

AGENDA
JEFFERSON COUNTY COMMISSION
FIRST QUARTERLY SESSION - JANUARY-MARCH 2018
THURSDAY, FEBRUARY 15, 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

APPROVAL OF MINUTES

- February 1, 2018 Regular Meeting
- February 1, 2018 BORE
- February 6, 2018 BORE
- February 6, 2018 Budget 101 Forum
- February 8, 2018 BORE

APPROVAL OF PURCHASE ORDERS

- February 15, 2018

APPROVAL OF ACCOUNTS PAYABLE

- February 8, 2018
- February 15, 2018

APPROVAL OF MANUAL CHECKS

- February 9, 2018
- February 16, 2018

APPROVAL OF PAYROLL

- February 8, 2018

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

PRESENTATIONS

1. 9:45 a.m. Pete Dougherty, Sheriff
 - Request approval to create position and hire of Analyst/Special Deputy - Discussion/Action
 - Request approval of promotion and wage increase for the position of Assistant Chief Tax Deputy - Discussion/Action
2. 10:00 a.m. Tom Smith, Department of Transportation - Governor's Office - Discuss MARC Train - Discussion/Action - Possible Executive Session
3. 11:00 a.m. **BREAK**
4. 11:15 a.m. Lynn Fields, Probate Office
 - Probate in Solemn Form - The Last Will and Testament of Betty Lou Bryant, Deceased - Discussion/Action
5. 11:30 a.m. Annette Gavin Bates, CEO - Jefferson County Convention Visitor's Bureau
 - Use land as collateral for financing of the CVB expansion project - Discussion/Action
6. 11:45 a.m. Tara Jenkins - Panhandle Earth Day, Inc.
 - Request to have alcohol at the 10th Annual Panhandle Earth Day Celebration - Discussion/Action
7. 12:00 p.m. - Interviews/Appointments to the Eastern Panhandle Transit Authority Board - One 3-year term ending January 31, 2021 - Discussion/Action
 - Interviews/Appointments to the Property Safety Enforcement Agency - Discussion/Action

UNFINISHED BUSINESS

8. 911 Center Outage - Discussion/Action
9. Discuss County Courthouse conditions and issues that needs to be addressed - Discussion/Action
10. Approval of Judicial Elevator Upgrade proposal from Kone Elevators - Discussion/Action

NEW BUSINESS

- 11. Legislative Issues
 - Senate Bill 415 - Discussion/Action
 - Senate Joint Resolution 9 - Discussion/Action
- 12. Proclamation - Proclaim March as National Athletic Training Month for 2018 - Discussion/Action (JC)
- 13. Determination of Jefferson County PSD service area - Discussion/Action (JC)
- 14. Discussion of County Commission meeting times - Discussion/Action (JC)

FINANCIAL DIRECTOR REPORTS

- Review and Approval of FY2018 Internal Budget Revision 1 for the General Fund - Discussion/Action
- Review and Approval of FY2018 State Budget Revision 7 for the General Fund - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Discuss after hours line regarding Charles Town Utilities - Discussion/Action

COUNTY COMMISSION REPORTS

- 15. 12:30 p.m. **Break for Lunch**

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

- 16. 1:30 p.m. Public Hearing - Receive input on the proposed amendments to the Jefferson County Zoning and Land Development Ordinance (File #ZTA17-03) which proposes revisions to Section 5.7D Maximum Number of Lots Allowed (in Rural Zoning District)
- 17. 1:45 p.m. Public Hearing - 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

18. 2:00 p.m. Judge Bridget Cohee
- Discuss Elevator at Judicial Building - Discussion/Action
19. 2:15 p.m. Roger Goodwin, Chief County Engineer
- Request to accept the proposal of Peter H. Lorenzen, in the amount of \$400,000, to create a final plat of easement for the Smith Mountain View Estates (JCPC File No. 02-06) - Discussion/Action
- Request approval to advertise to fill the position of Building Code Plans Reviewer - Discussion/Action
- Presentation of Calendar Year 2017 Annual Report for the Office of Impact Fees - Discussion/Action
- Presentation of the FY 2019 Capital Improvement Plan for the Office of Impact Fees - Discussion/Action
20. 3:00 p.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
- FLSA issues regarding ESA Employees - Discussion/Action - Possible Executive Session
- Renewal of Bolivar Police Service Contract - Discussion/Action

21. ADJOURN

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS

- Engineering Offices Quarterly Update Report - 4th Quarter 2017
- GIS Office Quarterly Update Report - 2017, 4th Quarter
- Quarterly Report for Office of Planning and Zoning

CORRESPONDENCE/INFORMATION

Jefferson County Commission offices will be closed on Monday February 19th, 2018 in observance of Presidents' day.

Notice of Budget Work Sessions.

Board of Review and Equalization - Notice.

Notice of Public Hearing on Thursday, March 15, 2018 at 7:00 p.m. - Zoning Map Amendment for property designated as Tax District Kabletown (06), Map 17, Parcel 2.3 - Summit Point Ventures,

LLC.

Correspondence received from Elizabeth Van Absher regarding MARC ridership.

West Virginia Legislature - Bill Tracking List. Jefferson County Maintenance Department Monthly Report - January 2018.

Impact Fee Status Report - January 2018.

WV Lottery Weekly Settlement for Charles Town - week ending January 27, 2018

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

Minutes

Jefferson County Commission

Thursday, February 1, 2018

A meeting of the Jefferson County Commission was held on Thursday, February 1, 2018 during the first quarterly session in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Josh Compton, Caleb Hudson, Patricia Noland, Peter Onoszko and Jane Tabb. Also present were Jacqueline Shadle, County Clerk; Sandy McDonald, Deputy County Administrator; Jessica Carroll, Executive Administrative Assistant; and Jim Eddy, Bailiff. (An audio tape of the Thursday, February 1, 2018 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 January 18, 2018 Regular Meeting Minutes as presented/amended. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Onoszko to approve the Purchase Orders for February 1, 2018 to include Purchase Order No. 48582 in the amount of \$61,978.00. Motion seconded and unanimously approved.

PAYROLL APPROVAL

Motion by Ms. Tabb to approve the Payroll for January 25, 2018 in the amount of \$254,473.66. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
079562	P/R DED	AMERICAN FAMILY LIFE ICU		\$ -	\$ 3,960.66	\$ 3,960.66
079563	715	AVALANCHE SERVICES		\$ -	\$ 838.00	\$ 838.00
079564	P/R DED	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
079565	412	APRIL BLAKER		\$ -	\$ 25.83	\$ 25.83
079566	P/R DED	BUREAU F/CHILD SPprt ENF		\$ -	\$ 212.31	\$ 212.31
079567	P/R DED	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
079568	P/R DED	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
079569	P/R DED	COLONIAL LIFE		\$ -	\$ 205.10	\$ 205.10
079570	P/R DED	CHARLES TOWN GNRL HOSPTA		\$ -	\$ 252.56	\$ 252.56
079571	700	FEDEX		\$ -	\$ 15.57	\$ 15.57
079572	401	FRANKLIN & PROKOPIK CORP		\$ -	\$ 1,926.00	\$ 1,926.00
079572	401	FRANKLIN & PROKOPIK CORP		\$ -	\$ 5,670.00	\$ 5,670.00
079573	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 20,881.95	\$ 20,881.95
079574	403	JEFFERSON CENTER		\$ -	\$ 100.00	\$ 100.00
079575	425	JEFFERSON COUNTY SOLID		\$ -	\$ 79.00	\$ 79.00
079576	P/R DED	JANE JONES		\$ -	\$ 4,500.00	\$ 4,500.00
079577	712	ROBERT E. JONES III		\$ -	\$ 1,000.00	\$ 1,000.00
079578	P/R DED	JEFFERSON SECURITY BANK		\$ -	\$ 5,260.00	\$ 5,260.00
079579	712	LANGUAGE LINE SERVICES		\$ -	\$ 147.94	\$ 147.94
079580	P/R DED	RYAN MILBOURNE		\$ -	\$ 1,760.24	\$ 1,760.24
079581	P/R DED	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 543.86	\$ 543.86
079582	P/R DED	MILLENIUM INSURANCE GROU		\$ -	\$ 750.00	\$ 750.00
079583	412	AMANDA MASTERS		\$ -	\$ 16.90	\$ 16.90
079584	P/R DED	NATIONWIDE RETIREMENT		\$ -	\$ 849.00	\$ 849.00
079585	700	WILLIAM POTTER		\$ -	\$ 24.84	\$ 24.84

079586	P/R DED	LAURA STORM		\$ -	\$ 732.94	\$ 732.94
079587	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 4.84	\$ 4.84
079587	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 1.14	\$ 1.14
079587	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 45,673.82	\$ 45,673.82
079587	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,682.00	\$ 10,682.00
079587	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 2.58	\$ 2.58
079587	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 35,044.17	\$ 35,044.17
079588	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 1.75	\$ 1.75
079588	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 1,162.44	\$ 1,162.44
079588	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 33,613.42	\$ 33,613.42
079589	425	SHERWIN-WILLIAMS		\$ -	\$ 35.08	\$ 35.08
079590	P/R DED	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 9,295.81	\$ 9,295.81
079590	P/R DED	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 6,584.53	\$ 6,584.53
079591	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 315.00	\$ 315.00
079591	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 2,355.00	\$ 2,355.00
079592	425	TML- A XEROX CO.		\$ -	\$ 474.24	\$ 474.24
079593	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 11,069.14	\$ 11,069.14
079593	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 4,248.37	\$ 4,248.37
079593	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 2,317.27	\$ 2,317.27
079593	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 27,057.73	\$ 27,057.73
079593	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 1.92	\$ 1.92
079593	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 4.69	\$ 4.69
079594	700	WV PUBLIC SAFETY EQUIP L	48579	\$ 21,785.19	\$ -	\$ 21,785.19
079594	700	WV PUBLIC SAFETY EQUIP L	48579	\$ 20,144.83	\$ -	\$ 20,144.83
079595	440	XEROX CORPORATION		\$ -	\$ 535.93	\$ 535.93
TOTAL						\$ 282,794.52
TOTAL				\$ 41,930.02	\$ 240,864.50	\$ 282,794.52

Motion by Ms. Tabb to approve the Accounts Payable for January 25, 2018 in the amount of \$282,794.52. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
079597	712	AT&T/GA		\$ -	\$ 71.51	\$ 71.51
079598	406	BERKELEY PRINTING&DESIGN		\$ -	\$ 1,337.50	\$ 1,337.50
079599	406	ANGELA L BANKS		\$ -	\$ 85.00	\$ 85.00
079600	425	OLD CHARLES TOWN LIBRARY		\$ -	\$ 1,500.00	\$ 1,500.00
079601	P/R DED	DELTA DENTAL OF WV		\$ -	\$ 6,314.03	\$ 6,314.03
079602	717	FLEETPRIDE		\$ -	\$ 102.96	\$ 102.96
079603	700	FORREST RICHARD FEAGANS		\$ -	\$ 10.80	\$ 10.80
079604	424	GLOBALSTAR USA		\$ -	\$ 1,978.67	\$ 1,978.67
079605	412	GREATAMERICA FINANCL SVC		\$ -	\$ 315.64	\$ 315.64
079606	425	G & TRIPLE T. LLC		\$ -	\$ 45.00	\$ 45.00
079607	P/R DED	THE HARTFORD		\$ -	\$ 2,355.85	\$ 2,355.85
079607	P/R DED	THE HARTFORD		\$ -	\$ 4,076.54	\$ 4,076.54
079608	P/R DED	HIGHMARK WV		\$ -	\$ 184,895.16	\$ 184,895.16
079609	717	MILLER'S CHRYSLER JEEP		\$ -	\$ 867.62	\$ 867.62
079610	P/R DED	NATIONAL VISION ADMIN.		\$ -	\$ 1,757.62	\$ 1,757.62
079611	405	SPECIALTY BUS SUPPLIES		\$ -	\$ 34.99	\$ 34.99
079612	704	WV REGIONAL JAIL &		\$ -	\$ 136,065.00	\$ 136,065.00
079613	402	JACQUELINE SHADLE		\$ -	\$ 65.00	\$ 65.00
079614	425	CAPITAL TRISTATE		\$ -	\$ 423.64	\$ 423.64
079615	425	TRENARY SERVICE CO		\$ -	\$ 200.00	\$ 200.00
079616	405	THOMSON REUTER - WEST		\$ -	\$ 423.00	\$ 423.00
079616	405	THOMSON REUTER - WEST		\$ -	\$ 1,255.50	\$ 1,255.50
TOTAL					\$ 344,181.03	\$ 344,181.03

Motion by Ms. Noland to approve the Accounts Payable for February 1, 2018 in the amount of \$344,181.03. Motion seconded and unanimously approved.

MANUAL CHECKS

SHERIFF C/O			
246			
Date	Check #	VENDOR	Amount
1/26/2018	1667	SWAB WAGON CO INC.	\$ 13,295.00
TOTAL			\$ 13,295.00

Motion by Ms. Noland to approve the Manual Checks for January 26, 2018 in the amount of \$13,295.00. Motion seconded and unanimously approved.

ASSESSOR VALUATION			
O56			
Date	Check #	VENDOR	Amount
2/2/2018	663	UNITED BANKCARD CENTER	\$ 133.00
2/2/2018	664	BERKELEY PRINTING & DESIGN	\$ 3,497.00
SHERIFF C/O			
246			
Date	Check #	VENDOR	Amount
2/2/2018	1668	PATRIOT FIRE & SECURITY LLC	\$ 6,485.00
2/2/2018	1669	VALLEY SHADE & SHUTTER	\$ 5,410.00
TOTAL			\$ 15,525.00

Motion by Mr. Onoszko to approve the Manual Checks for February 2, 2018 in the amount of 15,525.00 Motion seconded and unanimously approved.

PUBLIC COMMENT

Susan Pipes, resident – made comments regarding the Jefferson County Public Smoking Regulation in reference to Commissioner Onoszko, claiming he lit a cigarette in the hallway of

the County Commission meeting room during the January 18, 2018 County Commission meeting.

Eleanor Finn, resident – urged the Commission to be aware of the importance of the Jefferson County ambulance fee when considering the FY19 budget discussions.

David Tabb, resident – expressed his frustrations with the Commission, stating “if you think I’m fooling around, the time has come.”

PRESENTATIONS

1. Peter Dougherty, Sheriff

a. Review and approval of the Cooperative Law Enforcement Agreement with Harpers Ferry Job Corps

- **Motion by Ms. Tabb to approve the Cooperative Law Enforcement Agreement between the Jefferson County Sheriff’s Office and Harpers Ferry Job Corps and authorize the President of the Commission to affix his signature on the appropriate documents. Motion seconded and unanimously approved.**

b. Bailiffs

- **Motion by Mr. Compton to allow bailiffs Charles Fields and Forrest Fagans to work more than 1000 hours per year as court security officers to be paid an hourly rate and receive modest leave benefits but neither will receive health care as both have waived such. Motion seconded and unanimously approved.**

2. Summit Point Ventures, LLC/ Chad Wallen of GORDON – requested a Zoning Map Amendment for Summit Point Ventures, LLC to request a public hearing and referral to the Planning Commission to review zoning amendment request for the 3.5 acre property identified in the Kabletown District, on Map 17 as Parcel 2.3.

- **Motion by Ms. Noland to accept the Zoning Map Amendment Request, refer to the Planning Commission for review of Comprehensive Plan consistency and to schedule a public hearing before the County Commission on March 15, 2018 at 7:00 pm. Motion seconded and unanimously approved.**

3. Eric and Linda Pritchard, residents – request the Commission endorse Senate Bill 242 to require health insurance providers to provide coverage for long-term antibiotic therapy for patients with Lyme disease.

- **Motion by Ms. Noland to endorse Senate Bill 242 to amend the Code of West Virginia relating to requiring health insurance providers to provide coverage for long-term antibiotic therapy for patients with Lyme disease. Motion seconded and unanimously approved.**

4. Interviews and Appointments to the following boards, commissions, committees:

- a. Eastern Panhandle Transit Authority – one three-year term ending January 31, 2021

- **Motion by Mr. Onoszko to reappoint Joy Lewis to the Eastern Panhandle Transit Authority Board for one three-year term ending January 31, 2021. Motion seconded and unanimously approved.**

- Doug Pixler, Director of the EPTA, notified the Commission that the EPTA board is currently at ten members but can have up to fifteen. He recommended appointing both applicants to the board; the Commission agreed with Mr. Pixler's recommendation but stated staff would need to re-advertise the position per the County's policy.

- b. Jefferson County Emergency Services Agency Board – one unexpired term ending June 30, 2019 – there were no applicants for this position.

- c. North Eastern Regional EMS Board, Inc – one unexpired term ending October 31, 2019

- **Motion by Mr. Compton to appoint Craig Horn to the NEREMS, Inc. Board for one unexpired term ending October 31, 2019. Motion seconded and unanimously approved.**

5. The Commission recessed for break at 10:45 am.
The Commission reconvened at 11:00 am.

6. Roger Goodwin, Chief County Engineer – requested a partial bond release for Arcland Property Company, LLC – Waffle House (File #S17-02)

- **Motion by Ms. Noland to authorize a partial release of Irrevocable Letter of Credit #107043867-4401 with United Bank in the amount of \$79,252.00 construction bond amount for Arcland Property**

Company, LLC – Waffle House (File #S17-02). Motion seconded and unanimously approved.

7. Stephen S. Allen, Director, Jefferson County Homeland Security and Emergency Management – requested approval and action on recommendation of successful bidder for Jefferson County Multi-Jurisdictional All Hazards Mitigation Plan

- **Motion by Ms. Noland to approve the recommendation of the selection committee and direct the Commission President to sign the contract to have JH Consulting complete the Jefferson County Multi-Jurisdictional All Hazards Mitigation Plan Update. Motion seconded and unanimously approved.**

8. **Bill Polk, Director, Jefferson County Maintenance Department**

- a. Requested approval of Employment for vacant Custodial/Janitorial Position

- **Motion by Ms. Tabb to approve the employment of Amanda Ring for the custodial/janitorial position that is open in the Maintenance Department at a Grade 2, Step A at an annual salary of \$31,048.21. Motion seconded and unanimously approved.**

- b. Requested approval of Judicial Elevator Upgrade proposal from Kone Elevators

- It was the consensus of the Commission to postpone action on this item until the next regularly scheduled meeting.

9. 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 #17-C-282 - Discussion/Action - Possible Executive Session

- Report regarding ambulance fee donations - Discussion/Action

- Security issues for Hunter House - Discussion/Action - Possible Executive Session

- FLSA issues regarding ESA Employees - Discussion/Action - Possible Executive Session

- Renewal of Comcast franchise agreement and related issues - Discussion/Action
Possible Executive Session

- **Motion by Ms. Noland to enter into Executive Session to discuss PSD dissolution, appeal/intervention of the PSC decision, acquisition of PSD assets & relates issues; Jefferson County Civil Action #17-C-282; report regarding ambulance fee donations; security issues for Hunter House; FLSA issues regarding ESA employees; and the renewal of the Comcast franchise agreement and related issues. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to authorize counsel to respond to Jefferson County Civil Action 17-C-282; pursue an Ethics Commission question regarding ambulance fee donation; authorize Mr. Polk to research options regarding Hunter House security; authorize Mr. Cochran to continue to research FLSA issues for the Emergency Services Agency; and authorize Mr. Cochran to engage in a five-year audit of the Comcast franchise agreement. Motion seconded and unanimously approved.**

UNFINISHED BUSINESS

10. 911 Center Outage - Discussion/Action - Possible Executive Session - it was the consensus of the Commission to postpone further discussion of this item until Ms. Grove, County Administrator, could be present.
- Discuss County Courthouse conditions and issues that need to be addressed - Discussion/Action - Possible Executive Session – Mr. Polk and the Commission discussed options for addressing the pigeons that roost in the eaves of Courthouse.

NEW BUSINESS

- Legislative Issues
- Decision - Proposed text amendments to the Jefferson County Subdivision and Land Development Regulations, File #STA16-01 - Public Hearing held January 18, 2018 - Discussion/Action
 - **Motion by Ms. Tabb to approve the proposed text amendments to the Jefferson County Subdivision and Land Development Regulations, File #STA16-01 as presented. Motion seconded and unanimously approved.**

14. The Commission meeting was adjourned at 12:32 pm on a motion by Ms. Noland. Motion was seconded and unanimously approved.

JOSHUA COMPTON, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant

FIRST QUARTER TERM: (Board of Review and Equalization)

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

At a session of the Jefferson County Commission, sitting as Board of Review and Equalization, continued and held at the Courthouse thereof on Thursday, February 1, 2018, beginning at 1:30 p.m.

PRESENT: Josh Compton, Commission President
Caleb Hudson, Commission Vice President
Patricia Noland, Commissioner
Peter Onoszko, Commissioner
Jane Tabb, Commissioner

STAFF: Angie Banks, Assessor
June Bowers, Sr. Appraiser
Nathan Cochran, Assistant Prosecuting Attorney
Jessica Carroll, Recording Clerk

In re: 2018 Board of Review and Equalization

President Compton opened the meeting at 1:32 pm. Angela Banks, Jefferson County Assessor, notified the Commission that no hearings were scheduled for the afternoon.

- **There being no further business, motion by Mr. Onoszko to recess as a Board of Review and Equalization and reconvene in the same capacity on Tuesday, February 7, 2017 at 1:30 pm. Motion seconded and unanimously approved.**

JOSH COMPTON, COMMISSION PRESIDENT

FIRST QUARTER TERM: (Board of Review and Equalization)

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

At a session of the Jefferson County Commission, sitting as Board of Review and Equalization, continued and held at the Courthouse thereof on Thursday, February 6, 2018, beginning at 1:30 p.m.

PRESENT: Josh Compton, Commission President
Caleb Hudson, Commission Vice President
Jane Tabb, Commissioner

STAFF: Angie Banks, Assessor
June Bowers, Sr. Appraiser
Nathan Cochran, Assistant Prosecuting Attorney
Jessica Carroll, Recording Clerk

In re: 2018 Board of Review and Equalization

President Compton opened the meeting at 1:31 pm. Angela Banks, Jefferson County Assessor, notified the Commission of two reductions for Ann J. Myers on her properties in Shannondale.

- **Motion by Mr. Compton to approve the following reductions: Harpers Ferry District, Map 6A, Parcel 138 - reduced from \$12,600 to \$6,300; Harpers Ferry District, Map 6A, Parcel 139 – reduced from \$12,300 to \$6,100. Motion seconded and unanimously approved.**
- **There being no further business, motion by Ms. Tabb to recess as a Board of Review and Equalization and reconvene in the same capacity on Thursday, February 8, 2018 at 1:30 pm. Motion seconded and unanimously approved.**

JOSH COMPTON, COMMISSION 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 Tuesday, February 6, 2018, beginning at 7:00 o'clock p.m.

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

In re: FY19 Public Budget Forum

The meeting was called to order at 7:02 p.m. by Commissioner Compton.

Eleanor Finn, resident and member of the League of Women Voters, co-sponsor of the forum, explained that the purpose for the evening's meeting was for the public to have a better understanding of the County budget process and how tax dollars are spent.

Stephanie Grove, County Administrator, provided the audience with a presentation regarding the County tax bill and how it's calculated. Michelle Gordon, Finance Director, provided the audience with an overview of the revenue and expenditures for the upcoming fiscal year and a summary of the budget requests for each department and elected official. Ms. Gordon explained that the requests were just that at the moment, but if the County were to fulfill all of the submitted requests, there would be a deficit of approximately 2 million dollars. Ms. Gordon stated the Commissioners would be meeting the week of February 12, 2018 to hear from each department and elected official regarding their budgetary requests for the upcoming fiscal year, and these meetings would be open to the public, streamed live on the website, and archived for later viewing. Ms. Gordon also noted the schedule for the budget talks was currently available on the County website and the County Facebook page.

Ms. Gordon, Ms. Grove, and the Commissioners then fielded questions from the attendees regarding the information presented.

There being no further business the Commissioners thanked the public for their attendance and the forum adjourned at 8:17 pm.

JOSH COMPTON, PRESIDENT

Respectively Submitted:
Jessica D. Carroll
Administrative Assistant

FIRST QUARTER TERM: (Board of Review and Equalization)

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

At a session of the Jefferson County Commission, sitting as Board of Review and Equalization, continued and held at the Courthouse thereof on Thursday, February 8, 2018, beginning at 1:30 p.m.

PRESENT: Josh Compton, Commission President
Caleb Hudson, Commission Vice President
Jane Tabb, Commissioner

STAFF: Angie Banks, Assessor
June Bowers, Sr. Appraiser
Nathan Cochran, Assistant Prosecuting Attorney
Jessica Carroll, Recording Clerk

In re: 2018 Board of Review and Equalization

Vice President Hudson opened the meeting at 1:30 pm. Angela Banks, Jefferson County Assessor, notified the Commission that no hearings were scheduled for the afternoon.

- **There being no further business, motion by Ms. Tabb to recess as a Board of Review and Equalization and reconvene in the same capacity on Tuesday, February 13, 2018 at 1:30 pm. Motion seconded and unanimously approved.**

JOSH COMPTON, COMMISSION PRESIDENT

PURCHASE ORDERS TO BE APPROVED

February 15, 2018

DEPARTMENT	P.O. NUMBER	AMOUNT	VENDOR	DESCRIPTION
EMERGENCY COMMUNICATIONS	52255	\$ 33,830.52	Motorola Solutions	Annual Maintenance Agreement
GRAND TOTAL		\$ 33,830.52		



THE COUNTY COMMISSION OF JEFFERSON COUNTY

Charles Town, West Virginia 25414

REQUISITION

No. 52255

VENDOR:

DELIVER TO:

Motorola Solutions
500 West Monroe
Chicago, IL 60661

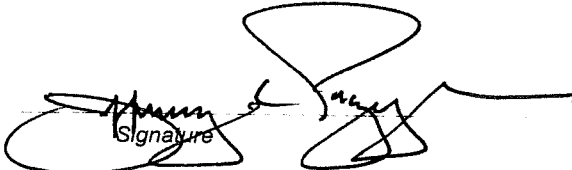
Fed ID: 36-1115800

JC Emergency
Communications
28 Industrial Blvd.
Kearneysville, WV
25430

QUANTITY	DESCRIPTION - BUDGET LINE - ITEM NUMBER	PRICE	UNIT	AMOUNT
	Motorola Annual Maintenance Agreement 10/01/2017 to 09/30/2018 Contract # 8230153333 - 10 MCC7500 Consoles & Equip - Radio site equipment - Emergency onsite response repair & preventative mtnc			\$ 33,830.52
				\$ 33,830.52
	001-712-02-216-000-PS-911			

1. ENTER NAME AND MAILING ADDRESS OF VENDOR IN SPACE PROVIDED
2. PROVIDE MAILING AND/OR SHIPPING ADDRESS. ITEMS THAT ARE SHIPPED MUST HAVE STREET ADDRESS.
3. PROVIDE A DESCRIPTION OF ITEMS(S) BEING REQUESTED.
4. INCLUDE BUDGET LINE-ITEM NUMBER TO BE CHARGED FOR EACH ITEM.
5. SIGN AND FORWARD TO COUNTY COMMISSION. UPON APPROVAL, A COUNTER-SIGNED COPY WILL BE RETURNED FOR YOUR RECORDS.

THE ITEMS REQUESTED ABOVE ARE NECESSARY AND FOR THE EXCLUSIVE USE OF THIS DEPARTMENT.


 Signature _____ Date _____

PURCHASE OF THE ABOVE REQUESTED ITEMS APPROVED. FUNDS HAVE BEEN ENCUMBERED.

Signature

Date

DESCRIPTION	Fund 001 CO.	Fund 003 Dog	Total
Gross Wages	\$ 378,088.40		\$ 378,088.40
6.2% Tax Payable OASDI	22,470.31		\$ 22,470.31
1.45% Tax Payable HI	5,255.22		\$ 5,255.22
Fed Withholding	34,042.66		\$ 34,042.66
WV State Withholding	16,100.12		\$ 16,100.12
PERS Retirement Deduct 4.5%	11,016.21		\$ 11,016.21
PERS Retirement Deduct 6%	2,392.79		\$ 2,392.79
Hosp. Pre-Tax	13,192.00		\$ 13,192.00
Cancer/ICU Pre-Taxed	911.60		\$ 911.60
Cancer/ICU Not Pre-Taxed	1,068.73		\$ 1,068.73
Optional Life Not Pre-Taxed	2,056.89		\$ 2,056.89
Christmas Club	5,235.00		\$ 5,235.00
Wage Attach #1	1,427.35		\$ 1,427.35
Wage Attach #3	212.31		\$ 212.31
DSRS Retirement Deduct 8.5%	6,200.28		\$ 6,200.28
457 - Nationwide	849.00		\$ 849.00
457I - Empower	2,255.00		\$ 2,255.00
457R - Roth	215.00		\$ 215.00
MD State Tax	581.22		\$ 581.22
D/VF	1,560.85		\$ 1,560.85
VA. State Tax	90.23		\$ 90.23
COLONIAL(PLUS)	102.55		\$ 102.55
Total Deductions	\$ 127,235.32	\$ -	\$ 127,235.32
Net Wages Total	\$ 250,853.08	\$ -	\$ 250,853.08
Payroll Date	8-Feb-2018		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Pete Dougherty

Department or Organization: Sheriff's Office

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: **During Budget Presentation on February 16, 2018**

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

Date Requested – 2nd Choice: **February 15, 2018**

Subject (*Wording to be placed on agenda*): Crime Analyst
Assistant Chief Tax Deputy

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

Approve the position of Crime Analyst/Special Deputy. This would be a civilian position with benefits. The position is within my current budget and does not require any budget adjustments.

With a retirement at the end of December, it created a vacancy in the position of Assistant Chief Tax Deputy. I have chosen to promote an individual from within to handle these duties and adjust her salary accordingly.

Both would become effective for the pay period beginning March 4, 2018.

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 creation and hire of the Crime Analyst/Special Deputy.

I move to approve the promotion and wage increase for the position of Assistant Chief Tax Deputy.

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

If not attached, explain:

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

Contact information:

Email address: pdougherty@jcsdww.com

Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM

www.jeffersoncountywv.org

NAME: Lynn Fields

DEPARTMENT OR ORGANIZATION: Probate Office

ESTIMATION OF TIME NEEDED FOR APPT.: 10-15 MIN

DATE REQUESTED: 1ST CHOICE February 15th, 2018

IF A SPECIFIC DATE IS NEEDED, PLEASE PROVIDE REASON FOR SPECIFIC DATE:

SUBJECT: Probate in Solemn Form the Last Will and Testament of Betty Lou Bryant, deceased *and*
MARIANNE Kolen Lamb, deceased

PLEASE PROVIDE THE CO. COMM. WITH A DESCRIPTION OF YOUR REQUEST OR PRESENTATION,
INCLUDING ANY BACKGROUND INFORMATION:

The probate office seeks permission from the county commission to probate in solemn form the last will and testament of Betty Lou Bryant, deceased. The executrix Rebecca Fleck can only find a signed copy of the will and requests that the copy be admitted to probate.

ARE DOCUMENTS ATTACHED: *yes*

executrix Carol Dalton

IS A PROJECTOR NEEDED?: NO

lfields@jeffersoncountywv.org (304) 728-3210

admitted 1/30/2018

COPY

**LAST WILL AND TESTAMENT
OF
BETTY LOU BRYANT**

I, **BETTY LOU BRYANT**, a resident of Jefferson County, West Virginia, declare that this is my Last Will and Testament, hereby revoking all prior Wills and Codicils.

ARTICLE ONE

INTRODUCTORY PROVISIONS

1. A. **Family.** I am a widow. I have four (4) children: **REBECCA FLECK**, **BONNIE LEE BRYANT**, **BARBARA ZINGG**, and **BETH BRYANT CARROLL**.

1. B. **Definition of "Issue".** As used in this Will, the term "issue" shall refer to lineal descendants of all degrees and shall include adopted persons; provided however, that such term shall refer only to the issue of lawful marriages and illegitimate children only if a parent/child relationship existed between such child and his or her parent, living or deceased, as determined under West Virginia law.

1. C. **Definition of "Per Stirpes".** Whenever a distribution is to be made "per stirpes", the assets are to be divided into as many shares as there are then-living children and deceased children who left living descendants. Each living child shall receive one share and each deceased child's share shall be divided among such deceased child's then-living descendants in the same manner.

ARTICLE TWO

NOMINATION OF FIDUCIARIES

2. A. **Executors.** I nominate my daughter **REBECCA FLECK** as Executor of my Will. If **REBECCA FLECK** shall fail to qualify or shall cease to act, I nominate my daughter **BETH BRYANT CARROLL** as successor Executor. The term "my Executor" as used in this Will shall include any personal representative of my estate and all named Executors shall serve without bond being required. My Executor shall receive compensation for settling my estate equal to 2% of the value of my probate estate.

2. B. **Trustees.** As Trustee for all trusts created hereunder, my nomination shall be in the same order as the above-named Executors.

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Will of Betty Lou Bryant: Page 1

ARTICLE THREE
DISTRIBUTION PROVISIONS

3. A. **Payment of Estate Expenses.** My Executor shall pay from my Estate all debts which are due and enforceable against my Estate except for any debts that are secured by real estate, the expenses of my last illness and funeral, the expenses of administering my Estate, and all death taxes and governmental charges imposed and made payable under the laws of the United States or of any state or country by reason of my death.

3. B. **Real Estate.** I dispose of all of my real estate as follows:

(1) My primary residence located at 38 Juniper Drive, Shepherdstown, WV 25443 is to be sold and the proceeds added to the remainder of my Estate;

(2) The karate studio, located at 111 West Second Avenue, Ranson, WV 25438, to my daughter, BARBARA ZINGG. After assigning a fair market value to this property, if the value of the property is less than her share of the estate, the additional will be paid out from the estate assets to equalize her share of the estate. If the value of the property exceeds her portion of the estate, the difference will be paid to the other beneficiaries to equalize the shares of the beneficiaries;

(3) The property, located at 304 W 4th Avenue, Ranson, WV 25438, I offer to my daughter, BONNIE LEE BRYANT for purchase at the fair market value. Any proceeds from the exercise of an option to purchase the property shall be added to my remainder estate. If she chooses not to purchase this property, I give this property to my daughter REBECCA FLECK; and

(4) The property located at 210 E First Avenue, Charles Town, WV 25414 I offer to my grandson JASON ZINGG for purchase at fair market value. If he chooses not to exercise the option to purchase, I give this property to my daughter, BETH BRYANT CARROLL. Any proceeds from the exercise of an option to purchase the property shall be added to my remainder estate.

(5) Any debt owed by my daughters, BONNIE LEE BRYANT or BARBARA ZINGG to me shall be deducted from that daughter's portion of her inheritance prior to distribution of her share. Any debt remaining after these deductions shall be distributed in equal shares to the remaining heirs to be collected by them until said debt is paid in full.

3. C. **Tangible Personal Property.** I give my tangible personal property as follows:

(1) My engagement ring and wedding band to my daughter, REBECCA FLECK;

(2) Half of the sterling silver in a box to my daughter, BONNIE LEE BRYANT;

(3) The other half of the sterling silver in a box to my daughter, BARBARA ZINGG;

(4) The remaining Haviland china, which belonged to my Grandmother Finkel and my mother, to my daughter, BETH BRYANT CARROLL;

(5) Burgundy, black and white rug made by Lucille Whitney to my granddaughter, STACY CUNNINGHAM;

(6) Lucille Whitney wedding ring to my granddaughter, LAURA WHITNEY FLECK;


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- (7) Two pool cues and pool table to my grandson JOSHUA W. ZINGG; and
- (8) The remaining tangible personal property to my daughters, REBECCA FLECK, BONNIE LEE BRYANT, BARBARA ZINGG and BETH BRYANT CARROLL, in as equal shares as possible.

3. D. **Distribution At My Death.** I give the remainder of my Estate to my daughters, REBECCA FLECK, BONNIE LEE BRYANT, BARBARA ZINGG and BETH BRYANT CARROLL, in equal shares. If they predecease me, I give the remainder of my Estate as follows:

- (1) If REBECCA predeceases me, her share shall be distributed per stirpes;
- (2) If BONNIE LEE BRYANT predeceases me, her share shall be distributed as follows:
 - (i) One fourth (1/4) to her husband, KEITH VICTOR BIRD;
 - (ii) One fourth (1/4) to AMY OKSANA BIRD, to be held in a Special Needs Trust according to the guidelines described in ARTICLE FIVE Paragraph 5.A.(3);
 - (iii) One fourth (1/4) to JENNIFER MARINA BIRD, to be held in a Special Needs Trust according to the guidelines described in ARTICLE FIVE Paragraph 5.A.(3); and
 - (iv) One fourth (1/4) to YAJAIRA BIRD BRYANT, outright.
- (3) If BARBARA predeceases me, her share shall be given to her husband, ROBERT ZINGG, her son JASON B. ZINGG and her son JOSHUA W. ZINGG in equal shares, per stirpes.; and
- (4) If BETH predeceases me, her share shall be distributed in equal shares among her husband, JOHN E. CARROLL, and her children, JOHN R. BURKHOLDER, KATHRYN M. BURKHOLDER and ELLEN E. BURKHOLDER.

ARTICLE FOUR

ESTATE ADMINISTRATION

4. A. **General Powers of Executor.** Subject to any limitations stated elsewhere in this Will, my Executor shall have, in addition to all of the powers now or hereafter conferred on Executors by law, and any powers enumerated elsewhere in this Will, the power to perform any of the acts specified in this section without the necessity of court approval:

- (1) To take possession or control of all of my Estate subject to disposition by this Will, and collect all debts due to me or to my Estate;
- (2) To receive the rents, issues, and profits from all real and personal property in my Estate until the estate is settled or delivered over by order of court to my heirs or beneficiaries;
- (3) To pay taxes on, and take all steps reasonably necessary for the management, protection, and preservation of, all property in my Estate;

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- (4) To insure the property of my Estate against damage or loss, and insure my Executor against liability to third persons;
- (5) To deposit money belonging to my Estate in an insured account in a financial institution in West Virginia;
- (6) If any asset of my Estate consists of an option right, to exercise the option and to use any funds or property in my Estate to acquire the property covered by the option;
- (7) To hold any securities or other property, both real and personal, in the name of my Executor, in the name of such nominee as my Executor shall select, or in the form of "street certificates," without in any of such cases disclosing the fact that such property is held in a fiduciary capacity, and to indemnify any such nominee against any loss resulting from holding such property as nominee;
- (8) To vote in person, and give proxies to exercise, any voting rights with respect to any stock, any membership in a nonprofit corporation, or any other property in my Estate, and waive notice of a meeting, give consent to the holding of a meeting, and authorize, ratify, approve, or confirm any action that could be taken by shareholders, members, or property owners;
- (9) To make any elections permitted under any pension, profit sharing, employee stock ownership or other benefit plan;
- (10) To sell and to grant options to purchase all or any part of my Estate, both real and personal, at any time, at public or private sale, for such consideration, whether or not the highest possible consideration, and upon such terms, including credit, as my Executor shall deem advisable, and to execute, acknowledge and deliver deeds or other instruments in connection therewith. No purchaser shall be held to see to the application of the purchase money;
- (11) To lease any real estate for such term or terms and upon such provisions and conditions as my Executor shall deem advisable, including the granting of options to renew, options to extend the term or terms, and options to purchase;
- (12) To borrow and to pledge or mortgage any property as collateral, and to make secured or unsecured loans. My Executor is specifically authorized to make loans without interest to any beneficiary hereunder. No individual or entity loaning property to my Executor shall be held to see to the application of such property;
- (13) To pay any and all charges reasonably incurred in connection with or incidental to the distribution of any property of my Estate, including but not limited to expenses of storage, freight, shipping, delivery, packing, and insurance; and, on any accounting, treat any such expenditures as expenses of the administration of my Estate;

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(14) To dispose of or abandon tangible personal property (including donation to any charitable organization or organizations of my Executor's choice), except tangible personal property that is a specific gift, when the cost of collecting, maintaining, and safeguarding the property would exceed its fair market value;

(15) To commence and prosecute, either individually or jointly with my heirs or beneficiaries, any action necessary or proper to quiet title to or recover possession of any real or personal property in my Estate;

(16) To pay, compromise or settle any claim, action, or proceeding by or for the benefit of, or against, me, my Estate, or my Executor, subject only to any confirmation of court that may be required by law; and,

(17) To employ others in connection with the administration of my Estate, including legal counsel, investment advisors, brokers, accountants and agents, notwithstanding the fact that my Executor may receive a direct or indirect financial benefit as a result of such employment or may otherwise be affiliated with any of them, and to pay reasonable compensation thereto in addition to that to be paid to my Executor. The Executor's compensation shall not exceed two percent (2%) of my Estate.

4. B. Power to Invest. To retain for whatever period my Executor shall deem advisable any property, including property owned by me at my death, and to invest and reinvest any money of my Estate not reasonably required for the immediate administration of my Estate in any kind of property, real, personal, or mixed, and in any kind of investment, including but not limited to improved and unimproved real property, interest-bearing accounts, certificates of deposit, corporate and governmental obligations of any kind, preferred or common stocks, mutual funds (including mutual funds of the "load" and "no load" variety), investment trusts, money-market funds, taxable and tax-exempt commercial paper, repurchase and reverse repurchase agreements, and stocks, obligations, and shares or units of common trust funds of any corporate fiduciary; regardless of whether any particular investment would be proper for an Executor and regardless of the extent of diversification of the assets held hereunder.

4. C. Power to Make Tax Elections. To the extent permitted by law, and without regard to the resulting effect on any other provision of this Will, on any person interested in my Estate, or on the amount of taxes that may be payable, my Executor shall have the power to choose a valuation date for tax purposes; choose the methods to pay any death taxes; elect to treat or use any item for state or federal estate or income tax purposes as an income tax deduction or an estate tax deduction; disclaim all or any portion of any interest in property passing to my Estate at or after my death; and determine when an item is to be treated as taken into income or used as a tax deduction.

4. D. Division or Distribution in Cash or in Kind. In order to satisfy a pecuniary gift or to distribute or divide estate assets into shares or partial shares, my Executor may distribute or divide those assets in kind, or divide undivided interests in those assets, or sell all or any part of those assets and distribute or divide the property in cash, in kind, or partly in cash and partly in

kind, with or without regard to tax basis. Property distributed to satisfy a pecuniary gift under this Will shall be valued at its fair market value at the time of distribution.

ARTICLE FIVE

TRUST ADMINISTRATION

5. A. **Special Distributions.** If any income and/or principal of the estate ever vests outright under the provisions of this Will in a person not yet twenty-one (21), a person who suffers from substance abuse, or a person who the Executor or Trustee determines is incompetent or whose financial circumstances is such that failure to delay distributions will actually reduce the benefits under this Will to such person, then the person's share shall be held by the Trustee and the Trustee, in the Trustee's discretion and without supervision of any court, shall hold or distribute the distribution for such person (hereinafter "the beneficiary") in accordance with the following provisions:

(1) *Under Age Twenty-One.* If a beneficiary is under the age of twenty-one and no other provision of this Will specifically addresses this possibility, my Executor may either open a custodial account for the benefit of said beneficiary under the Uniform Transfer to Minors Act with a suitable person as the custodian or my Executor or Trustee may transfer such beneficiary's distribution to my named Trustee to be held in a separate trust for such beneficiary, with the Trustee exercising all the administrative powers conferred in this Will., on the following terms and conditions:

- (i) The Trustee may accumulate or distribute to or for such beneficiary such amount or amounts of income and/or principal of the trust as the Trustee determines from time to time during the term of the trust to be appropriate. The Trustee may make such distributions to or for the benefit of such beneficiary: (i) directly to the beneficiary; (ii) on behalf of the beneficiary for the beneficiary's exclusive benefit; (iii) to any account in a bank, credit union, mutual fund and/or brokerage firm either in the name of such beneficiary or in a custodial account for the benefit of said beneficiary under the Uniform Transfer to Minors Act with a suitable person as the custodian; (iv) in any form of an annuity; and, (v) to such beneficiary's guardian if one has been appointed by the Court. The receipt for distributions by any such person shall fully discharge the Trustee. In determining whether to make distributions, the Trustee may consider other resources of the beneficiary, trust resources and the future needs of the beneficiary during the term of the trust.
- (ii) This separate trust shall terminate and vest absolutely when the beneficiary attains age twenty-one (21), dies, or when the trust assets are exhausted by discretionary distributions. At such termination, the Trustee shall distribute the trust then on hand to the beneficiary or to the beneficiary's estate if the trust terminated at the beneficiary's death.

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(2) *Substance Abuse Dependence.* If my Executor or Trustee reasonably believes that a beneficiary under this Will is a person who routinely or frequently uses or consumes any illegal drugs or other illegal chemical substance so as to be physically or psychologically dependent upon that drug or substance; or, is a person who is clinically dependent upon the use or consumption of alcohol or any other legal drug or chemical substance that is not prescribed by a board certified medical doctor or psychiatrist in a current program of treatment supervised by that doctor or psychiatrist; and, if my Executor or Trustee reasonably believes that, as a result of the use or consumption, the beneficiary is incapable of caring for himself or herself or is likely to dissipate the beneficiary's financial resources, my Executor or Trustee shall follow the procedures set forth below.

- (i) My Executor or Trustee will request the beneficiary to submit to one or more examinations (both physical and psychological) determined to be appropriate by a board certified medical doctor or psychiatrist selected by my Executor or Trustee. My Executor or Trustee will request the beneficiary to consent to full disclosure by the examining doctor or facility to my Executor or Trustee of the results of all the examinations. My Executor or Trustee will maintain strict confidentiality of those results and will not disclose those results to any person other than the beneficiary without the beneficiary's written permission. My Executor or Trustee may totally or partially suspend all distributions otherwise required or permitted to be made to that beneficiary until the beneficiary consents to the examination and disclosure to my Executor or Trustee.
- (ii) If, in the examining doctor's or psychiatrist's opinion, the examination indicates current or recent use of a drug or substance as described above, the beneficiary will consult with the examining doctor or psychiatrist to determine an appropriate method of treatment for the beneficiary. Treatment may include counseling or treatment on an in-patient basis in a rehabilitation facility. If the beneficiary consents to the treatment, my Executor or Trustee will pay the costs of treatment directly to the provider of those services from the income or principal otherwise authorized or required to be distributed to the beneficiary.
- (iii) If the examination indicates current or recent use of a drug or substance as described above, all mandatory distributions and all withdrawal rights from the Will or trust with respect to the beneficiary during the beneficiary's lifetime (including distributions upon termination of a trust for reasons other than the death of the beneficiary) will be suspended until in the case of use or consumption of an illegal drug or illegal substance, examinations indicate no such use; and, in all cases of dependence, until my Executor or Trustee, in my Executor or Trustee's judgment, determines that the beneficiary is fully capable of caring for himself or herself and is no longer likely to dissipate his or her financial resources.

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- (iv) If mandatory distributions are suspended, my Executor shall transfer beneficiaries' share to a trust if not already held in trust and the trust will be administered as a discretionary trust to provide for the beneficiary according to the provisions of the trust providing for discretionary distributions in the Trustee's discretion and those provisions of the trust relating to distributions for the beneficiary's health, education, maintenance and support.
- (v) When mandatory distributions to and withdrawals by the beneficiary are resumed, the remaining balance, if any, of the mandatory distributions that were suspended may be distributed to the beneficiary at that time and the balance of any rights of withdrawal by the beneficiary shall be immediately exercisable by the beneficiary. If the beneficiary dies before mandatory distributions or rights of withdrawal are resumed, the remaining balance of such beneficiary's share shall be distributed in the manner hereinafter set forth for the distribution of such beneficiary's share in the event such beneficiary did not survive me.
- (vi) It is not my intention to make my Executor or Trustee (or any doctor or psychiatrist retained by my Executor or Trustee) responsible or liable to anyone for a beneficiary's actions or welfare. My Executor or Trustee has no duty to inquire whether a beneficiary uses drugs or other substances. My Executor or Trustee (and any doctor or psychiatrist retained by my Executor or Trustee) will be indemnified from the trust for any liability in exercising its judgment and authority under this Will, including any failure to request a beneficiary to submit to medical examination and including a decision to distribute suspended amounts to a beneficiary.

(3) *Special Needs Trust.* If my Executor or Trustee reasonably believes that a beneficiary in this Will is a person who is incompetent, or, is a person whose financial circumstances are such that failure to delay distributions will actually reduce the trust benefits to such person, my Executor or Trustee shall transfer the beneficiaries' share to a trust if not already held in trust and shall hold the distribution for such beneficiary in a "Special Trust" on the following terms and conditions:

- (i) The primary purpose of this trust is to provide a supplemental and emergency fund to supplement any public benefits available to such beneficiary during his or her lifetime. It is my intent that the assets of the Special Trust shall, to the fullest extent permitted by law, be free from assignment or collection for the satisfaction of the claims of any creditors or government agencies. If this trust were to be invaded by creditors or subject to any liens or encumbrances, or if the terms of this trust were to be applied so as to cause such beneficiary's eligibility for public benefits to be terminated, it is likely that the trust assets would be depleted before his or her death and the purpose of this trust could not then be fulfilled.

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- (ii) Until such beneficiary is, in the Trustee's judgment, no longer incapacitated, or such beneficiary's financial situation has changed significantly, the Trustee shall pay over to or for the benefit of such beneficiary as much of the net income and as much of the principal of the Special Trust, up to the whole thereof, as the Trustee, in the Trustee's sole discretion, from time to time deems necessary or advisable for the satisfaction of such beneficiary's special needs. For this purpose, "special needs" refers to the requisites for maintaining such beneficiary's good health, comfort, safety, and welfare when, in the discretion of the Trustee, those requisites are not being provided for by any county, state, federal, or other governmental agency, or by any person or persons with a legal obligation to support such beneficiary. "Special needs" shall include, but not be limited to, medical and dental care, special equipment, programs of training, education, rehabilitation, travel needs and recreation not provided for or reimbursed by public benefits. The Trustee shall consult with any guardian, conservator, custodian, or other person who cares for such beneficiary regarding his or her special needs. Expenditures made by the Trustee under this section may include reasonable compensation to any person who provides for the special needs of such beneficiary as provided in this section. Any expenditure permitted by this section may be made either with or without prior court order.
- (iii) It is my intent that any payments or distributions from this trust to or for the benefit of such beneficiary shall supplement (but not replace) any public benefits or other private resources available to him or her. The Trustee may, in the exercise of the Trustee's discretion, seek as necessary all available public benefits for such beneficiary's benefit, and shall segregate any public benefits received by the Trustee for that purpose in a separate trust or account and administer the same for the benefit of such beneficiary. All public benefits received by the Trustee for that purpose, together with any other resources available to such beneficiary, shall be taken into account by the Trustee in making payments or distributions to or for the benefit of such beneficiary. The Trustee shall regularly consult with such beneficiary and any persons or entities providing care or assistance to such beneficiary for the purpose of determining such beneficiary's needs and resources. The Trustee shall not exercise the Trustee's discretion to make any payments or distributions to or for the benefit of such beneficiary if the Trustee determines, in the Trustee's sole discretion, that public benefits, private resources, or a combination of public benefits and private resources are reasonably available to such beneficiary to satisfy those needs.
- (iv) No part of the income or principal of the trust shall be used to replace or supplant public benefits of any county or any state, federal, or other governmental agency that has a legal responsibility to serve persons with disabilities or conditions that are the same as or similar to those of such

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beneficiary. For purposes of determining such beneficiary's eligibility for any public benefits, no part of the principal or undistributed income of the Trust Estate shall be considered available to him or her, and he or she shall have no right to compel the Trustee to release principal or income to him or her or for his or her benefit or otherwise to have any access to any of the trust assets. In the event that the Trustee is requested to release principal or income of the trust to or on behalf of such beneficiary to pay for any equipment, medication, services, or any other needs that any public benefits would be authorized to provide for were it not for the existence of the trust, or in the event that the Trustee is requested to petition any court or any administrative agency for authorization to release principal or income for any purpose of that kind, the Trustee is authorized to deny the request and take whatever administrative or judicial steps may be necessary to continue the eligibility of such beneficiary for all available public benefits, including obtaining instructions from a court of competent jurisdiction that the trust principal is not available to such beneficiary for purposes of determining his or her eligibility for any public benefits. Any expenses of the Trustees in this regard, including reasonable attorney's fees, shall be a proper charge to the Special Trust.

