

AGENDA
JEFFERSON COUNTY COMMISSION
SECOND QUARTERLY SESSION - APRIL-JUNE 2018
THURSDAY, MAY 3rd, 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

- April 17, 2018 - Lay the Levy
- April 19, 2018 - Regular Meeting

APPROVAL OF PURCHASE ORDERS

- May 3, 2018

APPROVAL OF ACCOUNTS PAYABLE

- April 26, 2018
- May 3, 2018

APPROVAL OF MANUAL CHECKS

- April 27, 2018
- May 4, 2018

APPROVAL OF PAYROLL

- April 19, 2018

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

PRESENTATIONS

1. 9:45 a.m. Angie Banks, Assessor
- Exonerations - Discussion/Action
2. 10:00 a.m. Susan McFadden, Vice President Kabletown CEOS Club, Member of County CEOS Council
- Jefferson County Community Educational Outreach Service (CEOS) clubs request proclamation for CEOS Week, May 20, through 26, 2017 in Jefferson County - Discussion/Action
3. 10:15 a.m. Jess Chambers and Damien Hinck, Hollywood Casino
- Request letter of endorsement for a floor plan extension for a beer garden to be held in conjunction with the September BBQ competition - Discussion/Action
4. 10:30 a.m. **BREAK**
5. 10:45 a.m. Charles F. Printz, Jr., Esquire
- Request to Annex Without an Election - Corporation of Shepherdstown - Discussion/Action
6. 11:15 a.m. Roger Goodwin, Chief County Engineer
- Smith Mountain View Estates (JCPC file No. 02-06) 15' Easement Plat for Lot 4 - Surveyor's Invoice Payment - Discussion/Action
- Approval to advertise for Bids - Bardane Industrial Park Waste Water Treatment Plant - Lagoon Decommissioning & Sinkhole Remediation Project - Discussion/Action
7. 11:30 a.m. Todd Fagan, GIS/Addressing Office
- Request approval of credit card merchant processing proposal for Land Development Applications - Discussion/Action
8. 11:45 a.m. Nathan Cochran, Assistant Prosecuting Attorney
- Discussion of PSD Dissolution, Appeal/Intervention of the PSC decision, acquisition of PSD assets, and related issues - Discussion/Action - Possible Executive Session
- Discussion of Jefferson County Civil Action #17-C-282 - Discussion/Action - Possible Executive Session
- Discussion of Fire Suppression Contract for 911 Center - Discussion/Action - Possible Executive Session

FINANCIAL DIRECTOR REPORTS

- Review Highmark Medical Insurance Renewal Options and Selection of Plan for FY2019 - Discussion/Action
- Review Delta Dental Renewal for FY2019 - Discussion/Action
- Review and approval of WVCORP Insurance Renewal for FY2019 - Discussion/Action
- Decision - Amendments to the Jefferson County Emergency Ambulance Service Fee Ordinance with regards to the Commercial Fee rate structure - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Road Summit Priorities - Discussion/Action

COUNTY COMMISSION REPORTS

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

- 9. 1:30 p.m. Public Hearing
- Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA17-01. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 10 Provisions for Signs. The primary purpose of this amendment is to create provisions to allow electronic signs in Jefferson County. The amendment also includes reorganization of existing text for clarification.

10. ADJOURN

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS

Jefferson County Homeland Security and Emergency Management Quarterly Report.

CORRESPONDENCE/INFORMATION

Notice of Meeting Schedule Change.

Notice of Meet and Greet - May 10th, 2018 6:00 p.m.

Correspondence received from Comcast regarding video packaging.

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.

SPECIAL SESSION TO LAY THE LEVY

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, April 17, 2018, beginning at 9:30 o'clock a.m.

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

In re: LEVY ORDER AND LEVY RATES APPROVED FOR FISCAL YEAR 2017 - 2018

The meeting was called to order at 9:30 a.m. by Josh Compton.

The purpose of the meeting was to Lay the Levy for FY2018 - FY2019.

Motion by Mr. Onoszko to approve the Levy rates for property taxation beginning July 1, 2018 as reflected in the Levy Order Rate Sheet and authorize the County Clerk to sign the Levy Order Rate Sheet as presented and forward the proper documents to the State Auditor’s Office. Motion seconded and unanimously approved.

AUTHORIZED RATES

Fourteen and three tenths cents	(14.30) Class I Property
Twenty-eight and six tenths cents	(28.60) Class II Property
Fifty-seven and two tenths cents	(57.20) Class III and Class IV Property

There being no further business, motion by Ms. Noland to adjourn the Special Session to Lay the Levy. Motion seconded and unanimously approved.

Upon rising, the Commission adjourned until the regular meeting on Thursday, April 19, 2018 at 9:30 a.m.

JOSH COMPTON, PRESIDENT

Respectively Submitted:
Jessica D. Carroll
Administrative Assistant

Minutes

Jefferson County Commission

Thursday, April 19, 2018

A meeting of the Jefferson County Commission was held on Thursday, April 19, 2018 during the second 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; Stephanie Grove, County Administrator; Jessica Carroll, Executive Administrative Assistant; and Jim Eddy, Bailiff. (An audio tape of the Thursday, April 19, 2018 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Tabb led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Noland to approve the April 5, 2018 Regular Meeting Minutes with noted correction. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
079903	406	BERKELEY PRINTING&DESIGN		\$ -	\$ 960.00	\$ 960.00
079904	413	CASTO & HARRIS INC		\$ -	\$ 131.15	\$ 131.15
079905	700	BRANDON CONWAY		\$ -	\$ 64.00	\$ 64.00
079906	425	FIDELITY POWER SYSTEMS		\$ -	\$ 575.70	\$ 575.70
079907	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 32,785.90	\$ 32,785.90
079908	P/R DED	CRYSTAL GUMBEL-SHADE		\$ -	\$ 726.48	\$ 726.48
079909	424	HIRERIGHT		\$ -	\$ 27.60	\$ 27.60
079910	424	KONE INC.		\$ -	\$ 327.75	\$ 327.75
079910	425	KONE INC.		\$ -	\$ 327.75	\$ 327.75

079910	425	KONE INC.		\$ -	\$ 327.75	\$ 327.75
079910	425	KONE INC.		\$ -	\$ 327.75	\$ 327.75
079910	425	KONE INC.		\$ -	\$ 327.75	\$ 327.75
079910	425	KONE INC.		\$ -	\$ 327.75	\$ 327.75
079910	425	KONE INC.		\$ -	\$ 327.75	\$ 327.75
079910	425	KONE INC.		\$ -	\$ 553.72	\$ 553.72
079910	425	KONE INC.		\$ -	\$ 109.25	\$ 109.25
079910	425	KONE INC.		\$ -	\$ 327.75	\$ 327.75
079910	425	KONE INC.		\$ -	\$ 826.50	\$ 826.50
079911	P/R DED	NICOLE NOBREGA		\$ -	\$ 295.04	\$ 295.04
079912	712	LAURA POPE		\$ -	\$ 304.00	\$ 304.00
079913	402	RECORD MANAGEMENT SOLUTN		\$ -	\$ 35.00	\$ 35.00
079913	403	RECORD MANAGEMENT SOLUTN		\$ -	\$ 30.00	\$ 30.00
079914	717	RICE TIRES CO		\$ -	\$ 580.12	\$ 580.12
079914	717	RICE TIRES CO		\$ -	\$ 395.24	\$ 395.24
079914	717	RICE TIRES CO		\$ -	\$ 648.12	\$ 648.12
079915	402	SOFTWARE SYSTEMS, INC		\$ -	\$ 27.00	\$ 27.00
079915	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 727.00	\$ 727.00
079915	406	SOFTWARE SYSTEMS, INC		\$ -	\$ 52.00	\$ 52.00
079915	428	SOFTWARE SYSTEMS, INC		\$ -	\$ 158.00	\$ 158.00
079916	425	SHERWIN-WILLIAMS		\$ -	\$ 170.08	\$ 170.08
079917	P/R DED	VINCENT TIONG		\$ -	\$ 1,086.82	\$ 1,086.82
079918	425	TML- A XEROX CO.		\$ -	\$ 93.00	\$ 93.00
079918	425	TML- A XEROX CO.		\$ -	\$ 543.69	\$ 543.69
079919	401	US POSTAL SERVICE		\$ -	\$ 20,000.00	\$ 20,000.00
079920	403	WV ASSOCIATION/COUNTIES		\$ -	\$ 225.00	\$ 225.00
079921	700	MARGARET R.SMITH-WALKER		\$ -	\$ 3,000.00	\$ 3,000.00
079922	440	XEROX CORPORATION		\$ -	\$ 514.89	\$ 514.89
TOTAL					\$ 68,267.30	\$ 68,267.30

Motion by Ms. Noland to approve the Accounts Payable for April 12, 2018 in the amount of \$68,267.30. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
079925	P/R DED	AMERICAN FAMILY LIFE ICU		\$ -	\$ 3,907.18	\$ 3,907.18
079926	401	BEST BEST & KRIEGER LLP		\$ -	\$ 350.00	\$ 350.00
079927	424	BOLAND SERVICES		\$ -	\$ 270.00	\$ 270.00
079927	425	BOLAND SERVICES		\$ -	\$ 136.00	\$ 136.00
079927	425	BOLAND SERVICES		\$ -	\$ 1,034.00	\$ 1,034.00

079927	425	BOLAND SERVICES		\$ -	\$ 166.00	\$ 166.00
079927	425	BOLAND SERVICES		\$ -	\$ 125.00	\$ 125.00
079928	P/R DED	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
079929	P/R DED	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
079930	P/R DED	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
079931	P/R DED	COLONIAL LIFE		\$ -	\$ 205.10	\$ 205.10
079932	P/R DED	CHARLES TOWN GNRL HOSPITA		\$ -	\$ 252.56	\$ 252.56
079933	405	CROCK-HAMRICK REPORTING		\$ -	\$ 331.05	\$ 331.05
079934	412	DOING BETTER BUSINESS,IN		\$ -	\$ 518.00	\$ 518.00
079935	413	ESS ELECTION SYSTEMS &		\$ -	\$ 203.50	\$ 203.50
079936	P/R DED	MARGARET GAINEY		\$ -	\$ 922.79	\$ 922.79
079937	401	FRANKLIN & PROKOPIK CORP		\$ -	\$ 2,065.50	\$ 2,065.50
079938	P/R DED	JEFFERSON SECURITY BANK		\$ -	\$ 5,225.00	\$ 5,225.00
079939	P/R DED	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 543.86	\$ 543.86
079940	P/R DED	NATIONWIDE RETIREMENT		\$ -	\$ 849.00	\$ 849.00
079941	401	NEOPOST USA INC.		\$ -	\$ 331.30	\$ 331.30
079942	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 45,203.54	\$ 45,203.54
079942	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 4.36	\$ 4.36
079942	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 1.02	\$ 1.02
079942	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,571.90	\$ 10,571.90
079942	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 34,325.42	\$ 34,325.42
079942	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 2.32	\$ 2.32
079943	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 1,178.90	\$ 1,178.90
079943	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 1.57	\$ 1.57
079943	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 33,209.47	\$ 33,209.47
079944	P/R DED	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 8,626.80	\$ 8,626.80
079944	P/R DED	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 6,110.65	\$ 6,110.65
079945	P/R DED	DEBORAH STELLATO		\$ -	\$ 920.62	\$ 920.62
079946	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 2,230.00	\$ 2,230.00
079946	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 215.00	\$ 215.00
079950	401	SPIRIT OF JEFFERSON		\$ -	\$ 77.88	\$ 77.88
079950	401	SPRINT		\$ -	\$ 55.44	\$ 55.44
079950	402	SPECIALTY BUSINESS SUPPL		\$ -	\$ 10.50	\$ 10.50
079950	402	SPIRIT OF JEFFERSON		\$ -	\$ 184.40	\$ 184.40
079950	402	WV STATE AUDITOR		\$ -	\$ 675.00	\$ 675.00
079950	403	AMAZON		\$ -	\$ 274.13	\$ 274.13
079950	403	CANAAN VALLEY RESORT LOD		\$ -	\$ 196.04	\$ 196.04
079950	403	SHOPLET		\$ -	\$ 126.20	\$ 126.20
079950	405	AVANGATE INC		\$ -	\$ 89.90	\$ 89.90
079950	405	EMBASSY SUITES		\$ -	\$ 864.00	\$ 864.00
079950	405	SPRINT		\$ -	\$ 110.88	\$ 110.88

079950	406	SPIRIT OF JEFFERSON		\$ -	\$ 111.20	\$ 111.20
079950	412	COMCAST		\$ -	\$ 105.75	\$ 105.75
079950	413	SPIRIT OF JEFFERSON		\$ -	\$ 166.80	\$ 166.80
079950	415	FRONTIER		\$ -	\$ 86.10	\$ 86.10
079950	415	SPRINT		\$ -	\$ 110.28	\$ 110.28
079950	424	CHARLES TOWN UTILITIES		\$ -	\$ 69.26	\$ 69.26
079950	424	FRONTIER		\$ -	\$ 9,861.28	\$ 9,861.28
079950	424	POTOMAC EDISON		\$ -	\$ 2,473.95	\$ 2,473.95
079950	424	ROACH ENERGY		\$ -	\$ 943.76	\$ 943.76
079950	424	SPRINT		\$ -	\$ 55.44	\$ 55.44
079950	425	AMAZON		\$ -	\$ 56.79	\$ 56.79
079950	425	CHARLES TOWN UTILITIES		\$ -	\$ 1,171.69	\$ 1,171.69
079950	425	COMCAST		\$ -	\$ 1,090.19	\$ 1,090.19
079950	425	CRYSTAL SPRINGS		\$ -	\$ 697.51	\$ 697.51
079950	425	GRAINGER		\$ -	\$ 235.92	\$ 235.92
079950	425	JEFFERSON COUNTY P.S.D		\$ -	\$ 339.19	\$ 339.19
079950	425	JEFFERSON RENTALS		\$ -	\$ 21.22	\$ 21.22
079950	425	JEFFERSON UTILITIES, INC		\$ -	\$ 860.77	\$ 860.77
079950	425	MILLERS OFFICE PRODUCTS		\$ -	\$ 841.46	\$ 841.46
079950	425	POTOMAC EDISON		\$ -	\$ 34,725.02	\$ 34,725.02
079950	425	RCS/ALARM FUNDING ASSOC		\$ -	\$ 7,968.19	\$ 7,968.19
079950	425	RCS/ALARM FUNDING ASSOC		\$ -	\$ 222.00	\$ 222.00
079950	425	ROACH ENERGY		\$ -	\$ 7,146.35	\$ 7,146.35
079950	425	SHERWIN WILLIAMS		\$ -	\$ 5.27	\$ 5.27
079950	425	THE HOME DEPOT		\$ -	\$ 52.48	\$ 52.48
079950	425	THE HOME DEPOT		\$ -	\$ 44.91	\$ 44.91
079950	425	THE HOME DEPOT		\$ -	\$ 15.40	\$ 15.40
079950	425	THE HOME DEPOT		\$ -	\$ 423.10	\$ 423.10
079950	425	THOMPSON GAS		\$ -	\$ 510.23	\$ 510.23
079950	425	THOS SOMERVILLE		\$ -	\$ 267.10	\$ 267.10
079950	425	WAL-MART		\$ -	\$ 55.10	\$ 55.10
079950	425	WEISS BROS OF HAGERSTOWN		\$ -	\$ 1,333.30	\$ 1,333.30
079950	425	WM WASTE MGNT		\$ -	\$ 739.91	\$ 739.91
079950	425	84 LUMBER		\$ -	\$ 196.95	\$ 196.95
079950	428	ADOBE		\$ -	\$ 48.79	\$ 48.79
079950	428	ADVANTAGE TECH		\$ -	\$ 4,200.00	\$ 4,200.00
079950	428	AMAZON		\$ -	\$ 330.00	\$ 330.00
079950	428	AMAZON		\$ -	\$ 314.97	\$ 314.97
079950	428	AMAZON		\$ -	\$ 195.99	\$ 195.99
079950	428	AMAZON		\$ -	\$ 267.82	\$ 267.82
079950	428	AMAZON		\$ -	\$ 325.80	\$ 325.80

