flagpoles that mimic elements that typically are found on Jefferson County's agricultural landscape and that appear in scale and context with their surroundings;
- F. Minimize or mitigate the potential adverse visual effects associated with the construction of Wireless Telecommunication Towers through the implementation of reasonable design, landscaping and construction practices;
- G. Ensure public health, safety, welfare, and convenience; and
- H. Conform to Federal and State laws that allow certain antennas to be exempt from local regulations.

Section 4B.2 Classification of Wireless Telecommunication Facilities³²

For purposes of administering this Article, Wireless Telecommunication Facilities (hereafter "Facilities" or "Facility") shall be classified as follows:

- A. Exempt Facilities as specified in Section 4B.3
- B. Concealed Wireless Telecommunication Facilities
- C. Co-located Wireless Telecommunication Facilities
- D. Temporary Wireless Telecommunication Facilities
- E. Wireless Telecommunication Towers

Exempt Facilities are allowed by right. Prior to the issuance of a Zoning Certificate, all other types of new Wireless Telecommunications Facilities listed above require approval of a Minor Site Plan as described in the Jefferson County Subdivision and Land Development Regulations and also meeting the submittal and design requirements of this Article. Additionally, Wireless Telecommunication Towers shall require submittal of a Concept Plan and a public hearing to allow for an analysis of demonstration of need, neighborhood compatibility, impact on cultural and historic ~~sites~~~~resources~~, and visual mitigation.

Within ten (10) days of receiving a Concept Plan application for a Facility, Staff shall notify the applicant in writing (1) that the application is sufficient or (2) the particular information needed as required by the provisions of this Article and the Jefferson County Subdivision and Land Development Regulations, to constitute a sufficient application. Once the additional information is received and the application is found to be sufficient, Staff shall notify the applicant of that finding.

Section 4B.3 Exempt Facilities Allowed by Right

This section covers antennas other than those associated with commercial wireless telecommunication facilities, such as facilities associated with governmental users, television and radio broadcast facilities, and private business users requiring an antenna support structure of twelve feet or less. Antennas allowed by right subject to special requirements of this section include:

- A. Amateur radio facilities mounted on supporting structures less than 100 feet in height provided however, that commercial wireless providers and private business users may not co-locate antennas on an amateur radio tower irrespective of its height.
- B. Residential antennas for receiving television or AM or FM radio broadcast signals.
- C. Residential or business customer premise antennas for receiving microwave, satellite or broadcast television signals, provided such antennas are less than one meter (39.4 inches) in diameter and are mounted on a support structure less than twelve (12) feet in height.

Section 4B.4 Concealed Wireless Telecommunication Facilities

Concealed Facilities are permitted in all zoning districts. The Zoning Administrator may issue a Zoning Certificate for a Concealed Facility consistent with the following terms and conditions:

- A. Concealed Facilities are permitted on buildings and alternative structures (other than telecommunication towers).
- B. For purposes of this section antennas mounted on electric transmission towers shall qualify as Concealed Facilities provided that antennas associated with such facilities do not extend more than twenty (20) feet above the top of the supporting structure. Equipment enclosures associated with such facilities may be mounted on the structure, placed underground or on the ground. If placed on the ground, equipment enclosures shall be placed on a concrete pad, metal skid or platform, or other foundation and screened so as to make them unobtrusive.
- C. For purposes of this section antennas mounted on an electric distribution pole, utility or street lighting pole or traffic light pole shall qualify as a Concealed Facility provided antennas associated with such facilities shall not extend more than twenty (20) feet above the top of the existing support structure.
- D. Utility poles may be extended up to twenty (20) feet in height to accommodate antennas for a Concealed Facility.

ZTA16-02 - Historic Preservation

3. Submittal and review of a Concept Plan shall follow the review process and timeline established in Section 24.119 – 24.122 of the Subdivision and Land Development Regulations, with the following exceptions:
 - a. The application shall be exempt from Section 24.120A, Agency Reviews, and Section 24.120D, WVDOH, except as otherwise provided in this Subsection.
 - b. Following Staff's determination of the sufficiency of a Concept Plan application:
 - i. Staff shall notify the Jefferson County Historic Landmarks Commission of an application filing.
 - ii. The Applicant shall provide a copy of the completed Concept Plan application to the Appalachian Trail Conservancy and the National Park Service, if required by the Cultural and Historic SitesResources Review standards of this Section.
 - c. The Concept Plan shall be reviewed at a public hearing conducted at a scheduled Planning Commission meeting. The scope of this public hearing shall include a demonstration of need as required under this Article, neighborhood compatibility, impact on cultural and historic sitesresources, visual mitigation, the submittal and design criteria of this Article, and the compatibility of the facility proposal with the Comprehensive Plan, as well as any relevant information presented by any person that addresses the purpose and intent of this Article. The Planning Commission shall review the proposed Tower for compliance with the standards in this Article and, if applicable, provide conditions relevant to the scope of the public hearing and/or unique characteristics of the proposed development site, to be addressed in Staff's approval of the site plan.
 - d. Before Staff may approve a site plan for a Tower, the Planning Commission must find, by a majority vote, that the Concept Plan application complies with this Article, and that the application is consistent with the Comprehensive Plan.
- C. Retention of Consultants

Staff may elect to retain outside consultants or professional services to review a Concept Plan or site plan application for a Tower and to make recommendations on relevant issues including, but not limited to, verification of the applicant's compliance with the provisions of this Article, analysis of alternatives, conditions of approval, and compliance with State and Federal rules and regulations at the applicant's expense. Fees charged to the applicant shall not exceed the actual cost of services rendered.
- D. Applicant's Burden of Proof

The applicant for a site plan for any Tower bears the burden of demonstrating by substantial evidence in a written record that a *bona fide* need exists for the proposed structure at its proposed height and location-as required in Subsection F, "Demonstration of Need", and that it has met all submittal and design criteria in this Article.
- E. Proof of Eligibility

Speculative Towers are prohibited. Before an application for a Tower can be processed, a copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the Tower within six (6) months of issuance of a certificate of occupancy for the Tower. Such demonstration shall include submittal of an affidavit by the FCC licensee(s), and a copy of each wireless provider's FCC license. If such FCC licenses have been provided to Staff in conjunction with previous tower applications, the applicant may certify that such licenses remain in full force and effect.
- F. Demonstration of Need

- d. Antennas associated with an application for a Facility may not be co-located on a tower or other support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.
- I. Cultural and Historic ~~Sites~~~~Resources~~ Review
1. In addition to the notification requirements of this Section, an application for a Tower shall comply with the following:
 - a. An application for a proposed Tower within the Harpers Ferry Overlay District shall be provided, by the applicant, to the National Park Service for review and comment, and the applicant will provide Staff an affidavit certifying delivery.
 - b. An application for a proposed Tower located within one mile of the Appalachian Trail shall be provided, by the applicant, to the Appalachian Trail Conservancy and the National Park Service for review and comment, and the applicant will provide Staff an affidavit certifying delivery.

J. Design Criteria

Wireless Telecommunication Towers shall comply with the following design criteria:

1. Antenna Mounting Preferences
Antennas associated with a Tower shall, where practical, be mounted so as to present the smallest possible silhouette, profile or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
 - a. Antennas within a cylindrical radome matching the diameter of a monopole.
 - b. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the Tower.
 - c. Antennas mounted as an array arranged around a platform extending from the monopole.
2. Height Restrictions
 - a. Towers in the Industrial-Commercial zoning district shall not exceed 199 feet. Towers in all other zoning districts shall not exceed 100 feet. If a silo is used for a support structure for antennas, the height of the silo shall not exceed 120 feet.
 - b. Antennas may extend up to twenty (20) feet above the height of existing electric transmission towers if such height extensions are preferable to placement of a new Tower.
3. Fall Zone
 - a. With the exception of silos, Towers shall be set back from all property lines a distance equal to 110% of tower height measured from the base of the structure to its highest point. Additional easements may be acquired on adjacent properties to meet the fall zone requirement.
 - b. No residential dwellings may be located in the fall zone on either the primary parcel or in any easement area on adjacent parcels.
4. Signage
Signage at any ground-based portion of a Facility site shall conform to FCC and FAA standards. No commercial signage is permitted.
5. Lighting & Marking
Towers shall not be lighted or marked unless required by the FCC or by the FAA.
6. Electrical Supply
Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.

**ARTICLE 5: DISTRICT ESTABLISHMENT; ZONING MAPS; DISTRICT BOUNDARIES;
DISTRICT REGULATIONS**

Section 5.1 Establishment of Districts¹

For the purpose of this Ordinance, all land within the County, exclusive of the incorporated towns, is hereby designated as one of the following zoning districts:

- RG Residential Growth District
- I-C Industrial-Commercial District
- R Rural (Agricultural) District
- R-LI-C Residential-Light Industrial-Commercial District
- V Village District²³
- NC Neighborhood Commercial²⁷
- GC General Commercial²⁷
- HC Highway Commercial²⁷
- LI Light Industrial²⁷
- MI Major Industrial²⁷
- PND Planned Neighborhood Development²⁷
- OC Office / Commercial Mixed-Use²⁷

Section 5.2 Boundaries of Districts

Unless otherwise indicated on the zoning district maps, the boundary lines of the districts shall follow lot lines, centerlines of streets, alleys, corporate limit lines, or centerlines of waterways as existing at the time of the adoption of this Ordinance.

Section 5.3 District Maps

The districts shall be of the size and shape shown on the Jefferson County Zoning Maps and shall hereby be made a part of this ordinance. A copy of the said maps shall be signed by the County Commissioners upon the adoption of these regulations and recorded within the Courthouse.

The Jefferson County zoning layer is parcel-based, maintained in a Geographic Information System (GIS), and shall be the basis for the County's official zoning map. Within 30 days of final County Commission action on a zoning map amendment, GIS/Addressing staff will update the digital zoning layer and make the new data available online.²³

On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk's office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively.²³

ZTA16-02 - Historic Preservation

- through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.^{5, 7, 23, 27}
3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use in accordance with Section 6.3 of this Ordinance. This requirement shall not apply to a building located within a shopping center shown on an approved site plan.^{23, 26, 32}
 4. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.^{7, 27}

Section 5.9 Reserved²³

Section 5.10 Village (V) District^{8, 23, 32}

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries. This district is generally intended to be served with public or private water and sewer facilities based on proposed lot sizes.

Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.²⁷

A. Principal Permitted Uses

1. Residential Land Uses

- a. Refer to Appendix A for site development standards. If applicable, reduced building setbacks may be permitted in accordance with Article 9.

2. Non-Residential Land Uses in Existing Structures

- a. Building setbacks, parking and drive aisle setbacks, distance requirements, and landscape buffers are not required when a proposed land use is to be located within an existing structure.
- b. When additional parking for an existing structure is required, a Site Plan shall be submitted. Setbacks shall be as required in Section 5.10A.2(a) with the exception that a four (4) foot screened buffer shall be required along the side and rear property lines. The screening may be either vegetative (existing or planted) or opaque fencing and may be placed anywhere within the four (4) foot buffer. At the time of the planting, vegetation shall be at least six (6) feet in height. No structures, vehicular parking, or stored materials shall be permitted within the side and rear yard buffers.
- c. As a separate variance, in conformance with Section 6.2 of this Ordinance, the Board of Zoning Appeals shall have the discretion to waive a site plan based on the adequacy and number of existing parking spaces.

3. Non-Residential Land Uses in New structures and expansions to existing structures

- a. All new non-residential structures and expansions to existing structures shall comply with site development standards as required by this Ordinance and process a Site Plan in accordance with the Subdivision Regulations.

A.B. and Conditional Uses²³

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.²⁷

ZTA16-02 - Historic Preservation

1. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to the review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.^{27, 32}

2. Existing Structures

a. Parking, Building Setbacks, Landscaping, and Signage shall be addressed as part of the Conditional Use Permit application. The reduced setbacks requirements cited in Section 5.10A.2(a) and (b) shall apply. In lieu of the standard variance process, any proposed deviation from the required parking, building setbacks, landscaping, and signage standards set forth in this Ordinance shall be included in the Conditional Use Permit application and reviewed for approval by the Board of Zoning Appeals.

b. As a separate variance, in conformance with Section 6.2 of this Ordinance, the Board of Zoning Appeals shall have the discretion to waive a site plan based on the adequacy and number of existing parking spaces.

3. New Structures and expansions to existing structures

a. All new non-residential structures and expansions to existing structures shall comply with site development standards as required by this Ordinance and process a Site Plan in accordance with the Subdivision Regulations.

~~B.~~ Setbacks²⁷

~~1.~~ Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. The BZA may consider setback variances based on other structures existing in the neighborhood.^{23, 32}

~~2.~~ Existing Structures²⁷

~~a.~~ The side and rear yard setbacks are 6' for an existing structure to be used for a land use as provided in this Article.

~~B.C.~~ Non-Residential Commercial uses shall not cause any odor, dust, smoke, vibration, noise, or electromagnetic interference, which can be detected at or beyond the property line, in accordance with Article 8.

~~C.D.~~ Proposed uses in a recognized historic district shall obtain approval from the Historic Landmarks Commission and/or other appropriate state or federal agency prior to processing.²³

~~D.E.~~ There will be no outdoor storage of equipment, materials or other stock.

~~E.~~ Other Requirements²³

~~1.~~ With the exception of setback requirements as specified in this section, Commercial and Light Industrial uses are subject to the requirements of Section 5.6E and the requirements for such standards in Article 8.

- scenic features of the site (including but not limited to historic ~~sites~~resources, mature trees, open spaces, and agricultural landscapes);
9. Encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses; and
 10. Mitigate the problems which may be presented by specific site conditions.
- B. Location. This zoning category is intended for use on properties:
1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.³²
 2. The Planning Commission may restrict land uses shown as permitted or conditional uses in Appendix C, Principal Permitted and Conditional Uses Table, as part of the approval of a Preliminary PND Plan.³²
 3. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.³²
- D. Site Development Standards
1. If not otherwise addressed in the Preliminary PND Plan, setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. However, setbacks and other site development standards may be modified as part of the approval of a PND zoning map amendment request, as described in this article.
 2. Modification of Development Standards Allowed
 - a. The Planning Commission may approve modifications of the development standards of this Ordinance and the Jefferson County Subdivision and Land Development Regulations as part of the approval of a Preliminary PND Plan.
 - b. Modification of these standards pertains only to developments associated with the Preliminary PND Plan for which the modifications are approved.
- E. Additional Requirements
1. A PND development shall include the following mix of uses, measured as follows, after the Open Space requirement is met:
 - a. 10-30% of the land area shall be commercial
 - b. 10-30% of the residential units shall be multifamily (7+ dwelling units per acre)
 - c. 20-40% of the residential units shall be attached/detached (4-6 dwelling units per acre)
 - d. 0-60% of the residential units shall be detached (1-3 dwelling units per acre)
 2. Open Space Requirements
 - a. A minimum of 20% of the total tract area of a PND development shall be composed of common and open space. Up to one-half of the common and open space may be used for active recreation. Acreage within the 100-year floodplain, as designated by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) or acreage of critical natural environmental features (as defined in this article), may constitute up to 50% of the required common and open space area.

Section 6.2 Variances³²

The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.²³

- A. The Board shall approve a variance request if the Board finds that a variance:
 1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
 2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
 3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
 4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.^{17, 21}
- B. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board in the Office of Planning and Zoning.
- C. Notification for a variance must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.

Section 6.3 Conditional Use Permit³²

The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit.^{2, 32}

- A. The Board shall consider each Conditional Use Permit request that is filed in accordance with this Ordinance and the procedural requirements of the Board of Zoning Appeals. The Board may require reasonable conditions or special requirements which allows for the proper integration of the proposed uses into the community and are directly related to and incidental to the proposed conditional use permit. The following General Standards shall be considered in approving or denying the CUP:
 1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.
 2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare.
 3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings.
 4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance.
 5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.
 6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan’s Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial,

ZTA16-02 - Historic Preservation

Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the BZA to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use.

7. For Historic Sites, the Historic Landmarks Commission, with the property owner's consent, may visit the property to review the proposed land development plan and use for sites designated as Category I or II. The Historic Landmarks Commission may make reasonable recommendation to the Board of Zoning Appeals on the suitability of a proposed multi-family dwelling or non-residential use for the building seeking a Conditional Use Permit. The Historic Landmarks Commission's recommendations may include the following findings:

- a. Compatibility of the proposed use with the historic structure;
- b. Any modifications to the building's façade is consistent and compatible with the building's architecture, style, and massing; and
- c. Proposed parking and other activities are suitably located so as to preserve the historic character.

The Board of Zoning Appeals may consider these findings and if determined appropriate, may require compliance with some or all of the Historic Landmarks Commission's recommendations as a condition of approval.

- B. The owner or authorized representative of the owner of the property for which the Conditional Use Permit is being requested shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The Conditional Use Permit request shall be filed with the Board at the Office of Planning and Zoning.
- C. Staff will notify the adjacent and confronting property owners of the date, time, and location of the Public Hearing by registered mail. Notification for a Conditional Use Permit must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.
- E. If there are no negative public comments received by the Board, the Board shall issue the Conditional Use Permit but may require reasonable conditions.

Section 6.4 Seasonal Uses^{5, 7, 32}

Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing according to the requirements of Section 6.1C. Newspaper notification requirements of Section 6.1B apply. Seasonal uses cannot be approved for longer than one year at a time.^{17, 21, 23}

Section 6.5 Special Exception Uses^{26, 32}

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals following a public hearing.
 1. The public hearing shall be conducted according to the requirements of Section 6.1C.
 2. Such hearing may be continued according to the requirements of Section 6.1D.
 3. The public hearing is subject to the notification requirements of Section 6.1B.
- B. The following uses may be approved as a Special Exception:

ZTA16-02 - Historic Preservation

accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. Such accessory dwelling unit is permitted only if it meets one of the following criteria:³²

- A. An “In-Law Suite” is an accessory dwelling unit for the purpose of housing a relative of the property owner and must be clearly subordinate to the principal dwelling unit and meet all of the following criteria:³²
 - (a) Secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area;³²
 - (b) For a detached accessory dwelling unit, must be located on a property of at least two acres;³²
 - (c) Limited to use by a relative*;³²
 - (d) Sufficient parking available; and³²
 - (e) Approved by the Health Department.³²

**Related by blood, marriage, or adoption. Should relative no longer require the use of the Accessory Dwelling Unit ADU, the property owner may apply for a Special Exception before the Board of Zoning Appeals to allow for rental to non-relatives. The principal dwelling unit or accessory dwelling unit must be occupied by the property owner or immediate family member.³²*

- B. An “Accessory Agricultural Dwelling Unit” for agricultural purposes is defined as a dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building and meets all of the following criteria:³²
 - (a) is secondary in size to the principal dwelling unit, limited in size to a maximum of 1,700 heated square feet, gross floor area;³²
 - (b) is located on a property for which the primary use is an agricultural use as defined by this ordinance;
 - (c) is located on a property of at least ten acres in area;
 - (d) is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property; and
 - (e) is approved by the Health Department.³²

One of each type of Accessory Dwelling Unit as defined in this section may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exception in accordance with Section 6.5.5 ~~which may be approved by the Board of Zoning Appeals following a public hearing. Such public hearing shall be conducted according to the requirements of Section 6.1C; may be continued according to the requirements of Section 6.1D; and is subject to the notification requirements of Section 6.1B. These additional units designed for occupancy by relatives or by farmworkers or caretakers may be approved based on the Board's evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood.~~³²

RVs are prohibited as Accessory Dwelling Units.³²

Section 8.16 Reserved³²

- F. A sign not exceeding 25 square feet on a farm, advertising farm products primarily grown on the premises.
- G. Directional or informational signs of a public or quasi-public nature, such as those containing the meeting date of a community or civic club, or the advertising of a public event.
- H. A temporary real estate sign designating the zoning classification of the parcel, not exceeding 20 square feet and being located on the subject property for sale or lease.
- I. Building contractors', subdivision and/or professional person' temporary signs on buildings or land under construction but not to exceed 100 square feet.
- J. Election signs, provided that unsuccessful candidate shall remove signs within 15 days after a primary or special election. All signs shall be removed within 15 days after the general election. Signs shall not interfere with traffic visibility.
- K. All temporary signs shall be removed 30 days after the event, unless otherwise specified in Article 10.

Section 10.4 Signs Requiring a Zoning Permit

- A. Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.²
- B. Any exterior sign or signs pertaining to the use conducted on the premises, and which is either integral with or attached to the principal building, shall have a sum total area of no more than two square feet for each foot in length of the frontage of the building. No sign shall be attached to the side of the building that faces an adjoining residence. ~~All signs placed on a property whose use is permitted through the approval of a Conditional Use Permit are subject to Section 10.4E.~~³²
- C. Individual business or industrial establishments may erect a freestanding business sign, provided the lot frontage is at least 40 feet. The freestanding sign shall be located in such a manner that no part of the supporting structure is less than 25 feet from the street right-of-way, and that no part of the sign is closer than five feet to the right-of-way. The total area for any sign or signs on one supporting structure shall not exceed 300 square feet and the total height of the sign structure shall not exceed 35 feet. Businesses or industries having a frontage on more than one street may have an additional freestanding sign for each street frontage, provided that the total area for all freestanding signs does not exceed 600 square feet. Where the lot adjoins a residence and a freestanding sign is on the side of the business lot adjoining the residential lot, the sign shall not face the adjoining residence. ~~Signs whose use is permitted through the approval of a Conditional Use Permit are subject to Section 10.4E.~~ Structures which have more than one use shall be required to use a pylon sign. One is permitted on each street frontage.^{8, 32}
- D. All outdoor advertising signs shall be spaced in such a manner that in an Industrial District there shall be a minimum of 300 feet between signs, and in the Rural District, where permitted, such signs shall be located in such a manner that there shall be 1,000 feet between signs. This shall be subject to Section 10.4E.
- E. All signs accessory to a land use subject to the approval of a Conditional Use Permit shall be proposed within the Conditional Use Permit application and assessed by the Board of Zoning Appeals at the required Public Hearing. Such signs shall be maintained at least 1,000 feet between signs. Consideration of the placement of such signs with less than 1,000 foot intervals shall be determined by the Commercial or Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of 300 feet. Any ~~variance~~ deviation from the ~~is~~ standards in Section 10.4 shall require consideration and

approval by the Board of Zoning Appeals as part of the Conditional Use Permit application in accordance with Section 6.3.^{2, 17, 21, 23, 32}

- F. No outdoor advertising sign shall be placed closer than 300 feet to an intersection on a dual or proposed dual highway or within 100 feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
- G. All outdoor advertising, excluding billboards subject to Section 10.4H, shall comply with front yard setback provisions in the districts in which they are permitted.
- H. Billboards
 1. No billboard shall be closer to any public highway right-of-way than 300 feet.
 2. Placement of a billboard must be in a location that is within 800 feet of an existing business.
 3. There shall be a minimum of 1000 feet between billboards.
 4. A billboard shall be no closer than 500 feet from a church, school, or cemetery.