- (v) If any payment or distribution from the trust to or for the benefit of such beneficiary would have the effect of disqualifying him or her for any public benefits, or if all income of the Special Trust cannot be completely utilized for his or her special needs, the Trustee shall accumulate the trust income annually and add it to principal.
- (vi) The discretion of the Trustee shall not be subject to review by such beneficiary, his or her creditors and/or any governmental agency. Notwithstanding any other provision of this instrument, if the existence of the Special Trust, or any change in any law, regulation, or rule relating to the Special Trust or the administration of the Special Trust for the benefit of such beneficiary, should at any time have the effect of disqualifying him or her for any public benefits, or if such beneficiary, his or her creditors and/or any governmental agency shall ever bring any court action to force or require the Trustee to distribute to or for the benefit of such beneficiary a greater amount of income and/or principal than the Trustee, in the Trustee's absolute discretion, has determined to be appropriate, the Trustee is authorized (but not required) to terminate the trust and distribute the trust principal and income as provided in subsection (vii); I request that any person who takes any part of the trust assets as the result of this termination power, conserve and manage such property for the benefit of such beneficiary during his or her lifetime to insure that he or she receives sufficient funds for his or her living needs when public benefits are unavailable or insufficient to satisfy those needs. This request is precatory, however, and is not mandatory.

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(vii) At such beneficiary's death, the Trustee shall distribute the Special Trust, as then constituted, in the manner hereinafter set forth for the distribution of such beneficiary's share in the event such beneficiary did not survive me.

(4) *Tax Savings Provisions.* Notwithstanding the provisions of the preceding subparagraphs or any other provision of my Will, the Trustee shall not suspend any mandatory distributions required for a trust to qualify, in whole or in part, for any Federal or state marital deduction or charitable deduction. Finally, nothing herein shall prevent a distribution mandated by the provisions hereof relating to the Maximum Duration of Trusts.

5. B. **Trustee Defined.** Reference in this instrument to the "Trustee" shall be deemed a reference to whoever is serving as Trustee or co-Trustees, and shall include alternate or successor Trustees or co-Trustees, unless the context requires otherwise.

5. C. **No Bond Required.** No bond shall be required of any individual serving as a Trustee of any trust under this Will.

5. D. **Compensation of Trustees.** Any corporate Trustee serving under this Will shall be entitled to reasonable compensation for its services in accordance with its standard schedule of trust fees, as existing from time to time. Individuals serving as Trustee shall be entitled to two percent (2%) for services rendered.

5. E. **Procedure for Resignation.** Any Trustee may resign at any time, without giving a reason for the resignation, by giving written notice, at least thirty (30) days before the time the resignation is to take effect, to any other Trustee then acting, to any persons authorized to designate a successor Trustee, to all living trust beneficiaries known to the Trustee (or, in the case of a minor beneficiary, to the parent or guardian of that beneficiary), and to the successor Trustee. A resignation shall be effective on written acceptance of the trust by the successor Trustee.

5. F. **General Powers of Trustee.** To carry out the purposes of any trust created under this Will, and subject to any limitations stated elsewhere in this Will, in addition to all of the powers now or hereafter conferred on Trustees by law, the Trustee shall have all of the following powers:

(1) With or without court authorization, sell (for cash or on deferred payments, and with or without security), convey, exchange, partition, and divide trust property; grant options for the sale or exchange of trust property, whether real property or personal property, whether tangible or intangible, for any purpose, whether the contract is to be performed or the option is to be exercised within or beyond the term of the trust; and lease trust property for any purpose, for terms within or extending beyond the expiration of the trust, regardless of whether the leased property is commercial or residential and regardless of the number of units leased.

- (2) Engage in any transactions with the personal representative of my Estate that are in the best interest of any trusts under this Will.
- (3) Manage, control, improve, and maintain all real and personal trust property.
- (4) Subdivide or develop land; make or obtain the vacation of plats and adjust boundaries, or adjust differences in valuation on exchange or partition by giving or receiving consideration; and dedicate land or easements to public use with or without consideration.
- (5) Make ordinary or extraordinary repairs or alterations in buildings or other trust property, demolish any improvements, raze existing party walls or buildings, and erect new party walls or buildings, as the Trustee deems advisable.
- (6) Employ and discharge agents and employees, including but not limited to attorneys, accountants, investment and other advisers, custodians of assets, property managers, real estate agents and brokers, and appraisers, to advise and assist the Trustee in the management of any trusts created under this Will, and compensate them from the trust property.
- (7) With respect to securities held in trust, exercise all the rights, powers, and privileges of an owner, including, but not limited to, the power to vote, give proxies, and pay assessments and other sums deemed by the Trustee necessary for the protection of the trust property; participate in voting trusts, pooling agreements, foreclosures, reorganizations, consolidations, mergers, and liquidations, and, in connection therewith, deposit securities with and transfer title to any protective or other committee under such terms as the Trustee deems advisable; exercise or sell stock subscription or conversion rights; and accept and retain as investments of the trust any securities or other property received through the exercise of any of the foregoing powers.
- (8) Hold securities or other trust property in the Trustee's own name or in the name of a nominee, with or without disclosure of the trust, or in unregistered form, so that title may pass by delivery.
- (9) Deposit securities in a securities depository that is either licensed or exempt from licensing.
- (10) Borrow money for any trust purpose from any person or entity on such terms and conditions as the Trustee deems advisable, and obligate the trust for repayment; encumber any trust property by mortgage, deed of trust, pledge, or otherwise, whether for terms within or extending beyond the term of the trust, as the Trustee deems advisable, to secure repayment of any such loan; replace, renew, and extend any such loan or encumbrance; and pay loans or other obligations of the trust deemed advisable by the Trustee.

(11) Procure and carry, at the expense of the trust, insurance in such forms and in such amounts as the Trustee deems advisable to protect the trust property against damage or loss, and to protect the Trustee against liability with respect to third persons.

(12) Enforce any obligation owing to the trust, including any obligation secured by a deed of trust, mortgage, or pledge held as trust property, and purchase any property subject to a security instrument held as trust property at any sale under the instrument.

(13) Extend the time for payment of any note or other obligation held as an asset of, and owing to, the trust, including accrued or future interest, and extend the time for repayment beyond the term of the trust.

(14) Pay or contest any claim against the trust; release or prosecute any claim in favor of the trust; or, in lieu of payment, contest, release, or prosecution, adjust, compromise, or settle any such claim, in whole or in part, and with or without consideration.

(15) At trust expense, prosecute or defend actions, claims, or proceedings of whatever kind for the protection of the trust property and of the Trustee in the performance of the Trustee's duties, and employ and compensate attorneys, advisers, and other agents as the Trustee deems advisable.

(16) Accept additions to any trusts created by this Will, from any source and at any time; all such additions shall become a part of the trust and shall be held, administered, and distributed in accordance with the terms of the trust.

5. G. Power to Retain Trust Property. The Trustee shall have the power to retain property received into the trust at its inception or later added to the trust, without regard to whether the trust investments are diversified, until, in the judgment of the Trustee, disposition of the property should be made.

5. H. Power to Invest. The Trustee shall have the power to invest in and acquire every kind of property, real, personal, or mixed, and every kind of investment, including but not limited to improved and unimproved real property, corporate and government obligations of every kind, stocks (both preferred and common), shares of mutual funds of any character, shares of investment companies, interest-bearing accounts, and foreign assets. The Trustee is under no duty to diversify investments.

5. I. Power Over Unproductive Property. The Trustee shall have the power to retain or acquire unproductive or underproductive property.

5. J. Power to Self-Deal. The Trustee, acting as an individual or as a Trustee of a non-testamentary trust, shall have the power to perform the following acts with respect to the property of any trust under this Will: purchase property from or sell property to the trust at fair market value; exchange property for trust property of equal value; lease property from or to the trust at fair rental value; borrow funds from or lend or advance funds to the trust, with interest at then-prevailing rates, and give or receive security for the loans in any commercially reasonable

form; and receive from any business in which the trust has an interest a reasonable salary and reimbursement of expenses while performing duties as a Trustee.

5. K. Combining Multi-Trust Property. Each trust created under this Will shall constitute a separate trust and be administered accordingly; however, the assets of all of the trusts may be combined for bookkeeping purposes and held for the trust beneficiaries without physical division into separate trusts until time of distribution.

5. L. Division or Distribution in Cash or in Kind. In order to satisfy a pecuniary gift or to distribute or divide trust assets into shares or partial shares, the Trustee may distribute or divide those assets in kind, or divide undivided interests in those assets, or sell all or any part of those assets and distribute or divide the property in cash, in kind, or partly in cash and partly in kind. Property distributed to satisfy a pecuniary gift under this Will shall be valued at its fair market value at the time of distribution.

5. M. Spendthrift Clause. The interests of each trust beneficiary under this Will are not transferable by voluntary or involuntary assignment or by operation of law, and shall be free from the claims of creditors and from attachment, execution, bankruptcy, and other legal process, to the maximum extent permitted by law.

5. N. Trustee's Liability. No Trustee shall be liable to any interested party for acts or omissions of that Trustee, except those resulting from that Trustee's willful misconduct or gross negligence. This standard shall also apply regarding a Trustee's liability for the acts or omissions of any co-Trustee, predecessor Trustee, or agent employed by the Trustee.

5. O. Written Notice to Trustee. Until the Trustee receives written notice of any death or other event on which the right to payments from any trust may depend, the Trustee shall incur no liability for disbursements made in good faith to persons whose interests may have been affected by that event.

5. P. Duty to Account. The Trustee shall render accounts as frequently as is required by West Virginia law, at the termination of a trust, and on a change of Trustee, to the persons and in the manner required by law, except as such reporting shall be waived by such person. If the persons entitled to an accounting are minors, their accounting shall be delivered to their parents or guardian. If the persons entitled to an accounting are incapacitated, their accounting shall be delivered to their legal representative. Unless the accounting is objected to in writing within one hundred and eighty (180) days after mailing to the persons to whom the accounting is to be rendered, the account shall be deemed final and conclusive in respect to all transactions disclosed in the accounting. The accounting shall be binding on all persons interested in the trust, including those who are not known or who are not yet born. The records of the Trustee shall be open at all reasonable times to such inspections. The Trustee shall not be required to make any reports or accountings to the courts; however, nothing herein stated shall be deemed to restrict the Trustee from seeking judicial approval of the Trustee's accounts.

5. Q. Maximum Duration of Trusts. Regardless of any other provision herein, the Maximum Duration for Trusts is the longest period that property may be held in trust under this Will under

the applicable rules of the State of West Virginia governing perpetuities, vesting, accumulations, the suspension of alienation and the like (including any applicable period in gross such as twenty-one (21) years or ninety (90) years). If under those rules the Maximum Duration for Trusts shall be determined (or alternatively determined) with reference to the death of the last survivor of a group of individuals alive upon my death, or at such other time that the application of such rules limiting the maximum duration of trusts is deemed to begin, those individuals shall consist of all beneficiaries (including future and/or contingent) of this Will (as hereinabove named) alive at my death. Any trust created hereunder must end immediately prior to such maximum duration and, thereupon, the Trustee shall pay over the principal, free from such trust, to the person or persons then entitled to receive the net income.

5. R. Environmental Issues. The Trustee may take into account any environmental law that may be relevant to any real estate included in the trust.

- (1) The Trustee may inspect property held directly or indirectly as part of the Trust assets, including any interests in incorporated or unincorporated business entities, to comply with environmental laws affecting this property and respond to a change in, or any actual or threatened violation of, any environmental law affecting property held as part of the Trust assets.
- (2) The Trustee may appropriately respond to a change in, or prevent, abate or otherwise remedy any actual or threatened violation of any environmental law affecting property held as part of the Trust assets, either before or after the initiation of an enforcement action by any governmental body.
- (3) The Trustee may refuse to accept the transfer to the Trust of additional property if the Trustee shall determine that this additional property either is or may reasonably be believed to be contaminated by any hazardous substance that could result in liability to the Trust.
- (4) The Trustee may disclaim any power granted by any document, statute or rule of law that, in the discretion of the Trustee, may reasonably be expected to cause the Trustee to incur personal liability under any environmental law.
- (5) The Trustee may charge the cost of any inspection, response or other action against the income or principal of the Trust.
- (6) The Trustee shall not be personally liable to any beneficiary for any decrease in value because of the compliance by the Trustee with any environmental law, including any reporting requirement. Neither the acceptance by the Trustee of property nor the failure by the Trustee to inspect property shall create any inference as to whether or not there is or may be any liability under any environmental law with respect to such property.
- (7) "Environmental law" means any Federal, state or local law relating to the protection of the environment or human health, and "hazardous substances" means any

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substances defined as hazardous or toxic or otherwise regulated by any environmental law.

ARTICLE SIX
CONCLUDING PROVISIONS

6. A. **Definition of Death Taxes.** The term "death taxes," as used in this Will, shall mean all inheritance, estate, succession, and other similar taxes that are payable by any person on account of that person's interest in my Estate or by reason of my death, including penalties and interest, but excluding any additional tax that may be assessed under Internal Revenue Code §2032A.
6. B. **Payment of Death Taxes.** My Executor shall pay death taxes as follows:
- (1) Death taxes attributable to property inventoried in my probate estate shall be paid out of the residue of my Estate, and none of those death taxes shall be prorated or apportioned among the persons interested in that property; provided however, the assets, if any, over which I hold any taxable power of appointment at my death shall bear the entire increment and the burden of death taxes and other governmental charges to the extent that the total of such taxes and charges is greater than would have been imposed and made payable if I did not hold such a power of appointment, and to the extent required by law, I exercise such power of appointment in favor of the appropriate taxing authorities to discharge such taxes.
 - (2) Death taxes attributable to property not inventoried in my probate estate shall be prorated and apportioned among the persons interested in that property as provided by the laws of the State of West Virginia.
 - (3) Any state inheritance tax shall be paid by each beneficiary who has received a distribution of my Estate which gives rise to such tax.
6. C. **Period of Survivorship.** For the purposes of this Will, a beneficiary shall not be deemed to have survived me if that beneficiary dies within one (1) month after my death.
6. D. **Guardian Ad Litem.** I direct that the representation by a guardian ad litem of the interests of persons unborn, unascertained, or legally incompetent to act in proceedings for the allowance of accounts hereunder be dispensed with to the extent permitted by law.
6. E. **Beneficial Interests.** The interest of any beneficiary in any share or part of this Will, both as to principal and income, shall not be alienable, assignable, attachable, transferable nor paid by way of anticipation, nor in compliance with any order, assignment or covenant and shall not be applied to, or held liable for, any of their debts or obligations either in law or equity and shall not in any event pass to his, her or their assignee under any instrument or under any insolvency or bankruptcy law, and shall not be subject to the interference or control of creditors, spouses or others.

6. F. **No-Contest Provision.** To the extent permitted under the laws of the State of West Virginia, in the event any beneficiary under this Will shall, singly or in conjunction with any other person or persons, undertake any of the following actions then the right of that person to take any interest given him or her by this Will shall be determined as it would have been determined had the person predeceased me without being survived by issue:


- (1) Directly contests in any court the validity of my Will.
- (2) Seeks to obtain adjudication in any proceeding in any court that my Will or any of its provisions are void.
- (3) Seeks otherwise to set aside my Will or any of its dispositive provisions.
- (4) Seeks to obtain adjudication in any proceeding in any court challenging the transfer of any property to or from my Estate on the grounds that such property was not mine at the time of the transfer or at the time of my death.
- (5) Files a creditor's claim against my Estate or prosecutes an action against my Estate or this trust for any claim for damages or services alleged to have been incurred during my lifetime.
- (6) My Executor is hereby authorized to defend, at the expense of my Estate, any contest or other attack of any nature on my Estate, this Will or any of its provisions.

6. G. **Captions.** The captions appearing in this Will are for convenience of reference only, and shall be disregarded in determining the meaning and effect of the provisions of this Will.

6. H. **Severability Clause.** If any provision of this Will is invalid, that provision shall be disregarded, and the remainder of this Will shall be construed as if the invalid provision had not been included.

6. I. **Governing Law.** All questions concerning the validity and interpretation of this Will, shall be governed by the laws of the State of West Virginia in effect at the time this Will is executed.

IN WITNESS WHEREOF, I, BETTY LOU BRYANT, the testator, sign my name to this instrument on May 27, 2014, and being duly sworn, do hereby declare to the undersigned authority and the undersigned witnesses that I sign and execute this instrument as my Last Will and Testament that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am of legal age, of sound mind, and under no constraint or undue influence.


BETTY LOU BRYANT


BLB

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
 BUREAU FOR PUBLIC HEALTH - VITAL REGISTRATION OFFICE
 PHYSICIANS / MEDICAL EXAMINER'S CERTIFICATE OF DEATH
 350 CAPITOL STREET, ROOM 165, CHARLESTON, WV 25301

020024

1. DECEDENT'S LEGAL NAME (include AKA's if any) (First, Middle, Last) Marianne Kolen Lamb			2. SEX F	3. SOCIAL SECURITY NUMBER 112-20-5756	
4a. AGE (Last Birthday) (Years) 90	4b. IF UNDER 1 YEAR Months: _____ Days: _____	4c. IF UNDER 1 DAY Hours: _____ Minutes: _____	5. DATE OF BIRTH (Mo/Day/Yr) Aug. 9, 1927		6. BIRTHPLACE (City and State or Foreign Country) Newburgh, NY
7a. RESIDENCE (STATE) West Virginia		7b. COUNTY Jefferson		7c. CITY OR TOWN Harpers Ferry	
7d. STREET AND NUMBER 714 Elk Run Estates Drive			7e. APT. NO.	7f. ZIP CODE 25425	7g. INSIDE CITY LIMITS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7h. 2nd LEGAL RESIDENCE - PROBATE USE ONLY - OPT.		STREET & NUMBER		APT. NO.	CITY OR TOWN
8. EVER IN US ARMED FORCES? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		9. MARITAL STATUS AT TIME OF DEATH: <input type="checkbox"/> Married <input type="checkbox"/> Married, but separated <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Never Married <input type="checkbox"/> Unknown		10. SURVIVING SPOUSE'S NAME (Give name prior to first marriage.) None	
11. FATHER'S / PARENT 1'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last) George Kolen			12. MOTHER'S / PARENT 2'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last) Olga Zankoff		
13a. INFORMANT'S NAME Carol Lamb Dalton		13b. RELATIONSHIP TO DECEDENT Daughter		13c. MAILING ADDRESS (Street and Number, City, State, Zip Code) 9 Waterloo Circle, Park City, Utah 84060	
14. PLACE OF DEATH (Check only one: see instructions)					
IF DEATH OCCURRED IN A HOSPITAL: <input type="checkbox"/> Inpatient <input type="checkbox"/> Emergency Room/Outpatient <input type="checkbox"/> Dead on Arrival			IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: <input checked="" type="checkbox"/> Nursing home/Long term care facility <input type="checkbox"/> Decedent's home <input type="checkbox"/> Other (Specify):		
15. FACILITY NAME (if not institution, give street & number) 808 Shenandoah Junction Road			18. CITY OR TOWN, STATE, AND ZIP CODE Shenandoah Junction, WV 25442		17. COUNTY OF DEATH Jefferson
16. METHOD OF DISPOSITION <input checked="" type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Entombment <input type="checkbox"/> Donation <input type="checkbox"/> Removal from State <input type="checkbox"/> Other (Specify):			19. PLACE OF DISPOSITION (Name of cemetery, crematory, other place) Harper Cemetery		
20. LOCATION (CITY, TOWN, AND STATE) Harpers Ferry, WV		21. NAME AND COMPLETE ADDRESS OF FUNERAL FACILITY Eckles-Spencer & Norton Funeral Home 256 Halltown Road Harpers Ferry, WV 25425			
22. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH <i>Walter H. Spencer</i>				23. LICENSE NUMBER (Of License) 1587 1887	
ITEMS 24-28 MUST BE COMPLETED BY PERSON WHO PRONOUNCES OR CERTIFIES DEATH			24. DATE PRONOUNCED DEAD (Mo/Day/Yr) 11-25-2017		25. TIME PRONOUNCED DEAD 7:47 AM
26. SIGNATURE AND TITLE OF PERSON PRONOUNCING DEATH (Only when pronouncer IS NOT also the certifier.)			27. DATE SIGNED (Mo/Day/Yr)		
28. ACTUAL OR PRESUMED DATE OF DEATH (Mo/Day/Yr) November 25, 2017		29. ACTUAL OR PRESUMED TIME OF DEATH 7:47 A.M.		30. WAS MEDICAL EXAMINER OR CORONER CONTACTED? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes IF YES, MEDICAL EXAMINER CASE # 17-6059	
31. PART I. Enter the chain of events - diseases, injuries, or complications that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. Enter only one cause on a line. Add additional lines if necessary.					
IMMEDIATE CAUSE (Final disease or condition resulting in death) → senile degeneration of the brain					
Due to (or as a consequence of): adult failure to thrive					
Due to (or as a consequence of):					
Due to (or as a consequence of):					
Due to (or as a consequence of):					
PART II. Enter other significant conditions contributing to death but not resulting in the underlying cause in PART I.					
32a. WAS AN AUTOPSY PERFORMED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		32b. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		35c. FINAL MANNER OF DEATH: <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Could not be determined	
33. DID TOBACCO USE CONTRIBUTE TO DEATH? <input checked="" type="checkbox"/> No <input type="checkbox"/> Probably <input type="checkbox"/> Yes <input type="checkbox"/> Unknown		34. IF FEMALE: <input checked="" type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death <input type="checkbox"/> Unknown if pregnant within the last year		35a. CAUSE/MANNER PENDING? <input type="checkbox"/> Pending investigation <input type="checkbox"/> Date Amended	
35a. DATE OF INJURY (Mo/Day/Yr)		35b. TIME OF INJURY		35c. PLACE OF INJURY (e.g., Decedent's home, construction site, restaurant, office building, wooded area)	
35d. INJURY AT WORK? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
36a. LOCATION OF INJURY: Street & Number: _____ Apt. No.: _____ City or Town: _____ State or Country: _____ Zip Code: _____					
36b. DESCRIBE HOW INJURY OCCURRED				36c. IF TRANSPORTATION INJURY: SEATBELT RESTRAINT STATUS: ROLE: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Restraint <input type="checkbox"/> No restraint <input type="checkbox"/> Unknown	
36d. HELMET STATUS: <input type="checkbox"/> Helmet <input type="checkbox"/> No helmet <input type="checkbox"/> Unknown					
37a. CERTIFIER (Check only one): <input type="checkbox"/> Certifying Physician or Qualified APRN - To the best of my knowledge, death occurred due to the cause(s) and manner stated. <input checked="" type="checkbox"/> Pronouncing & Certifying Physician or Qualified APRN - To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated. <input type="checkbox"/> Medical Examiner/Coroner - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated.					
Signature of Certifier <i>Dr. Phillip</i>		Date Certified 11/28/17			
37b. NAME, ADDRESS, AND ZIP CODE OF PERSON CERTIFYING TO CAUSE OF DEATH (Item 31) Dr. Phillip 330 Hospital Kearneysville WV 25430				37c. TITLE OF CERTIFIER <input type="checkbox"/> MD <input type="checkbox"/> APRN <input type="checkbox"/> Non-Physician Coroner <input type="checkbox"/> Other, specify _____	
38. FOR OFFICIAL REGISTRAR USE ONLY - SIGNATURE OF REGISTRAR <i>Raymond Fox</i>				38. FOR OFFICIAL REGISTRAR USE ONLY - DATE FILED DEC 04 2017	

NAME OF DECEDENT: Marianne Lamb

DATE OF DEATH

TYPE/PRINT IN PERMANENT BLACK INK

Last Will and Testament
of

MARIANNE KOLEN LAMB

I, MARIANNE KOLEN LAMB, a resident of and domiciled in Jefferson County, West Virginia, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all previous Wills and Testamentary Dispositions made by me.

ARTICLE I. DEFINITIONS

A. My heirs pursuant to this Will are my husband, ROBERT WAYLAND LAMB, my children, CAROL LAMB DALTON, MICHAEL JON LAMB, JAMIE LAMB MACALUSO, and JENNIFER ANN LAMB, and my grandchildren. Except as provided in this my last Will and Testament, I have intentionally omitted to provide herein for any other relatives or for any other person, whether claiming to be an heir of mine or not.

B. The words "survive me", or words of like import shall be taken to mean survive me for a period of at least thirty days.

C. The words "age of distribution" shall be taken to mean the age of 21 years.

ARTICLE II. DEBTS

I direct that all my just debts, funeral expenses and expenses of administration of my estate and all death duties that may be imposed by any taxing authority, State or Federal, or other upon my estate, or any part thereof, arising directly or indirectly by

Marianne Kolen Lamb
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LAST WILL & TESTAMENT
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reason of my death, upon any property which passes to my beneficiaries hereunder, or to any persons as beneficiaries of life insurance policies of my life, or by survivorship, or otherwise by reason of my death, be paid as soon as practicable by my Executor hereinafter named, from my gross estate, generally, without need for proration or reimbursement from or charging any person with any part of the taxes or charges so paid. I direct my Executor to pay all my lawful debts and to expend such sums for my funeral, cremation and for the erection of a suitable stone or marker, as (s)he in her/his discretion may deem proper, without being subject to any limitation which may be imposed by law. Towards this end, I direct my Executor to look first towards any life insurance policies which may be payable to the estate as the fund for paying my debts and funeral expenses.

Provided, however that any debt payable in future installments or at a future date, secured by a lien or liens upon real estate owned by me at the time of my death, shall not be paid by my Executor from my estate, but such real estate shall pass to the devisee thereof, subject to any such secured indebtedness, and the lien securing the same shall be paid by such devisee in installments or otherwise as such devisee may choose. I direct that any expenses incurred in obtaining possessions, appraising, safeguarding, delivering, or selling such property be paid from my estate as an administration expense.

ARTICLE III. DISPOSITION OF ESTATE

After the payment of all proper charges against and claims upon my estate, and the fulfillment of all specific bequests, all the rest, residue and remainder of my property, real and personal, tangible and intangible, or mixed, wheresoever situated and howsoever held, to which I shall be legally or equitably entitled, or over which I may


Marianne Kolen Lamb

have a power of appointment, of which I may die seized or possessed, or to which I may be entitled to at the time of my death, hereinafter referred to as my Residuary Estate, I give, devise and bequeath to my husband, ROBERT WAYLAND LAMB, to be his absolutely.

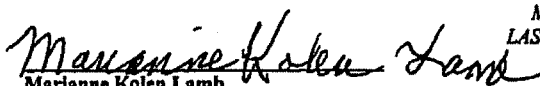
In the event my husband, ROBERT WAYLAND LAMB, fails to survive me, I hereby give, devise and bequeath all of my estate and property, real, personal, tangible and intangible, or mixed, wheresoever situated and howsoever held, to which I shall be legally or equitably entitled, or over which I may have a power of appointment, of which I may die seized or possessed, or to which I may be entitled to at the time of my death to my children, MICHAEL JON LAMB, JAMIE LAMB MACALUSO, JENNIFER ANN LAMB, and CAROL LAMB DALTON, in equal shares, *per stirpes*.

In the event any of my children shall predecease me leaving no lineal descendants, then that child's share shall be distributed to my surviving children or their heirs such that there is one share for each child of mine who survives or who has descendants.

ARTICLE IV. APPOINTMENT OF EXECUTOR

(a) I hereby appoint my husband, ROBERT WAYLAND LAMB, as Executor of this, my Last Will and Testament and direct that he not be required to furnish a bond as required by law. If ROBERT WAYLAND LAMB, is unwilling or unable to serve as Executor, I hereby appoint my daughter, CAROL LAMB DALTON, as Executor of this my Last Will and Testament and direct that she not be required to furnish a bond as required by law.

(b) The Executor shall have complete discretion and authority to sell, transfer, mortgage, lease and convey at public or private sale, for cash or credit, all of my property


Marianne Kolen Lamb
LAST WILL & TESTAMENT
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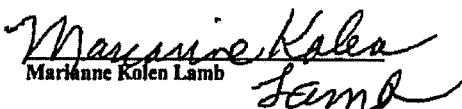
and estate of every kind and description upon such terms and conditions as may be deemed advisable, to make distribution to the beneficiaries hereunder in cash or in kind, or in undivided interest in the property owned by me, and to execute all necessary instruments and do all other things required for the convenient and expeditious administration of my estate. Any mortgage or lease made by my Executor may extend beyond the term of my estate.

(c) The Executor shall pay out of the assets which would otherwise become a part of the residue of my estate, all estate and inheritance taxes which may be assessed by reason of my death, with any interest or penalties thereon, and make deposits on account of such taxes. The Executor shall waive any right of reimbursement for such taxes except as to property over which I may have a general power of appointment.

(d) The Executor shall elect to claim expenses of the administration of my estate as income tax deduction to the extent that such election, in the judgment of the Executor, will result in overall reduction of the aggregate income and death taxes.

(e) I direct that my Executor shall exercise his powers without prior application to or subsequent ratification by any Court.

In addition to the common law and statutory powers granted to Executors by the laws of the State of West Virginia, in accordance with the provision of West Virginia Code §44-5A-1, *et seq.*, as amended, I hereby authorize and empower my Executor, and his successors, to exercise the powers, or any portion thereof, enumerated in section three [West Virginia Code §44-5A-3] of said article which are hereby incorporated herein by reference as if set forth verbatim in this Will.


Marianne Kolen Lamb

ARTICLE V. FUNERAL ARRANGEMENTS

It is my desire and I direct that following my death, my remains not be cremated and my remains are to be buried in Harpers Ferry, West Virginia.

I hereby require the attesting witnesses hereto to make and subscribe affidavits to be attached hereto in accordance with the provisions of Chapter 41, Article 5, Section 15 of the Code of West Virginia, for the purpose of proving this Will when the same is offered for probate.

IN WITNESS WHEREOF, I hereunto subscribe my name and affix my seal to this, my Last Will and Testament, which is written without any interlineations on six (6) pages on this 23rd day of July, 2013.

Marianne Kolen Lamb
MARIANNE KOLEN LAMB

This instrument, consisting of six (6) typewritten pages, was signed, published and declared by the Testator to be his Last Will and Testament, in the presence of us, who in his presence and in the presence of each other, have hereunto subscribed our names as witnesses and made an affidavit for proof of this Will. The witnesses to this Last Will and Testament, other than Robin Skinner Prinz, the attorney who assisted in the drafting, have not read the will and hereby affirm that they do not know the contents of the will.

Robin Skinner Prinz _____ of *Heesburg, VA*
Nancy Maynard _____ of *Charles Town, WV*
Tommy Davis _____ of *Summit Point, WV*

Marianne Kolen Lamb
Marianne Kolen Lamb

STATE OF WEST VIRGINIA,
COUNTY OF JEFFERSON, to-wit:

This day personally appeared before the undersigned authority, MARIANNE KOLEN LAMB, Testator, and Robin Skinner Prinz, Nancy Maynard, and Tammy A. DAVIS who, being first duly sworn, depose and say that they were witnesses to the Last Will and Testament of, which appears above; that they were, on the date set forth above, of lawful age; that they were not beneficiaries under said Will; that the said testator, MARIANNE KOLEN LAMB, signed and declared the same to be his Last Will and Testament, and they, in the presence of the said testator, and in the presence of each other, affixed their signatures and seals thereto as witnesses; that the said witnesses further state under their oath that at the time of the signing of said Will the said MARIANNE KOLEN LAMB was, in their opinion, of sound, mind and above the age of twenty-one (21) years, and fully competent to make a will.

Further affiants sayeth not.

Marianne Kolen Lamb
MARIANNE KOLEN LAMB
Robin Skinner Prinz
Nancy Maynard
Tammy A Davis

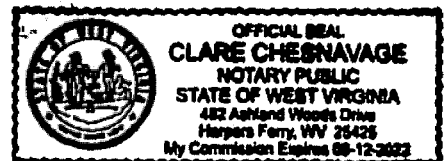
Taken, subscribed and sworn to by MARIANNE KOLEN LAMB, Testator, Robin Skinner Prinz, Nancy Maynard, TAMMY A. DAVIS

before the undersigned Notary Public, this 23rd day of July, 2013, each of whom is personally known to me.

Clare Chesnave
Notary Public

My Commission Expires: 9-12-2012

This Instrument prepared by
Robin Skinner Prinz, Attorney At Law
CASSELL & PRINZ, PLLC
120 North George Street, Suite 200
Charles Town, WV 25414



Marianne Kolen Lamb
Marianne Kolen Lamb
Lamb

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Annette Gavin Bates

Department or Organization: **Jefferson County Convention and Visitor's Bureau**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **February 15, 2018**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Request Permission allow the use of the land for collateral

Please provide the County Commission with a description of your request or presentation, including any background information: The bank financing the expansion of the CVB has requested that the land donated by the West Virginia Department of Highways to the County Commission be used as collateral for the expansion project. The expansion of the building will be located on this land, which is currently owned by the County Commission. Accordingly, the Commission must approve its use as collateral for the loan.

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*): Motion to allow the land conveyed to the Jefferson County Commission by the West Virginia Department of Transportation and more accurately described in the deed recorded on December 10, 2015, in the Office of the Clerk of the County Commission of Jefferson County in Deed Book 1165 at Page 391, to be used as collateral for the financing of the CVB expansion project.

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

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Tara Jenkins

Department or Organization: **Panhandle Earth Day, Inc**

Estimation of amount of time needed for appointment: 20 minutes

Date Requested – 1st Choice: **Feb 15th, 2018**

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

Date Requested – 2nd Choice: March 1st, 2018

Subject (*Wording to be placed on agenda*): Request to have alcohol at 10th Annual Panhandle Earth Day Celebration

Please provide the County Commission with a description of your request or presentation, including any background information: The Panhandle Earth Day Celebration is an annual event held each April in Jefferson County, West Virginia. The event features local artists and musicians and promotes environmental education and community resiliency. We normally have about 100 vendors and 2000 attendees throughout the day. We are requesting permission to offer alcohol in a designated area at the event this year to increase attendance and revenue.

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*):

Panhandle Earth Day, Inc will be permitted to have alcohol at the Panhandle Earth Day Celebration on April 21st, 2018 at Sam Michael's Park in Shenandoah Junction, WV between the hours of 11:00 am and 7:00 pm.

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: panhandle.earthday@gmail.com

Phone Number: 2405207058

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: 10 minutes

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 Eastern Panhandle Transit Authority Board – one three-year term ending January 31, 2021– Discussion/Action

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

Is equipment needed? Projector Y/N Internet/WI FI Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, February 15, 2018, or as soon thereafter as the Commission may decide:

Eastern Panhandle Transit Authority Board - one three-year term ending January 31, 2021.

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

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

Jefferson County Commission
Application for Boards, Committees or Commissions

Please type or print information

Name: Andrew Osantowske

Home Telephone Number: _____

Work Address: 3110 Fairview Park Dr., Falls Church VA 22042

Work Phone Number: _____

Mobile Phone Number: (304) 433-4240

E-mail Address: aosantowske@gmail.com

Party Affiliation: (Building Commission and Health Department applicants)

Occupation: Unmanned Systems Consultant

Education: High School Walled Lake Central H.S., Walled Lake, MI (2000)

College Middle Tennessee State University, Murfreesboro, TN (2007)

Trade/Business School _____

Are you a United States citizen? Yes X No__

Are you a West Virginia resident? Yes X No__

Are you a resident of Jefferson County? Yes X No__

Are you able to produce verification of residency? Yes X No__

(Proof of paying personal property tax, voter registration, etc.)

Address:
12 Appomattox Lane
Shepherdstown, WV 25443

Magisterial District: 34

List Qualifications for this Position and/or include a resume and cover letter that expresses your interest in serving:

To supplement my resume: I was appointed to the Transportation Commission in Flower Mound, Texas by the Mayor and Town Council. While in this role, I led what was the initial discussion to create a town ordinance to ban texting while driving. News article link below:

FM Leademews; As state lawmaker proposes texting ban, FM discusses having its own; November 11, 2014. <http://starlocalmedia.com/theleader/>

Organization Memberships and Positions Held : Middle Tenn. State University, Aviation Department, Advisory Board member from 2016-Present Willow Springs Acres Homeowners Association Board member from 2016-Present

Have you even been convicted of any felonies? If yes, please list.

Date:	Offense:
	No

Statement: _____

I hereby certify that the facts set forth in the above are true and complete to the best of my knowledge and authorize the Jefferson County Commission to verify their accuracy and to obtain reference information. I hereby release Jefferson County Commission from any/all liability of whatever kind and nature which, at any time, could result from obtaining and having an appointment decision based on such information.

I understand that falsified statements of any kind or omissions of facts called for on this application shall be considered sufficient basis for removal.

I understand that I will fully adhere to the policies, rules and regulations of this appointment, including reading, adhering and signing the County's Ethics Statement and adhering to Robert's Rules as provided in a packet to me when obtaining my Oath of Office or on the County's website. I understand I may also attend a free annual Board Training and Ethics Training meeting established by the Jefferson County Commission.

Signature:  _____ Date: January 29, 2018

This application is good for and will be retained for two (2) years in accordance with the Administrative Policies and Procedures Policy. In order to be considered for appointment, a new application must be submitted.

Andrew Osantowski

12 Appomattox Lane, Shepherdstown WV 25443 • (304) 433-4240 • aosantowski@gmail.com

OBJECTIVE

To be appointed to the Eastern Panhandle Transit Authority Board where my experience with transportation, local and federal government, leading organizations, and passion for public service can be used for the benefit of the community.

ACHIEVEMENTS

- Introduced discussion about texting while driving within the town (Flower Mound, TX) limits amid dissenting opinions from fellow transportation commissioners. This introduction, along with many other grassroots initiatives, were featured in regional news media outlets and contributed to the eventual state-wide ban signed into law in 2017.
- Authored a regulatory position paper, now being circulated for policy adoption, related to the use of temporary flight restrictions by small Unmanned Aircraft Systems (UAS) for the Federal Aviation Administration (FAA).
- Developed a Detect and Avoid strategy to further enable Beyond Visual Line of Sight operations for the FAA's Mission Support Service directorate.
- Successfully mitigated a 'high' schedule risk to the initial Part 107 phased rollout plan which would have otherwise resulted in a high visibility integration delay.
- Produced multiple social media pieces for non-traditional pilots to explain and clarify how to request and obtain Part 107 waivers and authorizations. One video in particular, *How to use the Unmanned Aircraft Systems Facility Map*, was the #3 trending video across all of the FAA's social media platforms during the week of the world's largest annual aviation event, EAA's AirVenture.
- Airspace and Regulatory Consultant to the Loudoun County Sheriff's Office (VA) for the deployment of UAS during search and rescue missions, as well as acting instructor for their Remote Pilot Course.

EXPERIENCE

Evans Incorporated

April 2016 – Present

Senior Unmanned Systems Analyst

- Program support for the FAA-Air Traffic Organization's Emerging Technologies Integration Team in Washington, D.C.
- Initial sUAS rule implementation risk manager.
- Developed communications plan strategies, briefings, and a 'UAS Roadshow' for delivery to air traffic control field facilities.
- Author of multiple regulatory analysis white-papers relating to airspace analysis, law enforcement utilization of sUAS, and enhanced operational capabilities.
- Created and published Airspace Authorization and Waiver educational social media video series for the flying public.

Senior Air Traffic Control Analyst

- Program support for the FAA-Air Traffic Organization's Special Caribbean Initiative.
- Developed program implementation and acquisition strategy with initial cost estimate of \$22 million.
- Authored program's Communications Plan, Project Management Plan, Implementation Strategy and Planning Document, Shortfalls Analysis, industry and executive briefings.
- Coordinated initiative implementation with appropriate lines of business across various FAA business lines as well as foreign air navigation service providers.

Lockheed Martin; Federal Contract Flight Service Station

November 2007 – April 2016

Quality Assurance Engineer

- Evaluated air traffic specialist performance across the country for regulatory compliance.
- Mitigated negative performance trends by developing just-in-time procedures, training products, and policy documents.
- Assisted the FAA, various Federal and State agencies, and military representatives with aircraft

mishap and accident investigations.

- Acting subject matter expert in various topics; to include Notice to Airman (NOTAMs), unmanned aircraft systems (UAS), and UAV Operating Areas (UOA).

Air Operations Associate Manager

- Ensured the safe and efficient flow of general aviation traffic across a 13-state region including Mexican and Canadian borders.
- Operational consultant for the Flight Service Engineering-Web Services department.
- Supported and developed real-time procedures with the Flight Service Operational Control office, Air Traffic Control Command Center, and multiple Air Traffic Control facilities during the Chicago En Route center building fire (2014).
- Successfully managed multiple periods of program and generational change via consistent communication and individualized training plans.

Flight Service Specialist

- Provided tailored preflight weather briefings, conducted search and rescue for missing aircraft, and constructed operational aviation products in accordance with applicable air traffic control laws, rules, and regulations.
- Participated in various testing and expert groups to advance work processes and programs.
- Proficient in various international procedures and ICAO flight planning.

United States Air Force

September 2001 – 2007

Michigan & Tennessee Air National Guard – Crew Chief

- Responsible for the health and maintenance of F-16C/D aircraft (2001-2005), and C-130 aircraft (2005- 2007).

EDUCATION

Middle Tennessee State University

August 2005 – August 2007

- Bachelor of Science, Aerospace – Flight Dispatch and Scheduling
- Minor in Leadership Studies
- FAA Air Traffic Control College Training Initiative Graduate

FAA Certificates

- Private Pilot, Single Engine Land – 2006
- Aircraft Dispatcher – 2007
- Remote Pilot, Small Unmanned Aircraft – 2016

Professional Courses

- Global UAS Risk Management, Embry Riddle Aeronautical University – October 2016

OUTREACH AND COLLABORATION

-
- Leadership Jefferson – Class 12, Jefferson County, WV Chamber of Commerce (September 2017 – 2018) [Expected]
 - Advisor, Middle Tennessee State University Aerospace Department Advisory Board (October 2016 - Present)
 - Emerging Leaders Fundamentals Graduate, Lockheed Martin IS&GS Civil (February 2015)
 - Lockheed Martin Leadership Association Bylaws Revision Committee Chairman (September 2014)
 - Commissioner, Town of Flower Mound Transportation Commission (October 2013 - February 2015)
 - Advisor, Tarrant County College Aviation Department (November 2012 - December 2014)
 - International Association of Machinists and Aerospace Workers, Local Lodge #2011 President (December 2009 – December 2010)

Additional details and references available upon request.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **February 15, 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 Property Safety Enforcement Agency – two 2-year Citizen Representative terms ending February 8, 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

NOTICE OF INTENT TO APPOINT

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, February 15, 2018 or as soon thereafter as the Commission may decide:

Jefferson County Property Safety Enforcement Agency: Two 2-year citizen representative terms ending February 8, 2020.

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

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

Jessica Carroll

From: Roger Goodwin
Sent: Friday, February 02, 2018 10:10 AM
To: Sandra McDonald
Cc: Stephanie Grove; Jessica Carroll; Roger Goodwin; Becky Burns
Subject: Property Safety Enforcement Agency - Board Member Appointment

February 2, 2018

Sandy,

See Bill Zaleski's request below to be appointed to serve on the Property Safety Enforcement Agency Board as a citizen volunteer, effective February 20th. Can you put this on the February 15th county commission agenda for their consideration?

Roger Goodwin, PE, CFM
Director & Chief County Engineer
Jefferson County Department of Engineering, Planning & Zoning
P.O. Box 716
116 East Washington Street, Suite 100
Charles Town, WV 25414

304-728-3257
Engineering@jeffersoncountywv.org

From: Zaleski, Bill H [mailto:Bill.H.Zaleski@wv.gov]
Sent: Friday, February 02, 2018 10:05 AM
To: Roger Goodwin
Subject: RE: Health Department

Roger

This is my written request to be a citizen volunteer on the Property Safety Committee (Jefferson County)
Would love to keep serving the citizens of Jefferson

Thanks

Bill Zaleski

From: Roger Goodwin [mailto:rgoodwin@jeffersoncountywv.org]
Sent: Friday, February 02, 2018 10:02 AM
To: Zaleski, Bill H <Bill.H.Zaleski@wv.gov>; Patricia Noland (<commissionerpnoland@gmail.com>
<commissionerpnoland@gmail.com>; Pete Dougherty <pdougherty@jcsdvw.com>; Sandra McDonald
<Sandy@jeffersoncountywv.org>; Becky Burns <bburns@jeffersoncountywv.org>; Bill Polk
<bpolk@jeffersoncountywv.org>; Kline, Kimberly S <Kimberly.S.Kline@wv.gov>; Alexandra Beaulieu
<abeaulieu@jeffersoncountywv.org>; Jennifer Brockman <jbrockman@jeffersoncountywv.org>
Cc: Roger Goodwin <rgoodwin@jeffersoncountywv.org>
Subject: RE: Health Department

February 2, 2018

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: ~~February 1, 2018~~ 2-15-18

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

Subject (*Wording to be placed on agenda*): **911 Center Outage - Discussion/Action**

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

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

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

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

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.

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Click here to enter text.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **February 1, 2018**

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

Subject (*Wording to be placed on agenda*): **Discuss County Courthouse conditions and issues that needs to be addressed - Discussion/Action**

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

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

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

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

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

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

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)



January 28, 2018

Mr. Josh Compton, President
Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Dear Commissioner Compton,

The Jefferson County Historic Landmarks Commission wishes to express our support for the acquisition of traps suitable to capture pigeons that are roosting on the court house. The plan offered by Maintenance Director Polk addresses the problem raised at the last County Commission meeting without detracting from the historic integrity of the building.

We do not believe the addition of spikes to the façade of the building is appropriate, neither in practicality nor visual appeal. Director Polk has indicated, from his research, that the spikes rarely work and, in fact, pigeons often build nests directly on them.

We are confident the continual problems relating to the pigeons can be mitigated by instituting Director Polk's plan.

Sincerely,

Martin Burke, Chair

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Bill Polk**

Department or Organization: **Maintenance Department**

Estimation of amount of time needed for appointment: **15 minutes**

Date Requested – 1st Choice:

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Approval of Judicial Elevator Upgrade Proposal from Kone Elevators – Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information: This will upgrade the software in the Judicial Building elevator controller so that the elevator can be locked out while in secure mode. This will allow the judge and staff to ride the elevator securely without anyone else being able to ride the elevator at the same time. This will also secure the access from the elevator to the judge's offices to only those with card reader access.

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

If so, how much? **\$ 15,303.20**

Provide exact financial impact/request:

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

Move to approve the proposal from Kone Elevators to upgrade the elevator in the Judicial Building in order for the judge and staff to securely ride and to secure entry to their office areas from the elevator.

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

KONE Care™

PEOPLE FLOW REPAIR AND UPGRADE PROPOSAL



1/19/2018

Jefferson County Commission
128 Industrial Blvd
Kearneysville, WV 25430

ATTN: Bill Polk

Re: Hospitalization Upgrade
Jefferson Co. Judicial Center

KONE Inc.
6901 Mulrirk Meadows Dr.
Beltsville, MD 20705
Tel (301) 459 - 8660
Fax (301) 210 - 2787
www.kone.com
Jack.Thomas@Kone.com

Description of Work

We propose to furnish and install the labor, materials, tools and supervision to perform the following work on the Passenger Elevator #1 located at 110 North George St, Charles Town, WV 25414.

Hospitalization Mode Upgrade

We will upgrade the software on the elevator controller to allow the elevator to be locked out from all floors and all doors while it is in the secure mode. This will allow the judge or other sensitive personnel to ride the elevator without a civilian being able to ride at the same time. This service will not be able to override a fire service call, as that needs to be unrestricted at all times.

The 3F floor will always be in "judge mode" and all other floors will be in a normal mode. When the approved personnel get on the elevator, they will use a card reader to activate "judge mode", which will lock all other floors and give access to the 3F door.

There will be a 4-6 week lead time to get all of the parts from the supplier.

Price

Our total price to perform the above-mentioned work amounts to: \$15,303.20, plus applicable taxes.

Per the US Communities pre-negotiated terms for repairs, here is a breakdown of pricing:

Materials: \$3250 + 20% markup = \$3900.
Service Mechanic: \$185.19/hour x 32 hours = \$5,926.08
Helper Mechanic: \$171.16/hour x 32 hours = \$5,477.12

Our price includes applicable labor, material and permit fees. This proposal is not binding on KONE until approved by an authorized KONE representative. Pricing is subject to KONE's attached Terms and Conditions for tendered repairs and, by signing below, Purchaser hereby agrees to these Terms and Conditions. Price is valid for 30 days from the date of this proposal.

KONE Care™

PEOPLE FLOW REPAIR AND UPGRADE PROPOSAL



Down Payment

The above quoted price is based on a fifty percent (50%) down payment, due before the order will be processed. No material will be ordered and work shall not commence until applicable down payment is received. The attached invoice will serve as a receipt for the down payment provided.

ACCEPTANCE: The foregoing Agreement is hereby signed and accepted in duplicate on behalf of Jefferson County Commission

Respectfully submitted by,
KONE Inc.

(Signature)

Jack Thomas
Sr. Sales Consultant

(Print Name)

(Approved By) Authorized Representative

(Print Title)

Title

Date: ____ / ____ / ____

Date: ____ / ____ / ____



TERMS AND CONDITIONS

This proposal is subject to the following terms and conditions, all of which are hereby agreed to:

KONE shall submit invoices for the value of material delivered and/or labor performed, less the down payment paid at the time of proposal acceptance. A final invoice shall be issued by KONE upon completion of the work and shall include all balances due. Purchaser agrees to pay the amount of any tax imposed by any existing law, or by any law enacted after the date of this Agreement, based upon the transfer, use, ownership or possession of the equipment involved in the services rendered herein. KONE reserves the right to discontinue our work at anytime until we have assurance, satisfactory to us, that payments will be made as agreed. Final payment shall become due and payable upon completion of the work described in this Agreement. Failure to pay any sum due to KONE within thirty (30) days of the invoice will be a material breach. A delinquent payment charge calculated at the rate of 1 1/2 % per month, or if such rate is usurious then at the maximum rate under applicable law, shall be applied to the delinquent payments. In the event of default on the payment provisions herein, Purchaser agrees to pay, in addition to any defaulted amount, all attorney fees, collection cost or court costs in connection therewith. The machinery, implements and apparatus furnished hereunder remain KONE's personal property and KONE retains title thereto until final payment is made, with right to retake possession of the same at the cost of the Purchaser if default is made in any of the payments, irrespective of the manner of attachment to the realty, the acceptance of notes, or the sale, mortgage or lease of the premises.