079950	428	AMAZON		\$ -	\$ 29.99	\$ 29.99
079950	428	AMAZON		\$ -	\$ 47.98	\$ 47.98
079950	428	AMAZON		\$ -	\$ 35.74	\$ 35.74
079950	428	AMAZON		\$ -	\$ 84.95	\$ 84.95
079950	428	BEST BUY		\$ -	\$ 2,198.00	\$ 2,198.00
079950	428	BEST BUY		\$ -	\$ 172.96	\$ 172.96
079950	428	DOUBLE RADIUS INC		\$ -	\$ 227.04	\$ 227.04
079950	428	OFFICE DEPOT		\$ -	\$ 219.71	\$ 219.71
079950	428	OFFICE DEPOT		\$ -	\$ 468.70	\$ 468.70
079950	428	OFFICE DEPOT		\$ -	\$ 64.04	\$ 64.04
079950	428	OFFICE DEPOT		\$ -	\$ 57.53	\$ 57.53
079950	428	OFFICE DEPOT		\$ -	\$ 59.88	\$ 59.88
079950	428	OFFICE DEPOT		\$ -	\$ 119.55	\$ 119.55
079950	428	OFFICE DEPOT		\$ -	\$ 47.48	\$ 47.48
079950	428	SERVER SUPPLY		\$ -	\$ 237.60	\$ 237.60
079950	428	SILLWORKS LTD		\$ -	\$ 1,004.75	\$ 1,004.75
079950	428	SONICWALL INC		\$ -	\$ 1,064.65	\$ 1,064.65
079950	428	SPRINT		\$ -	\$ 156.64	\$ 156.64
079950	428	TEXTEDLY COM		\$ -	\$ 20.00	\$ 20.00
079950	428	WEB		\$ -	\$ 15.99	\$ 15.99
079950	440	AUTODESK STORE		\$ -	\$ 120.00	\$ 120.00
079950	440	AUTODESK STORE		\$ -	\$ 150.00	\$ 150.00
079950	440	GISCI		\$ -	\$ 285.00	\$ 285.00
079950	440	NCKRI		\$ -	\$ 175.00	\$ 175.00
079950	440	SPIRIT OF JEFFERSON		\$ -	\$ 88.60	\$ 88.60
079950	440	SPRINT		\$ -	\$ 208.24	\$ 208.24
079950	440	USPS US POSTAL SERVICE		\$ -	\$ 120.00	\$ 120.00
079950	700	ALICE TRAINING INSTITUTE		\$ -	\$ 595.00	\$ 595.00
079950	700	BURGER KING		\$ -	\$ 18.20	\$ 18.20
079950	700	DENNYS		\$ -	\$ 23.19	\$ 23.19
079950	700	GOWERS FEED INC		\$ -	\$ 99.87	\$ 99.87
079950	700	GOWERS FEED INC		\$ -	\$ 90.50	\$ 90.50
079950	700	MCDONALDS		\$ -	\$ 33.85	\$ 33.85
079950	700	NTL TACTICL OFFICER ASSO		\$ -	\$ (730.00)	\$ (730.00)
079950	700	PILOT		\$ -	\$ 14.81	\$ 14.81
079950	700	SPRINT		\$ -	\$ 1,544.72	\$ 1,544.72
079950	700	TAMARACK FOOD COURT		\$ -	\$ 28.36	\$ 28.36
079950	700	TRACTOR SUPPLY CO		\$ -	\$ 142.96	\$ 142.96
079950	700	USPS US POSTAL SERVICE		\$ -	\$ 22.25	\$ 22.25
079950	700	USPS US POSTAL SERVICE		\$ -	\$ 7.70	\$ 7.70
079950	700	WAL-MART		\$ -	\$ 121.68	\$ 121.68

079950	700	WAL-MART		\$ -	\$ 21.07	\$ 21.07
079950	700	WAL-MART		\$ -	\$ 128.22	\$ 128.22
079950	700	WILLIAMSON-DICKIE MFG IN		\$ -	\$ 372.60	\$ 372.60
079950	701	SMART SIGN		\$ -	\$ 40.14	\$ 40.14
079950	711	OFFICE DEPOT		\$ -	\$ 74.18	\$ 74.18
079950	711	ORTEGAS TACO		\$ -	\$ 314.97	\$ 314.97
079950	711	SPRINT		\$ -	\$ 192.71	\$ 192.71
079950	711	WEIS MARKETS		\$ -	\$ 5.00	\$ 5.00
079950	712	APCO INTERNATIONAL INC.		\$ -	\$ 145.00	\$ 145.00
079950	712	DELTA AIR		\$ -	\$ 98.30	\$ 98.30
079950	712	DIGI KEY CORP		\$ -	\$ 7.11	\$ 7.11
079950	712	EBAGS		\$ -	\$ 159.96	\$ 159.96
079950	712	FRONTIER		\$ -	\$ 5,099.85	\$ 5,099.85
079950	712	HAMPTON INNS		\$ -	\$ 851.10	\$ 851.10
079950	712	NATIONAL ACADEMY OF EMD		\$ -	\$ (530.00)	\$ (530.00)
079950	712	SOUTHWEST AIRLINES		\$ -	\$ 428.96	\$ 428.96
079950	712	SPRINT		\$ -	\$ 872.14	\$ 872.14
079950	712	THE HOME DEPOT		\$ -	\$ 115.52	\$ 115.52
079950	712	WAL-MART		\$ -	\$ 65.01	\$ 65.01
079950	712	WWW.NEWEGG.COM		\$ -	\$ 176.98	\$ 176.98
079950	716	CVS		\$ -	\$ 14.97	\$ 14.97
079950	716	EXECUTIVE CLEANERS		\$ -	\$ 74.90	\$ 74.90
079950	716	GUYS BUICK PONTIAC GMC		\$ -	\$ 3.00	\$ 3.00
079950	716	SPRINT		\$ -	\$ 55.44	\$ 55.44
079950	716	THE HOME DEPOT		\$ -	\$ 67.34	\$ 67.34
079950	716	VETERINARY MEDICINE CAET		\$ -	\$ 380.00	\$ 380.00
079950	717	AUTOZONE		\$ -	\$ 42.71	\$ 42.71
079950	717	BALLARD EQUIPMENT		\$ -	\$ 398.00	\$ 398.00
079950	717	FISHER AUTO PARTS		\$ -	\$ 825.83	\$ 825.83
079950	717	HAGERSTOWN FORD		\$ -	\$ 226.24	\$ 226.24
079950	717	INTERSTATE BATTERIES		\$ -	\$ 394.80	\$ 394.80
079950	717	J & K PRECISION AUTO CAR		\$ -	\$ 6,736.64	\$ 6,736.64
079950	717	J & K PRECISION AUTO CAR		\$ -	\$ 388.95	\$ 388.95
079950	717	NAPA AUTO PARTS		\$ -	\$ 806.88	\$ 806.88
079950	717	RAMEY'S USED AUTO GROUP		\$ -	\$ 75.00	\$ 75.00
079951	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 4.22	\$ 4.22
079951	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 1.73	\$ 1.73
079951	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 10,960.58	\$ 10,960.58
079951	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 5,130.43	\$ 5,130.43
079951	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 2,798.39	\$ 2,798.39
079951	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 26,792.38	\$ 26,792.38

079952	406	W.B. MASON CO. INC		\$ -	\$ 139.93	\$ 139.93
TOTAL					\$ 316,470.24	\$ 316,470.24

Motion by Mr. Onoszko to approve the Accounts Payable for April 19, 2018 in the amount of \$316,470.24. Motion seconded and unanimously approved.

MANUAL CHECKS

Motion by Ms. Tabb to approve the Manual Checks for April 13, 2018 in the amount of \$82,444.99. Motion seconded and unanimously approved.

PAYROLL APPROVAL

Motion by Ms. Noland to approve the Payroll for April 5, 2018 in the amount of \$259,207.93. Motion seconded and unanimously approved.

PUBLIC COMMENT

Sarah Tomsen, resident – stated PSD board member Roger Forshee abused his position by creating an unofficial PSD Facebook page to endorse commission candidates Peter Onoszko and Jack Hefestay.

Susan Pipes, resident and leader of the Shepherdstown Women’s March – stated PSD board member Roger Forshee participated in online bullying against current members of the Commission and willfully deceived the public by creating a PSD Facebook page without stating it was unofficial and solely representative of the opinion of Mr. Forshee himself.

David Tabb, resident – thanked the two previous speakers for sharing their statements, and made comments regarding the amendments to the commercial rate structure of the ambulance fee ordinance.

PRESENTATIONS

1. Angela Banks, Assessor – requested the approval of the following Exoneration:

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Shawn Reeler	PP	Charles Town	303793	\$217.88

- **Motion by Ms. Tabb to approve the exoneration for ticket no. 202793 as presented. Motion seconded and unanimously approved.**

2. Peter Dougherty, Sheriff

a. Approval of JJDP Grant Application

- **Motion by Mr. Compton to approve the submission of the JJDP Grant Application for the continuation of the Prevention Resource Officer in Jefferson High School and authorize the President of the Commission to affix his signature to the appropriate documents. Motion seconded and unanimously approved.**

b. Approval of the hire of Maria DeLeon as a part-time Bailiff/Trip Guard

- **Motion by Ms. Noland to approve the hire of Maria DeLeon as a part-time Bailiff/Trip Guard. Motion seconded and unanimously approved.**

3. Dr. David Didden, Jefferson County Health Department –

a. Briefed the Commission on the Drug Crisis and Harm Reduction

b. Discuss sanitarian issues

- **Motion by Mr. Onoszko to approve and sign letter of support for the Health Department to be sent to the State Department of Personnel regarding the County's urgent need for sanitarians. Motion seconded and unanimously approved.**

4. Michelle Gordon, Finance Director – acceptance of sales quotation with Tyler Technologies – Munis ERP Solution (Self-Hosted, Tax Optional) for Financial System Project –

- **Motion by Ms. Noland to enter into Executive Session to discuss contract negotiations. Motion seconded and unanimously approved.**

- **Motion by Mr. Onoszko to come out of Executive Session. Motion seconded and unanimously approved.**
 - **Motion by Mr. Onoszko to approve the sales quotation with Tyler Technologies – Munis ERP Solution for Financial System Project in the amount of \$207,000 from the Capital Outlay fund. Motion seconded and unanimously approved.**
5. The Commission recessed for break at 10:45 am.
The Commission reconvened at 11:00 am.
6. Lynn Fields, Probate
- a. Quarterly Review – April Term
- **Motion by Ms. Tabb to convene as a Fiduciary Review Board. Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to approve estates opened since last term in January and close estates that have met all requirements of the probate office. Motion seconded and unanimously approved.**
- b. Consideration of Motion to Continue – Petition for Will for Probate In Solemn Form in the Estate of Geraldine Bolyard, deceased.
- o It was the consensus of the Commission to allow Mr. Morrow, counsel for the defendant, an additional 30 days to review the matter.
- **Motion by Ms. Noland to appoint a Fiduciary Commissioner in the Estate of Geraldine Bolyard, deceased. Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to come out of session as a Fiduciary Review Board. Motion seconded and unanimously approved.**
7. Alexandra Beaulieu, Zoning Administrator – Provide an overview of the recommended amendment and to request scheduling the required Public Hearing to be held by the County Commission – text amendment, in accordance with WV Code 8A, proposes revisions and additions to multiple sections of the Zoning Ordinance including Section 2.2 Terms Defined; Section 6.3 Conditional Use Permit; Section 6.5 Special Exception Uses; and Article 10 Provisions for Signs
- o It was the consensus of the Commission to hold the public hearing on Thursday, May 3, 2018 at 1:30 pm.

8. Roger Goodwin, Chief County Engineer
 - a. Partial release of Irrevocable Letter of Credit #339 with The Bank of Charles Town, Charles Town, WV construction bond – security for Summit Point Automotive Research Center, LLC & Summit Point Raceway Associates, Inc. – Summit Point Motorsports Park Staging Area (File #S17-10)
 - **Motion by Mr. Onoszko to authorize a partial release of Irrevocable Letter of Credit #339 with the The Bank of Charles Town in the amount of \$48,925.00 for Summit Point Automotive Research Center, LLC & Summit Point Raceway Associates, Inc. – Summit Point Motorsports Park Staging Area (File #S17-10). Motion seconded and unanimously approved.**
 - b. Partial release of Irrevocable Letter of Credit #339 with The Bank of Charles Town, Charles Town WV construction bond – Security for Summit Point Automotive Research Center, LLC & Summit Point Raceway Associates, Inc. – SPARC Range Extension
 - **Motion by Ms. Noland to authorize a partial release of Irrevocable Letter of Credit #340 with The Bank of Charles Town for Summit Point Automotive Research Center, LLC & Summit Point Raceway Associates, Inc. – SPARC Range Extension (File #S17-11). Motion seconded and unanimously approved.**
9. Nathan Cochran, Assistant Prosecuting Attorney
 - a. Discussion of PSD Dissolution, Appeal/Intervention of the PSC decision, acquisition of PSD assets, related issues
 - b. Discussion of Jefferson County Civil Action #17-C-282
 - c. Discussion of Fire Suppression Contract for 911 Center
 - d. Discussion of US District Court Civil Action #3:16-CV-74
 - **Motion by Mr. Compton to enter into Executive Session to discuss Jefferson County Civil Action #17-C-282 and US District Court Civil Action #3:16-CV-74. Motion seconded and unanimously approved.**
 - **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**
10. The Commission recessed for lunch at 12:30 pm.
The Commission reconvened at 1:30 pm.

NEW BUSINESS

11. Resolution to proclaim April as Fair Housing Month

- **Motion by Ms. Noland to sign and adopt the Resolution to proclaim April as Fair Housing Month. Motion seconded and unanimously approved.**

12. Endorsement letter for the purpose of applying for a permit for the retail sale and consumption of wine and/or beer for the WV Guard Softball Team

- **Motion by Ms. Noland to provide a letter of endorsement to the WV Guard Softball Team for the purpose of applying for a permit for the retail sale and consumption of wine and/or beer for the WV Guard Softball Team fundraiser. Motion seconded and unanimously approved.**

FINANCIAL DIRECTOR REPORTS

- Review and Approval of Revisions to the Hotel Occupancy Tax Ordinance

- **Motion by Mr. Onoszko to approve the revisions to the Hotel Occupancy Tax Ordinance as presented. Motion seconded and unanimously approved.**

COUNTY ADMINISTRATOR REPORTS

- Approval of Employment – Maintenance Mechanic

- **Motion by Mr. Compton to approve the employment of Daniel Jones as Maintenance Mechanic in the Maintenance Department at a salary of \$48,400. Motion seconded and unanimously approved.**

- Meet Your Commissioners Date

- It was the consensus of the Commission to hold the Meet Your Commissioners event on Thursday, May 10, 2018 at 6pm at Citizen's Fire Company.

- Road Summit

- It was the consensus of the Commission to schedule the 2018 Road Summit on Thursday, June 14 at a time to be determined.

13. Public Hearing – Amendments to the Jefferson County Emergency Ambulance Service Fee Ordinance with regards to the Commercial Fee rate structure.

Michelle Gordon, Jefferson County Finance Director, explained the changes to the commercial rate structure of the ambulance fee, stating that commercial ambulance fee rates would now be assessed based on square footage instead of the flat \$85 fee, and each rate assessed would be based on the class of the building: casino, warehouse, vacant 18 months or more, and all other. Mr. Compton then opened the floor for public comment, which was made by the following:

Ralph Lorenzetti, resident – stated he was concerned that the new commercial rates might impact businesses that were considering locating to Jefferson County.

Herbert Withers, resident – stated customers of the businesses paying the increase in the ambulance service fee will end up bearing the brunt of the increased cost.

There being no further comment, Mr. Compton stated the record would remain open for two weeks to allow time for written comment, and a decision on the amendments would be tentatively scheduled for Thursday, May 3, 2018.

16. The Commission meeting was adjourned at 2:00 pm on a motion by Mr. Compton. Motion was seconded and unanimously approved.

JOSHUA COMPTON, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant

PURCHASE ORDERS TO BE APPROVED

May 3, 2018

DEPARTMENT	P.O. NUMBER	AMOUNT	VENDOR	DESCRIPTION
ENGINEERING	52826	\$ 11,500.00	MyGovOnline	Online Permitting System
GRAND TOTAL		\$ 11,500.00		



THE COUNTY COMMISSION OF JEFFERSON COUNTY

Charles Town West Virginia 25414

REQUISITION

No. **52826**

VENDOR

DELIVER TO

MY60ONLINE
South Central Planning and
Development Commission
5058 W. MAIN
HOUMA, LA 70360

JEFFERSON COUNTY COMMISSION
ENGINEERING DEPT.
116 E WASHINGTON ST
CHARLES TOWN WV 25414

QUANTITY	DESCRIPTION - BUDGET LINE - ITEM NUMBER	PRICE	UNIT	AMOUNT
	Engineering Permitting + anticipated Planning/zoning implementation ONLINE PERMITTING SYSTEM			
		TOTAL		11,500 00
	Bill to: 002-42803353000-66-000			

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 ITEM(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.