Section 10.5 Zoning Certificate²

All Zoning Certificate applications for signs may be approved by the Zoning Administrator if in conformance with the regulations.^{17, 21, 23}

ZTA16-02 - Historic Preservation

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32}

Zoning District	Development Type [Ⓔ]	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use						
						A residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use			Industrial Use						
						Front	Side	Rear	Front	Side	Rear	Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear
Industrial – Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No. M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District												
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)	N/A	10(S)	N/A	10(S)	
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A	N/A	N/A	N/A	N/A	
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A	N/A	N/A	N/A	N/A	
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use, Otherwise, N/A					
	Commercial or Industrial**	See IC District																
Village (V)	Commercial ^x	N/A	N/A	35	N/A	25	10	40	See IC District									
	Industrial**	See IC District			35	See IC District												
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District												
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 ^E	10 ^D	See I-C District			25	See IC District					
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District									
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25										
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25										
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50										
	Industrial	3 ac***	N/A	75	90%	25	50	50										
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 ^E	10 ^D	See IC District									
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District			Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).												

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by "ac" (acres).

- * Maximum building height is subject to Sec. 9.2.
- ** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.
- *** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park (Source: Sec. 5.6E)
- **** Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.
- ⚡ ~~Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2. Commercial setbacks may be reduced by a variance approved by the BZA based on other structures existing in the neighborhood. Side and rear yard setbacks - 6' for an existing structure to be used for a land use as provided in Sec. 5.10.~~
- ‡ Setback may be reduced if adjacent to industrial use.
- ⊕ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
- ⊖ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line
- ⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear), and (3) distance requirements do not apply.
- ⊖ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

ZTA16-02 - Historic Preservation

ZTA16-02 - Historic Preservation

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Residential Uses													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	NP	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU NP	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU NP	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
Home Uses													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
Institutional Uses													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church	P	P	P	P	CU	P	P	P	P	P	NP	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	

ZTA16-02 - Historic Preservation

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Institutional Uses Continued													
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	
Industrial													
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU ²	NP	NP	NP	NP	NP	CU ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
Industrial Manufacturing & Processing													
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.9
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
Adult Uses													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses													
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P CU	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	

ZTA16-02 - Historic Preservation

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P CU	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	NP	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	NP	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	NP	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	NP	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	NP	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P CU	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	NP	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P CU	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	NP	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	NP	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	NP	
Campground ³¹	CU	P	NP	NP	NP	P	NP	P	CU	P	P	NP	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	NP	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	NP	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	NP	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	NP	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	PC	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	NP	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	NP	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P CU	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	NP	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	NP	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	NP	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	NP	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	NP	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	NP	

ZTA16-02 - Historic Preservation

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	NP	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	NP	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	NP	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	NP	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	CU	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	NP	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	NP	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	NP	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	NP	
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	NP	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial
 GC General Commercial
 HC Highway Commercial
 LI Light Industrial
 MI Major Industrial
 PND Planned Neighborhood Development

OC Office / Commercial Mixed-Use
 R Rural
 RG Residential Growth District
 RLIC Residential-Light Industrial-Commercial District
 IC Industrial-Commercial District
 V Village District

ZTA16-02 - Historic Preservation

- P Permitted Uses
- NP Not Permitted Uses
- CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)
- ** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU
 - ¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.
 - ² Approval process is per the Salvage Yard Ordinance.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Roger Goodwin, P.E. Director and Chief County Engineer
Ralph Blasey, Attorney, Peel Properties
Tim Pownell, United Bank

Department or Organization: **Department of Engineering, Planning and Zoning**

Estimation of amount of time needed for appointment: 15 Minutes

Date Requested – 1st Choice: **January 4, 2018 (Afternoon)**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Thorn Hill Subdivision (JCPC File No. 02-17) – Request for time extension on Tolling of Bonding Agreement expiration.**

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

The Jefferson County Commission entered into an "Agreement Regarding Bonding Obligations and Declaration of Covenants, Conditions and Restrictions" (also known as a tolling of bonding agreement) on February 3, 2011 with the developer of the Thorn Hill Subdivision. The bonding/surety provider and financier of the project is United Bank and Peel Properties.

The purpose of the tolling of bonding agreement is to provide relief to the developer and the project financier/bonding/surety provider from having to move forward with a subdivision project during difficult economic times, especially due to a downturn in the market conditions for residential lots and new homes. The main problem during the last 4 years of extension has been the surplus of lots created during the growth period and the inventory of foreclosed properties. These two factors are finally being alleviated. Tolling of the bond only applies to projects where no work has started, and no lots have been sold; the project at this point is only a platted subdivision of record in the County Clerk's office. Under the tolling agreement the project may not move forward with the sale of lots and construction of the site improvements until the full construction bond amount is reposted at the current rates. This will be in the best interest of the County and Neighborhood since the project won't be forced to begin and remain in various states of construction.

The intent is that the project only be required to move forward when economic conditions support the ability to sell the lots, this in turn finances the cost of building the required site improvements. Otherwise, forcing a project to proceed with construction of the site improvements when it is not economically viable may result in a default on the bonding agreement by the developer; as a result, the county may be forced to take the bond and the county then becomes responsible for finishing the project.

When the tolling of bonding provision was created it was decided by the bonding policy committee to have a "sunset" provision (see section 6(c) of the tolling agreement) that sets a maximum 4-year time limit for tolling so that projects cannot be tolled indefinitely. The expectation was that economic conditions would turn around in that period of time. However, the developer and representatives of United Bank and Peel Properties have indicated that they do not believe it is a good time to move forward with reposting the bond and beginning construction of the site improvements under the current economic conditions.

This Project underwent many court proceedings and appeals in order to proceed as the Planning Commission approved the subdivision. Most likely, the project would have already been developed and released if it wasn't subject to those appeals. However, because of the downturn of the market after the appeals and the surplus of lots that were created during the growth period in Jefferson County (while this development was under Appeal), the Holders of the Bank Notes and the Bank would prefer not to bond and begin the development until they can finish the development in an orderly fashion. This arrangement will not cause any problems, since the property will not be cleared, or work started, until the new bond and surety is approved by the County and is posted with the County as the beneficiary. This will also ensure that the area won't be left in partial state of construction. Finally, the additional time period will allow the Sewer Service Area to hopefully be resolved and defined with the City of Charles Town and the County.

The Thorn Hill Subdivision tolling of bonding agreement is due to expire on February 19, 2018. At that time, the developer will be required to post the full construction bond in an estimated amount of approximately \$4-6 million; otherwise, a default on the agreement may result in a recording of the merger deed and the subdivision reverting back to its original single parcel. If this happens, nothing will be gained other than a considerable amount of additional funds and additional Staff time needed to re-review the project. The applicants have already agreed to upgrade the Storm Water Management to current County Engineer requirements. This extension will allow the Bank, Note Holders and Owner until February 19, 2022 to repost the bond in the full (and current) amount.

Finally, of all of the projects in Jefferson County that is currently stayed, delayed or extended by the County Commission, this is the only project that the Bank, Note Holders and Owner have agreed to provide updated Storm Water Management design as required by the Ordinance and County Engineer when the development reposts the bond.

Section 9 of the tolling agreement provides a provision for amendment of the agreement by the declarant and the County Commission. Engineering is not opposed to granting the time extension

Is this a funding request? Y/N NO
If so, how much? \$
Provide exact financial impact/request: \$0.00

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):
Move to approve the request to extend the tolling of bonding agreement with the condition that the stormwater management system be redesigned to meet the requirements of the current Jefferson County Stormwater Management Ordinance as required and reviewed by the County Engineer and that the redesign and resulting plat changes be reviewed and processed administratively by staff; and to extend the expiration date by four (4) years (through February 19, 2022) for the Thorn Hill Subdivision (JCPC File No. 02-17) and that the new/amended agreement be executed and recorded in the office of the County Clerk.

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: Roger Goodwin, P.E. and Ralph Blasey, esq.
Email address: Rgoodwin@jeffersoncountywv.org ralph@blaseylaw.com Phone Num: Rpger 304/728-3257 Ralph 301/339-4152

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

**AGREEMENT REGARDING BONDING OBLIGATIONS AND
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**
(Time Extension Amendment February 19, 2018)

Thorn Hill Subdivision

THIS AGREEMENT REGARDING BONDING OBLIGATIONS AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "Declaration") is made and entered into as of the 19th day of February, 2018 by Thorn Hill, LLC ("Declarant"), and the **COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA** (the "County Commission").

WHEREAS, Declarant is the owner of a certain tract of land located in Jefferson County, West Virginia, legally described as Parcel 14 on Tax Map 19 in the Charles Town Tax District in the deed found recorded in the Jefferson County Clerk's Office in Deed Book 959, Page 359 (the "Land"); and

WHEREAS, the Land has been legally subdivided (the "Subdivision") into Thorn Hill Subdivision consisting of (179) single family lots (the "Lots") pursuant to and in accordance with the subdivision ordinance of Jefferson County, West Virginia in effect on July 18, 1979 (the "Subdivision Ordinance"), and as shown on that certain plat of the Thorn Hill Subdivision, Lots 1-179 (JCPC File No. 02-17) , recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 23 at Page 20 (the "Final Plat"); and

WHEREAS, Declarant posted a bond with the County Commission, in the form of a *letter-of-credit*, in the amount of \$3,500,000.00 (the "Existing Infrastructure Bond") to secure the completion of all infrastructure improvements to be made in connection with the development of the Subdivision (the "Infrastructure Improvements") as itemized on that certain Construction Bond Estimate, dated September 1, 2005 (the "Bond Estimate"), and approved by the Jefferson County Department of Planning, Zoning & Engineering (the "Department") on October 17, 2005; and

WHEREAS, due to economic conditions in the home building industry, the Declarant has decided to delay construction of the Infrastructure Improvements and, accordingly, has requested that the County Commission modify the Declarant's original bonding obligations with respect to the Subdivision (the "Original Bonding Obligations") until such time as the Declarant commences construction of the Infrastructure Improvements; and

WHEREAS, the County Commission has determined that it is in the best interests of Jefferson County to modify the Original Bonding Obligations until such time as the Declarant commences construction of the Infrastructure Improvements subject to the condition that Declarant execute and record this Declaration which shall run with the Land and be enforceable by the County Commission; and

NOW, THEREFORE, in consideration of the premises and the covenants and agreements hereinafter set forth, Declarant declares as follows:

1. **Incorporation of Recitals; Defined Terms.** The foregoing recitals are hereby incorporated into this Declaration by this reference as if fully set forth herein. Capitalized terms used herein and not defined or cross-referenced herein shall have the meanings ascribed to such terms in the Subdivision Ordinance.

2. **Modification of Original Bonding Obligations.**
 - (a) The County Commission's agreement to modify the Original Bonding Obligations shall be subject to the satisfaction of the following condition precedent (the "Modification Conditions"):
 - (i) The Declarant submits to the Department a surety in the amount of \$10,000 as a Site Stability Bond.

 - (b) Upon satisfaction of the Modification Condition, the County Commission shall return the Existing Infrastructure Bond to the Declarant and the Original Bonding Obligations shall be deemed modified as follows:
 - (i) Unless and until Declarant commences the construction of any Infrastructure Improvements, the Declarant's bonding obligations with respect to Subdivision shall be limited to posting a \$10,000 surety as a Site Stability Bond with the County Commission and complying with the provisions of the Bonding Policy with respect to the Site Stability Bond; provided, however, that no infrastructure improvements shall be required to be made to the Land as a condition of keeping the Site Stability Bond in place.

 - (ii) No Infrastructure Improvements, including without limitation any Site Stability Work, shall occur or be permitted on the Land (other than the continuance of an agricultural use existing on the land prior to this agreement, and/or mowing and other routine maintenance required to preserve the appearance of the Land and the health and safety of the community) unless and until the Declarant submits to the Department, and the Department approves, a new cost estimate for all Infrastructure Improvements, and the Declarant posts an approved surety with the County Commission in the amount of 115% of said estimate in accordance with the Bonding Policy (the "New Infrastructure Bond"). Upon posting of the New Infrastructure Bond, and provided Declarant is not then in default under this Declaration, the County Commission shall return the surety for the Site Stability Bond to the Declarant.

- (iii) Once the New Infrastructure Bond has been posted with the County Commission, the County Commission shall hold the New Infrastructure Bond in accordance with the Bonding Policy and the Declarant shall thereafter comply with all provisions of the Bonding Policy. The County Commission shall be under no obligation to grant further modifications to the Declarant's bonding obligations with respect to the Subdivision. The provisions of this Section 2(b)(iii) shall survive termination of this Declaration.
3. **Covenant Not to Commence Construction.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, Declarant shall not commence, or cause any third party to commence, the construction of any Infrastructure Improvements, including without limitation any Site Stability Work.
4. **Covenant Prohibiting Construction of Homes or Sale or Transfer of Lots.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, (a) Declarant shall not commence, or cause any third party to commence, the construction of any single family residence or other structure on any portion of the Land, and (b) Declarant shall not sell or transfer any Lot. Notwithstanding the foregoing, Declarant may transfer the entire Subdivision to a single transferee subject to the terms and provisions of this Declaration; provided, that such transferee expressly assumes the obligations of Declarant under this Declaration by a written agreement satisfactory to the County Commission.
5. **Covenant to Maintain "Good Standing" with the State of West Virginia.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, Declarant shall continually maintain "good standing" with the State of West Virginia with regard to this parcel/property. This shall include:
- (a) Maintaining a current and valid organization/business certificate, license, or any other document required by the West Virginia Secretary of State to conduct business in the State of West Virginia. The Declarant shall be in default of this agreement if at any time during the term of this agreement the organization/business is dissolved or revoked by the West Virginia Secretary of State and its good standing is allowed to lapse; and
 - (b) Not be delinquent on the real estate property taxes by more than 30 calendar days from the first payment due date set by the Jefferson

County Assessor. The Declarant shall be in default of this agreement if at any time during the term of this agreement, the real estate property taxes on this property are delinquent more than 30 calendar days.

The Declarant shall provide to the County Commission, on a periodic basis as determined by the County Commission and/or their staff, documentation evidencing that the Declarant is continually maintaining good standing with the State of West Virginia, to the satisfaction of the County Commission.

6. **Covenant to Meet Jefferson County Stormwater Management Ordinance Regulations.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, Declarant shall:

- (i) Redesign the stormwater management facilities to provide stormwater runoff quantity and quality control in accordance with the Jefferson County Stormwater Management Ordinance which became effective on January 1, 2014, and is recorded in the Office of the Jefferson County Clerk in Book 1131, Page 525.
- (ii) Submit the stormwater management redesign as a redline revision for review by the Planning Department and Engineering Department staff for review and approval. The stormwater management plan review and any necessary plat amendments resulting from the redesign shall be processed administratively by the Planning and Engineering staff.
- (iii) Submit stormwater management redesign to the staff so as to achieve review and approval prior to satisfying the conditions set forth in Section 2(b)(ii) above.
- (iv) Notify adjacent property owners via regular and certified mail at the time of the stormwater management redline revision submission; and provide a list of property owner's names, addresses and tax map and parcel numbers to the Jefferson County Bonding Administrator to verify proper notification.

7. **Default.**

- (a) The failure of Declarant to observe or perform any of the covenants, conditions or obligations of this Declaration shall constitute a default under this Declaration. If Declarant fails to cure any default within thirty (30) days after the issuance of a notice by the County Commission, specifying the nature of the default; the County

Commission may exercise any rights and remedies it may have hereunder or applicable law, and may record the merger deed in the land records of the County Clerk of Jefferson County. Notwithstanding the foregoing, Declarant shall not be entitled to any notice of a violation of the covenant not to sell or transfer any Lot under Section 4(b) of this Declaration.

(b) The County Commission shall have the right to bring any proceedings at law or in equity against the Declarant for violating or attempting to violate or defaulting upon any of the provisions contained in this Declaration, and to recover actual damages for any such violation or default. Such proceeding shall include the right to restrain by injunction any violation or threatened violation by the Declarant or any other person of any of the terms, covenants or conditions of this Declaration, or to obtain a decree to compel performance of any such terms, covenants or conditions. All of the remedies permitted or available to the County Commission under this Declaration or at law or in equity shall be cumulative and not alternative, and the invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy. In any action brought by the County Commission pursuant to these provisions, the County Commission will be entitled to costs (including but not limited to its reasonable attorneys' fees). In addition, the County Commission shall have the right to draw on the Site Stability Bond and apply the proceeds thereof in accordance with the Bonding Policy.

(c) The maximum length of time for tolling the bond under this time extension shall be four (4) years. As a condition of this agreement the Declarant shall execute a merger deed that merges the lots back into the parent tract. The merger deed shall be held by the Bonding Administrator for the Jefferson County Commission. If the Declarant fails to repost the New Infrastructure Bond and the Bond Surety within four (4) years of the date of this agreement, the County Commission shall have the right to record the merger deed and revoke all project approvals; and the \$10,000 surety for the Site Stability Bond shall be forfeited to the County Commission. The merger deed may not be recorded by the County Commission if the Declarant reposts the Construction Bond and Bond Surety prior to expiration of the four (4) year tolling period; in such case, the merger deed shall be returned by the County Commission to the Declarant. In the event of recordation of the merger deed, the parent tract and residue parcel shall retain all future development rights under the land development ordinances in effect at the time the future application for land development is presented to the County.

8. **Waiver.** No waiver by the County Commission of any default under this Declaration shall be effective or binding unless made in writing by the County Commission and no such waiver shall be implied from any failure of the County Commission to take any action with respect to any default or violation.
9. **Binding Effect.** The terms of this Declaration shall constitute covenants running with the land and shall bind the Land described herein and inure to the benefit of and be binding upon the Declarant and all parties having any right, title or interest in the Land (or any part thereof), their heirs, successors, successors-in-title and assigns. This Declaration is not intended to supersede, modify, amend or otherwise change the provisions of any prior instrument affecting the land burdened hereby; except as this Agreement Regarding Bonding Obligations And Declaration of Covenants, Conditions and Restrictions shall supersede any and all prior Agreements Regarding Bonding Obligations And Declaration of Covenants, Conditions and Restrictions for the Thorn Hill Subdivision.
10. **Amendment of Declaration.** This Declaration may not be amended except by a written agreement executed by the Declarant and the County Commission and recorded in the Office of the County Clerk of Jefferson County, West Virginia.
11. **Declaration Shall Continue Notwithstanding Breach.** It is expressly agreed that no breach of this Declaration shall entitle the Declarant to cancel, rescind, or otherwise terminate this Declaration.
12. **Term of this Declaration.** This Declaration shall be effective as of the date first above written and shall continue in full force and effect until the Declarant satisfies the conditions set forth in Section 2(b)(ii) above. Upon the termination of this Declaration, all rights and privileges derived from and all duties and obligations created and imposed by the provisions of this Declaration, except for the provisions of Section 2(b)(iii) above, shall terminate and have no further force or effect.
13. **Recordation.** This agreement shall be recorded in the Office of the Clerk of the Jefferson County Commission in both the name of the developer and the project name. It shall be the Declarant's responsibility to record the agreement and provide the Bonding Administrator with confirmation of such recordation in the form of the deed book and page number reference.
14. This Agreement Regarding Bonding Obligations and Declaration of Covenants, Conditions and Restrictions, Dated February 19, 2018, supersedes the prior tolling time extension amendment agreement recorded in Deed Book 1161, Page 363.

Thorn Hill Subdivision, Lots 1-179
(Subdivision Name)

Jefferson County Planning Commission File No. 02-17

Herbert Jonkers, Manager, Thorn Hill, LLC
(Applicant/Developer Name)

By: _____ Date: ____/____/____

Print Name: _____ Title: _____

(Notary Certification Shall Be On The Same Page As The Signatures Being Notarized)

STATE OF _____, COUNTY OF _____, to wit:

I _____, a Notary Public in and for the State and
County aforesaid, do hereby certify that _____
and _____, as _____
and _____, respectively of the _____,
whose names are signed to the foregoing, this day personally appeared before me in my State
and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the
genuine Seal of the said corporation).

Given under my hand this _____ day of _____, 20____.

My Commission Expires: _____

COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

By: _____ Date: ____/____/____

Print Name: Peter Onoszko, President, Jefferson County Commission

(Notary Certification Shall Be On The Same Page As The Signatures Being Notarized)

STATE OF _____, COUNTY OF _____, to wit:

I _____, a Notary Public in and for the State and County aforesaid, do hereby certify that _____

and _____, as _____

and _____, respectively of the _____

whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this _____ day of _____, 20_____.

My Commission Expires: _____

ATTEST:

Jacqueline C. Shadle
Clerk, County Commission of Jefferson County, WV

Jefferson County – Tolling of Bonding Agreement (Time Extension 2018-02-19)
Thorn Hill Subdivision JCPC File 02-17

Jefferson County Sheriff's Tax Office

Jefferson County Real Property



Tax Year: 2017 Account Number: 00001809
 Ticket #: 000006474 Taxpayer I.D.:
 District: 02 - CHARLES TOWN DIST

Property Owner	Property Description
THORNHILL LLC 514 HAYNES DR CHILHOWIE, VA 24319 Lending Institution:	159.7 AC MYERS Map/Parcel: 19 / 0014 0000 0000 Lot Size: Acreage: Book: 959 Page: 359

Tax Class: 2
 Homestead Exemption: None
 Back Tax: None
 Exoneration: None
 Prior Delinquents: None
 Special Disposition: None

ASSESSMENT:

Assessment	GROSS	NET	TAX (1/2 Year)
Land	39800	39800	
Building	7900	7900	
Total	47700	47700	280.14

AMOUNTS DUE: First Half: none due Second Half: none due Total Due: none due

PAYMENTS RECEIVED:

	First Half	Second Half
Net	280.14	280.14
Discount	7.00	7.00
Interest	.00	.00
Total	273.14	273.14
Date	08/25/2017	08/25/2017

Please Remit Payment (if any) to: Jefferson County Sheriff's Tax Office
 112 E. Washington Street
 Charles Town, WV 25414
 Or call (304) 728-3220 with questions.