The states requiring notice prior to filing a lien, this notice requirement is hereby complied with.

KONE shall not be liable for damage or delay caused directly or indirectly by accidents, embargoes, strikes, lockouts, work interruption or other labor dispute, fire, theft, floods, or any cause beyond KONE's control. Regardless of the type of delay, KONE shall not be liable for any indirect, consequential, or special damages including but not limited to fines, penalties, loss of profits, goodwill, business or loss of use of equipment or property.

Purchaser agrees to provide safe access to the equipment and machine room areas. Should conditions develop beyond KONE's control, making the building or premises in which KONE's personnel are working unsafe, KONE reserves the right to discontinue work until such unsafe conditions are corrected. Should damage occur to KONE's material or work on the premises, by fire, theft or otherwise, Purchaser shall compensate us therefore.

Any asbestos removal necessitated by work described in this Proposal will be the Purchaser's responsibility. Purchaser shall provide documentation that the asbestos has been abated from the KONE work area and air clearance reports shall be made available upon request. Purchaser is responsible for all costs of oil disposal should it be determined that oil from Purchaser's equipment is contaminated.

KONE undertakes to perform this work in conformity with the usual applied codes and standards, however, no guarantee can be made that all code violations or defects have been found. This work is not intended as a guarantee against failure or malfunction of equipment at any future time.

It is agreed and understood that KONE is not responsible for damages, either to the vertical transportation equipment or to the building, or for any personal injury or death, arising from or resulting from any code required safety tests performed on this equipment.

Nothing in this agreement shall be construed to mean that KONE assumes any liability of any nature whatsoever arising out of, relating to or in any way connected with the use or operation of the equipment described above. Purchaser shall be solely responsible for the use, repair and maintenance of the equipment and for taking such steps including but not limited to providing attendant personnel, warning signs and other controls necessary to ensure the safety of the user or safe operation of the equipment.

Neither KONE nor its affiliates, subsidiaries or divisions shall be responsible or liable for any damages, claims, suits, expenses and payments on account of or resulting from any injury, death or damage to property arising or resulting from the misuse, abuse or neglect of the equipment herein named or any other device covered by this contract.

Purchaser shall at all times and at Purchaser's own cost, maintain a commercial general liability policy covering bodily injury and property damage with the limits of liability Purchasers customarily carry (naming KONE as additional insured) arising out of the services provided under this Authorization and/or the ownership, maintenance, use or operation of the equipment described herein.

It is agreed and understood that Purchaser is solely responsible for ongoing maintenance and care of the equipment described above. IT IS EXPRESSLY UNDERSTOOD, IN CONSIDERATION OF OUR PERFORMANCE OF THIS WORK THAT PURCHASER ASSUMES ALL LIABILITY FOR THE USE, MAINTENANCE OR OPERATION OF THE EQUIPMENT DESCRIBED ABOVE AND FOR ANY INJURY, INCLUDING DEATH, TO ANY PERSON OR PERSONS AND FOR DAMAGE TO PROPERTY OR LOSS OF USE THEREOF, ON ACCOUNT OF OR RESULTING FROM THE PERFORMANCE OF THE WORK TO BE DONE HEREIN, AND AGREES TO THE EXTENT PERMITTED BY LAW TO DEFEND, INDEMNIFY AND HOLD HARMLESS KONE, ITS OFFICERS, DIRECTORS AND EMPLOYEES FROM ALL DAMAGES, CLAIMS, SUITS, EXPENSES AND PAYMENTS ON ACCOUNT OF OR RESULTING FROM ANY SUCH INJURY, DEATH OR DAMAGE TO PROPERTY, EXCEPT THAT RESULTING FROM THE SOLE NEGLIGENCE OF KONE INC. Purchaser hereby waives any and all rights of recovery, arising as a matter of law or otherwise, which Purchaser might now or hereafter have against KONE Inc.

KONE warrants the materials and workmanship of the equipment for 90 days after completion. Purchaser's remedy is limited to repair or replacement of a defective part, in KONE's sole discretion. The warranty is limited to the replacement or repair of the part itself, and excludes labor. In no event shall KONE be responsible for damage due to normal wear and tear, vandalism, abuse, misuse, neglect, work or repairs or modifications by others, or any other cause beyond the control of KONE. KONE disclaims any other warranty of any kind, either expressed or implied, including without limitation the implied warranties of merchantability or fitness for a particular purpose, or noninfringement.

Unless otherwise agreed, it is understood that the work shall be performed during regular working hours of regular working days of the elevator trade. If overtime work is mutually agreed upon and performed, the additional price, at KONE's usual rates for such work, shall be added to the contract price herein named.

It is expressly understood and agreed all prior agreements written or verbal regarding the subject matter herein are void and the acceptance of this Agreement shall constitute the contract for the material and work specified in this Agreement. Any changes to this Agreement must be made in writing and signed by both parties.

The terms and conditions set forth herein shall constitute the complete agreement for any work performed, AND shall prevail over and supersede any terms and conditions contained in any documents provided by the Purchaser.

The Purchaser does hereby agree the exclusive venue for any dispute between the parties shall be in the county of Rock Island, IL.

New Business



AGENDA REQUEST FORM
www.jeffersoncountyv.wv.org

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: ~~February 1, 2018~~ **Feb 15 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*): **Legislative Updates**

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

Is this a funding request? **Y/N** Click here to enter text.
If so, how much? **\$**Click here to enter text.

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

Attach supporting documents for request, or request may be denied.
If not attached, explain: Click here to enter text.

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

Contact information:
Email address: Click here to enter text. **Phone Number:** Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS
Click here to enter text.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Patsy Noland**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **February 15, 2018**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Discussion of Senate Bill 415 and discuss whether the commission should take a position on the Bill.**

Please provide the County Commission with a description of your request or presentation, including any background information: **Senate Bill 415 is an internet gambling bill that allows internet gambling in WV on all amateur and professional sports. Licenses will be granted for all 4 race tracks, which, according to the wording in the bill, will receive all the revenue. Revenue will be 1% of the gross wages bet, which if it follows other states, has the potential to be an enormous amount of revenue. As written this bill undermines the decision of the voters that supported allowing gaming in counties with race tracks in exchange for a percentage of the revenue**

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*):

Move to support the bill as written OR

Move to support the bill with changes to be determined after discussion OR

Move to not support the bill OR

Take no action.

Attach supporting documents for request, or request may be denied. Senate Bill 415 is attached.

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

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 415

**FISCAL
NOTE**

BY SENATORS FERNS, BLAIR, MARONEY, TRUMP, WELD,

WOELFEL, STOLLINGS, AND TAKUBO

[Introduced January 29, 2018; Referred

to the Committee on the Judiciary; and then to the

Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §29-22D-1, §29-22D-2, §29-22D-3, §29-22D-4, §29-22D-5, §29-22D-6, §29-
3 22D-7, §29-22D-8, §29-22D-9, §29-22D-10, §29-22D-11, §29-22D-12, §29-22D-13, §29-
4 22D-14, §29-22D-15, §29-22D-16, §29-22D-17, §29-22D-18, §29-22D-19, §29-22D-20,
5 §29-22D-21, §29-22D-22, §29-22D-23, §29-22D-24, and §29-22D-25, all relating to
6 permitting wagering on the results of certain professional or collegiate sports or athletic
7 events and other events authorized as West Virginia Lottery sports wagering activities;
8 providing legislative findings; defining terms; detailing duties and powers of the West
9 Virginia Lottery Commission; providing rule-making authority and emergency rule-making
10 authority; limiting sports wagering to existing racetrack casinos and the casino in a historic
11 resort hotel; establishing license requirements and prohibitions; adopting house rules and
12 the posting of the same; defining duties of an operator conducting sports wagering;
13 requiring the posting of betting limits; adopting sports wagering agreements with other
14 governments; prohibiting unauthorized sports wagering in this state; creating the West
15 Virginia Lottery Sports Wagering Fund; authorizing the collection of license fees;
16 authorizing the West Virginia Lottery to collect an administrative allowance from gross
17 sports wagering receipts; authorizing the West Virginia Lottery to levy and collect a tax in
18 the amount of 10 percent of adjusted gross sports wagering receipts; defining how moneys
19 deposited in the West Virginia Lottery Sports Wagering Fund shall be distributed;
20 establishing the role of law enforcement; imposing civil and criminal penalties; establishing
21 crimes; providing for the forfeiture of property for certain violations; preempting this article
22 from state and local law; establishing exemption from federal law; and allowing for the
23 shipment of gambling devices used for sports wagering.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22D. WEST VIRGINIA LOTTERY SPORTS WAGERING ACT.

§29-22D-1. Short title.

1 This article shall be known and may be cited as the West Virginia Lottery Sports Wagering
2 Act.

**§29-22D-2. State Authorization of sports wagering at licensed racetrack facilities and
historic resort hotel; legislative findings and declarations.**

1 (a) Operation of West Virginia lottery sports wagering. -- Notwithstanding any provision of
2 law to the contrary, the operation of West Virginia lottery sports wagering and ancillary activities
3 are only lawful when conducted in accordance with the provisions of this article and rules of the
4 commission.

5 (b) Legislative findings. --

6 (1) The Legislature finds that the operation of the four racetracks and the historic resort
7 hotel in this state play a critical role in the economy of this state, and such constitutional lotteries
8 are rightfully authorized as state enterprises consistent with the rights and powers granted to the
9 States under the Tenth Amendment of the United States Constitution. The federal government is
10 a government of limited and enumerated powers, and powers not delegated to the United States
11 by the Constitution nor prohibited by it to the states are reserved for the states and its respective
12 people.

13 (2) The Legislature finds that section 36, article VI of the Constitution of the State of West
14 Virginia grants exclusively to the state the right to lawfully own and operate a lottery in this state.
15 Authorization of wagering on any constitutional lottery within West Virginia is within its sovereign
16 rights as a state to act in the best interest of its people.

17 (3) The Legislature finds that it is in the best interest of the State of West Virginia for the
18 state to operate a lottery in the form of sports wagering and that it is the intent of the Legislature
19 to authorize sports wagering when federal law is enacted or repealed or a federal court decision
20 is filed that permits a state to regulate sports wagering as such power is reserved to the states.

21 (4) The Legislature finds that illegal sports wagering channels operating throughout the
22 United States pose a critical threat to the safety and welfare of the citizens of West Virginia, and

23 creating civil and criminal penalties to prosecute illegal operators while transferring this black
24 market demand into a secure and highly regulated environment will protect the public and
25 positively benefit state revenues and the state's economy.

26 (5) The Legislature finds that in order to protect residents of this state who wager on
27 sports or other events and to capture revenues and create jobs generated from sports wagering,
28 it is in the best interest of this state and its citizens to regulate this activity by authorizing and
29 establishing a secure, responsible, fair, and legal system of sports wagering immediately when
30 the federal ban is lifted.

31 (6) The Legislature finds that the most effective manner in which the state can operate
32 and regulate the forms of lottery authorized by the provisions of this article is to do so through
33 limiting the number of authorized operators to those who are licensed pursuant to the provisions
34 of §29-22A-1 et seq. of this code and to facilities licensed to operate video lottery terminals
35 pursuant to the provisions of §29-25-1 et seq. of this code is the most efficient and effective
36 manner in which to regulate licensees.

37 (7) The Legislature finds that the granting of licenses pursuant to the provisions of this
38 article while maintaining all ownership rights and exercising control through strict regulation of all
39 West Virginia Lottery sports wagering authorized by the provisions of this article constitutes an
40 appropriate exercise by the Legislature of the power granted it by the Constitution pursuant to the
41 provisions of section 36, article VI of the Constitution of West Virginia.

42 (8) The Legislature finds that the operation of West Virginia lottery sports wagering at
43 racetracks licensed pursuant to the provisions of §29-22A-1 et seq. of this code and at a historic
44 resort hotel licensed pursuant the provisions of §29-25-1 et seq. of this code serves to protect,
45 preserve, promote, and enhance the tourism industry of the state as well as the general fiscal
46 well-being of the state and its subdivisions.

§29-22D-3. Definitions.

1 (a) Applicability of definitions. -- For the purposes of this article, the words or terms defined

2 in this section have the meanings ascribed to them in this section unless otherwise provided
3 herein.

4 (b) Terms defined. –

5 (1) “Collegiate sport or athletic event” means a sport or athletic event offered or sponsored
6 by or played in connection with a public or private institution that offers educational services
7 beyond the secondary level;

8 (2) “Commission” or “State Lottery Commission” means the West Virginia Lottery
9 Commission created by §29-22-1 et seq. of this code.

10 (3) “Director” means the director of the West Virginia State Lottery Commission appointed
11 pursuant to §29-22D-6 of this code.

12 (4) “Gaming equipment” or “sports wagering equipment” means any mechanical,
13 electronic or other device, mechanism, or equipment, and related supplies used or consumed in
14 the operation of West Virginia Lottery sports wagering at a licensed gaming facility including, but
15 not limited to, a kiosk installed to accept sports wagers.

16 (5) “Gaming facility” means a designated area on the premises of an existing historic resort
17 hotel licensed under §29-25-1 et seq. of this code to operate video lottery and table games or the
18 facility of an entity authorized to operate racetrack video lottery machines pursuant to §29-22A-1
19 et seq. of this code.

20 (6) “Government” means any governmental unit of a national, state, or local body
21 exercising governmental functions, other than the United States Government.

22 (7) “Gross sports wagering receipts” means the total gross receipts received by a licensed
23 gaming facility from sports wagering.

24 (8) “License” means any license applied for or issued by the commission under this article,
25 including, but not limited to:

26 (A) A license to act as agent of the commission in operating West Virginia Lottery sports
27 wagering at a licensed gaming facility (“Operator License”);

28 (B) A license to supply a gaming facility licensed under this article to operate sports
29 wagering with sports wagering equipment or services necessary for the operation of sports
30 wagering ("Supplier License");

31 (C) A license to be employed at a racetrack or gaming facility licensed under this article to
32 operate West Virginia Lottery sports wagering when the employee works in a designated gaming
33 area that has sports wagering or performs duties in furtherance of or associated with the operation
34 of sports wagering at the licensed gaming facility ("Occupational License"); or

35 (D) A license to provide management services under a contract to a gaming facility
36 licensed under this article to operate sports wagering ("Management Services Provider License").

37 (9) "Licensed gaming facility" means a designated area on the premises of an existing
38 historic resort hotel pursuant to §29-25-1 et seq. of this code or the facility of an entity authorized
39 to operate racetrack video lottery machines pursuant to §29-22A-1 et seq. of this code licensed
40 under this article to conduct West Virginia Lottery sports wagering.

41 (10) "Lottery" means the public gaming systems or games regulated, controlled, owned,
42 and operated by the State Lottery Commission in the manner provided by general law, as provided
43 in this article, §29-22-1 et seq., §29-22A-1 et seq., §29-22B-1 et seq., §29-22C-1 et seq., and
44 §29-25-1 et seq. of this code.

45 (11) "National criminal history background check system" means the criminal history
46 record system maintained by the Federal Bureau of Investigation based on fingerprint
47 identification or any other method of positive identification.

48 (12) "Operator" means a licensed gaming facility which has elected to operate a sports
49 pool and other authorized West Virginia Lottery Sports Wagering activities;

50 (13) "Professional sport or athletic event" means an event at which two or more
51 persons participate in sports or athletic events and receive compensation in excess of actual
52 expenses for their participation in such event;

53 (14) "Sports event" or "sporting event" means any professional sport or athletic event,

54 any collegiate sport or athletic event, motor race event, or any other special event authorized
55 by the commission under this article;

56 (15) "Sports pool" means the business of accepting wagers on any sports event by any
57 system or method of wagering;

58 (16) "Sports wagering account" means a financial record established by a licensed
59 gaming facility for an individual patron in which the patron may deposit and withdraw funds
60 for wagering and other authorized purchases, and that the licensed gaming facility may credit
61 winnings or other amounts due to that patron or authorized by that patron.

62 (17) "Sports Wagering Agreement" means a written agreement between the commission
63 and one or more other governments whereby persons who are physically located in a signatory
64 jurisdiction may participate in sports wagering conducted by one or more operators licensed by
65 the signatory governments.

66 (18) "Sports Wagering Fund" means the special fund in the State Treasury created in §29-
67 22D-17 of this code.

68 (19) "Supplier" means a person that requires a supplier license to provide a sports
69 wagering licensee with goods or services to be used in connection with operation of West Virginia
70 Lottery sports wagering.

71 (20) "Wager" means a sum of money or thing of value risked on an uncertain occurrence.

72 (21) "West Virginia Lottery sports wagering" or "sports wagering" means the business of
73 accepting wagers on sporting events and other events, the individual performance statistics of
74 athletes in a sporting event or other events, or a combination of any of the same by any system
75 or method of wagering approved by the commission including, but not limited to, mobile
76 applications and other digital platforms that utilize communications technology to accept wagers
77 originating within this state. The term includes, but is not limited to, exchange wagering, parlays,
78 over-under, moneyline, pools, and straight bets. The term does not include:

79 (A) Pari-mutuel betting on the outcome of horse or dog races authorized by §19-23-12a

80 and §19-23-12d of this code;

81 (B) Lottery games of the West Virginia state lottery authorized by §29-22-1 et seq. of this
82 code;

83 (C) Racetrack video lottery authorized by §29-22A-1 et seq. of this code;

84 (D) Limited video lottery authorized by §29-22B-1 et seq. of this code;

85 (E) Racetrack table games authorized by §29-22C-1 et seq. of this code;

86 (F) Video lottery and table games authorized by §29-25-1 et seq. of this code; and

87 (G) Daily Fantasy Sports (DFS).

88 (22) "West Virginia Lottery sports wagering license" means authorization granted under
89 this article by the commission to a gaming facility that is already licensed under §29-22A-1 et seq.
90 and §29-25-1 et seq. of this code, which permits the gaming facility as an agent of the commission
91 to operate West Virginia Lottery sports wagering in one or more designated areas or in one or
92 more buildings owned by the licensed gaming facility on the grounds where video lottery is
93 conducted by the licensee or through any other authorized platform developed by the gaming
94 facility.

§29-22D-4. Commission duties and powers.

1 (a) Duties. -- In addition to the duties set forth elsewhere in this article, §29-22-1 et seq.,
2 §29-22A-1 et seq., §29-22B-1 et seq., §29-22C-1 et seq., and §29-25-1 et seq. of this code, the
3 commission shall have the authority to regulate sports pools and the conduct of sports wagering
4 under this article.

5 (b) The commission shall examine the regulations implemented in other states where
6 sports wagering is conducted and shall, as far as practicable, adopt a similar regulatory
7 framework through promulgation of rules and regulations.

8 (c) The commission shall have authority pursuant to W.Va. Code § 29A-1-1, et seq. and
9 W.Va. Code § 29A-3-1, et seq., to promulgate or otherwise enact any legislative, interpretive, and
10 procedural rules the commission considers necessary for the successful implementation,

11 administration, and enforcement of this article. Rules proposed by the commission before
12 December 1, 2018, may be promulgated as emergency rules pursuant to W.Va. Code § 29A-3-
13 15.

14 (1) Regulations promulgated by the commission may include, but not be limited to, those
15 governing the acceptance of wagers on a series of sports events; maximum wagers which may
16 be accepted by an operator from any one patron on any one sports event; type of wagering
17 tickets which may be used; method of issuing tickets; method of accounting to be used by
18 operators; types of records which shall be kept; use of credit and checks by patrons; type of
19 system for wagering; protections for patrons placing wagers; and promote social
20 responsibility, responsible gaming, and inclusion of the statement, "If you or someone you
21 know has a gambling problem and wants help, call 1-800 GAMBLER," in every designated
22 area approved for sports wagering and on any mobile application or other digital platform used
23 to place wagers.

24 (2) The commission shall establish minimum internal control standards (MICS) and
25 approve MICS proposed by licensed operators for administration of sports wagering operations;
26 wagering equipment and systems, or other items used to conduct sports wagering; and
27 maintenance of financial records and other required records by the license.

28 (d) The commission shall determine eligibility of a person to hold or continue to hold a
29 license, issue all licenses, and maintain a record of all licenses issued under this article. The
30 commission may accept applications, evaluate qualifications of applicants, and undertake initial
31 review of licenses prior to promulgation of emergency rules upon the effective date of this article;

32 (e) The commission shall levy and collect all fees, surcharges, civil penalties, and weekly
33 tax on adjusted gross sports wagering receipts imposed by this article, and deposit all moneys
34 into the Sports Wagering Fund except as otherwise provided under this article.

35 (f) The commission may sue to enforce any provision of this article or any rule of the
36 commission by civil action or petition for injunctive relief.

37 (g) The commission shall hold hearings, administer oaths, and issue subpoenas or
38 subpoenas duces tecum: *Provided* That, all hearings shall be conducted pursuant to the
39 provisions of the State Administrative Procedures Act, W.Va. Code § 29A-2-1, *et seq.*, and the
40 Lottery Administrative Appeal Procedures, W.Va. CSR §179-2-1, *et seq.*

41 (h) The commission may exercise any other powers necessary to effectuate the provisions
42 of this article and the rules of the commission.

§29-22D-5. Licenses required.

1 (a) The commission shall not grant a license required under this article to any applicant
2 until the commission has published the notice in the State Register required by §29-22D-15(f) of
3 this code.

4 (b) No person may engage in any activity in connection with West Virginia Lottery sports
5 wagering in this state unless all necessary licenses have been obtained in accordance with this
6 article and rules of the commission. Four types of licenses: (1) Operator, (2) Supplier, (3)
7 Management services, and (4) Occupational—are issued pursuant to this article, and no person
8 or entity may engage in any sports wagering operation or activity without first obtaining the
9 appropriate license.

10 (c) The commission may not grant a license until it determines that each person who has
11 control of the applicant meets all qualifications for licensure. The following persons are considered
12 to have control of an applicant:

13 (1) Each person associated with a corporate applicant, including any corporate holding
14 company, parent company, or subsidiary company of the applicant who has the ability to control
15 the activities of the corporate applicant or elect a majority of the board of directors of that
16 corporation; this does not include any bank or other licensed lending institution which holds a
17 mortgage or other lien acquired in the ordinary course of business;

18 (2) Each person associated with an noncorporate applicant who directly or indirectly holds
19 a beneficial or proprietary interest or the commission otherwise determines has the ability to

20 control the applicant; and

21 (3) Key personnel of an applicant, including any executive, employee, or agent, having the
22 power to exercise significant influence over decisions concerning any part of the applicant's
23 business operation.

24 (d) License application requirements. – All applicants for any license issued under this
25 article shall submit an application to the commission in the form the commission requires and
26 submit fingerprints for a national criminal records check by the Criminal Identification Bureau of
27 the West Virginia State Police and the Federal Bureau of Investigation. The fingerprints shall be
28 furnished by all persons required to be named in the application and shall be accompanied by a
29 signed authorization for the release of information by the Criminal Investigation Bureau and the
30 Federal Bureau of Investigation. The commission may require additional background checks on
31 licensees when they apply for annual license renewal, and any applicant convicted of any
32 disqualifying offense shall not be licensed.

33 (e) Each sports wagering licensee, licensed supplier, or a licensed management services
34 provider shall display the license conspicuously in its place of business or have the license
35 available for inspection by any agent of the commission or any law-enforcement agency.

36 (f) Each holder of an occupational license shall carry the license and have some indicia of
37 licensure prominently displayed on his or her person when present in a licensed gaming facility in
38 accordance with the rules of the commission at all times.

39 (g) Each person licensed under this article shall give the commission written notice of any
40 change to any information provided in the licensee's application for a license or renewal within 30
41 days.

42 (h) No commission employee may be an applicant for any license issued under this article
43 nor may any employee of any such licensee directly or indirectly hold an ownership or a financial
44 interest in any West Virginia Lottery sports wagering license.

§29-22D-6. Operator license; West Virginia Sports Wagering operators.

1 (a) In addition to the casino games permitted pursuant to the provisions of §29-22A-1 et
2 seq., §29-22C-1 et seq., and §29-25-1 et seq. of this code, a licensed gaming facility may operate
3 West Virginia Lottery sports wagering upon the approval of the commission, and the commission
4 shall have the general responsibility for the implementation of this act and all other duties specified
5 in §29-22-1 et seq., §29-22A-1 et seq., §29-22C-1 et seq., and §29-25-1 et seq. of this code, the
6 provisions of this article, and applicable regulations.

7 (b) All sports wagering authorized by this article shall be West Virginia Lottery games
8 owned by the State of West Virginia. An operator license granted by the commission pursuant to
9 this article shall grant licensees lawful authority to conduct West Virginia Lottery sports wagering
10 within the terms and conditions established pursuant to this article and any regulations
11 promulgated under this article.

12 (c) Sports wagering licenses. -- The commission may issue up to five licenses to operate
13 West Virginia Lottery sports wagering in accordance with the provisions of this article. No more
14 than five licenses to operate a gaming facility with West Virginia Lottery sports wagering shall be
15 permitted in this state.

16 (d) Grant of license. -- Upon application by a gaming facility and payment of a \$250,000
17 application fee, the commission shall immediately grant a West Virginia Lottery sports wagering
18 license to an operator that provides for the right to conduct West Virginia Lottery sports wagering:
19 Provided, That the applicant holds a valid racetrack video lottery license issued by the commission
20 pursuant to §29-22-1 et seq. of this code or a valid license to operate a gaming facility issued by
21 the commission pursuant to §29-25-1 et seq. of this code and has otherwise met the requirements
22 for licensure under the provisions of this article and the rules of the commission. This license shall
23 be issued for a five-year period, and may be renewed for five-year periods upon payment of a
24 \$100,000 renewal fee as long as an operator continues to meet all qualification requirements.

25 (e) Location. -- A West Virginia Lottery sports wagering license authorizes the operation
26 of West Virginia Lottery sports wagering at locations and any mobile application or other digital

27 platforms approved by the commission.

28 (f) Management service contracts. --

29 (1) Approval. -- A West Virginia Lottery sports wagering licensee may not enter into any
30 management service contract that would permit any person other than the licensee to act as the
31 commission's agent in operating West Virginia Lottery sports wagering unless the management
32 service contract is: (A) With a person licensed under this article to provide management services;
33 (B) Is in writing; and (C) The contract has been approved by the commission.

34 (2) Material change. -- The West Virginia Lottery sports wagering licensee shall submit
35 any material change in a management service contract previously approved by the commission
36 to the commission for its approval or rejection before the material change may take effect.

37 (3) Other commission approvals and licenses. -- The duties and responsibilities of a
38 management services provider under a management services contract may not be assigned,
39 delegated, subcontracted, or transferred to a third party without the prior approval of the
40 commission. Third parties must be licensed as a management services provider under this article
41 before providing service.

42 (g) Expiration date and renewal. -- A licensed operator shall submit to the commission
43 such documentation or information as the commission may by regulation require, to demonstrate
44 to the satisfaction of the director that the licensee continues to meet the requirements of the law
45 and regulations no later than five years after issuance of the operator license and every five years
46 thereafter, or within such lesser periods based on circumstances the commission may direct by
47 rule.

48 If the licensee fails to apply to renew its licenses issued pursuant to §29-22-1 et seq. and
49 §29-25-1 et seq. of this code prior to expiration, the commission shall renew its license under this
50 article at the time the expired license is renewed as long as the licensee was operating in
51 compliance with applicable requirements in the preceding license year.

52 (h) Surety bond. -- A West Virginia Lottery sports wagering licensee shall execute a surety

53 bond in an amount and in the form approved by the commission to be given to the state to
54 guarantee the licensee faithfully makes all payments in accordance with the provisions of this
55 article and rules promulgated by the commission.

56 (i) Audits. -- Upon application for a license and annually thereafter, a West Virginia Lottery
57 sports wagering licensee shall submit an annual audit of the financial transactions and condition
58 of the licensee's total operations prepared by a certified public accountant to the commission in
59 accordance with generally accepted accounting principles and applicable federal and state laws.

60 (j) Commission office space. -- A West Virginia Lottery sports wagering licensee shall
61 provide suitable office space at the sports wagering facility for the commission to perform the
62 duties required of it by this article and the rules of the commission at no cost.

63 (k) Facility qualifications. -- A West Virginia Lottery sports wagering licensee shall
64 demonstrate that its gaming facility with West Virginia Lottery sports wagering will: (1) Be
65 accessible to disabled individuals in accordance with applicable federal and state laws; (2) Be
66 licensed in accordance with this article, and all other applicable federal, state, and local laws; and
67 (3) Meet any other qualifications specified in rules adopted by the commission. Notwithstanding
68 any provision of this code or any rules promulgated by the Alcohol Beverage Control
69 Commissioner to the contrary, vacation of the premises after service of beverages ceases is not
70 required for any licensed gaming facility.

§29-22D-7. Management services providers; license requirements.

1 (a) License. -- The holder of a license to operate West Virginia Lottery Sports Wagering
2 may contract with an entity to conduct that operation in accordance with the regulations of the
3 commission. That entity shall obtain a license as a management services provider prior to the
4 execution of any such contract, and such license shall be issued pursuant to the provisions of this
5 article and any regulations promulgated by the commission.

6 (b) License qualifications and fee. -- Each applicant for a management services provider
7 license shall meet all requirements for licensure and pay a nonrefundable application fee of

8 \$1,000. The commission may adopt rules establishing additional requirements for an authorized
9 management services provider. The commission may accept licensing by another jurisdiction that
10 it specifically determined to have similar licensing requirements as evidence the applicant meets
11 authorized management services provider licensing requirements.

12 (c) *Renewal.* – Management services provider licenses shall be renewed annually to any
13 licensee who continues to be in compliance with all requirements and pays the annual renewal
14 fee of \$1,000.

15 (d) Any entity or individual who shares in revenue including any affiliate operating under a
16 revenue share agreement shall be licensed under this section.

§29-22D-8. Suppliers; license requirements.

1 (a) *Supplier License.* -- The commission may issue a supplier license to a person to sell
2 or lease sports wagering equipment, systems, or other gaming items necessary to conduct sports
3 wagering, and offer services related to such equipment or other gaming items to a West Virginia
4 Lottery sports wagering licensee while the license is active. The commission may establish the
5 conditions under which the commission may issue provisional licenses pending completion of
6 final action on an application.

7 (b) The commission may adopt rules establishing additional requirements for a West
8 Virginia Lottery sports wagering supplier and any system or other equipment utilized for wagering.
9 The commission may accept licensing by another jurisdiction that is specifically determined by
10 the commission to have similar licensing requirements as evidence the applicant meets West
11 Virginia Lottery sports wagering supplier licensing requirements.

12 (c) *Supplier specifications.* -- An applicant for a supplier license shall demonstrate that the
13 equipment, system, or services that the applicant plans to offer to the sports wagering licensee
14 conform to standards established by the commission and applicable state law. The commission
15 may accept approval by another jurisdiction that is specifically determined by the commission to
16 have similar equipment standards as evidence the applicant meets the standards established by

17 the commission and applicable state law.

18 (d) License application and renewal fees. – Applicants shall pay to the commission a
19 nonrefundable license and application fee in the amount of \$1,000 for deposit into the Sports
20 Wagering Fund. After the initial one-year term, the commission shall renew supplier licenses
21 annually thereafter. Renewal of a supplier license will be granted to any renewal applicant who
22 has continued to comply with all applicable statutory and regulatory requirements upon
23 submission of the commission issued renewal form and payment of a \$1,000 renewal fee for
24 deposit into the Sports Wagering Fund.

25 (e) Inventory. – A licensed sports wagering supplier shall submit to the commission a list
26 of all sports wagering equipment and services sold, delivered to, or offered to a West Virginia
27 Lottery sports wagering licensee in this state as required by the commission, all of which must be
28 tested and approved by an independent testing laboratory approved by the commission. A sports
29 wagering licensee may continue to use supplies acquired from a licensed sports wagering
30 supplier even if a supplier's license expires or is otherwise cancelled unless the commission finds
31 a defect in the supplies.

§29-22D-9. Occupational Licenses.

1 (a) All persons engaged directly in wagering-related activities or otherwise conducting or
2 operating sports wagering shall be licensed by the Lottery and maintain a valid occupational
3 license at all times and the commission shall issue such license to be employed in the operation
4 of sports wagering to a person who meets the requirements of this section.

5 (b) An occupational license to be employed by a gaming facility with West Virginia Lottery
6 sports wagering permits the licensee to be employed in the capacity designated by the
7 commission while the license is still active. The commission may establish job classifications with
8 different requirements to recognize the extent to which a particular job has the ability to impact
9 the proper operation of West Virginia Lottery sports wagering by rule.

10 (c) Application and fee. – Applicants shall submit any required application forms

11 established by the commission and pay a nonrefundable application fee of \$100. The fee may be
12 paid on behalf of an applicant by the employer.

13 (d) *Renewal fee and form.* -- Each licensed employee shall pay to the commission an
14 annual license fee of \$100 by June 30 of each year. The fee may be paid on behalf of the licensed
15 employee by the employer. In addition to a renewal fee, each licensed employee shall submit a
16 renewal application on the form required by the commission.

§29-22D-10. License prohibitions.

1 (a) The commission may not grant any license pursuant to the provisions of this article if
2 evidence satisfactory to the commission exists that the applicant:

3 (1) Has knowingly made a false statement of a material fact to the commission;

4 (2) Has been suspended from operating a gambling game, gaming device, or gaming
5 operation, or had a license revoked by any governmental authority responsible for regulation of
6 gaming activities;

7 (3) Has been convicted of a crime of moral turpitude, a gambling-related offense, a theft
8 or fraud offense, or has otherwise demonstrated, either by a police record or other satisfactory
9 evidence, a lack of respect for law and order; or

10 (4) Is a company or individual who has been directly employed by any illegal or offshore
11 book that serviced the United States or otherwise accepted black market wagers from individuals
12 located in the United States.

13 (b) The commission may deny a license to any applicant, reprimand any licensee, or
14 suspend or revoke a license:

15 (1) If the applicant or licensee has not demonstrated to the satisfaction of the commission
16 financial responsibility sufficient to adequately meet the requirements of the proposed enterprise;

17 (2) If the applicant or licensee is not the true owner of the business or is not the sole owner
18 and has not disclosed the existence or identity of other persons who have an ownership interest
19 in the business; or

20 (3) If the applicant or licensee is a corporation which sells more than five percent of a
21 licensee's voting stock, or more than five percent of the voting stock of a corporation which
22 controls the licensee, or sells a licensee's assets, other than those bought and sold in the ordinary
23 course of business, or any interest in the assets, to any person not already determined by the
24 commission to have met the qualifications of a licensee under this article.

25 (c) In the case of an applicant for a sports wagering license, the commission may deny a
26 license to any applicant, reprimand any licensee, or suspend or revoke a license if an applicant
27 has not met the requirements of this section or any other provision of this article.

§29-22D-11. Sports wagering house rules; posting of rules.

1 (a) Each operator shall adopt comprehensive house rules for game play governing sports
2 wagering transactions with its patrons. These comprehensive rules will be published as part of
3 the MICS. The rules shall specify the amounts to be paid on winning wagers and the effect of
4 schedule changes. House rules shall be approved by the commission prior to implementation.

5 (b) The house rules, together with any other information the commission deems
6 appropriate, shall be conspicuously displayed and included in the terms and conditions of the
7 sports wagering system. Copies shall be made readily available to patrons.

8 (c) The commission shall license and require the display of West Virginia Lottery game
9 logos on game surfaces, other gaming items, and any locations the commission considers
10 appropriate.

§29-22D-12. Operator duties; sports wagering operations at a licensed gaming facility.

1 (a) General. -- All operators licensed under this article to conduct West Virginia Lottery
2 sports wagering shall:

3 (1) Employ a monitoring system utilizing software to identify nonnormal irregularities in
4 volume or odds swings which could signal suspicious activities that should require further
5 investigation which shall be immediately reported and investigated by the commission. System
6 requirements and specifications shall be developed according to industry standards and

7 implemented by the commission as part of the MICS.

8 (2) Promptly report to the commission any facts or circumstances related to the operation
9 of a West Virginia Lottery sports wagering licensee which constitute a violation of state or federal
10 law and immediately report any suspicious betting over a threshold set by the operator that has
11 been approved by the commission to the appropriate state or federal authorities;

12 (3) Conduct all sports wagering activities and functions in a manner which does not pose
13 a threat to the public health, safety, or welfare of the citizens of this state and does not adversely
14 affect the security or integrity of the West Virginia Lottery;

15 (4) Hold the commission and this state harmless from and defend and pay for the defense
16 of any and all claims which may be asserted against a licensee, the commission, the state, or
17 employees thereof arising from the licensee's actions or omission while acting as an agent of the
18 commission operating West Virginia Lottery sports wagering pursuant to this article;

19 (5) Assist the commission in maximizing sports wagering revenues; and

20 (6) Keep current in all payments and obligations to the commission.

21 (b) Duties. -- All West Virginia Lottery sports wagering licensees shall:

22 (1) Acquire West Virginia Lottery sports wagering gaming equipment by purchase, lease,
23 or other assignment and provide a secure location for the placement, operation, and play of sports
24 wagering gaming equipment;

25 (2) Permit no person to tamper with or interfere with the operation of any West Virginia
26 Lottery sports wagering;

27 (3) Ensure that West Virginia Lottery sports wagering conducted at a gaming facility is
28 within the sight and control of designated employees of the licensee and such wagering at the
29 facility or otherwise available by the licensee is conducted under continuous observation by
30 security equipment in conformity with specifications and requirements of the commission;

31 (4) Ensure that West Virginia Lottery sports wagering occurs only in the specific locations
32 within designated gaming areas approved by the commission or using a commission approved

33 mobile application or other digital platform that utilizes communications technology to accept
34 wagers originating within this state, or on a sports wagering device. West Virginia Lottery sports
35 wagering shall only be relocated or offered in additional authorized manners in accordance with
36 the rules of the commission;

37 (5) Maintain sufficient cash and other supplies to conduct sports wagering at all times; and

38 (6) Maintain daily records showing the gross sports wagering receipts and adjusted gross
39 sports wagering receipts of the licensee from West Virginia Lottery sports wagering and shall
40 timely file with the commission any additional reports required by rule or by other provisions of
41 this code.

§29-22D-13. Posting of betting limits.

1 A sports wagering licensee shall conspicuously post a sign at each West Virginia Lottery
2 sports wagering location indicating the permissible minimum and maximum wagers pertaining at
3 that location and shall comply with the same.

§29-22D-14. Sports wagering agreements with other governments.

1 (a) On behalf of the State of West Virginia, the commission is authorized to:

2 (1) Enter into sports wagering agreements with other governments whereby persons who
3 are physically located in a signatory jurisdiction may participate in sports wagering conducted by
4 one or more operators licensed by the signatory governments; and

5 (2) Take all necessary actions to ensure that any sports wagering agreement entered into
6 pursuant to this section becomes effective.

7 (b) The regulations adopted by the commission pursuant to this section may include
8 provisions prescribing:

9 (1) The form, length, and terms of an agreement entered into by the commission and
10 another government, including, but not limited to, provisions relating to how: taxes are to be
11 treated by this state and another government; revenues are to be shared and distributed; and
12 disputes with patrons are to be resolved.

13 (2) The information to be furnished to the commission by a government that proposes to
14 enter into an agreement with this state pursuant to this section.

15 (3) The information to be furnished to the commission to enable the commission and
16 director to carry out the purposes of this section.

17 (4) The manner and procedure for hearings conducted by the commission pursuant to this
18 section, including any special rules or notices.

19 (5) The information required to be furnished to the commission to support any
20 recommendations made to the commission pursuant to this section.

21 (c) The commission may not enter into any sports wagering agreement pursuant to this
22 section unless the agreement includes provisions that:

23 (1) Account for the sharing of revenues by this state and another government.

24 (2) Permit the effective regulation of sports wagering by this state, including provisions
25 relating to licensing of persons, technical standards, resolution of disputes by patrons,
26 requirements for bankrolls, enforcement, accounting, and maintenance of records.

27 (3) Each government that is a signatory to the agreement agrees to prohibit operators of
28 sports wagering, service providers, manufacturers, or distributors of sports wagering systems
29 from engaging in any activity permitted by the sports wagering agreement unless they are
30 licensed in this state or in a signatory jurisdiction with similar requirements approved by the
31 commission.

32 (4) No variation from the requirements of the sports wagering agreement is permitted for
33 any signatory government without a lack of opposition by this state and all signatory governments.

34 (5) Prohibit any subordinate or side agreements among any subset of governments that
35 are signatories to the agreement unless it relates exclusively to the sharing of revenues.

36 (6) If the sports wagering agreement allows persons physically located in this state to
37 participate in sports wagering conducted by another government or an operator licensed by
38 another government, require that government to establish and maintain regulatory requirements

39 governing sports wagering that are consistent with the requirements of this state in all material
40 respects.

§29-22D-15. Prohibition on unauthorized wagering; Authorization of sports wagering in this state.

1 (a) An operator shall accept wagers on sports events and other events authorized under
2 this article from persons physically present in a licensed gaming facility where authorized sports
3 wagering occurs, or from persons not physically present who wager by means of electronic
4 devices. A person placing a wager shall be at least 21 years of age;

5 (b) An operator may accept wagers from an individual physically located within this state
6 using a mobile or other digital platform or a sports wagering device approved by the commission
7 through the patron's sports wagering account;

8 (c) An operator may accept wagers from an individual physically located in a state or
9 jurisdiction with which the commission has entered into a sports wagering agreement using a
10 mobile or other digital platform or a sports wagering device approved by the commission through
11 the patron's sports wagering account as long as all other requirements of the agreement are
12 satisfied; and

13 (d) The commission and operator may ban any person from entering a gaming area of a
14 gaming facility conducting sports wagering or the grounds of a gaming facility licensed under this
15 article or from participating in the play or operation of any West Virginia Lottery sports wagering.
16 A log of all excluded players shall be kept by the Lottery and each licensee, and no player on the
17 commission's exclusion list or the licensed operator's exclusion list shall wager on any West
18 Virginia Lottery Sports Wagering under this article.

19 (e) The commission shall promulgate regulations implementing the provisions of
20 subsection (a) of this section by interpretive rule and minimum internal control standards.

21 (f) The commission shall, when a Federal law is enacted or repealed or when a Federal
22 court decision is filed that permits a state to regulate sports wagering, publish a notice in the State

23 Register notifying the public of the enactment or repeal of federal law or of the filing of such court
 24 decision. The commission shall not be authorized to conduct sports wagering in this state until
 25 the notice prescribed in this subsection is published in the State Register.

26 (g) No licensed gaming facility employee may place a wager on any sports wagering at
 27 the employer's facility or through any other mobile application or digital platform of their employer.

28 (h) No commission employee may knowingly wager or be paid any prize from any wager
 29 placed at any licensed gaming facility with West Virginia Lottery sports wagering within this state
 30 or at any facility outside this jurisdiction that is directly or indirectly owned or operated by a sports
 31 wagering licensee.

§29-22D-16. Sports wagering revenues; accounting for the state's share of revenue
imposed for the privilege of offering West Virginia Lottery Sports Wagering.

1 (a) Imposition and rate of assessment. -- For the privilege of holding a license to operate
 2 sports wagering under this article, the state shall impose and collect 10 percent of the licensee's
 3 adjusted gross sports wagering receipts from the operation of West Virginia Lottery sports
 4 wagering (hereinafter "privilege tax" or "tax"). The accrual method of accounting shall be used for
 5 purposes of calculating the amount of the tax owed by the licensee.

6 (b) Operator revenue reports and payment of privilege tax. --

7 (1) The tax levied and collected pursuant to subsection (a) of this section is due and
 8 payable to the commission in weekly installments on or before the Wednesday following the
 9 calendar week in which the adjusted gross sports wagering receipts were received and the tax
 10 obligation was accrued.

11 (2) The licensed operator shall complete and submit the return for the preceding week by
 12 electronic communication to the commission on or before Wednesday of each week in the form
 13 prescribed by the commission that provides:

14 (A) The total gross sports wagering receipts and adjusted gross sports wagering receipts
 15 from operation of West Virginia Lottery sports wagering during that week;

16 (B) The tax amount for which the sports wagering licensee is liable; and

17 (C) Any additional information necessary in the computation and collection of the tax on
18 adjusted gross sports wagering receipts required by the commission.

19 (3) The tax amount shown to be due shall be remitted by electronic funds transfer
20 simultaneously with the filing of the return. All moneys received by the Lottery pursuant to this
21 section shall be deposited in the Sports Wagering Fund in accordance with the provisions of this
22 article.

23 (4) When adjusted gross receipts for a week is a negative number because the winnings
24 paid to patrons wagering on the licensee's West Virginia Lottery sports wagering exceeds the
25 licensee's total gross receipts from sports wagering by patrons, the commission shall allow the
26 licensee to carry over the negative amount to returns filed for subsequent weeks. The negative
27 amount of adjusted gross receipts may not be carried back to an earlier week and moneys
28 previously received by the commission will not be refunded except if the licensee surrenders its
29 operator's license and the licensee's last return reported negative adjusted gross receipts. In that
30 case, the commission shall multiply the amount of negative adjusted gross receipts by 10 percent
31 and pay the amount to the licensee in the manner approved by the commission.

32 (c) Privilege tax obligation imposed by this section is in lieu of other taxes. --

33 With the exception of the ad valorem property tax collected under chapter eleven-a of this
34 code, the privilege tax on adjusted gross sports wagering receipts imposed by this section is in
35 lieu of all other state and local taxes and fees imposed on the operation of, or the proceeds from
36 operation of West Virginia Lottery sports wagering, except as otherwise provided in this section.
37 The Consumers Sales and Services Tax imposed pursuant to §11-15-1 et seq. of this code, shall
38 not apply to the licensee's gross receipts from any West Virginia Lottery sports wagering or to the
39 licensee's purchase of sports wagering equipment, supplies, or services directly used in operation
40 of the sports wagering authorized by this article. These purchases are also exempt from the Use
41 Tax imposed by §11-15A-1 et seq. of this code and any similar local tax imposed at the municipal

42 or county level.

43 (d) Acquisition of any system or wagering equipment and other items related to the
44 operation of West Virginia sports wagering shall be considered "facility modernization
45 improvements" eligible for recoupment as defined in §29-22A-10(b)(2) and §29-25-22(c) of this
46 code.

47 (e) Prohibition on credits. -- Notwithstanding any other provision of this code to the
48 contrary, no credit may be allowed against the privilege tax obligation imposed by this section or
49 against any other tax imposed by any other provision of this code for any investment in gaming
50 equipment or for any investment in or improvement to real property that is used in the operation
51 of West Virginia Lottery sports wagering.

§29-22D-17. West Virginia Lottery Sports Wagering Fund; distribution of funds.

1 (a) The special fund in the State Treasury known as the West Virginia Lottery Sports
2 Wagering Fund is hereby created and all moneys collected under this article by the Lottery shall
3 be deposited with the State Treasurer to the West Virginia Lottery Sports Wagering Fund. The
4 fund shall be an interest-bearing account with all interest or other return earned on the money of
5 the fund credited to and deposited in the fund. All expenses of the commission incurred in the
6 administration and enforcement of this article shall be paid from the Sports Wagering Fund
7 pursuant to subsection (b) of this section.

8 (b) The commission shall deduct an amount sufficient to reimburse its actual costs and
9 expenses incurred in administering sports wagering at licensed gaming facilities from the gross
10 deposits into the Sports Wagering Fund. The amount remaining after the deduction for
11 administrative expenses is the net profit.

12 (1) Administrative allowance. -- The commission shall retain up to 15 percent of gross
13 deposits for the fund operation and its administrative expenses: *Provided*, That in the event that
14 the percentage allotted for operations and administration generates a surplus, the surplus shall
15 be allowed to accumulate but may not exceed \$250,000. On a monthly basis, the director shall

16 report any surplus in excess of \$250,000 to the Joint Committee on Government and Finance of
17 the Legislature and remit the entire amount of those surplus funds in excess of \$250,000 to the
18 State Treasurer which shall be allocated as net profit.

19 (2) Distribution of net profit. — Net profit shall be deposited into the State Lottery Fund
20 created by §29-22-18 of this code until a total of \$15 million is deposited; thereafter, the remainder
21 shall be deposited into the General Revenue Fund for appropriation by the Legislature.

§29-22D-18. Law enforcement; inspection and seizure

1 (a) Notwithstanding any provision of this code to the contrary, the commission shall, by
2 contract or cooperative agreement with the West Virginia State Police, arrange for those law-
3 enforcement services uniquely related to gaming as such occurs at facilities of the type authorized
4 by this article that are necessary to enforce the provisions of this article that are not subject to
5 federal jurisdiction: *Provided*, That the State Police shall only have exclusive jurisdiction over
6 offenses committed on the grounds of a licensed gaming facility that are offenses relating to
7 gaming.

8 (b) As a condition of licensure, the commission's agents and any law- enforcement officers
9 with appropriate jurisdiction may without notice or warrant:

10 (1) Inspect and examine all premises of a licensed gaming facility;

11 (2) Inspect, examine, and seize any books, records, ledgers, or documents pertaining to
12 a sports wagering operation, sports wagering equipment or devices, cash boxes and contents,
13 counting room or its equipment, or any other West Virginia Lottery sports wagering items or
14 activities in or around the premises of a licensed gaming facility; and

15 (3) Inspect any person and that person's personal effects present on the grounds of a
16 gaming facility of any licensee under this article.

§29-22D-19. Civil penalties.

1 (a) The commission may impose on any person who violates the provisions of this article
2 a civil penalty not to exceed \$50,000 for each violation. Such penalty shall be imposed on all

3 individuals and is not limited to individuals licensed under this article. This provision shall not be
4 construed as applicable to office pools.

5 (b) The provisions of §29A-5-1 et seq. of this code apply to any civil penalty imposed
6 pursuant to the provisions of this section.

§29-22D-20. Civil and criminal penalty for unauthorized sports wagering operations

1 No organization, person, or commercial enterprise, other than a licensed gaming facility
2 in this State that has been issued a license to conduct sports wagering and has located all of its
3 equipment used to conduct such wagering, including computers, servers, monitoring rooms, and
4 hubs, in an authorized location, shall knowingly make its premises available for placing wagers
5 or accepting any unauthorized wagers on any other platform. An individual, organization, or
6 commercial enterprise that the commission or any law-enforcement authority with jurisdiction
7 determines to have knowingly violated the provisions of this section shall be subject to a penalty
8 of \$1,000 per player per day for making its premises available for illegal sports wagering or
9 accepting wagers using the Internet, mobile applications, or other online technologies illegally,
10 and of \$10,000 per violation for advertising that its premises or online or other mobile or digital
11 platform may be used for such purpose, and is further guilty of a felony.