Russell Berg
Signature

4/19/2018
Date

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

Signature

Date

DESCRIPTION	Fund 001 CO.	Fund 003 Dog	Total
Gross Wages	\$ 380,914.39	\$ 38.40	\$ 380,952.79
6.2% Tax Payable OASDI	22,601.77	\$ 2.18	\$ 22,603.95
1.45% Tax Payable HI	5,285.95	\$ 0.51	\$ 5,286.46
Fed Withholding	34,325.42	\$ 2.32	\$ 34,327.74
WV State Withholding	16,258.73	\$ 1.57	\$ 16,260.30
PERS Retirement Deduct 4.5%	10,960.58	\$ 1.73	\$ 10,962.31
PERS Retirement Deduct 6%	2,798.39		\$ 2,798.39
Hosp. Pre-Tax	13,862.50		\$ 13,862.50
Cancer/ICU Pre-Taxed	1,045.47		\$ 1,045.47
Cancer/ICU Not Pre-Taxed	908.12		\$ 908.12
Optional Life Not Pre-Taxed	2,083.40		\$ 2,083.40
Christmas Club	5,225.00		\$ 5,225.00
Wage Attach #1	1,427.35		\$ 1,427.35
Wage Attach #3	0.00		\$ -
DSRS Retirement Deduct 8.5%	6,110.65		\$ 6,110.65
457 - Nationwide	849.00		\$ 849.00
457I - Empower	2,230.00		\$ 2,230.00
457R - Roth	215.00		\$ 215.00
MD State Tax	581.22		\$ 581.22
D/VF	1,601.79		\$ 1,601.79
VA. State Tax	102.28		\$ 102.28
COLONIAL(PLUS)	102.55		\$ 102.55
Total Deductions	\$ 128,575.17	\$ 8.31	\$ 128,583.48
Net Wages Total	\$ 252,339.22	\$ 30.09	\$ 252,369.31
Payroll Date	19-Apr-2018		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Angie Banks, Assessor

Department or Organization: **Assessor's Office**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **May 3, 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*):

 Exonerations

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: Susan McFadden, Vice President Kabletown CEOS Club, Member Jefferson County CEOS Council

Department or Organization: **West Virginia Community Education Outreach Service Clubs of Jefferson County**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **May 03, 2018**

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

Date Requested – 2nd Choice: May 17, 2018

Subject (*Wording to be placed on agenda*): **Jefferson County Community Educational Outreach Service (CEOS) clubs requests proclamation for CEOS Week, May 20, 2018 through May 26, 2018.**

Please provide the County Commission with a description of your request or presentation, including any background information: **A signed proclamation designating CEOS Week May 20, through 26, 2017 in Jefferson County. See attached Yearbook and previous proclamation.**

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*):

We, the West Virginia Community Education Outreach Service Clubs of Jefferson County, move, to request the commissioners to designate May 20, 2018 through May 26, 2018 as CEOS Week in Jefferson County.

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**

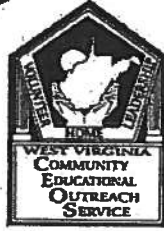
Contact information: Susan McFadden

Email address: ssmcfad@gmail.com

Phone Number: 269-719-6369

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



PROCLAMATION

WHEREAS,

The West Virginia Community Educational Outreach Service (CEOS) and

Jefferson County CEOS

are volunteers with a Mission to broaden SERVICE in our COMMUNITY, continue lifelong EDUCATION to strengthen individuals and families, and provide an OUTREACH for leadership.

WHEREAS,

In partnership with West Virginia University Extension Service, the CEOS pledges that its purpose of Education will assist us in meeting the needs of a changing and diverse society.

WHEREAS,

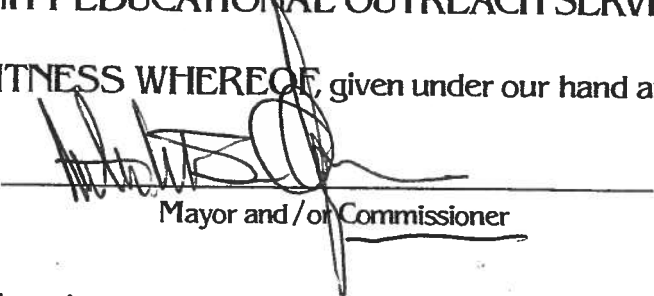
For their significant service and contribution to the well-being of family and community.

BE IT KNOWN, that *Jefferson County Commissioners*

hereby proclaims May *21-27* as

COMMUNITY EDUCATIONAL OUTREACH SERVICE WEEK

IN WITNESS WHEREOF, given under our hand and seal.



Mayor and /or Commissioner

JEFFERSON COUNTY

Hello from Jefferson County, the eastern most county in the Keyser area. We have five clubs and eighty-nine members and have been busy this past year with a variety of activities.

We met with the County Commission last May and discussed what CEOS was doing in Jefferson County and they signed a proclamation for CEOS Week and we had a nice write-up in the local paper.

We had 3 heart healthy events in our County as well as special emphasis at the County Fair on Heart Health.

June had many members volunteering at Tri-County 4-H Camps in various capacities. Also in June, Linda Poston, our 2016 Belle, represented Jefferson County well at the WV Folk Festival.

The annual Jefferson County Fair was held in August and CEOS was prominent throughout the Fair. We have many members who are department superintendents, serve as judges, and serve on/chair various Fair Committees. We again had a booth to showcase Jefferson County CEOS. Members from each of the five clubs manned the booth each day and baked for our annual fair bake sale. We had a trivia wheel where we highlighted WV, Jefferson County, and Heart Health trivia each day with small giveaways. The local paper had a Jefferson County Fair insert and did an excellent multiple page write-up on what Jefferson County CEOS has meant to the Fair over the years. We purchased ceiling fans for one of the Educational Buildings at the fair from the proceeds of our bake sale (\$480).

We made over 100 large reversible bibs for the Romney School for the Deaf and Blind in conjunction with a local 4-H'er who presented the idea to us. We also donated \$250 to purchase a handicap picnic table for the school.

Six members and one guest (now a CEOS member!) attended the Fall Conference at Jackson's Mill in October.

On October 30, 2016, we had our 10th Annual Pink Luncheon and Purse Auction to benefit the West Virginia Breast and Cervical Diagnostic and Treatment Fund. We had over 200 members and guests attending; approximately 600 new, gently used or vintage purses donated; and raised a total of \$11,168.26 for the fund.

In November we held our Achievement Party to honor everyone's hard work for the year. Our theme was "CEOS Makes a World of Difference". We enjoyed a bountiful buffet, silent auctions, and heard a report about the difference we had made at the Romney School with our donations.

Some of the projects being done by our clubs are monthly crafts at the Senior Center, making dresses out of pillow cases for little girls in Africa, making washable feminine products for underdeveloped countries, hosting monthly homeless dinners, making holiday favors for meals on wheels, and filling bags with toiletries for the Shenandoah Women's Center.

Our members turned in 15,500 volunteer hours this year. Volunteer activities were varied and consisted of Community Ministries, Meals on Wheels, church activities, 4-H Leaders, Senior Center Crafts, holiday favors for Meals on Wheels, dinners for the homeless, sponsored blood mobiles, etc.

We had 40 readers who read 1227 books, 41 from the Purposeful Reading List. We donated 283 books to local libraries as well as making a \$50 cash donation. One of our members, Joann Bailey, won 2nd place in the Short Story Contest and was recognized at the Fall Conference.

The Jefferson County Council donated \$2500 toward the tuition of a nursing student at Blue Ridge Community and Technical College, \$500 to Jefferson County Community Ministries, \$500 to Eastern Panhandle Hospice, and \$200 each to the Shenandoah Women's Center, Good Shepherd Caregivers, Birthright, Meals on Wheels, and the Jefferson County Senior Center.

We hold Spring and Holiday Craft Workshops which are open to everyone and each of the 5 clubs lead a craft class. Participants bring a bag lunch and we furnish drinks and dessert. These workshops have been well received. We are planning a County Spring Meeting during CEOS Week this May.

We are also busy planning for the 2018 Area Spring Meeting which will be held in Jefferson County. Our theme will be "CEOS Makes a World of Difference" and we are hoping to line up many fun craft and education sessions. Save the date – April 21, 2018.

Debbie Viands
Jefferson County President

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jess Chambers, Damien Hinck

Department or Organization: **Hollywood Casino**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **5-3-18**

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

Date Requested – 2nd Choice: 5-17-18

Subject (*Wording to be placed on agenda*): **Hollywood casino is seeking letter of endorsement for a floor plan extension for a beer garden to be held in conjunction with the September BBQ competition.**

Please provide the County Commission with a description of your request or presentation, including any background information: Hollywood Casino will be hosting a BBQ competition in conjunction with the Interstate festival group. It will be held 8/30/18-9/2/18 and will be open to the public on 9/1. We are seeking endorsement from the commission in order to request of a “floor plan extension” through the WVABC to offer a beer garden to the public on 9/1/18 as part of this event. Additional details are outlined in the attached letter.

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: Jessica.chambers@pngaming.com, Damien.hinck@pngaming.com Phone Number: 304-724-4219, 304-724-4352

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

HOLLYWOOD *Casino*

AT CHARLES TOWN RACES

Attn: Jefferson County Commissioners

c/o: Jessica Carroll

April 19, 2018

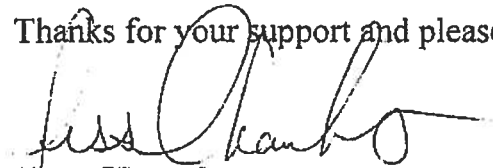
Re: Request for Letter of Endorsement from County Commissioner(s) on official letterhead for the "Non-intoxicating Beer Floor Plan Extension" for a beer garden to be held in conjunction with the "Wild and Wonderful BBQ Carnival" hosted by Hollywood Casino in conjunction with the Interstate Festival group.

To our Commissioners:

On August 1- September 2, 2018 Hollywood Casino at Charles Town Races will be hosting the Wild and Wonderful BBQ Carnival being organized by Interstate Festival Group in our large parking area adjacent to the race track. In addition to the BBQ competition, which is expected to attract approximately 200 competitive BBQ teams we would like to be able to sell beer in a Beer Garden setting. This Beer Garden would be held on September 1st when the competition is open to the public for BBQ sampling. It will be held in a roped off location in which only those 21 years or older could access. A security officer will be stationed at the entrance point to validate identification of the guests. Guests will be able to purchase non-intoxicating beer at this location during the hours of 11:45am-7:00pm.

As required by the West Virginia Alcohol Beverage Control Association (WVABCA) we are requesting a letter from the County Commissioner(s), on official letterhead, made out to the West Virginia Alcohol Beverage Control Administration endorsing our proposed "Non-intoxicating Beer Floor Plan Extension" which will be the beer sales in the Beer Garden location. If possible, we would like to have this letter by Friday 5/31/2018 so that we can continue with the permitting process.

Thanks for your support and please feel free to reach out to me should you have any questions.



Jess Chambers

Director of Food and Beverage

Hollywood Casino at Charles Town Races

304-724-4219

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Charles F. Printz, Jr.

Department or Organization: **Corporation of Shepherdstown**

Estimation of amount of time needed for appointment: 10 Minutes

Date Requested – 1st Choice: **May 3, 2018**

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

Date Requested – 2nd Choice: May 17, 2018

Subject (*Wording to be placed on agenda*): **Corporation of Shepherdstown Annexation**

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

Request of George Kalathas for Annexation in the Corporation of Shepherdstown

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*):

The Corporation of Shepherdstown moves that the proposed Order Approving and Confirming the Annexation to the Corporation of Shepherdstown of Three Contiguous Parcels of Real Estate Containing 8.726 Acres in the Aggregate and Identified as Parcels 43, 43.1 and 43.2 on Tax Map 8, All of Which Are Presently Located in Shepherdstown District, Jefferson County, West Virginia, owned by George Kalathas, as Provided by West Virginia Code §§ 8-6-3 and 8-6-4 (Annexation Without Election).

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: Charles F. Printz, Jr., Esquire

Email address: cprintz@bowlesrice.com

Phone Number: 304-264-4222

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

600 Quarrier Street
Charleston, West Virginia 25301

7000 Hampton Center
Morgantown, West Virginia 26505

501 Avery Street
Parkersburg, West Virginia 26101



101 South Queen Street
Martinsburg, West Virginia 25401

Post Office Drawer 1419
Martinsburg, West Virginia 25402-1419
(304) 263-0836

www.bowlesrice.com

Southpointe Town Center
1800 Main Street, Suite 200
Canonsburg, Pennsylvania 15317

1217 Chapline Street
Wheeling, West Virginia 26003

480 West Jubal Early Drive, Suite 130
Winchester, Virginia 22601

April 23, 2018

Charles F. Printz, Jr.
Telephone — (304) 264-4222
Facsimile — (304) 267-3822

E-Mail Address:
cprintz@bowlesrice.com

Jefferson County Commission
Attn: Ms. Jessica Carroll
Post Office Box 250
Charles Town, WV 25414

Re: Request for Inclusion on May 3, 2018 or May 17, 2018 Agenda

Dear Ms. Carroll:

Enclosed please find a completed Agenda Request Form along with the Certificate of the Corporation of Shepherdstown, West Virginia to Annex Without an Election, as well as a proposed Order Approving and Confirming the Annexation to the Corporation of Shepherdstown.

I request that this Certificate be included on the May 3, 2018, or May 17, 2018 Agenda of the County Commission.

Please advise if you require anything further.

Very truly yours,

A handwritten signature in black ink that reads 'Charles F. Printz, Jr.' with a stylized flourish at the end.

Charles F. Printz, Jr.

CFP/bl
Enclosures
cc: Arthur J. Auxer, III, Mayor (w/o enclosures)

CERTIFICATE OF THE CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA TO ANNEX WITHOUT AN ELECTION UNDER THE PROVISIONS OF WEST VIRGINIA CODE § 8-6-4 THREE PARCELS OF REAL ESTATE CONTAINING 8.276 ACRES IN THE AGGREGATE AND IDENTIFIED AS PARCELS 43, 43.1 AND 43.2 ON TAX MAP 8, ALL OF WHICH ARE PRESENTLY LOCATED IN SHEPHERDSTOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA, OWNED BY GEORGE KALATHAS

WHEREAS, George Kalathas is the owner of three (3) contiguous and adjacent parcels of real estate consisting of 8.276 acres in the aggregate and identified as Parcel 43 (6.40 acres), Parcel 43.1 (0.92 acres), and Parcel 43.2 (01.96 acres) on Tax Map 8 all of which are presently located in Shepherdstown District, Jefferson County, West Virginia; and

WHEREAS, by Ordinance of the Corporation of Shepherdstown adopted March 13, 2018, the hereinabove described parcels of real estate, located in Shepherdstown District, Jefferson County, West Virginia, were annexed into the Corporation of Shepherdstown under the provisions of West Virginia Code § 8-6-4 (Annexation Without Election) subject to the final Order of the Jefferson County Commission recognizing said annexation; and

WHEREAS, George Kalathas requested said annexation of the hereinabove described real estate into the Corporation of Shepherdstown as evidenced by that Petition for Annexation dated January 25, 2012, and that Supplemental Petition for Annexation dated December 6, 2017, a copy of both of which are attached hereto as Exhibit A; and

WHEREAS, it appears from said Petition and Supplemental Petition and as verified by the Corporation of Shepherdstown that at the time said Petition and Supplemental Petition were filed, there were no occupants or voters on the subject real estate; and

WHEREAS, as represented by the Petitioner, and verified by the Corporation of Shepherdstown, George Kalathas is the sole owner and freeholder of the subject real estate, and the subject real estate is currently improved by an unoccupied and uninhabitable two story stone home, substantially destroyed by fire, and several ancillary structures, and that there is no intended change in the current use of the subject real estate which would result in an increase in traffic to and from the subject real estate; and

WHEREAS, the entire western boundary of the parcels to be annexed is adjacent to and contiguous with the existing corporate boundary of the Corporation of Shepherdstown, and the southwest corner abuts the existing terminus of High Street; and

WHEREAS, the proposed property to be annexed is entirely within the Corporation of Shepherdstown's Growth Management Boundary, and the annexation is consistent with the Corporation of Shepherdstown's Comprehensive Plan.

NOW, THEREFORE, this Certificate as required by West Virginia Code §§ 8-6-3 and 8-6-4 is hereby filed with the records of the Corporation of Shepherdstown and the Jefferson County Commission certifying that all of the applicable requirements of West Virginia Code §§ 8-6-3 and 8-6-4 have been met in regard to this annexation request and that the Petition and Supplemental Petition filed herein by the owner and freeholder of said property are sufficient in every respect in regard to the annexation into the Corporation of Shepherdstown of the hereinabove described parcels of real estate consisting of 8.276 acres in the aggregate, located in Shepherdstown District, Jefferson County, West Virginia, and more particularly described in that certain Consolidated Legal Description of the perimeter boundaries of Parcels 43, 43.1 and 43.2 on Tax Map 8, which is attached hereto as Exhibit B, and being the same real estate conveyed to

George Kalathas, by deed dated November 5, 1987, of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 592, page 162, and by deed dated August 11, 1992, of record in the aforesaid County Clerk's Office in Deed Book 721, page 573, a copy of said Deeds being attached hereto as Exhibit C.

WHEREFORE, the Corporation of Shepherdstown prays that the County Commission of Jefferson County, West Virginia, enter an order as provided by West Virginia Code § § 8-6-3 and 8-6-4, ordering and acknowledging that the corporate limits of the Corporation of Shepherdstown, West Virginia, be increased by that real estate more particularly described in Exhibit B attached hereto and that said annexation by the Corporation of Shepherdstown of said real estate be approved and confirmed.

Dated this 2nd day of APRIL, 2018.

CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA,
a municipal corporation,

By: Arthur J. Auxer, III
Arthur J. Auxer, III, Mayor

ATTEST:

Jan Robertson
Recorder

EXHIBIT A
PETITION AND SUPPLEMENTAL PETITION

Item # H-20
July 2012 PC agenda

D. FRANK HILL, III
ATTORNEY AT LAW
POST OFFICE BOX A
SHEPHERDSTOWN, WEST VIRGINIA 25443

D. FRANK HILL, III (HV & MD BAR)

138 E. GERMAN STREET
THE PHARMACY BUILDING
(304) 876-8333

January 26, 2012

(HAND DELIVERY)

Corporation of Shepherdstown
P.O. Box 248
105 N. King Street
Shepherdstown, WV 25443

Attn: Amy L. Boyd, Town Clerk

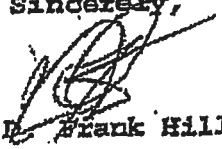
Re: George Kalathas Petition For Annexation

Dear Ms. Boyd:

On behalf of George Kalathas, I have attached a Petition seeking annexation of a consolidated parcel containing 8.276 acres adjacent to the eastern boundary of Shepherdstown (sewer plant and May) bordering the Potomac River.

It is requested that this Petition be placed on the agenda for the Council's February meeting and that it proceed in accordance with the Town's practices.

Please contact me should you have any questions, and thank you for your assistance.

Sincerely,


D. Frank Hill, III

Enclosure as stated

cc: George Kalathas (w/copy of Petition For Annexation)

RECEIVED
JAN 26 2012
alb.
SHEPHERDSTOWN

PETITION FOR ANNEXATION

TO: The Honorable Arthur J. Auxer, III, Mayor
Town Council Members

FROM: George Kalathas

DATE: January 25, 2012

George Kalathas (the "Petitioner") petitions the Corporation of Shepherdstown (the "Town"), pursuant to West Virginia Code § 8-6-4 (Annexation without an election), to annex three (3) contiguous parcels of real estate (the "Property") containing 8.276 acres in the aggregate.

The Property is located on the north side of what would be an extension of High Street in the Shepherdstown Magisterial District and is contiguous with the municipal boundary of the Town of Shepherdstown. (See Plat Book 10, page 101, et seq., and Exhibits B, C, and E)

The Property is described in two (2) Deeds, the first dated the 5th day of November, 1987, and recorded in the office of the Clerk of the County Commission of Jefferson County, West Virginia, on November 24, 1987, in Deed Book 592, page 162, by which the entire 8.28 acres parcel was acquired by the Petitioner, and the second dated the 11th day of August, 1992, and recorded in the aforesaid Clerk's office on August 20, 1992, in Deed Book 721, page 573, by which Tract 1 (containing 6.397 acres) and Tract 3-Residue (containing 0.961 acre) were created, both of which parcels being described upon the aforementioned

plat; a copy of both Deeds are attached and labeled Exhibit A-1 and Exhibit A-2.

A copy of the plat (Sheet 5 of 5) referenced in the Deed last above mentioned (Exhibit A) is attached as Exhibit B, with the Property being described thereon as Tract 1, Tract 2, and Tract 3-Residue.

The Property is identified on Jefferson County Tax Map 8, a copy of which is attached as Exhibit C, as follows:

Tract 1 (containing 6.40 acres)	- Parcel 43
Tract 2 (containing 0.92 acre)	- Parcel 43.1
Tract 3-Residue (containing 0.96 acre)	- Parcel 43.2

OWNERSHIP

The Petitioner is the sole freeholder of the Property.

The entire western boundary of the Property (720 feet) is adjacent to and contiguous with the existing municipal boundary of the Town. The two adjacent parcels, within the corporate boundary of the Town, are owned by (the Estate of) Herbert E. May and by the Corporation of Shepherdstown (the Municipal Sewer Plant) which are shown on Tax Map 8 as parcels 88 and 88.0001, respectively. The southwestern-most corner of the Property abuts the existing terminus of High Street although vehicular access to the Property will be through an adjacent parcel of real estate owned by the Petitioner (Tax Map 8, parcel 44.0001; and Deed Book 883, page 349) which abuts River Road near the terminus of German Street.

QUALIFIED VOTERS

The Property is unoccupied/uninhabitable; there are no persons/voters who reside on the Property.

REQUIREMENTS OF CHAPTER 14 OF THE TOWN CODE

In accordance with the provisions of Section 9-1424, Annexation, of the Town Code, the Petitioner submits the following information:

I. BASIS FOR ANNEXATION REQUEST, DEVELOPMENT PLANS, ZONING

The only "improvements" upon the Property are an unoccupied/uninhabitable two-story stone home and several ancillary structures.

The Property was historically known as "Sarnia". It is the recollection of the undersigned that the home was substantially destroyed by a fire in the late 1950s and was thereafter allowed to deteriorate. Attached are two pages, labeled Exhibit D, from a Realtor's listing/advertisement of Sarnia which provides a glimpse of the home's appearance prior to the fire. [Note: The reference found on the last paragraph of the second page that "Land taxes are low. West Virginia has no income tax." are both no longer applicable.]

The Petitioner desires to annex the Property and begin the planning process for the further stabilization and rehabilitation of the stone home.

This Petition is submitted conditioned on the Property being annexed in the Residential Commercial District. (See Section 9-602(e)).

II. LEGAL DESCRIPTION AND PLAT

A legal description of the Property, prepared by R. Michael Shepp, West Virginia Professional Surveyor No. 641, dated March 7, 2011, is attached as Exhibit E which describes the Property as a unitary parcel.

The most recent plat of the Property (Exhibit B) is recorded in the aforesaid Clerk's office in Plat Book 10, page 101, et seq. A plat of the Property, when acquired by the Petitioner, is attached to the Deed recorded in Deed Book 592, page 162 (Exhibit A-1).

III. STATEMENT OF PROJECTED IMPACTS TO THE TOWN

A. Utilities. Water and sewer services are furnished to the Property by the Town, the costs of which were paid by the Petitioner. Electric service to the Property is furnished by Potomac Edison; there is no telephone service to the Property.

B. Proffers. No proffers will be made to the Town.

C. Financial Impact. There will be no detrimental financial impact to the Town resulting from the annexation of the Property. Rather, a positive financial benefit will inure to the Town from various sources, i.e., utility excise taxes (electricity and water). In addition, the Town will receive additional real estate taxes. The 2011 real estate tax bills for the Property report an aggregate assessed value of \$294,000.00 (being sixty percent of its fair market value as determined by the County Assessor). The 2011 tax rate for

Class 4 property (non-owner occupied real estate) is 0.2564 percent which results in real estate taxes payable to the Town of approximately \$755.00 per year.

The cost of maintaining the existing access to the Property (from either an extension of High Street or through the Petitioner's property abutting River Road/German Street Extended) will be borne by the Petitioner and not by the Town.

In summary, the Town will improve its financial posture upon the Property being annexed.

D. Traffic Study. No traffic to or from the Property will be generated beyond that which now exists as only the Petitioner accesses the Property through other real estate owned by him outside of the Town's corporate limits nor will the Property provide any access to any other portion of the Town.

E. Adequate Public Facilities. The Petitioner is unaware of any adverse impact to the Town by the annexation of the Property, primarily because the improvements are in existence and that any external changes to the Property, by modifications, additions, etc., would be subject to review and approval by the appropriate commissions of the Town.

As stated in Section A, other than the Town providing garbage service to the Property, there will be no impact upon the Town's public facilities beyond those that exist at this time.

SUMMARY

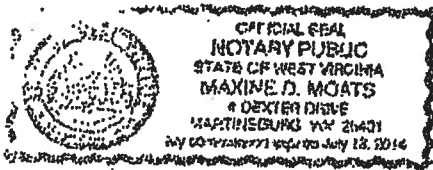
For the foregoing reasons, the Petitioner respectfully prays the Town Council to approve this Petition.


George Kalathas
Owner/Petitioner

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

The foregoing Petition For Annexation was acknowledged before me in my said county and state by George Kalathas, Owner/Petitioner, this 25th day of January, 2012.


(Affix Notarial Seal)




Notary Public

My commission expires: July 13, 2014

Prepared and submitted by:


D. Frank Hill, III
Attorney for the Petitioner
136 E. German Street
P.O. Box A
Shepherdstown, WV 25443
(304) 876-9333
West Virginia Bar No. 1725

January 26, 2012

SCHEDULE OF EXHIBITS

- | | |
|-------------|---|
| Exhibit A-1 | Deed (Book 592, page 162) |
| Exhibit A-2 | Deed (Book 721, page 573) |
| Exhibit B | Plat of Property (Plat Book 10, page 101-D) |
| Exhibit C | Tax Map (subject property shown in top-left corner) |
| Exhibit D | 2-page historical narrative/pictures of Sarnia |
| Exhibit E | Legal Description (consolidated parcel) |

162

7108

THIS DEED made this 5th day of November, 1987, by and between
MARTHA H. FALTRAW, widow, party of the first part, hereinafter referred
to as Grantor, and GEORGE KALATHAS, married, party of the second part,
hereinafter referred to as Grantee.

WITNESSETH: That for and in consideration of the sum of Ten
Dollars (\$10.00) cash in hand paid to the Grantor from the Grantee, and
other good and valuable consideration, the receipt of which is hereby
acknowledged, the said Grantor does hereby grant and convey, with
covenants of general warranty, unto the Grantee, in fee simple, the
following described property:

All that certain tract or parcel of real estate situated in
Shepherdstown District, Jefferson County, West Virginia, and shown on a
plat of a survey of the Faltraw property dated October 18, 1979, made
by R. Michael Shapp, L.L.S., which is attached hereto, made a part
hereof, and described as follows:

BEGINNING at a stone beside a fence post, corner
with Shultz (32), thence with Klein and Duncan N
31° 04' 57" E 348.33 feet to a corner with Duncan
and the south bank of the Potomac River at the mean
low water line (202); thence with said mean low
water line N 22° 41' 14" W 608.44 feet to a corner
with May (203); thence with May S 28° 42' 38" W
780.00 feet to a 63 cedar to be set (200); thence
with the south line of the Old County Road with
Daugherty and Shultz S 70° 40' 00" E 132.00 feet to
the point of beginning, containing 8.28 acres.

TOGETHER WITH all easements and appurtenances thereto
belonging, including the right of the use of the Old County Road and
further subject, however, to the right of others to the use of the Old
County Road over the southern portion of the real estate herein
conveyed.

AND BEING the same real estate conveyed to Martha Faltraw by
deed dated December 10, 1979, from R. Harold Faltraw, her husband, and
recorded in the aforesaid Clerk's Office in deed book 448 at Page 730.

THIS CONVEYANCE IS MADE SUBJECT to utility line easements and
restrictive covenants of record.

12/2/87 Mailed to George Kalathas, P.O. Box 787, Shepherdstown, WV 25475

163

DECLARATION OF CONSIDERATION OF VALUE

MARtha M. Faltrow, the Grantor herein, whose address is 2621 North Alvernon Way, D-134, Tucson, Arizona, 85712, by her signature below declares that the total consideration paid for the conveyance evidenced by the deed to which this declaration is appended is \$50,000.00.


WITNESS the following signature and seal.

MARtha M. Faltrow
MARtha M. FALTROW

STATE OF ARIZONA
COUNTY OF Pima to-wit:

The foregoing instrument was acknowledged before me this 02th day of November, 1987, by MARTHA M. FALTROW, widow.

NOTARIAL SEAL

Franklin O. ...
Notary Public


My commission expires:
on Commission Expires 12-18-87

This deed was prepared by
John G. Skinner, Jr., Attorney at Law
Charles Town, West Virginia 25414
File No. AR-87-07136/800



BOOK NO. 221 JEFFERSON COUNTY

573

6487

THIS DEED made this 11th day of August, 1892, by and between PETER L. CHADAKIAN, Trustee, hereinafter referred to as GRANTOR; and GEORGE KALATHAS, a married man, hereinafter referred to as GRANTEE.

WITNESSETH: that for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said Grantor does hereby grant and convey, with covenants of general warranty, in fee simple, unto the said Grantee, all the following tracts or parcels of real estate, more particularly described as follows:

PARCEL I

All that certain tract or parcel of real estate, with improvements thereon and appurtenances thereunto belonging, situate in the Shepherdstown District, Jefferson County, West Virginia, as the same is bounded and described on a survey and plat thereof entitled "Plat of Survey Showing Property of George Kalathas," dated June, 1892, made by Appalachian Surveys, Inc., sheets 1 through 3, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 10 at page 101A-2, wherein shown on sheet 3 of 3 as "Tract 1" comprising 6.397 Acres.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to an existing 30 foot right-of-way unmaintained state road, as shown on the plat hereinabove mentioned and to a 40 foot wide Access Easement, as shown on the plat hereinabove mentioned.

PARCEL II

All that certain tract or parcel of real estate, with improvements thereon and appurtenances thereunto belonging, situate in the Shepherdstown District, Jefferson County, West Virginia, as the same is bounded and described on the above mentioned survey and plat, thereon shown on Sheet 3 of 3 as "Tract 3 Residue" comprising 0.951 Acres.

AND BEING the same parcels of real estate that were conveyed unto the Grantor herein from George Kalathas and Lembriny Kalathas, husband and wife, by two separate deeds, both dated

8-21-92 11:00 AM

574

August 11, 1998, and recorded in the aforesaid Clerk's Office immediately preceding the recording of this deed.

The land hereby conveyed is adjacent to and contiguous with land already owned by the Grantee herein.

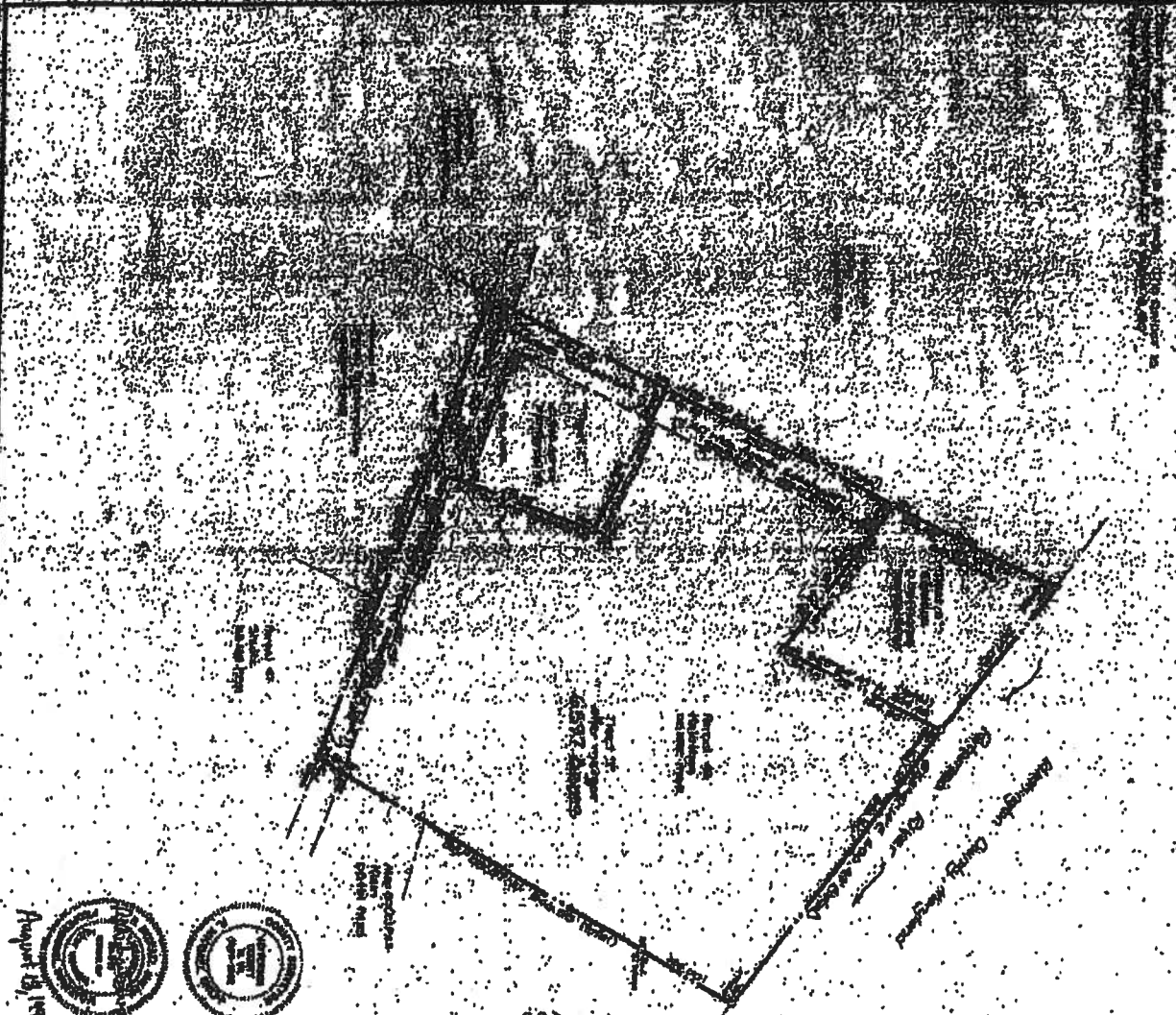
THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to restrictive covenants and conditions, easements, assessments and limitations of record.

DECLARATION OF CONSIDERATION OR VALUE

Under penalties of fine and imprisonment, as provided by law, the undersigned hereby declare that the transfer of real estate included in this document to which this Declaration is appended is not subject to the West Virginia Excise Tax on the transfer of real estate, for the reason that the same is a transfer between a straw party and the owner, without actual consideration, and therefore exempt.