Jefferson County Sheriff's Tax Office

Jefferson County Real Property



Tax Year: 2017 Account Number: 00005455
 Ticket #: 0000006475 Taxpayer I.D.:
 District: 02 - CHARLES TOWN DIST

Property Owner	Property Description
THORNHILL LLC 514 HAYNES AVE CHILHOWIE, VA 24319 Lending Institution:	4 AC. MECHANICSTOWN Map/Parcel: 19A / 0019 0000 0000 Lot Size: Acreage: Book: 979 Page: 345

Tax Class: 3
 Homestead Exemption: None
 Back Tax: None
 Exoneration: None
 Prior Delinquents: None
 Special Disposition: None

ASSESSMENT:

Assessment	GROSS	NET	TAX (1/2 Year)
Land	40000	40000	
Building	6400	6400	
Total	46400	46400	545.02

AMOUNTS DUE: First Half: none due Second Half: 531.39 If paid by: 03/01/2018 Total Due: 531.39 If paid by: 03/01/2018

PAYMENTS RECEIVED:

	First Half	Second Half
Net	545.02	.00
Discount	13.63	.00
Interest	.00	.00
Total	531.39	.00
Date	09/01/2017	none paid

Please Remit Payment (if any) to: Jefferson County Sheriff's Tax Office
 112 E. Washington Street
 Charles Town, WV 25414
 Or call (304) 728-3220 with questions.

State of West Virginia



Certificate

I, Mac Warner, Secretary of State of the State of West Virginia, hereby certify that

THORNBILL LLC

made application to the West Virginia Secretary of State's Office to be a registered limited liability company in the State of West Virginia on September 06, 2001. The application was received and found to conform to law.

The company is filed as a term company, for the term ending November 05, 2010.

I further certify that the company has not been revoked or administratively dissolved by the State of West Virginia nor has the West Virginia Secretary of State issued a Certificate of Cancellation or Termination to the company.

Accordingly, I hereby issue this Certificate of Existence

CERTIFICATE OF EXISTENCE

Validation ID:1WV3F_PHC8X



Given under my hand and the Great Seal of the State of West Virginia on this day of

December 08, 2017

Mac Warner

Secretary of State

Notice: A certificate issued electronically from the West Virginia Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Validation Page of the Secretary of State's Web site, <https://apps.wv.gov/sos/businessentitysearch/validate.aspx> entering the validation ID displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate.

THIS DEED, made this 12th day of April, 2002, by and between GENE P. CAPRIOTTI and TERRI A. CAPRIOTTI, parties of the first part and hereinafter referred to as Grantors, and THORNHILL LLC, party of the second part and hereinafter referred to as Grantee.

WITNESSETH: That for and in valuable consideration, the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey unto said Grantee, with general warranty of title, free and clear of all monetary liens and encumbrances, in fee simple, to-wit:

All that certain parcel of real estate, with the improvements thereon and appurtenances and rights-of-way thereunto belonging, about two miles east of Charles Town in Charles Town District, Jefferson County, West Virginia, on the east side of West Virginia State Route 25, containing 162 acres, more or less, as the same is described by metes and bounds in a deed dated December 9, 1971 from Elizabeth D. Myers, widow, to Neil M. Reed, et al., recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia in Deed Book 337, at Page 207 and to which reference is made, LESS AND EXCEPTING a parcel containing 3.0003 acres conveyed by Neil M. Reed, et al., to Henry W. Morrow, Trustee, by deed February 24, 1989, recorded in the aforementioned Clerk's Office in Deed Book 625, at Page 180.

AND BEING the same real estate that was conveyed to the Grantor herein by a deed Neil M. Reed, et al, dated February 24, 1989 and recorded in the aforesaid Clerk's Office in Deed Book 625, at Page 169.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to all those reservations, restrictions, easements and other matters of record.

DECLARATION OF CONSIDERATION OR VALUE

The undersigned Grantors do hereby certify that the total consideration paid for the property conveyed by the document to which this declaration is attached was \$1,008,543.03.

WITNESS the following signature and seal.

GENE P. CAPRIOTTI (SEAL)

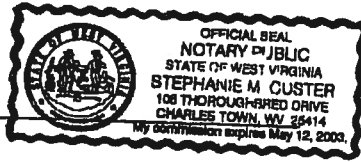
TERRI A. CAPRIOTTI (SEAL)

STATE OF WEST VIRGINIA

COUNTY OF JEFFERSON, to-wit:

The foregoing instrument was acknowledged before me this 12th day of April, 2002, by GENE P. CAPRIOTTI and TERRI A. CAPRIOTTI.

Commission expiration date and seal:



Stephanie M. Custer
NOTARY PUBLIC

This document was prepared by James B. Crawford, III of CRAWFORD & ASSOCIATES PLLC, Attorneys at Law, 120 N. George St., Charles Town, WV 25414.

JBCIII/smc/01-1061J

JEFFERSON COUNTY, WV

FILED

April 12, 2002 16:23:55

JOHN E. DTT

COUNTY CLERK

TRANSACTION NO: 2002008475

Transfer Tax: \$4,439.60

BOOK OF DEEDS

Book: 00939 Page: 00359



CRAWFORD & JACKSON
P.L.L.C.
ATTORNEYS AT LAW
120 N. GEORGE STREETS
POST OFFICE BOX 266
CHARLES TOWN, WV
25414-0266

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Roger Goodwin
Department or Organization: Engineering, Planning & Zoning

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: January 4, 2018

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

Date Requested – 2nd Choice: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*): Complete Bond Release request for The Conservation Fund Freshwater Institute – Hoop Structure Replacement (File #S16-03)

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

Complete release of Performance Bond No. 106565371 with Travelers Casualty and Surety Company of America, Hartford, CT for The Conservation Fund Freshwater Institute – Hoop Structure Replacement (File #S16-03)

Is this a funding request? Y/NO

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*):

I authorize a complete release of Performance Bond No. 106565371 in the amount of \$136,330.00 construction bond amount for The Conservation Fund Freshwater Institute – Hoop Structure Replacement (File #S16-03).

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

Construction Bond Release Letter

Bond Release Request Report

Site Map

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

Contact information:

Email address: engineering@jeffersoncountywv.org Phone Number: 304-728-3257

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS



JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 - Fax: (304) 725-7916

Web: www.jeffersoncountywv.org

PRESIDENT

Peter Onoszko

VICE PRESIDENT

Jane Tabb

COMMISSIONER

Josh Compton

COMMISSIONER

Caleb Hudson

COMMISSIONER

Patricia Noland

January 4, 2018

Mr. William P. Simons, President
Travelers Casualty and Surety Company of America
One Tower Square
Hartford, CT 06183

RE: Performance Bond No. 106565371 dated November 17, 2016, Construction Bond Surety for The Conservation Fund Freshwater Institute – Hoop Structure Replacement (File #16-03).

Dear Mr. Simons:

The Jefferson County Commission authorizes a complete release of \$136,330.00 from the construction bond amount for The Conservation Fund Freshwater Institute – Hoop Structure Replacement (File #16-03). This project is located at 1098 Turner Road. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount for the above referenced Performance Bond No. 106565371 originally issued in the amount of \$136,330.00. Please contact the Jefferson County Department of Engineering, Planning & Zoning – Office of Engineering at (304) 728-3257 if you have any questions.

Sincerely,

Peter Onoszko, President
Jefferson County Commission

PO:rfb

cc: Joseph A. Hankins, Vice President
The Conservation Fund
1098 Turner Road
Shepherdstown, WV 25443
Department of Engineering, Planning & Zoning
Office of Engineering

County Administrator
Stephanie Grove

Deputy County Administrator
Sandy Slusher McDonald

JEFFERSON COUNTY, WEST VIRGINIA
 Engineering Department
 116 East Washington Street, P.O. Box 716
 Charles Town, West Virginia 25414

Email: engineering@jeffersoncountywv.org

Phone: 304-728-3257
 Fax: 304-728-3953

BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 10 / 04 / 2017 J.C.P.C. File No. 516 - 03

Consultant/Engineer/Firm Name: ALPHA

Mailing Address: 535 W. KING STREET

City: MARTINSBURG State: WV Zip: 25401

Contact Person: RYAN PERKINS Phone: 304-269-0051

Project/Subdivision Name: FRESHWATER INSTITUTE HOOP STR SITE PLAN

Section/Phase: _____ Lots: _____

Review Comments:

The bond release/reduction is Approved as Submitted. The bond release/reduction request is Denied.

Add items/revise as shown per our comments on your attached bond release/reduction form & resubmit reduction/release request to our office for review and approval.

Some site work has progressed beyond the required "milestone" site inspections that are to be performed by our office. As a result, you will need to schedule the inspections with our Land Development Inspector, and/or provide the certifications noted on the attached "Third-Party Certifications" checklist. Please collect all the required third-party certifications and submit them all at one time along with a copy of this report and the checklist.

Bonding Policy & Unit Cost Figures attached for your use.

Comments: ALL WORK APPROX COMPLETE

Approved for:
Ryan Perkins
 By [Signature] 10/04/17
County Engineer Date

Original Bond Amt. \$ 110,540 + 15% Cont. \$ 17,780 = Total Original Bond Amt. \$ 128,320

Total Current Bond Amount \$ 136,330.00

Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 0.00

= Approved for Revised Bond Amount \$ 0.00

Reviewed By: Joseph R. Kent [Signature] Title: L.D.I.

Signature: [Signature] Date: 10 / 06 / 2017



TURNER RD

SCRABLE RD

1098 Turner Rd

STALEY DR

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Roger Goodwin, Chief County Engineer

Department or Organization: Department of Engineering, Planning & Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: January 4, 2018

Date Requested – 2nd Choice: January 18, 2018

Subject (*Wording to be placed on agenda*): Engineering Consultant Proposal - Bardane Industrial Park Waste Water Treatment Plant Lagoon Decommissioning & Sinkhole Remediation Project.

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

Introduction:

On March 9, 2017, the West Virginia Department of Environmental Protection (WVDEP) issued two violation notices against the Jefferson County Commission as follows:

Violation No. w17-19-025-mkk

Burr Industrial Park WWTP Site

"Failed to obtain an UIC Permit for a sinkhole within a stormwater conveyance system."

Violation No. w17-19-026-mkk

Burr Industrial Park WWTP & Lagoon

"Failed to properly abandon the Burr Industrial Park WWTP."

As a result, the Jefferson County Engineering Office has been working with WVDEP officials to resolve the violations. The following is our findings and the information we gathered related to each violation:

Sinkhole Violation:

A sinkhole exists on a parcel of land in the Bardane Industrial Park (see attached location map), which is owned by the Jefferson County Commission. The parcel of land (4.26 Acres) is located on Industrial Boulevard next to the West Virginia State Police maintenance facility; and is described as Parcel 1.4, Tax Map 2, Charles Town Tax District; Deed Book 584, Page 419.

Currently stormwater runoff from 307 acres of land is draining into the sinkhole. Under West Virginia Department of Environmental Protection (WVDEP) regulations, the county commission is required to obtain an Underground Injection Control (UIC) permit to be able to continue discharging stormwater runoff into the sinkhole. However, it is preferable to not obtain a UIC permit, which will require ongoing monitoring, testing

and reporting to the WVDEP; plus, it is not a good practice to continue to discharge stormwater runoff into the sinkhole and the groundwater aquifer due to potential contamination.

On September 11, 2017, the WVDEP issued a time extension, under the authority of a "Rule Authorization", until December 31, 2018, for bringing the violation into compliance.

WWTP & Lagoon Violation:

The County Commission also owns a waste water treatment plant (WWTP) located on the same parcel as the sinkhole. The County Commission was deeded ownership of the land and the WWTP from JEDECO Utilities, Inc., under Deed Book 584, Page 419, on May 11, 1987.

A West Virginia Department of Health Certificate of Approval No. 9976, and a West Virginia Department of Environmental Protection (WVDEP) NPDES permit no. WV0080268 (superseded the original 1978 permit) was issued to the county commission effective March 8, 1988, to own and operate the WWTP. The WWTP is a 24,000 gallon-per-day package treatment plant designed to serve the Bardane Industrial Park.

Subsequently however, under an Office of Environmental Health Services permit no. 10,577, dated September 13, 1989, approval was granted to the Jefferson County Development Authority to construct a gravity sanitary sewer system, force mains and two pump stations to serve the industrial park. It appears that soon after completion of construction the Jefferson County Public Service District (JCPSD) began pumping the sanitary sewage to the City of Charles Town's system, and the WWTP was abandoned as it was no longer needed. The WWTP – and the effluent discharge storage lagoon - was abandoned in the early 1990's and left sitting there locked up inside a chain link fence.

In 2013, the County Commission, under Deed Book 1132, Page 101, dated November 4, 2013, subdivided and deeded a 0.27 acre parcel to the Jefferson County Public Service District (JCPSD). This parcel is adjacent to the abandoned WWTP. According to Susanne Lawton, former general manager of the JCPSD, this parcel was used to construct a new sanitary sewer pump station to replace an older and obsolete pump station. The new sanitary sewer pump station is owned and operated by the JCPSD. However, the County Commission appears to have retained ownership of the WWTP and lagoon and the 4.26 acre parcel of land upon which all of it is located.

The WWTP facility was decommissioned the summer of 2017, in accordance with WVDEP regulations, but the lagoon still remains and still needs to be decommissioned.

Mitigation Plan:

The engineering staff worked with WVDEP officials on a satisfactory plan to address the above issues related to the sinkhole UIC permit and the lagoon decommissioning. The resolution of the two violations are tied together under one plan. The WVDEP accepted the plan.

The plan the Engineering office submitted to the WVDEP involves closing/plugging the sinkhole and diverting the stormwater runoff away from the sinkhole and downstream to the existing storm drainage system (see attached plan map). This will eliminate the need for obtaining a UIC permit for the sinkhole.

In order to carry out this plan, we will need to drain the lagoon, dry it out, remove the north and south berms and construct a new drainage swale through the lagoon site. The new drainage swale will then connect to the existing drainage swale on the adjacent lot owned by Apple Valley Waste. A drainage easement already exists across this lot.

This plan proposes pumping the water in the lagoon into the JCPSD pump station adjacent to the lagoon and then on to the Charles Town WWTP for treatment. However, engineering staff is in discussions with Charles Town utility

representatives about the possibility of obtaining approval from the WVDEP for direct discharge instead, and we will be further investigating this possibility.

Engineering the Solution:

In November, 2017, the Engineering office issued a Request for Qualifications (RFQ) for engineering consulting services to perform the survey work, hydrologic analysis, and provide the construction plans, specifications and bid documents for a new drainage swale, remediation of the sinkhole, draining and decommissioning the lagoon in accordance with WVDEP regulations, obtaining permits, coordinating efforts with local, state and federal officials, a sediment and erosion control plan, finish grading plan of the site, recordation plat of a drainage easement across the parcel owned by the County Commission, construction stakeout, post construction as-built certifications, a post construction watershed drainage map, and obtain a WVDEP temporary construction stormwater NPDES permit, etc.

The process for procuring engineering services is outlined in State Code, Chapter 5G, Procurement of Architect-Engineer. Under the state code, "the Legislature hereby declares it to be the policy of the state, and its political subdivisions, to procure architectural or engineering services or both on the basis of demonstrated competence and qualification for the type of professional services required."

The Engineering office received five qualification statements. They were evaluated and ranked from most qualified to least qualified. It is our understanding that scope of work and price negotiations are to occur with the most qualified firm; and if a reasonable price cannot be negotiated, then negotiations can proceed with the second most qualified firm, etc.

The Engineering office met with Potesta Engineers and Environmental Consultants to discuss the expectations and scope of work for the project in detail. Potesta has offices in Charleston and Morgantown, WV and Winchester, VA. They have worked with the WVDEP on numerous projects and have developed a good working relationship with WVDEP officials. They have worked on similar sinkhole and lagoon closure projects. Potesta can meet our project schedule/timeline.

Potesta Engineers and Environmental Consultants provided a proposal for the work in the amount of \$55,950. We are asking the County Commission to accept the proposal so we can move forward with the necessary work. Michelle Gordon, finance director, is aware of the proposal price and will need to establish funding for this project.

Is this a funding request? Yes

If so, how much? Project Engineering Budget \$62,000.00 (includes engineering costs, permit fees, advertising costs, water testing costs, etc.)

Motion Requested: Yes

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

Move to accept the proposal from Potesta Engineers and Environmental Consultants, dated December 19, 2017, in the amount of \$55,950.00, for engineering consulting services for the decommissioning of the waste water treatment plant lagoon and for remediating the sinkhole in the Bardane Industrial Park; contingent upon the finance director demonstrating to the county commission that funding is available for this project.

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

- WVDEP Violation Notices
- Project Location Map
- Project Plan Map
- Attached proposal from Potesta Engineers and Environmental Consultants

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: engineering@jeffersoncountywv.org Phone Number: 304-728-3257

<u>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS</u>

STATE OF WEST VIRGINIA
Department of Environmental Protection
Environmental Enforcement
NOTICE OF VIOLATION

Received

APR 4 / 2017

Jefferson County Commission

Violation No. w17-19-025-mkk

To the Operator or Agent of:

Facility Name: Burr Industrial Park WWTP Permit No. NONE

Permittee or Individual Jefferson County Commission

Located at or near Charles Town in Jefferson County

Representative Stephanie Grove, County Administrator Date 3/9/17 Time 1pm

Address / phone number P.O. Box 250; Charles Town, WV 25414

Whereas, an inspection of the above named operation by the undersigned, duly authorized agent of the Secretary, at which the following described condition or practice exists, in violation of Chapter _____, Article _____, Section(s) _____ of the Code of West Virginia and/or Section(s) 47CSR10-3 of the Rules and Regulations and/or Section(s) _____ of the Permit referenced above promulgated thereunder in that you: Failed to obtain an UIC Permit for a sink hole within a stormwater conveyance system.

The following corrective measures were discussed with you at the time of this inspection:

Within --- days provide a written response to the inspector named below, at the address indicated, detailing the actions taken to abate this violation.

Received by:

Sent certified mail to addressee

Signature

Title



Michael Kanehl

Duly Authorized Agent / Inspector

304-822-7266

Telephone

michael.k.kanehl@wv.gov

E-mail

Send Response to the Inspector at the address indicated below:

WV Department of Environmental Protection
Environmental Enforcement / WW
22288 Northwestern Pike, Romney, WV 26757

Certified Mail Tracking #: 7016 0750 0000 1608 7284

STATE OF WEST VIRGINIA
Department of Environmental Protection
Environmental Enforcement

NOTICE OF VIOLATION

Violation No. w17-19-026-mkk

To the Operator or Agent of:

Facility Name: Burr Industrial Park WWTP Permit No. NONE

Permittee or Individual Jefferson County Commission

Located at or near Charles Town in Jefferson County

Representative Stephanie Grove, County Administrator Date 3/9/17 Time 1pm

Address / phone number P.O. Box 250; Charles Town, WV 25414

Whereas, an inspection of the above named operation by the undersigned, duly authorized agent of the Secretary, at which the following described condition or practice exists, in violation of Chapter 22, Article 11, Section(s) 8 of the Code of West Virginia and/or Section(s) 47CSR10-4.3 of the Rules and Regulations and/or Section(s) _____ of the Permit referenced above promulgated thereunder in that you:

Failed to properly abandon the Burr Industrial Park WWTP.

The following corrective measures were discussed with you at the time of this inspection:


Within --- days provide a written response to the inspector named below, at the address indicated, detailing the actions taken to abate this violation.

Received by:

Sent certified mail to addressee

Signature

Title



Michael Kanehl

Duly Authorized Agent / Inspector

304-822-7266

Telephone

michael.k.kanehl@wv.gov

E-mail

Send Response to the Inspector at the address indicated below:

WV Department of Environmental Protection
Environmental Enforcement / WW
22288 Northwestern Pike, Romney, WV 26757

Certified Mail Tracking #: 7016 0750 0000 1608 7284



December 19, 2017

County Commission of Jefferson County
Attn: Mr. Roger Goodwin, P.E.
Chief County Engineer
Jefferson County Engineering Office
116 West Washington Street, Suite 100
Charles Town, West Virginia 25414

RE: Proposal for Professional Engineering Services
WWTP Lagoon Decommission and Sinkhole Remediation Project
Jefferson County, West Virginia
Project No. 0103-17-0340

Dear Mr. Goodwin:

Potesta & Associates, Inc. (POTESTA) is pleased with the opportunity to present this proposal to the County Commission of Jefferson County, West Virginia (Commission), to provide professional engineering and permitting services for waste water treatment plant (WWTP) lagoon decommissioning, sinkhole remediating, and drainage swale design on your parcel within the Bardane Industrial Park in Jefferson County, West Virginia. This proposal is based on information in the RFP packet as well as our meeting on December 12, 2017.

BACKGROUND

POTESTA understands the Commission has a WWTP lagoon within the Bardane Industrial Park which has not been in use for an extended time. This lagoon was placed within a drainage swale, downstream of culverts that convey stormwater flow from approximately 306 acres of land from the south side of Industrial Boulevard and another 1.5 acres from the north side of Industrial Boulevard. This lagoon interfered with the flow of stormwater and a sinkhole developed just upstream of the lagoon. The Commission estimates that approximately 308 acres of land now drain into this sinkhole.

In response to Notice of Violations (NOV) from the West Virginia Department of Environmental Protection (WVDEP), the Commission has presented a "Lagoon Decommission & Sinkhole Remediation Plan" to the WVDEP, which was approved. The plan states that the lagoon will be decommissioned by draining to the nearby Jefferson County Public Service District (PSD) pump station, drying out, and removing the berms of the lagoon. A stormwater drainage swale will be constructed from the culverts at Industrial Boulevard through the former lagoon location, to an existing 300-foot wide drainage easement just downstream of the existing lagoon. This drainage

swale will route stormwater away from the location of the existing sinkhole which will be remediated per the WVDEP's Sinkhole Mitigation Guide and graded so that sheet flow of stormwater (no concentrated flow) will flow over this remediated sinkhole.