§29-22D-21. Crimes and liabilities.

1 (a) A sports wagering licensee is guilty of unlawful operation and is guilty of a
2 misdemeanor when:

3 (1) The licensee operates West Virginia Lottery sports wagering without authority of the
4 commission to do so;

5 (2) The licensee operates West Virginia Lottery sports wagering in any location or by any
6 manner that is not approved by the commission;

7 (3) The licensee knowingly conducts, carries on, operates, or allows any sports wagering
8 to occur on premises or through any other device if equipment or material has been tampered
9 with, or exposed to conditions in which it will be operated in a manner designed to deceive the

10 public;

11 (4) The licensee employs an individual who does not hold a valid occupational license in
12 a position or otherwise allows an individual to perform duties for which such license is required
13 by this article or continues to employ an individual after the employee's occupational license is no
14 longer valid;

15 (5) The licensee acts or employs another person to act as if he or she is not an agent or
16 employee of the licensee in order to encourage participation in a West Virginia Lottery sports
17 wagering at the licensed gaming facility;

18 (6) The licensee knowingly permits an individual under the age of 21 to enter or remain in
19 a designated gaming area or to engage in sports wagering at a licensed gaming facility; or

20 (7) The licensee exchanges tokens, chips, electronic media, or other forms of credit used
21 for wagering for anything of value except money or credits applied to a sports wagering account
22 at a gaming facility authorized under this article.

23 (b) A person is guilty of a felony when:

24 (1) A person offers, promises, or gives anything of value to anyone for the purpose of
25 influencing the outcome of a race, sporting event, contest, or game upon which a wager may be
26 made, or a person places, increases, or decreases a wager after acquiring knowledge, not
27 available to the general public, that anyone has been offered, promised, or given anything of value
28 for the purpose of influencing the outcome of the race, sporting event, contest, or game upon
29 which the wager is placed, increased or decreased, or attempts to do any of the same;

30 (2) A person changes or alters the normal outcome of any game played on a mobile or
31 other digital platform including any interactive gaming system used to monitor the same or the
32 way in which the outcome is reported to any participant in the game;

33 (3) The person manufactures, sells, or distributes any device that is intended by that
34 person to be used to violate any provision of this article or the sports wagering laws of any other
35 state;

36 (4) The person places a bet or aids any other individual in placing a bet on a sporting event
37 or other sports wagering game or offering authorized under this article after unlawfully acquiring
38 knowledge of the outcome in which winnings from that bet are contingent;

39 (5) The person claims, collects, or takes anything of value from a gaming facility with West
40 Virginia Lottery sports wagering with intent to defraud or attempts such action without having
41 made a wager in which such amount or value is legitimately won or owed;

42 (6) The person knowingly places a wager using counterfeit currency or other counterfeit
43 form of credit approved for wagering at a gaming facility with West Virginia Lottery sports
44 wagering; or

45 (7) The person, not a licensed gaming facility under this article or an employee or agent
46 of a gaming facility licensed under this article acting in furtherance of the licensee's interest, has
47 in his or her possession on grounds owned by the gaming facility licensed under this article or on
48 grounds contiguous to the licensed gaming facility, any device intended to be used to violate a
49 provision of this article or any rule of the commission.

50 (c) Any person who violates any provision of subsection (a) of this section is guilty of a
51 misdemeanor and, upon conviction thereof, shall be fined up to \$1,000 and committed to a state
52 correctional facility for up to six months, except any violation that is not committed by a natural
53 person may result in a fine of up to \$25,000.

54 (d) Any person who violates any provision of subsection (b) of this section is guilty of a
55 felony and, upon conviction thereof, shall be fined at least \$5,000 but no more than \$10,000, and
56 committed to a state correctional facility for a term of imprisonment for at least one year but no
57 more than five years.

58 (e) With regard to subsection (b) of this section, each West Virginia sports wagering
59 licensee shall post notice of the prohibitions and the penalties of this section in a manner
60 determined by the commission.

§29-22D-22. Forfeiture of property.

1 (a) Anything of value and its traceable proceeds are subject to forfeiture to the State of
2 West Virginia if used for any of the following:

3 (1) As a bribe intended to affect the outcome of a West Virginia Lottery sport wagering
4 game or event in a licensed gaming facility; or

5 (2) In exchange for, or to facilitate, a violation of this article.

6 (b) The seizure and sale of items under the provisions of this section is not a forfeiture as
7 that term is used in section 5, article XII of the Constitution of West Virginia and the proceeds
8 from a seizure and sale under this article are not part of net proceeds as it is contemplated by
9 section 5, article XII of the Constitution of West Virginia.

10 (c) If the forfeited property includes the gaming facility real property and all of its
11 improvements and related personal property, the commission may take control of and operate
12 the gaming facility and all related functions until the forfeited property is sold or returned to the
13 licensee as a result of due process proceedings.

§29-22D-23. Preemption.

1 No local law or rule providing any penalty, disability, restriction, regulation, or prohibition
2 for operating a gaming facility with West Virginia Lottery sports wagering or supplying a licensed
3 gaming facility may be enacted, and the provisions of this article preempt all regulations, rules,
4 ordinances, and laws of any county or municipality in conflict with this article.

§29-22D-24. Exemption from federal law.

1 Pursuant to Section 2 of Chapter 1194, 64 Stat. 1134, 15 U.S.C. §1172, approved January
2 2, 1951, the State of West Virginia, acting by and through duly elected and qualified members of
3 the Legislature, does declare and proclaim that the state is exempt from chapter 1194, 64 Stat.
4 1134, 15 U.S.C. §1171 to §1178.

§29-22D-25. Shipment of gambling devices.

1 All shipments of gambling devices including any sports wagering devices or related
2 materials to licensed gaming facilities in this state are legal shipments of gambling devices into

- 3 the State of West Virginia as long as the registering, recording, and labeling of which have been
4 completed by the supplier thereof in accordance with Chapter 1194, 64 Stat. 1134, 15 U.S.C.
5 §1171 to §1178.

NOTE: The purpose of this bill is to authorize wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery Sports Wagering activities at the time when such wagers are no longer prohibited by federal law.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Joint Resolution 9

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND PREZIOSO

[BY REQUEST OF THE EXECUTIVE]

[Introduced January 18, 2018; Referred

to the Committee on the Judiciary; and then to the Committee on Finance]

Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by adding thereto a new section, designated section one-d, relating generally to the Just Cut Taxes and Win Amendment; providing a purpose for the amendment; clarifying the ad valorem taxation of current tangible industrial machinery, equipment, and inventory personal property directly used in industrial business activity, and such components thereof, will be reduced and ultimately eliminated; clarifying tangible industrial personal property of public service companies will continue to be taxed; defining certain terms; exempting from ad valorem taxation new tangible industrial machinery, equipment, and inventory personal property directly used in industrial business activity, and such components thereof, except for that imposed on the tangible industrial personal property of public service companies, purchased on and after July 1, 2019; freezing the assessed value of tangible industrial machinery and equipment personal property directly used in industrial business activity, and such components thereof, except for the assessed value of the tangible industrial personal property of public service companies; stepping down the assessed value and ultimately eliminating the ad valorem taxation of tangible industrial machinery and equipment personal property directly used in industrial business activity, and such components thereof, except for the assessed value and tax on tangible industrial personal property of public service companies; replacing revenue to the schools, municipalities, counties, the state, other levying bodies, and levies reduced because of the assessed value stepdown and ultimate elimination of the ad valorem tax on tangible industrial machinery and equipment personal property directly used in industrial business activity, and such components thereof; requiring the Governor to annually provide in the Budget Bill, the Legislature to annually preserve and appropriate in the Budget Bill, and prohibiting the Governor from line item vetoing or reducing replacement revenue in the Budget Bill required by this amendment for the schools, municipalities, counties, the state, other levying bodies, and levies; clarifying why replacement revenue is needed and how it is distributed; permitting the Legislature to enact general laws required to carry out the provisions of this amendment; permitting agencies through rulemaking authorized by general law approved by the Legislature to promulgate rules required to carry out the provisions of this amendment; preserving earned tax relief benefits; prohibiting the reinstatement of the ad valorem tax on tangible industrial machinery, equipment and inventory personal property directly used in industrial business activity, and such components thereof, after ultimate elimination; providing for primacy of this section over all other law in the West Virginia Constitution, West Virginia Code and West Virginia common law; numbering and designating the amendment; and providing a summarized statement of the purpose of the amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the State at the next general election to be held in the year two thousand eighteen, which proposed amendment is that article X thereof be amended by adding thereto a new section, designated section one-d, to read as follows:

ARTICLE X. TAXATION AND FINANCE.

§1d. The Just Cut Taxes and Win Amendment (JCTAW).

Subsection A — Purpose

The purpose of this Just Cut Taxes and Win or JCTAW Amendment is to advance the public interest by igniting economic growth and job creation. This will be accomplished by reducing and ultimately eliminating the ad valorem tax on tangible industrial machinery, equipment and inventory personal property directly used in industrial business activity, and such components thereof, except for that imposed on the tangible industrial personal property of public service companies.

Subsection B — Definitions

For the purpose of this section, the following terms shall be defined as:

(1) "Industrial business activity" means any business activity in this State that is primarily manufacturing, mining, quarrying, oil extraction or natural gas extraction excluding any working interest in an oil or gas well.

(2) "Tangible industrial inventory personal property" means and is limited to raw materials, goods in process and finished goods of a business located in West Virginia primarily engaged in an industrial business activity.

(3) "Tangible industrial machinery and equipment personal property" means and includes and is limited to machinery and equipment owned by the taxpayer that is directly used or consumed in an industrial business activity of the taxpayer in West Virginia.

(4) "Tangible industrial machinery and equipment personal property" does not include furniture, fixtures, motor vehicles, trailers, rolling stock, or any other tangible personal property not directly used in the industrial business activity. "Industrial machinery and equipment" does not include barges, ships, railroad rolling stock or other railroad tangible personal property, or tangible personal property assessed as part of the working interest in an oil or gas well.

(5) "Tangible industrial machinery, equipment and inventory personal property" means tangible personal property of a business engaged in this State in the activities of manufacturing or coal mining in the form of machinery, equipment or inventory integrated as a functioning unit intended for assembling, processing and manufacturing of finished or partially finished products.

Subsection C — New Purchases

New tangible industrial machinery, equipment and inventory personal property directly used in industrial business activity, and such components thereof, not previously depreciated, except for the assessed value of tangible industrial personal property of public service companies, purchased on and after July 1, 2019, shall be exempt from ad valorem taxation.

Subsection D — Frozen Assessed Value, Stepdown & Elimination

Tangible industrial machinery and equipment personal property directly used in industrial business activity, and such components thereof, shall be assessed at the assessment value for fiscal year 2017, except for the assessed value of tangible industrial personal property of public service companies, and shall remain at the same assessed value for the purpose of ad valorem taxation.

For the fiscal year beginning on July 1, 2020, fiscal year 2021, the assessed value of 60 percent of actual value, on tangible industrial machinery and equipment personal property directly used in industrial business activity, and such components thereof, shall be reduced to the assessed values enumerated below over the following seven fiscal years and every fiscal year thereafter, except for the assessed value of tangible industrial personal property of public service companies:

For the fiscal year beginning on July 1, 2020 (Fiscal Year 2021)- 51.43%

For the fiscal year beginning on July 1, 2021 (Fiscal Year 2022)- 42.86%

For the fiscal year beginning on July 1, 2022 (Fiscal Year 2023)- 34.29%

For the fiscal year beginning on July 1, 2023 (Fiscal Year 2024)- 25.71%

For the fiscal year beginning on July 1, 2024 (Fiscal Year 2025)- 17.14%

For the fiscal year beginning on July 1, 2025 (Fiscal Year 2026)- 8.57%

For the fiscal year beginning on July 1, 2026 (Fiscal Year 2027 and every fiscal year thereafter)- 0%

Subsection E — Replacement Revenue

For the fiscal year beginning on July 1, 2020, fiscal year 2021, until and including the fiscal year beginning on July 1, 2026, fiscal year 2027, and every fiscal year thereafter, the Governor shall annually provide replacement revenue required and specifically enumerated by this subsection in the proposed budget bill submitted to the Legislature for introduction. In this introduced version of the budget bill, the Legislature shall preserve the same in the form of an annual appropriation in the budget bill. Notwithstanding the provisions of section fifty-one, article VI of this Constitution, the Governor shall not reduce or disapprove any of the executive's original request for introduction and the Legislature's subsequent preservation and annual appropriation of replacement revenue required by this subsection: *Provided*, That the Governor may veto a budget bill containing an appropriation of replacement revenue required by this subsection.

The replacement revenue required by this subsection shall replace the revenue reduction resulting from the assessed value stepdown and ultimate elimination of the ad valorem tax on tangible industrial machinery and equipment personal property directly used in industrial business activity, and such components thereof. The replacement revenue required by this subsection shall be directed to the schools, municipalities, counties, State, other levying bodies and levies and shall remain in the same proportion as allocated in fiscal year 2017. For the fiscal year beginning on July 1, 2026, fiscal year 2027, and every fiscal year thereafter, the \$140 million replacement revenue required by this subsection shall be directed to the schools, municipalities, counties, state, other levying bodies and levies and shall remain in the same amount as allocated in fiscal year 2017.

The annual required replacement revenue is as follows:

For the fiscal year beginning on July 1, 2020 (Fiscal Year 2021)- \$20 million

For the fiscal year beginning on July 1, 2021 (Fiscal Year 2022)- \$40 million

For the fiscal year beginning on July 1, 2022 (Fiscal Year 2023)- \$60 million

For the fiscal year beginning on July 1, 2023 (Fiscal Year 2024)- \$80 million

For the fiscal year beginning on July 1, 2024 (Fiscal Year 2025)- \$100 million

For the fiscal year beginning on July 1, 2025 (Fiscal Year 2026)- \$120 million

For the fiscal year beginning on July 1, 2026 (Fiscal Year 2027 and every fiscal year thereafter)- \$140 million.

Subsection F — General Law & Rules

The Legislature by general law and agencies through rulemaking authorized by the Legislature shall enact any laws and rules required to carry out the provisions of this amendment.

Subsection G — Preserving Earned Tax Relief Benefits

All tax exemptions, credits, deductions, discounts and other tax relief benefits, earned prior to the ratification of this amendment on tangible industrial machinery and equipment personal property directly used in industrial business activity, and such components thereof, except tax relief benefits for tangible industrial personal property of public service companies that are not affected, in effect on the date this amendment is ratified by the voters of this State shall be preserved and remain in effect until such tax is eliminated.

Subsection H — Prohibition Of Tax Reinstatement After Elimination

Thereafter the ultimate elimination of the ad valorem tax on tangible industrial machinery, equipment and inventory personal property directly used in industrial business activity, and such components thereof, reinstatement of such tax is prohibited, except the ad valorem tax on the tangible industrial personal property of public service companies which shall continue to be imposed under assessments made by the Board of Public Works.

Subsection I — Primacy

In the event of any express or implied conflict or inconsistency between the provisions of this section and any part of the common law or statutory laws of this State, or any provision of this Constitution, including, but not limited to, articles VI, VII, and X, the provisions of this section shall prevail and supersede.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered "Amendment No. 1" and designated as the "Just Cut Taxes and Win or JCTAW Amendment" and the purpose of the proposed amendment is summarized as follows: "To amend the State Constitution by stepping down the assessed value and ultimately eliminating from ad valorem taxation tangible industrial machinery, equipment and inventory personal property directly used in industrial business activity, and such components thereof, and providing replacement revenue for schools, municipalities, counties, the State, other levying bodies and levies".

NOTE: The purpose of this resolution is to submit the proposed "Just Cut Taxes and Win or JCTAW Amendment" to the Constitution of the State to the people of the State for ratification or rejection at the general election of 2018.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Josh Compton, Commissioner**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **February 15, 2018**

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

Subject (*Wording to be placed on agenda*): **Proclamation – Proclaim March as National Athletic Training Month for 2018 - Discussion/Action**

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

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

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

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

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text. Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

January 31, 2018

Jefferson County Commissioner
124 E. Washington Street
P.O. Box 250
Charles Town, WV 25414

Dear Jefferson County Commissioners:

On behalf of Jefferson County Public School System athletic trainers, I am writing to request that Jefferson County proclaim March as National Athletic Training Month in 20. March is nationally recognized in the athletic training community as National Athletic Training Month as evidenced through several state athletic training associations. National Athletic Training Month is held every March in order to spread awareness about athletic trainers and all the services they provide to athletes.

As you may know, athletic trainers are experts who work to prevent and treat musculoskeletal injuries and sports-related illnesses, including heat illness, concussions, cardiopulmonary issues, just to name a few. Athletic trainers are part of a healthcare team of professionals that practice under the direction and in collaboration of physicians. Athletic trainers work with physically active people to prevent and treat injuries and conditions, even performance enhancement.

All seven Jefferson County public high schools are staffed with a full time athletic trainer in collaboration with Pivot Physical Therapy. The National Athletic Trainers' Association has awarded these high schools with the highest level Safe Sports School Award. The Safe Sport School Award recognizes a school that promotes safe and appropriate practice and competition facilities, plan for selection, fit, function and proper maintenance of athletic equipment, provide permanent, appropriately equipped area to evaluate and treat injured athletes, develop injury and illness prevention strategies, including protocols for environmental conditions, provide and/or facilitate psychosocial consultation and nutritional counseling/ education and educate athletes, parents, and coaches about the potential benefits and risks in a sport, as well as their responsibilities.

I respectfully request support with this effort to recognize local athletic trainers by proclaiming March as National Athletic Training Month for 2018.

Thank you for your time and careful consideration.

Sincerely,

Brittany Iseminger, LAT, R/ATC
Regional Sports Medicine Coordinator
Pivot Physical Therapy
Email: biseminger@pivotphysicaltherapy.com

Phone: (240) 291-8648
Address: Pivot Physical Therapy
5078 Williamsport Pike
Martinsburg, WV 25404

PROCLAMATION
NATIONAL ATHLETIC TRAINING MONTH

Whereas, athletic trainers have a long history of providing quality health care for athletes and those engaged in physical activity based on specific tasks, knowledge and skills acquired through their nationally regulated educational processes; and,

Whereas, athletic trainers provide:

- Prevention of injuries
- Recognition, evaluation and aggressive treatment
- Rehabilitation
- Health care administration
- Education and guidance
- Compassionate care for all; and

Whereas, the National Athletic Trainers' Association represents and supports 44,000 members of the athletic training profession employed in many settings including:

- Professional sports
- Colleges and universities
- High schools
- Clinics and hospitals
- Corporate and industrial settings
- Performing arts
- Military branches; and

Whereas, leading organizations concerned with athletic training and health care have joined together in a common desire to raise public awareness of the importance of the athletic training profession and to emphasize the importance of quality health care within the aforementioned settings; and

Whereas, such an effort will improve health care for athletes and those engaged in physical activity and promote athletic trainers as health professionals;

NOW, THEREFORE, The Jefferson County Commission do hereby proclaim the month of March as National Athletic Training Month in **Jefferson County, West Virginia**. I urge all people of **Jefferson County, West Virginia** to learn more about the importance of athletic training.

Signed: _____
President
Jefferson County Commission

SAMPLE PROCLAMATION FOR NATIONAL ATHLETIC TRAINING MONTH

Whereas, athletic trainers have a long history of providing quality health care for athletes and those engaged in physical activity based on specific tasks, knowledge and skills acquired through their nationally regulated educational processes; and,

Whereas, athletic trainers provide:

- Prevention of injuries
- Recognition, evaluation and aggressive treatment
- Rehabilitation
- Health care administration
- Education and guidance
- Compassionate care for all; and

Whereas, the National Athletic Trainers' Association represents and supports 44,000 members of the athletic training profession employed in many settings including:

- Professional sports
- Colleges and universities
- High schools
- Clinics and hospitals
- Corporate and industrial settings
- Performing arts
- Military branches; and

Whereas, leading organizations concerned with athletic training and health care have joined together in a common desire to raise public awareness of the importance of the athletic training profession and to emphasize the importance of quality health care within the aforementioned settings; and

Whereas, such an effort will improve health care for athletes and those engaged in physical activity and promote athletic trainers as health professionals;

NOW, THEREFORE, I **(name)** the **(title)** of **(city/state)** do hereby proclaim the month of March as National Athletic Training Month in **(insert city/county or state here)**. I urge all people of **(city/county/state)** to learn more about the importance of athletic training.

Signed: _____
(Mayor/Governor/local elected official)

OFFICIAL GOVERNMENT PROCLAMATION

During the past several years, many NATA members have secured proclamations in their hometowns. Even if you received a proclamation last year, follow up with your elected officials again to make sure they continue to recognize March as National Athletic Training Month.

What to do:

- Contact the office of your local elected official or mayor and governor.
- Explain to the secretary, administrative assistant or aide, that you would like to secure a proclamation for National Athletic Training Month.
- Emphasize the significance of the NATA and what activities are planned locally to commemorate National Athletic Training Month and its special theme: "Compassionate Care for All."
- Stress the importance of the athletic training profession.
- Explain how many people's lives are affected by athletic training.
- Send a copy of the proclamation you'd like the official to use (see example below) and print it on appropriate letterhead. Add a cover letter confirming your conversation and re-emphasizing your promotion (time, date, place).
- Thank the official in writing for granting or considering your request.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Josh Compton, Commissioner**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **February 15, 2018**

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

Subject (*Wording to be placed on agenda*): **Determination of Jefferson County PSD Service Area - Discussion/Action**

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

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

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

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

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

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

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Josh Compton, Commissioner**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **February 15, 2018**

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

Subject (*Wording to be placed on agenda*): **Discuss County Commission meeting times - Discussion/Action**

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

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

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

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

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text. Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Michelle Gordon, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **February 15, 2018**

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

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

- Review and Approval of FY2018 Internal Budget Revision 1 for the General Fund
- Review and Approval of FY2018 State Budget Revision 7 for the General Fund

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? \$ 0

Provide exact financial impact/request NA

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

- Motion to approve FY18 Internal Budget Revision 1 and State Budget Revision 7 for the General Fund

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

Michelle Gordon

From: Gail Magaha
Sent: Tuesday, January 09, 2018 11:44 AM
To: Michelle Gordon
Subject: Budget revision
Attachments: Budget Revision Blank Template.xls

Michelle, Attached is a budget revision. Please let me know if you need anything else. Thanks, Gail

Ora Ash, Director
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26302
 Phone: 627-2415 ext. 5114
 Fax: 627-2417

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

Jefferson County Commission

GOVERNMENT ENTITY

CONTROL NUMBER

2018

FY

001

FUND

7

REV. NO.

1 of 1

PG. OF NO.

Person To Contact Regarding

P.O. Box 250

STREET OR PO BOX

Budget Revision: **Michelle Gordon**

Phone: **304-724-8425**

Fax: **304-725-7916**

Charles Town

25414

CITY

ZIP CODE

COUNTY

Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
380	Contributions/Transfer from Other Entities		36,265		36,265
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
NET INCREASE/(DECREASE) Revenues (ALL PAGES)			36,265		

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
704	Regional Jail	1,320,000	400,000		1,720,000
696	Transfer to Financial Stabilization Fund	1,539,304	29,929		1,569,233
698	Transfers/Reim. (Audit Findings)	1,271,200		300,000	971,200
699	Contingencies	2,890,609		100,000	2,790,609
413	Elections-County Clerk	350,586	6,336		356,922
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
NET INCREASE/(DECREASE) Expenditures			36,265		

APPROVED BY THE STATE AUDITOR
 BY: _____ Date _____
 Director, Local Government Services Division

 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

RESOLUTION

At a regular session of the Jefferson County Commission, held on the **15th day of February, 2018**, the following Order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered.

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised as shown on Fiscal Year 2018 budget revision number **#7 to the General County Fund**, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by _____, and duly seconded by _____ the vote was as follows:

Peter Onoszko	_____
Jane Tabb	_____
Patricia Noland	_____
Caleb Hudson	_____
Josh Compton	_____

Whereupon, Commissioner Compton declared said Resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said Resolution be, and the same is, hereby adopted as so stated above, and Josh Compton, President of the Jefferson County Commission, is authorized to affix his signature to the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

Josh Compton, President
Jefferson County Commission

Jefferson County Commission
 State Budget Revision JE

Budget Revision #7 of General Fund FY18

<u>Description</u>	<u>GL Account</u>	<u>Increase</u>	<u>Decrease</u>
Budget revision needed to cover rising cost of Regional Jail Fees. Estimate that FY18 will need an additional \$400k. Recommend using \$100k of Contingency for Emergencies and the remainder from a reduction to Transfers to Capital Outlay.			
Regional Jail Fees	001.704.03.344.000.PS.000	400,000	
Transfer to Capital Outlay	001.698.05.566.000.GG.000		300,000
Contingency for Emergencies	001.699.06.675.001.GG.000		100,000

Per the sales agreement, the post warranty maintenance agreement with ES&S for the FY16 ExpressPoll Tablets will be billed per tablet at the then current rates in effect during the renewal period. The Department inadvertently did not include this amount in their operating budget for FY18 and is unable to find items to cut within their budget to fund it. It has been included in their FY19 Budget submission.

Elections Co Clerk-Repairs & Maint	001.413.02.216.000.GG.000	6,336	
Transfers to Financial Stabilization Fund	001.696.05.566.000.GG.000		6,336

The County received \$36,265 for its proportionat share of the sale of property related to the Hilleary Estate. The intent of the real property for the Hilleary estate was to benefit the City of Charles Town, City of Ranson, and Jefferson County. When the museum/real property was no longer used by the Board of Trustees, it reverted back to government use and it was subsequently recommended that it be sold.

Donations from Private Sources	001.380.MM.001	(36,265)	
Transfers to Financial Stabilization Fund	001.696.05.566.000.GG.000	36,265	

Total		406,336	406,336
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Jefferson County Commission
 Jail Fees (001.704.03.344.000.PS.000)

Month	FY14	FY15	FY16	FY17	Cumulative		FY18				
					Mo-Mo	by Mo	FY18	Mo-Mo	Estimated	by Mo	
June 2013	88,377										
July	97,658	108,997	101,808	112,567	10.6%	10.6%	128,828	14.4%			14.4%
August	108,370	116,813	117,489	108,852	-7.4%	1.0%	133,604	22.7%			18.5%
September	88,090	114,642	93,460	110,879	18.6%	6.2%	131,626	18.7%			18.6%
October	108,418	112,037	118,792	125,554	5.7%	6.1%	136,789	8.9%			15.9%
November	90,903	109,721	103,738	115,504	11.3%	7.1%	131,578	13.9%			15.5%
December	97,320	104,152	111,458	141,759	27.2%	10.6%	136,065	-4.0%			11.7%
January	99,395	115,848	105,282	125,788	19.5%	11.8%			140,500		
February	81,494	102,648	82,604	116,862	41.5%	14.8%			130,500		
March	123,472	95,680	95,535	148,079	55.0%	18.9%			165,300		
April	108,659	81,543	85,161	143,930	69.0%	23.1%			160,700		
May	113,050	91,241	86,078	134,811	56.6%	25.7%			150,500		
June	107,887	76,139	94,570	122,893	29.9%	26.0%			137,200		
Total	<u>1,224,716</u>	<u>1,229,458</u>	<u>1,195,973</u>	<u>1,507,475</u>	26.0%		<u>798,489</u>	11.7%	<u>884,700</u>		
				1,322,405	FY18 Budget Estimate		1,683,233	FY19 Budget Estimate			
							798,489	FY18 YTD			
							884,700	FY18 Projected Remaining			
				1,507,475	FY17 Projected Exp		1,683,189	FY18 Total Projected Expense			
				1,537,800	FY17 Budget		1,320,000	FY18 Budget			
				(30,325)	FY17 Budget Revision		363,189	FY18 Budget Revision			

Michelle Gordon

From: Nikki Painter
Sent: Tuesday, January 23, 2018 11:56 AM
To: Michelle Gordon
Subject: FW: ES&S ExpressPoll Annual Licensing

Will this work for the maintenance agreement?

~Nikki

From: Wilson, Cam [mailto:cam.wilson@essvote.com]
Sent: Tuesday, January 23, 2018 11:40 AM
To: Nikki Painter <npainter@jeffersoncountywv.org>
Cc: Phommaravongsa, Kinoi <kinoi.phommaravongsa@essvote.com>; Ohm, Megan <megan.ohm@essvote.com>
Subject: ES&S ExpressPoll Annual Licensing

Copy of the pertinent pages of the signed sales order agreement related to the Post Warranty Maintenance Support fees is attached. The complete contract is on file. Per the sections that are highlighted, maintenance fees are the "then current rates in effect" for any renewal period. See last page. MGordon

Hi Nikki,

Pursuant to your request this letter shall confirm that ES&S will provide Post-Warranty Software License, Maintenance, and Support Services for Jefferson County, West Virginia Electronic Pollbooks purchased from ES&S pursuant to that Sales Order Agreement dated March 8, 2016 at the rate of \$99.00 per unit for the period commencing upon the expiration of the warranty period through the fourth anniversary thereof. ES&S shall bill the county annually for such Software License, Maintenance, and Support Services at the amount of \$6,336.00.

Respectfully,

Cam Wilson | Regional Sales Manager
Election Systems & Software | 11208 John Galt Blvd. Omaha, NE 68137
O: 304.550.5630 | cam.wilson@essvote.com | www.essvote.com

Michelle Gordon

From: Nikki Painter
Sent: Wednesday, February 07, 2018 4:05 PM
To: Michelle Gordon
Subject: Equipment Maintenance Invoice

Hi Michelle,

I'm sorry I keep bringing this up but with everything going on lately I want to make sure I know what I'm doing. The additional \$6336 is not in my budget. Is this a budget revision I need to take before the commission or is this something you handle? Also, can I submit the invoice for payment now or do I have to wait for the commission to approve the revision?

Thanks,

Nikki Painter
Chief Deputy Clerk of Elections

304-728-3246
100 E Washington St
PO Box 208
Charles Town, WV 25414

Visit us on the web at www.jeffersoncountywv.org.

SO# 32956



11208 JOHN GALT BLVD
OMAHA, NE 68137-2364
(402) 593-0101

Sales Order Agreement

Customer Contact, Title: Nikki Painter - Chief Deputy of Elections
Customer Name: Jefferson County, West Virginia

Customer P.O. # _____
1st Election Date: To be Agreed Upon by the Parties
Estimated Delivery Date: To be Agreed Upon by the Parties
Phone Number: (304) 728-3215
Fax Number: (304) 728-1957

Type of Sale: NEW
Type of Equip: NEW REFURBISHED

Bill To:
Jefferson County, West Virginia
Nikki Painter - Chief Deputy of Elections
P.O. Box 208
Charles Town, WV 25414

Ship To:
Jefferson County, West Virginia
Nikki Painter - Chief Deputy of Elections
129 Industrial Blvd
Kearneyville, WV 25430

Item	Description	Qty	Price	Total
1	DS200 Model DS200 Digital Image Scanner with Plastic Ballot Box with Steel Door and e-Box, Reverse Wound Paper Roll and 4GB Jump Drive	36	\$5,750.00	\$207,000.00
2	Other Total Bin	36	\$225.00	\$8,100.00
3	ExpressVote ExpressVote Unit with Soft-Sided Case, Detachable ADA Keypad, 4GB Flash Drive, and Headphones	164	\$3,500.00	\$574,000.00
4	Other DS200 Paper Guide	36	included	included
5	Software Media Burn Capability	1	\$3,875.00	\$3,875.00
6	Installation Services Model DS200 Scanner	36	\$115.00	\$4,140.00
7	Installation Services ExpressVote Unit	184	\$105.00	\$17,220.00
8	Services Project Management Day	3	\$1,575.00	\$4,725.00
9	Services Equipment Operations Training Day	3	\$1,575.00	\$4,725.00
10	Services Software Training Day	2	\$1,575.00	\$3,150.00
11	Trade-in Allowance Equipment Being Traded-In by Customer Includes: 40 - Model 100 Scanner 40 - Model Ballot Box 40 - AutoMARK	1	(\$28,000.00)	(\$28,000.00)
12	Shipping Shipping & Handling	1	\$7,520.00	\$7,520.00

Order Total for ES&S Tabulation System \$ 808,455.00
Order Total for ES&S Polbook System (See Attachment 2 Incorporated herein) \$ 94,083.00
Combined Order Total \$ 900,538.00

Freight Billable: yes no

Mac Beeson
Regional Sales Manager
[Signature]
V.P. of Finance Date 3/18/16

[Signature]
Customer Signature Date _____
President, County Commission
Title

Trade-In Equipment: Customer is responsible for preparing and packaging the trade-in equipment for shipment. ES&S will coordinate and pay for the pickup of the trade-in equipment from Customer's site on a date to be mutually agreed upon by the parties.

Special Notes:

Payment Terms Refer to the Nationwide Capital Loan Agreement for installment payment terms. Any applicable state and local taxes are not included, and are the responsibility of the Customer.

Warranty Period (Years): One (1) Year After Equipment Delivery

Hardware Maintenance and Software License, Maintenance and Support Services (Post-Warranty Period)
The terms, conditions, and pricing for the Hardware Maintenance and Software License, Maintenance and Support Services (Post-Warranty Period) are set forth in Exhibit A attached hereto.

EXHIBIT A
HARDWARE MAINTENANCE AND SOFTWARE LICENSE, MAINTENANCE AND SUPPORT SERVICES
(POST-WARRANTY PERIOD)

ARTICLE I
GENERAL

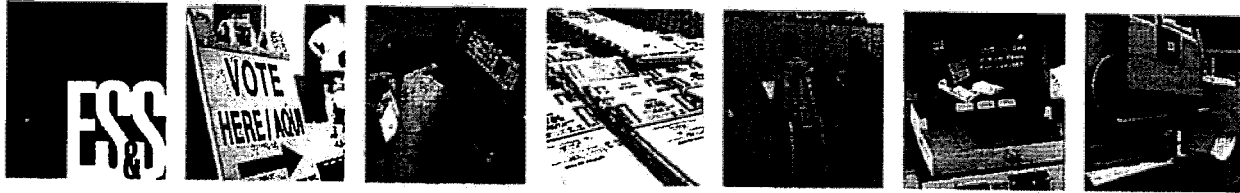
1. **Term; Termination.** This Exhibit A for Hardware Maintenance and Software License, Maintenance and Support Services shall be in effect for the coverage period as described in Schedule A1 (the "Initial Term"). Upon expiration of the Initial Term, this Exhibit A shall automatically renew for an unlimited number of successive **Two-Year Periods** (each a "Renewal Period") until this Exhibit A is terminated by the first to occur of (a) either party's written election not to renew, which shall be delivered to the other party at least thirty (30) days prior to the end of the Initial Term or any Renewal Period, as applicable, (b) the date which is thirty (30) days after either party notifies the other that it has materially breached this Exhibit A, if the breaching party fails to cure such breach (except for a breach pursuant to subsection (e), which will require no notice), (c) the date which is thirty (30) days after ES&S notifies Customer that it is no longer able to procure replacement parts that may be needed in order to perform the Hardware Maintenance Services contemplated hereunder, (d) the date on which the Equipment or firmware installed thereon is no longer certified by federal and/or state authorities for use in Customer's jurisdiction, or (e) the date which is thirty (30) days after Customer fails to pay any amount due to ES&S under this Exhibit A. The termination of this Exhibit A shall not relieve Customer of its liability to pay any amounts due to ES&S hereunder and shall only entitle Customer to a prorated refund of any fees already paid to ES&S in the event that this is Exhibit A is terminated pursuant to subsection 1(c) or 1(d) above.

2. **Fees.** In consideration for ES&S' agreement to provide Hardware Maintenance and Software License, Maintenance and Support Services under this Exhibit A, Customer shall pay to ES&S the Hardware Maintenance and Software License, Maintenance and Support Fees set forth on Schedule A1 for the Initial Term. The Hardware Maintenance and Software License, Maintenance and Support Fees for the Initial Term are due as set forth on Schedule A1. ES&S may increase the Hardware Maintenance and Software License, Maintenance and Support Fees for a Renewal Period by not more than 5% of the amount of the most recent Fees paid by Customer. All fees for any Renewal Period shall be due and payable no later than thirty (30) days prior to the beginning of such Renewal Period. The Software License, Maintenance and Support Fee shall be comprised of (i) a fee for the Software License, Maintenance and Support provided for the ES&S Firmware, and (ii) a fee for the Software License, Maintenance and Support provided for all other ES&S Software, and shall be in addition to any fees or charges separately referred to in any Section of this Exhibit A. If Customer elects to receive Software License, Maintenance and Support for an Add-On or New Product during the Initial Term or any Renewal Period thereof, ES&S will charge an incremental Software License, Maintenance and Support Fee for such services. In the event Customer terminates this Exhibit A through no fault of ES&S and later desires to subscribe for a Hardware Maintenance and Software License, Maintenance and Support plan, or otherwise changes its Hardware Maintenance and Software License, Maintenance and Support plan with ES&S during the Initial Term or any Renewal Period thereof, ES&S will charge the Customer its then current contract administration fee in order to process such new subscription for, or change in, Hardware Maintenance and Software License, Maintenance and Support plan coverage.

ARTICLE II
HARDWARE

1. **Maintenance Services.** The Hardware Maintenance Services to be provided to Customer under this Agreement for the ES&S equipment set forth on Schedule A1 (the "Products") shall be subject to the following terms and conditions:

a. **Routine Maintenance Services.** An ES&S Representative shall provide such services as may be necessary to keep the Products working in accordance with their Documentation, normal wear and tear excepted ("Normal Working Condition"). The services provided by ES&S pursuant to this Subsection 1(a) are referred to herein as "Routine Maintenance Services. Routine

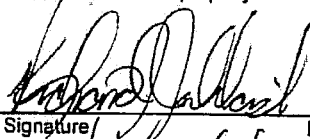


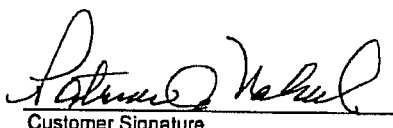
Attachment 2
Jefferson County, West Virginia
Electronic Pollbook Sales Order Agreement

Description	UOM	Qty	Unit Price	Total Price
ExpressPoll Tablet with Barcode Scanning and Signature Capture Capabilities. Includes Tablet Protector Sleeve, Z-Stand, Stylus with Tether, Micro-SD Card w/SD Adapter, 16GB Thumb Drive, USB Dongle, USB Power Cable, Carrying Case, ExpressPoll Software, and Loading of Software on the Unit.	Each	64	\$865.00	\$55,360.00
MY3 Printer with Power Supply/Cord, USB Cable, Paper Roll, and Battery Backup	Each	64	\$412.00	\$26,368.00
Implementation Services:				
Acceptance Testing (per Unit)	Per Unit	64	\$50.00	\$3,200.00
Project Management - Initial Kick-Off and Process Consultation	Day	3	\$1,575.00	\$4,725.00
EZRoster Software Training	Day	2	\$1,575.00	\$3,150.00
Shipping (ExpressPoll Hardware & Software)	Per Unit	64	\$20.00	\$1,280.00
One-Year Hardware and Software Warranty	N/A			Included
Order Total				\$94,083.00

Payment Terms: The Payment Terms for the purchase and/or license of the Electronic Pollbook equipment and software are set forth on that certain Sales Order Agreement for the purchase of the ES&S Voting Tabulation System dated the same date as this Agreement. Customer shall be responsible for the payment of such fees as set forth in the Sales Order Agreement.

The parties hereby agree that this Sales Order and the ExpressPoll Sales Order Agreement General Terms, attached hereto and fully incorporated herein by this reference, (collectively, the "Agreement") represents a binding agreement between ES&S and Customer for the purchase of ExpressPoll System products and services. Further, the undersigned Customer hereby agrees to purchase such ExpressPoll products and services from ES&S as set forth herein. The undersigned Customer hereby agrees to the ExpressPoll System Sales Order Agreement General Terms and acknowledges that he or she has read the entire Agreement, understands it and fully intends to be bound by it. The undersigned Customer hereby certifies that: 1) sufficient funds are available for any of this purchase that exceeds my allocation of state and/or federal funding; and 2) any amount not funded by state and/or federal funds has been authorized and appropriated for this purchase. As of the date of the signature below, the undersigned Customer has full power and authority to enter into and perform this Agreement, and has been properly authorized to execute and deliver this Agreement on behalf of the Customer as set forth above.


 ES&S Signature _____ Date 3/18/16
 Print Name Nicholas J. Koblanski
 Title V.P. of Finance


 Customer Signature _____ Date 3/18/2016
 Print Name Patricia A. Noland
 Title President, County Commission

Customer	Jefferson County, West Virginia
Contact Person	Nikki Painter - Chief Deputy of Elections
Address (no PO box)	128 Industrial Blvd.
City	Kearneyville
State/Province	WV
Zip	25430
Phone Number	(304) 728-3215

7. Warranty.

a. Equipment/ Software. ES&S warrants that for a 1 year period (the "Warranty Period"), it will repair or replace any component of the Equipment or ES&S Software which, while under normal use and service: (i) fails to perform in accordance with its Documentation in all material respects, or (ii) is defective in material or workmanship. The Warranty Period will commence upon delivery. Any repaired or replaced item of Equipment or ES&S Software shall be warranted only for the unexpired term of the Warranty Period. All replaced components of the Equipment or ES&S Software will become the property of ES&S. ES&S shall not be responsible for the repair or replacement of (i) consumable parts, such as batteries or protective coatings that are designed to diminish over time, (ii) cosmetic damage, including, but not limited to, screen cracks, scratches, dents and broken plastic or (iii) defects caused by normal wear and tear. All Equipment warranty services shall be provided at ES&S' designated location. This warranty is effective provided that (i) Customer promptly notifies ES&S of the failure of performance or defect and is otherwise in compliance with its obligations hereunder, (ii) the Equipment or ES&S Software to be repaired or replaced has not been repaired, changed, modified or altered except as authorized or approved by ES&S, (iii) the Equipment or ES&S Software to be repaired or replaced is not damaged as a result of accident, theft, vandalism, neglect, abuse, liquid contact or use which is not in accordance with instructions or specifications furnished by ES&S or causes beyond the reasonable control of ES&S or Customer, including acts of God, fire, riots, acts of war, terrorism or insurrection, labor disputes, transportation delays, governmental regulations and utility or communication interruptions, and (iv) Customer has installed and is using the most recent Update, or the second most recent Update, provided to it by ES&S. This warranty is void for any units of equipment which: (i) have not been stored or operated in a temperature range according their specifications, (ii) have been severely handled so as to cause mechanical damage to the unit, or (iii) have been operated or handled in a manner inconsistent with reasonable treatment of an electronic product. Upon the expiration of the Warranty Period, the Customer shall be entitled to receive the Software Maintenance and Support Services described on Exhibit A, upon the payment of the applicable fees for such service.

b. System. ES&S warrants that the Equipment and ES&S Software will operate in conjunction with the third party items during the Warranty Period, provided that (i) Customer is using third party items which have been approved by ES&S in writing for use with the Equipment and ES&S Software, (ii) Customer has installed and is using the most recent Update, or the second most recent Update, provided to it by ES&S, and (iii) the third party items are performing in accordance with their own specifications and documentation in all material respects and are not defective in material or workmanship. In the event of a breach of this warranty, ES&S will repair or replace the item of Equipment or ES&S Software that is causing such breach to occur. Customer acknowledges that ES&S has merely purchased the

third party items for resale or rental to Customer, and that the proprietary and intellectual property rights to the third party items are owned by parties other than ES&S ("Third Parties"). Customer further acknowledges that except for the payment to ES&S for the third party items, all of its rights and obligations with respect thereto flow from and to the Third Parties. ES&S shall provide Customer with copies of all documentation and warranties for the third party items which are provided to ES&S.

c. Exclusive Remedies. IN THE EVENT OF A BREACH OF SUBSECTIONS 7(a) or 7(b), ES&S' OBLIGATIONS, AS DESCRIBED IN SUCH SUBSECTIONS, ARE CUSTOMER'S SOLE AND EXCLUSIVE REMEDIES. ES&S EXPRESSLY DISCLAIMS ALL WARRANTIES, WHETHER EXPRESS OR IMPLIED, WHICH ARE NOT SPECIFICALLY SET FORTH IN THIS AGREEMENT, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

8. Limitation Of Liability. Neither party shall be liable for any indirect, incidental, punitive, exemplary, special or consequential damages of any kind whatsoever arising out of or relating to this Agreement. Neither party shall be liable for the other party's negligent or willful misconduct. ES&S' total liability to Customer arising out of or relating to this Agreement shall not exceed the aggregate amount to be paid to ES&S hereunder. By entering into this Agreement, Customer agrees to accept responsibility for (a) the selection of the Equipment and ES&S Software to achieve Customer's intended results; (b) the use of the Equipment and ES&S Software; (c) the results obtained from the use of the Equipment and ES&S Software; (d) the selection of, use of and results obtained from any equipment, software or services not provided by ES&S and used with the Equipment or ES&S Software; or (e) user errors, voter errors or problems encountered by any individual in voting that are not otherwise a result of the failure of ES&S to perform. ES&S shall not be liable under this Agreement for any claim, damage, loss, judgment, penalty, cost, amount paid in settlement or fee that is caused by (y) Customer's failure to timely or properly install and use the most recent Update, or the second most recent Update, provided to it by ES&S or (z) Customer's election not to receive, or to terminate, the Software Maintenance and Support Services.

9. Proprietary Rights. Customer acknowledges and agrees as follows:

ES&S owns the ES&S Software, all Documentation and training materials provided by ES&S. Customer has the right to use the aforementioned items to the extent specified in this Agreement. ES&S also owns all patents, trademarks, copyrights, trade names and other proprietary or intellectual property in, or used in connection with, the aforementioned items. The aforementioned items also contain confidential and proprietary trade secrets of ES&S that are protected by law and are of substantial value to ES&S. Customer shall not cause or permit the adaptation, conversion, reverse engineering, disassembly or decompilation of any of the ES&S Software. Further, Customer shall keep the ES&S Software and related Documentation free and clear of all claims, liens and

EXHIBIT A
ES&S SOFTWARE LICENSE AND MAINTENANCE AND SUPPORT SERVICES

ARTICLE I
GENERAL

1. **Term; Termination.** This Exhibit A shall be in effect from the date on which the Initial License Term expires until the first anniversary thereof (the "License Renewal Term"). The License Renewal Term shall automatically renew for an unlimited number of successive one year periods until this Exhibit A is terminated by the first to occur of (a) either party's election to terminate it upon expiration of the License Renewal Term or any renewal thereof, written notice of which election shall be given to the other party at least sixty (60) calendar days prior to such annual expiration date, (b) the date that is thirty (30) calendar days after either party notifies the other that the other has materially breached this Exhibit A, and the breaching party fails to cure such breach within such 30-day period, or (c) the date that is 30 days after Customer fails to pay any amount due ES&S under this Exhibit A. The termination of this Exhibit A shall not relieve Customer of its liability to pay any amounts due ES&S hereunder.

2. **Fees.** In consideration for ES&S' agreement to provide the ES&S Software License and Software Maintenance and Support Services under this Exhibit A, Customer shall pay to ES&S the Software License and Software Maintenance and Support Fees set forth on Electronic Pollbook Sales Order. The ES&S Software license and Software Maintenance and Support Fees for the License Renewal Term are due on the date of the expiration of the Initial License Term. The ES&S Software license and Software Maintenance and Support Fees for any renewal period shall be at the then current rates in effect and are due and payable no later than thirty (30) days prior to the beginning of such renewal period. The ES&S Software license and Software Maintenance and Support Fee shall be in addition to any fees or charges separately referred to in any Section of this Exhibit A or the Agreement. If Customer elects to license and receive Software Maintenance and Support for an Add-On or New Product during the Term or any renewal thereof, ES&S will charge an incremental license and Software Maintenance and Support Fee for such license and services.

ARTICLE II
License of ES&S Software

1. **Grant of License.** During the License Renewal Term or any renewal thereof, ES&S shall grant to Customer a nonexclusive, nontransferable license to use the ES&S Software and related Documentation in the Jurisdiction while Customer is using the Equipment and ES&S Software. The license allows Customer to use the ES&S Software (in object code only) and the Documentation, in the course of operating the Equipment and solely for the purposes of managing and receive the electronic poll book voter lists and voter registration process at each polling location in Customer's jurisdiction. The license granted in this does not permit Customer to use or access the source code for the ES&S Software.

2. **Prohibited Uses.** Customer shall not take any of the following actions with respect to the ES&S Software or the Documentation:

a. Reverse engineer, decompile, disassemble, re-engineer or otherwise create, attempt to create, or permit, allow or assist others to create, the source code or the structural framework for part or all of the ES&S Software; or

b. Cause or permit any use, display, loan, publication, transfer of possession, sublicensing or other dissemination of the ES&S Software or Documentation, in whole or in part, to or by any third party, including, but not limited to, any transfer of possession to, or use of the ES&S Software or Documentation by any third party to perform any services for Customer without ES&S' prior written consent; or

c. Cause or permit any change to be made to the ES&S Software without ES&S' prior written consent; or

d. Cause or permit any copying, reproduction or printing of any output generated by the ES&S Software in which ES&S owns or claims any proprietary intellectual property rights (e.g., copyright, trademark or patent).

3. **Term of License.** The license granted in Article II, Section 1 shall commence upon the expiration of the Initial License Term and receipt of payment by ES&S in accordance with Article I, Section 2 of this Exhibit A. ES&S may terminate the license if Customer fails to pay the consideration due for, or breaches Sections 1 or 2 of this Article II with respect to, such license. Upon the termination of the license granted in Section 1 of Article II for ES&S Software or upon Customer's discontinuance of the use of any ES&S Software, Customer shall immediately return such ES&S Software and the related Documentation (including any and all copies thereof) to ES&S, or (if requested by ES&S) destroy such ES&S Software and Documentation and certify in writing to ES&S that such destruction has occurred.

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JOHN K. DORSEY, ATTORNEY AT LAW 06/92
IOLTA TRUST
104 W. CONGRESS ST., P.O. BOX 42
CHARLES TOWN, WV 25414
304-728-6000

BANK OF CHARLES TOWN
111 EAST WASHINGTON STREET
CHARLES TOWN, WV 25414
60-141/570

45470

Jan. 03, 2018

PAY TO THE ORDER OF

THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

\$ **36,264.62**

** Thirty Six Thousand Two Hundred Sixty Four and 62/100 ***** DOLLARS

PROTECTED AGAINST FRAUD

THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

FILE NO. 4479

City of Charles Town vs. Mary Burton

Hillary Trust, et al, CC-19-2017-P-83

Jefferson County Commission-Distribution



John K. Dorsey

MEMO

⑈045470⑈ ⑆057001418⑆

0009023117⑈

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Details on Back Inside CheckLock™ Secure Check

**LAW OFFICES OF
JOHN K. DORSEY**

104 WEST CONGRESS STREET
POST OFFICE BOX 42
CHARLES TOWN, WV 25414
TELEPHONE: (304) 728-6000
TELEFAX: (304) 728-1130
e-mail: jdadmin@jkdcpa.com

Of Counsel:
S. Walter Washington, Esquire
e-mail: wwashington@jkdcpa.com

January 3, 2018

Stephanie Grove, Esquire, County Administrator
Jefferson County Commission
124 East Washington Street
Charles Town, WV 25414

RE: City of Charles Town vs. Mary Esta
Burton Hilleary Trust, et al.
Civil Action No. CC-19-2017-P-83
Circuit Court of Jefferson County,
WV

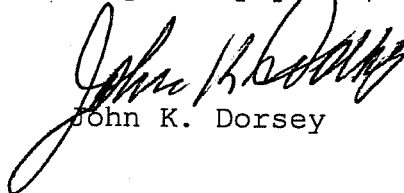
File No: 4479

Dear Ms. Grove:

Please find attached a copy of the Final Order in the above-styled case, and Check No. 45470, payable to the order of The County Commission of Jefferson County, West Virginia on the account of John K. Dorsey, Special Commissioner, in the sum of \$36,264.62 representing distribution of net proceeds.