WITNESS the following signature and seal:

 TRUSTEE
Peter L. Chahmekian, Trustee (SEAL)



Report of INTL APPRAISAL SURVEYS INC.

10000 25th Avenue, NW, #2004

Part of survey along GEORGE KILLPATRICK'S
PARCELS AFTER MERGERS
 containing the
 Georgetown District Map 5
 of Prince Georges County, MD

EXHIBIT B

8181

Sheet 5 of 5

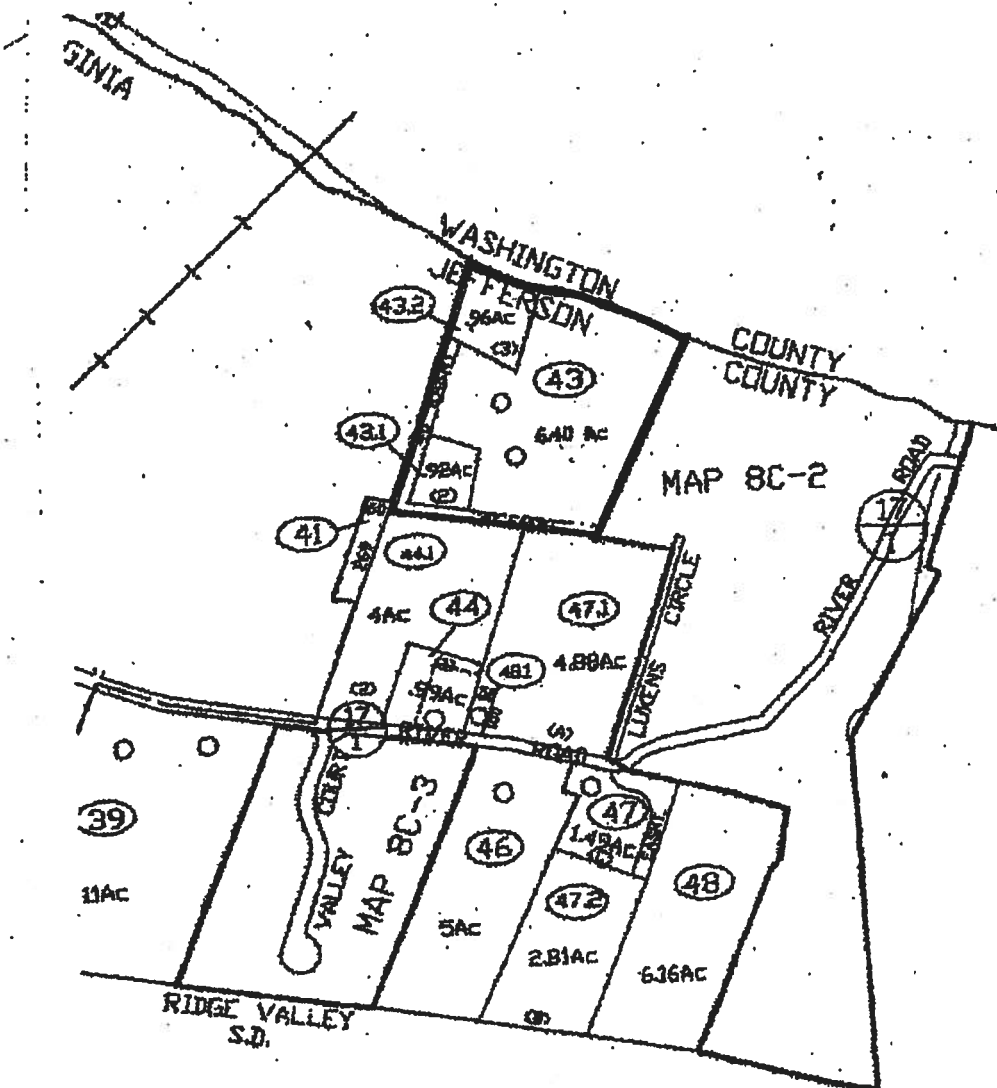
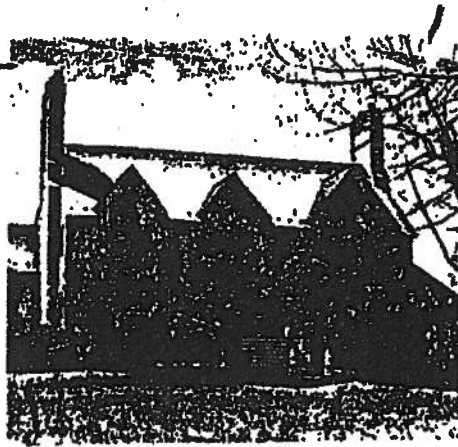


EXHIBIT C



Driveway Approach to House



Flagged Terrace at Rear of House



Another View of House

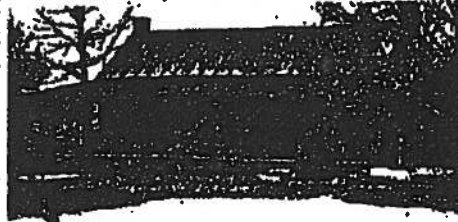
Shepherdstown, West Virginia

"Sarnia" is a delightful small estate just beyond the fashionable fox-hunting country of Northern Virginia in income tax-free West Virginia. It is close to the village of Shephardstown, about 16 miles from Hagerstown in Maryland, and 70 from Washington. The eight-acre property is a secluded and peaceful haven, high on a bluff overlooking the winding Potomac with a wonderful view of the green meadows and woods on the opposite shore, and of the far-off Blue Ridge Mountains. In the spring, the grounds around the house are a lovely sight with lilacs, acacias and pink and white apple blossoms in bloom. Later in the season, the maples along the driveway and in the woodland form deep, cool shade. In this mild climate, fragile varieties of lilies and roses flourish in the garden, alongside the hardier perennials.

Half hidden by the surrounding evergreens, the gabled Cotswold house is delightful and has been designed to take the greatest advantage of its magnificent setting above the river. Due to the hollow tile and stucco construction, the cypress shingle



View of River and Mountains



*Servants' Cottage
OFFERED FOR SALE AT \$40,000*

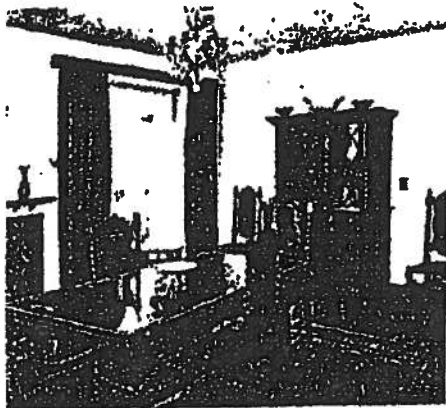
(For rent on long lease at \$200 per month, furnished)

Previews Incorporated has made every effort to provide accurate information, but offering is subject to errors and omissions, as well as prior sale, change or withdrawal without notice and approval of purchaser by owner.

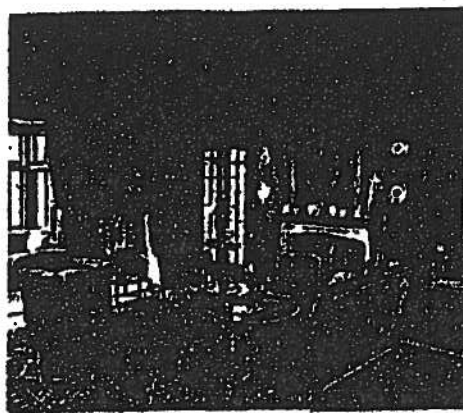
PREVIEWS LISTING No. 40923

roof and the oak window frames and doors, the upkeep is very low. Entering the house, on one side of the small entrance hall is a big closet, on the other is a powder room with a stall shower. Steps lead to a large biscuit-ciled gallery, which has three French windows opening out into a flagstone terrace overlooking the river. Adjoining to the left is a large oak-paneled living room with a huge fireplace and two bay windows and doors leading to a covered porch. To the right of the gallery is a library with tiled floor, beamed oak ceiling, large stone fireplace, and two French doors out onto the terrace; next to it is a fine dining room, also with fireplace and an arched oak door leading to the lawn. Wide stairs lead to the second floor, which is divided into a suite of two bedrooms and a bath having a view over the river, and four more bedrooms and two baths and lavatory. These rooms are all nicely shaped, have delightful views, and three of them have fireplaces.

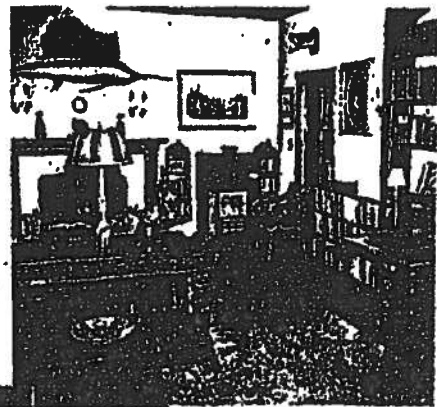
Not far from the house, there is a kennel with three dog runs, a servants' cottage and four-car garage, hung with wisteria. At the foot of the hill lies an unspoiled little village. There are swimming and fishing in the Potomac and in the not-too-distant Shenandoah.



Dining Room



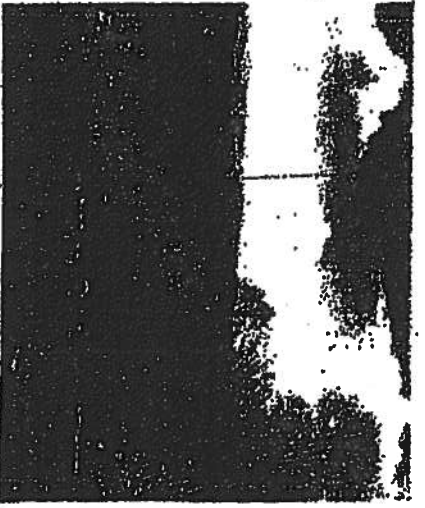
Living Room



Library

EXHIBIT D

ILLUSTRATED BROCHURE FOR PRESENTATION OF PROPERTY TO CLIENTS AVAILABLE ON REQUEST.



Previous Listing 40923

PRICE: \$40,000 For rent or long-term lease of \$200 a month. Furnished.

Shenandoah National Park, Jefferson County, Virginia. For more information, contact the author at the address below or write to the author at the address below.

"Sanka" is a perfect small estate in the scenic rolling country just beyond the town of Shenandoah, on a wooded hillside overlooking the Potomac. History was made nearby at Antietam, and the heights around Harpers Ferry. From the Norfolk and Western Railroad station a dirt road runs steeply up the bluff to "Sanka." Once inside the gates, the landscape is quiet solitude with the steepest walls of an incredibly beautiful view. The driveway is lined with oaks, oak trees, apple trees, oaks of bluffs, oaks, and dogwood. Spruces and poplar tower over the house. Beyond the stone flagged barns the Potomac has 125 feet below, and far up on the other side are the Blue Ridge Mountains. The gardens are planted in roses, lilies, and all sorts of perennials. 4 of the 8 acres of land are fields, the rest are lawns and woodland. 70 miles from Washington and 16 from Hagerstown, Maryland. Sanka and stone are only half a mile away. The Openness Golf Club provides good sports. Excellent bass fishing in the Potomac River, or in the Shenandoah 5 miles away. RESIDENCE: 11 rooms (4-beds), 6 marble bathrooms, 1 maid's room! was built in 1930 in the gracious Colonial style. It is off below the construction covered with stone, which requires no upkeep. The house is well built, well and attractively planned. Copper gutters, leaders and screens. Weatherstripping throughout. Cool stone furnace. Heaters heater controls in winter, cool in summer. Public Service electricity. Deep-well pump. Septic tank. Load boxes are low. West Virginia has no income tax.



Appalachian Surveys, P.L.L.C.
Surveying the Eastern Piedmont for 30 years

Description of Property Proposed for Annexation to
The Corporation of Shepherdstown

Three tracts or parcels of land situated on the southern bank of the Potomac River and on the northern side of an unnamed state road, said tract or parcel located in Shepherdstown Magisterial District as shown on a "Plat of Survey showing George Kalathas' Parcels After Mergers", Page 5 of 5, dated 8 July 1992 and recorded in the Office of the Clerk of the Jefferson County Commission in Plat Book 10 at Page 101-D, said parcel proposed for Annexation to the Corporation of Shepherdstown is hereby described as follows:

Beginning at an unmarked point (276) on the southern bank of the Potomac River, said point being North 26°42'56" East 117.75 feet from a wooden corner fence post (30), said fence post on the common boundary with the property owned by the Corporation of Shepherdstown used for the location of a sewage treatment plant; thence for one line down and with the Potomac River

South 52°41'14" East a distance of 600.44 feet to an unmarked point (277) on the southern bank of the Potomac River, said point being North 31°06'57" East a distance of 120.00 feet from a found "I" beam (39) said point a common corner with Duncan; thence in part with Duncan and in part with Painter

South 31°06'57" West at 120.00 feet passing through a found "I" beam, in all a distance of 546.55 feet to a found stone (32) beside a wooden fence post, said post on the southern limit of an unnamed state highway (Road Book 1 Page 114), said stone a common corner with Painter and a point in the boundary with Shultz; thence in part with Shultz and in part with other property owned by Kalathas along the southern limit of an unnamed state highway

North 70°00'34" West a distance of 552.06 feet to a previously set 5/8-inch rebar with ID Cap (200), said rebar a common Corner with other properties owned by Kalathas and a common corner with property owned by May; thence leaving the southern limit of the unnamed state highway and in part with May and in part with the Corporation of Shepherdstown

North 26°42'56" East a distance of 720.00 feet to the Point of Beginning, containing 8.276 acres, more or less.

R. Michael Sheper

PO Box 342, Charles Town, WV 25414
 304-724-5008 voice 304-724-5010 fax
 www.appalachiansurveysnllc.com

SUPPLEMENTAL PETITION
FOR ANNEXATION

To: The Honorable Arthur J. Auxer, III, Mayor

From: George Kalathas

Date: October 27, 2017

George Kalathas, hereinafter referred to as Petitioner, submits this Supplemental Petition for Annexation, to supplement his Petition for Annexation originally submitted January 26, 2012, for the annexation of three (3) contiguous parcels of real property abutting the municipal boundary of Shepherdstown, hereinafter referred to as the Property, containing 8.276 acres in the aggregate. Attached hereto as Exhibit A is a copy of the original petition for annexation.

Background and Procedural History

The Petitioner submitted the Petition for Annexation on January 26, 2012. The contents of this Petition remain Petitioner's request. After reviewing the file kept by the Town on his original petition, Petitioner is submitting this Supplemental Petition in an effort to address issues that may be unresolved after the public hearing held by the Planning Commission in July, 2012. Petitioner remains eager to have his property annexed by the Town.

According to the minutes of the Planning Commission meeting held on July 16, 2012, publication of a public hearing on the matter appeared in the Shepherdstown Chronicle on June 22, 2012, and the public hearing on the matter was held at this July 16, 2012 meeting. The Planning Commission continued the matter to the August 2012 meeting for Petitioner to consider supplementing and clarifying the petition to state "what is not planned and what is planned" as future development of the Property or to amend the petition to request R-1 zoning. On August 31, 2012, the Petitioner sent a letter to the Planning Commission stating that the intention of the Petitioner is to develop the property as a restaurant and special event venue with possibly a small number of overnight accommodations. There have been no other proceedings or communications regarding this matter until the filing of this Supplemental Petition.

Supplemental Information

A review of the file maintained by the Town on this matter indicates there were three issues of concern, namely: (1) the intended use of the property; (2) the requested zoning component of the Town Annexation Policy and its application to the original petition; and (3) the

traffic study component of the Town Annexation Policy and its application to the original petition.

Intended Use of the Property

The original Petition states that the intended use of the property is “stabilization and rehabilitation of the stone home.”

The August letter from the Petitioner to the Planning Commission written in response to the Planning Commission’s request as contained in the minutes of the July 2012 public hearing to “supplement and clarify the petition to state (in the negative) what is not planned and to state (positively) what is planned or amend the petition to request residential zoning (although that would not be consistent with the Petitioner’s plans” states as follows:

Once the stone home is further stabilized, it is the Petitioner's expectation and firm intention that it be used and converted into a restaurant, special event facility (weddings, receptions, etc.) and possibly a small number of overnight accommodations (certainly less than five) as a lodge or an inn.

This use would most closely be embraced within the permitted uses specified in Code Section 9-602(e).

The Petitioner’s intended use of the property remains the same. It is his intention to first shore up the house. Depending on many factors that all new businesses must face, not the least of which are finances, whether he builds additional facilities for an event venue or larger restaurant space or lodging, he cannot state with certainty at this time. The Petitioner can state that any development of the property into a restaurant, event venue or lodging will happen in phases, as a growing business will dictate, and that he understands any development of the Property will require his request of permission of such development from the Town. Please note that although the August 2012 letter states that the overnight accommodations would be “certainly less than five,” Petitioner has made no determination as to the size of any lodging accommodations; and as is stated herein, the size and number of any lodging accommodations will be dictated by market factors and subject to Town approval of any such development.