As part of the Lagoon Decommission & Sinkhole Remediation Plan, POTESTA understands that a soil/water sample was taken by the commission and tested for a list of parameters and presented to the WVDEP. POTESTA also understands that the sludge was determined to be of minimal depth (under 6 inches) while taking this sample. The Commission has also been in discussions with the Jefferson County PSD and has received a negative response about the discharge of the lagoon liquid to their pump station, so review of getting approval by the WVDEP to "direct discharge" this liquid downstream will be a part of our scope of work.

The overall intent of the Commission's plan is to carry the stormwater runoff away from the sinkhole, which will eliminate the need for the Commission to acquire an Underground Injection Control permit for the sinkhole.

The Commission has asked POTESTA to develop a proposal for engineering and environmental services to: assist the Commission in decommissioning its lagoon; develop topographic survey; design a mitigation plan for the sinkhole; design a drainage swale through the lagoon; develop engineering drawings and specifications; acquire NPDES Construction Storm Water Management (SWM) permit; obtain required local, state and federal permits, as applicable; provide construction management assistance and construction monitoring; provide construction stakeout, as-built mapping; and drainage easement plat of new drainage swale and record drainage easement.

SCOPE OF SERVICES

Task 1 – Topographic Mapping

POTESTA will perform topographic survey on approximately 8 acres of land which includes the parcel owned by the Commission that includes the existing lagoon and sinkhole, and a 300-foot wide SWM Drainage Easement on portions of two parcels downstream of the existing lagoon. Survey crews will also locate existing features (e.g., the Jefferson County PSD lift station, fences, lagoon, driveways, roads, sinkhole, culverts, utility poles, utility and drainage easements and rights-of-way, property corners, structures, and pump house on lagoon berm, etc.) and other on-site improvements. Because the topography of the lagoon bottom will be required to conduct the engineering design grading (cut/fill) prior to selection of a contractor, POTESTA's survey crews will also obtain four cross sections of the lagoon bottom during this initial survey.

POTESTA will contact Miss Utility to locate existing buried utilities within the boundaries of the site. Survey crews will locate the marked utilities during the site survey field work and the alignments will be indicated on the topographic site mapping. The location and dimensions of recorded property easements and setbacks will also be indicated on the site plan drawings.

Task 2 - Wetlands Determination

POTESTA understands that the Commission will need a letter from the United States Army Corps of Engineers (USACE) that the lagoon is not considered a jurisdictional water. POTESTA also understands that the lagoon has not been a permitted Waste Water Treatment facility for several years and does not discharge to adjacent water bodies. POTESTA proposes to conduct a site visit to review and delineate, if the lagoon is considered jurisdictional waters. Available information and data regarding the site will be compiled and reviewed prior to conducting the on-site reconnaissance. The following resources will be utilized in the preliminary evaluation:

- a. Natural Resources Conservation Service – County Soil Surveys
- b. U.S. Geological Survey 7.5-Minute Topographic Quadrangles
- c. National Wetlands Inventory Mapping
- d. Aerial Mapping

POTESTA will utilize the United States Army Corps of Engineers (USACE) Wetlands Delineation Manual (1987) and *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region*, as necessary. During the site visit, a Trimble global positioning system (GPS) unit with sub-foot capabilities will be used to locate wetland boundaries. This information will then be transferred to project mapping.

POTESTA will prepare a letter to the USACE with aerial mapping to indicate that there is no connection to adjacent waterbodies. It is expected that the USACE review process will take up to 45 days and may require a possible site visit.

Task 3 - Lagoon Closure

As stated above, a plan for decommissioning and removing the lagoon has been approved by the WVDEP. They approved the intent of draining the lagoon water to the Jefferson County PSD pump station prior to seeing soil/sludge/water testing data and prior to knowing that the sludge depth is minimal. Since the sludge is expected to be less than 6 inches in depth, the lagoon can be closed in-place. This data has since been forwarded to the WVDEP. Since the sludge is minimal, it is understood that further testing of just the lagoon liquid will be required before a decision is made to discharge to the Jefferson County PSD or direct discharge. POTESTA will set up meetings with the Jefferson County PSD and the WVDEP - Division of Water and Waste Management (DWWM) to discuss their requirements for discharging to the nearby pump station or direct discharge. From further conversations, the Commission understands that the WVDEP may allow direct discharge if the water to be discharged meets certain limits. POTESTA understands from previous lagoon closures that the DWWM may require multiple composite samples of the lagoon water for this determination. Each composite sample will consist of three grab samples from the top, mid-depth, and bottom of the water column in the lagoon. Each sample will be analyzed for biochemical oxygen demand (BOD), total suspended solids (TSS), and ammonia nitrogen (NH₄). DWWM may

also request dissolved oxygen measurements corresponding to each grab sample location. For this proposal it is assumed that the DWWM will require seven samples. These test results will be used in discussion with the Jefferson County PSD to get approval for discharge of the lagoon water to their system, or if not then approval from the WVDEP for direct discharge.

POTESTA will complete a lagoon closure application and obtain the West Virginia Department of Environmental Protection's approval prior to commencement of closure.

Task 4 – Construction Plans and Specifications

POTESTA will develop Preliminary Construction Plans and Specifications and submit to the Commission for review and comment. The Preliminary Construction Plans and Specifications will include:

Stormwater Drainage Swale and Grading Plans

POTESTA will design grading plans and specifications for the new drainage swale from the existing culverts at Industrial Boulevard through the removed lagoon site to the drainage easement downstream of the existing lagoon. This swale will be designed to safely handle, with sufficient freeboard, a 25-year storm event for approximately 308 acres of land. The stormwater swale will be designed to divert runoff away from the location of the remediated sinkhole and to allow for only sheet flow of the small adjacent area over the sinkhole's remediated location to the swale once the development is completed. The grading plan will show the sequencing of the site's development: (1) lagoon decommissioning and removal, (2) storm water swale construction, and (3) sinkhole remediation. The stormwater swale must be in place prior to the sinkhole remediation so possible storm events will not interfere or reopen the sinkhole prior its complete remediation.

For the SWM requirements pertaining to this site, anticipated engineering services will include review and delineation of the drainage areas and its conditions, performing hydrologic and hydraulic analysis to estimate the peak discharge rates, and design the drainage swale to route stormwater away from the location of the existing sinkhole. POTESTA will design the storm water management to meet the state and Jefferson County requirements and present it in a Storm Water Management Plan and narrative. The existing culverts at Industrial Boulevard are considered sufficient to convey the 25-year storm water runoff for the drainage area north of this road; therefore, hydraulic review of these culverts is not part of this proposal.

Sinkhole Remediation Plan

POTESTA will include in the design drawings and specifications the remediation plan for mitigating the sinkhole located just above the existing lagoon. The Sinkhole Remediation Plan will be in accordance to the WVDEP DWWM Groundwater Protection Program's "Sinkhole Mitigation Guidance" document for a sinkhole with drainage area of less than 5 acres. This is since the

approximately 306 acres from south side of Industrial Boulevard will be routed away from this sinkhole with the construction of the storm water drainage swale, leaving only approximately 1.5 acres drainage area sheet flowing over the remediated sinkhole.

Erosion and Sediment Control Plans

POTESTA will develop an erosion and sediment control plan for this project to meet the WVDEP's requirements and the Jefferson County Land Development Regulations. It is anticipated that the disturbed area will exceed 3 acres, thus requiring coverage under the National Pollutant Discharge Elimination System (NPDES) construction general permit. POTESTA will prepare this application and submit it to the WVDEP (fee to be paid by the Commission).

POTESTA will proceed with the final design and preparation of project specifications for the project once the Commission has concurred with the Preliminary Construction Plans and Specifications.

Task 5 - Construction Administration/Observation

Construction Cost Estimate & Construction TimelineError! Bookmark not defined.

POTESTA will prepare a preliminary estimate of probable construction cost broken down by major work item. The preliminary estimate will be submitted with a draft submittal of the drawings and specifications. A final estimate of probable construction cost and timeline will be prepared and submitted with the draft drawings. The final estimates will be used for evaluation of project costs and subsequent contractor bids.

Bidding Documents Preparation/Bidding Assistance

POTESTA will prepare a contractor's bid package and construction bid form and required bidding (i.e., contract) documents, and will assist the Commission in the appropriate procedures regarding advertisement and procurement of bids. POTESTA will also conduct the pre-bid meeting and respond to questions. Upon receipt of bids, POTESTA will review the bids for completeness, review bid bond requirements and proper qualification/licensing, and provide the Commission with bid tabulation and contractor recommendations. POTESTA will also issue the Award Notice upon commission approval.

Construction Administration/Observation

After bid evaluation and contractor selection, POTESTA proposes to complete the following construction administration and observation tasks during construction.

- Receive and review payment & performance bonds and insurance documents for completeness and execute the agreement.
- Return bid bonds and issue Notice to Proceed (County Commission approves Notice to Proceed).
- Conduct pre-construction conference. Coordinate with contractor the notification of Miss Utility and local utilities for marking of location of existing utility lines before the start of construction.
- Coordinate required WVDEP inspections.
- POTESTA surveyor will provide construction stakeout.
- Provide construction monitoring on a one site visit per week basis and provide a weekly progress report, including photos as deemed necessary, to the owner (identify any unforeseen issues, problems, delays, verify proper sequence of construction, etc.).
- Review contractor's requests for payments for completeness and accuracy. Make recommendation to Chief County Engineer regarding contractor's payment requests. (Chief County Engineer submits pay requests to finance for payment.) Prior to final payment to contractor, obtain lien releases/waivers and bonding firm's approval for final payment.
- Perform post-construction inspection and survey and provide as-built plans of drainage swale and grading demonstrating that the work is built in accordance with the construction plans & specifications. Provide certification letter to Owner.
- Prepare plat of drainage easement for new drainage swale and record drainage easement at county clerk's office.

SCHEDULE AND COST

POTESTA is prepared to commence with this project upon receipt of the authorization to proceed. The following breakdown indicates POTESTA's estimated cost to complete the aforementioned scope of services.

Task	Cost
Task 1 – Topographic Mapping	\$ 20,650
Task 2 - Wetlands Determination	\$ 3,700
Task 3 - Lagoon Closure	\$ 3,300
Task 4 – Construction Plans and Specifications	\$ 11,300
Task 5a - Construction Administration/Observation	\$ 12,400
Task 5b - Construction Monitoring	\$ 4,600
Total Cost	\$ 55,950

This estimate represents the estimated not-to-exceed cost to complete the scope of services as described in this proposal. Work associated with this project will be completed on a



Mr. Roger Goodwin. P.E.
December 19, 2017
Page 7

time-and-materials basis and you will only be invoiced for the work completed. POTEᅀTA will invoice in accordance with the attached rate schedule.

The estimated costs presented in this proposal for the associated scope of services are based upon the use of POTEᅀTA's standard billing invoice format (example attached). There is no cost for this invoice format. Staff efforts to generate all other invoice formats will be charged to the project budget at the billing rate of the individuals preparing such specialized invoices. The cost of such specialized invoices is in addition to the estimated project costs provided in this proposal and, therefore, constitutes a change in the scope of services presented herein. Please complete the invoice routing information below to include the name and address to whom the invoice should be sent and any individuals that should receive copies.

CLOSING

POTEᅀTA's services are offered in accordance with the attached standard terms and conditions which are part of this proposal. A copy of our rate schedule is also attached. Please indicate your acceptance of this proposal by signing this letter below and returning it to POTEᅀTA to serve as our notice to proceed.

POTEᅀTA appreciates the opportunity to assist you with this project. If you have any questions, or require additional information, please contact our office.

Sincerely,

POTEᅀTA & ASSOCIATES, INC.



K. Joe Knechtel, P.E.
Senior Engineer

KJK/mh
Enclosures

AUTHORIZATION (Signature Required to Proceed)	
_____	_____
Signature	Date

POTEᅀTA Invoice Routing Information (Client to Complete)	
Name: _____	Title: _____
Mailing Address: _____	
Telephone: _____	Email: _____

Mr. Roger Goodwin. P.E.
December 19, 2017
Page 8

Copies to:
<input type="checkbox"/> Check here if invoice addressee/address is same as proposal.

Project No. 0103-17-0430



INVOICE

POTESTA & ASSOCIATES, INC. - Engineers and Environmental Consultants

7012 MacCorkle Avenue, S. E., Charleston, West Virginia 25304 - (304) 343-1400; FEIN 31-1589086

**XYZ
123 MAIN STREET
ANY TOWN, USA 22222-1111**

**Invoice number 39278
Date 5/15/2012**

**Project: 0102-11-0523
XYZ - SITE TANK**

Client ID: AAAA-1

AFE# 2012-0118F

PROJECT DESCRIPTION: Preparation of landslide stabilization design drawings, bid documents, conducting Pre-Bid meeting, etc.

Invoice for services rendered April 8, 2012 thru May 5, 2012

Labor

<u>Employee Type</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Principal	3.75	195.00	731.25
Three-Man Survey Crew	32.00	150.00	4,800.00
Senior Engineer	1.00	135.00	135.00
	32.00	130.00	4,160.00
Staff Scientist	2.75	80.00	247.50
Professional Surveyor	18.00	85.00	1,530.00
Senior Cadd Designer	3.00	85.00	255.00
Engineer	164.00	75.00	12,300.00
Clerical Support	2.50	70.00	175.00
Scientist	1.50	45.00	67.50
Labor subtotal	260.50		24,401.25

Reimbursable

<u>Activity</u>	<u>Units</u>	<u>Unit of Measure</u>	<u>Rate</u>	<u>Amount</u>
Lodging	14.00	night	90.00	1,260.00
Per Diem Per Night	14.00	Night	35.00	490.00
Reimbursable subtotal				1,750.00



INVOICE

POTESTA & ASSOCIATES, INC. - Engineers and Environmental Consultants
7012 MacCorkle Avenue, S. E., Charleston, West Virginia 25304 - (304) 342-1400; FEIN 31-1509068

XYZ
123 MAIN STREET
ANY TOWN, USA 22222-1111

Invoice number 39278
Date 5/15/2012

Project: 0102-11-0523
XYZ - SITE TANK

Client ID: AAAA-1

Subconsultant

<u>Activity / Vendor</u>	<u>Invoice number</u>	<u>Date</u>	<u>Amount</u>
Other Services ABC Subcontracting augering, rock coring	12-232	4/16/2012	5,545.46
Other Services subtotal			<u>5,545.46</u>
Subconsultant subtotal			<u>5,545.46</u>

Other

<u>Activity</u>	<u>Units</u>	<u>Unit of Measure</u>	<u>Rate</u>	<u>Amount</u>
Vehicles -Truck/Van/SUV w fuel 008436	20.75	Day	175.00	3,631.25
Other subtotal				<u>3,631.25</u>

Equipment

<u>Activity</u>	<u>Units</u>	<u>Unit of Measure</u>	<u>Rate</u>	<u>Amount</u>
Nuclear Gauge day 008484	6.00	Day	50.00	300.00
Equipment subtotal				<u>300.00</u>

Invoice total 35,627.96



STANDARD TERMS AND CONDITIONS

1. **Potesta & Associates, Inc., hereinafter referred to as POTESTA, is an Equal Opportunity Employer and is in compliance with the Drug-Free Workplace Act of 1988 and governmental requirements relating to Right-To-Know regulations. The engineering and consulting services of POTESTA will be performed on an hourly basis for all time rendered to the project, unless the project is quoted for a lump sum, including project scoping by professional, technical, and clerical personnel in accordance with the attached hourly rate schedule. All invoice charges are based on and are payable in U.S. dollars.**
2. **Services performed by POTESTA under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document or otherwise.**
3. **Unless stated otherwise, any cost estimate presented in the attached proposal is for budgetary purposes only and is not a fixed lump-sum price. The actual cost of POTESTA's engineering and consulting services and all expenses may be less than that estimated; accordingly, only the cost incurred will be invoiced. If at any time during the progress of the work it appears that the estimated cost will be exceeded, Client will be informed immediately. However, unless written notification is received to stop work, POTESTA will continue working on the project to completion and will invoice Client for all engineering and consulting services and expenses incurred.**
4. **These terms are subject to and incorporate the provisions of POTESTA's attached proposal. In the event of any conflict, the terms of the accompanying proposal shall govern.**
5. **Invoices will be submitted periodically as required (but not more frequently than every two (2) weeks) unless charges for such periods are minimal, in which event an invoice will be submitted when total charges exceed \$500.00, or when the work is completed, whichever occurs first. Invoices are due and payable within 30 days from the date of invoice. All delinquent charges are subject to a service charge of 1½ percent per month or a fraction thereof. Should Client fail to pay any invoice within 45 days of its date, POTESTA may, upon 3 days' written notice to Client, stop work and recover from Client payment for all work executed. *Clients requiring specific invoice formats or accounting backup (copies of timesheets, copies of receipts or invoice support data, etc.) will be invoiced for those associated costs; these costs are not included in our proposal and will be invoiced in addition to the approved proposal costs.***

Potesta & Associates, Inc.
Standard Terms and Conditions
Page 2

6. Client agrees to limit POTEESTA's liability to Client and to all construction contractors and subcontractors on the project due to POTEESTA's professional negligent acts, errors, or omissions, such that the **total aggregate liability of POTEESTA to all those named shall not exceed \$50,000 or POTEESTA's total fee** for all expenses and services rendered on this project, whichever is greater.
7. Time required for POTEESTA personnel to travel between POTEESTA's office and the site (or other destination applicable to the project) is charged in accordance with the attached hourly rate schedule.
8. POTEESTA expenses shall be charged according to the attached Field Supply and Equipment Rate Sheet. External expenses, such as airfare, subcontracted services, etc., shall be charged at direct cost (including taxes) plus a twelve percent (12%) surcharge to the project. A per diem (daily food allowance) of \$35.00 per day will be charged for all personnel required by the work to remain away from their normal residence. For those working out of the office area, but not spending the night, an allowance for lunch (\$6.50 maximum) and, if arriving back after 7:30 p.m., for dinner (\$17.50 maximum) may be charged. Lodging will be charged at \$90.00/night, except in limited availability areas where it will be charged at direct cost plus a twelve percent (12%) surcharge.
9. Specialized equipment purchased with Client's approval specifically for the project will become Client's property upon completion of the work. The purchase price and maintenance cost of such equipment shall be charged to Client at cost plus twelve percent (12%).
10. Client acknowledges that POTEESTA's reports, boring logs, field data, field notes, laboratory test data, calculations, estimates, permit applications and other similar documents are instruments of professional service, not products. Although ownership of such documents normally is retained by POTEESTA, they nonetheless shall, in this instance, become the property of Client upon Client's payment in full of all POTEESTA invoices. Client recognizes that no such documents should be subject to unauthorized reuse; that is, reuse without written authorization of POTEESTA to do so. Such authorization is essential because it requires POTEESTA to evaluate the documents' applicability given new circumstances, not the least of which is passage of time. Accordingly, in return for POTEESTA's relinquishment of ownership, Client agrees to waive any claim against POTEESTA and defend, indemnify and hold POTEESTA harmless from any claim or liability for injury or loss allegedly arising from unauthorized reuse of POTEESTA's instruments of service. Client further agrees to compensate POTEESTA for any time spent or expenses incurred by POTEESTA in defense of any such claim, in accordance with POTEESTA's prevailing fee schedule and expense reimbursement policy. Client agrees that POTEESTA may retain one set of documents for their files and use.
11. Client recognizes that conclusions regarding the assessed condition(s) of the site do not necessarily represent a warranty that all portions of the site are of the same quality. Specific

conditions may not be observable or readily interpreted from available documents, but may become evident at a later date. POTE STA will be responsible for data it collects, its interpretations and recommendations, but shall not be responsible for the interpretation by others of the information developed. The Client recognizes that subsurface conditions beneath the Project site may vary from those encountered in borings, surveys or explorations and the information and recommendations developed by POTE STA are based solely on the information available from such borings, surveys and explorations.

12. Client recognizes that unanticipated or changed conditions may be encountered during construction. Client agrees to retain POTE STA to observe construction, and POTE STA agrees to assign qualified persons to observe and report on the quality of work performed by contractors, et al. Client recognizes that construction observation is a technique employed to minimize the risk of problems arising during construction. Provision of construction observation by POTE STA is not insurance, nor does it constitute a warranty or guarantee of any type. In all cases, contractors, et al. shall retain responsibility for the quality of their work and for adhering to plans and specifications. Should Client for any reason not retain POTE STA to observe construction, or should Client unduly restrict POTE STA's assignment of personnel to observe construction, or should POTE STA for any reason not perform construction observation during the full period of construction, it shall be deemed that POTE STA shall not have had the ability to perform a complete service. Should POTE STA for any reason not have the ability to perform a complete service, Client waives any claim against POTE STA, and agrees to indemnify, defend and hold POTE STA harmless from any claim or liability for injury or loss arising from problems during construction that allegedly result from findings, conclusions, recommendations, plans or specifications developed by POTE STA. Client also agrees to compensate POTE STA for any time spent and expenses incurred by POTE STA in defense of any such claim, with such compensation to be based upon POTE STA's prevailing fee schedule and expense reimbursement policy.
13. The responsibility of POTE STA's field representative(s) is to make observations and conduct field tests. This work does not include supervision or direction of the work of the contractor, his employees, or agents. The contractor should be so advised. The contractor should also be advised that neither the presence of POTE STA's field representative nor the observation and testing by POTE STA shall excuse him in any way for defects discovered in his work. Any review and/or observation of the contractor's performance by POTE STA does not include the contractor's safety measures on or near the construction site. The contractor will be solely and completely responsible for working conditions on the job site, including safety of all persons and property during performance of the work. This requirement will apply continuously and not be limited to normal working hours. Unless specifically stated in POTE STA's proposal, construction review and/or observation is not included in the scope of services. As indicated in item 12 above, POTE STA should be allowed to perform construction observation services; a separate proposal will be prepared after construction documents are available.