Should you have any questions regarding this matter, do not hesitate to contact me at your convenience.

Very truly yours,


John K. Dorsey

JKD/bfs

Enclosure: As stated



West Virginia E-Filing Notice

CC-19-2017-P-83

Judge: Bridget Cohee

To: John Dorsey
jdadmin@jdcpcpa.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

CITY OF CHARLES TOWN v. MARY ESTA BURTON HILLEARY TRUST, Trustee
CC-19-2017-P-83

The following order - case was FILED on 1/2/2018 10:15:05 AM

Notice Date: 1/2/2018 10:15:05 AM

Laura Storm
CLERK OF THE CIRCUIT
Jefferson
119 N George Street
CHARLES TOWN, WV 25414

(304) 728-3231
circuitclerk@jeffersoncountywv.org

1/s/ Bridget Colhee
Circuit Court Judge
Ref. Code: 18GZQAV1

P-FILED 1/2/2018 10:15 AM
CC-19-2017-P-83
Jefferson County Circuit Clerk
Laura Storm

In the Circuit Court of Jefferson County, West Virginia

CITY OF CHARLES TOWN,)
Plaintiff,)
)
vs.))
)
MARY ESTA BURTON HILLEARY)
TRUST, Trustee,)
CITY OF RANSON,)
THE COUNTY COMMISSION OF)
JEFFERSON COUNTY, WEST)
VIRGINIA,)
The Jefferson County West Virginia)
Historical Society,)
The Woman's Club of Charles Town)
ET AL,)
Defendants)

Case No. CC-19-2017-P-83

Amended Final Order

On January 2, 2018, came John K. Dorsey, Bonded Special Commissioner in this matter, and moved the Court to approve an Amended Final Order for the distribution for the proceeds of sale by said Special Commissioner pursuant to the Order of this Court dated September 27, 2017.

The Special Commissioner represented to the Court that by an Order of this Court dated December 12, 2017, the Court approved the final distribution of proceeds for the sale of real estate, but due to an oversight by the Special Commissioner the proposed distribution omitted the payment of real estate commissions payable to Long & Foster Real Estate Inc., at the rate of 5% of the gross sales proceeds, or 5% of \$162,000.00 that equals \$9,720.00.

The Special Commissioner further represented to the Court that all interested parties, by their signatures affixed below or confirmed by emails from the respective parties or their Counsel, agree that the commission as further set forth on the HUD-1 Settlement Statement attached to this Amended Final Order as Exhibit A is a proper and legitimate expense of this sale.

There being no objection to the amended Order of Distribution, it is further ADJUDGED, ORDERED and DECREED that the Special Commissioner's disbursement of the funds in his hands as set forth in this Order and on attached Exhibit B, is hereby approved, ratified and confirmed.

It appearing to the Court that the said Special Commissioner has discharged his

obligations consistent with the Orders of this Court, it is ORDERED that the said Special Commissioner be, and he is hereby released of and from all further liability in this case, and the penalty of the bond shall be released.

The Clerk will enter the foregoing as of the day and year first above written, place this matter among the causes now ended, and transmit attested copies thereof to all counsel of record and to Andrew Blake, City Manager of the City of Ranson, 312 S. Mildred St Ranson, WV 25438.

Prepared by:
John K. Dorsey
West Virginia State Bar I.D. No. 1044

EXHIBIT A

OMB Approval No. 2502-0285



A. Settlement Statement (HUD-1)

B. Type of Loan

1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> RHIS	3. <input type="checkbox"/> Conv. U.S. Govt.	6. File Number: WV17-09-388	7. Loan Number:	8. Mortgage Insurance Case Number:
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv. Int.				

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name and Address of Buyer: David Wilson Anabela Ramirez	E. Name and Address of Seller: John K. Dorsey, Bonded Special Constable 104 West Congress St. P.O. Box 42 Charleston, WV 25414	F. Name and Address of Lender: Cash Purchase
--	---	---

G. Property Location: 423 E. George Street Charleston, WV 25414 Jefferson County, West Virginia Lot 83 Charleston Town Corp Map/Parcel 3.0011	H. Settlement Agent: Brial PC Attorneys 201 N. George Street, Suite 200 Charleston, WV 25414 Ph: (304)724-8222 Place of Settlement: 201 N. George Street, Suite 200 Charleston, WV 25414	I. Settlement Date: October 10, 2017
---	---	---

J. Summary of Buyer's transaction		K. Summary of Seller's transaction	
100. Gross Amount Due from Buyer:		400. Gross Amount Due to Seller:	
101. Contract sales price	162,000.00	401. Contract sales price	162,000.00
102. Personal property		402. Personal property	
103. Settlement Charges to Buyer (Line 1400)	1,407.00	403.	
104.		404.	
105.		405.	
Adjustments for items paid by Seller in advance		Adjustments for items paid by Seller in advance	
106. City/Town Taxes	to	406. City/Town Taxes	to
107. County Taxes	to	407. County Taxes	to
108. HOA Assessments	to	408. HOA Assessments	to
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. Gross Amount Due from Buyer	163,407.00	420. Gross Amount Due to Seller	162,000.00
200. Amounts Paid by or in Behalf of Buyer		500. Reductions in Amount Due Seller:	
201. Deposit or earnest money	1,000.00	501. Earnest deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to Seller (Line 400)	8,720.00
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff First Mortgage	
205.		505. Payoff Second Mortgage	
206.		506. Dep. withheld (\$1,000.00)	1,000.00
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by Seller		Adjustments for items unpaid by Seller	
210. City/Town Taxes	to	610. City/Town Taxes	to
211. County Taxes	to	611. County Taxes	to
212. HOA Assessments	to	612. HOA Assessments	to
213.		613.	
214.		614.	
215.		615.	
216.		616.	
217.		617.	
218.		618.	
219.		619.	
220. Total Paid by/or Buyer	1,000.00	820. Total Reduction Amount Due Seller	9,720.00
300. Cash at Settlement from/to Buyer		800. Cash at Settlement to/from Seller	
301. Gross amount due from Buyer (line 120)	163,407.00	801. Gross amount due to Seller (line 420)	162,000.00
302. Less amount paid by/or Buyer (line 220)	(1,000.00)	802. Less reductions due Seller (line 520)	(9,720.00)
303. Cash <input checked="" type="checkbox"/> From <input type="checkbox"/> To Buyer	162,407.00	803. Cash <input checked="" type="checkbox"/> To <input type="checkbox"/> From Seller	162,280.00

* Paid outside of closing (broker's fee, seller's fee, lender's fee, or title company fee)

The Public Reporting Burden for this collection of information is estimated to average 20 minutes per response for collecting, reviewing, and reporting data. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. No individual is required to answer the questions on this form. This is designed to provide the public to a HUD-approved servicer with information about the settlement process.

L. Settlement Charges				Paid From	Paid From
				Buyer's	Seller's
				Funds at	Funds at
				Settlement	Settlement
700. Total Real Estate Broker Fee		\$ 8,720.00			
Division of commission (line 700) as follows:					
701. \$ 4,860.00	to	Long & Foster Real Estate, Inc.			
702. \$ 4,860.00	to	Long & Foster Real Estate, Inc.			
703. Commission paid at settlement					8,720.00
704. Deposit Ret'd by Listing Agent	to	Long & Foster Real Estate, Inc.	\$ (1000.00) (POG)		
705.					
Items Payable in Connection with Loan:					
801. Our origination charge		\$	(from GFE #1)		
802. Your credit or charge (debit) for the specific interest rate chosen		\$	(from GFE #2)		
803. Your adjusted origination charges to Cash Purchase			(from GFE #A)	0.00	
804. Annualized fee	to		(from GFE #3)		
805. Credit Report	to		(from GFE #3)		
806. Tax service	to		(from GFE #3)		
807. Flood certification	to		(from GFE #3)		
808.			(from GFE #3)		
809.			(from GFE #3)		
810.			(from GFE #3)		
811.			(from GFE #3)		
Items Required by Lender to be Paid in Advance:					
901. Daily interest charges from	to	\$ \$/day	(from GFE #10)		
902. Mortgage insurance premium for	months to		(from GFE #3)		
903. Homeowner's insurance for	years to		(from GFE #11)		
904.			(from GFE #11)		
905.			(from GFE #11)		
Reserves Deposited with Lender:					
1001. Initial deposit for your escrow account			(from GFE #8)		
1002. Homeowner's insurance	\$	per	\$		
1003. Mortgage insurance	\$	per	\$		
1004. Property taxes			\$		
1005.			\$		
1006.	\$	per	\$		
1007.	\$	per	\$		
1008.			\$		
1009. Aggregate Adjustment			\$		
Title Charges:					
1101. Title services			(from GFE #4)	745.00	
1102. Settlement or closing fee	to	Brief PC Attorneys	\$	200.00	
1103. Owner's title insurance to Old Republic National Title Insurance Company			(from GFE #5)	838.00	
1104. Lender's title insurance to Old Republic National Title Insurance Company			\$		
1105. Lender's title policy limit	\$				
1106. Owner's title policy limit	\$	162,000.00			
1107. Agent's portion of the total title insurance premium	to	Catcosh Title & Escrow Company	\$	508.90	
1108. Underwriter's portion of the total title insurance premium	to	Old Republic National Title Insurance Company	\$	127.20	
1109. Document Preparation	Brief PC Attorneys		\$		
1110. Overnight/Courier Fee	Brief PC Attorneys		\$		
1111. Release Tracking/Processing Fee	ReCours/Brief PC		\$		
1112.			\$		
1113.			\$		
Government Recording and Transfer Charges:					
1201. Government recording charges	to	Jefferson County Clerk	(from GFE #7)	28.00	
1202. Deed \$	28.00	Mortgage \$	Releases \$	Other \$	
1203. Transfer taxes			(from GFE #6)		
1204. CVT/County tax/stamps	Deed \$	0.00	Mortgage \$		EXEMPT
1205. State tax/stamps	Deed \$		Mortgage \$		
1206.					
1207.					
Additional (Items) Settlement Charges:					
1301. Required services that you can shop for			(from GFE #6)		
1302.			\$		
1303.			\$		
1304.			\$		
1305.			\$		
1400. Total Settlement Charges (either on line 103, Section J and 802, Section K)				3,497.00	8,720.00

* Paid outside of closing by borrower (B), seller (S), lender (L), or third party (T)

WARNING: It is a crime to knowingly make false statements to the United States on this or any similar form. Penalties upon conviction can include a fine and imprisonment. For details see Title 18 U.S. Code Section 1001 & Section 1010.

BUYER / SELLER CERTIFICATION

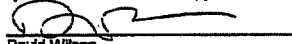
Buyer: David Wilson and Antonio Ramirez
Seller: John K. Dorsey, Bonded Special Commissioner
Lender: Cash Purchase
Settlement Agent: Brial PC Attorneys
(304)724-8222
Place of Settlement: 201 N. George Street, Suite 200
Charles Town, WV 25414
Settlement Date: October 19, 2017
Property Location: 423 S. George Street
Charles Town, WV 25414
Jefferson County, West Virginia
Lot #3
Charles Town Corp
Map/Parcel: 3/0011

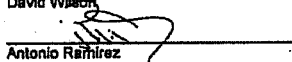
The Buyer and Seller this date have checked, reviewed and approved the figures appearing on the Disclosure/Settlement Statement (Statement of Actual Costs), consisting of three (3) pages. Seller acknowledges payment in full of the proceeds due Seller from the settlement.

The Buyer and Seller understand that the tax proration shown on the Settlement Statement are based on the tax rates available at the time of closing which may be from the prior tax year if current year tax amounts are not yet available. Seller agrees to forward the next tax bill to Buyer immediately upon receipt of the bill from the tax office. Buyer understands that the next tax bill (even though in the name of the Seller) is the responsibility of the Buyer.

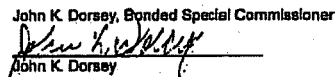
As part of the consideration of this sale, the contract between the parties is by reference incorporated herein and made a part hereof; the terms and conditions contained therein shall survive the closing and shall not merge upon the delivery of the warranty deed.

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.



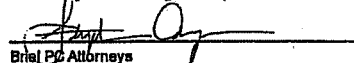
David Wilson


Antonio Ramirez

John K. Dorsey, Bonded Special Commissioner


John K. Dorsey

To the best of my knowledge, the HUD-1 Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be disbursed by the undersigned as part of the settlement of this transaction.



Brial PC Attorneys
Settlement Agent

EXHIBIT B

CITY OF CHARLES TOWN
VS. MARY ESTA BURTON HILLEARY TRUST, ET AL.
CASE NO: CC-19-2017-P-83
AMENDED PROPOSED ORDER OF DISTRIBUTION

RECEIPTS:

Proceeds from sale of real estate \$ 162,000.00

DISBURSEMENTS AND EXPENSES OF SALE

City of Charles Town-Attorney Fees	\$ 5,131.10
City of Charles Town-DAR Settlement	2,500.00
City of Charles Town-Reimburse Maintenance Fees	25,800.00
Long & Foster Real Estate, Inc., - Commission	9,720.00
Circuit Clerk-Copies for Case No. 1947-C-34	27.00
County Clerk-Courthouse Copies	80.50
Postage and Federal Express	84.05
Valley Hardware-Spare Keys	7.50
Herby-Cleaning and Removal of Personal Property	110.00
Clerk of the County Commission-Recording five deeds	135.00
Clerk of the County Commission-Recording Order	11.00
John K. Dorsey-Preparation of six quit claim deeds	1,500.00
John K. Dorsey-Special Commissioner Fees	<u>8,100.00</u>

TOTAL DISBURSEMENTS 53,206.16

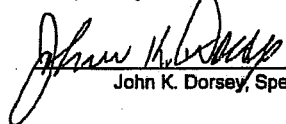
BALANCE AVAILABLE FOR DISTRIBUTION \$ 108,793.85

DISTRIBUTIONS

City of Charles Town	\$ 36,284.61
City of Ranson	36,284.62
The County Commission of Jefferson County, West Virginia	<u>36,284.62</u>

TOTAL DISTRIBUTIONS \$ 108,793.85

Respectfully submitted this 12th day of December, 2017.



John K. Dorsey, Special Commissioner

John K. Dorsey

From: Braun Hamstead <bhamstead@hamsteadandassociates.com>
Sent: Thursday, December 21, 2017 10:05 AM
To: John K. Dorsey; ncochran@jeffersoncountywv.org; apblake@gmail.com; 'Andy Blake'; apblake@gmail.com
Subject: RE: Amended Order

The City of Charles Town approves the amended final order.

Thanks, John

Braun A. Hamstead
Attorney At Law
Hamstead & Associates, L.C.
507 So. Fairfax Blvd.,
Charles Town, WV 25414
Tel: 304-725-1468
Fax: 304-725-1321

This message is from a law firm and contains confidential information. If you are not the intended recipient, please delete this email and notify us that you received it in error. Thank you.

From: John K. Dorsey [mailto:jdadmin@jdjdcpa.com]
Sent: Wednesday, December 20, 2017 3:18 PM
To: Braun Hamstead <bhamstead@hamsteadandassociates.com>; ncochran@jeffersoncountywv.org; apblake@gmail.com; 'Andy Blake' <ABlake@ransonwv.us>; apblake@gmail.com
Subject: Amended Order

Dear Braun, Nathan and Andy:

Please find attached the proposed amended order on the Hilleary House matter. If I may impose on you to email your affirmative reply that you approve of this matter, I will attach your email to the order and submit it for Judge Cohee's consideration.

Thank you for your attention to this matter. Again, please accept my apologies for my oversight on the initial proposed distribution.

John

John K. Dorsey, Attorney at Law
104 West Congress Street
P.O. Box 42
Charles Town, WV 25414

(304) 728-6000
(304) 728-1130 FAX

John K. Dorsey

From: Nathan Cochran <ncochran@jeffersoncountywv.org>
Sent: Wednesday, December 20, 2017 3:25 PM
To: John K. Dorsey; bhamstead@hamsteadandassociates.com; apblake@gmail.com; 'Andy Blake'; apblake@gmail.com
Cc: Stephanie Grove; Charlotte Ainsworth
Subject: RE: Amended Order

Mr. Dorsey:

I approve the Amended Final Order as counsel for the Jefferson County Commission.

Jefferson County Prosecuting Attorney's Office
Nathan P. Cochran, Assistant Prosecuting Attorney
124 E. Washington Street, 2nd Floor
Charles Town, WV 25414
Phone: (304)728-3318
Fax: (304)728-3353

The information herein is intended for the recipient only and may be confidential information protected by the attorney client and attorney work product privileges. If you are not the named recipient please discard this email and notify the sender.

From: John K. Dorsey [<mailto:jdadmin@jdcjcpa.com>]
Sent: Wednesday, December 20, 2017 3:18 PM
To: bhamstead@hamsteadandassociates.com; Nathan Cochran <ncochran@jeffersoncountywv.org>; apblake@gmail.com; 'Andy Blake' <ABlake@ransonwv.us>; apblake@gmail.com
Subject: Amended Order

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John

John K. Dorsey, Attorney at Law
104 West Congress Street
P.O. Box 42
Charles Town, WV 25414

(304) 728-6000

John K. Dorsey

From: Andy Blake <ABlake@ransonwv.us>
Sent: Wednesday, December 20, 2017 3:24 PM
To: John K. Dorsey; bhamstead@hamsteadandassociates.com;
ncochran@jeffersoncountywv.org; apblake@gmail.com
Subject: Re: Amended Order

Thanks all for your efforts on this and have a nice holiday.

Andy

Get [Outlook for iOS](#)

From: John K. Dorsey <jdadmin@ididcpa.com>
Sent: Wednesday, December 20, 2017 3:17:49 PM
To: bhamstead@hamsteadandassociates.com; ncochran@jeffersoncountywv.org; apblake@gmail.com; Andy Blake;
apblake@gmail.com
Subject: Amended Order

Dear Braun, Nathan and Andy:

Please find attached the proposed amended order on the Hilleary House matter. If I may impose on you to email your affirmative reply that you approve of this matter, I will attach your email to the order and submit it for Judge Cohee's consideration.

Thank you for your attention to this matter. Again, please accept my apologies for my oversight on the initial proposed distribution.

John

John K. Dorsey, Attorney at Law
104 West Congress Street
P.O. Box 42
Charles Town, WV 25414

(304) 728-6000
(304) 728-1130 FAX

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/s/ Bridget Cohee
Circuit Court Judge
23rd Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtsww.gov/e-file/ for more details.

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

**CITY OF CHARLES TOWN,
a West Virginia Municipal Corp.,
Creditor, Beneficiary,**

Petitioner,

v.

**MARY ESTA BURTON HILLEARY TRUST,
Heirs, Assigns and devisees,
a West Virginia charitable trust,**

Respondent,

CIVIL ACTION NO. _____

**CITY OF RANSON,
a West Virginia Municipal Corp.
Beneficiary,**

Respondent,

**THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA,
Beneficiary,**

Respondent.

**PETITION TO TERMINATE THE MARY ESTA BURTON HILLEARY TRUST
AND TO SELL TRUST PROPERTY**

COMES NOW, your Petitioner, the City of Charles Town, West Virginia, by and through counsel, Braun A. Hamstead and Andrew F. Pahl, Esq., of Hamstead & Associates, LC, and tenders this petition seeking the termination of the Mary Esta Burton Hilleary Trust, and the sale of the real estate held by the said Trust, stating as follows:

Parties

1. Petitioner is the City of Charles Town, a West Virginia Municipal Corporation, a beneficiary under the Mary Esta Burton Hilleary Trust (hereinafter "the Trust" or "Trust"), and is also a creditor of the Trust.

2. Respondent Trust is a West Virginia charitable trust, which, upon information and belief, possesses only real estate situate in the City of Charles Town, Jefferson County, West Virginia. Upon information and belief, the Trust currently has no Trustee.

3. Respondent City of Ranson is a West Virginia Municipal Corporation, and a beneficiary of the Trust.

4. Respondent The County Commission of Jefferson County, West Virginia, is a public body corporate, and the governing body of Jefferson County, a beneficiary of the Trust.

Jurisdiction and Venue

5. Jurisdiction is proper because the Trust is a West Virginia trust, which holds real estate situate in West Virginia.

6. Venue is proper pursuant to the Uniform Trust Act, W. Va. Code § 44D-2-204, because the property held by the Trust is situate in Jefferson County, West Virginia, and the beneficiaries of the Trust are located in Jefferson County, West Virginia.

Facts

7. The Trust was created by virtue of the Last Will and Testament of Mary Esta Burton Hilleary, recorded in the Jefferson County Clerk's Office in Will Book H (47981), at page 344, admitted to probate on September 9, 1946.

8. Said Last Will and Testament bequeathed unto a "Board of Trustees[,] [] a museum for Charles Town, Ranson, and for Jefferson County," real estate described as follows:

Land consisting of about one half acre (1/2) (perhaps less ten feet on McCurdy and George Streets) together with the buildings thereon, consisting of one brick dwelling and several out houses, said land being situate on the north east corner of south George Street and McCurdy Street in Charles Town, Jefferson County, West Virginia

**PETITION TO TERMINATE THE MARY ESTA BURTON HILLEARY TRUST
AND TO SELL TRUST PROPERTY**

Civil Action No. _____

9. The members of the said Board of Trustees are now deceased, and, upon information and belief, no trustee and no board presently exists for the Trust.

10. The intent of the Trust's Settlor, Mary Esta Burton Hilleary, was to use the real estate and improvements thereon to house a museum for the benefit of the City of Charles Town, the City of Ranson, and the County of Jefferson.

11. In addition to the housing of said museum, the Settlor also intended for the real estate and improvements thereon to be used as a permanent meeting place for the Jefferson County West Virginia Historical Society, the Women's Club of Charles Town, the Junior Women's Club, Bee Line Chapter Daughters of the American Revolution, Lawson Botts Chapter United Daughters of the Confederacy, Colonial Dames, Daughters of Eighteen Twelve.

12. All of the aforementioned groups that were permitted permanent meeting space at the said real estate are either no longer in existence or have relinquished any right to meet at the said real estate.

13. The structure situate upon the real estate, commonly known as "The Women's Center," is in disrepair, is dilapidated, is vacant, and is uninhabitable.

14. Until recently, the Bee Line Chapter of the Daughters of the American Revolution ("DAR") maintained its right to hold meetings at the Women's Center even though it did not, in fact, use the building for meetings due to the structure's disrepair and uninhabitability.

15. The Petitioner City of Charles Town recently came to an agreement with DAR in which DAR relinquished and released all rights under the Mary Esta Burton Hilleary Trust in exchange for a \$2,500.00 donation to its scholarship fund, which the City of Charles Town tendered. *See Exhibit A.*

**PETITION TO TERMINATE THE MARY ESTA BURTON HILLEARY TRUST
AND TO SELL TRUST PROPERTY**

Civil Action No. _____

16. Upon information and belief, the said structure has not been used as a museum for many years.

COUNT I

City of Charles Town's Creditor Claim

17. Petitioner herein incorporates paragraphs 1 through 16 as if more fully set forth.

18. The City of Charles Town has undertaken maintenance on the real estate, by mowing the lot and conducting other related maintenance upon the lot and by attempting to secure the dilapidated structure and has incurred expenses (and continues to incur expenses) of \$25,800.00 between the years 2011 through 2016. *See* Exhibit B (invoice).

19. The City of Charles Town has not been paid or reimbursed for the said necessary expenses of maintaining the Trust property, and is therefore entitled to payment for same.

20. Furthermore, the City of Charles Town has tendered the sum of \$2,500.00 to DAR, an expenditure that will ultimately benefit the property itself and the parties herein by resolving issues that would need be disposed of within the present suit.

COUNT II

Termination of the Trust

21. Petitioner herein incorporates paragraphs 1 through 20 as if more fully set forth.

22. Because the Trust's only asset is real estate, and because the structure situate upon said real estate is dilapidated and uninhabitable, the purpose of this charitable trust is impossible to achieve. Therefore, the Trust may and should be terminated as envisioned by W. Va. Code § 44D-4-410.

23. The Court possesses jurisdiction to modify or terminate the Trust pursuant to W. Va. Code § 44D-4-410.

**PETITION TO TERMINATE THE MARY ESTA BURTON HILLEARY TRUST
AND TO SELL TRUST PROPERTY**

Civil Action No. _____

COUNT III

Sale

24. Petitioner herein incorporates paragraphs 1 through 23 as if more fully set forth.

25. Because this charitable trust's objectives are now impossible to achieve, the Trust's property does not revert to the Grantor's successors. *See* W. Va. Code § 44D-4-413.

26. Because this charitable trust's objectives are impossible to achieve, the Court should apply the *cy pres* doctrine to fulfill, as best as possible, the Grantor's charitable intention. *See* W. Va. Code § 44D-4-413.

27. Because the Trust possesses no liquid assets that could be used to remediate the dilapidated structure, the real estate should be sold, and the proceeds distributed to the remaining Trust beneficiaries.

28. While the Grantor has long since passed, it is fair to reason that Grantor's charitable intent was to benefit the City of Charles Town, the City of Ranson, and the County of Jefferson.

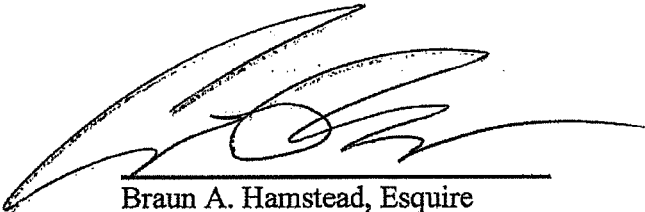
29. Because the Grantor's charitable intent was to benefit the City of Charles Town, the City of Ranson, and the County of Jefferson, the proceeds of any such sale (less any creditor claims and costs related to such sale) should be divided equally amongst same.

30. Because the City of Charles Town brings this petition benefitting not only itself, but also the City of Ranson and the County of Jefferson, the City of Charles Town is entitled to have its attorney fees reimbursed from the proceeds of the sale prior to distribution to the beneficiary entities.

WHEREFORE, your Petitioner prays this Honorable Court:

- a) Ratify the City of Charles Town's creditor claim for the maintenance of the Trust property;
- b) Reimburse the City of Charles Town for the payment it made to DAR which benefit all parties herein and expedited the present petition;
- c) Enter an Order terminating the Trust;
- d) Permit the sale of the Trust Property;
- e) Authorize the distribution of the proceeds of sale, less creditor claims and fees (including attorney fees to the City of Charles Town), equally amongst the City of Charles Town, the City of Ranson, and the County of Jefferson; and
- f) For any other relief the Court deems meet or just.

City of Charles Town
By Counsel



Braun A. Hamstead, Esquire
West Virginia State Bar ID No. 1568
Andrew F. Pahl, Esquire
West Virginia State Bar ID No. 12330
HAMSTEAD & ASSOCIATES, L.C.
507 S. Fairfax Blvd.
Charles Town, WV 25414
Phone: 304-725-1468
Fax: 304-725-1321

**PETITION TO TERMINATE THE MARY ESTA BURTON HILLEARY TRUST
AND TO SELL TRUST PROPERTY**

Civil Action No. _____

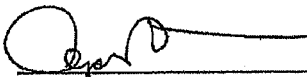
RELEASE OF RIGHT TO PERMANENT MEETING PLACE

In exchange for good and valuable consideration, the Daughters of the American Revolution, Bee Line Chapter (hereinafter "DAR"), on behalf of itself, its successors and assigns, does hereby forever release and relinquish all rights in and to any and all bequests given to it by virtue of the Last Will and Testament of Mary Esta Burton Hilleary, which is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Will Book H, at page 344, including, but not limited to its right to a permanent meeting place, located in the City of Charles Town, and commonly known as the Charles Town Women's Center, and more particularly described as follows:

Land consisting of about one half acre (1/2) (perhaps less ten feet on McCurdy and George Streets) together with the buildings thereon, consisting of one brick dwelling and several out houses, said land being situate on the northeast corner of south George Street and McCurdy Street in Charles Town, Jefferson County, West Virginia

Witnesseth the following signature:

Daughters of the American Revolution,
Bee Line Chapter

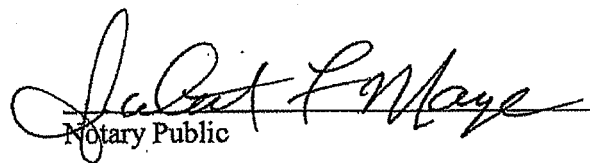


By: Abigail Pressens
Its: Regent

**STATE OF WEST VIRGINIA,
COUNTY OF JEFFERSON, to-wit:**

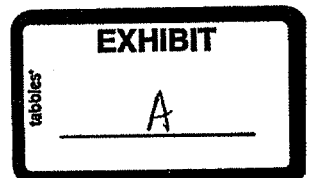
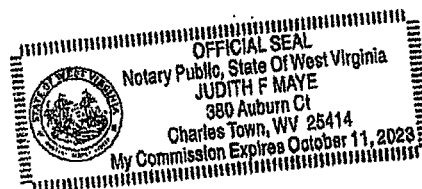
The foregoing was acknowledged before me this 8 day of Feb, 2017,
by Abigail Pressens, Regent of the Daughters of the American Revolution, Bee Line Chapter.

AFFIX NOTARIAL SEAL


Notary Public

My Commission expires:

10/11/2023



*City of Charles Town
P.O. Box 14
Charles Town, WV 25414
(304) 725-2311*

INVOICE

Invoice #: 2016-71

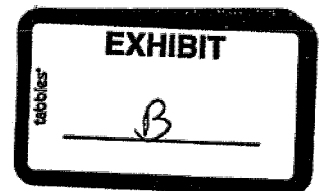
Date: 12/29/2016

To: Women's Club Estate
432 S. George St.
Charles Town, WV 25414
C/O Mr. John Dorsey, Esq. -Executor

City of Charles Town Expenditures linked to maintenance of the Women's Club located at 432 S. George Street

<u>Year(s)</u>	<u>Maintenance Description</u>	<u>Cost of Service</u>	<u>Total Cost of service(s)</u>
2011	Initial clean up of property-securing the property, landscaping etc.	\$1,000.00	\$1,000.00
2011-2016	Yard work- lawn cutting and vegetation trimming	\$100.00 per lawn cutting (30 cuttings per year for 6 years)	\$18,000.00
2011-2016	General maintenance- window repairs, snow removal, securing property from pest infiltration, etc.	Ongoing through the 6 years	\$5,000.00
2011-2016	Property liability insurance	\$300.00 per year	\$1,800.00
Total Due			\$25,800.00

*Please make check payable to: City of Charles Town and mail to above address.
Thank You.*







AGENDA REQUEST FORM
www.jeffersoncountywv.org

Name: **Stephanie Grove, County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **February 15, 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*):

Discuss after hours line regarding Charles Town Utilities – Discussion/Action

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

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

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

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

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

NOTICE OF PUBLIC HEARING
Thursday, February 15, 2018 at 1:30 PM

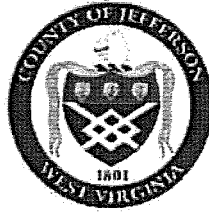
The Jefferson County Commission has scheduled a Public Hearing on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA17-03. The text amendment, in accordance with WV Code §8A-7-8(a), proposes a revision to Section 5.7D Maximum Number of Lots Allowed [in the Rural zoning district].

Oral or written comments can be provided at the hearing, **1:30 PM Thursday, February 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 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
Josh Compton, President

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 18, 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 January 9, 2018, 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# ZTA17-03). 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-7-8(a), proposes a revision to Section 5.7D Maximum Number of Lots Allowed [in the Rural zoning district].

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

On December 12, 2017, Mr. Richard Nickell, in conformance with Section 12.4(b) of the Zoning Ordinance, petitioned the Planning Commission to amend Section 5.7D of the Zoning Ordinance to allow for the continuation of subdivisions utilizing a previous provision that was amended to allow a greater density, but inadvertently created a negative impact on property owners who started under the previous provision and couldn't continue under the revised provision. Acknowledging the oversight created as a result of an amendment that occurred in March 2016, the Planning Commission directed Staff to incorporate the proposed text amendment as part of their Work Plan and schedule a Public Hearing. On January 9, 2018 the Planning Commission held a Public Hearing on the proposed text amendment. Only one comment was made by Mr. Nickell's consultant, Mr. Paul Raco in support of the amendment. The version before you today is the final product recommended by the Planning Commission for consistency with the Comprehensive Plan on January 9, 2018.

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 amendment to the Jefferson County Zoning and Land Development Ordinance (File #ZTA17-03) which proposes revisions to Section 5.7D Maximum Number of Lots Allowed [in the Rural zoning district].

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

- Proposed draft amendment to the Zoning Ordinance (ZTA17-03) forwarded from the Planning Commission with a finding that the amendment is consistent with the Envision Jefferson 2035 Comprehensive Plan on January 9, 2018.

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

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Section 5.7 Rural (R) District^{23, 32}

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not served with public water or sewer facilities, although certain size developments processed under the cluster provision of Section 5.7D(2) may choose to do so. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7D. The Envision Jefferson 2035 Comprehensive Plan recommends that the cluster provision of the Zoning Ordinance be the preferred method of residential development in the Rural zoning district.^{8, 23, 32}

A. Principal Permitted and Conditional Uses^{23, 27, 32}

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, 32}
2. 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.^{27, 32}

B. Minimum Lot Area, Lot Width and Yard Requirements²³

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.²⁷
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.²³
3. Any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6 and the requirements for barns and feeding pens specified in Article 8. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6A.²³

C. Height Regulations

No structure shall exceed 45 feet in height except as provided in Section 9.2.³²

D. Maximum Number of Lots Allowed

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7D.1, 5.7D.2 or 5.7D.3 below.

A property owner may use a combination of these Subsections, provided that the number of lots are prorated by density. The density rights for any rural development shall be based on the parcel of record as of October 5, 1988 utilizing the following alternatives:^{8, 32}

1. A property owner may create one (1) lot for every 15 acres with a minimum lot size of three (3) acres.^{17, 21}
 - a. Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.³²
 - b. A property owner may transfer rights to adjacent parcels which are owned by the same entity.^{17, 21}
2. Clustering
 - a. Purpose and Intent
 - i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract while retaining a portion of the property as green space³².
 - ii. To provide for a well planned development while minimizing the use of prime agricultural land.
 - b. Requirements
 - i. One (1) lot may be subdivided for every five (5) acres.^{17, 21, 23, 32}

- (a) Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.³²
- (b) A minimum of 50% of the property shall be retained as green space and shall contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance. A note to this effect shall be placed on all cluster subdivision plats.³²
- (c) For every additional 5% green space preservation, the following sliding scale may be utilized:³²

55% green space	1 lot per 4.5 acres
60% green space	1 lot per 4 acres
65% green space	1 lot per 3.5 acres
70% green space	1 lot per 3 acres
75% green space	1 lot per 2.5 acres

- ii. The residue of a lot divided utilizing either 5.7D.1 or 5.7D.2 prior to the date of adoption of this amendment on March 16, 2017, shall have additional rights based on the provisions of this Subsection, provided that the total lots developed shall not exceed one lot per five acres based on the parent parcel on October 5, 1988 and all other provisions of this Subsection are complied with.³²
- iii. Minimum lot size shall be 40,000 square feet for lots that will be served by individual wells and septic systems; 20,000 square feet for lots that will be served by a central water OR central sewerage system; and 10,000 square feet for lots that will be served by both a central water AND central sewerage system.^{17, 21, 32}
 - (a) Setbacks shall be 25' front, 12' sides, and 20' rear.
 - (b) All clusters of three (3) or more lots shall be served by an internal road; provided that all clusters utilizing the sliding scale in 5.7D.2.b shall have an internal road with direct access to a public road identified as a Major Collector or a Minor or Principal Arterial on the Envision Jefferson 2035 Comprehensive Plan Roadway Classification Map.²³
 - (c) Clusters of three (3) or more lots shall not be along an existing public road.
 - (d) A property owner may transfer rights to adjacent parcels which are owned by the same entity.^{17, 21}
- iv. Procedures²³
 - (a) Concept Plan. For the subdivision of tracts eligible for cluster lots, a concept plan must be submitted pursuant to the requirements of the Jefferson County Subdivision and Land Development Regulations. All cluster developments must be processed as a Major Subdivision.^{17, 21, 23}
 - (b) The Concept Plan for a proposed Cluster Development can be combined with the required submittal and process requirements for a Concept Plan for a Major Subdivision as outlined in the Subdivision Regulations, provided that the Concept Plan includes all requirements of the Concept Plan in the Subdivision Regulations and includes the necessary soils and topographic data, together with a written narrative, required for the analysis listed below.³²
 - (c) The Staff shall review and make a recommendation to the Planning Commission regarding the proposed design and layout of the proposed Cluster Development. Staff shall consider the following when reviewing the Cluster Concept Plan:³²
 - (1) Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.

- (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
 - (d) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating "The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation".²³
3. If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.³²
4. Subdivisions involving transfers of land between family members known as "Family Transfers", as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to further subdivide except as another Family transfer.³²
5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
6. Notwithstanding any other provision contained in Article 5, Section 5.7(D), if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 16, 2017 (ZTA 16-01), then the property may continue to subdivide, or finish subdividing, utilizing the property's remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan or Community Impact Statement, or otherwise contained within the property's subdivision files within the Department of Engineering, Planning and Zoning.

**Proposed Text Amendment
Jefferson County Zoning and Development Review Ordinance
Article 5. Section 5.7D
November 21, 2017**

Authority: Article 12, Section 12.4.B.

Applicant: Richard S. Nickell
P.O. Box 490
Shepherdstown, WV 25443

Section of Ordinance: Article 5, Section 5.7.D.

Proposed Amendment: Attached with proposed section in Red

Relevant Envision Jefferson 2035 Comprehensive Plan Support Recommendations:

Page 24:

[REDACTED]

[REDACTED] Over the past number of years, the Zoning Ordinance has been amended to allow many additional uses in the Rural District to promote more rural agricultural uses and value added operations. The 2008 Subdivision and Land Development Regulations have been amended to reduce the site improvement standards for rural business. This Plan proposes that a holistic review of Rural zoned properties should occur that would allow for greater scope and variety of agriculture related activities and rural recreation [REDACTED]

[REDACTED] for rural/agricultural lots utilizing the cluster provision instead of allowing rural residential developments via the Condition Use Permit process.

[REDACTED]

Page 30:

Urban Level Development Recommendations (Goal 1)

1. [REDACTED]
[REDACTED] in Jefferson County.

NOTICE OF PUBLIC HEARING
Thursday, February 15, 2018 at 1:45 PM

The Jefferson County Commission has scheduled a Public Hearing on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA16-02. The text amendment, in accordance with WV Code §8A-4-5, proposes revisions 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 5.10 Village (V) District; Section 6.3 Conditional Use Permit; Section 10.4 Signs Requiring Zoning Permit; and Appendix C: Principal Permitted and Conditional Uses Table.

Oral or written comments can be provided at the hearing, **1:45 PM Thursday, February 15, 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 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
Josh Compton, President

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 required

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 (WVDOT) 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 G&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.

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

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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>

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

Historic Resource²²

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, 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,

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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>

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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

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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.

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<u>Protection Radius</u>	<u>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.</u>
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 Facility ²³	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 Facility ²³	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 Center ²⁷	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 Development ¹³	Research, development and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products.
Residential Care Home ²³	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.
Residential ¹	Any detached or attached structure that is used for permanent living quarters and has kitchen facilities.
Restaurant ²⁷	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 Food ²⁷	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:

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- 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.

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- 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.

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 ~~Sites~~Resources 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 ~~sites~~resources, 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 District ²³
NC	Neighborhood Commercial ²⁷
GC	General Commercial ²⁷
HC	Highway Commercial ²⁷
LI	Light Industrial ²⁷
MI	Major Industrial ²⁷
PND	Planned Neighborhood Development ²⁷
OC	Office / Commercial Mixed-Use ²⁷

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

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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~~

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. Setbacks~~²⁷
- ~~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 Structures~~²⁷
 - 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 Requirements~~²³
- ~~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.~~

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- 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,

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:

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, 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

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- 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 or deviation from these standards in Section 10.4 shall require consideration and~~

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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}

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

Zoning District	Development Type ^⓪	Min Lot Area (MLA)	Min Lot Width	Max Building Height [Ⓛ]	Imperious 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		
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				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			See IC District for commercial sites			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		
	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 [†]	N/A	N/A	35	N/A	25	10	40	See IC District									
	Industrial**	See IC District																
Residential Growth (RG)	Commercial or Industrial**	See IC District																
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 [Ⓕ]	10 [Ⓖ]	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 [Ⓕ]	10 [Ⓖ]										
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 ZTA based on other structures existing in the neighborhood. Side and rear yard setbacks: Ⓛ for an existing structure to be used for a land use as provided in Sec. 5.11.
- † Setback may be reduced if adjacent to industrial use.
- ⓪ 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
- ⓪ 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													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
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													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
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													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	<u>P</u> <u>CU</u>	
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: **Judge Bridget Cohee**

Department or Organization: **CIRCUIT JUDGE OF THE 23RD JUDICIAL CIRCUIT**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **February 15, 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*):

Discuss Judicial Building elevator – Discussion/Action

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

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

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

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

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Roger Goodwin, Chief County Engineer**

Department or Organization: **Engineering Department**

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

Date Requested – 1st Choice: **February 15, 2018**

Date Requested – 2nd Choice: **March 1, 2018**

Subject (*Wording to be placed on agenda*): **Smith Mountain View Estates (JCPC File No. 02-06)
Easement Plat – Surveyor's Proposal**

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

The Smith Mountain View Estates Subdivision is a ten lot subdivision located on Smith Road, off Route 340 near Rippon. The developer defaulted on the bond and completion of some of the site improvements. An additional roadway easement needs to be granted by one of the property owners as part of completing the site improvements. Attached is a proposal from the surveyor, Peter H. Lorenzen, to create a final plat of easement.

Bond funds in the amount of \$36,184.00 are being held in a bank escrow account at the Bank of Charles Town (account #xxxx7112). We are requesting acceptance of the proposal and approval to hire the surveyor to complete the work in the amount of \$400.00. The work will be paid for with funds from the bank escrow account (these are not tax dollars).

The work remaining generally involves the clearing of brush and debris from the stormwater management basins and road rights-of-way, the grading and placement of gravel pavement on the subdivision roads, seeding & mulching of disturbed areas, installation of street signs and traffic control signs. We are currently drafting the bid/contract documents and plan to seek bids to complete this work later this year.

Is this a funding request? **No** If so, how much?

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

Motion Requested: **Move to accept the proposal of Peter H. Lorenzen, in the amount of \$400.00, to create a final plat of easement for the Smith Mountain View Estates subdivision, JCPC file no. 02-06.**

Attach supporting documents for request, or request may be denied. **Surveyor's Proposal dated February 6, 2018**
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>

PETER H. LORENZEN P.S.
PROFESSIONAL SURVEYOR
P.O. BOX 316
SUMMIT POINT
W.V. 25446

(304) 728-6093

JEFFERSON COUNTY COMMISSION

6 FEBRUARY 2018

PROPOSAL FOR SURVEYING SERVICES

PROPERTY DESCRIPTION:

LOT 4 SMITH MOUNTAIN ESTATES

SERVICES

ACCESS EASEMENT ACROSS LOT 4

SCOPE OF WORK:

DEED AND PLAT RESEARCH

FIELD BOUNDARY SURVEY

OFFICE COMPUTATIONS

PROVIDE FINAL PLAT FOR RECORDATION

TOTAL AMOUNT FOR SERVICES: \$400.00

PAYMENT SCHEDULE:

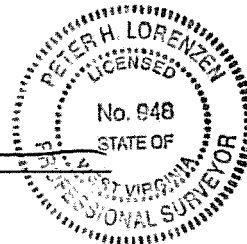
\$400.00 UPON FINAL PLAT COMPLETION

ABOVE FEES DO NOT INCLUDE ANY HEALTH DEPT., PLANNING DEPT, ATTORNEY, OR ANY OTHER FEES. ANY ADDITIONAL WORK WILL BE BILLED UNDER A SEPARATE CONTRACT.

ACCEPTANCE OF THIS PROPOSAL, WILL SERVE AS AUTHORIZATION TO BEGIN WORK ON THIS PROJECT.

THANK YOU FOR YOUR CONSIDERATION.

PETER H. LORENZEN P.S.



JEFFERSON COUNTY COMMISSION

DATE:



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Roger Goodwin, Chief County Engineer**

Department or Organization: **Department of Engineering, Planning & Zoning – Office of Building Permits & Inspections**

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

Date Requested – 1st Choice: **February 15, 2018**

Date Requested – 2nd Choice: **March 1, 2018**

Subject (*Wording to be placed on agenda*): **Request Approval to Advertise to Fill the Position of Building Code Plans Reviewer.**

Please provide the County Commission with a description of your request or presentation, including any background information: **During the FY 2018 budget process, the county commission approved and provided funding for a building code plans reviewer for the 2nd half of the fiscal year. This request is for approval to advertise to fill the position, which will allow us to receive resumes and conduct interviews.**

A job offer will not be extended without returning to the county commission and seeking approval first.

The advertisement and job description are included with this agenda item request.

Is this a funding request? **No, funding is already provided for the position in the FY 2018 position from January 1, through June 30, 2018. However, funding will need to continue to be provided in the FY 2019 Budget.**

Funding is also provided in the current budget for the cost of advertising.

If so, how much?

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

Motion to approve advertising for the position of Building Code Plans Reviewer.

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

If not attached, explain: **Advertisement and the Job Description are attached.**

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

Building Code Plans Reviewer

Jefferson County, West Virginia Department of Engineering, Planning & Zoning is seeking a plan reviewer/building inspector. The primary responsibility is to review building plans for compliance with the International Code Council residential and commercial building codes. The plan reviewer must also have the ability and willingness to fill in as a building inspector during times when other inspectors are on vacation or workload deems it necessary.

High school diploma is required, with minimum of 5 years' experience in building codes plan review and/or inspections. International Code Council certification as a plan reviewer is a plus. Will consider applicants with experience in the building trades and ability to become certified as an ICC building codes plan reviewer within 12 months.

Applicants shall have working knowledge of building construction including site grading, foundations, framing, plumbing, mechanical, electrical and structural components. Shall also have the ability to read building plans and be familiar with plan notation and terminology. Must have good computer skills. CAD experience a plus. Must have good written and verbal communication skills and the ability to interact with the public, architects, engineers and building contractors. A valid driver's license is required. Satisfactory background check required as a condition of employment.

Employee benefits package includes West Virginia Public Employees Retirement System plan, health insurance, paid vacation leave, paid sick leave and up to eleven paid holidays per year. Normal work hours are 8-4, Monday through Friday. Salary is negotiable. Send resume to:

Mrs. Rebecca Burns, Office Manager
Jefferson County Dept. of Engineering, Planning & Zoning
P.O. Box 716
Charles Town, WV 25414

Email: engineering@jeffersoncountywv.org

Deadline for applications is Friday, March 16, 2018. Position to remain open until filled.

The Jefferson County Commission is an Equal Opportunity Employer. Applicants will be treated without regard to race, color, religion, national origin, sex, sexual orientation, marital status, veteran status, or disability, as well as other classifications protected by State and Federal Laws.

Jefferson County, West Virginia
Job Description
Revised 02/15/2018

Position Title:	Building Plan Reviewer	Grade Level:	IV
Department	Dept. of Engineering, Planning & Zoning – Office of Permits and Inspections	Date:	
Reports to:	Chief County Engineer	FLSA Status:	Non-Exempt

Statement of Duties: Employee is responsible for reviewing plans and specifications as submitted for permitting construction projects to ensure conformance with applicable building codes, ordinances and laws. Employee is required to perform all similar or related duties.

Supervision Required: Under the general supervision of the Chief County Engineer/Building Code Official, the employee is familiar with the work routine and uses initiative in carrying out recurring assignments independently in accordance with specific instructions. The supervisor provides additional, specific instruction for new, difficult, or unusual assignments including suggested work methods as necessary. The employee is expected to recognize instances which are out of the ordinary and which do not fall within existing instructions; the employee is then expected to seek advice and further instructions. Reviews and checks of the employee’s work are applied to an extent sufficient to keep the supervisor aware of progress, and to insure that completed work and methods used are technically accurate and that instructions are being followed. In many cases, the work is self checking, for example, requiring accounts to balance before proceeding.

Supervisory Responsibility: Employee is not regularly required to supervise employees.

Confidentiality: Employee has access to confidential information such as department files.

Accountability: Consequences of errors or poor judgment may include adverse public relations, monetary loss, legal repercussions, personal injury, and/or injury to self or others.

Judgment: Numerous standardized practices, procedures, or general instructions govern the work and in some cases, may require additional interpretation. Judgment is needed to locate, select, and apply the most pertinent practice, procedure, regulation or guideline.

Complexity: The work consists of a variety of duties which generally follow standardized practices, procedures, regulations or guidelines. The sequence of work and/or the procedures followed vary according to the nature of the transaction and/or the information involved, or sought, in a particular situation.

Work Environment: Work requires some agility and physical strength to move in and about construction work sites, over rough terrain, or standing or walking most of the work period. Employee is exposed to outdoor work, confined spaces and high places, toxins or fumes, equipment and machinery, traffic, electricity, radiation, biohazards, loud noises, emotional stress,

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and risk of personal injury.

Nature and Purpose of Public Contacts: Relationships are primarily with co-workers and the public involving frequent explanation, discussion or interpretation of practices, procedures, regulations or guidelines in order to render service, plan or coordinate work efforts, or resolve operating problems. Other regular contacts are with service recipients and employees of outside organizations such as vendors, banks and/or developers/ contractors. More than ordinary courtesy, tact and diplomacy may be required to resolve complaints or deal with hostile, uncooperative or uninformed persons. Employee may furnish news media with routine information such as meeting agendas or departmental procedures.

Occupational Risks: Essential functions regularly present potential risk of injuries from improper exposure which could result in loss of time from work. Examples of injury include burns from chemicals, steam or fire, severe muscular strains from working with extremely heavy material, falls from heights in excess of three feet and illness from exposure to communicable diseases. Special safety precautions, training, or protective clothing such as gowns, coats, gloves, glasses, hats or boots may be required.