Requested Zoning for the Property

Section 9-1424 Annexation of the Town Ordinance requires among other things for a petition for annexation contain “reasons for the annexation request, including any development plans, proposals for the subject property, and requested zoning.” The original Petition for Annexation states “this petition is submitted conditioned on the Property being annexed in the Residential Commercial District.”

The August letter from the Petitioner to the Planning Commission written in response to the Planning Commission’s request as contained in the minutes of the July 2012 public hearing

to “supplement and clarify the petition to state (in the negative) what is not planned and to state (positively) what is planned or amend the petition to request residential zoning (although that would not be consistent with the Petitioner’s plans” states as follows:

Lest there be no misunderstanding, Mr. Kalathas has submitted his Petition exclusively within this permitted use and none other enumerated within Section 602.

Further, the Petitioner is aware that if the floor area of the project would exceed 3,000 square feet, the provisions of Section 9-603 would require the Petitioner to seek as Special Exception from the Board of Zoning Appeals.

Section 9-205 Application of regulations, subsection (a) Zoning of annexed areas, provides that “all territory which may be annexed to the town shall from time of annexation be considered as being in the R-1 District until changed by ordinance, unless the resolution of annexation by the Town Council provides for other district classification or classifications.”

Since the time of his original Petition, the Petitioner has been working with the Town Zoning Official. The Zoning Official suggested instead of an RC zoning classification, the Petitioner may find a PUD zoning classification preferable. Considering Petitioner’s intended future use of the Property, Petitioner is open to either an RC or PUD zoning classification for the Property. Petitioner would prefer the annexation ordinance contain the zoning classification, but again, in consultation with the Town Zoning Official, understands that the zoning classification may be achieved on a “parallel track” with the annexation petition, so that the effect is the same. However the goal is reached, Petitioner would like to achieve an annexed property in which he can move forward with his intended use of the property. Petitioner feels that achieving this result is efficient since many of the questions or concerns voiced at the public hearing were in regard to his intended use of the property. An annexation ordinance outlining what the use will be could serve both the Town and the Petitioner well.

Traffic Study

Section 9-1424 Annexation of the Town Ordinance requires among other things for a petition for annexation contain “a statement of projected impacts to the Corporation of Shepherdstown which would result from the proposed annexation and all associated development activities, including:...a traffic study, conducted by a certified traffic engineering firm, which details the projected impacts on traffic from the proposed development activity.”

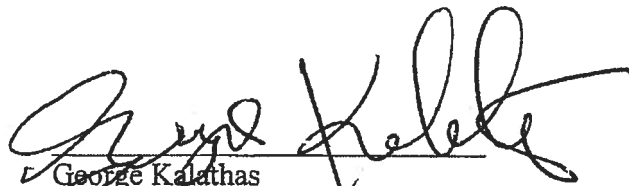
The original petition stated “no traffic to or from the Property will be generated beyond that which now exists as only the Petitioner accesses the Property through other real estate owned by him outside of the Town’s corporate limits nor will the Property provide any access to any other portion of the Town.”

Since the time of his original Petition, the Petitioner has been working with the Town Zoning Officials. The Zoning Official suggested that an option that the Petitioner might consider is a "conditional" approval of the annexation – conditioned on the fulfillment of the required traffic study. Petitioner is willing to accept this contingency if it is acceptable to the Planning Commission and the Town Council.

Summary

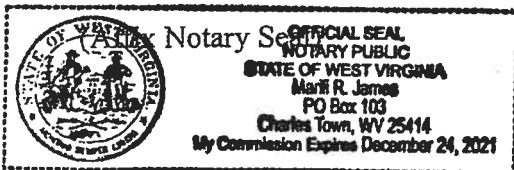
Petitioner is hopeful that this Supplemental Petition for Annexation adequately informs the Planning Commission and the Town of his intent to develop his property into one that is a beneficial addition to the Town. He looks forward to working with the Planning Commission and the Town Council in moving toward his longtime goal, or dream, for the Property.

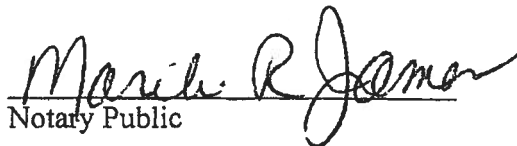
Respectfully submitted,


George Kalathas
Owner/Petitioner

State of West Virginia
County of Jefferson

The foregoing Supplemental Petition for Annexation was acknowledged before me in my said county and state by George Kalathas, Owner/Petitioner, this 6th day of December, 2017.




Notary Public

My Commission expires: 12/24/21

Prepared and submitted by:

Alice Anne Chakmakian

Alice A. Chakmakian
Attorney for the Petitioner
108 N. George St., 3rd Floor
Charles Town, WV 25414

EXHIBIT B

CONSOLIDATED LEGAL DESCRIPTION



Appalachian Surveys, LLC
Surveying the Eastern Piedmont for 30 years

**Description of Property Proposed for Annexation to
 The Corporation of Shepherdstown**

Three tracts or parcels of land situated on the southern bank of the Potomac River and on the northern side of an unnamed state road, said tract or parcel located in Shepherdstown Magisterial District as shown on a "Plat of Survey showing George Kalathas' Parcels After Mergers", Page 5 of 5, dated 8 July 1992 and recorded in the Office of the Clerk of the Jefferson County Commission in Plat Book 10 at Page 101-D, said parcel proposed for Annexation to the Corporation of Shepherdstown is hereby described as follows:

Beginning at an unmarked point (276) on the southern bank of the Potomac River, said point being North 26°42'56" East 117.75 feet from a wooden corner fence post (30), said fence post on the common boundary with the property owned by the Corporation of Shepherdstown used for the location of a sewage treatment plant; thence for one line down and with the Potomac River

South 52°41'14" East a distance of 600.44 feet to an unmarked point (277) on the southern bank of the Potomac River, said point being North 31°06'57" East a distance of 120.00 feet from a found "I" beam (39) said point a common corner with Duncan; thence in part with Duncan and in part with Painter

South 31°06'57" West at 120.00 feet passing through a found "I" beam, in all a distance of 546.55 feet to a found stone (32) beside a wooden fence post, said post on the southern limit of an unnamed state highway (Road Book 1 Page 114), said stone a common corner with Painter and a point in the boundary with Shultz; thence in part with Shultz and in part with other property owned by Kalathas along the southern limit of an unnamed state highway

North 70°00'34" West a distance of 552.06 feet to a previously set 5/8-inch rebar with ID Cap (200), said rebar a common Corner with other properties owned by Kalathas and a common corner with property owned by May; thence leaving the southern limit of the unnamed state highway and in part with May and in part with the Corporation of Shepherdstown

North 26°42'56" East a distance of 720.00 feet to the Point of Beginning, containing 8.276 acres, more or less.

R. Michael Shepp

PO Box 342, Charles Town, WV 25414
 304-724-5008 voice 304-724-5010 fax
www.appalachiansurveysllc.com

EXHIBIT C

DEEDS

162

7203

THIS DEED made this 3th day of November, 1987, by and between MARTHA N. FALTROW, widow, party of the first part, hereinafter referred to as Grantor, and GEORGE KALATHAS, married, party of the second part, hereinafter referred to as Grantee.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid to the Grantor from the Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey, with covenants of general warranty, unto the Grantee, in fee simple, the following described property:

All that certain tract or parcel of real estate situated in Shepherdston District, Jefferson County, West Virginia, and shown on a plat of a survey of the Faltrow property dated October 12, 1987, made by E. Michael Shapp, D.L.S., which is attached hereto, made a part hereof, and described as follows:

BEGINNING at a stone beside a fence post, corner with Shultz (32), thence with Klein and Duncan N 31° 04' 37" E 346.33 feet to a corner with Duncan and the south bank of the Potomac River at the mean low water line (322); thence with said mean low water line N 22° 41' 14" W 608.44 feet to a corner with May (30); thence with May S 28° 42' 38" W 780.00 feet to a 65 meter to be set (300); thence with the south line of the Old County Road with Daugherty and Shultz S 70° 40' 00" E 532.00 feet to the point of Beginning, containing 6.23 acres.

TOGETHER WITH all covenants and appurtenances thereunto belonging, including the right of the use of the Old County Road and further subject, however, to the right of others to the use of the Old County Road over the southern portion of the real estate herein conveyed.

AND BEING the same real estate conveyed to Martha Faltrow by deed dated December 10, 1979, from R. Harold Faltrow, her husband, and recorded in the aforesaid Clerk's Office in Book 448 at Page 736.

THIS CONVEYANCE IS MADE SUBJECT to utility line easements and restrictive covenants of record.

12/12/87 mailed to George Kalathas, P.O. Box 784, Shepherdston WV 25773

163

DECLARATION OF CONSIDERATION OF VALUE

MARtha M. SANCHEZ, the Grantor herein, whose address is 2662 North Alvarado Way, D-134, Tucson, Arizona, 85712, by her signature below declares that the total consideration paid for the conveyance evidenced by the deed to which this declaration is appended is \$50,000.00.

WITNESS the following signature and seal.

MARtha M. Sanchez
MARtha M. SANCHEZ

STATE OF ARIZONA
COUNTY OF Pima, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of November, 1987, by MARtha M. SANCHEZ, widow.

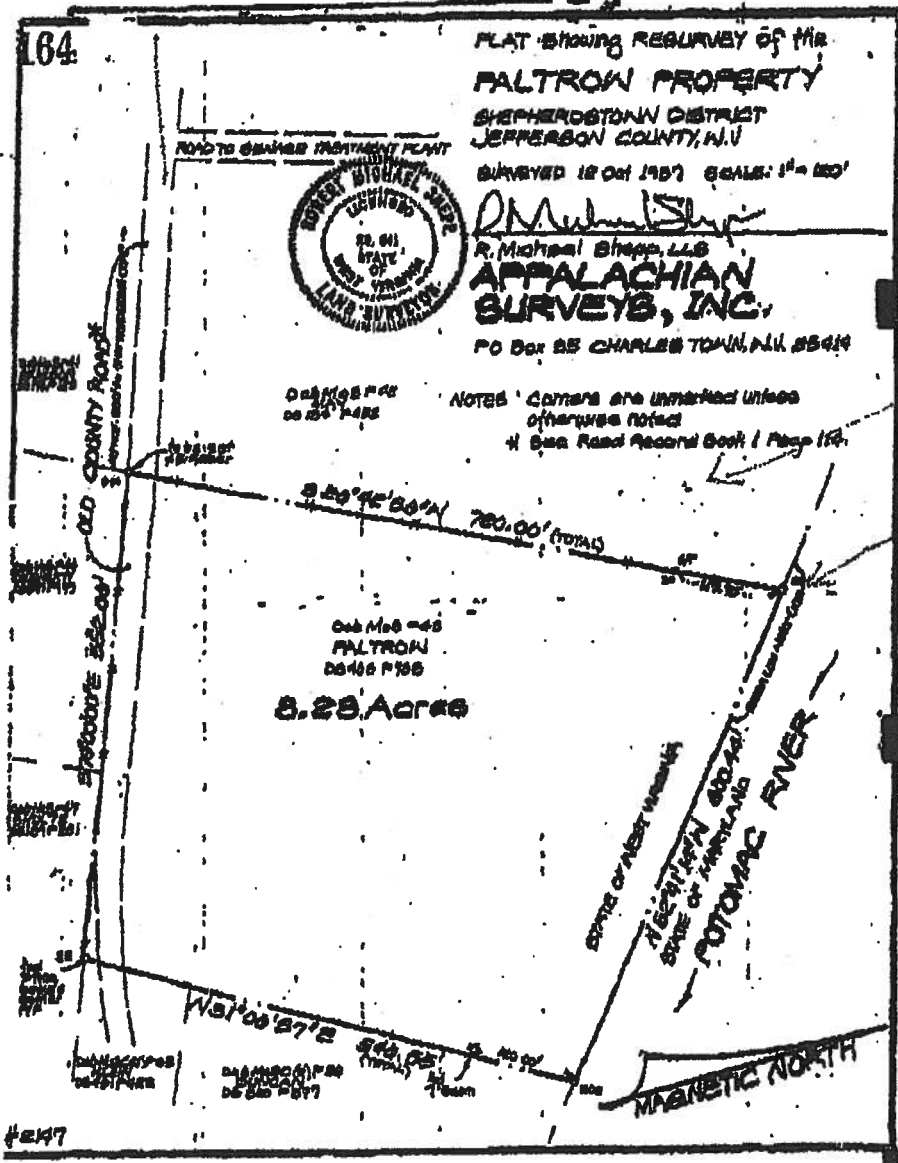
NOTARY PUBLIC

Thomas O. ...
NOTARY PUBLIC
ARIZONA
NOV 22 1987

My commission expires:
4th Commission Expires 12-18-87

This deed was prepared by
John G. Skinner, Jr., Attorney at Law
Charles Town, West Virginia 25414
File No. BK-87-07180/800





SEWER PLANS
 CORPORATE
 13/01/1987

State of West Virginia, County of Jefferson, 2nd.
 IN THE CLERK'S OFFICE OF COUNTY COMMISSION.
 On NOV 8 1987, at 11:50 A.M., the foregoing
 Deed of B. & S. was received in my said office and duly
 admitted to record.

Test,

John E. Ott
 Clerk of County Commission

BOOK NO. 221 JEFFERSON COUNTY

573

6187

THIS DEED made this 11th day of August, 1892, by and between PETER L. CHAKMAYAN, Trustee, hereinafter referred to as GRANTOR; And GEORGE KALATHAS, a married man, hereinafter referred to as GRANTEE.

WITNESSETH: that for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said Grantor does hereby grant and convey, with covenants of general warranty, in fee simple, unto the said Grantee, all the following tracts or parcels of real estate, more particularly described as follows:

PARCEL I

All that certain tract or parcel of real estate, with improvements thereon and appurtenances thereunto belonging, situate in the Shepherdstown District, Jefferson County, West Virginia, as the same is bounded and described on a survey and plat thereof entitled "Plat of Survey Showing Property of George Kalathas," dated June, 1892, made by Appalachian surveys, Inc., sheets 1 through 3, recorded in the office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 12 at page 161-2, thereon shown on sheet 3 of 3 as "Tract 1" comprising 6.397 Acres.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to an existing 30 foot right-of-way unmaintained state road, as shown on the plat hereinabove mentioned and to a 40 foot wide Access Easement, as shown on the plat hereinabove mentioned.

PARCEL II

All that certain tract or parcel of real estate, with improvements thereon and appurtenances thereunto belonging, situate in the Shepherdstown District, Jefferson County, West Virginia, as the same is bounded and described on the above mentioned survey and plat, thereon shown on Sheet 3 of 3 as "Tract 3 Residue" comprising 0.351 Acres.

AND BEING the same parcels of real estate that were conveyed unto the Grantor herein from George Kalathas and Lembriny Kalathas, husband and wife, by two separate deeds, both dated

6-21-92 Shepherds

574

August 11, 1998, and recorded in the aforesaid Clerk's Office immediately preceding the recording of this deed.

The land hereby conveyed is adjacent to and contiguous with land already owned by the Grantee herein.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to restrictive covenants and conditions, easements, assessments and limitations of record.

DECLARATION OF CONSIDERATION OR VALUE

Under penalties of fine and imprisonment, as provided by law, the undersigned hereby declare that the transfer of real estate included in this document to which this Declaration is appended is not subject to the West Virginia Excise Tax on the transfer of real estate, for the reason that the same is a transfer between a straw party and the owner, without actual consideration, and therefore exempt.

WITNESS the following signature and seal:

 TRUSTEE
Peter L. Chakmakian, Trustee (REAL)

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

ORDER APPROVING AND CONFIRMING THE ANNEXATION TO THE CORPORATION OF SHEPHERDSTOWN OF THREE CONTIGUOUS PARCELS OF REAL ESTATE CONTAINING 8.726 ACRES IN THE AGGREGATE AND IDENTIFIED AS PARCELS 43, 43.1 AND 43.2 ON TAX MAP 8, ALL OF WHICH ARE PRESENTLY LOCATED IN SHEPHERDSTOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA, OWNED BY GEORGE KALATHAS, AS PROVIDED BY WEST VIRGINIA CODE §§ 8-6-3 AND 8-6-4 (ANNEXATION WITHOUT ELECTION).

This ____ day of _____, 2018, came the Corporation of Shepherdstown, West Virginia, a municipal corporation, and moved the County Commission of Jefferson County, West Virginia, to approve and confirm the annexation by the Corporation of Shepherdstown of three (3) parcels of real estate consisting of 8.276 acres in the aggregate and identified as Parcel 43 (6.40 acres), Parcel 43.1 (0.92 acres), and Parcel 43.2 (0.96 acres) on Tax Map 8, and of which are located in Shepherdstown District, Jefferson County, West Virginia, owned by George Kalathas, and being the same real estate conveyed to George Kalathas, by deed dated November 5, 1987, of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 592, page 162, and by deed dated August 11, 1992, of record in the aforesaid County Clerk's Office in Deed Book 721, page 573, more particularly described in a Consolidated Legal Description attached hereto as Exhibit 1.