Potesta & Associates, Inc.
Standard Terms and Conditions
Page 4

14. Soil, rock, water and/or other samples obtained from the project site are the property of Client. POTE STA will preserve such samples for no longer than ninety (90) calendar days after the issuance of any document that includes the data obtained from them, unless other arrangements are mutually agreed upon in writing. Further storage or transfer of samples will be made at Client's expense. Should any of these samples be contaminated by hazardous substances or suspected hazardous substances, it is Client's responsibility to select and arrange for lawful disposal procedures, that is, procedures which encompass removing the contaminated samples from POTE STA's custody and transporting them to a disposal site. Client is advised that, in all cases, prudence and good judgment should be applied in selecting and arranging for lawful disposal procedures. Due to the risks to which POTE STA is exposed, Client agrees to waive any claim against POTE STA, and to defend, indemnify and hold POTE STA harmless from any claim or liability for injury or loss arising from POTE STA's containing, labeling, transporting, testing, storing or other handling of contaminated samples. Client also agrees to compensate POTE STA for any time spent and expenses incurred by POTE STA in defense of any such claim, with such compensation to be based upon POTE STA's prevailing fee schedule and expense reimbursement policy.
15. Unless otherwise agreed, Client or Owner will furnish right-of-entry on the land and/or facilities for POTE STA to make the planned borings and other explorations and perform necessary sampling. POTE STA will take reasonable precautions to minimize damage to said land or facilities from use of POTE STA's equipment and operations. If Client or Owner desires POTE STA to restore the land or facilities to their former condition, this will be accomplished at the expense of the Client or Owner.
16. In the execution of Client's work, POTE STA will take reasonable precautions to avoid damage or injury to subterranean structures or utilities. The Client and Owner agree to hold POTE STA harmless for any damages to subterranean structures or utilities which are not called to POTE STA's attention, or are not correctly shown on the plans furnished.
17. Client agrees to advise POTE STA about the presence of any known hazardous substances or any known condition(s) existing in, on, or near the site presenting a potential danger to human health or the environment. If during performance of services, any unforeseen hazardous substances or other unforeseen conditions or occurrences, in, on, or near the site presenting a potential danger to human health or the environment are encountered which, in the judgment of POTE STA, significantly affect or may affect the services or the recommended scope of services, POTE STA will promptly notify Client thereof. Subsequent to that notification, Client and POTE STA agree to pursue one of the following options:
 - a. If practicable, in the judgment of POTE STA, the original scope of services will be completed in accordance with the procedures originally intended in POTE STA's proposal for services.

- b. The scope of services will be modified and the estimate of charges revised to include study of the previously unforeseen conditions or occurrences, such revision to be in writing and signed by the parties and incorporated therein.
 - c. The services for the work in POTESTA's proposal will be terminated, effective on the date specified in writing by POTESTA, and POTESTA shall recover any extra charges associated with the previously unforeseen conditions or occurrences, as well as any charges up to such date for the originally proposed services.
18. Neither the Client nor POTESTA may delegate, assign, sublet or transfer their duties or interest, as described in the Standard Terms and Conditions and accompanying proposal, without the written consent of the other party. Unless stated otherwise, POTESTA's proposal is firm for 90 days.
19. In the event that a dispute should arise relating to the performance of the services to be provided under the Standard Terms and Conditions and the proposal, it is agreed that the dispute shall be mediated. Should mediation fail and litigation result, it is agreed that the prevailing party shall be entitled to recover all reasonable costs incurred in the defense of the claim, including staff time, court costs, attorney's fees, and other claim-related expenses.
20. The law of the State of West Virginia will govern the validity of this Agreement, its interpretation and performance, and remedies for contract breach or any other claims related to this Agreement. All legal proceedings shall be filed in Kanawha County, West Virginia.
21. POTESTA may submit to Client an opinion of the probable cost required to construct work. POTESTA is not a construction cost estimator or construction contractor, nor should POTESTA's rendering an opinion of probable construction costs be considered equivalent to the nature and extent of service a construction cost estimator or construction contractor would provide. POTESTA's opinion will be based solely upon their own experience with construction. This requires POTESTA to make a number of assumptions as to actual conditions that will be encountered on site; the specific decisions of other design professionals; the means and methods of construction the contractor will employ; the cost and extent of labor, equipment and materials the contractor will employ; contractor's techniques in determining prices and market conditions at the time, and other factors over which POTESTA has no control. Given the assumptions which must be made, POTESTA cannot guarantee the accuracy of their opinions of cost, and—in recognition of that fact—Client waives any claim against POTESTA relative to the accuracy of POTESTA's opinion of probable cost.
22. Client or POTESTA may terminate this Agreement upon fourteen (14) days' written notice to the other for reasons included in the notice. In the event such termination becomes necessary, the party effecting termination shall so notify the other party in writing, and termination will become effective fourteen (14) calendar days after receipt of the termination

notice. Irrespective of which party shall effect termination or the cause therefore, Client shall within thirty (30) calendar days of termination remunerate POTEESTA for services rendered and costs incurred, in accordance with POTEESTA's prevailing fee schedule and expense reimbursement policy. Services shall include those rendered up to the time of termination, as well as those associated with termination itself, such as demobilizing, modifying schedules, reassigning personnel, and so on. Costs shall include those incurred up to the time of termination, as well as those associated with termination and post-termination activities, such as demobilization, decontaminating and/or disposing of equipment, disposal and replacement of contaminated consumables, and so on.

23. Client shall not be liable to POTEESTA and POTEESTA shall not be liable to Client for any consequential damages incurred by either due to the fault of the other, regardless of the nature of this fault, or whether it was committed by the Client or POTEESTA, their employees, agents or subcontractors. Consequential damages include, but are not limited to, loss of use and loss of profit.
24. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between Client and POTEESTA shall survive the completion of the services hereunder and the termination of this Agreement.
25. POTEESTA shall indicate to Client the information needed for rendering of services hereunder, and Client shall provide to POTEESTA such information as is available to Client. Client recognizes that it is not possible for POTEESTA to assure the sufficiency of such information, either because it is not possible to do so, or because of errors or omissions which may have occurred in assembling the information. Accordingly, Client waives any claim against POTEESTA, and agrees to defend, indemnify and hold POTEESTA harmless from any claim or liability for injury or loss allegedly arising from errors, omissions, or inaccuracies in documents or other information provided to POTEESTA by Client. Further, Client agrees to compensate POTEESTA for any time spent or expenses incurred by POTEESTA in defense of any such claim, with such compensation to be based upon POTEESTA's prevailing fee schedule and expense reimbursement policy.
26. This Agreement shall not create any rights or benefits to parties other than Client or Consultant. No third-party shall have the right to rely on Consultant's opinions rendered in connection with Consultant's services without Consultant's written consent and the third-party's agreement to be bound to the same terms and conditions as Client.
27. If, for any reason, any one or more of the provisions contained in this Agreement are held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision herein, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had not been contained herein.

Potesta & Associates, Inc.
Standard Terms and Conditions
Page 7

28. For engagements that we accept for other than regular clients, our normal practice is to require a retainer or security deposit in advance of our performing any significant services. On occasion, such a deposit is required at a later time due to payment irregularities. The engagement letter will state whether an advance has been required before undertaking a particular representation.

29. POTE STA will not have any obligation to issue a report or other document, or communicate our research, analyses, or conclusions, and will not have any obligation to appear for or provide written or oral testimony or evidence at trial, deposition or elsewhere, until Client's account is paid in full. POTE STA will have no liability to the Client, or any other person, by reason of not issuing a report, appearing for, and/or providing testimony or other evidence because of the Client's failure to pay all amounts due POTE STA, and the Client agrees to indemnify POTE STA against any such liability.

POTESTA & ASSOCIATES, INC.

2017 RATE SCHEDULE

Principal.....	\$230/hour
Chief Engineer/Scientist	\$120 - \$225/hour
Senior Engineer/Scientist.....	\$75 - \$175/hour
Staff Engineer/Scientist	\$50 - \$115/hour
Engineer/Scientist	\$45 - \$90/hour
Professional Surveyor	\$70 - \$120/hour
Senior Technician	\$45 - \$85/hour
Technician.....	\$30 - \$55/hour
Two-Man Survey Crew.....	\$110/hour
Three-Man Survey Crew.....	\$150/hour
Senior CADD Designer	\$60 - \$100/hour
CADD Designer.....	\$40 - \$80/hour
Clerical Support	\$40 - \$85/hour

(Any changes in hourly rates will be made on January 1 of each year.)

NOTE: Engineer/Scientist includes engineer, scientist, technical designers, engineering associates, planners, health and safety specialists, and information technologists.

POTESTA & ASSOCIATES, INC.
FIELD EQUIPMENT RENTAL RATE SHEET

Description	Rate		
	Per Unit	Day	Week ¹
1-Point Proctor Kit	N/A	\$20.00	\$75.00
12' Motorized Boat (includes fuel)	N/A	\$300.00	\$700.00
16' Motorized Boat (includes fuel)	N/A	\$500.00	\$2,000.00
2" Soak Ease Absorbent Tubes	\$11.00	N/A	N/A
22"x34" Internal Plots	\$0.75	N/A	N/A
24"x36" Ammonia Mylar	\$2.50	N/A	N/A
24"x36" Internal Plots	\$0.75	N/A	N/A
30"x42" Internal Plots	\$1.15	N/A	N/A
36"x48" Internal Plots	\$2.10	N/A	N/A
4" Soak Ease Absorbent Tubes	\$12.50	N/A	N/A
4-Gas Meter	N/A	\$75.00	\$250.00
Air Meter (Concrete)	N/A	\$10.00	N/A
Air Purifying Respirator with Cartridges	N/A	\$25.00	N/A
Air Velocity Meter	N/A	\$50.00	\$150.00
Asbestos Sampling Equipment	N/A	\$20.00	\$60.00
Bomb Water Sampler	N/A	\$25.00	\$75.00
Camcorder	N/A	\$50.00	\$200.00
Chlorine Meter	N/A	\$25.00	\$75.00
Company Vehicles - Car (includes fuel)	N/A	\$155.00	\$620.00
Company Vehicles - Truck/Van/SUV (includes fuel)	N/A	\$175.00	\$765.00
Company Vehicles - Truck/Van/SUV (includes fuel) with Trailer	N/A	\$205.00	\$1,025.00
Concrete Testing Equipment (slump, cone, temp., wheelbarrow-excludes air meter)	N/A	\$25.00	N/A
Cone Penetrometer	N/A	\$75.00	N/A
CORMIX/CorHyd Software Utilization (per run)	\$100.00	N/A	N/A
Data Loggers (DO Study)	\$150.00	N/A	N/A
Depth and Velocity Flow Meter	N/A	\$80.00	N/A
Digital Camera	N/A	\$10.00	N/A
Disposable Camera with Double Prints	\$30.00	N/A	N/A
Dissolved Oxygen Loggers (Reader)	N/A	\$50.00	N/A
DO Meter	N/A	\$25.00	\$75.00
DO Meter with Stirrer	N/A	\$50.00	\$100.00
Dredge Sampler	N/A	\$25.00	\$75.00
Electro Fishing Equipment	N/A	\$100.00	\$350.00
Field Data Interface Unit	N/A	\$20.00	N/A
Fish Rearing (per Tank)	N/A	\$5.00	N/A
Flow Cell for YSI	N/A	\$20.00	\$50.00
Flow Meter	N/A	\$50.00	\$150.00
Generator	N/A	\$30.00	\$120.00
Global Positioning System (GeoExplorer 3)	N/A	\$50.00	\$150.00
Hach Hydrometer	N/A	\$85.00	N/A
Hand Auger	N/A	\$10.00	\$30.00

Description	Rate		
	Per Unit	Day	Week ¹
Handheld GPS	N/A	\$30.00	N/A
Hydrolab Multi-Meter	N/A	\$100.00	N/A
Inclinometer	N/A	\$500.00	N/A
Interface Probe	N/A	\$55.00	\$120.00
Internal Color Copies	\$1.00	N/A	N/A
Kemmerer Water Sampler	N/A	\$25.00	\$75.00
Laser Range Finder	N/A	\$20.00	N/A
Level Loggers	N/A	\$50.00	\$200.00
Level Loggers (Reader)	N/A	\$50.00	N/A
Lodging	N/A	\$90.00	N/A
Microscopic Evaluation Laboratory Supplies	\$5.00	N/A	N/A
Nets/Seins Sampler/Miscellaneous Equipment	N/A	\$15.00	\$45.00
Nuclear Gauge	N/A	\$50.00	\$150.00
Opacity Kit	N/A	\$10.00	N/A
Other	Cost + 12%	Cost + 12%	N/A
Other Boat Rental	Cost + 12%	Cost + 12%	Cost + 12%
Oversize Bluelines	\$2.40	N/A	N/A
Petroleum Soil Field Test Kit	\$35.00	N/A	N/A
PH/Temperature/Conductivity Meter	N/A	\$45.00	\$100.00
PID/FID	N/A	\$100.00	\$400.00
PVC Bailer (2")	N/A	\$5.00	N/A
PVC Bailer (3")	N/A	\$10.00	N/A
Sample Storage (Monthly)	\$30.00	N/A	N/A
Small Row Boat	N/A	\$125.00	\$300.00
Soil Probe	N/A	\$10.00	\$30.00
Soil Resistivity Meter	N/A	\$50.00	\$150.00
Speedy Moisture Gauge	N/A	\$25.00	N/A
State Change Logger	N/A	N/A	\$100.00
State Change Reader	N/A	\$50.00	N/A
Sub-Centimeter GPS Equipment	N/A	\$400.00	N/A
Sub-Foot GPS Unit	N/A	\$120.00	\$400.00
Surface Velocity Meter (SVR)	N/A	\$90.00	N/A
Survey Equipment (excludes GPS)	N/A	\$65.00	N/A
Temperature Loggers	N/A	\$5.00	\$20.00
Temperature Loggers (Reader)	N/A	\$50.00	N/A
Treatability Study Equipment	N/A	\$200.00	\$800.00
Turbidity Meter	N/A	\$25.00	\$75.00
Two-Way Radios (1 pair)	N/A	\$5.00	N/A
Vehicle Mileage (if daily rates are not used)	IRS Rate + 12%	N/A	N/A
Water Level Indicator	N/A	\$35.00	\$75.00
Whale Pump System	N/A	\$35.00	\$100.00
YSI Multi-Meter	N/A	\$100.00	N/A

(Any changes in rates will be made January 1 of each year.)

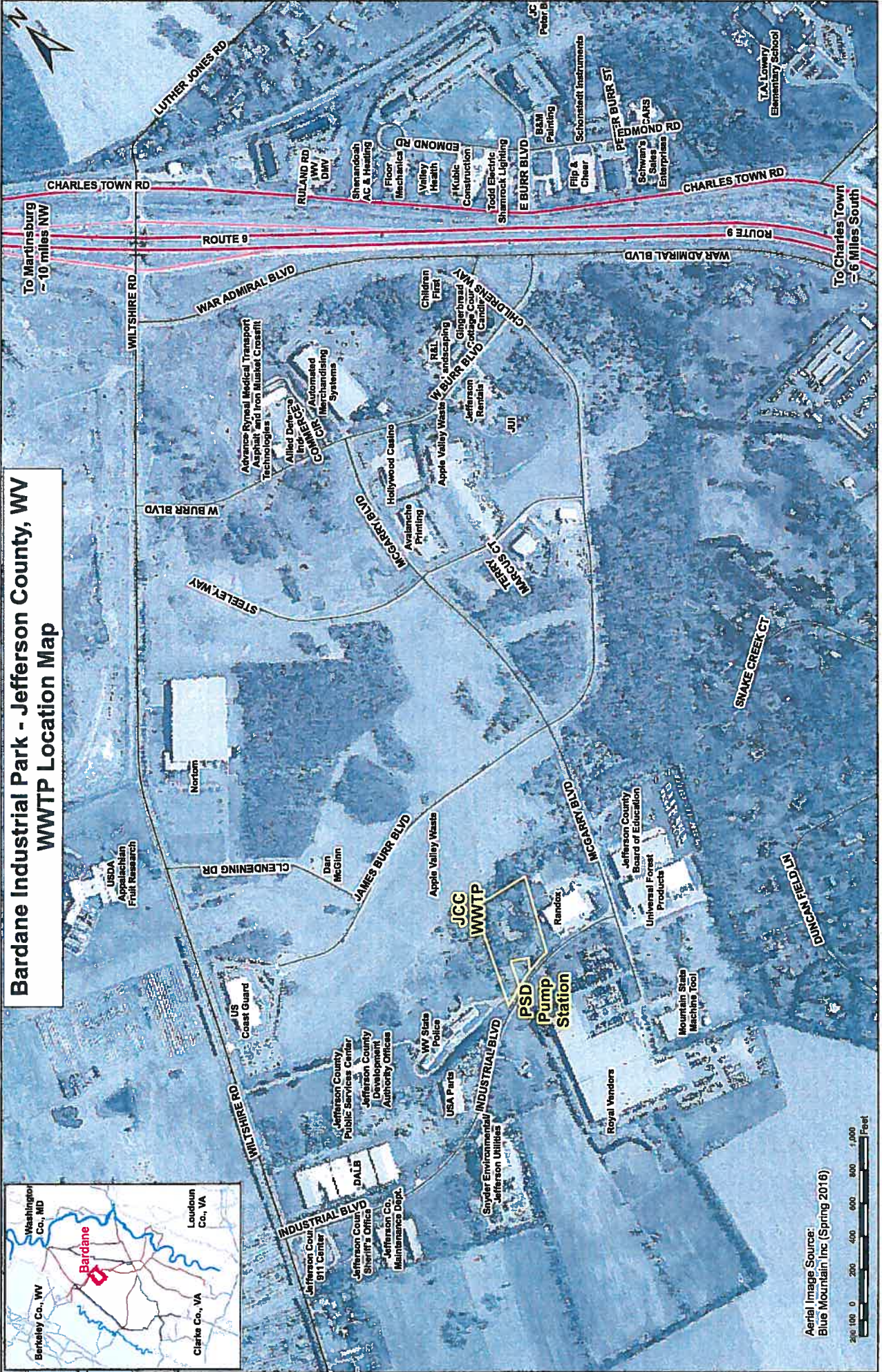
¹ Weekly rental rate implies calendar week.

POTESTA & ASSOCIATES, INC.
FIELD SUPPLY RATE SHEET

Description	Rate	
	Per Unit	Day
Benthic Survey Supplies Forms, Containers, Ethyl Alcohol, Nitrile Gloves, Flagging, Hester Dendy Samplers, Dredge Sampler, Distilled Water, Decon Supplies, Marking Utensils, Plastic Bags	\$25.00	N/A
Discharge Sampling Supplies Forms, Containers, Preservatives, Nitrile Gloves, Ice, Distilled Water, Decon Supplies, Marking Utensils, Plastic Bags	\$15.00	N/A
Fish Survey Supplies Buckets, Waders, Bottles, Formalin, Ethyl Alcohol, Forms, Marking Utensils, Plastic Bags	\$30.00	N/A
Groundwater Sampling Supplies Forms, Nitrile Gloves, Ice, Distilled Water, Decon Supplies, Marking Utensils, Buckets, Plastic Bags (Does not include bailers and filters.)	\$20.00	N/A
HGM Stream Assessment Supplies Tape, Clinometer, Densimeter, Diameter Tape, Flagging, Quadrat, Etc.	N/A	\$25.00
Soil Sampling Supplies Forms, Nitrile Gloves, Ice, Distilled Water, Decon Supplies, Marking Utensils, Buckets, Plastic Bags	\$15.00	N/A
Stream Sampling Supplies Forms, Syringes, Nitrile Gloves, Flagging, Ice, Distilled Water, Decon Supplies, Marking Utensils, Plastic Bags	\$15.00	N/A
Stream/Wetland Delineation Supplies Hip Chain, Clinometer, Flagging, Forms, Etc.	N/A	\$20.00
Survey Supplies Hubs, Stakes, Flagging, Iron Pins, Monuments, Marking Paint, Traffic Control	N/A	\$25.00
Wetland Delineation Supplies Flagging, Forms, Reference Materials, Range Finder, Storage Bags, Etc.	N/A	\$20.00
Asbestos Sampling Supplies	N/A	\$20.00
Disposable Bailers 3' (2" diameter)	\$8.00	N/A
Disposable Bailers 7' (2" diameter)	\$12.50	N/A
GW Filters	\$17.50	N/A
Other	Cost + 12%	N/A

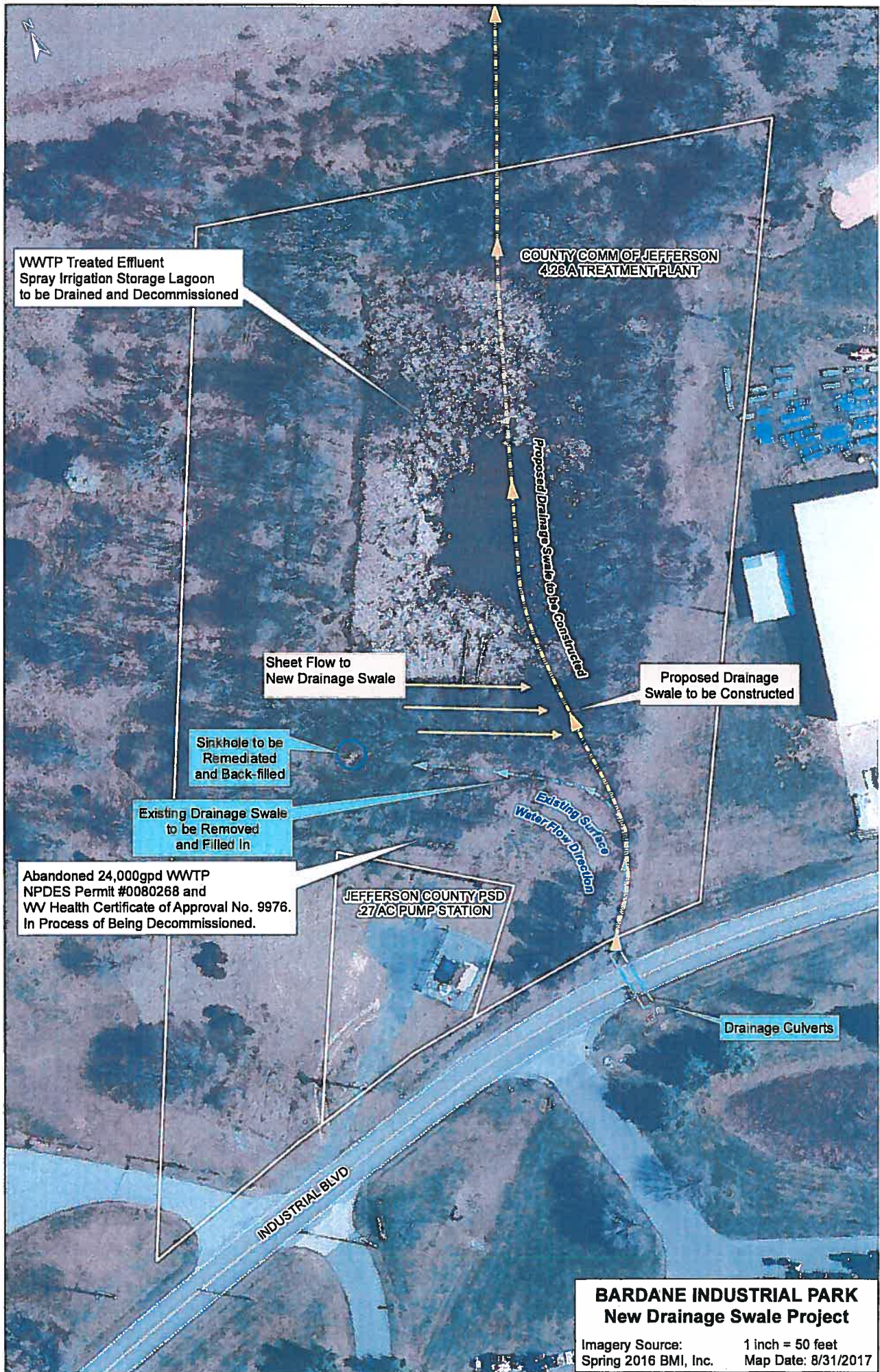
(Any changes in rates will be made January 1 of each year.)