Essential Functions:

The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

1. Review building plans for one and two family dwellings and commercial/industrial buildings to ensure that building plans and specifications comply with applicable standards of construction, use appropriate materials and methods, are safe for people and property, comply with code requirements and utilize the proper structure design.
2. Provide quality customer service over the telephone and in person to architects, engineers, builders, contractors, owners and other citizens and members of the public to answer questions and provide information about the permit application and inspection processes and building code requirements.
3. Utilize, maintain and advance the use of the content management system (CMS) to efficiently process permit applications, to communicate with permit applicants, and digitally manage records and information.
4. Provide advice and assistance to field inspectors regarding code interpretations as requested.
5. Fulfill responsibilities of building inspectors in their absence or as workload demands require.

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6. Coordinates efforts with State Fire Marshal and/or third-party certifications.
7. Authorizes commercial building permit Use and Occupancy Certificates.
8. Attends training courses to remain aware of industry regulations, obtains building code certifications and continuing education requirements as required by state law. Obtain and maintain certifications required under West Virginia state code.
9. Performs duties of Building Inspector, Permits Technician, or other related work as assigned by the Chief County Engineer/Building Code Official.
10. Participates in building code round-table discussions held by Engineering, Planning & Zoning for the building industry.

Recommended Minimum Qualifications:

Education and Experience: Certification as an ICC building plans reviewer, or Associates Degree in Architecture, or work experience in Building Code Enforcement with five to seven (5-7) years related work experience in the area of building design or construction; or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job. In addition, successful completion of the training and examinations required to be certified as an Inspector and Plans Examiner by the International Code Council and the West Virginia State Fire Marshal (WV State Code, Title 87-7-3).

Special Requirements:

Valid Motor Vehicle Operator's License and Building Code Inspector and Plans Examiner Certifications (W.V. State Fire Marshal, W.V. State Code, Title 87-7).

Knowledge, Abilities and Skill

Knowledge: Knowledge and understanding of building construction trades and terminology, International Building Codes, and building construction processes and methods.

Abilities: Ability to work independently; ability to deal with public tactfully and effectively. Ability to establish and maintain effective working relationships with department staff, contractors doing business for the town as well as state regulatory authorities. Ability to carry out essential functions under hazardous or inclement weather conditions in a safe manner. Ability to establish and maintain a work reporting system and other related records. Ability to deal effectively with disgruntled members of the public. Ability to read and interpret construction drawings and blue prints.

Skill: Basic math skills, computer skills, proficient with AutoCAD type software, proficient

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written and oral communications skills.

Physical and Mental Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions

Physical Skills: Work requires moderate intermittent physical strength and effort daily, such as, lifting heavy objects, carrying the object(s) and stacking them or placing them in a vehicle or storage area. In addition, pulling, pushing, standing or walking for the full work day may also be involved. A great deal of physical effort must be exerted at this level. Travel, particularly during adverse weather conditions and troublesome road conditions and at times during the evening, is required.

Motor Skills: Duties may involve assignments requiring application of hand and eye coordination with finger dexterity and motor coordination. Examples may include operating a personal computer, using hand tools, or climbing a ladder.

Visual Skills: Visual demands require the employee to constantly read and interpret documents for general understanding and analytical purposes; employee also routinely reviews non-written materials (e.g. maps and blueprints). Employee is required to distinguish colors.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Roger Goodwin, Chief County Engineer**

Department or Organization: **Engineering Department**

Estimation of amount of time needed for appointment: **15 minutes**

Date Requested – 1st Choice: **February 15, 2018**

Date Requested – 2nd Choice: **March 1, 2018**

Subject (*Wording to be placed on agenda*): **Presentation of Calendar Year 2017 Annual Report for the Office of Impact Fees**

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

Pursuant to the Jefferson County Impact Fees Procedures Ordinance, Section 6.A(1), "at least once every year not later than January 31st of each year, beginning in the year 2005, and prior to County Commission's adoption of the Annual Budget and Capital Improvements Program, the Impact Fee Coordinator or a designee chosen by the Impact Fee Coordinator shall coordinate the preparation and submission of an Annual Report to the County Executive and County Commission on the subject of impact fees."

The Impact Fees Procedures Ordinance, Section 6.A(3), goes on to state "the Impact Fee Coordinator or the Impact Fee Coordinator's designee shall submit the Annual Report to the County Commission, who shall receive the Annual Report and which may take such actions as they deem appropriate, including, but not limited to, requesting additional data or analyses and holding public workshops and/or public hearings."

The impact fees annual report for calendar year 2017 is attached. Note that under section 2.4.1, "Inflation Adjustments," the annual inflation adjustment shown in the report will be automatically applied on April 1, 2018. The inflationary adjustment is to automatically occur by dictate of the Impact Fees Procedure Ordinance 2003-1, Section 6.B, unless the County Commission acts to stay the adjustment to the impact fees.

Is this a funding request? **No** If so, how much?

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

Motion to accept the 2017 Annual Report for the Office of Impact Fees, as presented.

Motion to (approve or stay) the annual inflationary adjustments to the impact fees.

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

If not attached, explain: **CY 2017 Impact Fees Annual Report**

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>

Annual Report on Impact Fees
January 2017 – December 2017

Engineering Department
Office of Impact Fees

Jefferson County Government

17 January 2018



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Executive Summary

1.1. Trends in Fee Collection

Permitting for new residential construction in Jefferson County in Calendar Year (CY) 2017 increased relative to CY 2016 while commercial was decreased to prior year's units, as indicated in Tables 1A and 1B. In CY 2017 there were 258 impact fee applications processed versus 202 impact fee applications in 2016. Of that total in CY 2017, 14 applications were for replacement of existing dwelling units, which do not represent new growth and were exempt from impact fees.

Table 1A. Total County Residential Building Permits (CY 2004-2017)

Year	Single Family			Town Home			Duplex			Multifamily			Grand Total
	Exempt	Fees	Total	Exempt	Fees	Total	Exempt	Fees	Total	Exempt	Fees	Total	
2004	49	269	318	0	5	5	0	0	0	0	0	0	323
2005	39	324	363	0	22	22	0	0	0	0	0	0	385
2006	42	256	298	0	57	57	0	0	0	0	0	0	355
2007	38	213	251	0	66	66	0	0	0	0	0	0	317
2008	22	108	130	0	39	39	0	0	0	0	0	0	169
2009	25	75	100	0	50	50	0	0	0	0	0	0	150
2010	32	91	123	0	39	39	0	0	0	0	0	0	162
2011	21	73	94	1	40	41	0	0	0	0	0	0	135
2012	13	118	131	0	24	24	0	0	0	0	0	0	155
2013	4	207	211	0	38	38	0	0	0	0	0	0	249
2014	4	182	186	0	16	16	0	0	0	0	0	0	202
2015	14	182	196	0	8	8	0	4	4	0	96	96	304
2016	14	165	179	0	10	10	0	0	0	0	0	0	189
2017	14	225	239	0	8	8	0	4	4	0	0	0	251
Total	331	2,488	2,819	1	423	424	0	8	8	0	96	96	3,347

Table 1B. Total County Non-Residential Building Permits (CY 2004-2017)

Year	Exempt	Fees	Total
2004	0	4	4
2005	0	5	5
2006	0	0	0
2007	10	12	22
2008	4	9	13
2009	3	2	5
2010	10	8	18
2011	1	11	12
2012	3	13	16
2013	1	3	4
2014	0	4	4
2015	0	5	5
2016	0	13	13
2017	1	6	7
Grand Total	33	95	128

1.2. Fees Collected

Jefferson County uses a fiscal year which starts in July and runs through June of the next year. The accounting of fees collected to date is based on a calendar year since this report is due to the Commission in January of each year. Thus, these values reported below span Fiscal Years 2017 and 2018 and run from 1 January 2017 through 31 December 2017. Table 2 presents the total fee collection data, while Tables 3 and 4 present the financial data categorized into county and municipal tax districts.

The financial transaction information for the Office of Impact Fees general account (which serves as the initial account of fee deposit) is presented in Table 5. Table 6 presents the financial data for each of the four long term impact fee holding accounts (Schools, Law Enforcement, Parks & Recreation, and EMS).

Table 2. Fees Collected – Calendar Year 2017

Land Use	Type	Schools	Law	Parks & Rec	EMS	Grand Total
Residential	Single Family	\$1,264,659	\$23,902	\$97,179	\$10,649	\$1,396,389
	Town Home	\$51,360	\$1,288	\$3,504	\$384	\$56,536
	Duplex	\$9,952	\$0	\$633	\$55	\$10,640
Residential Total		\$1,325,971	\$25,190	\$101,316	\$11,088	\$1,463,565
Commercial	Church	\$0	\$1	\$0	\$13	\$14
	Comm25Less	\$0	\$20	\$0	\$5	\$25
	Ware House	\$0	\$0	\$0	\$1	\$1
Commercial Total		\$0	\$21	\$0	\$19	\$40
Grand Total		\$1,325,971	\$25,211	\$101,316	\$11,107	\$1,463,605

Table 3. Fees Collected by County Tax District – Calendar Year 2017

Tax District	Land Use	Type	Schools	Law	Parks & Rec	EMS	Grand Total
02 Charles Town	Residential	Single Family	\$146,604	\$4,141	\$11,265	\$1,234	\$163,244
		Town Home	\$25,680	\$644	\$1,752	\$192	\$28,268
	Residential Total		\$172,284	\$4,785	\$13,017	\$1,426	\$28,268
	Commercial	Comm25Less	\$0	\$17	\$0	\$4	\$21
	Commercial Total		\$0	\$17	\$0	\$4	\$21
02 Charles Town Grand Total			\$172,284	\$4,802	\$13,017	\$1,430	\$191,533
04 Harpers Ferry	Residential	Single Family	\$271,320	\$7,663	\$20,849	\$2,285	\$302,117
		Town Home	\$25,680	\$644	\$1,752	\$192	\$28,268
	Residential Total		\$297,000	\$8,307	\$22,601	\$2,477	\$330,385
04 Harpers Ferry Grand Total			\$297,000	\$8,307	\$22,601	\$2,477	\$330,385
06 Kabletown	Residential	Single Family	\$120,498	\$3,404	\$9,259	\$1,015	\$134,176
		Residential Total		\$120,498	\$3,404	\$9,259	\$1,015
06 Kabletown Grand Total			\$120,498	\$3,404	\$9,259	\$1,015	\$134,176
07 Middleway	Residential	Single Family	\$85,500	\$2,415	\$6,570	\$720	\$95,205
		Residential Total		\$85,500	\$2,415	\$6,570	\$720
	Commercial	Church	\$0	\$1	\$0	\$13	\$14
Commercial Total		\$0	\$1	\$0	\$13	\$14	
07 Middleway Grand Total			\$85,500	\$2,416	\$6,570	\$733	\$95,219
09 Shepherdstown	Residential	Single Family	\$222,300	\$6,279	\$17,082	\$1,872	\$247,533
		Residential Total		\$222,300	\$6,279	\$17,082	\$1,872
	Commercial	Comm25Less	\$0	\$3	\$0	\$1	\$4
Commercial Total		\$0	\$3	\$0	\$1	\$4	
09 Shepherdstown Grand Total			\$222,300	\$6,282	\$17,082	\$1,873	\$247,537
Grand Total			\$897,582	\$25,211	\$68,529	\$7,528	\$998,850

Table 4. Fees Collected by Municipal Tax District – Calendar Year 2017

Tax District	Land Use	Type	Schools	Parks & Rec	EMS	Grand Total
01 Bolivar Corp	Residential	Single Family	\$39,900	\$3,066	\$336	\$43,302
	Residential Total		\$39,900	\$3,066	\$336	\$43,302
01 Bolivar Corp Grand Total			\$39,900	\$3,066	\$336	\$43,302
03 Charles Town Corp	Residential	Single Family	\$302,100	\$23,214	\$2,544	\$327,858
	Residential Total		\$302,100	\$23,214	\$2,544	\$327,858
03 Charles Town Corp Grand Total			\$302,100	\$23,214	\$2,544	\$327,858
08 Ranson Corp	Residential	Single Family	\$76,437	\$5,874	\$643	\$82,954
		Duplex	\$9,952	\$633	\$55	\$10,640
	Residential Total		\$86,389	\$6,507	\$698	\$93,594
	Commercial	Ware House	\$0	\$0	\$1	\$1
	Commercial Total		\$0	\$0	\$1	\$1
08 Ranson Corp Grand Total			\$86,389	\$6,507	\$699	\$93,595
Grand Total			\$428,389	\$32,787	\$3,579	\$464,755

County Tax District Fees Collected Totals	\$998,850
Municipal Tax District Fees Collected Totals	\$464,755
GRAND TOTAL	\$1,463,605

1.3. Financial Data

Table 5. Office of Impact Fees General Account (3111776)

Month	Starting Balance	Total Deposits	Total Checks	Interest	Ending Balance
January	\$75,548.05	\$81,706.00	\$75,548.05	\$45.88	\$81,751.88
February	\$81,751.88	\$100,748.00	\$81,751.88	\$31.60	\$100,779.60
March	\$100,779.60	\$163,734.00	\$100,779.60	\$52.55	\$163,786.55
April	\$163,786.55	\$117,091.00	\$163,786.55	\$35.73	\$117,126.73
May	\$117,126.73	\$193,601.00	\$117,126.73	\$51.98	\$193,652.98
June	\$193,652.98	\$130,188.00	\$193,652.98	\$55.39	\$130,243.39
July	\$130,243.39	\$88,375.00	\$130,243.39	\$52.20	\$88,427.20
August	\$88,427.20	\$158,031.00	\$88,427.20	\$50.19	\$158,081.19
September	\$158,081.19	\$166,292.00	\$158,137.48	\$68.16	\$166,303.87
October	\$166,303.87	\$83,573.29	\$166,360.16	\$43.45	\$83,560.45
November	\$83,560.45	\$114,960.00	\$83,560.45	\$36.74	\$114,996.74
December	\$114,996.74	\$65,362.00	\$114,996.74	\$36.67	\$65,398.67

December 2017 Outstanding Credits	\$0.00
January 2018 Transfers	(\$65,398.67)
01 January 2018 Deposits	\$0.00
01 January 2018 Balance	\$0.00

Table 6. Impact Fee Holding Accounts

Category	Schools	Law	Parks	EMS
Account Number	3107582	3120120	3122808	3122816
Balance on 01 January 2017	\$2,815,308.18	\$84,127.70	\$98,423.28	\$14,405.06
Total Deposits	\$1,335,531.30	\$25,543.46	\$102,050.63	\$11,189.53
Withdraws /1	(\$2,843,428.00)	(\$161.00)	(\$28,938.00)	(\$20,048.00)
Interest Accrued - CY 2017	\$16,823.92	\$483.59	\$721.67	\$53.72
Balance on 31 December 2017	\$1,324,235.40	\$109,993.75	\$172,257.58	\$5,600.31
January Transfers /2	\$59,370.00	\$966.73	\$4,562.57	\$499.37
<i>Of Which</i>				
<i>Transferred Fees</i>	\$59,337.00	\$966.00	\$4,560.00	\$499.00
<i>Transferred Interest</i>	\$33.00	\$0.73	\$2.57	\$0.37
Final Balance 01 January 2018	\$1,383,605.40	\$110,960.48	\$176,820.15	\$6,099.68

Notes

/1 See Table 8 for details.

/2 From fees collected in December 2017 and transferred in January 2018.

1.4. Fees Disbursed

Fees are disbursed from the long term accounts for only two reasons: refund and requisition. The transactional details for all fee disbursements are presented in Table 8.

1.4.1. Refunds

Refunds are only processed when a building permit is revoked and upon written request of the building permit applicant. There was one refund processed in CY 2017 which resulted from a revocation of the building permit applied for by the applicant.

1.4.2. Requisitions

The fee fundable projects approved by the Impact Fee Program Specialist for FY 2018 along with the approved funding amounts are listed in Table 7. The impact fee payments for projects listed on the FY 2018 Capital Improvement Plans are listed in Table 8. Projects eligible for funding by impact fees must be approved by the County Commission. The impact fee fundable projects for FY 2019 remain to be presented to the County Commission for approval.

Table 7. FY 2018 Approved Fee Fundable Projects

Category	Capital Improvement Project	Approved Impact Fee Funding
Schools	Land Purchase	\$3,000,000
Parks and Recreation	James Hite Park (Picnic Pavilions)	\$35,000
EMS	JCESA Building Mortgage	\$81,000

Table 8. Impact Fee Holding Account Withdraws

Account	Check Date	Statement Date	Debit	Notes
Schools	10/06/2017	10/31/2017	\$5,700	Impact Fee Refund - PN 1700053 (Abelow)
	12/15/2017	12/31/2017	\$2,837,728	Requisition 17R0122 - Land Purchase in Ranson and Shepherdstown
			\$2,843,428	
Law	10/06/2017	10/31/2017	\$161	Impact Fee Refund - PN 1700053 (Abelow)
			\$161	
Parks	10/06/2017	10/31/2017	\$438	Impact Fee Refund - PN 1700053 (Abelow)
	11/02/2017	11/30/2017	\$28,500	Requisition 17R0121 - James Hite Park Pavilions
			\$28,938	
EMS	10/06/2017	10/31/2017	\$48	Impact Fee Refund - PN 1700053 (Abelow)
	7/14/2017	7/31/2017	\$20,000	Requisition 17R0120 - JCESA Mortgage
			\$20,048	
		Grand Total	\$2,892,575	

2. Annual Review

2.1. *Recommended Changes to Ordinances or Procedures*

There are no proposed changes to any of the Impact Fee Ordinances.

2.1.1. Ordinance Changes During 2017

In 2014, the County Commission contracted with Tischler-Bise to recalculate the impact fees. The recalculation was completed in 2015 and the new impact fees were adopted by the County Commission on April 2, 2015, at 70% of the full calculated amounts. The fees became effective May 1, 2015. The following impact fee ordinances were amended to reflect the new impact fee schedules for each impact fee entity:

Schools Ordinance No. 2003-3

Amended April 2, 2015; Effective May 1, 2015

Parks & Recreation Ordinance No. 2005-2

Amended April 2, 2015; Effective May 1, 2015

Law Enforcement Ordinance No. 2005-1

Amended April 2, 2015; Effective May 1, 2015

EMS Ordinance No. 2005-3

Amended April 2, 2015; Effective May 1, 2015

In 2013, the County Commission adopted Ordinance No. 2013-1, which amended Law Enforcement Ordinance No. 2005-1 and EMS Ordinance No. 2005-3; reducing the commercial impact fees by 99.5% of the actual impact fee calculation for new commercial development. The reduction became effective on July 1, 2013 and was set to expire on July 1, 2015, unless extended by the County Commission. At the July 2, 2015, County Commission meeting, John Reisenweber, Executive Director, Jefferson County Development Authority, presented a report to the County Commission. Commissioner Jane Tabb made a motion “to request the Jefferson County Development Authority complete an updated report on the data regarding the two year reduction of commercial impact fees in Jefferson County and to continue with the current reduced commercial impact fee rates until all impact fees are ready to be reviewed or as needed.” Motion was seconded and unanimously approved.

The Impact Fees Procedure Ordinance was last amended on November 12, 2012, to provide for the Affordable Housing Discount. The discount is required under West Virginia Code §7-20-7A “Impact Fees for Affordable Housing”, which was enacted during the CY 2011 Legislative Session. There were no amendments to the Impact Fee Procedures Ordinance in 2015.

2.2. Identification of FY 2019 Impact Fee-Fundable Capital Projects

The following projects will appear on the FY 2019 Jefferson County Capital Improvement Plan and are listed because they have been identified by the Impact Fee Program Specialist as being eligible for funding by impact fees, either in whole or in part. However, a final determination of eligibility has not been made. Projects so identified represent expansion of the current level of service. Exclusion of other projects, listed in the FY 2019 CIP but not included here, only indicates that they are not eligible for funding by impact fees and should not be taken as an indication of their overall merit.

Note that in all service categories, there are insufficient funds to approve all listed projects. Tables 9-12 list all potentially fundable projects with the knowledge that not all listed projects will be funded via impact fees.

2.2.1. Schools

Table 9. BOE Fee Fundable Projects

Project	Current Request	Funding Potential	Category
County-Wide Expansion of School Facilities	\$1,000,000	\$1,000,000	(Varies by Project)
Totals	\$1,000,000	\$1,000,000	

2.2.2. Law Enforcement

Table 10. Jefferson County Law Enforcement Projects

Project	Current Request	Funding Potential	Category
Weapons Training Qualifications Range	\$7,500	\$7,500	Buildings and Land
New Jefferson County Sheriff Office	\$75,000	\$75,000	Buildings and Land
Totals	\$82,500	\$82,500	

2.2.3. Parks & Recreation

Table 11. Park & Recreation Fee Fundable Projects

Project	Current Request	Funding Potential	Category
Land Acquisition /1	\$100,000	\$35,000	Park Land
James Hite Park (Utilities)	\$100,000	\$100,000	Park Improvements and Rec Facilities
Totals	\$200,000	\$135,000	

Note: /1 Request exceeds funds anticipated by beginning of FY 2019.

2.2.4. EMS

Table 12. Jefferson County EMS Projects

Company	Project	Current Request	Funding Potential	Category
JCESA	Building Mortgage /1	\$81,000	\$10,000	Facilities
	Total	\$81,000	\$10,000	

Note: /1 Request exceeds funds anticipated by beginning of FY 2019.

2.3. Proposed Fee Boundary Districts

Presently, the only fee category which utilizes fee districts is Law Enforcement. The boundaries of these districts are coincident with the current municipal boundaries. The Law Enforcement Impact Fee Ordinance defines the fee collection district as that portion of the county which is unincorporated. As various municipalities continue to annex portions of the county, this boundary automatically adjusts. Thus there are no specific recommendations to change fee boundaries.

2.4. Proposed Fee Schedule Changes

Under past Office of Impact Fee procedures, impact fee studies have been updated on a three year cycle. In December of 2011, all four impact fee categories underwent a recalculation of which the County Commission elected to retain the current Impact Fee Schedule upon the 2012 Annual Report presentation.

The 2011 TischlerBise report indicates that on average, the County updates its impact fee methodologies and components every five years. Therefore the Schools, Law Enforcement, Parks and Recreation, and EMS impact fee categories were due for recalculation in CY 2014. The County Commission recalculated the fees beginning in 2014 and adopted new fee schedules, which became effective on 1 May 2015.

We anticipate the need for a recalculation study again in CY 2020.

2.4.1. Inflation Adjustments

It is generally recommended that all fee schedules not recalculated in any given calendar year be adjusted for inflation. By dictate of the Impact Fee Procedures Ordinance [2003-1], the Impact Fee Program Specialist must use the Price Indexes for Gross Government Fixed Investment by Type which is published by the United States Bureau of Economic Analysis¹. Table 13 is extracted from the United States Bureau of Economic Analysis (BEA) data for price indexes (Table 5.9.4B – Price Indexes for Gross Government Fixed Investment by Type), for year 2015 and 2016. These represent the most recent price indices and were released on 3 August, 2017. These data constitute the source for the annual inflation adjustments for the four impact fee categories currently in effect. As per the Impact Fee Procedures Ordinance 2003-1, Section 6(B), the annual inflation adjustment will be applied on 1 April 2017 unless the County Commission acts to stay these adjustments.

2.5. Proposed Changes to Level of Service Standards

2.5.1. Overview

West Virginia Code §7-20 requires that the County maintain, as part of its capital improvement program, level of service standards (LOS) for impact fee-applicable categories. The County maintains its LOS as the base data used to conduct impact fee calculations and these standards are documented in the various impact fee studies. Thus, the Level of Service Standards for the categories of Schools, Law Enforcement, Parks & Recreation, and EMS services were last updated and adopted in April 2015.

Regardless of whether the County Commission adopts any or all of the recalculated fee schedules, the recalculation exercise in effect recalibrates the Level of Service Standards for Jefferson County. The next scheduled update to the Level of Service Standards will occur in 2020.

2.6. Proposed Changes to Base Data for Fee Calculation

There are no changes at this time.

3. 2017 Inflation Adjustments

3.1. Source Data

The following Table 13 is extracted from the United States Bureau of Economic Analysis (BEA) data for price indexes (Table 5.9.4B - Price Indexes for Gross Government Fixed Investment by Type), for years 2015 and 2016². These represent the most recent price indices and were released on 3 August, 2017. These data constitute the source for the annual inflation adjustments for the 4

¹ Source is Table 5.9.4B, Price Indexes for Gross Government Fixed Investment by Type; lines 35, 36, and 37.

² Source:

<https://www.bea.gov/iTable/iTable.cfm?reqid=19&step=2#reqid=19&step=3&isuri=1&1921=survey&1903=338>
(select Table 5.9.4B).

impact fee categories currently in effect. As per the Impact Fee Procedures Ordinance 2003-1, Section 6(B), the annual inflation adjustment will be applied on 1 April 2018 unless the County Commission acts to stay these adjustments. The inflationary adjustments result in a higher impact fee for all fee categories.

The values in the columns titled 2017 Impact Fee (tables 14-17) are the fees in effect as of 1 May 2015.

Table 13. Price Indices and Cost of Living Adjustment

BEA Table Line	Fee Category	Structure Class	Price Index CY 2015	Price Index CY 2016	Differential (Inflation Adjustment Factor)
35	School	State and Local – Educational	113.408	114.355	1.0083
36	Law & EMS	State and Local – Public Safety	112.408	117.553	1.0457
37	Parks	Amusement & Recreation	112.379	117.517	1.0457

Source: Bureau of Economic Analysis, US Department of Commerce.

3.2. Inflation Adjustment – Schools

Table 14. Inflation Adjustment – Schools

Residential Development	2017 Impact Fee	2018 Adjusted	Differential
Single Family	\$5,700	\$5,747	\$47
Town home	\$6,420	\$6,473	\$53
Duplex	\$6,420	\$6,473	\$53
Multi-family	\$3,982	\$4,015	\$33

3.3. Inflation Adjustment – Law Enforcement

Table 15. Inflation Adjustment - Law Enforcement

Residential Development	2017 Impact Fee	2018 Adjusted	Differential
Single Family	\$161	\$168.36	\$7.36
Town home	\$161	\$168.36	\$7.36
Duplex	\$118	\$123.39	\$5.39
Multi-family	\$118	\$123.39	\$5.39
Non Residential Development (fees per 1,000 sq ft gross usable floor area)	2017 Impact Fee	2018 Adjusted	Differential
Commercial/Shopping Center 25,000 SF or less	\$278	\$290.70	\$12.70
Commercial/Shopping Center 25,001 – 50,000 SF	\$278	\$290.70	\$12.70
Commercial/Shopping Center 50,001 – 100,000 SF	\$278	\$290.70	\$12.70
Commercial/Shopping Center 100,001 – 200,000 SF	\$278	\$290.70	\$12.70
Commercial/Shopping Center over 200,000 SF	\$278	\$290.70	\$12.70
Office/Institutional 10,000 SF or less	\$109	\$113.98	\$4.98
Office/Institutional 10,001 – 25,000 SF	\$109	\$113.98	\$4.98
Office/Institutional 25,001 – 50,000 SF	\$109	\$113.98	\$4.98
Office/Institutional 50,001 – 100,000 SF	\$109	\$113.98	\$4.98
Office/Institutional over 100,000 SF	\$109	\$113.98	\$4.98
Business Park	\$123	\$128.62	\$5.62
Light Industrial	\$69	\$72.15	\$3.15
Warehousing	\$35	\$36.60	\$1.60
Manufacturing	\$37	\$38.69	\$1.69

3.4. Inflation Adjustment – Parks & Recreation

Table 16. Inflation Adjustment - Parks & Recreation

Residential Development	2017 Impact Fee	2018 Adjusted	Differential
Single Family	\$438	\$458	\$20
Town home	\$438	\$458	\$20
Duplex	\$322	\$337	\$15
Multi-family	\$322	\$337	\$15

3.5. Inflation Adjustment – EMS

Table 17. Inflation Adjustment - EMS

Residential Development	2017 Impact Fee	2018 Adjusted	Differential
Single Family	\$48	\$50.19	\$2.19
Town home	\$48	\$50.19	\$2.19
Duplex	\$36	\$37.65	\$1.65
Multi-family	\$36	\$37.65	\$1.65
Non Residential Development (fees per 1,000 sq ft gross usable floor area)	2017 Impact Fee	2018 Adjusted	Differential
Commercial/Shopping Center 25,000 SF or less	\$52	\$54.38	\$2.38
Commercial/Shopping Center 25,001 – 50,000 SF	\$52	\$54.38	\$2.38
Commercial/Shopping Center 50,001 – 100,000 SF	\$52	\$54.38	\$2.38
Commercial/Shopping Center 100,001 – 200,000 SF	\$52	\$54.38	\$2.38
Commercial/Shopping Center over 200,000 SF	\$52	\$54.38	\$2.38
Office/Institutional 10,000 SF or less	\$86	\$89.93	\$3.93
Office/Institutional 10,001 – 25,000 SF	\$86	\$89.93	\$3.93
Office/Institutional 25,001 – 50,000 SF	\$86	\$89.93	\$3.93
Office/Institutional 50,001 – 100,000 SF	\$86	\$89.93	\$3.93
Office/Institutional over 100,000 SF	\$86	\$89.93	\$3.93
Business Park	\$80	\$83.66	\$3.66
Light Industrial	\$60	\$62.74	\$2.74
Warehousing	\$24	\$25.10	\$1.10
Manufacturing	\$46	\$48.10	\$2.10

3.6. Residential Fee Totals – Inflation Adjusted

The Impact Fee Procedure Ordinance (2003-1) indicates that unless the Commission acts to prevent these adjustments from taking effect, they automatically apply on the first day of April (c.f. §6(B) *et seq*). If the County Commission does not act to prevent the inflation adjustments listed in Table 18 from going into effect, the fee schedule listed in Table 18 below will apply on 1 April 2018. Commercial fee schedules are always determined by the Impact Fee Program Specialist on a case by case basis and thus may not easily be condensed into a summary table. This fee schedule is based on the schedule resulting from the fee recalculations of 2015. There has been no inflationary adjustments to the fee amounts since 2011.

Table 18. Inflation Adjusted Maximum Fee Schedule - 01 April 2018

Residential Development	Impact Fee Category	Current Impact Fee per Dwelling Unit	01 April 2018 Impact Fee per Dwelling Unit
Single Family	Schools	\$5,700	\$5,747
	Law Enforcement	\$161	\$168
	Parks & Recreation	\$438	\$458
	EMS	\$48	\$50
	TOTAL	\$6,347	\$6,423
Town Home	Schools	\$6,420	\$6,473
	Law Enforcement	\$161	\$168
	Parks & Recreation	\$438	\$458
	EMS	\$48	\$50
	TOTAL	\$7,067	\$7,149
Duplex	Schools	\$6,420	\$6,473
	Law Enforcement	\$118	\$123
	Parks & Recreation	\$322	\$337
	EMS	\$36	\$38
		\$6,896	\$6,971
Multi-Family	Schools	\$3,982	\$4,015
	Law Enforcement	\$118	\$123
	Parks & Recreation	\$322	\$337
	EMS	\$36	\$38
	TOTAL	\$4,458	\$4,513

ORDINANCE NO. 2013-1

AN ORDINANCE OF JEFFERSON COUNTY, WEST VIRGINIA, AMENDING CERTAIN PARTS OF PRIOR COUNTY IMPACT FEE ORDINANCES 2005-1 AND 2005-3; REGARDING AMENDING AND/OR REDUCING CERTAIN IMPACT FEE RATES APPLYING TO NON-RESIDENTIAL UNITS FOR A SPECIFIED PERIOD OF TIME; REQUIRING A REVIEW OF COMMERCIAL AND ECONOMIC DEVELOPMENT AT THE END OF ONE YEAR.

WHEREAS, the County Commission of Jefferson County, West Virginia adopted Ordinance 2005-1 and 2005-3 on January 20, 2005, which Ordinances provide for Law Enforcement and Fire and EMS fees to be paid on new construction;

WHEREAS, the Jefferson County Commission recognizes that the adverse effects of the national recession and the financial and credit crises are still impacting the state and local economy;

WHEREAS, said impacts have resulted in a significant reduction in new non-residential commercial development and construction activity in Jefferson County;

WHEREAS, Non-residential Commercial development provides local jobs and economic opportunity to the citizens of Jefferson County;

WHEREAS, a decrease in Non-residential Commercial development has a negative impact upon the citizens of Jefferson County;

WHEREAS, the Jefferson County Commission hereby finds that it is in the best interest of the citizens of Jefferson County to encourage economic development by temporarily reducing the impact fees assessed on new Non-residential Commercial Development;

WHEREAS, the Commission has determined that a reduction on the rate of collection of the Law Enforcement and the Fire and EMS impact fees will further the desired purpose of stimulating economic development and non-residential commercial construction activity in Jefferson County;

WHEREAS, the County Commission desires an update from the Jefferson County Development Authority on the development and permitting activity of non-residential construction after the initial twenty-four (24) months of the reduction to determine the effectiveness of the reduction in stimulating economic and commercial growth;

NOW, THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA:

SECTION 1. AMENDING THE NON-RESIDENTIAL IMPACT FEES SET FORTH IN ORDINANCES 2005-1 AND 2005-3.

- (1) The impact fee rates charged to Non-residential Development in Ordinance No. 2005-1 (Law Enforcement Impact Fees) and Ordinance No. 2005-3 (Fire and EMS Impact Fees) shall be reduced by ninety-nine and one half percent (99.5%) commencing on July 1, 2013 for a

period of twenty-four (24) months through the County Commission's review at the end of the twenty-four (24) month period.

(2) At the end of the initial twenty-four (24) month period, the County Commission, using the report received from the Jefferson County Development Authority, shall review the effectiveness of the reduction in encouraging commercial development and stimulating the local economy. After completion of such review, the Commission shall either: 1) maintain the reduction implemented by the Ordinance; 2) return the non-residential development impact fees to the fee schedule provided in Ordinance Nos. 2005-1 and 2005-3; or 3) implement a new non-residential development impact fee schedule.

(3) The reduction in the non-residential fees as provided for in this Ordinance may extend beyond the initial twenty-four (24) month period and shall remain in effect until the County Commission completes its review of the reduction's impact on commercial and economic development.

SECTION 2. EFFECTIVE DATE.

This Ordinance shall take effect upon an affirmative, majority vote of the County Commission. Except as specifically provided otherwise herein, this Ordinance shall supersede all other Ordinance(s) of Jefferson County, West Virginia to the extent such other Ordinance(s) are in conflict herewith. However, the amended impact fees associated with non-residential development as set forth in this Ordinance shall not become effective until July 1, 2013.

SECTION 3. Severability.

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

SECTION 4. DEFINITIONS.

Terms used in this Ordinance shall have the meaning provided in the applicable "Definition" Section(s) of the Jefferson County Impact Fee Procedures Ordinance unless modified or otherwise stated herein.

SECTION 5. INCLUSION IN THE CODE.

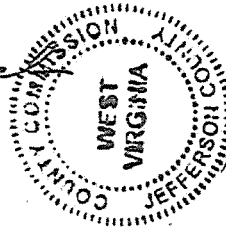
It is the intention of the County Commission of Jefferson County, West Virginia, and it is hereby provided, that the provisions of this Ordinance shall be made part of the Jefferson County Impact Fee Ordinances. To this end, any section or subsection of this Ordinance may be re-numbered or re-lettered to accomplish such intention, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate designation.

SECTION 6. FULL FORCE AND EFFECT OF REMAINDER.

All section, subsections, clauses, sentences, phrases, and provisions of Ordinance Nos. 2005-1 and 2005-3 not changed or amended herein shall stay the same and remain in full force and effect until amended, repealed or otherwise acted upon by the County Commission of Jefferson County.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Jefferson County Commission on the 11th day of ~~June~~ July, 2013.

Dale Manu...



COUNTY COMMISSION

A TRUE COPY
ATTEST: JENNIFER S. MAGHAN
CLERK, COUNTY COMMISSION
JEFFERSON COUNTY, WV

BY *[Signature]*
DEPUTY CLERK

Jennifer S. Maghan
JEFFERSON COUNTY 11:09:52 AM
Instrument No 2013012802
Date Recorded 07/17/2013
Document Type ORD1
Pages Recorded 3
Book-Page 1-610

JEFFERSON COUNTY, WEST VIRGINIA
Engineering Department
Office of Impact Fees
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414

Michelle Mason
Impact Fee Program Specialist

Phone: (304) 728-3331
Fax: (304) 728-3953
mmason@jeffersoncountywv.org

Affordable Housing Discounted Impact Fee Per Dwelling Unit Type

**December 31, 2017 Housing Index Average Market Value
for Jefferson County, WV: \$247,486**

Current Impact Fee		<i>Single Family</i>	<i>Town Home</i>	<i>Duplex</i>	<i>Multi-Family</i>
		\$6,347	\$7,067	\$6,896	\$4,458
Percentage	Affordable Housing	Discounted Impact Fee Per Dwelling Unit Type			
	Market Value				
60%	\$148,492	\$3,808	\$4,240	\$4,138	\$2,675
59%	\$146,017	\$3,745	\$4,170	\$4,069	\$2,630
58%	\$143,542	\$3,681	\$4,099	\$4,000	\$2,586
57%	\$141,067	\$3,618	\$4,028	\$3,931	\$2,541
56%	\$138,592	\$3,554	\$3,958	\$3,862	\$2,496
55%	\$136,117	\$3,491	\$3,887	\$3,793	\$2,452
54%	\$133,642	\$3,427	\$3,816	\$3,724	\$2,407
53%	\$131,168	\$3,364	\$3,746	\$3,655	\$2,363
52%	\$128,693	\$3,300	\$3,675	\$3,586	\$2,318
51%	\$126,218	\$3,237	\$3,604	\$3,517	\$2,274
50%	\$123,743	\$3,173	\$3,533	\$3,448	\$2,229
49%	\$121,268	\$3,110	\$3,463	\$3,379	\$2,184
48%	\$118,793	\$3,047	\$3,392	\$3,310	\$2,140
47%	\$116,318	\$2,983	\$3,321	\$3,241	\$2,095
46%	\$113,844	\$2,920	\$3,251	\$3,172	\$2,051
45%	\$111,369	\$2,856	\$3,180	\$3,103	\$2,006
44%	\$108,894	\$2,793	\$3,109	\$3,034	\$1,962
43%	\$106,419	\$2,729	\$3,039	\$2,965	\$1,917
42%	\$103,944	\$2,666	\$2,968	\$2,896	\$1,872
41%	\$101,469	\$2,602	\$2,897	\$2,827	\$1,828
40%	\$98,994	\$2,539	\$2,827	\$2,758	\$1,783
39%	\$96,520	\$2,475	\$2,756	\$2,689	\$1,739
38%	\$94,045	\$2,412	\$2,685	\$2,620	\$1,694
37%	\$91,570	\$2,348	\$2,615	\$2,552	\$1,649
36%	\$89,095	\$2,285	\$2,544	\$2,483	\$1,605
35%	\$86,620	\$2,221	\$2,473	\$2,414	\$1,560
34%	\$84,145	\$2,158	\$2,403	\$2,345	\$1,516
33%	\$81,670	\$2,095	\$2,332	\$2,276	\$1,471
32%	\$79,196	\$2,031	\$2,261	\$2,207	\$1,427
31%	\$76,721	\$1,968	\$2,191	\$2,138	\$1,382
30%	\$74,246	\$1,904	\$2,120	\$2,069	\$1,337
29%	\$71,771	\$1,841	\$2,049	\$2,000	\$1,293
28%	\$69,296	\$1,777	\$1,979	\$1,931	\$1,248
27%	\$66,821	\$1,714	\$1,908	\$1,862	\$1,204
26%	\$64,346	\$1,650	\$1,837	\$1,793	\$1,159
25%	\$61,872	\$1,587	\$1,767	\$1,724	\$1,115

Disclaimer: Figures updated and effective through 31 December 2018 per the WV Tax Commissioner.



STATE OF WEST VIRGINIA
Department of Revenue
State Tax Department

Jim Justice
Governor

Dale W. Steager
Tax Commissioner

December 28, 2017

The Honorable Mitch Carmichael
Senate Chairperson
Joint Committee on Government & Finance
Building 1, Room 227M
1900 Kanawha Blvd., East
Charleston, WV 25305

The Honorable Tim Armstead
House Chairperson
Joint Committee on Government & Finance
Building 1, Room 228M
1900 Kanawha Blvd., East
Charleston, WV 25305

Gentlemen:

In conformity with requirements of West Virginia Code § 11-1-2b, attached is the housing index report to the Joint Committee on Government and Finance. This report compares average and median costs of single dwelling residential property by county and includes various multipliers that are specified in Section 11-1-2b.

If after review of the attached information you should have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Dale W. Steager".

Dale W. Steager
State Tax Commissioner

DWS/jaj
Attachment

cc: Dave Hardy, Cabinet Secretary
Department of Revenue

Aaron Allred, Staff
Joint Committee on Government & Finance

✓ Jeff Amburgey, Director
Property Tax Division

**TAX YEAR 2017
MEDIAN COST PER SQUARE FOOT**

COUNTY	MEDIAN PER SQ FT	MULTIPLIER
31MONONGALIA	94.3	2.00
19JEFFERSON	90.1	1.91
33MORGAN	87.0	1.84
02BERKELEY	82.2	1.74
40PUTNAM	79.0	1.67
14HAMPSHIRE	73.8	1.56
16HARDY	63.4	1.34
20KANAWHA	62.6	1.33
35OHIO	62.5	1.32
24MARION	62.5	1.32
36PENDLETON	62.4	1.32
54WOOD	62.1	1.32
49UPSHUR	61.5	1.30
29MINERAL	61.3	1.30
39PRESTON	57.7	1.22
42RANDOLPH	57.6	1.22
17HARRISON	57.5	1.22
47TUCKER	56.5	1.20
12GRANT	55.6	1.18
37PLEASANTS	54.8	1.16
18JACKSON	54.5	1.15
46TAYLOR	53.2	1.13
06CABELL	50.9	1.08
32MONROE	50.9	1.08
15HANCOCK	49.4	1.05
21LEWIS	49.1	1.04
25MARSHALL	48.1	1.02
01BARBOUR - MEDIAN	47.2	1.00
41RALEIGH	46.7	0.99
26MASON	46.2	0.98
10FAYETTE	45.0	0.95
44ROANE	44.3	0.94
52WETZEL	43.6	0.92
43RITCHIE	43.4	0.92
13GREENBRIER	43.3	0.92
05BROOKE	43.0	0.91
34NICHOLAS	42.6	0.90
45SUMMERS	42.4	0.90
48TYLER	42.3	0.90
22LINCOLN	42.3	0.90
09DODDRIDGE	42.1	0.89
50WAYNE	41.7	0.88
28MERCER	38.9	0.82
04BRAXTON	37.6	0.80
53WIRT	36.9	0.78
38POCAHONTAS	36.2	0.77
07CALHOUN	34.3	0.73
11GILMER	34.2	0.73
03BOONE	34.0	0.72
23LOGAN	33.7	0.71
51WEBSTER	28.5	0.60
08CLAY	25.5	0.54
30MINGO	25.5	0.54
55WYOMING	22.1	0.47
27MC DOWELL	12.4	0.26

MULTIPLIER COMPARING MOST EXPENSIVE TO LEAST EXPENSIVE

7.62

**TAX YEAR 2017
AVERAGE COST DATA**

COUNTY	AVERAGE VALUE	MULTIPLIER
19JEFFERSON	247,486	1.85
33MORGAN	245,453	1.83
14HAMPSHIRE	214,810	1.60
31MONONGALIA	208,529	1.56
02BERKELEY	192,544	1.44
40PUTNAM	185,954	1.39
13GREENBRIER	158,109	1.18
36PENDLETON	157,580	1.18
49UPSHUR	156,797	1.17
47TUCKER	156,242	1.17
37PLEASANTS	148,275	1.11
46TAYLOR	143,182	1.07
29MINERAL	138,769	1.04
54WOOD	138,714	1.04
24MARION	135,552	1.01
20KANAWHA	134,617	1.01
18HARDY	134,008	1.00
STATEWIDE	133,864	1.00
35OHIO	132,509	0.99
17HARRISON	127,026	0.95
39PRESTON	126,584	0.95
18JACKSON	125,906	0.94
21LEWIS	122,478	0.91
12GRANT	120,642	0.90
01BARBOUR	120,386	0.90
42RANDOLPH	119,294	0.89
38POCAHONTAS	116,926	0.87
43RITCHIE	116,716	0.87
32MONROE	116,707	0.87
26MASON	113,244	0.85
06CABELL	112,349	0.84
44ROANE	107,759	0.80
04BRAXTON	104,105	0.78
34NICHOLAS	101,782	0.76
52WETZEL	101,657	0.76
25MARSHALL	101,210	0.76
11GILMER	99,143	0.74
03BOONE	97,179	0.73
41RALEIGH	96,670	0.72
10FAYETTE	91,897	0.69
05BROOKE	91,784	0.69
23LOGAN	88,987	0.66
50WAYNE	87,496	0.65
15HANCOCK	86,058	0.64
09DODDRIDGE	83,878	0.63
48TYLER	83,527	0.62
45SUMMERS	83,021	0.62
28MERCER	81,609	0.61
22LINCOLN	79,942	0.60
53WIRT	66,980	0.50
07CALHOUN	61,680	0.46
30MINGO	59,584	0.45
51WEBSTER	58,405	0.44
08CLAY	52,738	0.39
55WYOMING	51,702	0.39
27MC DOWELL	23,340	0.17

MULTIPLIER COMPARING MOST EXPENSIVE TO LEAST EXPENSIVE

10.60

**TAX YEAR 2017
AVERAGE COST PER SQUARE FOOT**

COUNTY	AVG PER SQ FT	MULTIPLIER
31MONONGALIA	90.8	1.49
19JEFFERSON	87.3	1.43
33MORGAN	81.0	1.33
02BERKELEY	77.2	1.26
40PUTNAM	76.5	1.25
14HAMPSHIRE	68.1	1.12
47TUCKER	67.4	1.10
35OHIO	66.0	1.08
20KANAWHA	65.3	1.07
17HARRISON	64.8	1.06
16HARDY	64.5	1.06
24MARION	63.8	1.05
54WOOD	63.4	1.04
13GREENBRIER	63.3	1.04
49UPSHUR	62.8	1.03
29MINERAL	61.5	1.01
42RANDOLPH	61.4	1.01
STATEWIDE	61.1	1.00
36PENDLETON	60.7	0.99
46TAYLOR	59.3	0.97
39PRESTON	58.3	0.95
41RALEIGH	57.6	0.94
37PLEASANTS	56.0	0.92
18JACKSON	56.0	0.92
06CABELL	55.5	0.91
12GRANT	54.7	0.90
25MARSHALL	50.4	0.82
15HANCOCK	50.1	0.82
21LEWIS	49.7	0.81
32MONROE	49.1	0.80
10FAYETTE	49.0	0.80
01BARBOUR	48.0	0.79
26MASON	47.1	0.77
43RITCHIE	46.9	0.77
45SUMMERS	46.2	0.76
44ROANE	45.0	0.74
05BROOKE	45.0	0.74
09DODDRIDGE	44.8	0.73
34NICHOLAS	44.6	0.73
22LINCOLN	44.4	0.73
52WETZEL	43.9	0.72
28MERCER	43.9	0.72
48TYLER	43.8	0.72
50WAYNE	43.6	0.71
03BOONE	40.8	0.67
04BRAXTON	40.5	0.66
38POCAHONTAS	38.8	0.64
23LOGAN	37.5	0.61
53WIRT	36.8	0.60
11GILMER	35.0	0.57
07CALHOUN	34.6	0.57
51WEBSTER	29.8	0.49
30MINGO	28.8	0.47
08CLAY	28.0	0.46
55WYOMING	24.2	0.40
27MC DOWELL	15.1	0.25

MULTIPLIER COMPARING MOST EXPENSIVE TO LEAST EXPENSIVE

6.01

**TAX YEAR 2017
MEDIAN COST DATA**

COUNTY	MEDIAN VALUE	MULTIPLIER
19JEFFERSON	203,790	2.52
33MORGAN	176,490	2.18
31MONONGALIA	169,125	2.09
40PUTNAM	153,560	1.90
02BERKELEY	153,300	1.90
14HAMPSHIRE	149,550	1.85
47TUCKER	113,880	1.41
37PLEASANTS	107,970	1.34
49UPSHUR	105,320	1.30
24MARION	104,145	1.29
29MINERAL	104,000	1.29
36PENDLETON	101,640	1.26
54WOOD	101,600	1.26
20KANAWHA	100,060	1.24
16HARDY	99,600	1.23
46TAYLOR	99,250	1.23
39PRESTON	96,695	1.20
12GRANT	94,280	1.17
18JACKSON	93,740	1.16
35OHIO	93,720	1.16
21LEWIS	92,190	1.14
42RANDOLPH	90,860	1.12
17HARRISON	87,615	1.08
32MONROE	87,220	1.08
13GREENBRIER	85,240	1.05
01BARBOUR	84,165	1.04
06CABELL	84,085	1.04
26MASON - MEDIAN	80,870	1.00
43RITCHIE	79,430	0.98
25MARSHALL	78,320	0.97
44ROANE	76,300	0.94
52WETZEL	74,910	0.93
34NICHOLAS	73,550	0.91
38POCAHONTAS	71,430	0.88
15HANCOCK	69,730	0.86
11GILMER	68,695	0.85
48TYLER	67,560	0.84
05BROOKE	66,675	0.82
41RALEIGH	66,500	0.82
10FAYETTE	65,505	0.81
04BRAXTON	65,225	0.81
50WAYNE	63,490	0.79
03BOONE	63,305	0.78
09DODDRIDGE	63,045	0.78
28MERCER	60,235	0.74
22LINCOLN	59,980	0.74
45SUMMERS	57,435	0.71
23LOGAN	57,255	0.71
53WIRT	49,600	0.61
07CALHOUN	45,310	0.56
30MINGO	41,260	0.51
51WEBSTER	39,360	0.49
08CLAY	37,375	0.46
55WYOMING	33,395	0.41
27MC DOWELL	15,315	0.19

MULTIPLIER COMPARING MOST EXPENSIVE TO LEAST EXPENSIVE

13.31

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FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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FY 2019 Capital Improvement Plan

Schools

Law Enforcement

Parks & Recreation

EMS

Jefferson County Commission

Engineering Department/Office of Impact Fees

17 January 2018

FY 2019 Impact Fee Program Capital Improvement Plan

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FY 2019 Capital Improvement Plan Submissions

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Overview

This document constitutes the Jefferson County Impact Fee Program Capital Improvement Plan for Fiscal Year 2019 (which begins July 1 2018). It consists of two categories, those eligible for Impact Fee funding for capital improvements and those ineligible. For the entities eligible for Impact Fee funding, their names and their associated impact fee category are indicated below (impact fee categories noted in square brackets):

- Jefferson County Board of Education [School]
- Sheriff of Jefferson County [Law Enforcement]
- Jefferson County Parks & Recreation Commission [Parks and Recreation]
- Jefferson County Emergency Services Agency [EMS]

The total funding request for all projects over the upcoming fiscal year as well as the next five outlying years is \$132,007,818 (down from \$133,208,490 in FY 2018). Of this amount, \$2,938,000 represents the funding requests for FY 2019 (in FY 2018 the amount was \$3,860,500).