It appearing by the Certificate of the Corporation of Shepherdstown filed this date with the Jefferson County Commission, a copy of which is attached hereto as Exhibit 2, and by that Petition for Annexation dated January 25, 2012, and that Supplemental Petition for Annexation dated December 6, 2017, of the owner said real estate, attached to said Certificate, that

the sole owner and freeholder of said real estate has requested that the hereinabove referred to real estate be annexed to and become a part of the Corporation of Shepherdstown.

It further appearing that the Certificate of the governing body of the municipality of Shepherdstown was this day filed showing that an annexation has been made in the manner required by law, to the corporate limits thereof, and that by such annexation the said corporate limits should be increased to include that real estate more particularly described in Exhibit 1, attached hereto.

It further appearing from the said Certificate that the entire western boundary of the annexed property is adjacent to and contiguous with the existing corporate boundary of the Corporation of Shepherdstown, and the southwest corner abuts the existing terminus of High Street.

It further appearing that the proposed property to be annexed is entirely within the Corporation of Shepherdstown's Growth Management Boundary, and, according to the governing body of the municipality, the annexation is consistent with the Corporation of Shepherdstown's Comprehensive Plan.

It is therefore ORDERED that such annexation to said corporate limits be and the same is hereby APPROVED and CONFIRMED, and the Clerk of the Jefferson County Commission is directed to deliver to the governing body of the Corporation of Shepherdstown a certified copy of this Order as soon as practicable.

This Order shall take effect this ____ day of _____, 2018.

JEFFERSON COUNTY COMMISSION

By: _____
President

Dated this _____ day of _____, 2018.

ATTEST:

Jennifer S. Maghan
Clerk of the County Commission of
Jefferson County, West Virginia

EXHIBIT 1
CONSOLIDATED LEGAL DESCRIPTION



Appalachian Surveys, PLLC
Surveying the Eastern Panhandle for 30 years

Description of Property Proposed for Annexation to
The Corporation of Shepherdstown

Three tracts or parcels of land situated on the southern bank of the Potomac River and on the northern side of an unnamed state road, said tract or parcel located in Shepherdstown Magisterial District as shown on a "Plat of Survey showing George Kalathas' Parcels After Mergers", Page 5 of 5, dated 8 July 1992 and recorded in the Office of the Clerk of the Jefferson County Commission in Plat Book 10 at Page 101-D, said parcel proposed for Annexation to the Corporation of Shepherdstown is hereby described as follows:

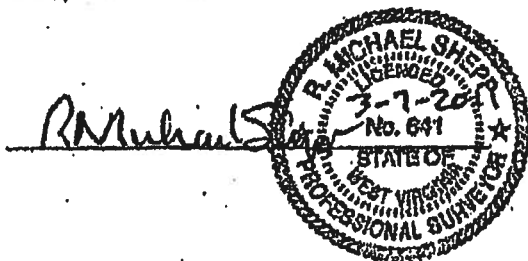
Beginning at an unmarked point (276) on the southern bank of the Potomac River, said point being North $26^{\circ}42'56''$ East 117.75 feet from a wooden corner fence post (30), said fence post on the common boundary with the property owned by the Corporation of Shepherdstown used for the location of a sewage treatment plant; thence for one line down and with the Potomac River

South $52^{\circ}41'14''$ East a distance of 600.44 feet to an unmarked point (277) on the southern bank of the Potomac River, said point being North $31^{\circ}06'57''$ East a distance of 120.00 feet from a found "T" beam (39) said point a common corner with Duncan; thence in part with Duncan and in part with Painter

South $31^{\circ}06'57''$ West at 120.00 feet passing through a found "T" beam, in all a distance of 546.55 feet to a found stone (32) beside a wooden fence post, said post on the southern limit of an unnamed state highway (Road Book 1 Page 114), said stone a common corner with Painter and a point in the boundary with Shultz; thence in part with Shultz and in part with other property owned by Kalathas along the southern limit of an unnamed state highway

North $70^{\circ}00'34''$ West a distance of 552.06 feet to a previously set 5/8-inch rebar with ID Cap (200), said rebar a common corner with other properties owned by Kalathas and a common corner with property owned by May; thence leaving the southern limit of the unnamed state highway and in part with May and in part with the Corporation of Shepherdstown

North $26^{\circ}42'56''$ East a distance of 720.00 feet to the Point of Beginning, containing 8.276 acres, more or less.



PO Box 342, Charles Town, WV 25414
304-724-5008 voice 304-724-5010 fax
www.appalachiansurveyspllc.com

EXHIBIT E

EXHIBIT 2

**CERTIFICATE OF CORPORATION OF SHEPHERDSTOWN
WITH EXHIBITS A, B AND C ATTACHED**

CERTIFICATE OF THE CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA TO ANNEX WITHOUT AN ELECTION UNDER THE PROVISIONS OF WEST VIRGINIA CODE § 8-6-4 THREE PARCELS OF REAL ESTATE CONTAINING 8.276 ACRES IN THE AGGREGATE AND IDENTIFIED AS PARCELS 43, 43.1 AND 43.2 ON TAX MAP 8, ALL OF WHICH ARE PRESENTLY LOCATED IN SHEPHERDSTOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA, OWNED BY GEORGE KALATHAS

WHEREAS, George Kalathas is the owner of three (3) contiguous and adjacent parcels of real estate consisting of 8.276 acres in the aggregate and identified as Parcel 43 (6.40 acres), Parcel 43.1 (0.92 acres), and Parcel 43.2 (01.96 acres) on Tax Map 8 all of which are presently located in Shepherdstown District, Jefferson County, West Virginia; and

WHEREAS, by Ordinance of the Corporation of Shepherdstown adopted March 13, 2018, the hereinabove described parcels of real estate, located in Shepherdstown District, Jefferson County, West Virginia, were annexed into the Corporation of Shepherdstown under the provisions of West Virginia Code § 8-6-4 (Annexation Without Election) subject to the final Order of the Jefferson County Commission recognizing said annexation; and

WHEREAS, George Kalathas requested said annexation of the hereinabove described real estate into the Corporation of Shepherdstown as evidenced by that Petition for Annexation dated January 25, 2012, and that Supplemental Petition for Annexation dated December 6, 2017, a copy of both of which are attached hereto as Exhibit A; and

WHEREAS, it appears from said Petition and Supplemental Petition and as verified by the Corporation of Shepherdstown that at the time said Petition and Supplemental Petition were filed, there were no occupants or voters on the subject real estate; and

WHEREAS, as represented by the Petitioner, and verified by the Corporation of Shepherdstown, George Kalathas is the sole owner and freeholder of the subject real estate, and the subject real estate is currently improved by an unoccupied and uninhabitable two story stone home, substantially destroyed by fire, and several ancillary structures, and that there is no intended change in the current use of the subject real estate which would result in an increase in traffic to and from the subject real estate; and

WHEREAS, the entire western boundary of the parcels to be annexed is adjacent to and contiguous with the existing corporate boundary of the Corporation of Shepherdstown, and the southwest corner abuts the existing terminus of High Street; and

WHEREAS, the proposed property to be annexed is entirely within the Corporation of Shepherdstown's Growth Management Boundary, and the annexation is consistent with the Corporation of Shepherdstown's Comprehensive Plan.

NOW, THEREFORE, this Certificate as required by West Virginia Code § § 8-6-3 and 8-6-4 is hereby filed with the records of the Corporation of Shepherdstown and the Jefferson County Commission certifying that all of the applicable requirements of West Virginia Code § § 8-6-3 and 8-6-4 have been met in regard to this annexation request and that the Petition and Supplemental Petition filed herein by the owner and freeholder of said property are sufficient in every respect in regard to the annexation into the Corporation of Shepherdstown of the herein-above described parcels of real estate consisting of 8.276 acres in the aggregate, located in Shepherdstown District, Jefferson County, West Virginia, and more particularly described in that certain Consolidated Legal Description of the perimeter boundaries of Parcels 43, 43.1 and 43.2 on Tax Map 8, which is attached hereto as Exhibit B, and being the same real estate conveyed to

George Kalathas, by deed dated November 5, 1987, of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 592, page 162, and by deed dated August 11, 1992, of record in the aforesaid County Clerk's Office in Deed Book 721, page 573, a copy of said Deeds being attached hereto as Exhibit C.

WHEREFORE, the Corporation of Shepherdstown prays that the County Commission of Jefferson County, West Virginia, enter an order as provided by West Virginia Code § § 8-6-3 and 8-6-4, ordering and acknowledging that the corporate limits of the Corporation of Shepherdstown, West Virginia, be increased by that real estate more particularly described in Exhibit B attached hereto and that said annexation by the Corporation of Shepherdstown of said real estate be approved and confirmed.

Dated this 2nd day of APRIL, 2018.

CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA,
a municipal corporation,

By: Arthur J. Auker, III
Arthur J. Auker, III, Mayor

ATTEST:

Jan Robertson
Recorder

EXHIBIT A

PETITION AND SUPPLEMENTAL PETITION

Item # H-20
July 2012 FC

D. FRANK HILL, III
ATTORNEY AT LAW
Post Office Box A
SHEPHERDSTOWN, WEST VIRGINIA 25443

D. FRANK HILL, III (WV # 00000)

138 E. GERMAN STREET
THE PHARMACY BUILDING
(304) 578-8988

January 26, 2012

(HAND DELIVERY)

Corporation of Shepherdstown
P.O. Box 248
108 N. King Street
Shepherdstown, WV 25443

Attn: Amy L. Boyd, Town Clerk

Re: George Kalathas Petition For Annexation

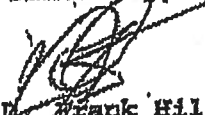
Dear Ms. Boyd:

On behalf of George Kalathas, I have attached a Petition seeking annexation of a consolidated parcel containing 8.276 acres adjacent to the eastern boundary of Shepherdstown (sewer plant and May) bordering the Potomac River.

It is requested that this Petition be placed on the agenda for the Council's February meeting and that it proceed in accordance with the Town's practices.

Please contact me should you have any questions, and thank you for your assistance.

Sincerely,



D. Frank Hill, III

Enclosure as stated

cc: George Kalathas (w/copy of Petition For Annexation)

RECEIVED
JAN 26 2012
alb.
SHEPHERDSTOWN

PETITION FOR ANNEXATION

TO: The Honorable Arthur J. Auxer, III, Mayor
Town Council Members

FROM: George Kalathas

DATE: January 25, 2012

George Kalathas (the "Petitioner") petitions the Corporation of Shepherdstown (the "Town"), pursuant to West Virginia Code § 8-6-4 (Annexation without an election), to annex three (3) contiguous parcels of real estate (the "Property") containing 8.276 acres in the aggregate.

The Property is located on the north side of what would be an extension of High Street in the Shepherdstown Magisterial District and is contiguous with the municipal boundary of the Town of Shepherdstown. (See Plat Book 10, page 101, et seq., and Exhibits B, C, and E)

The Property is described in two (2) Deeds, the first dated the 5th day of November, 1987, and recorded in the office of the Clerk of the County Commission of Jefferson County, West Virginia, on November 24, 1987, in Deed Book 592, page 162, by which the entire 8.28 acres parcel was acquired by the Petitioner, and the second dated the 11th day of August, 1992, and recorded in the aforesaid Clerk's office on August 20, 1992, in Deed Book 721, page 573, by which Tract 1 (containing 6.397 acres) and Tract 3-Residue (containing 0.961 acre) were created, both of which parcels being described upon the aforementioned

plat; a copy of both Deeds are attached and labeled Exhibit A-1 and Exhibit A-2.

A copy of the plat (Sheet 5 of 5) referenced in the Deed last above mentioned (Exhibit A) is attached as Exhibit B, with the Property being described thereon as Tract 1, Tract 2, and Tract 3-Residue.

The Property is identified on Jefferson County Tax Map 8, a copy of which is attached as Exhibit C, as follows:

Tract 1 (containing 6.40 acres)	- Parcel 43
Tract 2 (containing 0.92 acre)	- Parcel 43.1
Tract 3-Residue (containing 0.96 acre)	- Parcel 43.2

OWNERSHIP

The Petitioner is the sole freeholder of the Property.

The entire western boundary of the Property (720 feet) is adjacent to and contiguous with the existing municipal boundary of the Town. The two adjacent parcels, within the corporate boundary of the Town, are owned by (the Estate of) Herbert E. May and by the Corporation of Shepherdstown (the Municipal Sewer Plant) which are shown on Tax Map 8 as parcels 88 and 88.0001, respectively. The southwestern-most corner of the Property abuts the existing terminus of High Street although vehicular access to the Property will be through an adjacent parcel of real estate owned by the Petitioner (Tax Map 8, parcel 44.0001; and Deed Book 883, page 349) which abuts River Road near the terminus of German Street.

QUALIFIED VOTERS

The Property is unoccupied/uninhabitable; there are no persons/voters who reside on the Property.

REQUIREMENTS OF CHAPTER 14 OF THE TOWN CODE

In accordance with the provisions of Section 9-1424, Annexation, of the Town Code, the Petitioner submits the following information:

I. BASIS FOR ANNEXATION REQUEST, DEVELOPMENT PLANS, ZONING

The only "improvements" upon the Property are an unoccupied/uninhabitable two-story stone home and several ancillary structures.

The Property was historically known as "Sarnia". It is the recollection of the undersigned that the home was substantially destroyed by a fire in the late 1950s and was thereafter allowed to deteriorate. Attached are two pages, labeled Exhibit D, from a Realtor's listing/advertisement of Sarnia which provides a glimpse of the home's appearance prior to the fire. [Note: The reference found on the last paragraph of the second page that "Land taxes are low. West Virginia has no income tax." are both no longer applicable.]

The Petitioner desires to annex the Property and begin the planning process for the further stabilization and rehabilitation of the stone home.

This Petition is submitted conditioned on the Property being annexed in the Residential Commercial District. (See Section 9-602(e)).

II. LEGAL DESCRIPTION AND PLAT

A legal description of the Property, prepared by R. Michael Shepp, West Virginia Professional Surveyor No. 641, dated March 7, 2011, is attached as Exhibit B which describes the Property as a unitary parcel.

The most recent plat of the Property (Exhibit B) is recorded in the aforesaid Clerk's office in Plat Book 10, page 101, et seq. A plat of the Property, when acquired by the Petitioner, is attached to the Deed recorded in Deed Book 592, page 162 (Exhibit A-1).

III. STATEMENT OF PROJECTED IMPACTS TO THE TOWN

- A. Utilities. Water and sewer services are furnished to the Property by the Town, the costs of which were paid by the Petitioner. Electric service to the Property is furnished by Potomac Edison; there is no telephone service to the Property.
- B. Proffers. No proffers will be made to the Town.
- C. Financial Impact. There will be no detrimental financial impact to the Town resulting from the annexation of the Property. Rather, a positive financial benefit will inure to the Town from various sources, i.e., utility excise taxes (electricity and water). In addition, the Town will receive additional real estate taxes. The 2011 real estate tax bills for the Property report an aggregate assessed value of \$294,000.00 (being sixty percent of its fair market value as determined by the County Assessor). The 2011 tax rate for

Class 4 property (non-owner occupied real estate) is 0.2564 percent which results in real estate taxes payable to the Town of approximately \$755.00 per year.

The cost of maintaining the existing access to the Property (from either an extension of High Street or through the Petitioner's property abutting River Road/German Street Extended) will be borne by the Petitioner and not by the Town.

In summary, the Town will improve its financial posture upon the Property being annexed.


D. Traffic Study. No traffic to or from the Property will be generated beyond that which now exists as only the Petitioner accesses the Property through other real estate owned by him outside of the Town's corporate limits nor will the Property provide any access to any other portion of the Town.

E. Adequate Public Facilities. The Petitioner is unaware of any adverse impact to the Town by the annexation of the Property, primarily because the improvements are in existence and that any external changes to the Property, by modifications, additions, etc., would be subject to review and approval by the appropriate commissions of the Town.

As stated in Section A, other than the Town providing garbage service to the Property, there will be no impact upon the Town's public facilities beyond those that exist at this time.

SUMMARY


For the foregoing reasons, the Petitioner respectfully prays the Town Council to approve this Petition.

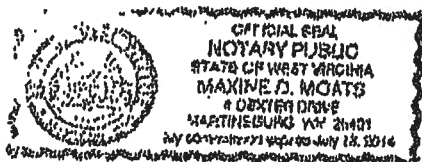

George Kalathas
Owner/Petitioner

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

The foregoing Petition For Annexation was acknowledged before me in my said county and state by George Kalathas, Owner/Petitioner, this 25th day of January, 2012.