Bardane Industrial Park - Jefferson County, WV WWTP Location Map



Aerial Image Source:
Blue Mountain Inc (Spring 2016)





WWTreated Effluent
Spray Irrigation Storage Lagoon
to be Drained and Decommissioned

COUNTY COMM OF JEFFERSON
426A TREATMENT PLANT

Sheet Flow to
New Drainage Swale

Proposed Drainage Swale to be Constructed

Proposed Drainage Swale to be Constructed

Sinkhole to be Remediated
and Back-filled

Existing Drainage Swale
to be Removed
and Filled In

Existing Surface
Water Flow Direction

Abandoned 24,000gpd WWTP
NPDES Permit #0080268 and
WV Health Certificate of Approval No. 9976.
In Process of Being Decommissioned.

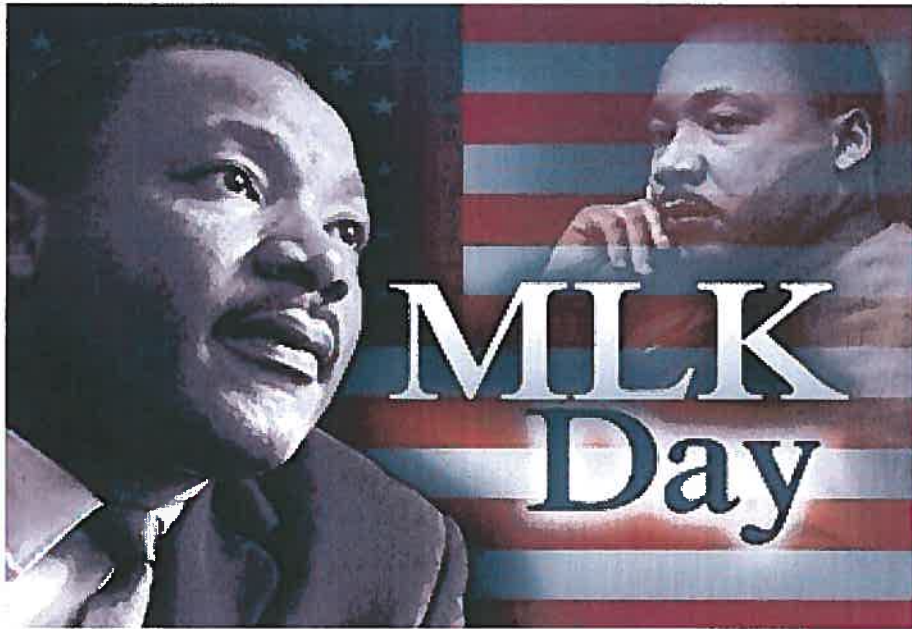
JEFFERSON COUNTY PSD
27AC PUMP STATION

Drainage Culverts

INDUSTRIAL BLVD

**BARDANE INDUSTRIAL PARK
New Drainage Swale Project**

Imagery Source: Spring 2016 BMI, Inc. 1 inch = 50 feet
Map Date: 8/31/2017



Jefferson County Commission
offices will be closed
on
Monday, January 15, 2018
in observance of Martin Luther
King, Jr. Day

NOTICE OF PUBLIC HEARING
Thursday, January 18, 2018 at 1:30 PM

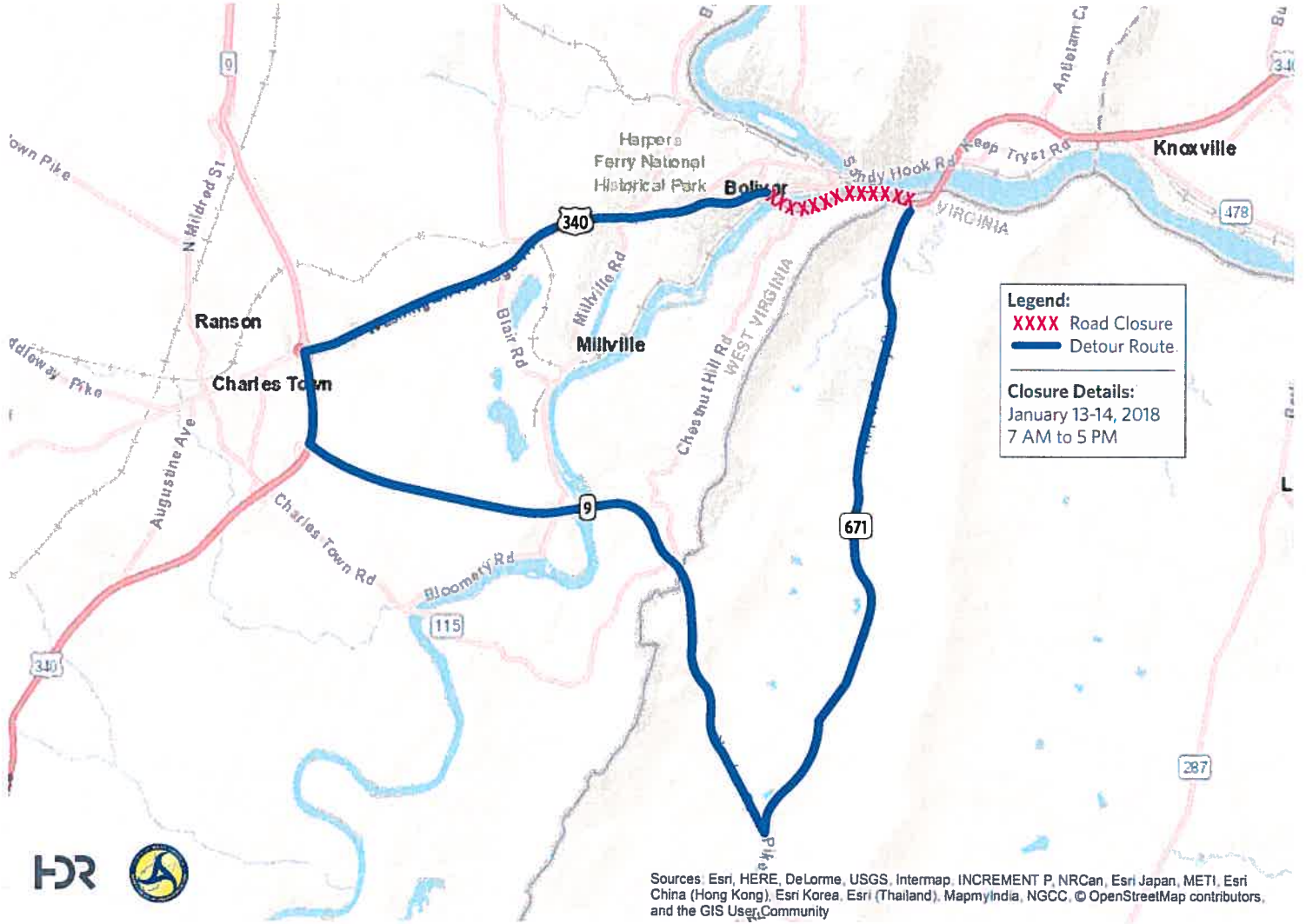
The Jefferson County Commission has scheduled a Public Hearing on the proposed text amendments to the Jefferson County Subdivision and Land Development Regulations, File #STA16-01. The text amendment, in accordance with WV Code §8A-4-5, proposes revisions to multiple sections of the Subdivision and Land Development Regulations including Section 20.106, Adjustment of Lot Boundaries; Division 20.200, Types of Development; Section 20.201, Minor Subdivisions; Section 20.202, Major Subdivisions; Section 20.203, Minor Site Development; and Appendix A, Section 1.4, Final Plat; and Section 1.5, Recordation of Final Plats for Minor and Major Subdivisions.

Oral or written comments can be provided at the hearing, **1:30 PM Thursday, January 18, 2018** in the Charles Town Library meeting room at 200 E. Washington St., at the side entrance on Samuel St. You may also submit written comments to info@jeffersoncountywv.org or to PO Box 250, Charles Town, WV 25414.

Copies of the proposed text amendments are available at the Office of Planning & Zoning office and on the County's website at: www.jeffersoncountywv.org. If you have any questions, please call the Office of Planning & Zoning at 304-728-3228.

By Order of the Jefferson County Commission
Peter Onoszko, President

US 340 Rock Slide Investigation - **DETOUR ROUTE MAP**



Press Release from WVDOH regarding the closure of Route 340 on January 13 - 14, 2018 for the purposes of a rock slope study.

US Route 340 to be Closed near Harpers Ferry

BURLINGTON, W.Va. – The West Virginia Division of Highways announces that US Route 340 near Harpers Ferry will be closed to through traffic between the Washington Street/Shoreline Drive intersection in West Virginia and the Harpers Ferry Road (Route 671) intersection in Virginia, 7 a.m. – 5 p.m.,... on Saturday, Jan. 13 and Sunday, Jan. 14. Access to the intersection of US 340 and Chestnut Hill Road (Jefferson County Route 32) will be closed during this time as well. Access to downtown Harpers Ferry, Bolivar and the Harpers Ferry National Historic Park will remain open via the US 340 and Washington Street/Shoreline Drive intersection on the west end of the road closure. Limited access through the work area for emergency vehicles will also be provided.

The roadway closure is necessary for rock slope investigative work and the signed detour will include State Route 9 and Harpers Ferry Road (Route 671) in Virginia as detailed on the attached map.

In case of inclement weather, work will be rescheduled and further notification provided.

Contact:

WVDOH District 5

(304) 289-2281

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

Week Ending Date	FY18 December 2, 2017
To Be Deposited On	December 8, 2017
Amount Played	\$ 53,730,354.51
Amount Won	48,401,206.36
Amount Promo	604,178.00
MWAP Contribution	_____
Adjusted Gross Terminal Revenue	\$ 4,724,970.15
Administrative Costs @ 4%	188,998.81
Excess Lottery Fund @ 4%	_____
Net Terminal Revenue	\$ 4,535,971.34
Surcharge @ 10%	-
State Share Excess @ 58% & 10% of 42%	-
Track Share of Capital Reinvestment @ 90% of 42%	_____
Track Share of Capital Reinvestment @ 98%	-
Track Share of Capital Reinvestment @ 4%	-
Adjusted Net Terminal Revenue	\$ 4,535,971.34
Racetrack @ 46.50% / 42%	2,109,226.67
Lottery Fund @ 30% / 0%	1,360,791.37
Excess Lottery Fund @ 0% / 41%	-
Excess Lottery Fund @ 12.85% / 9.55%	582,872.33
Racetrack Purses @ 90% of 7% / 4%	285,766.19
Employee Pension @ 1% / 0.5%	45,359.72
Greyhound Development @ 90% of 0.75%	30,617.81
Thoroughbred Development @ 90% of 0.75%	30,617.81
County / Municipality @ 2%	_____
	\$ 4,535,971.34

WEST VIRGINIA LOTTERY
Charles Town
County / Municipality Split
Fiscal Year 2018

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

Date	2% of Adj. Net Revenue	Jefferson County	Five Municipalities	Bolivar 7.93%	Charles Town 39.90%	Harpers Ferry 2.17%	Ranson 33.68%	Shepherdstown 16.32%
1 day ending: 7/1/2017	\$ 23,688.48	\$ 23,688.48	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 7/8/2017	125,588.96	125,588.96	-	-	-	-	-	-
7/15/2017	99,148.44	99,148.44	-	-	-	-	-	-
7/22/2017	98,965.20	98,965.20	-	-	-	-	-	-
7/29/2017	108,161.52	108,161.52	-	-	-	-	-	-
8/5/2017	104,979.36	104,979.36	-	-	-	-	-	-
8/12/2017	100,184.16	100,184.16	-	-	-	-	-	-
8/19/2017	101,813.88	101,813.88	-	-	-	-	-	-
8/26/2017	97,669.16	97,669.16	-	-	-	-	-	-
9/2/2017	111,442.08	81,653.20	29,788.88	2,362.26	11,885.76	646.42	10,032.89	4,861.55
9/9/2017	110,669.96	55,334.98	55,334.98	4,388.06	22,078.66	1,200.77	18,636.82	9,030.67
9/16/2017	88,536.00	44,268.00	44,268.00	3,510.45	17,662.93	960.62	14,909.46	7,224.54
9/23/2017	92,140.24	46,070.12	46,070.12	3,653.36	18,381.98	999.72	15,516.42	7,518.64
9/30/2017	108,018.60	54,009.30	54,009.30	4,282.94	21,549.71	1,172.00	18,190.33	8,814.32
10/7/2017	97,398.00	48,699.00	48,699.00	3,861.83	19,430.90	1,056.77	16,401.82	7,947.68
10/14/2017	100,794.72	50,397.36	50,397.36	3,996.51	20,108.55	1,093.62	16,973.83	8,224.85
10/21/2017	89,091.32	44,545.66	44,545.66	3,532.47	17,773.72	966.64	15,002.98	7,269.85
10/28/2017	100,178.24	50,089.12	50,089.12	3,972.07	19,985.56	1,086.93	16,870.02	8,174.54
11/4/2017	104,082.64	52,041.32	52,041.32	4,126.88	20,764.49	1,129.30	17,527.51	8,493.14
11/11/2017	97,182.64	48,591.32	48,591.32	3,853.29	19,387.94	1,054.43	16,365.56	7,930.10
11/18/2017	83,246.28	41,623.14	41,623.14	3,300.72	16,607.63	903.22	14,018.67	6,792.90
11/25/2017	109,070.12	54,535.06	54,535.06	4,324.63	21,759.49	1,183.41	18,367.41	8,900.12
12/2/2017	90,719.44	45,359.72	45,359.72	3,597.02	18,098.53	984.31	15,277.15	7,402.71
Sub Total	\$ 2,242,769.44	\$ 1,577,416.46	\$ 665,352.98	\$ 52,762.49	\$ 265,475.85	\$ 14,438.16	\$ 224,090.87	\$ 108,585.61

Benchmark Goal \$ 912,063.48

Remainder until split \$ -

VIDEO LOTTERY REPORT

FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
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	7/1/2017	23,688.48
7/13/2013	128,060.40	7/12/2014	111,792.16	7/11/2015	119,132.68	7/9/2016	125,605.24	7/8/2017	125,588.96
7/20/2013	115,128.84	7/19/2014	116,320.32	7/18/2015	112,706.24	7/16/2016	107,876.48	7/15/2017	99,148.44
7/27/2013	123,049.56	7/26/2014	112,502.48	7/25/2015	109,356.88	7/23/2016	107,196.20	7/22/2017	98,965.20
8/3/2013	116,180.80	8/2/2014	117,145.12	8/1/2015	119,089.60	7/30/2016	111,534.28	7/29/2017	108,161.52
8/10/2013	120,078.64	8/9/2014	114,374.60	8/8/2015	115,689.52	8/6/2016	110,378.32	8/5/2017	104,979.36
8/17/2013	124,888.56	8/16/2014	114,105.32	8/15/2015	108,726.48	8/13/2016	101,561.56	8/12/2017	100,184.16
8/24/2013	89,882.12	8/23/2014	116,097.04	8/22/2015	108,922.12	8/20/2016	115,270.28	8/19/2017	101,813.88
8/31/2013	58,913.18	8/30/2014	60,280.02	8/29/2015	73,285.10	8/27/2016	96,130.52	8/26/2017	97,669.16
9/7/2013	67,758.74	9/6/2014	61,420.28	9/5/2015	55,890.76	9/3/2016	60,448.12	9/2/2017	81,653.20
9/14/2013	53,374.22	9/13/2014	51,364.96	9/12/2015	63,273.30	9/10/2016	61,598.04	9/8/2017	55,334.98
9/21/2013	54,277.94	9/20/2014	50,664.54	9/19/2015	54,233.06	9/17/2016	50,609.64	9/16/2017	44,268.00
9/28/2013	54,881.50	9/27/2014	50,127.22	9/26/2015	52,439.60	9/24/2016	51,199.68	9/23/2017	46,070.12
10/5/2013	55,950.74	10/4/2014	53,531.28	10/3/2015	53,104.94	10/1/2016	54,346.34	9/30/2017	54,009.30
10/12/2013	55,837.92	10/11/2014	51,127.00	10/10/2015	50,291.26	10/8/2016	50,896.18	10/7/2017	48,699.00
10/19/2013	61,327.20	10/18/2014	56,414.64	10/17/2015	53,048.80	10/15/2016	51,557.88	10/14/2017	50,397.36
10/26/2013	52,854.06	10/25/2014	49,890.20	10/24/2015	55,418.72	10/22/2016	53,825.90	10/21/2017	44,545.66
11/2/2013	57,543.54	11/1/2014	52,242.34	10/31/2015	57,023.64	10/29/2016	50,853.22	10/28/2017	50,089.12
11/9/2013	54,666.76	11/8/2014	52,819.26	11/7/2015	55,832.08	11/5/2016	55,958.84	11/4/2017	52,041.32
11/16/2013	56,495.96	11/15/2014	51,810.32	11/14/2015	56,012.86	11/12/2016	53,346.18	11/11/2017	48,591.32
11/23/2013	48,628.62	11/22/2014	46,228.62	11/21/2015	50,193.76	11/19/2016	47,174.90	11/18/2017	41,623.14
11/30/2013	59,645.66	11/29/2014	55,593.44	11/28/2015	60,010.98	11/26/2016	56,826.94	11/25/2017	54,535.06
12/7/2013	47,306.24	12/6/2014	46,792.50	12/5/2015	47,767.86	12/3/2016	48,407.86	12/2/2017	45,359.72
12/14/2013	29,229.02	12/13/2014	40,904.98	12/12/2015	42,938.56	12/10/2016	43,743.14		
12/21/2013	44,581.02	12/20/2014	41,600.84	12/19/2015	43,087.16	12/17/2016	33,602.54		
12/28/2013	62,117.14	12/27/2014	58,114.68	12/26/2015	52,835.48	12/24/2016	40,222.46		
1/4/2014	62,963.88	1/3/2015	68,277.28	1/2/2016	74,963.14	12/31/2016	60,653.90		
1/11/2014	37,935.94	1/10/2015	37,099.34	1/9/2016	41,474.24	1/7/2017	42,634.50		
1/18/2014	49,418.64	1/17/2015	43,217.36	1/16/2016	43,455.58	1/14/2017	37,751.18		
1/25/2014	42,720.80	1/24/2015	41,212.80	1/23/2016	25,025.40	1/21/2017	46,870.58		
2/1/2014	47,681.60	1/31/2015	42,783.32	1/30/2016	36,805.26	1/28/2017	40,692.96		
2/8/2014	45,434.52	2/7/2015	47,859.18	2/4/2016	51,695.74	2/4/2017	44,277.10		
2/15/2014	41,076.08	2/14/2015	48,131.08	2/13/2016	44,941.78	2/11/2017	42,514.28		
2/22/2014	61,523.98	2/21/2015	37,610.66	2/20/2016	50,505.40	2/18/2017	48,086.80		
3/1/2014	57,744.78	2/28/2015	56,982.14	2/27/2016	52,426.86	2/25/2017	55,365.02		
3/8/2014	50,439.94	3/7/2015	43,750.42	3/5/2016	53,474.66	3/4/2017	47,881.24		
3/15/2014	54,414.66	3/14/2015	55,096.66	3/12/2016	51,447.02	3/11/2017	46,274.58		
3/22/2014	50,734.62	3/21/2015	53,081.08	3/19/2016	50,356.80	3/18/2017	43,959.78		
3/29/2014	51,174.60	3/28/2015	50,548.88	3/26/2016	52,217.46	3/25/2017	49,130.62		
4/5/2014	55,229.90	4/4/2015	51,713.78	4/2/2016	54,185.88	4/1/2017	48,124.72		
4/12/2014	48,653.18	4/11/2015	51,024.54	4/9/2016	49,690.04	4/8/2017	46,262.60		
4/19/2014	54,469.22	4/18/2015	49,338.10	4/16/2016	49,071.82	4/15/2017	46,768.98		
4/26/2014	51,637.18	4/25/2015	49,656.62	4/23/2016	49,485.78	4/22/2017	45,614.00		