The divided sections which follow include the submitted *CIP Form 1* (Agency/Department/Office Summary) for each entity as well as the individual *CIP Form 2* documents (Annual and Five Year Project Request and Justification) which detail each project listed on an entity's *CIP Form 1*. Any supplementary documentation is included with the appropriate *CIP Form 2*. Proposed projects that directly impact the County Budget also require *Form 2B – Budget Impact Analysis*; however, the projects submitted for FY 2019 do not require funding from the County's General or Capital Outlay Funds.

Each entity's submission is entered into the Capital Improvement Plan database, which permits comments from the Impact Fee Program Specialist to be included with *CIP Form 1*. In the case of the Board of Education, *CIP Form 2* documents are not required. The original submissions received from all entities are on file within the Engineering Department/Office of Impact Fees.

Overview of Funding Options

This document lists planned capital projects within the Jefferson County Impact Fee Program of which some entities have several options for funding available to them. In general, revenues available to fund capital projects may be classed into one of the following categories:

- Direct County support (General and Coal Severance Funds, etc.).
- General Obligation/Construction Bonds (currently only one such bond is in effect for the taxpayers of Jefferson County – a school construction bond). Loans mediated through banks to the County Building Commission also fall into this category.
- State support (usually as School Building Authority grants, or similar grants through other state agencies).
- Federal grants.
- Impact fees (see the discussion on page 11 for details).
- Entity-specific user fees (for example Park & Recreation or Fire/Ambulance fees).
- Donations and gifts (bequeathments, corporate partnerships, etc.).

The major funding mechanisms will be briefly discussed in the following section.

Direct County Support

The County Commission has the authority to use monies from the General and/or Coal Severance Fund to assist with the funding of County projects. Previously, several dedicated Capital Outlay funds have been established for this purpose using General Fund revenue. In prior years, these funds have been used to build the Sam Michael's Park Community Center, and to purchase and renovate several other buildings. Among some of the other projects which have benefited from these funds includes the Emergency Communications Center, the Sheriff's Department, and the County Maintenance Facility which are all located in the Bardane Industrial Park. In downtown Charles Town, the Old Jail was renovated for the Circuit Court and most recently, a section of the Briel building was renovated which now houses a portion of the Prosecuting Attorney's Office. These funds have also assisted with the mortgage payments for the new Emergency Services Agency building.

General Obligation/Construction Bonds

Only the County Commission and the Board of Education may propose special levies to fund capital projects. In both cases the question of a levy must be placed before the County's voters and must receive a minimum of 60% of the vote.

This type of funding mechanism is rarely used in Jefferson County. The Board of Education has floated several construction bonds of which have funded expansion and renovation projects at Jefferson High School and part of the construction costs at Washington High School.

Jefferson County has an appointed Building Commission. The County Commission, through its Building Commission, may borrow money from any type of lending financial institution or issue general obligation bonds. If the loan is to acquire land or construct a building, the deed to the property is transferred from the County Commission (or other entity) to the Building Commission. Generally, the County Commission funds the Building Commission to provide revenue to satisfy the terms of the loan. Building Commissions were specifically granted this authority in order to prevent County Commissions of obligating future Commissions via the issuance of bonds or by securing mortgages or loans¹.

State Support

The only significant source of state-supplied capital funding for the County comes from the State School Building Authority (SBA). This entity sets school construction standards and releases funds, generally for entities that bring significant cash matches. In the past few funding cycles, the Jefferson County Board of Education has used collected impact fee monies as a monetary match. The SBA has responded favorably by providing monies for several construction and school expansion projects. No other entity, including the County Commission, has an equivalent state funding agency.

Federal Support

Unfortunately Federal monies have not been a predictable or reliable revenue stream to fund capital projects within Jefferson County. The Sheriff's Department has in the past received some Federal monies for capital projects, but historically the funding amounts have been relatively small and random in nature. Federal monies are also available to fund capital projects for EMS entities.

Summary of Impact Fee Fundable Projects

Table 1 lists all *priority 1* projects (described as Urgent/Mandatory on *CIP Form 2*) as requested by each entity. Not all of these projects are eligible for funding by impact fees, but it is important to note that these projects have been described by their respective entities as having Urgent/Mandatory funding needs. **Table 2** lists all capital improvement projects requested by each entity regardless of being fundable by impact fees.

Table 3 identifies *only* those projects that are **impact fee-fundable**, which are eligible for funding by available impact fees, either in whole or in part. Emphasis on approving impact fee expenditure on projects requested is suggested to be for *priority 1* projects first. The Impact Fee Program Specialist has determined which of the projects that are impact fee fundable for FY 2019 based on the current availability of impact fee funds for each of the impact fee categories and their associated bank accounts, prior and current allocation sources, along with the impact fee collection projections for CY 2018.

¹ See WV Code §8-30 *et seq.*

Table 1. FY 2019 Priority 1 Projects - All Funding Sources

#	Pri	Project	Estimated Total	Prior Allocation	Current Request	Other Sources Allocation	Yr 1 FY 2020	Yr 2 FY 2021	Yr 3 FY 2022	Yr 4 FY 2023	Yr 5 FY 2024
Jefferson County Board of Education											
1	1	Shepherdstown Elementary (Increased Students)	\$16,417,500	\$0	\$0	\$9,000,000	\$1,417,500	\$6,000,000	\$0	\$0	\$0
2	1	Ranson Elementary (Increased Students)	\$16,087,500	\$0	\$0	\$9,000,000	\$0	\$1,087,500	\$6,000,000	\$0	\$0
3	1	County Wide Improvement	\$6,000,000	\$0	\$1,000,000	\$0	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
4	1	Central High School	\$61,000,000	\$0	\$0	\$25,000,000	\$0	\$0	\$0	\$0	\$16,000,000
5	1	Central Elementary	\$18,000,000	\$0	\$0	\$9,000,000	\$0	\$0	\$0	\$0	\$1,000,000
TOTALS			\$117,505,000	\$0	\$1,000,000	\$52,000,000	\$2,417,500	\$8,087,500	\$7,000,000	\$18,000,000	\$18,000,000
Jefferson County Sheriff's Office											
1	1	Purchase of Police Cruisers x 18 (3 per year)	\$1,370,490	\$0	\$165,000	\$0	\$214,500	\$235,950	\$235,950	\$259,545	\$259,545
TOTALS			\$1,370,490	\$0	\$165,000	\$0	\$214,500	\$235,950	\$235,950	\$259,545	\$259,545
Jefferson County Emergency Services Agency											
1	1	JCESA Building Mortgage	\$520,328	\$0	\$81,000	\$0	\$81,000	\$81,000	\$81,000	\$81,000	\$81,000
TOTALS			\$520,328	\$0	\$81,000	\$0	\$81,000	\$81,000	\$81,000	\$81,000	\$81,000

Table 2. FY 2019 Projects - All Priorities

#	Pri	Project	Estimated Total	Prior Allocation	Current Request	Other Sources Allocation	Yr 1 FY 2020	Yr 2 FY 2021	Yr 3 FY 2022	Yr 4 FY 2023	Yr 5 FY 2024
Jefferson County Board of Education											
1	1	Shepherdstown Elementary (Increased Students)	\$16,417,500	\$0	\$0	\$9,000,000	\$1,417,500	\$6,000,000	\$0	\$0	\$0
2	1	Ranson Elementary (Increased Students)	\$16,087,500	\$0	\$0	\$9,000,000	\$0	\$1,087,500	\$6,000,000	\$0	\$0
3	1	County Wide Improvement (Elementary and Middle School)	\$6,000,000	\$0	\$1,000,000	\$0	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
4	1	Central High School	\$61,000,000	\$0	\$0	\$25,000,000	\$0	\$0	\$0	\$0	\$16,000,000
5	1	Central Elementary	\$18,000,000	\$0	\$0	\$9,000,000	\$0	\$0	\$0	\$0	\$1,000,000
TOTALS			\$117,505,000	\$0	\$1,000,000	\$52,000,000	\$2,417,500	\$8,087,500	\$7,000,000	\$1,000,000	\$18,000,000
Sheriff of Jefferson County											
1	1	Purchase of Police Cruisers x (18) 3 per Year	\$1,370,490	\$0	\$165,000	\$0	\$214,500	\$235,950	\$235,950	\$259,545	\$259,545
2	2	Weapons Training	\$32,500	\$0	\$5,000	\$0	\$5,000	\$5,000	\$5,000	\$5,000	\$0
3	2	Mobile Data Terminal System for Police Vehicles	\$184,500	\$0	\$27,000	\$0	\$31,500	\$31,500	\$31,500	\$31,500	\$31,500
4	2	New Jefferson County Sheriff's Office	\$6,000,000	\$0	\$500,000	\$0	\$1,500,000	\$1,900,000	\$2,000,000	\$25,000	\$0
5	2	Route 230 Uvilla Sub-station	\$700,000	\$0	\$0	\$0	\$300,000	\$400,000	\$0	\$0	\$0
TOTALS			\$8,287,490	\$0	\$697,000	\$0	\$2,051,000	\$2,572,450	\$2,272,450	\$321,045	\$291,045
Jefferson County Emergency Services Agency											
1	1	JCESA Building Mortgage	\$520,328	\$0	\$81,000	\$0	\$81,000	\$81,000	\$81,000	\$81,000	\$81,000
TOTALS			\$520,328	\$0	\$81,000	\$0	\$81,000	\$81,000	\$81,000	\$81,000	\$81,000

Table 2. FY 2019 Projects - All Priorities

#	Pri	Project	Estimated Total	Prior Allocation	Current Request	Other Sources Allocation	Yr 1 FY 2020	Yr 2 FY 2021	Yr 3 FY 2022	Yr 4 FY 2023	Yr 5 FY 2024
Jefferson County Parks & Recreation Commission											
1	2	James Hite Park (Utilities)	\$1,500,000	\$0	\$100,000	\$0	\$0	\$750,000	\$650,000	\$0	\$0
2	2	Maintenance Vehicle Sam Michael's Park	\$45,000	\$0	\$45,000	\$0	\$0	\$0	\$0	\$0	\$0
3	2	(Amphitheatre)	\$2,000,000	\$0	\$100,000	\$0	\$100,000	\$0	\$0	\$0	\$1,800,000
4	2	Land Acquisition Sam Michael's Park	\$300,000	\$0	\$100,000	\$0	\$0	\$0	\$200,000	\$0	\$0
5	2	(Master Plan) Sam Michael's Park	\$65,000	\$0	\$65,000	\$0	\$0	\$0	\$0	\$0	\$0
6	2	(Community Center Addition) South Jefferson Park	\$1,500,000	\$0	\$750,000	\$0	\$0	\$750,000	\$0	\$0	\$0
7	2	(Master Plan) Aquatic Facility	\$75,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$75,000
8	2	Feasibility Study	\$45,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$45,000
9	2	James Hite Park (Parking)	\$100,000	\$0	\$0	\$0	\$100,000	\$0	\$0	\$0	0
10	2	James Hite Park (Dog Park)	\$65,000	\$0	\$0	\$0	\$0	\$0	\$0	\$65,000	\$0
TOTALS			\$5,695,000	\$0	\$1,160,000	\$0	\$200,000	\$1,500,000	\$850,000	\$65,000	\$1,920,000

Table 3. FY 2019 Impact Fundable Projects

#	Pri	Project	Estimated Total	Prior Allocation	Current Request	Other Sources Allocation	Yr 1 FY 2020	Yr 2 FY 2021	Yr 3 FY 2022	Yr 4 FY 2023	Yr 5 FY 2024
Jefferson County Emergency Services Agency (EMS)											
1	1	JCESA Building Mortgage	\$520,328	\$0	\$81,000	\$0	\$81,000	\$81,000	\$81,000	\$81,000	\$81,000
TOTALS			\$520,328	\$0	\$81,000	\$0	\$81,000	\$81,000	\$81,000	\$81,000	\$81,000

Impact Fee Specialist Recommendations – Jefferson County Emergency Services Agency (EMS)				
#	Pri	Project	Fee Funding Potential	Comments
1	1	JCESA Building Mortgage	Eligible for Full Funding due to being for new growth	As of January 1, 2018, the remaining allocation amount is \$287,183 in the "Mortgage Cost Recovery" capital category of this project. This request is fundable up to future growth's cost of \$520,328. However, fully funding the current request is contingent upon availability of funds in the EMS impact fee account; which is projected to have an estimated balance of only \$12,676 on July 1, 2018. Therefore, due to limited funds in the EMS impact fee account, this request is approved for only \$10,000 of funding in FY 2019, not the full \$81,000 request. A request for additional funding may be made as additional EMS impact revenue is collected during FY19. However, at this time, funding for the \$71,000 remainder of the FY19 \$81,000 mortgage payment will need to come from another source.

Jefferson County Parks & Recreation Commission											
1	2	James Hite Park (Utilities)	\$1,500,000	\$0	\$100,000	\$0	\$0	\$750,000	\$650,000	\$0	\$0
4	2	Land Acquisition	\$300,000	\$0	\$100,000	\$0	\$0	\$0	\$200,000	\$0	\$0
TOTALS			\$1,800,000	\$0	\$200,000	\$0	\$0	\$750,000	\$850,000	\$0	\$0

Impact Fee Specialist Recommendations – Jefferson County Parks & Recreation Commission				
#	Pri	Project	Fee Funding Potential	Comments
1	2	James Hite Park (Utilities)	Eligible for Full Funding due to being for new growth	As of January 1, 2018, the remaining allocation amount is \$89,113 in the "Park Improvements & Rec Facilities" capital category of this project. This request is fundable up to this limit and in combination with other projects affecting the total availability of funds in the Parks impact fee account; which is projected to have an estimated balance of \$236,800 on July 1, 2018. Currently there is \$75,000 available for this project after funding the "land acquisition" project. A request for the additional \$25,000 funding may be made as additional Parks & Recreation impact revenue is collected during FY19 to satisfy this request.
4	2	Land Acquisition	Eligible for Full Funding due to being for new growth	As of January 1, 2018, the remaining allocation amount is \$141,924 in the "Park Land" capital category of this project. This project is currently fully fundable up to the \$141,924 amount and contingent upon the availability of funds in the Parks and Rec impact fee account, which is projected to have an estimated balance of \$236,800 on July 1, 2018. Full funding is currently available in the Parks and Rec impact fee account for this \$100,000 request, in FY 2019.

Table 3. FY 2019 Impact Fundable Projects

#	Pri	Project	Estimated Total	Prior Allocation	Current Request	Other Sources Allocation	Yr 1 FY 2020	Yr 2 FY 2021	Yr 3 FY 2022	Yr 4 FY 2023	Yr 5 FY 2024
Sheriff of Jefferson County											
2	2	Weapons Training Qualifications Range	\$32,500	\$0	\$5,000	\$0	\$5,000	\$5,000	\$5,000	\$5,000	\$0
4	3	New Jefferson County Sheriff's Office	\$6,000,000	\$0	\$500,000	\$0	\$500,000	\$1,500,000	\$1,900,000	\$2,000,000	\$25,000
TOTALS			\$6,032,500	\$0	\$505,000	\$0	\$505,000	\$1,505,000	\$1,905,000	\$2,005,000	\$25,000

Impact Fee Specialist Recommendations – Sheriff of Jefferson County				
#	Pri	Project	Fee Funding Potential	Comments
2	2	Weapons Training Qualifications Range	Eligible for Full Funding due to being for new growth	<p>As of January 1, 2018, the remaining allocation amount is \$212,456 in the "Buildings & Land" capital category of this project. This request is fundable up to this limit and in combination with other projects under this capital category; and contingent upon availability of funds in the Law Enforcement impact fee account, which is projected to have an estimated balance of \$133,006 on July 1, 2018.</p> <p>Full funding is currently available in the Law Enforcement account for this \$5,000 request, in FY 2019.</p>
4	3	New Jefferson County Sheriff's Office	Eligible for Full Funding due to being for new growth; however only partially fundable due to the current capital category allocation limit.	<p>As of January 1, 2018, the remaining allocation amount is \$212,456 in the "Buildings & Land" capital category of this project. This request is fundable up to this limit and in combination with other projects under this capital category; and contingent upon availability of funds in the Law Enforcement impact fee account, which is projected to have an estimated balance of \$133,006 on July 1, 2017.</p> <p>After funding the \$5,000 Weapons Training Qualifications Range request, this \$500,000 request is only fundable up to a \$100,000 amount in FY19 due to limited funds currently available in the Law Enforcement account. The combined total of all projects in this capital category, in FY19, is \$505,000.</p> <p>The projection for future funding requests/needs for a New Jefferson County Sheriff's Office are significant and will not be fundable with impact fees alone. Another major source of funding will be needed.</p>

Table 3. FY 2019 Impact Fundable Projects

#	Pri	Project	Estimated Total	Prior Allocation	Current Request	Other Sources Allocation	Yr 1 FY 2020	Yr 2 FY 2021	Yr 3 FY 2022	Yr 4 FY 2023	Yr 5 FY 2024
Jefferson County Board of Education											
3	1	County Wide Improvement	\$6,000,000	\$0	\$1,000,000	\$0	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
TOTALS			\$6,000,000	\$0	\$1,000,000	\$0	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000

Impact Fee Specialist Recommendations – Jefferson County Board of Education											
3	1	County Wide Improvement (Elementary and Middle School)		Eligible for Full Funding due to being for new growth	<p>As of January 1, 2018, the remaining allocation amount is \$558,718 in the "Elementary School & Land" capital category of this project. As of January 1, 2018, the remaining allocation amount is \$2,035,643 in the "Middle Schools/High Schools & Land" capital category of this project; for a combined amount of \$2,594,361. This request is fundable up to this limit and in combination with other projects under this capital category; and contingent upon availability of funds in the Schools impact fee account; which is projected to have an estimated balance of \$2,175,966 on July 1, 2018.</p> <p>Full funding is currently available in the Schools account for this \$1,000,000 request, in FY 2019. Requisitions will be allocated 50% toward "Elementary School & Land" and 50% toward "Middle/High School & Land" capital categories.</p>						

Impact Fee Program Specialist's Notes

Overview

One role of the Impact Fee Program Specialist in preparing the Capital Improvement Plan is to indicate which projects, within each category for which impact fees are collected, are eligible for funding by impact fees. There are two important decision points made when considering each project:

1. Does the project represent expansion of an acknowledged capital category?
 - a. If the answer is *no* (in other words the project may represent maintenance or replacement, or an effort to increase the *standard of service*), then the project is ineligible for funding using impact fees. However, it is important to note that such projects **may be eligible** for funding by other revenue sources.
 - b. If the answer is *yes*, then the project is eligible, and the second decision point applies.
2. Is the requested project necessary only because of new growth?
 - a. If the answer is *yes*, then the project is potentially **fully impact fee-fundable**.
 - b. If the answer is *no* (generally because there is a repair, replacement, or increase in the standard of service component), then the project is usually only **partially fundable** by impact fees.

In cases where a project may be funded using impact fees, the Impact Fee Program Specialist examines the current cash flow analysis to determine how much in collected funds is attributed to the relevant capital category (i.e. schools, land, buildings, equipment, vehicles). The cash flow analysis also tracks fee disbursement over time, so it is a useful tool for providing guidance on overall spending trends. The cash flow analyses for each of the fee categories are presented on the following pages.

Authority

Pursuant to West Virginia State Code, Chapter 7, Article 20, Section 6 (§7-20-6) counties which have enabled impact fees must maintain a Impact Fee Program Capital Improvement Plan. Only the projects listed on this CIP are eligible for funding by impact fees (either in whole or in part). Whether a project may be wholly or only partially funded depends upon whether the project is exclusively needed due to new growth or is only partially required due to conditions of new growth (see §7-20-3 (h) and (i) for definitions of “proportionate share” and “reasonable benefit”).

The requirement for a yearly Impact Fee Program Capital Improvement Plan, and the identification of **Impact Fee Fundable** projects, is outlined in Jefferson County Impact Fee Procedures Ordinance 2003-1 Section 3(C) *et seq.*

One of the tasks of the Impact Fee Program Specialist is to identify projects from the Impact Fee Program Capital Improvement Plan which are eligible for funding by Impact Fees (Ordinance 2003-1 Section 6(A)(2)(b)).

Cash Flow Analyses

The following 4 tables constitute the official cash flow analyses for each of the four impact fee categories. The financial data are cumulative from the beginning of the respective fee collection start date through January 31, 2018 (50% of FY 2018). The projected balance runs through the end of FY 2017.

For the purposes of projecting the cash flow analysis from 1 January 2018 through 30 June 2018, it was assumed that the County growth rate for the period of 1 January 2018 through 30 June 2018, will be constant and equal to the same time period last year. During this period, there were 130 new single family detached structures (of which 1 qualified for the Affordable Housing Discount), 4 new duplexes, and 4 new townhouse structures. For projecting the future cash flow from 1 January 2018 through 30 June 2018, we are assumed the following:

130	Single-family units
4	Townhouse units
4	Duplex units
0	Multi-family units

While there was some commercial development in CY 2017, the amount of commercial development impact fees collected during the same cash flow projection time period last year is \$21.00.

Table 4. Schools

Percent Allocation & Amount Available by Capital Category

Balance as of 1 January 2018

Capital Category	Target Allocation %		Total Revenue Collected		Capital Category Allocation		Total Expended		Jan. 1, 2018 Amount Available by Allocation %
Elementary School & Land	29.2%	x	\$26,308,143	=	\$7,681,978	-	\$7,123,260	=	\$558,718
Middle School/High Schools & Land	67.8%	x	\$26,308,143	=	\$17,836,921	-	\$15,801,278	=	\$2,035,643
Admin Office/Shop/Bus Garage	3.0%	x	\$26,308,143	=	\$789,244	-	\$2,000,000	=	-\$1,210,756
Total for Schools	100%				\$26,308,143		\$24,924,538		\$1,383,605

Balance Projected Through 30 June 2018

Capital Category	Percent of Total LOS*		Projected Total Revenue Collected		Capital Category Allocation		Total Expended		June 30, 2018 Projected Amount Available by Allocation %
Elementary School & Land	29.2%	x	\$27,100,503	=	\$7,913,347	-	\$7,123,260	=	\$790,087
Middle School/High Schools & Land	67.8%	x	\$27,100,503	=	\$18,374,141	-	\$15,801,278	=	\$2,572,864
Admin Office/Shop/Bus Garage	3.0%	x	\$27,100,503	=	\$813,015	-	\$2,000,000	=	-\$1,186,985
Total for Schools	100%				\$27,100,503		\$24,924,538		\$2,175,966

*Percent Allocation Calculations Based on February 10, 2015 Recalculation Report by TischlerBise using the Capital Category LOS Cost Figures

Table 5. Law Enforcement

Percent Allocation & Amount Available by Capital Category

Balance as of 1 January 2018

Capital Category	LOS Value	Percent of Total LOS*	Total Revenue Collected	Capital Category Allocation	Total Expended	Jan. 1, 2018 Amount Available by Allocation %
Vehicles	\$2,748,201	39.7% x	\$365,625 =	\$145,242 -	\$236,454 =	-\$91,212
Equipment	\$150,000	2.2% x	\$365,625 =	\$7,927 -	\$18,211 =	-\$10,283
Buildings & Land	\$4,020,000	58.1% x	\$365,625 =	\$212,456 -	\$0 =	\$212,456
Total for Law Enforcement	\$6,918,201	100%		\$365,625	\$254,665	\$110,961

Balance Projected Through 30 June 2018

Capital Category	Percent of Total LOS*	Projected Total Revenue Collected	Capital Category Allocation	Total Expended	June 30, 2018 Projected Amount Available by Allocation %
Vehicles	39.7% x	\$387,671 =	\$153,999 -	\$236,454 =	-\$82,455
Equipment	2.2% x	\$387,671 =	\$8,405 -	\$18,211 =	-\$9,805
Buildings & Land	58.1% x	\$387,671 =	\$225,266 -	\$0 =	\$225,266
Total for Law Enforcement	100%		\$387,670	\$254,665	\$133,006

*Calculated Based on 12/28/2014 Impact Fees Recalculation Report - Capital Category LOS Cost Calculations

Table 6. Parks & Recreation Cash Flow Analysis

Percent Allocation & Amount Available by Capital Category

Balance as of 1 January 2018

Capital Category	LOS Value	Percent of Total LOS*	Total Revenue Collected	Capital Category Allocation	Total Expended	Jan. 1, 2018 Amount Available by Allocation %
Park Improvements & Rec Facilities	\$10,086,983	69.1% x	\$1,550,873 =	\$1,072,351 -	\$983,238 =	\$89,113
Park Land	\$4,156,920	28.5% x	\$1,550,873 =	\$441,924 -	\$300,000 =	\$141,924
Maintenance Equipment & Vehicles	\$344,265	2.4% x	\$1,550,873 =	\$36,599 -	\$90,815 =	-\$54,216
Total for Parks & Recreation	\$14,588,168	100%		\$1,550,874	\$1,374,053	\$176,821

Balance Projected Through 30 June 2018

Capital Category	Percent of Total LOS*	Projected Total Revenue Collected	Capital Category Allocation	Total Expended	June 30, 2018 Projected Amount Available by Allocation %
Park Improvements & Rec Facilities	69.1% x	\$1,610,853 =	\$1,113,824 -	\$983,238 =	\$130,586
Park Land	28.5% x	\$1,610,853 =	\$459,015 -	\$300,000 =	\$159,015
Maintenance Equipment & Vehicles	2.4% x	\$1,610,853 =	\$38,014 -	\$90,815 =	-\$52,801
Total for Parks & Recreation	100%		\$1,610,853	\$1,374,053	\$236,800

*Calculated Based on 2/19/2015 Impact Fees Recalculation Report by TischlerBise using the Capital Category LOS Cost Calculations

Table 7. EMS Cash Flow Analysis

Percent Allocation & Amount Available by Capital Category

Balance as of 1 January 2018

Capital Category	LOS Value	Percent of Total LOS*		Total Revenue Collected		Capital Category Allocation		Total Expended		Jan. 1, 2018 Amount Available by Allocation %
EMS Vehicles & Equipment	\$610,000	54.0%	x	\$1,559,050	=	\$841,367	-	\$1,122,451	=	-\$281,084
EMS Facilities Mortgage - Cost Recovery	\$520,328	46.0%	x	\$1,559,050	=	\$717,683	-	\$430,500	=	\$287,183
Total for Emergency Services	\$1,130,328	100%				\$1,559,050		\$1,552,951		\$6,099

Balance Projected Through 30 June 2018

Capital Category		Percent of Total LOS*		Projected Total Revenue Collected		Capital Category Allocation		Total Expended		June 30, 2018 Projected Amount Available by Allocation %
EMS Vehicles & Equipment		54.0%	X	\$1,565,626	=	\$844,916	-	\$1,122,451	=	-\$277,535
EMS Facilities Mortgage - Cost Recovery		46.0%	x	\$1,565,626	=	\$720,711	-	\$430,500	=	\$290,211
Total for Emergency Services		100%				\$1,565,627		\$1,552,951		\$12,676

*Calculated Based on 2/19/2015 Impact Fees Recalculation Report by TischlerBise using the Capital Category LOS Cost Calculations

Divider 1

CIP FORM 1

Jefferson County Government

Agency/Department/Office Summary

Name of Agency/Department/Office: Jefferson County Board of Education

(1) Prj No	(2) PROJECT NAME DESCRIPTION	(3) ESTIMATED TOTAL COST	(4) PRIOR ALLOC. SOURCE	(5) CURRENT REQUEST FY 2019	(6) CURRENT ALLOC. OTHER SOURCES	(7) EXPECTED FIVE-YEAR FUTURE PROGRAM REQUESTS				
						FY	FY	FY	FY	FY
						2020	2021	2022	2023	2024
1	Shepherdstown Elementary (increased students)	16417500	0	0	9000000	1417500	6000000	0	0	0
1	Ranson Elementary (increased students)	16087500	0	0	9000000	0	1087500	6000000	0	0
1	County Wide Improvement	6000000	0	1000000	0	1000000	1000000	1000000	1000000	1000000
1	Central High School	61000000	0	0	25000000	0	0	0	0	1600000 0
1	Central Elementary	18000000	0	0	9000000	0	0	0	0	1000000

Divider 2

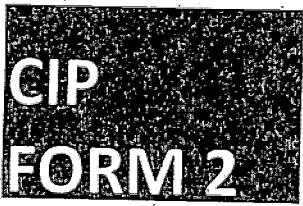
CIP FORM 1

Jefferson County Government

Agency/Department/Office Summary

Name of Agency/Department/Office: Sheriff of Jefferson County

(1) Pri No	(2) PROJECT NAME DESCRIPTION	(3) ESTIMATED TOTAL COST	(4) PRIOR ALLOC. SOURCE	(5) CURRENT REQUEST FY 2019	(6) CURRENT ALLOC. OTHER SOURCES	(7) EXPECTED FIVE-YEAR FUTURE PROGRAM REQUESTS				
						FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
	Purchase of Police Cruisers x18	1370490	0	165000	0	214500	235950	235950	259545	259545
	Weapons Training Qualifications Range	32500	7500	5000	0	5000	5000	5000	5000	0
	Mobile Data Terminal System for Police Vehicles	184500	0	27000	0	31500	31500	31500	31500	31500
	Construction of New Jefferson County Sheriff's Office	6000000	75000	500000	0	1500000	1900000	200000	25000	0
	Route 230 Uvilla Sub-Station	700000	0	0	0	300000	400000	0	0	0



Jefferson County Government
**ANNUAL and FIVE YEAR PROJECT REQUEST
 and JUSTIFICATION**

Prepared By: Deborah Lowe Date this form prepared: 12/14/2017

Project Title: Weapons Training Qualifications Range

Project Type: Construction

Project Location: Jefferson County

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed Optional/Deferrable
 OR provide Ranking Number if using Form 2A: _____

Project Need: This project does not benefit new growth. This project only benefits new growth.
 This project benefits both current and new residents and/or businesses.

Budget Impact: This project will affect the county operating budget: Yes No
 (if Yes - attach Form 2B).

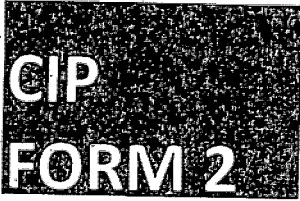
DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 - attach additional pages as needed)

This is for the continued modernization of the existing firearms range to include the erection of a shooting pavilion. (\$7,500 approved in FY 18).

Estimated Total Cost of Project (\$)	<u>\$32,500.00</u>	
Funding Request Breakdown by Year (\$):	<u>\$5,000.00</u>	(FY 2019) Current Request
	<u>\$5,000.00</u>	(FY 2020) All Other Sources
	<u>\$5,000.00</u>	(FY 2020) Out Year 2
	<u>\$5,000.00</u>	(FY 2021) Out Year 3
	<u>\$5,000.00</u>	(FY 2022) Out Year 4
	<u>\$5,000.00</u>	(FY 2023) Out Year 5
	<u>\$5,000.00</u>	(FY 2024) Out Year 6

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)

Additional pages attached.



Jefferson County Government

ANNUAL and FIVE YEAR PROJECT REQUEST and JUSTIFICATION

Prepared By: Deborah Lowe Date this form prepared: 12/14/2017

Project Title: Mobile Data Terminal Systems for Police Vehicles - Communications

Project Type: Acquisition of Major Equipment

Project Location: Jefferson County Sheriff's Office

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed Optional/Deferrable
 OR provide Ranking Number if using Form 2A: _____

Project Need: This project does not benefit new growth. This project only benefits new growth.
 This project benefits both current and new residents and/or businesses.

Budget Impact: This project will affect the county operating budget: Yes No
 (if Yes - attach Form 2B).

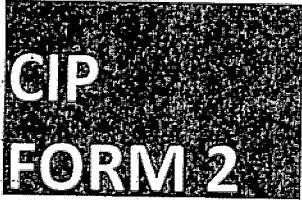
DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 - attach additional pages as needed)

The Jefferson County Sheriff's Offices uses Mobile Data Terminal Systems (MDTs) in their cruisers to operate the Computer Aided Dispatch System (CAD) when on the road. The MDTs enhances the ability to communicate with the emergency communication center and other police officers, thus reducing the volume of audibly transmitted radio traffic and increasing the security of the transmission which can provide an additional level of safety to the deputy. These MDTs would go in new vehicles for the expanded police force. With everything there is a life expectancy, additional costs are for replacements and docking stations for newly purchased cruisers that expand the current fleet.

Estimated Total Cost of Project (\$)	<u>\$184,500.00</u>	
Funding Request Breakdown by Year (\$):	<u>\$27,000.00</u>	(FY 2019) Current Request
		(FY 2020) All Other Sources
	<u>\$34,500.00</u>	(FY 2020) Out Year 2
	<u>\$31,500.00</u>	(FY 2021) Out Year 3
	<u>\$31,500.00</u>	(FY 2022) Out Year 4
	<u>\$31,500.00</u>	(FY 2023) Out Year 5
	<u>\$31,500.00</u>	(FY 2024) Out Year 6

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)

Additional pages attached.



Jefferson County Government

ANNUAL and FIVE YEAR PROJECT REQUEST and JUSTIFICATION

Prepared By: Deborah Lowe Date this form prepared: 12/14/2017

Project Title: Construction of New Jefferson County Sheriff's Office

Project Type: Construction

Project Location: Jefferson County

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed Optional/Deferrable
 OR provide Ranking Number if using Form 2A: _____

Project Need: This project does not benefit new growth. This project only benefits new growth.
 This project benefits both current and new residents and/or businesses.

Budget Impact: This project will affect the county operating budget: Yes No
 (if Yes - attach Form 2B).

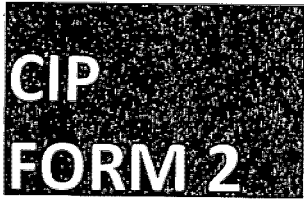
DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 - attach additional pages as needed)

The current base of operations for the Jefferson County Sheriff's Office was appropriated in the end of FY07/beginning of FY08. The building is a metal skinned building and even with the Kevlar lined exterior walls, does not meet the current "hardened" requirements and standards for a permanent police station as established by the Department of Justice and the Department of Homeland Security. The current building was bought and remodeled with the occupancy accomplished in May 2008. From the date of purchase and throughout the entire process, the current Sheriff's Office was designated as a "Temporary" Sheriff's Office. The newly constructed building will meet or exceed and DOJ/DHS standards. The new Sheriff's Office will be larger than the current 10,000 sq ft to allow room for growth and will be completely hardened and secure structure. (\$75,000 provided in FY 18).

Estimated Total Cost of Project (\$)	<u>\$6,000,000.00</u>	
Funding Request Breakdown by Year (\$):	<u>\$500,000.00</u>	(FY 2019) Current Request
		(FY 2020) All Other Sources
	<u>\$1,500,000.00</u>	(FY 2020) Out Year 2
	<u>\$1,900,000.00</u>	(FY 2021) Out Year 3
	<u>\$2,000,000.00</u>	(FY 2022) Out Year 4
	<u>\$25,000.00</u>	(FY 2023) Out Year 5
	<u>\$0.00</u>	(FY 2024) Out Year 6

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)

Additional pages attached.



Jefferson County Government

ANNUAL and FIVE YEAR PROJECT REQUEST and JUSTIFICATION

Prepared By: Deborah Lowe Date this form prepared: 12/14/2017

Project Title: Route 230/Uvilla Sub-station

Project Type: Construction

Project Location: Jefferson County

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed Optional/Deferrable
 OR provide Ranking Number if using Form 2A: _____

Project Need: This project does not benefit new growth. This project only benefits new growth.
 This project benefits both current and new residents and/or businesses.

Budget Impact: This project will affect the county operating budget: Yes No
 (if Yes - attach Form 2B).

DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 - attach additional pages as needed)

In an effort to improve upon our responses for the public's calls for service and provide Harpers Ferry/Shepherdstown communities with the level of police services that they deserve, a police facility (sub-station) should be placed in close proximity to these communities. A facility positioned along the Route 230 and Bakerton corridor would allow on duty deputies who are assigned to this area the ability to greatly reduce the response time to calls for service in these areas. This facility would also create an atmosphere of partnership and ownership between the community and the Sheriff's Office. This facility would allow those experiencing an emergency and immediate safe haven and a place where citizens and victims alike may meet with law enforcement to address issues, concerns, and to work on investigative matters, and to file police reports.

Estimated Total Cost of Project (\$)	<u>\$700,000.00</u>	
Funding Request Breakdown by Year (\$):	<u>\$0.00</u>	(FY 2019) Current Request
	<u>\$300,000.00</u>	(FY 2020) All Other Sources
	<u>\$400,000.00</u>	(FY 2020) Out Year 2
	<u>\$0.00</u>	(FY 2021) Out Year 3
	<u>\$0.00</u>	(FY 2022) Out Year 4
	<u>\$0.00</u>	(FY 2023) Out Year 5
	<u>\$0.00</u>	(FY 2024) Out Year 6

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)

Additional pages attached.

Divider 3

CIP FORM 1

Jefferson County Government

Agency/Department/Office Summary

Name of Agency/Department/Office: Jefferson County Parks & Recreation Commission

(1) Pri No	(2) PROJECT NAME DESCRIPTION	(3) ESTIMATED TOTAL COST.	(4) PRIOR ALLOC. SOURCE	(5) CURRENT REQUEST FY 2019	(6) CURRENT ALLOC. OTHER SOURCES	(7) EXPECTED FIVE-YEAR FUTURE PROGRAM REQUESTS				
						FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
						2	James Hite Park (Utilities)	1500000	0	100000
2	Maintenance Vehicle	45000	0	45000	0	0	0	0	0	0
2	Sam Michael's Park (Amphitheatre)	2000000	0	100000	0	100000	0	0	0	1800000
2	Land Acquisition	300000	0	100000	0	0	0	200000	0	0
3	Sam Michael's Park (Master Plan)	65000	0	65000	0	0	0	0	0	0
2	Sam Michael's Park (Community Center Addition)	1500000	0	750000	0	0	750000	0	0	0
3	South Jefferson Park (Master Plan)	75000	0	0	0	0	0	0	0	75000
3	Aquatic Facility Feasibility Study	45000	0	0	0	0	0	0	0	45000
2	James Hite Park (Parking)	100000	0	0	0	100000	0	0	0	0

CIP FORM 1

Jefferson County Government

Agency/Department/Office Summary

Name of Agency/Department/Office: Jefferson County Parks & Recreation Commission

(1) Pri No	(2) PROJECT NAME DESCRIPTION	(3) ESTIMATED TOTAL COST	(4) PRIOR ALLOC. SOURCE	(5) CURRENT REQUEST FY 2019	(6) CURRENT ALLOC. OTHER SOURCES	(7) EXPECTED FIVE-YEAR FUTURE PROGRAM REQUESTS				
						FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
2	James Hite Park (Dog Park)	65000	0	0	0	0	0	0	65000	0

CIP FORM 2

Jefferson County Government ANNUAL and FIVE YEAR PROJECT REQUEST and JUSTIFICATION

Prepared By: Jennifer Myers Date this form prepared: 11/17/2017

Project Title: Maintenance Vehicle

Project Type: Acquisition of Major Equipment

Project Location: Stored at JCPRC Maintenance Building to be used throughout the county.

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed Optional/Deferrable
OR provide Ranking Number if using Form 2A: _____

Project Need: This project does not benefit new growth. This project only benefits new growth.
 This project benefits both current and new residents and/or businesses.

Budget Impact: This project will affect the county operating budget: Yes No
(if Yes - attach Form 2B).

DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 - attach additional pages as needed)

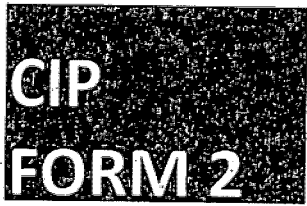
The JCPRC has four maintenance vehicles to maintain 10 parks and over 400 acres that spread across Jefferson County. With the additional maintenance of James Hite Park, which opened during the fall of 2016, JCPRC will have to hire additional seasonal maintenance staff as well as purchase a vehicle to transport staff, mowers and field equipment to the park on a daily basis. This truck will be heavy duty and able to transport 4 staff to the park, so 2 vehicles will not be needed each day.

Estimated Total Cost of Project (\$)	<u>\$45,000.00</u>	
Funding Request Breakdown by Year (\$):	<u>\$45,000.00</u>	(FY 2019) Current Request
	<u> </u>	(FY 2020) All Other Sources
	<u>\$0.00</u>	(FY 2020) Out Year 2
	<u>\$0.00</u>	(FY 2021) Out Year 3
	<u>\$0.00</u>	(FY 2022) Out Year 4
	<u>\$0.00</u>	(FY 2023) Out Year 5
	<u>\$0.00</u>	(FY 2024) Out Year 6

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)

The Jefferson County Parks & Recreation Commission estimated costs based on quotes received.

Additional pages attached.



Jefferson County Government

ANNUAL and FIVE YEAR PROJECT REQUEST and JUSTIFICATION

Prepared By: Jennifer Myers Date this form prepared: 11/17/2017

Project Title: Sam Michael's Park (Ampitheatre)

Project Type: Construction

Project Location: Jefferson County

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed Optional/Deferrable
 OR provide Ranking Number if using Form 2A: _____

Project Need: This project does not benefit new growth. This project only benefits new growth.
 This project benefits both current and new residents and/or businesses.

Budget Impact: This project will affect the county operating budget: Yes No
 (if Yes - attach Form 2B).

DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 - attach additional pages as needed)

This represents a long-term ongoing project targeted at alleviating deficiencies noted in the 2016 park master plan.

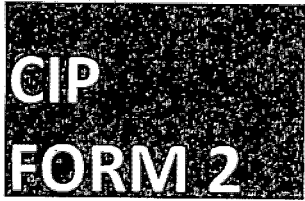
Amphitheaters can greatly vary in size and complexity. Depending on the size of the facility, use can range from facilitating a small gathering to serving as a venue for a major regional event. Studies performed to construct facilities in Sam Michael's Park illustrate the range of facilities that is possible. Cost aside, the size, location, and design can also dramatically impact the viability and utilization of a facility and therefore its sustainability. It appears that Jefferson County could support a large, more revenue intensive and revenue generating facility, which could serve both its resident population and compliment Jefferson County's larger tourism development goals.

Estimated Total Cost of Project (\$)	<u>\$2,000,000.00</u>	
Funding Request Breakdown by Year (\$):	<u>\$100,000.00</u>	(FY 2019) Current Request
		(FY 2020) All Other Sources
	<u>\$100,000.00</u>	(FY 2020) Out Year 2
	<u>\$0.00</u>	(FY 2021) Out Year 3
	<u>\$0.00</u>	(FY 2022) Out Year 4
	<u>\$0.00</u>	(FY 2023) Out Year 5
	<u>\$1,800,000.00</u>	(FY 2024) Out Year 6

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)

The Jefferson County Parks & Recreation Commission estimated costs based on the 2016 Park Master Plan and quotes received.

Additional pages attached.



Jefferson County Government
ANNUAL and FIVE YEAR PROJECT REQUEST
and JUSTIFICATION

Additional pages attached.

CIP FORM 2

Jefferson County Government ANNUAL and FIVE YEAR PROJECT REQUEST and JUSTIFICATION

Prepared By: Jennifer Myers Date this form prepared: 11/17/2017

Project Title: Sam Michael's Park (Master Plan)

Project Type: Other

Project Location: Sam Michael's Park

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed Optional/Deferrable
 OR provide Ranking Number if using Form 2A: _____

Project Need: This project does not benefit new growth. This project only benefits new growth.
 This project benefits both current and new residents and/or businesses.

Budget Impact: This project will affect the county operating budget: Yes No
 (if Yes - attach Form 2B).

DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 - attach additional pages as needed)

This represents a long-term ongoing project targeted at alleviating deficiencies noted in the 2016 park master plan.

Design and implement a grand vision for Sam Michael's Park that elevates the park to a true county-scale and "the premiere" park facility for Jefferson County (130+ acres)

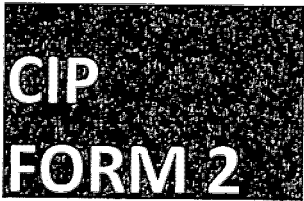
Sam Michael's Park needs a truly comprehensive master plan that takes into account all of the opportunities within the current site and to explore the opportunities to acquire adjacent land which in some manner can be directly connected to the existing park.

Estimated Total Cost of Project (\$)	<u>\$65,000.00</u>	
Funding Request Breakdown by Year (\$):	<u>\$65,000.00</u>	(FY 2019) Current Request
		(FY 2020) All Other Sources
	<u>\$0.00</u>	(FY 2020) Out Year 2
	<u>\$0.00</u>	(FY 2021) Out Year 3
	<u>\$0.00</u>	(FY 2022) Out Year 4
	<u>\$0.00</u>	(FY 2023) Out Year 5
	<u>\$0.00</u>	(FY 2024) Out Year 6

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)

The Jefferson County Parks & Recreation Commission estimated costs based on past expenditures and quotes received.

Additional pages attached.



Jefferson County Government

ANNUAL and FIVE YEAR PROJECT REQUEST and JUSTIFICATION

Prepared By: Jennifer Myers Date this form prepared: 11/17/2017

Project Title: Sam Michael's Park (JCCC Addition)

Project Type: Construction

Project Location: Sam Michael's Park

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed Optional/Deferrable
 OR provide Ranking Number if using Form 2A: _____

Project Need: This project does not benefit new growth. This project only benefits new growth.
 This project benefits both current and new residents and/or businesses.

Budget Impact: This project will affect the county operating budget: Yes No
 (if Yes - attach Form 2B).

DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 - attach additional pages as needed)

This represents a long-term ongoing project targeted at alleviating deficiencies noted in the 2016 park master plan.

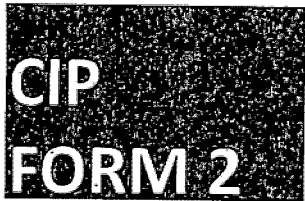
There is a great need for additional indoor recreation space. Therefore the recreation center at Sam Michael's Park should be expanded to include another gym, a larger fitness center, an indoor track and additional activity rooms. The assessment of the ability to accommodate the expansion of the facility should be done at the same time as a master plan is created for the entire Sam Michael's Park. This recommendation is consistent with recommendations made in Jefferson County's 2035 Comprehensive Plan.

Estimated Total Cost of Project (\$)	\$1,500,000.00	
Funding Request Breakdown by Year (\$):	\$750,000.00	(FY 2019) Current Request
	\$0.00	(FY 2020) All Other Sources
	\$0.00	(FY 2020) Out Year 2
	\$750,000.00	(FY 2021) Out Year 3
	\$0.00	(FY 2022) Out Year 4
	\$0.00	(FY 2023) Out Year 5
	\$0.00	(FY 2024) Out Year 6

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)

The Jefferson County Parks & Recreation Commission estimated costs based on past expenditures and quotes received.

Additional pages attached.



Jefferson County Government

ANNUAL and FIVE YEAR PROJECT REQUEST and JUSTIFICATION

Prepared By: Jennifer Myers Date this form prepared: 11/17/2017

Project Title: South Jefferson Park (Master Plan)

Project Type: Other

Project Location: South Jefferson Park

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed Optional/Deferrable

OR provide Ranking Number if using Form 2A: _____

Project Need: This project does not benefit new growth. This project only benefits new growth.

This project benefits both current and new residents and/or businesses.

Budget Impact: This project will affect the county operating budget: Yes No

(if Yes - attach Form 2B).

DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 - attach additional pages as needed)

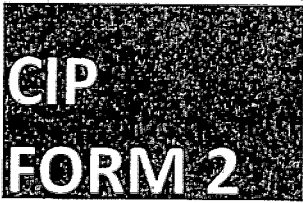
Prepare a Master Site Development Plan for the park to address the issue of the preferred mix of facilities within the park.

Estimated Total Cost of Project (\$)	<u>\$75,000.00</u>	
Funding Request Breakdown by Year (\$):	<u>\$0.00</u>	(FY 2019) Current Request
	<u>\$0.00</u>	(FY 2020) All Other Sources
	<u>\$0.00</u>	(FY 2020) Out Year 2
	<u>\$0.00</u>	(FY 2021) Out Year 3
	<u>\$0.00</u>	(FY 2022) Out Year 4
	<u>\$0.00</u>	(FY 2023) Out Year 5
	<u>\$75,000.00</u>	(FY 2024) Out Year 6

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)

The Jefferson County Parks & Recreation Commission estimated costs based on quotes received.

Additional pages attached.



Jefferson County Government

ANNUAL and FIVE YEAR PROJECT REQUEST and JUSTIFICATION

Prepared By: Jennifer Myers Date this form prepared: 11/17/2017

Project Title: Aquatic Facility Feasibility Study

Project Type: Other

Project Location: Jefferson County

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed Optional/Deferrable
 OR provide Ranking Number if using Form 2A: _____

Project Need: This project does not benefit new growth. This project only benefits new growth.
 This project benefits both current and new residents and/or businesses.

Budget Impact: This project will affect the county operating budget: Yes No
 (if Yes - attach Form 2B).

DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 - attach additional pages as needed)

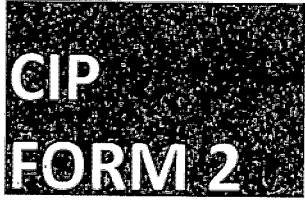
This represents a long-term ongoing project targeted at alleviating deficiencies noted in the 2016 park master plan.

The need for a full service indoor aquatics facility is highly apparent and was by far the most commonly expressed desire in terms of new facilities for Jefferson County, throughout the community outreach aspect of the 2016 Master Plan's preparation. Aquatic facilities were universally identified as the top facility type requested by the public. With the exception of the small and outdated pool at Charles Town's Jefferson Memorial Park and the facility at Shepherd University, Jefferson County lacks indoor and adequate outdoor aquatics facilities. Due to cost and complexity of creating a major aquatics facility, whether indoor or outdoor, it is not likely that Jefferson County would be able to construct and sustainably operate such a facility. Therefore the most logical, and likely the most viable approach is for Jefferson County to partner with the school District. This partnership would include undertaking a comprehensive feasibility to determine the ideal, sustainable and cost effective aquatic facility or facilities to be constructed in Jefferson County. The feasibility study would also address a pathway forward for a partnership agreement between the two entities to advance the project, including raising capital, if deemed viable.

If planned and designed properly they can serve as important destination and revenue generators to aid in financial operation.

The feasibility study would also address a pathway forward for a partnership agreement between the two entities to advance the project, including raising capital, if deemed viable.

Estimated Total Cost of Project (\$)	<u>\$45,000.00</u>	
Funding Request Breakdown by Year (\$):	<u>\$0.00</u>	(FY 2019) Current Request
	<u> </u>	(FY 2020) All Other Sources
	<u>\$0.00</u>	(FY 2020) Out Year 2
	<u>\$0.00</u>	(FY 2021) Out Year 3
	<u>\$0.00</u>	(FY 2022) Out Year 4



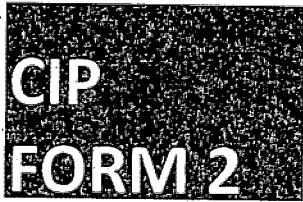
Jefferson County Government
**ANNUAL and FIVE YEAR PROJECT REQUEST
and JUSTIFICATION**

<u> \$0.00</u>	(FY 2023) Out Year 5
<u> \$45,000.00</u>	(FY 2024) Out Year 6

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)

The Jefferson County Parks & Recreation Commission estimated costs based on past expenditures and quotes received.