5/3/2014	54,757.72	5/2/2015	54,079.66	4/30/2016	50,872.46	4/29/2017	48,204.34
5/10/2014	51,011.76	5/9/2015	50,062.82	5/7/2016	52,135.22	5/8/2017	46,890.30
5/17/2014	51,148.34	5/16/2015	48,308.08	5/14/2016	51,441.84	5/13/2017	47,648.16
5/24/2014	53,082.60	5/23/2015	47,705.92	5/21/2016	48,392.48	5/20/2017	43,998.24
5/31/2014	62,642.98	5/30/2015	58,258.10	5/28/2016	49,380.84	5/27/2017	49,930.94
6/7/2014	49,517.18	6/6/2015	53,927.82	6/4/2016	58,228.50	6/3/2017	52,503.12
6/14/2014	50,266.50	6/13/2015	50,110.84	6/11/2016	45,053.42	6/10/2017	42,563.08
6/21/2014	48,768.14	6/20/2015	47,109.22	6/18/2016	46,179.18	6/17/2017	47,653.68
6/28/2014	49,250.32	6/27/2015	55,325.14	6/25/2016	47,230.00	6/24/2017	46,628.62
6/30/2014	12,010.70	6/30/2015	16,018.68	6/30/2016	27,584.00	6/30/2017	37,001.52

3,261,565.02

3,148,372.80

3,167,478.80

3,047,532.94

1,577,416.46

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	Date	Amount
July, 2014	78,639.07	July, 2015	75,674.79	July, 2016	77,234.20	July, 2017	59,809.62
August, 2014	84,726.51	August, 2015	70,064.73	August, 2016	63,158.62	August, 2017	54,309.02
September, 2014	71,967.51	September, 2015	64,845.44	September, 2016	67,701.42	September, 2017	49,630.18
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	55,972.27		
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	June, 2017	53,609.09		
Total 2014-2015	899,128.89	Total 2015-2016	832,756.78	Total 2016-2017	726,611.13	Total 2017-2018	163,748.82

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>	<u>Date</u>	<u>Amount</u>
July, 2015	227,024.37	July, 2016	231,702.60	July, 2017	179,428.86
August, 2015	210,194.19	August, 2016	189,475.86	August, 2017	162,927.06
September, 2015	194,536.32	September, 2016	203,104.26	September, 2017	148,890.54
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	167,916.81		
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	June, 2017	160,827.27		
Total 2015-2016	2,498,270.34	Total 2016-2017	2,179,833.39	Total 2017-2018	491,246.46

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

Week Ending Date	FY18 December 9, 2017
To Be Deposited On	December 15, 2017
Amount Played	\$ 41,864,334.02
Amount Won	37,438,015.72
Amount Promo	407,757.00
MWAP Contribution	<u> -</u>
Adjusted Gross Terminal Revenue	<u>\$ 4,018,561.30</u>
Administrative Costs @ 4%	160,742.46
Excess Lottery Fund @ 4%	<u> -</u>
Net Terminal Revenue	<u>\$ 3,857,818.84</u>
Surcharge @ 10%	-
State Share Excess @ 58% & 10% of 42%	-
Track Share of Capital Reinvestment @ 90% of 42%	<u> -</u>
Track Share of Capital Reinvestment @ 98%	-
Track Share of Capital Reinvestment @ 4%	-
Adjusted Net Terminal Revenue	<u>\$ 3,857,818.84</u>
Racetrack @ 46 50% / 42%	1,793,885.76
Lottery Fund @ 30% / 0%	1,157,345.70
Excess Lottery Fund @ 0% / 41%	-
Excess Lottery Fund @ 12.85% / 9.55%	495,729.69
Racetrack Purses @ 90% of 7% / 4%	243,042.59
Employee Pension @ 1% / 0.5%	38,578.18
Greyhound Development @ 90% of 0.75%	26,040.28
Thoroughbred Development @ 90% of 0.75%	26,040.28
County / Municipality @ 2%	<u>77,156.36</u>
	<u>\$ 3,857,818.84</u>

WEST VIRGINIA LOTTERY
Charles Town
County / Municipality Split
Fiscal Year 2018

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

Date	2% of Adj. Net Revenue	Jefferson County	Five Municipalities	Bolivar 7.93%	Charles Town 39.90%	Harpers Ferry 2.17%	Ranson 33.68%	Shepherdstown 16.32%
1 day ending: 7/1/2017	\$ 23,688.48	\$ 23,688.48	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
7/8/2017	125,588.96	125,588.96	-	-	-	-	-	-
7/15/2017	99,148.44	99,148.44	-	-	-	-	-	-
7/22/2017	98,965.20	98,965.20	-	-	-	-	-	-
7/29/2017	108,161.52	108,161.52	-	-	-	-	-	-
8/5/2017	104,979.36	104,979.36	-	-	-	-	-	-
8/12/2017	100,184.16	100,184.16	-	-	-	-	-	-
8/19/2017	101,813.88	101,813.88	-	-	-	-	-	-
8/26/2017	97,669.16	97,669.16	-	-	-	-	-	-
9/2/2017	111,442.08	81,653.20	29,788.88	2,362.26	11,885.76	646.42	10,032.89	4,861.55
9/9/2017	110,669.96	55,334.98	55,334.98	4,388.06	22,078.66	1,200.77	18,636.82	9,030.67
9/16/2017	88,536.00	44,268.00	44,268.00	3,510.45	17,662.93	960.62	14,909.46	7,224.54
9/23/2017	92,140.24	46,070.12	46,070.12	3,653.36	18,381.98	999.72	15,516.42	7,518.64
9/30/2017	108,018.60	54,009.30	54,009.30	4,282.94	21,549.71	1,172.00	18,190.33	8,814.32
10/7/2017	97,398.00	48,699.00	48,699.00	3,861.83	19,430.90	1,056.77	16,401.82	7,947.68
10/14/2017	100,794.72	50,397.36	50,397.36	3,996.51	20,108.55	1,093.62	16,973.83	8,224.85
10/21/2017	89,091.32	44,545.66	44,545.66	3,532.47	17,773.72	966.64	15,002.98	7,269.85
10/28/2017	100,178.24	50,089.12	50,089.12	3,972.07	19,985.56	1,086.93	16,870.02	8,174.54
11/4/2017	104,082.64	52,041.32	52,041.32	4,126.88	20,764.49	1,129.30	17,527.51	8,493.14
11/11/2017	97,182.64	48,591.32	48,591.32	3,853.29	19,387.94	1,054.43	16,365.56	7,930.10
11/18/2017	83,246.28	41,623.14	41,623.14	3,300.72	16,607.63	903.22	14,018.67	6,792.90
11/25/2017	109,070.12	54,535.06	54,535.06	4,324.63	21,759.49	1,183.41	18,367.41	8,900.12
12/2/2017	90,719.44	45,359.72	45,359.72	3,597.02	18,098.53	984.31	15,277.15	7,402.71
12/9/2017	77,156.36	38,578.18	38,578.18	3,059.25	15,392.69	837.15	12,993.13	6,295.96
Sub Total	\$ 2,319,925.80	\$ 1,615,994.64	\$ 703,931.16	\$ 55,821.74	\$ 280,868.54	\$ 15,275.31	\$ 237,084.00	\$ 114,881.57

Benchmark Goal \$ 912,063.48

Remainder until split \$ -

VIDEO LOTTERY REPORT

FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
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	7/1/2017	23,688.48
7/13/2013	128,060.40	7/12/2014	111,792.16	7/11/2015	119,132.68	7/9/2016	125,605.24	7/8/2017	125,588.96
7/20/2013	115,128.84	7/19/2014	116,320.32	7/18/2015	112,706.24	7/16/2016	107,876.48	7/15/2017	99,148.44
7/27/2013	123,049.56	7/26/2014	112,502.48	7/25/2015	109,356.88	7/23/2016	107,196.20	7/22/2017	98,965.20
8/3/2013	116,180.80	8/2/2014	117,145.12	8/1/2015	119,089.60	7/30/2016	111,534.28	7/29/2017	108,161.52
8/10/2013	120,078.64	8/9/2014	114,374.60	8/8/2015	115,689.52	8/6/2016	110,378.32	8/5/2017	104,979.36
8/17/2013	124,888.56	8/16/2014	114,105.32	8/15/2015	108,726.48	8/13/2016	101,561.56	8/12/2017	100,184.16
8/24/2013	89,882.12	8/23/2014	116,097.04	8/22/2015	108,922.12	8/20/2016	115,270.28	8/19/2017	101,813.88
8/31/2013	58,913.18	8/30/2014	60,280.02	8/29/2015	73,285.10	8/27/2016	96,130.52	8/26/2017	97,669.16
9/7/2013	67,758.74	9/6/2014	61,420.28	9/5/2015	55,890.76	9/3/2016	60,448.12	9/2/2017	81,653.20
9/14/2013	53,374.22	9/13/2014	51,364.96	9/12/2015	63,273.30	9/10/2016	61,598.04	9/8/2017	55,334.98
9/21/2013	54,277.94	9/20/2014	50,664.54	9/19/2015	54,233.06	9/17/2016	50,609.64	9/16/2017	44,268.00
9/28/2013	54,881.50	9/27/2014	50,127.22	9/26/2015	52,439.60	9/24/2016	51,199.68	9/23/2017	46,070.12
10/5/2013	55,950.74	10/4/2014	53,531.28	10/3/2015	53,104.94	10/1/2016	54,346.34	9/30/2017	54,009.30
10/12/2013	55,837.92	10/11/2014	51,127.00	10/10/2015	50,291.26	10/8/2016	50,896.18	10/7/2017	48,699.00
10/19/2013	61,327.20	10/18/2014	56,414.64	10/17/2015	53,048.80	10/15/2016	51,557.88	10/14/2017	50,397.36
10/26/2013	52,854.06	10/25/2014	49,890.20	10/24/2015	55,418.72	10/22/2016	53,825.90	10/21/2017	44,545.66
11/2/2013	57,543.54	11/1/2014	52,242.34	10/31/2015	57,023.64	10/29/2016	50,853.22	10/28/2017	50,089.12
11/9/2013	54,666.76	11/8/2014	52,819.26	11/7/2015	55,832.08	11/5/2016	55,958.84	11/4/2017	52,041.32
11/16/2013	56,495.96	11/15/2014	51,810.32	11/14/2015	56,012.86	11/12/2016	53,346.18	11/11/2017	48,591.32
11/23/2013	48,628.62	11/22/2014	46,228.62	11/21/2015	50,193.76	11/19/2016	47,174.90	11/18/2017	41,623.14
11/30/2013	59,645.66	11/29/2014	55,593.44	11/28/2015	60,010.98	11/26/2016	56,826.94	11/25/2017	54,535.06
12/7/2013	47,306.24	12/6/2014	46,792.50	12/5/2015	47,767.86	12/3/2016	48,407.86	12/2/2017	45,359.72
12/14/2013	29,229.02	12/13/2014	40,904.98	12/12/2015	42,938.56	12/10/2016	43,743.14	12/9/2017	38,578.18
12/21/2013	44,581.02	12/20/2014	41,600.84	12/19/2015	43,087.16	12/17/2016	33,602.54		
12/28/2013	62,117.14	12/27/2014	58,114.68	12/26/2015	52,835.48	12/24/2016	40,222.46		
1/4/2014	62,963.88	1/3/2015	68,277.28	1/2/2016	74,963.14	12/31/2016	60,653.90		
1/11/2014	37,935.94	1/10/2015	37,099.34	1/9/2016	41,474.24	1/7/2017	42,634.50		
1/18/2014	49,418.64	1/17/2015	43,217.36	1/16/2016	43,455.58	1/14/2017	37,751.18		
1/25/2014	42,720.80	1/24/2015	41,212.80	1/23/2016	25,025.40	1/21/2017	46,870.58		
2/1/2014	47,681.60	1/31/2015	42,783.32	1/30/2016	36,805.26	1/28/2017	40,692.96		
2/8/2014	45,434.52	2/7/2015	47,859.18	2/4/2016	51,695.74	2/4/2017	44,277.10		
2/15/2014	41,076.08	2/14/2015	48,131.08	2/13/2016	44,941.78	2/11/2017	42,514.28		
2/22/2014	61,523.98	2/21/2015	37,610.66	2/20/2016	50,505.40	2/18/2017	48,086.80		
3/1/2014	57,744.78	2/28/2015	56,982.14	2/27/2016	52,426.86	2/25/2017	55,365.02		
3/8/2014	50,439.94	3/7/2015	43,750.42	3/5/2016	53,474.66	3/4/2017	47,881.24		
3/15/2014	54,414.66	3/14/2015	55,096.66	3/12/2016	51,447.02	3/11/2017	46,274.58		
3/22/2014	50,734.62	3/21/2015	53,081.08	3/19/2016	50,356.80	3/18/2017	43,959.78		
3/29/2014	51,174.60	3/28/2015	50,548.88	3/26/2016	52,217.46	3/25/2017	49,130.62		
4/5/2014	55,229.90	4/4/2015	51,713.78	4/2/2016	54,185.88	4/1/2017	48,124.72		
4/12/2014	48,653.18	4/11/2015	51,024.54	4/9/2016	49,690.04	4/8/2017	46,262.60		
4/19/2014	54,469.22	4/18/2015	49,338.10	4/16/2016	49,071.82	4/15/2017	46,768.98		
4/26/2014	51,637.18	4/25/2015	49,656.62	4/23/2016	49,485.78	4/22/2017	45,614.00		

5/3/2014	54,757.72	5/2/2015	54,079.66	4/30/2016	50,872.46	4/29/2017	48,204.34
5/10/2014	51,011.76	5/9/2015	50,062.82	5/7/2016	52,135.22	5/8/2017	46,890.30
5/17/2014	51,148.34	5/16/2015	48,308.08	5/14/2016	51,441.84	5/13/2017	47,648.16
5/24/2014	53,082.60	5/23/2015	47,705.92	5/21/2016	48,392.48	5/20/2017	43,998.24
5/31/2014	62,642.98	5/30/2015	58,258.10	5/28/2016	49,380.84	5/27/2017	49,930.94
6/7/2014	49,517.18	6/6/2015	53,927.82	6/4/2016	58,228.50	6/3/2017	52,503.12
6/14/2014	50,266.50	6/13/2015	50,110.84	6/11/2016	45,053.42	6/10/2017	42,563.08
6/21/2014	48,768.14	6/20/2015	47,109.22	6/18/2016	46,179.18	6/17/2017	47,653.68
6/28/2014	49,250.32	6/27/2015	55,325.14	6/25/2016	47,230.00	6/24/2017	46,628.62
6/30/2014	12,010.70	6/30/2015	16,018.68	6/30/2016	27,584.00	6/30/2017	37,001.52

3,261,565.02

3,148,372.80

3,167,478.80

3,047,532.94

1,615,994.64

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	Date	Amount
July, 2014	78,639.07	July, 2015	75,674.79	July, 2016	77,234.20	July, 2017	59,809.62
August, 2014	84,726.51	August, 2015	70,064.73	August, 2016	63,158.62	August, 2017	54,309.02
September, 2014	71,967.51	September, 2015	64,845.44	September, 2016	67,701.42	September, 2017	49,630.18
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	55,972.27		
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	June, 2017	53,609.09		
Total 2014-2015	899,128.89	Total 2015-2016	832,756.78	Total 2016-2017	726,611.13	Total 2017-2018	163,748.82

Table Game Revenue Distribution - Jefferson County School Board

Date	Amount	Date	Amount	Date	Amount	Date	Amount
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

Date	Amount	Date	Amount	Date	Amount
July, 2015	227,024.37	July, 2016	231,702.60	July, 2017	179,428.86
August, 2015	210,194.19	August, 2016	189,475.86	August, 2017	162,927.06
September, 2015	194,536.32	September, 2016	203,104.26	September, 2017	148,890.54
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	167,916.81		
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	June, 2017	160,827.27		
Total 2015-2016	2,498,270.34	Total 2016-2017	2,179,833.39	Total 2017-2018	491,246.46

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

Week Ending Date	FY18 December 16, 2017
To Be Deposited On	December 22, 2017
Amount Played	\$ 43,224,719.58
Amount Won	38,817,652.58
Amount Promo	437,762.00
MWAP Contribution	-
Adjusted Gross Terminal Revenue	\$ 3,969,305.00
Administrative Costs @ 4%	158,772.21
Excess Lottery Fund @ 4%	-
Net Terminal Revenue	\$ 3,810,532.79
Surcharge @ 10%	-
State Share Excess @ 58% & 10% of 42%	-
Track Share of Capital Reinvestment @ 90% of 42%	-
Track Share of Capital Reinvestment @ 98%	-
Track Share of Capital Reinvestment @ 4%	-
Adjusted Net Terminal Revenue	\$ 3,810,532.79
Racetrack @ 46 50% / 42%	1,771,897.75
Lottery Fund @ 30% / 0%	1,143,159.86
Excess Lottery Fund @ 0% / 41%	-
Excess Lottery Fund @ 12.85% / 9.55%	489,653.45
Racetrack Purses @ 90% of 7% / 4%	240,063.57
Employee Pension @ 1% / 0.5%	38,105.32
Greyhound Development @ 90% of 0.75%	25,721.10
Thoroughbred Development @ 90% of 0.75%	25,721.10
County / Municipality @ 2%	76,210.64
	\$ 3,810,532.79

WEST VIRGINIA LOTTERY
Charles Town
County / Municipality Split
Fiscal Year 2018

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

Date	2% of Adj. Net Revenue	Jefferson County	Five Municipalities	Bolivar 7.93%	Charles Town 39.90%	Harpers Ferry 2.17%	Ranson 33.68%	Shepherdstown 16.32%
1 day ending: 7/1/2017	\$ 23,688.48	\$ 23,688.48	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
7/8/2017	125,588.96	125,588.96	-	-	-	-	-	-
7/15/2017	99,148.44	99,148.44	-	-	-	-	-	-
7/22/2017	98,965.20	98,965.20	-	-	-	-	-	-
7/29/2017	108,161.52	108,161.52	-	-	-	-	-	-
8/5/2017	104,979.36	104,979.36	-	-	-	-	-	-
8/12/2017	100,184.16	100,184.16	-	-	-	-	-	-
8/19/2017	101,813.88	101,813.88	-	-	-	-	-	-
8/26/2017	97,669.16	97,669.16	-	-	-	-	-	-
9/2/2017	111,442.08	81,653.20	29,788.88	2,362.26	11,885.76	646.42	10,032.89	4,861.55
9/9/2017	110,669.96	55,334.98	55,334.98	4,388.06	22,078.66	1,200.77	18,636.82	9,030.67
9/16/2017	88,536.00	44,268.00	44,268.00	3,510.45	17,662.93	960.62	14,909.46	7,224.54
9/23/2017	92,140.24	46,070.12	46,070.12	3,653.36	18,381.98	999.72	15,516.42	7,518.64
9/30/2017	108,018.60	54,009.30	54,009.30	4,282.94	21,549.71	1,172.00	18,190.33	8,814.32
10/7/2017	97,398.00	48,699.00	48,699.00	3,861.83	19,430.90	1,056.77	16,401.82	7,947.68
10/14/2017	100,794.72	50,397.36	50,397.36	3,996.51	20,108.55	1,093.62	16,973.83	8,224.85
10/21/2017	89,091.32	44,545.66	44,545.66	3,532.47	17,773.72	966.64	15,002.98	7,269.85
10/28/2017	100,178.24	50,089.12	50,089.12	3,972.07	19,985.56	1,086.93	16,870.02	8,174.54
11/4/2017	104,082.64	52,041.32	52,041.32	4,126.88	20,764.49	1,129.30	17,527.51	8,493.14
11/11/2017	97,182.64	48,591.32	48,591.32	3,853.29	19,387.94	1,054.43	16,365.56	7,930.10
11/18/2017	83,246.28	41,623.14	41,623.14	3,300.72	16,607.63	903.22	14,018.67	6,792.90
11/25/2017	109,070.12	54,535.06	54,535.06	4,324.63	21,759.49	1,183.41	18,367.41	8,900.12
12/2/2017	90,719.44	45,359.72	45,359.72	3,597.02	18,098.53	984.31	15,277.15	7,402.71
12/9/2017	77,156.36	38,578.18	38,578.18	3,059.25	15,392.69	837.15	12,993.13	6,295.96
12/16/2017	76,210.64	38,105.32	38,105.32	3,021.75	15,204.02	826.89	12,833.87	6,218.79
Sub Total	\$ 2,396,136.44	\$ 1,654,099.96	\$ 742,036.48	\$ 58,843.49	\$ 296,072.56	\$ 16,102.20	\$ 249,917.87	\$ 121,100.36

Benchmark Goal \$ 912,063.48

Remainder until split \$ -

VIDEO LOTTERY REPORT

FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
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	7/1/2017	23,688.48
7/13/2013	128,060.40	7/12/2014	111,792.16	7/11/2015	119,132.68	7/9/2016	125,605.24	7/8/2017	125,588.96
7/20/2013	115,128.84	7/19/2014	116,320.32	7/18/2015	112,706.24	7/16/2016	107,876.48	7/15/2017	99,148.44
7/27/2013	123,049.56	7/26/2014	112,502.48	7/25/2015	109,356.88	7/23/2016	107,196.20	7/22/2017	98,965.20
8/3/2013	116,180.80	8/2/2014	117,145.12	8/1/2015	119,089.60	7/30/2016	111,534.28	7/29/2017	108,161.52
8/10/2013	120,078.64	8/9/2014	114,374.60	8/8/2015	115,689.52	8/6/2016	110,378.32	8/5/2017	104,979.36
8/17/2013	124,888.56	8/16/2014	114,105.32	8/15/2015	108,726.48	8/13/2016	101,561.56	8/12/2017	100,184.16
8/24/2013	89,882.12	8/23/2014	116,097.04	8/22/2015	108,922.12	8/20/2016	115,270.28	8/19/2017	101,813.88
8/31/2013	58,913.18	8/30/2014	60,280.02	8/29/2015	73,285.10	8/27/2016	96,130.52	8/26/2017	97,669.16
9/7/2013	67,758.74	9/6/2014	61,420.28	9/5/2015	55,890.76	9/3/2016	60,448.12	9/2/2017	81,653.20
9/14/2013	53,374.22	9/13/2014	51,364.96	9/12/2015	63,273.30	9/10/2016	61,598.04	9/8/2017	55,334.98
9/21/2013	54,277.94	9/20/2014	50,664.54	9/19/2015	54,233.06	9/17/2016	50,609.64	9/16/2017	44,268.00
9/28/2013	54,881.50	9/27/2014	50,127.22	9/26/2015	52,439.60	9/24/2016	51,199.68	9/23/2017	46,070.12
10/5/2013	55,950.74	10/4/2014	53,531.28	10/3/2015	53,104.94	10/1/2016	54,346.34	9/30/2017	54,009.30
10/12/2013	55,837.92	10/11/2014	51,127.00	10/10/2015	50,291.26	10/8/2016	50,896.18	10/7/2017	48,699.00
10/19/2013	61,327.20	10/18/2014	56,414.64	10/17/2015	53,048.80	10/15/2016	51,557.88	10/14/2017	50,397.36
10/26/2013	52,854.06	10/25/2014	49,890.20	10/24/2015	55,418.72	10/22/2016	53,825.90	10/21/2017	44,545.66
11/2/2013	57,543.54	11/1/2014	52,242.34	10/31/2015	57,023.64	10/29/2016	50,853.22	10/28/2017	50,089.12
11/9/2013	54,666.76	11/8/2014	52,819.26	11/7/2015	55,832.08	11/5/2016	55,958.84	11/4/2017	52,041.32
11/16/2013	56,495.96	11/15/2014	51,810.32	11/14/2015	56,012.86	11/12/2016	53,346.18	11/11/2017	48,591.32
11/23/2013	48,628.62	11/22/2014	46,228.62	11/21/2015	50,193.76	11/19/2016	47,174.90	11/18/2017	41,623.14
11/30/2013	59,645.66	11/29/2014	55,593.44	11/28/2015	60,010.98	11/26/2016	56,826.94	11/25/2017	54,535.06
12/7/2013	47,306.24	12/6/2014	46,792.50	12/5/2015	47,767.86	12/3/2016	48,407.86	12/2/2017	45,359.72
12/14/2013	29,229.02	12/13/2014	40,904.98	12/12/2015	42,938.56	12/10/2016	43,743.14	12/9/2017	38,578.18
12/21/2013	44,581.02	12/20/2014	41,600.84	12/19/2015	43,087.16	12/17/2016	33,602.54	12/16/2017	38,105.32
12/28/2013	62,117.14	12/27/2014	58,114.68	12/26/2015	52,835.48	12/24/2016	40,222.46		
1/4/2014	62,963.88	1/3/2015	68,277.28	1/2/2016	74,963.14	12/31/2016	60,653.90		
1/11/2014	37,935.94	1/10/2015	37,099.34	1/9/2016	41,474.24	1/7/2017	42,634.50		
1/18/2014	49,418.64	1/17/2015	43,217.36	1/16/2016	43,455.58	1/14/2017	37,751.18		
1/25/2014	42,720.80	1/24/2015	41,212.80	1/23/2016	25,025.40	1/21/2017	46,870.58		
2/1/2014	47,681.60	1/31/2015	42,783.32	1/30/2016	36,805.26	1/28/2017	40,692.96		
2/8/2014	45,434.52	2/7/2015	47,859.18	2/4/2016	51,695.74	2/4/2017	44,277.10		
2/15/2014	41,076.08	2/14/2015	48,131.08	2/13/2016	44,941.78	2/11/2017	42,514.28		
2/22/2014	61,523.98	2/21/2015	37,610.66	2/20/2016	50,505.40	2/18/2017	48,086.80		
3/1/2014	57,744.78	2/28/2015	56,982.14	2/27/2016	52,426.86	2/25/2017	55,365.02		
3/8/2014	50,439.94	3/7/2015	43,750.42	3/5/2016	53,474.66	3/4/2017	47,881.24		
3/15/2014	54,414.66	3/14/2015	55,096.66	3/12/2016	51,447.02	3/11/2017	46,274.58		
3/22/2014	50,734.62	3/21/2015	53,081.08	3/19/2016	50,356.80	3/18/2017	43,959.78		
3/29/2014	51,174.60	3/28/2015	50,548.88	3/26/2016	52,217.46	3/25/2017	49,130.62		
4/5/2014	55,229.90	4/4/2015	51,713.78	4/2/2016	54,185.88	4/1/2017	48,124.72		
4/12/2014	48,653.18	4/11/2015	51,024.54	4/9/2016	49,690.04	4/8/2017	46,262.60		
4/19/2014	54,469.22	4/18/2015	49,338.10	4/16/2016	49,071.82	4/15/2017	46,768.98		
4/26/2014	51,637.18	4/25/2015	49,656.62	4/23/2016	49,485.78	4/22/2017	45,614.00		

5/3/2014	54,757.72	5/2/2015	54,079.66	4/30/2016	50,872.46	4/29/2017	48,204.34
5/10/2014	51,011.76	5/9/2015	50,062.82	5/7/2016	52,135.22	5/8/2017	46,890.30
5/17/2014	51,148.34	5/16/2015	48,308.08	5/14/2016	51,441.84	5/13/2017	47,648.16
5/24/2014	53,082.60	5/23/2015	47,705.92	5/21/2016	48,392.48	5/20/2017	43,998.24
5/31/2014	62,642.98	5/30/2015	58,258.10	5/28/2016	49,380.84	5/27/2017	49,930.94
6/7/2014	49,517.18	6/6/2015	53,927.82	6/4/2016	58,228.50	6/3/2017	52,503.12
6/14/2014	50,266.50	6/13/2015	50,110.84	6/11/2016	45,053.42	6/10/2017	42,563.08
6/21/2014	48,768.14	6/20/2015	47,109.22	6/18/2016	46,179.18	6/17/2017	47,653.68
6/28/2014	49,250.32	6/27/2015	55,325.14	6/25/2016	47,230.00	6/24/2017	46,628.62
6/30/2014	12,010.70	6/30/2015	16,018.68	6/30/2016	27,584.00	6/30/2017	37,001.52

3,261,565.02

3,148,372.80

3,167,478.80

3,047,532.94

1,654,099.96

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	Date	Amount
July, 2014	78,639.07	July, 2015	75,674.79	July, 2016	77,234.20	July, 2017	59,809.62
August, 2014	84,726.51	August, 2015	70,064.73	August, 2016	63,158.62	August, 2017	54,309.02
September, 2014	71,967.51	September, 2015	64,845.44	September, 2016	67,701.42	September, 2017	49,630.18
October, 2014	66,257.02	October, 2015	68,440.97	October, 2016	63,392.97	October, 2017	50,207.30
November, 2014	71,046.66	November, 2015	67,488.54	November, 2016	61,087.94	November, 2017	54,463.34
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	55,972.27		
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	June, 2017	53,609.09		
Total 2014-2015	899,128.89	Total 2015-2016	832,756.78	Total 2016-2017	726,611.13	Total 2017-2018	268,419.46

Table Game Revenue Distribution - Jefferson County School Board

Date	Amount	Date	Amount	Date	Amount	Date	Amount
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

Date	Amount	Date	Amount	Date	Amount
July, 2015	227,024.37	July, 2016	231,702.60	July, 2017	179,428.86
August, 2015	210,194.19	August, 2016	189,475.86	August, 2017	162,927.06
September, 2015	194,536.32	September, 2016	203,104.26	September, 2017	148,890.54
October, 2015	205,322.91	October, 2016	190,178.91	October, 2017	150,621.90
November, 2015	202,465.62	November, 2016	183,263.82	November, 2017	163,390.02
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	167,916.81		
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	June, 2017	160,827.27		
Total 2015-2016	2,498,270.34	Total 2016-2017	2,179,833.39	Total 2017-2018	805,258.38



*West Virginia State
Treasurer's Office*

John D. Perdue
State Treasurer

<u>Political Subdivision</u>	<u>Amount</u>
Huntington	856.88
Hurricane	856.88
Huttonsville	856.88
laeger	856.88
Jackson County	3,410.73
Jane Lew	856.88
Jefferson County	50,207.30
Jefferson County School Board	150,621.90
Junior	856.88
Kanawha County	22,368.04
Kenova	856.88
Kermit	856.88
Keyser	856.88
Keystone	856.88
Kimball	856.88
Kingwood	856.88
Leon	856.88
Lester	856.88
Lewis County	3,410.73



*West Virginia State
Treasurer's Office*

John D. Perdue
State Treasurer

<u>Political Subdivision</u>	<u>Amount</u>
Huntington	889.81
Hurricane	889.81
Huttonsville	889.81
laeger	889.81
Jackson County	3,541.79
Jane Lew	889.81
Jefferson County	54,463.34
Jefferson County School Board	163,390.02
Junior	889.81
Kanawha County	22,118.08
Kenova	889.81
Kermit	889.81
Keyser	889.81
Keystone	889.81
Kimball	889.81
Kingwood	889.81
Leon	889.81
Lester	889.81
Lewis County	3,541.79

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

	FY18
Week Ending Date	December 23, 2017
To Be Deposited On	January 2, 2018
Amount Played	\$ 47,648,675.91
Amount Won	42,772,862.55
Amount Promo	535,330.00
MWAP Contribution	<u> -</u>
Adjusted Gross Terminal Revenue	<u>\$ 4,340,483.36</u>
Administrative Costs @ 4%	173,619.34
Excess Lottery Fund @ 4%	<u> -</u>
Net Terminal Revenue	<u>\$ 4,166,864.02</u>
Surcharge @ 10%	-
State Share Excess @ 58% & 10% of 42%	-
Track Share of Capital Reinvestment @ 90% of 42%	<u> -</u>
Track Share of Capital Reinvestment @ 96%	-
Track Share of Capital Reinvestment @ 4%	-
Adjusted Net Terminal Revenue	<u>\$ 4,166,864.02</u>
Racetrack @ 46.50% / 42%	1,937,591.77
Lottery Fund @ 30% / 0%	1,250,059.21
Excess Lottery Fund @ 0% / 41%	-
Excess Lottery Fund @ 12.85% / 9.55%	535,442.03
Racetrack Purses @ 90% of 7% / 4%	262,512.43
Employee Pension @ 1% / 0.5%	41,668.64
Greyhound Development @ 90% of 0.75%	28,126.33
Thoroughbred Development @ 90% of 0.75%	28,126.33
County / Municipality @ 2%	<u>83,337.28</u>
	<u>\$ 4,166,864.02</u>

WEST VIRGINIA LOTTERY
Charles Town
County / Municipality Split
Fiscal Year 2018

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

Date	2% of Adj. Net Revenue	Jefferson County	Five Municipalities	Bolivar 7.93%	Charles Town 39.90%	Harpers Ferry 2.17%	Ranson 33.68%	Shepherdstown 16.32%
1 day ending: 7/1/2017	\$ 23,688.48	\$ 23,688.48	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
7/8/2017	125,588.96	125,588.96	-	-	-	-	-	-
7/15/2017	99,148.44	99,148.44	-	-	-	-	-	-
7/22/2017	98,965.20	98,965.20	-	-	-	-	-	-
7/29/2017	108,161.52	108,161.52	-	-	-	-	-	-
8/5/2017	104,979.36	104,979.36	-	-	-	-	-	-
8/12/2017	100,184.16	100,184.16	-	-	-	-	-	-
8/19/2017	101,813.88	101,813.88	-	-	-	-	-	-
8/26/2017	97,669.16	97,669.16	-	-	-	-	-	-
9/2/2017	111,442.08	81,653.20	29,788.88	2,362.26	11,885.76	646.42	10,032.89	4,861.55
9/9/2017	110,669.96	55,334.98	55,334.98	4,388.06	22,078.66	1,200.77	18,636.82	9,030.67
9/16/2017	88,536.00	44,268.00	44,268.00	3,510.45	17,662.93	960.62	14,909.46	7,224.54
9/23/2017	92,140.24	46,070.12	46,070.12	3,653.36	18,381.98	999.72	15,516.42	7,518.64
9/30/2017	108,018.60	54,009.30	54,009.30	4,282.94	21,549.71	1,172.00	18,190.33	8,814.32
10/7/2017	97,398.00	48,699.00	48,699.00	3,861.83	19,430.90	1,056.77	16,401.82	7,947.68
10/14/2017	100,794.72	50,397.36	50,397.36	3,996.51	20,108.55	1,093.62	16,973.83	8,224.85
10/21/2017	89,091.32	44,545.66	44,545.66	3,532.47	17,773.72	966.64	15,002.98	7,269.85
10/28/2017	100,178.24	50,089.12	50,089.12	3,972.07	19,985.56	1,086.93	16,870.02	8,174.54
11/4/2017	104,082.64	52,041.32	52,041.32	4,126.88	20,764.49	1,129.30	17,527.51	8,493.14
11/11/2017	97,182.64	48,591.32	48,591.32	3,853.29	19,387.94	1,054.43	16,365.56	7,930.10
11/18/2017	83,246.28	41,623.14	41,623.14	3,300.72	16,607.63	903.22	14,018.67	6,792.90
11/25/2017	109,070.12	54,535.06	54,535.06	4,324.63	21,759.49	1,183.41	18,367.41	8,900.12
12/2/2017	90,719.44	45,359.72	45,359.72	3,597.02	18,098.53	984.31	15,277.15	7,402.71
12/9/2017	77,156.36	38,578.18	38,578.18	3,059.25	15,392.69	837.15	12,993.13	6,295.96
12/16/2017	76,210.64	38,105.32	38,105.32	3,021.75	15,204.02	826.89	12,833.87	6,218.79
12/23/2017	83,337.28	41,668.64	41,668.64	3,304.32	16,625.79	904.21	14,034.00	6,800.32
Sub Total	\$ 2,479,473.72	\$ 1,695,768.60	\$ 783,705.12	\$ 62,147.81	\$ 312,698.35	\$ 17,006.41	\$ 263,951.87	\$ 127,900.68

Benchmark Goal \$ 912,063.48

Remainder until split \$ -

VIDEO LOTTERY REPORT

FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
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	7/1/2017	23,688.48
7/13/2013	128,060.40	7/12/2014	111,792.16	7/11/2015	119,132.68	7/9/2016	125,605.24	7/8/2017	125,588.96
7/20/2013	115,128.84	7/19/2014	116,320.32	7/18/2015	112,706.24	7/16/2016	107,876.48	7/15/2017	99,148.44
7/27/2013	123,049.56	7/26/2014	112,502.48	7/25/2015	109,356.88	7/23/2016	107,196.20	7/22/2017	98,965.20
8/3/2013	116,180.80	8/2/2014	117,145.12	8/1/2015	119,089.60	7/30/2016	111,534.28	7/29/2017	108,161.52
8/10/2013	120,078.64	8/9/2014	114,374.60	8/8/2015	115,689.52	8/6/2016	110,378.32	8/5/2017	104,979.36
8/17/2013	124,888.56	8/16/2014	114,105.32	8/15/2015	108,726.48	8/13/2016	101,561.56	8/12/2017	100,184.16
8/24/2013	89,882.12	8/23/2014	116,097.04	8/22/2015	108,922.12	8/20/2016	115,270.28	8/19/2017	101,813.88
8/31/2013	58,913.18	8/30/2014	60,280.02	8/29/2015	73,285.10	8/27/2016	96,130.52	8/26/2017	97,669.16
9/7/2013	67,758.74	9/6/2014	61,420.28	9/5/2015	55,890.76	9/3/2016	60,448.12	9/2/2017	81,653.20
9/14/2013	53,374.22	9/13/2014	51,364.96	9/12/2015	63,273.30	9/10/2016	61,598.04	9/8/2017	55,334.98
9/21/2013	54,277.94	9/20/2014	50,664.54	9/19/2015	54,233.06	9/17/2016	50,609.64	9/16/2017	44,268.00
9/28/2013	54,881.50	9/27/2014	50,127.22	9/26/2015	52,439.60	9/24/2016	51,199.68	9/23/2017	46,070.12
10/5/2013	55,950.74	10/4/2014	53,531.28	10/3/2015	53,104.94	10/1/2016	54,346.34	9/30/2017	54,009.30
10/12/2013	55,837.92	10/11/2014	51,127.00	10/10/2015	50,291.26	10/8/2016	50,896.18	10/7/2017	48,699.00
10/19/2013	61,327.20	10/18/2014	56,414.64	10/17/2015	53,048.80	10/15/2016	51,557.88	10/14/2017	50,397.36
10/26/2013	52,854.06	10/25/2014	49,890.20	10/24/2015	55,418.72	10/22/2016	53,825.90	10/21/2017	44,545.66
11/2/2013	57,543.54	11/1/2014	52,242.34	10/31/2015	57,023.64	10/29/2016	50,853.22	10/28/2017	50,089.12
11/9/2013	54,666.76	11/8/2014	52,819.26	11/7/2015	55,832.08	11/5/2016	55,958.84	11/4/2017	52,041.32
11/16/2013	56,495.96	11/15/2014	51,810.32	11/14/2015	56,012.86	11/12/2016	53,346.18	11/11/2017	48,591.32
11/23/2013	48,628.62	11/22/2014	46,228.62	11/21/2015	50,193.76	11/19/2016	47,174.90	11/18/2017	41,623.14
11/30/2013	59,645.66	11/29/2014	55,593.44	11/28/2015	60,010.98	11/26/2016	56,826.94	11/25/2017	54,535.06
12/7/2013	47,306.24	12/6/2014	46,792.50	12/5/2015	47,767.86	12/3/2016	48,407.86	12/2/2017	45,359.72
12/14/2013	29,229.02	12/13/2014	40,904.98	12/12/2015	42,938.56	12/10/2016	43,743.14	12/9/2017	38,578.18
12/21/2013	44,581.02	12/20/2014	41,600.84	12/19/2015	43,087.16	12/17/2016	33,602.54	12/16/2017	38,105.32
12/28/2013	62,117.14	12/27/2014	58,114.68	12/26/2015	52,835.48	12/24/2016	40,222.46	12/23/2017	41,668.64
1/4/2014	62,963.88	1/3/2015	68,277.28	1/2/2016	74,963.14	12/31/2016	60,653.90		
1/11/2014	37,935.94	1/10/2015	37,099.34	1/9/2016	41,474.24	1/7/2017	42,634.50		
1/18/2014	49,418.64	1/17/2015	43,217.36	1/16/2016	43,455.58	1/14/2017	37,751.18		
1/25/2014	42,720.80	1/24/2015	41,212.80	1/23/2016	25,025.40	1/21/2017	46,870.58		
2/1/2014	47,681.60	1/31/2015	42,783.32	1/30/2016	36,805.26	1/28/2017	40,692.96		
2/8/2014	45,434.52	2/7/2015	47,859.18	2/4/2016	51,695.74	2/4/2017	44,277.10		
2/15/2014	41,076.08	2/14/2015	48,131.08	2/13/2016	44,941.78	2/11/2017	42,514.28		
2/22/2014	61,523.98	2/21/2015	37,610.66	2/20/2016	50,505.40	2/18/2017	48,086.80		
3/1/2014	57,744.78	2/28/2015	56,982.14	2/27/2016	52,426.86	2/25/2017	55,365.02		
3/8/2014	50,439.94	3/7/2015	43,750.42	3/5/2016	53,474.66	3/4/2017	47,881.24		
3/15/2014	54,414.66	3/14/2015	55,096.66	3/12/2016	51,447.02	3/11/2017	46,274.58		
3/22/2014	50,734.62	3/21/2015	53,081.08	3/19/2016	50,356.80	3/18/2017	43,959.78		
3/29/2014	51,174.60	3/28/2015	50,548.88	3/26/2016	52,217.46	3/25/2017	49,130.62		
4/5/2014	55,229.90	4/4/2015	51,713.78	4/2/2016	54,185.88	4/1/2017	48,124.72		
4/12/2014	48,653.18	4/11/2015	51,024.54	4/9/2016	49,690.04	4/8/2017	46,262.60		
4/19/2014	54,469.22	4/18/2015	49,338.10	4/16/2016	49,071.82	4/15/2017	46,768.98		
4/26/2014	51,637.18	4/25/2015	49,656.62	4/23/2016	49,485.78	4/22/2017	45,614.00		

5/3/2014	54,757.72	5/2/2015	54,079.66	4/30/2016	50,872.46	4/29/2017	48,204.34
5/10/2014	51,011.76	5/9/2015	50,062.82	5/7/2016	52,135.22	5/8/2017	46,890.30
5/17/2014	51,148.34	5/16/2015	48,308.08	5/14/2016	51,441.84	5/13/2017	47,648.16
5/24/2014	53,082.60	5/23/2015	47,705.92	5/21/2016	48,392.48	5/20/2017	43,998.24
5/31/2014	62,642.98	5/30/2015	58,258.10	5/28/2016	49,380.84	5/27/2017	49,930.94
6/7/2014	49,517.18	6/6/2015	53,927.82	6/4/2016	58,228.50	6/3/2017	52,503.12
6/14/2014	50,266.50	6/13/2015	50,110.84	6/11/2016	45,053.42	6/10/2017	42,563.08
6/21/2014	48,768.14	6/20/2015	47,109.22	6/18/2016	46,179.18	6/17/2017	47,653.68
6/28/2014	49,250.32	6/27/2015	55,325.14	6/25/2016	47,230.00	6/24/2017	46,628.62
6/30/2014	12,010.70	6/30/2015	16,018.68	6/30/2016	27,584.00	6/30/2017	37,001.52

3,261,565.02

3,148,372.80

3,167,478.80

3,047,532.94

1,695,768.60

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	Date	Amount
July, 2014	78,639.07	July, 2015	75,674.79	July, 2016	77,234.20	July, 2017	59,809.62
August, 2014	84,726.51	August, 2015	70,064.73	August, 2016	63,158.62	August, 2017	54,309.02
September, 2014	71,967.51	September, 2015	64,845.44	September, 2016	67,701.42	September, 2017	49,630.18
October, 2014	66,257.02	October, 2015	68,440.97	October, 2016	63,392.97	October, 2017	50,207.30
November, 2014	71,046.66	November, 2015	67,488.54	November, 2016	61,087.94	November, 2017	54,463.34
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	55,972.27		
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	June, 2017	53,609.09		
Total 2014-2015	899,128.89	Total 2015-2016	832,756.78	Total 2016-2017	726,611.13	Total 2017-2018	268,419.46

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>	<u>Date</u>	<u>Amount</u>
July, 2015	227,024.37	July, 2016	231,702.60	July, 2017	179,428.86
August, 2015	210,194.19	August, 2016	189,475.86	August, 2017	162,927.06
September, 2015	194,536.32	September, 2016	203,104.26	September, 2017	148,890.54
October, 2015	205,322.91	October, 2016	190,178.91	October, 2017	150,621.90
November, 2015	202,465.62	November, 2016	183,263.82	November, 2017	163,390.02
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	167,916.81		
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	June, 2017	160,827.27		
Total 2015-2016	2,498,270.34	Total 2016-2017	2,179,833.39	Total 2017-2018	805,258.38