Additional pages attached.



Jefferson County Government

ANNUAL and FIVE YEAR PROJECT REQUEST and JUSTIFICATION

Prepared By: Jennifer Myers Date this form prepared: 11/17/2017

Project Title: James Hite Park (Parking)

Project Type: Construction

Project Location: James Hite Park

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed Optional/Deferrable
 OR provide Ranking Number if using Form 2A: _____

Project Need: This project does not benefit new growth. This project only benefits new growth.
 This project benefits both current and new residents and/or businesses.

Budget Impact: This project will affect the county operating budget: Yes No
 (if Yes - attach Form 2B).

DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 - attach additional pages as needed)

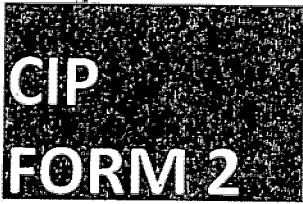
This represents a long-term ongoing project targeted at alleviating deficiencies noted in the 2016 park master plan. James Hite Park currently lacks basic park amenities and adequate parking.

The project involves construction of two additional parking lots at James Hite Park to continue Phase II development to alleviate current congestion with use as new amenities are constructed. Currently, over 1000 children and adults are using the park for recreational and leisure purposes.

It is anticipated that multiple components of this improvement will involve partnership initiatives with local user groups assuring their continuous input and cementing their vested interest in the project as well as funding through grants and donations. Thus department resources will be used in conjunction with grant money and matching monies from user groups to achieve these goals. It must be noted that cost reflected in this CIP reflect total expected costs were the department to assume the entire cost with no input from grant or partnership funding. It is expected that actual cost to the department will be lower as a result of alternative funding streams.

Estimated Total Cost of Project (\$)	<u>\$100,000.00</u>	
Funding Request Breakdown by Year (\$):	<u>\$0.00</u>	(FY 2019) Current Request
	<u> </u>	(FY 2020) All Other Sources
	<u>\$100,000.00</u>	(FY 2020) Out Year 2
	<u>\$0.00</u>	(FY 2021) Out Year 3
	<u>\$0.00</u>	(FY 2022) Out Year 4
	<u>\$0.00</u>	(FY 2023) Out Year 5
	<u>\$0.00</u>	(FY 2024) Out Year 6

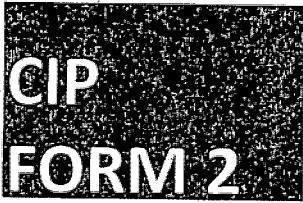
DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)



Jefferson County Government
**ANNUAL and FIVE YEAR PROJECT REQUEST
and JUSTIFICATION**

The Jefferson County Parks & Recreation Commission estimated costs based on past expenditures and quotes received.

Additional pages attached.



Jefferson County Government
**ANNUAL and FIVE YEAR PROJECT REQUEST
and JUSTIFICATION**

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)

The Jefferson County Parks & Recreation Commission estimated costs based on past expenditures and quotes received.

Additional pages attached.

Divider 4

CIP FORM 1

Jefferson County Government

Agency/Department/Office Summary

Name of Agency/Department/Office: Jefferson County Emergency Services Agency

(1) Pri No	(2) PROJECT NAME DESCRIPTION	(3) ESTIMATED TOTAL COST	(4) PRIOR ALLOC. SOURCE	(5) CURRENT REQUEST FY 2019	(6) CURRENT ALLOC. OTHER SOURCES	(7) EXPECTED FIVE-YEAR FUTURE PROGRAM REQUESTS				
						FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
						1	JCESA Mortgage	81000	0	81000

MEMORANDUM

Jefferson County, West Virginia
Offices of Engineering, Building Permits & Inspections
and
Ordinance Compliance & Floodplain Management

TO: Jefferson County Commission
Stephanie Grove, County Administrator

FROM: Roger Goodwin, PE, CFM
Chief County Engineer

DATE: January 31, 2018

SUBJECT: **Engineering Offices Quarterly Update Report – 4th Quarter 2017**

1. Projects Undertaken/Underway:

A. Bonding:

- i) Chapel View Subdivision (03-11) – The developer defaulted on their obligation to complete all the required site improvements for the subdivision. Bond funds in the amount of \$225,638.00 are being held in a bank escrow account for the completion of the required site improvements.
- ii) Smith Mountain View Estates Subdivision (02-06) - The developer defaulted on their obligation to complete all the required site improvements for the subdivision. The engineering staff completed a preliminary scope of work and quantities, and cost estimates for completing the site improvements. Bond funds in the amount of \$38,120.00 are being held in a bank escrow account to use toward completing the remaining site work.

Staff is in the process of obtaining surveyor's proposals to create and record an additional road access easement needed to complete the work. A scope of work and a cost estimate are being prepared in order to advertise the project for bids.

B. Property Safety Ordinance:

- i) The Property Safety Enforcement Agency board currently has two active complaints/cases. We are working with the property owners to bring the properties into compliance.

C. Ordinance Compliance:

- i) Mason Carter, Ordinance Compliance Officer, is handling approximately 40 active citizen complaints and violations of various ordinances.
- ii) Mason Carter and I are also working with Nathan Cochran, Assistant Prosecuting Attorney, on a response to defendant's request for discovery and preparing for the hearing on an injunction filed in circuit court to halt the creation of a salvage yard, which is a violation of the Salvage Yard Ordinance. The property is located along WV Route 115 (old route 9) on the east side of Kearneysville.

D. Floodplain Management:

- i) Mason Carter is working with the GIS Office to scan all FEMA floodplain Letters of Map Amendment (LOMA) and Letters of Map Revision (LOMR) into the GIS mapping system so the information can be more efficiently obtained by staff and citizens for building permits and flood insurance rate purposes.
- ii) **Reviewing plans for a BCPSD sanitary sewer project, prepared by Thrasher Engineering, with utility work located in the Opequon Creek floodplain, to ensure compliance with the Floodplain Ordinance.**

E. Impact Fees:

- i) Processing impact fee applications for new construction.
- ii) **The Impact Fees Program Specialist is in the process of preparing the CY 2017 Impact Fees Annual Report; and the FY 2019 Impact Fees Capital Improvement Plan for the following entities:**
 - **Jefferson County School Board (schools)**
 - **Jefferson County Parks & Recreation (parks)**

- Sheriff (law enforcement)
- Emergency Services Agency (EMS/ambulance)

F. Building Code:

- i) Processing building permit applications and performing inspections.

G. Other:

- i) Sink Hole at the Bardane Industrial Park – engineering staff is working with the West Virginia Department of Environmental Protection (WVDEP) on a solution to the sinkhole and waste water treatment plant/lagoon violations. Both are on a parcel of land owned by the Jefferson County Commission.

The WVDEP approved the Lagoon Decommission & Sinkhole Remediation Plan on October 6, 2017. Engineering staff will move forward with advertising a request for proposals (RFP) for a consulting engineering firm to provide design and surveying services for the project.

The County Commission accepted a proposal from Potesta Engineers and Environmental Consultants to engineer the fix to decommission the WWTP lagoon and remediate the sinkhole.

- ii) I am working with Nathan Cochran, assistant prosecuting attorney, on an appeal of the WVDEP order issued to the Emergency Services Agency (ESA), for their facility at 419 16th Avenue in the City of Ranson, by the West Virginia Department of Environmental Protection (WVDEP). The order requires that the ESA bring the site into compliance by applying for an industrial discharge permit for their stormwater runoff from their site. The appeal hearing before the Environmental Quality Board is scheduled for July 27th.

On September 25, 2017, the WVDEP informed us that they want to come to an agreement that will eliminate the violation and the need for an industrial discharge permit for the stormwater runoff from the site. The existing Stormceptor device will need to be modified by the ESA as part of this agreement. Engineering is waiting on the letter from the WVDEP formalizing the agreement before moving forward with modifying the device.

- iv) **Engineering staff is working with GIS & the IT staff on implementing the content management system, including the installation of software and equipment. Staff is in the process of moving the building permit application and inspection process to the CMS system.**
- v) **Planning & Zoning staff presented a set of proposed amendments to the subdivision regulations to the planning commission on October 10, 2017. The planning commission set a public hearing on the amendments for November 14th.**

The amendments are intended to clarify the intent and meaning of sections of the regulations in order to make them more understandable.

- vi) **Department Restructuring Implementation Plan - continuing to work on a few remaining implementation plan tasks in order to complete the implementation plan.**

2. Projects/Training Completed:

- **Completed training on October 19 & 20, 2017: “Designing Pedestrian Facilities for Accessibility (ADA)”.**
- **On November 8, 2017, completed the American Society of Civil Engineer’s: “Ethical Behavior: The Key to Earning Trust” webinar.**
- **On November 28, 2017, completed the American Society of Civil Engineer’s: “Project Team & People Management – Part II” webinar.**
- **Met with Nic Deal, director of the JCDA, to review a new GIS map of the Bardane Industrial Park. The purpose of the map is to clearly show the utility easements, drainage easements, the building code and zoning setback requirements, and the buildable area of each lot. We believe it will be a useful tool to assist with economic development in the industrial park.**
- **Worked on the FY 2019 department budget submission.**

3. Projects Proposed:

- A. **Get the land development standard construction details updated and put into a digital/AutoCAD format, to supplement the requirements of the Subdivision, Zoning, and Stormwater Management ordinances.**

4. Items Requiring Commission Attention:

None at this time.

Note: The projects noted above are in addition to maintaining the daily operations of the Office of Building Permits & Inspections, the Office of Impact Fees, administering the land development bonding process, performing land development inspections, performing land development plan reviews for the Planning Commission, administering floodplain management, investigating citizen complaints and carrying out ordinance compliance efforts, and completing statutory continuing education and certification requirements, etc.

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Jefferson County GIS/Addressing Office

DEPARTMENTAL MEMORANDUM

TO: Roger Goodwin, Director and Chief County Engineer
FROM: Todd Fagan, GIS Manager
DATE: January 9th, 2018
SUBJECT: GIS Office Quarterly Update Report- 2017, 4th Quarter



1. PROJECTS COMPLETED

- a. Training: FEMA Winter Weather Hazards course, US Census Bureau LUCA Workshop 11/18/17
- b. General Staff Support

Agency	Request for service
JC Emergency Communications	Updated CAD mapping data each month, Troubleshoot CAD/Mapping issues, Closed 12 CAD Mapping Support Tickets. Updated several Common Place Names and Points of Interest (POI) to CAD map. Closed 1 outstanding Spillman Support Case related to POI validation.
JC IT	Attended monthly IT squad meetings. Updated several web pages; created MyGovOnline map for staff use only.
JC PZ&E	Conducted staff reviews of 5 Pre-Proposal Conferences and 5 Final Plats that impact 911 addressing. Assisted Office Manager with 28 hours as backup Permit Technician and reconciliation of fee collection and receipts. Scanned 195 ILP permit files (2012). Digitized 4 LOMA/LOMRs into the floodplain map. End-of-year Zoning Map update and published to web. Assisted Department Director with FY19 budget preparation.
JC Commission	Confirmed addresses and parcel info for various requests.
JC EDA	Met with new Director, discussed available maps, data, and created a composite map and table for marketing of vacant lots, showing development potential relative to utilities, platted easements and zoning setbacks.
JC FPB	Easement Map and Database updates (Gap View Farm)
JC Parks & Rec	Updated Sam Michaels Park map to include new features like the dog park.
JC Assessor	Coordinated contract for Spring 2018 aerial photography.
Fire Companies	Performed hydrant proximity analysis, drafted "K" boxes for anticipated response in non-hydranted areas, and printed response maps for Company 1
Public	Handled routine requests from Public re: address verification. Addressing Ordinance interpretation re: re-addressing and appeals. Fulfilled data requests for JC Board of Education, Shepherd University, Charles Town, WVDEP, Washington County, MD, and Comcast. Road sign maintenance: (8 repairs, 5 replacements, 6 new installations).
Charles Town	Updated City Final/Approved Historic Overlay District Expansion Map.
Ranson	Various re-addressing issues.
Shepherdstown	Assisted with road name approvals and addressing for new development.
Harpers Ferry/Bolivar	Completed first field inspections for HF Address Compliance project. Made BV boundary map.
US Postal Service	Answered addressing inquiries.

2. PROJECTS IN PROGRESS

- a. 911 CAD Ongoing technical support for CAD and continued adjustments to modelled data extraction, compilation workflows, mapping content, quickest routing services, address record maintenance, etc.
 - i. Working with 911 Deputy Director on "CAD Down" paper backup procedures.
- b. GIS Data Maintenance
 - i. 64 new addresses, 1 new subdivision, and 1 new road added due to new construction permits and subdivision reviews.
- c. MyGovernmentOnline Permitting Software and Content Management System
 - i. Vendor staff was onsite, for 2 weeks late in October, to implement the system, train staff on Permit Intake, Document Scanning, Fee Collection, Ordinance Compliance Review, Digital Plan Review, Inspection Management, and one-on-one sessions. Go Live was November 1st, 2017. Since then, staff has processed 138 permits and issued 8 U&O's in the new environment.
 - ii. Refined all default workflow requirements, efficiently passing the application from staff to staff based on task sequence dependencies. Closed out 13 of 24 requests for support and enhancements. We discussed the new system with County Assessor to determine critical elements to assist Appraisers. IT staff installed a public access kiosk.
 - iii. Upcoming tasks; a) Import legacy permit database to MyPermitNow, b) Identify program enhancements, c) redesign interface layout to improve efficiency and match our intake process, d) automate database backups to local server, e), investigate a routing tool for inspectors, f) begin strategizing P&Z and Ordinance compliance modules, g) integrate State contractor database with permitting system, and h) reach out to architects, engineers, and developers regarding digital submission of plans vs. paper copies.
- d. Credit Card and Online Payment
 - i. Researching options for citizens to pay land development and permitting fees with a credit card or online. May require consideration of additional service fee or technology fee to cover processing costs.
- e. Harpers Ferry Address Compliance Program
 - i. Collaborative agreement with Town officials. Completed field surveys of ~282 addresses within the town limits. Currently mailing out first violation letters to those found to be non-compliant.
- f. US Census Bureau's Local Update of Census Addressing (LUCA)
 - i. GIS staff has attended a training workshop in November 2017 and partnered with each of the municipalities in reviewing federal data against local, authoritative address and road data. Anticipate heavy staff involvement in February –April 2018

3. COMMISSION SHOULD BE AWARE OF:

- a. Staff conducting research into statutes regarding digital archiving:
 - i. In an effort to reduce consumption and storage of paper, staff is investigating how the County may accept digital applications, digital signatures, digital plans and how we can build an electronic archive to replace and dispose of old, paper records. Items of concern are:
 - a) Digital submission of architectural and engineering plans
 - b) Legal recognition of Electronic Signatures and certified acceptance of responsibility
 - c) Electronic Records Retention policies

Quarterly Report for Office of Planning and Zoning

2nd Quarter – FY 2018 (October 1, 2017 – December 31, 2017)

PROJECTS UNDERTAKEN/COMPLETED

PLANNING COMMISSION ITEMS		
Planning Commission Meetings:		5 Meetings 2 nd Quarter
Subdivision Regulations Text Amendments		1 Total
		Status
STA16-01	Amendments related to sections requiring frequent interpretations and issues, including but not limited to processing mergers/lot line adjustments; contents of minor subdivisions, etc.	PC recommended approval to CC 11/14/17; CC PH scheduled for 1/18/18
Zoning Ordinance Text Amendments		4 Total
		Status
ZTA17-03	Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, Section 5.7(D) Maximum Number of Lots Allowed [in the Rural zoning district].	PC Petition 12/12/17; CC PH scheduled for 2/15/18
ZTA17-02	In August, 2017, the County Commission requested that Planning Commission prioritize initiating draft development guidelines for the Shepherdstown Route 45 Corridor Special Design Area (SDA). The Planning Commission directed County Staff to work with the Town of Shepherdstown staff to initiate a discussion that would lead to the guidance of the development of SDA guidelines.	Staff attended the 11/20 & 12/18/17 Shepherdstown PC meetings
ZTA17-01	Staff initiated research on amendments to Article 10, Sign Regulations, of the Jefferson County Zoning and Land Development Ordinance. A two-hour Planning Commission Member Training on Signage Laws was held including presentations by the WVU Law Clinic and by a member of the signage industry discussing electronic message boards.	PC Training Session 11/28/17
ZTA16-02	Amendment to the Zoning Ordinance to implement the recommendations of the Envision Jefferson 2035 Comp Plan regarding Historic Resource Demolition and Adaptive Reuse and provisions in the Village Zone	PC recommended approval to CC 12/14/17; CC Public Hearing scheduled for 2/15/18

Waiver/Variance from Sub. Regulations (PC)		2 Total	Status
PCW17-05	Dale S. Jr. & Pamela Dugan 30' access to proposed Family Transfer Waiver from Section 20.201(A)2 of the Subdivision Regulations which allows lots in the Rural District with a minimum road frontage of 200' to front on an existing road right of way having a width of 50'; for a proposed lot with 30' of access via a pipe stem from Possum Trot Lane		Approved 12/12/17 PC
PCW17-04	Shepherdstown Public Library Waiver from Section 24.108.C. of the Subdivision and Land Development Regulations that requires a Site Plan be submitted within two years from receiving Concept Plan approval; to request a 1 (one) year extension of the Concept Plan approval.		Approved 11/14/17 PC
Major Subdivisions (PC)		1 Total	Status
17-06	Colonial Hills SD Phase 3A S/D – 61 Townhouses Preliminary Plat received 07/06/17; deemed complete 12/14/17		Public Hearing 12/19/17
Concept Plan (Public Workshop before PC)		1 Total	Status
17-20	Ancient Oaks Estates (Larry Boyd) -- 8 Lot Major Cluster Subdivision Lots Concept Plan Submitted 12/30/17		Public Workshop scheduled for 2/13/18
No Concept Plans this Quarter			
Zoning Map Amendments/Rezoning Requests (PC)		1 Total	Status
Z17-03	Rankin Properties, LLC, Property Owner NE WV Alt 45 & WV 480 south of Shepherdstown, WV Request to rezone from Residential Growth (RG) to General Commercial (GC)		PC found ZMA to be consistent with Comp Plan 10/10/17; CC PH held 11/2/17; CC approved ZMA 11/16/17
Long Range Planning:			Status
No long range projects this Quarter			

BOARD OF ZONING APPEALS ITEMS		
Board of Zoning Appeals Meetings:		3 meetings 2 nd Quarter
Zoning Variance Requests (BZA)		7 Total
		Status
ZV17-21	Alicia McCormick, 2659 Engle Molers Road, Harpers Ferry Variance from Section 9.7 to reduce the side setback from 12' to 3' for a 44' x 16' greenhouse	Approved 12/14/17 BZA Meeting
ZV17-20	SPARC LLC, 201 Motorsports Park, Circle, Summit Point Variance from Section 4.11A.1 & Appendix B of the current Zoning Ordinance; and Sec. 4.16 of the 2009 Zoning Ordinance (setbacks) to allow a 50' unscreened buffer and to reduce the building setbacks and buffer along the north boundary line for the purpose of extending the existing shooting ranges as part of the approved Vocational and/or Training Facility for Adults	Approved 12/14/17 BZA Meeting
ZV17-19	Brian and Angela Wilt, 38 John Brown Farm Road, Harpers Ferry Variance from Section 5.7(b) to reduce the front setback from 40' to 23' for a proposed 24' x 26' detached garage; and from Section 9.6(c) to allow an accessory structure in the required front yard	Approved 12/14/17 BZA Meeting
ZV17-18	owner: Karen Ashby-Bowers and Larry Bowers applicant: Middleway, Grace Episcopal Church Variance request to Reduce front setback from 25' to 5' for a proposed sign.	Approved 12/14/17 BZA Meeting
ZV17-17	Middleway United Methodist Church, 7435 Queen Street, Kearneysville Variance Request from Appendix B for a reduction of the side and rear setback from 50' to 6' to allow for the construction of a 12' x 20' storage building.	Approved 11/09/17 BZA Meeting
ZV17-15	Beallair Homes, LLC; Beallair Subdivision. Variance from Section 5.4(b) to reduce the front setback from 25' to 10' for Lots 283 through 289; for Lots 290 through 296; for Lots 297 through 304; and to reduce the front setback distance from 25' to 18' for Lot 297.	Approved 10/26/17 BZA Meeting (Postponed from 09/28/17)
ZV17-14	Beallair Homes, LLC.; Beallair Subdivision Variance request from Section 5.4(b) to reduce the front setback for the townhome lots from 25' to 10' along a one-way alley (Clover Lea Way, Lots 50 – 67 fronting on Lewis Washington Dr. & Claymont Hill St. & utilizing Clover Lea Way for their access.	Approved 10/26/17 BZA Meeting (Postponed from 09/28/17)
Conditional Use Permit (CUP) Applications (BZA)		3 Total
		Status
CUP17-04	Owner: SAGA Holdings, LLC. Applicant: Dolgencorp, LLC: Request to add tobacco, beer, and wine sales to the existing Dollar General as a Retail Sales, Limited land use. Location: 4735 Middleway Pike, Kearneysville; Zone: Rural	Approved 10/26/17 BZA Meeting (Postponed from 09/28/17)
CUP17-05	Owner: Jefferson County Development Authority. Applicant: Blossman Gas	Approved 11/09/17 BZA Meeting

	Request to allow for a propane distribution facility to consist of two 30,000 gallon propane storage tanks for distribution to residential, commercial, & industrial properties; a 2,500 square foot structure to house an office, a warehouse and retail sales area; vehicle tank storage area; and associated customer/employee parking. Location: Burr Industrial Park, Lot 12; Size: 2.31 acres; Zone: IC.	
CUP17-06	Owner: Kentland Foundation, Inc. Applicant: Ryan Perks, Gordon Request for a dine-in and drive through coffee shop (Starbucks) with parking and signage. Proposed use as defined by Article 2: Restaurant, Fast Food, Drive Through. Location: Somerset Village Shopping Center, 58 Somerset Blvd. Size: 15 acres; Zone: Residential-Light Industrial-Commercial	Approved 12/14/17 BZA Meeting
Special Exception (SE) Applications (BZA)		1 Total
SE17-01	Property Owner: Karen Ashby-Bowers and Larry V. Bowers. Applicant: Bill Grantham, Trustee for Grace Episcopal Church. Request to allow an off-site outdoor advertising sign for Grace Episcopal Church; the 24" x 36" sign is proposed to hang from an 11.5' tall post. Location: 112 King Street, Middleway; Zone: Village.	Approved 12/14/17 BZA Meeting
Zoning Appeal of Administrative Decision (BZA)		0 Total
No Administrative Appeals this Quarter		

PLANNING & ZONING STAFF ITEMS		
Pre-Proposal Conference (PPC) Meetings:		7 Total (5 Subdivision & 2 Site Plan)
Information Request Forms (IRFs -- general inquiries from the public; generally provided written responses):		25 Total
Zoning and Land Development Fees Collected:		\$ 6,612.50
Zoning Certificates Issued		7 Total
		Status
ZC17-39	Laura Goddard, Mountain View Polo 261 Falcon Ridge Dr., Charles Town Recreational and equestrian uses of Common Area in private ownership Zone: Rural	Pending
ZC17-38	Kenneth L. Wilt, Wilt Cell Tower 1280 Wilt Rd, Charles Town Modification of existing antenna array by replacing or adding antenna and radio boxes behind antennas on existing cell tower. No new electric required. Height and footprint will not increase. Zone: Rural	Pending
ZC17-37	Barbara Williamson 895 Ridge Road, Shenandoah Junction Accessory Dwelling Unit Per Section 8.15(A) - Ag Unit Zone: Rural	Approved 11-21-17
ZC17-36	Sebbahi Real Estate 99 Cary Lu Circle, Harpers Ferry An 8' x 20' BBQ food trailer, including a table located on a grass bump-out in the parking lot. Zone: R-LI-C	Approved 11/08/17
ZC17-35	Robert and Delia Garza, Tri State Pet Care, LLC 10101 Leetown Road, Kearneysville Kennel per Section 8.4 Zone: Rural	Approved 11/08/17
ZC17-34	Nancy and Charles Stevens 1122 Duncan Rd, Harpers Ferry WV Bed and Breakfast per Section 8.3 consisting of 7 rooms; 4 tented receptions/year; the owners reside on the property Zone: Rural	Approved 10-06-17
ZC17-33	American Towers, LLC Raven Rock, 17340 Poppy Road, Bluemont, VA Co-locate weather monitoring equipment on existing tower, including ground-level support equipment Zone: Rural	Approved 10/30/17
Denied Zoning Certificates		NONE

Minor Site Plans (Staff)		6 Total	Status
S17-12 (replaces S16-07)	Jefferson County Convention and Visitor's Bureau Visitor's Center; Harpers Ferry, WV Addition to existing building (revised in 2017) Submitted: 11/16/17		Under review; awaiting resubmittal
S17-11	SPARC Range Extension; Summit Point, WV Proposed range extension for the Summit Point Auto Research Center Submitted: 10/11/17		Approved 12-18-17
S17-10	SPARC, LLC; Summit Point, WV Proposed Staging Area for Summit Point Motorsports Park Submitted: 08/08/17		Approved 10-06-17
S17-08	Popeye's Restaurant; Owner: Sharp, Best & Brown, LLC, 805 East Washington Street, Charles Town Proposed project consists of the construction of a Popeye's Restaurant with drive-thru and supporting infrastructure, parking, lighting, and landscaping Submitted: 05/16/17		Approved 10-04-17
S17-06	Fellowship Bible Church, Phase 1B; Contact: Rich Beddow 4160 Daniels Road, Shenandoah Junction Proposed project: 4,400 sf pole building for storage/maintenance Submitted: 04/14/17		Under review; awaiting resubmittal
S17-04	River Riders/Cliffside Inn Connector Road 408 Allstadts Hill Rd, Harpers Ferry Design and construction of toad connecting River Riders and the Clarion Harpers Ferry Hotel and redesign of Allstadts Hill Road to access Clarion Harpers Ferry Hotel parking lot. Submitted: 02/16/17		Under review; awaiting resubmittal

Minor Subdivisions (Staff)		11 Total	Status
17-19	David Lutman Submitted 12/7/17		Under Review
17-18	Michael Propst Parent to Child MSD Submitted 10/27/17		Approved 12/17/17
17-17	Osprey Holdings LLC MSD Parcel 1 Riverside - South End Submitted 10/18/17		Approved 12/07/17
17-16	Kevin C Keegan MSD -- Lots 1, 2 & 3-Residue Submitted 10/12/17		Approved 11/08/17
17-15	William Macoughtry MSD -- Lots 3 & 4 Submitted 10/11/17		Approved 11/08/17
17-14	Andrew D. W. Lowe & Kenneth F. Lowe MSD -- Lots 1 & 2-Residue Submitted 9/20/17		Approved 10/13/17
17-13	Leathers MSD -- Lot B (Residue) & C Submitted 9/19/17		Approved 10/30/17

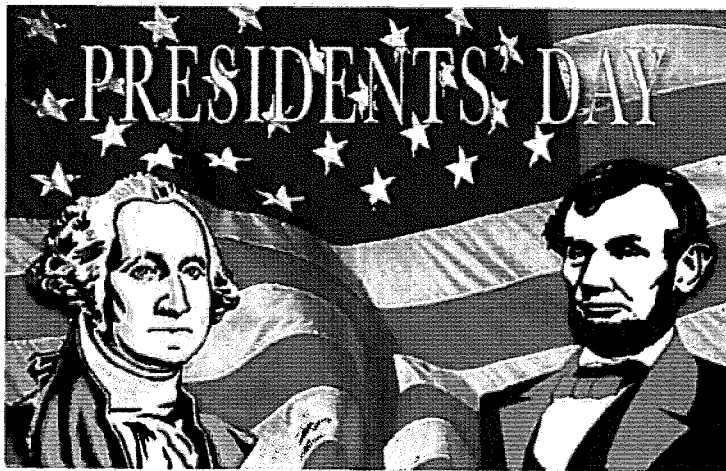
1/18/2018

17-11	Holloway MSD - Lot 1 & Lot 2 (Residue) Submitted 8/16/17	Approved 10/30/17
17-10	Quynn MSD - Lot 3 (Residue) 4 & 5 Submitted 6/9/17	Approved 11/16/17
17-09	K&K Properties MSD -- Lot 1 & Residue Submitted 5/17/17	Approved 11/22/17
17-04	Phillip Everhart MSD - Lot 1 & Lot 2 (Residue) Submitted 2/13/17	Approved 10/18/17
Boundary Line Adjustments (Staff)		14 Total
		Status
M17-30	Aldis Merger & Minor Plat Change Submitted 12/28/17	Pending
M17-29	Shepherd Grade LLC Merger & Minor Plat Change Submitted 12/19/17	Pending
M17-28	Watson Merger Submitted 12/8/17	Approved 12/20/17
M17-27	Kurz Merger Submitted 12/08/17	Approved 12/14/17
M17-26	Watson/Poe Merger Submitted 11/29/17	Approved 12/20/17
M17-25	Knight/Leonard Merger Submitted 11/29/17	Approved 12/15/17
M17-24	Edwards/Middleway Volunteer Fire Co Merger Submitted 11/8/17	Approved 12/07/17
M17-23	Colloton/Burzio Merger Submitted 10/23/17	Approved 10/30/17
M17-22	Dehaven Merger Submitted 10/11/17	Approved 10/25/17
M17-21	Whittington Merger Submitted 10/5/17	Approved 10/16/17
M17-20	Roman/Cerasi Merger Submitted 9/29/17	Pending
M17-19	Sweeney/Kessler Merger Submitted 9/20/17	Approved 01/10/18
M17-17	JC2017, LLC (Greenbrier/Bluestone) Merger & Minor Plat Change Submitted 8/4/17	Approved 11/22/17
M17- 12	Howard R. Quynn II & Patricia A. Quynn Merger and Minor Plat Change (Septic Reserve Relocation) Submitted 6/9/17	Approved 11/16/17
Minor Plat Change/Minor Plat Amendment (Staff)		1 Total
		Status
10-03-17	Lutman Minor Plat Change – Summit View Estates Lot 16, Septic Reserve and Well Relocation	Approved 10-17-17

Regional Transportation Planning Meetings	
Eastern Panhandle Transit Authority (EPTA) Board Meetings	10/16/17; 11/13/17; 12/18/17
Regional Department of Highways/Planners Meetings	11/14/17
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	not attended this quarter
HEPMPO Long Range Transportation Plan (LRTP) Meetings	11/8/17
West Virginia Local Technical Assistance Program (WV LTAP) Designing Pedestrian Facilities for Accessibility Workshop Charles Washington Hall	10/19/17-10/20/17
Shepherdstown Bike Path Advisory Committee Meeting	11/6/17
Planning Related Meetings	
Shepherdstown Planning Commission Meeting re: WV45 Special Design Area	11/20/17, 12/18/17
SAFE WATER Harpers Ferry STAKEHOLDER WEBINAR	12/4/17
West Virginia Rivers Coalition "Private Lands, Public Waters: Protecting drinking water through voluntary land conservation" Robert C. Byrd Center for Congressional History and Education, 213 North King Street, Shepherdstown	12/6/17
HSEM Cyber Coordination Virtual Table Top Exercise U.S. Customs and Border Protection's Advanced Training Center	12/12/17

ITEMS REQUIRING COMMISSION ATTENTION		Status
ZTA17-03	Draft amendment to Section 5.7D Maximum Number of Lots to clarify properties previously approved under one lot per ten acres may continue to utilize this provision	CC Public Hearing scheduled 2/15/17
ZTA16-02	Draft amendment to the Zoning Ordinance to implement the recommendations of the Envision Jefferson 2035 Comp Plan regarding Historic Resource Demolition and Adaptive Reuse	CC Public Hearing scheduled 2/15/17
STA16-01	Amendments to the Subdivision Regulations related to sections requiring frequent interpretations and issues, including but not limited to processing mergers/lot line adjustments; contents of minor subdivisions, etc.	CC Public Hearing scheduled 1/18/17
ZTA14-02	Mass Event Regulations (Zoning Ordinance Text Amendment) PC held second Public Hearing on 12-08-15 and forwarded to CC for action	CC postponed

PROPOSED PROJECTS/UNDERWAY		Status
ZTA17-02	WV45 gateway design standard recommendations – at the direction of the Planning Commission, staff initiated collaboration with Shepherdstown PC regarding implementing certain recommendations of the <i>Envision Jefferson 2035 Comp Plan</i>	on-going
ZTA17-01	Research initiated on potential revisions to Article 10 Sign Regulations. Planning Commission Training on Signage Laws was held on 11/28/17 including a presentation by the WVU Law Clinic and a member of the electronic signage industry.	on-going
STA 17-01	Staff initiated effort on larger amendments including streamlining processes and reorganization of Sub Reg. sections	on-going



**JEFFERSON COUNTY
COMMISSION OFFICES
WILL BE CLOSED ON
MONDAY FEBRUARY 19TH,
2018 IN OBSERVANCE OF
PRESIDENTS' DAY**

Notice
Jefferson County Commission
Budget Work Sessions

The County Commission of Jefferson County will meet in the County Commission meeting room located at the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia 25414 on the following dates:

Monday	February 12, 2018	9:30 a.m.
Friday	February 16, 2018	9:30 a.m. and 5:30 p.m.

The purpose of these meetings will be FY19 budget presentations and budget work sessions.

By Order of The County
Commission of Jefferson County
Josh Compton, President

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

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

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment for property designated as Tax District Kabletown (06), Map 17, Parcel 2.3 – Summit Point Ventures, LLC. The property is currently zoned Rural and a request has been made by the property owner to change to the General Commercial zoning category.

The hearing will be held on Thursday, March 15, 2018, at 7:00 p.m. in the Old Charles Town Library Meeting Room, 200 East Washington Street, Charles Town, WV 25414.

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

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

By the Order of the Jefferson County Commission
Josh Compton, President

Sent: Wednesday, February 07, 2018 2:47 PM

To: Vinemont.farm@gmail.com; commissionerpnoland@gmail.com; jjcompton05@gmail.com; calebHUDSONforjeffersonwv@gmail.com; ponoszko@aol.com; Sandra McDonald <Sandy@jeffersoncountywv.org>
Subject: MARC Ridership - WV Panhandle - Jefferson County Constituents Need you

Good Afternoon,

I am writing to you to request higher visibility and public support to keep MARC coming out to WV panhandle. There was an article in the journal recently that reflects Berkeley County's efforts in making this a higher profile issue and promoting it up to our State legislature.

<http://www.journal-news.net/news/local-news/2018/02/hundreds-of-state-residents-ride-marc-daily-recent-figures-show/> <<http://www.journal-news.net/news/local-news/2018/02/hundreds-of-state-residents-ride-marc-daily-recent-figures-show/>>

I am one of over 450+ government workers who ride MARC. Like many WV riders into D.C., while I often start out from Harpers Ferry, I also ride from Brunswick, MD. Our numbers are higher than reported.

We are limited out in WV by schedule and increased fares, all of which we've taken over the years. What we cannot take, is to have our means of transportation taken away.

There may be debts owed between states on certain matters, but there has got to be a way to make this work. Riders have, in the past always borne the brunt by paying higher fares. Has the WV state legislature thought about expanding the ridership for weekends in the summers, which would invite a greater number of tourists to our great state?

Please let your concerned Jefferson County citizens know what efforts are being undertaken to keep our public transportation in support of our livelihoods.

MARC is good for WV business and vital for Jefferson County residents.

Sincerely,

Elizabeth Van Absher

(one of many public servants for the federal government)



West Virginia Legislature

2ND SESSION OF THE 83RD LEGISLATURE



Personalized Bill Tracking List

TaxesandReven - 2018 Regular Session					
Bill	Title	SA(Same As)/ SI(Similar To)	Last Action	Committee Reference	Notes
HJR 9 (None)	Volunteer Emergency Service Personnel Property Tax Exemption Amendment		01/10/18 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	Applies to the first \$30,000 of assessed value
SJR 9 (None)	Just Cut Taxes and Win or JCTAW Amendment		01/18/18 - To Senate Judiciary	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	Applies personal property used in industrial businesses. Gradual reduction through 2026, with \$140m to counties from state to offset loss of revenue.
SB 85 (None)	Allowing local governments to offset personal property tax rates with local sales tax		01/10/18 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	Add sales tax of 2%, BOE gets 1%, County gets 1/2 %, municipalities split 1/2%. Replaces loss of 80% revenue of personal property taxes.
SB 98 (None)	Creating incentives to consolidate local governments		01/23/18 - To House Political Subdivisions	House Reference 1 - Political Subdivisions House Reference 2 - Government Organization Senate Reference 1 - Government Organization	Incentives include priority for road construction projects, 1% sales tax increase, etc.
HB 2922 (None)	Reducing the cost of the fee for a state license to carry a concealed weapon		01/10/18 - To House Finance	House Reference 1 - Finance	This Bill removes the concealed carry fee that helped fund CFIA. CFIA will lose about \$300k annually if this bill passes.
HB 3099 (None)	Providing counties the power to establish a county sales tax under certain circumstances		01/10/18 - To House Political Subdivisions	House Reference 1 - Political Subdivisions House Reference 2 - Finance	Allows counties that contain municipalities with home rule to also add sales tax equal to that of municipalities.

The County Commission of Jefferson County
Department of Maintenance
128 Industrial Blvd.
Kearneysville, WV 25430
304-728-3355 • 304-728-3376 (f)
William Polk, Director
bpolk@jeffersoncountywv.org

Jefferson County Maintenance Department
Monthly Report
January 2018

Completed Work Orders:

There were 23 business days in January 2018. The Maintenance Department completed the following work orders for January 2018. Work orders are completed on every task performed by maintenance employees.

Work orders completed for calls for service:138
Work orders completed for preventive tasks: 324
Work orders completed for preventive auto maintenance:24
Work orders completed for auto mechanic equipment:8
Work Orders completed for walk-ins for auto mechanic:26
Total work orders completed for January 2018:520

Note: Auto Mechanic numbers are low for January due to him being on vacation for 2 weeks!

Open Work Orders:

The Maintenance Department still has open work orders for January:

Preventive Tasks Work Orders:74
Call-in Work Orders:26
Total open work orders for January 2018:100

On-Call Personnel Call Outs and Overtime:

On-call maintenance staff was called out during off-hours a total of 6 times in January resulting in 10 hours of overtime. Maintenance staff worked a total of 49.5 hours of overtime in January.

Phone Calls:

Office staff received 718 incoming phone calls for the month of January.

Work by Outside Vendors for Service/Scheduled Maintenance/Inspections:

- KONE Elevators – Performed monthly elevator inspections on January 5th and 22nd.
- Patriot Fire Safety – Fire alarm testing was conducted at all county buildings on January 16, 17, and 18.
- Fidelity Engineering – Service of generator at ESA on January 23rd.
- Valley Shade and Shutter – Installed the custom blinds for the 3rd floor courtroom in the Judicial Center.

Various Tasks or Special Projects:

- Maintenance staff delivered 32 cases of paper and numerous office supplies to various county departments.
- After several meetings, Kone provided a quote for installing the software and equipment needed to make the changes to secure the elevator in the Judicial Building for Judge Cohee. The quote was for \$15,303.20.
- The AIA contracts for the fire escape and the Courthouse windows were approved and signed and met with the contractors.
- The Maintenance Director met with Denise Pouget and Ed Hannon from the Jefferson County Emergency Services Agency concerning projects at the JCESA facility.
- There was a leak at the Communications Center (report on file).
- The heating fuel at the Courthouse ran out and the heat exchanger froze. (Report on file.)
- A conference call was conducted by Laura Kuhn and Tom Reilly with the County's phone vendor concerning the Shoretel mobility router. The mobility router is a piece of equipment that was included as part of the initial phone installation and was never utilized. The mobility router will extend the county's phone service to mobile devices for select users.
- A conference bridge was set up for the Jefferson County Emergency Services Agency on the County's Shoretel phone system. This conference bridge will allow the JCESA to conduct daily conference calls with station-chief and to also have the ability to conference at any time, as needed.
- There were busted pipes in the sally port of the Sheriff's office. (Report on file.)
- There was a meeting held by the Courthouse Committee.
- Research was conducted on the work order system, Micromain. To see if it was feasible for work orders to be entered using a mobile device. Janet talked with Micromain and work orders can be done through mobile phones. She does have the information on how to install. Janet has also informed Bill that her Micromain system needs to be upgraded. Micromain and Russell are making the arrangements to handle the upgrade.
- We are working with the Assessor to rearrange her office.
- The batteries in the light inverter at the 911 Center were changed. This was inspected by Controlled Systems.
- The project at the Visitor's Center is still ongoing and currently waiting for permits.

Impact Fee Status Report

January 2018

Office of Impact Fees

Summary

Date Range: Monday 1 through Wednesday 31 January 2018

Report Date: 1 February 2018

Process Number Range: 1800001-1800025

Total Applications: 25

Total Non-Exempt: 18

Of which:

Commercial: 2

Residential: 16

Of which:

County: 17

Municipal: 1

Total Exempt: 7

Of which:

Commercial: 1

Residential: 6

Of which:

County: 6

Municipal: 1

Tables 1 through 7 summarize impact fee processing for January 2018. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

Table 1. Form 100 Tallies

	Exempt	Commercial	Residential	Total
1 – 31 January 2018	0	0	18	18
Fees collected		\$34.00	\$101,391.00	\$101,425.00
<i>Of which</i>				
School Impact Fee			\$91,200.00	\$91,200.00
Law Enforcement Fee		\$19.00	\$2,415.00	\$2,434.00
Parks & Recreation Fee			\$7,008.00	\$7,008.00
EMS Fee		\$15.00	\$768.00	\$783.00

Table 2. Financial Data – Office of Impact Fees General Account (3111776)

Description	Amount
Opening Statement Balance (1 January 2018)	\$65,398.67
January Deposits (1 – 31 January 2018)	\$101,425.00
School December Transactions (withdraws via transfer on 16 Jan. 2018)	(\$59,370.00)
Law Dec. Transactions (withdraws via transfer on 16 January 2018)	(\$966.73)
Parks & Rec Dec. Transactions (withdraws via transfer on 16 Jan. 2018)	(\$4,562.57)
EMS Dec. Transactions (withdraws via transfer on 16 January 2018)	(\$499.37)
Interest Earned (31 January 2018)	\$27.57
Ending Statement Balance (31 January 2018)	\$101,452.57
<i>Outstanding Credits (deposits through 1 February 2018)</i>	<i>\$0.00</i>

Table 3. Financial Data – School Impact Fee Account (3107582)

Description	Amount
Opening Balance (1 January 2018)	\$1,324,235.40
December Transactions (deposits via transfer on 16 January 2018)	\$59,370.00
Interest Earned (31 January 2018)	\$575.36
Ending Balance (31 January 2018)	\$1,384,180.76

Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)

Description	Amount
Opening Balance (1 January 2018)	\$109,993.75
December Transactions (deposits via transfer on 16 January 2018)	\$966.73
Interest Earned (31 January 2018)	\$46.92
Ending Balance (31 January 2018)	\$111,007.40

Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)

Description	Amount
Opening Balance (1 January 2018)	\$172,257.58
December Transactions (deposits via transfer on 16 January 2018)	\$4,562.57
Interest Earned (31 January 2018)	\$74.15
Ending Balance (31 January 2018)	\$176,894.30

Table 6. Financial Data –EMS Impact Fee Account (3122816)

Description	Amount
Opening Balance (1 January 2018)	\$5,600.31
December Transactions (deposits via transfer on 16 January 2018)	\$499.37
Interest Earned (31 January 2018)	\$2.48
Ending Balance (31 January 2018)	\$6,102.16

Table 7. Total Impact Fees as of 1 February 2018/1

Description	Amount
Office of Impact Fees General Account	\$101,452.57
School Impact Fee Account	\$1,384,180.76
Law Enforcement Fee Account	\$111,007.40
Parks & Recreation Impact Fee Account	\$176,894.30
EMS Impact Fee Account	\$6,102.16
Total Impact Fees	\$1,779,637.19

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

Table 8. Pending January 2018 Fee Transfers /1

Account	31 January 2018 Account Totals	Pending Impact Fee Transfers	Account Totals
School Impact Fee Account	\$1,384,180.76	\$91,224.81	\$1,475,405.57
Law Enforcement Fee Account	\$111,007.40	\$2,434.55	\$113,441.95
Parks & Recreation Impact Fee Account	\$176,894.30	\$7,009.93	\$183,904.23
EMS Impact Fee Account	\$6,102.16	\$783.28	\$6,885.44
Total Impact Fees	\$1,678,184.62	\$101,452.57	\$1,779,637.19

/1 This table represents each of the impact fee category account totals as of 31 January 2018 listed in tables 3 – 6. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in January 2018 are listed in table 1 of the General Account (3111776); these transactions will be processed in February 2018. Any outstanding credits, as listed in table 2, will be added to the next month's Impact Fee transfer amounts.

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Form 100 Transaction Summary

Jefferson County Government – Office of Impact Fees

Impact Fee Applications Processed between dates Monday through Wednesday 31 January 2018

Process Number	Date	Last Name	First Name	Tax District	Deed Book	Deed Page	Tax Map	Parcel	Impact Fees Collected	Date	Exemption Reason
Exempt Applications											
1800001	01/09/2018	Dunn	Jeremy	07 Middleway	1125	511	19	22	\$0.00	01/09/2018	Form 200
1800004	01/12/2018	Lee	Joseph	07 Middleway	870	243	6	1.21	\$0.00	01/12/2018	Form 200
1800014	01/23/2018	David Lutman	Lutman	02 Charles Town	1190	643	14	102	\$0.00	01/23/2018	Form 200
1800015	01/23/2018	David Lutman	Lutman	02 Charles Town	1190	643	14	102	\$0.00	01/23/2018	Form 200
1800016	01/23/2018	David Lutman	Lutman	02 Charles Town	1190	643	14	102	\$0.00	01/23/2018	Form 200
1800017	01/23/2018	David Lutman	Lutman	02 Charles Town	1190	643	14	102	\$0.00	01/23/2018	Form 200
1800018	01/23/2018	Modjeska	Gary	08 Ranson Corp	1068	528	1	186	\$0.00	01/23/2018	Form 200

Category Count: 7

Category Total

\$0.00

Non-Exempt Applications											
1800002	01/11/2018	K Hovnanian		08 Ranson Corp	1113	476	8D	11E	\$6,186.00	01/11/2018	N/A
1800003	01/12/2018	Whisner	Canton	06 Kabletown	1198	657	15	3.4	\$6,347.00	01/12/2018	N/A
1800005	01/12/2018	Leathers	Jamey	07 Middleway	953	253	12	2	\$6,347.00	01/12/2018	N/A
1800006	01/17/2018	Nicholas Diehl	Jefferson County	02 Charles Town			1	120	\$25.00	01/17/2018	N/A
1800007	01/17/2018	Gutierrez	Kim	06 Kabletown	1195	205	5	1.3	\$6,347.00	01/17/2018	N/A
1800008	01/17/2018	JC 2017		09 Shepherdstown	1199	118	10	18	\$6,347.00	01/17/2018	N/A
1800009	01/17/2018	JC 2017		09 Shepherdstown	1196	554	10	10	\$6,347.00	01/17/2018	N/A
1800010	01/17/2018	JC 2017		04 Harpers Ferry	1194	262	3-2	9	\$6,347.00	01/17/2018	N/A
1800011	01/17/2018	JC 2017		04 Harpers Ferry	1194	262	3-2	11	\$6,347.00	01/17/2018	N/A
1800012	01/17/2018	JC 2017		04 Harpers Ferry	1194	262	3-2	10	\$6,347.00	01/17/2018	N/A
1800013	01/17/2018	JC 2017		09 Shepherdstown	1145	98	15	10.09	\$6,347.00	01/17/2018	N/A
1800019	01/26/2018	Binkley	Jacob and Anna	09 Shepherdstown	875	546	20	4.1	\$9.00	01/26/2018	N/A
1800020	01/26/2018	DR Acquisitions,		04 Harpers Ferry	1129	541	9	139	\$6,347.00	01/26/2018	N/A
1800021	01/26/2018	DR Acquisitions,		04 Harpers Ferry	1129	541	9	177	\$6,347.00	01/26/2018	N/A
1800022	01/26/2018	Dan Ryan		02 Charles Town	952	565	4	19	\$6,347.00	01/26/2018	N/A
1800023	01/26/2018	Dan Ryan		09 Shepherdstown	1198	590	7	6.8	\$6,347.00	01/26/2018	N/A

Process Number	Date	Last Name	First Name	Tax District	Deed Book	Deed Page	Tax Map	Parcel	Impact Fees Collected	Date	Exemption Reason
Non-Exempt Applications											
1800024	01/29/2018	Lee Snyder	Keyes Crossing,	04 Harpers Ferry	1166	642	13C	1	\$6,347.00	01/29/2018	N/A
1800025	01/30/2018	Kelley	Stephen	04 Harpers Ferry	1199	618	12B	163	\$6,347.00	01/30/2018	N/A
Category Count: 18							Category Total		\$101,425.00		
TOTAL APPLICATIONS: 25							Grand Total		\$101,425.00		

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
12/30/2017	123,099.96	61,549.98	61,549.98	4,880.91	24,558.44	1,335.64	20,730.03	10,044.96
1/6/2018	99,590.00	49,795.00	49,795.00	3,948.74	19,868.21	1,080.55	16,770.96	8,126.54
1/13/2018	74,703.40	37,351.70	37,351.70	2,961.99	14,903.33	810.53	12,580.05	6,095.80
1/20/2018	79,629.00	39,814.50	39,814.50	3,157.29	15,885.99	863.97	13,409.52	6,497.73
1/27/2018	83,234.60	41,617.30	41,617.30	3,300.25	16,605.30	903.10	14,016.71	6,791.94
Sub Total	\$ 2,939,730.68	\$ 1,925,897.08	\$ 1,013,833.60	\$ 80,396.99	\$ 404,519.62	\$ 22,000.20	\$ 341,459.14	\$ 165,457.65

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		12/30/2017	61,549.98	
1/11/2014	37,935.94		1/10/2015	37,099.34		1/9/2016	41,474.24		1/7/2017	42,634.50		1/6/2018	49,795.00	
1/18/2014	49,418.64		1/17/2015	43,217.36		1/16/2016	43,455.58		1/14/2017	37,751.18		1/13/2018	37,351.70	
1/25/2014	42,720.80		1/24/2015	41,212.80		1/23/2016	25,025.40		1/21/2017	46,870.58		1/20/2018	39,814.50	
2/1/2014	47,681.60		1/31/2015	42,783.32		1/30/2016	36,805.26		1/28/2017	40,692.96		1/27/2018	41,617.30	
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
							1,925,897.08

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	December, 2017	52,009.28
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	320,428.74

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	December, 2017	156,027.84
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	961,286.22