(Affix Notarial Seal)


Notary Public



My commission expires: July 13, 2014

Prepared and submitted by:


D. Frank Hill, III
Attorney for the Petitioner
136 E. German Street
P.O. Box A
Shepherdstown, WV 25443
(304) 876-9333
West Virginia Bar No. 1725

January 26, 2012

SCHEDULE OF EXHIBITS

- | | |
|--------------------|--|
| Exhibit A-1 | Deed (Book 592, page 162) |
| Exhibit A-2 | Deed (Book 721, page 573) |
| Exhibit B | Plat of Property (Plat Book 10, page 101-D) |
| Exhibit C | Tax Map (subject property shown in top-left corner) |
| Exhibit D | 2-page historical narrative/pictures of Sarnia |
| Exhibit E | Legal Description (consolidated parcel) |

162

7408

THIS DEED was the 3th day of November, 1987, by and between MARTHA N. FALTRON, widow, party of the first part, hereinafter referred to as Grantor, and GEORGE KALAYKAD, married, party of the second part, hereinafter referred to as Grantee.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid to the Grantor from the Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey, with covenants of general warranty, unto the Grantee, in fee simple, the following described property:

All that certain tract or parcel of real estate situated in Shupperstown District, Jefferson County, West Virginia, and shown on a plat of a survey of the Faltron property dated October 12, 1987, made by E. Michael Shapp, D.L.S., which is attached hereto, made a part hereof, and described as follows:

BEGINNING at a stone beside a fence post, corner with Shultz (22); thence with Rich and Dungan N 31° 06' 37" E 248.15 feet to a corner with Dungan and the south bank of the Potomac River at the mean low water line (22); thence with said mean low water line N 22° 41' 14" W 608.44 feet to a corner with May (20); thence with May S 26° 49' 56" W 720.00 feet to a 25 meter to be set (200); thence with the south line of the Old County Road with Dougherty and Shultz S 79° 00' 00" E 292.00 feet to the point of beginning, containing 0.28 acres.

TOGETHER WITH all accretions and appurtenances thereunto belonging, including the right of the use of the Old County Road and further subject, however, to the right of others to the use of the Old County Road over the southern portion of the real estate here in conveyed.

AND BEING the same real estate conveyed to Martha Faltron by deed dated December 10, 1979, from R. Harold Faltron, her husband, and recorded in the aforesaid Clerk's Office in Book 448 at Page 736.

THIS CONVEYANCE IS MADE SUBJECT to utility line easements and restrictive covenants of record.

12/2/87 Mailed to George Kalaykad, P.O. Box 777, Shepherdstown, WV 25452

163

DECLARATION OF CONSIDERATION OF VALUE

MARtha M. Paltrow, the Grantor herein, whose address is 2661 North Alvarado Way, D-134, Tucson, Arizona, 85712, by her signature below declares that the total consideration paid for the conveyance evidenced by the deed to which this declaration is appended is \$40,000.00.

WITNES: the following signature and seal.

MARtha M. Paltrow
MARtha M. Paltrow

STATE OF ARIZONA
COUNTY OF Pima, ss-wit:

The foregoing instrument was acknowledged before me this 02th day of November, 1987, by MARtha M. Paltrow, widow.

ANNE MONTANA BRAY

Anne Montana Bray
Notary Public

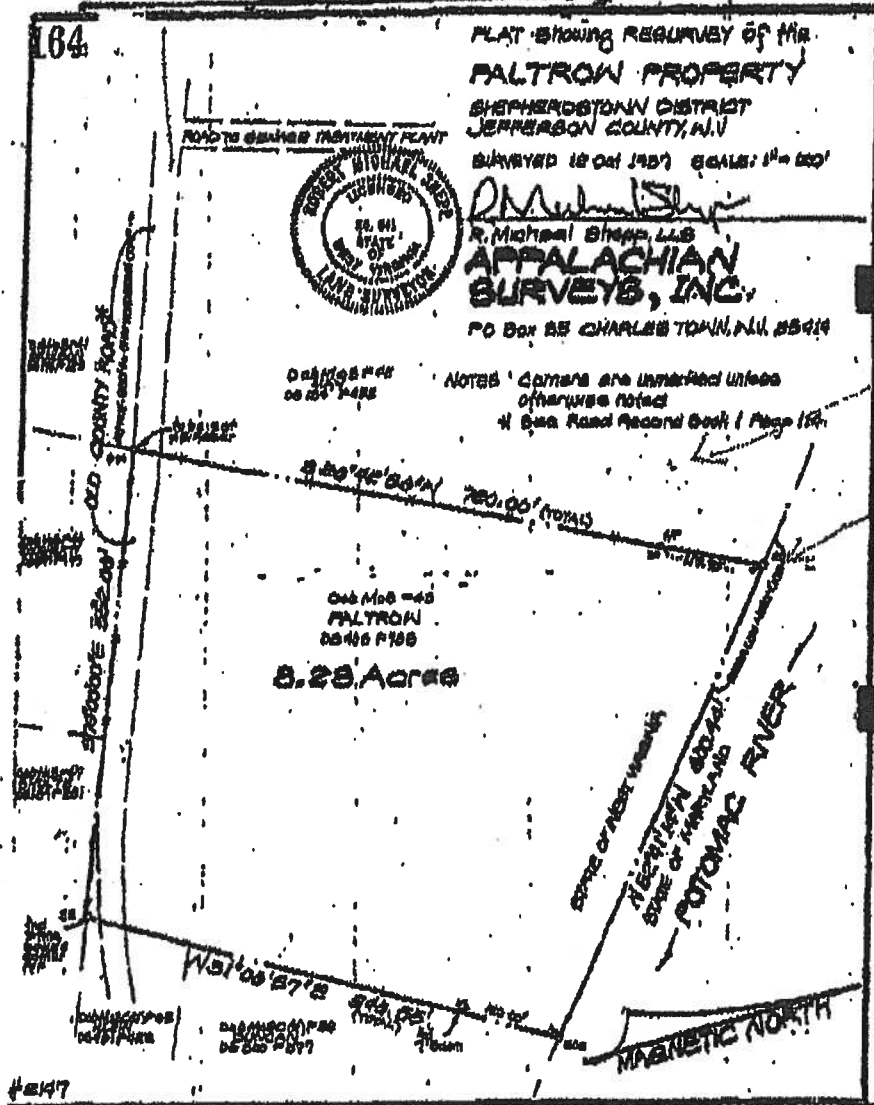


My commission expires:

12-15-87

This deed was prepared by
John G. Skinner, Jr., Attorney at Law
Charles Town, West Virginia 25414
File No. AZ-87-07186/880





State of West Virginia, County of Jefferson, Sec.
IN THE CLERK'S OFFICE OF COUNTY COMMISSION:
On NOV 8 1987 at 11:00 A.M., the foregoing
Deed of S. & S. was received in my said office and duly
admitted to record.

Test.

John W. Ott
Clerk of County Commission

BOOK NO. 222 JEFFERSON COUNTY

573

6187

THIS DEED made this 11th day of August, 1922, by and between
PETER L. CERNOMANIAN, Trustee, hereinafter referred to as GRANTOR,
and GEORGE KALATHAS, a married man, hereinafter referred to as
GRANTEES.

WITNESSETH: that for and in consideration of the sum of Ten
Dollars (\$10.00), cash in hand paid, and other good and valuable
consideration, the receipt of all of which is hereby acknowl-
edged, the said Grantor does hereby grant and convey, with cov-
enants of general warranty, in fee simple, unto the said Grantees,
all the following tracts or parcels of real estate, more particu-
larly described as follows:

PARCEL I

All that certain tract or parcel of real estate, with
improvements thereon and appurtenances thereunto be-
longing, situate in the Shepherdstown District, Jeffers-
on County, West Virginia, as the same is bounded and
described on a survey and plat thereof entitled "Plat
of Survey showing Property of George Kalathas," dated
June, 1922, made by Appalachian Surveyors, Inc., Sheet 1
through 3, recorded in the Office of the Clerk of the
County Commission of Jefferson County, West Virginia,
in Plat Book 12 at page 6142, wherein shown on Sheet
3 of 3 as "Tract 1" comprising 6.397 Acres.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to an
existing 30 foot right-of-way unmaintained state road,
as shown on the plat hereinabove mentioned and to a 40
foot wide access easement, as shown on the plat herein-
above mentioned.

PARCEL II

All that certain tract or parcel of real estate, with
improvements thereon and appurtenances thereunto be-
longing, situate in the Shepherdstown District, Jeffers-
on County, West Virginia, as the same is bounded and
described on the above mentioned survey and plat, there-
on shown on Sheet 3 of 3 as "Tract 2 Residue" com-
prising 0.951 Acres.

AND BEING the same parcels of real estate that were conveyed
unto the Grantor herein from George Kalathas and Leabring
Kalathas, husband and wife, by two separate deeds, both dated

FILED IN PLAT BOOK 12 PAGE 6142

574

August 11, 1998, and recorded in the aforesaid Clerk's Office immediately preceding the recording of this deed.

The land hereby conveyed is adjacent to and contiguous with land already owned by the grantee herein.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to restrictive covenants and conditions, easements, assessments and limitations of record.

DECLARATION OF CONSIDERATION OR VAUGHN

Under penalty of fine and imprisonment, as provided by law, the undersigned hereby declares that the transfer of real estate included in this document to which this Declaration is appended is not subject to the West Virginia Excise Tax on the transfer of real estate, for the reason that the same is a transfer between a straw party and the owner, without actual consideration, and therefore exempt.

WITNESS the following signature and seal:

 TRUSTEE
Peter L. Chankhian, Trustee

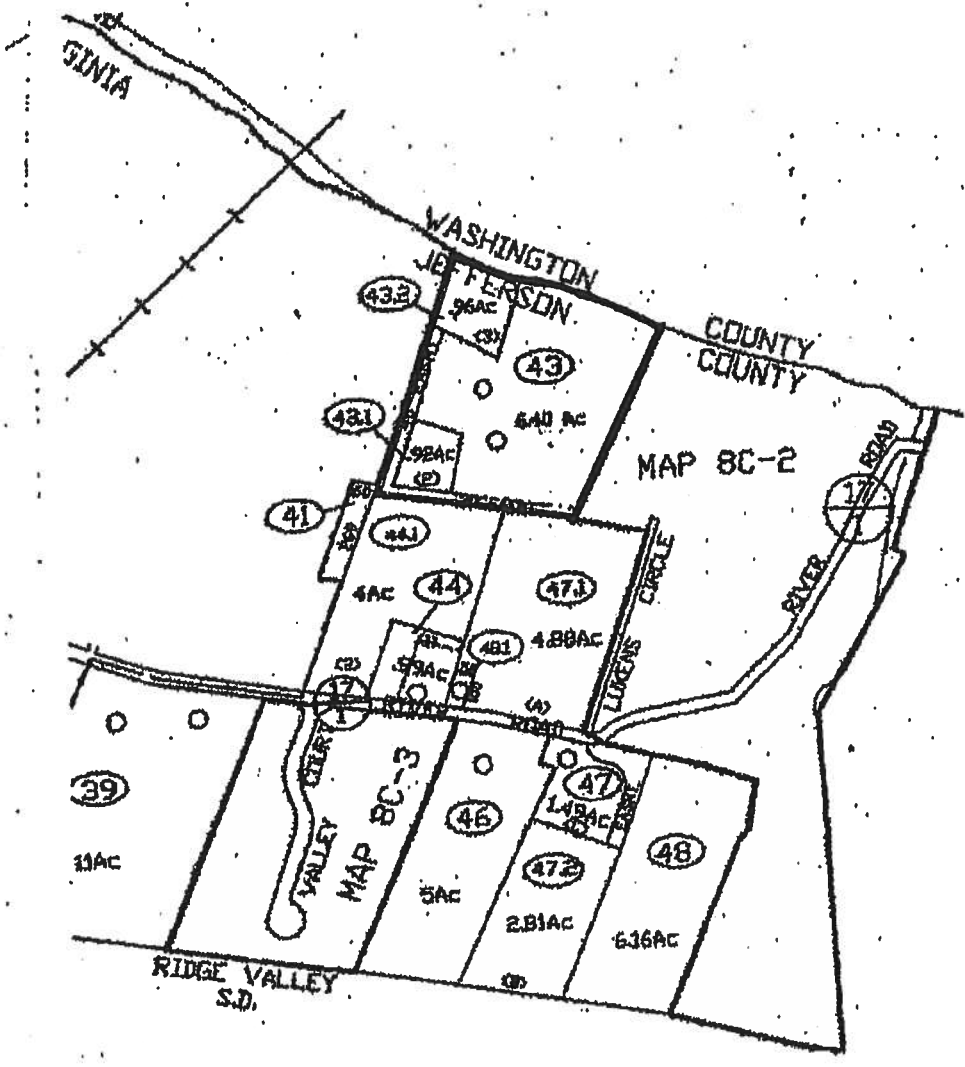
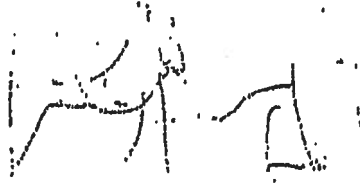
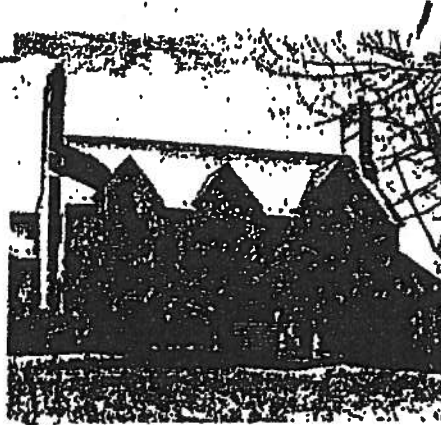


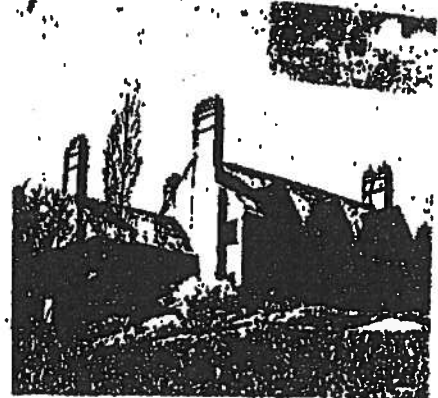
EXHIBIT C



Driveway Approach to House



Flagged Terrace at Rear of House



Another View of House

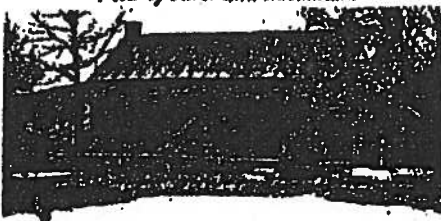
Shepherdstown, West Virginia

"Sarnia" is a delightful small estate just beyond the fashionable fox-hunting country of Northern Virginia in income tax-free West Virginia. It is close to the village of Shepherdstown, about 16 miles from Hagerstown in Maryland, and 70 from Washington. The eight-acre property is a secluded and peaceful haven, high on a bluff overlooking the winding Potomac with a wonderful view of the green meadows and woods on the opposite shore, and of the far-off Blue Ridge Mountains. In the spring, the grounds around the house are a lovely sight with lilacs, acacias and pink and white apple blossoms in bloom. Later in the season, the maples along the driveway and in the woodland form deep, cool shade. In this mild climate, fragile varieties of lilies and roses flourish in the garden, alongside the hardier perennials.

Half hidden by the surrounding evergreens, the gabled Cotswold house is delightful and has been designed to take the greatest advantage of its magnificent setting above the river. Due to the hollow tile and stucco construction, the cypress shingle



View of River and Mountains



Servants' Cottage

OFFERED FOR SALE AT \$40,000.

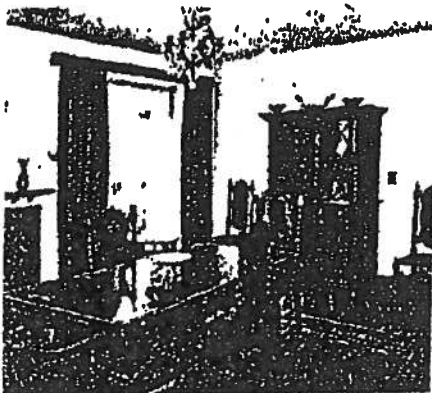
(For rent on long lease at \$200 per month, furnished)

Preview Incorporated has made every effort to provide accurate information, but offering is subject to errors and omissions, as well as prior sale, change or withdrawal without notice and approval of purchaser by owner.

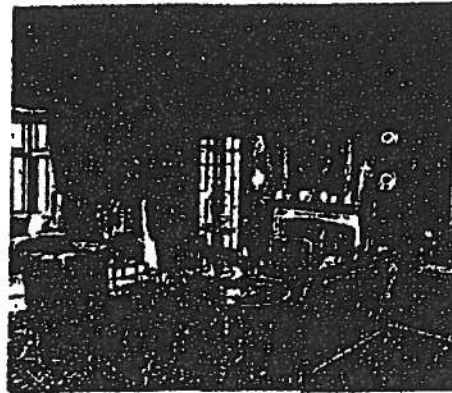
PREVIOUS LISTING NO. 40923

roof and the oak window frames and doors, the upkeep is very low. Entering the house, on one side of the small entrance hall is a big closet, on the other is a powder room with a stall shower. Steps lead to a large biscuit-tiled gallery, which has three French windows opening out into a flagstone terrace overlooking the river. Adjoining to the left is a large oak-paneled living room with a huge fireplace and two bay windows and doors leading to a covered porch. To the right of the gallery is a library with tiled floor, beamed oak ceiling, large stone fireplace, and two French doors out onto the terrace; next to it is a fine dining room, also with fireplace and an arched oak door leading to the lawn. Wide stairs lead to the second floor, which is divided into a suite of two bedrooms and a bath having a view over the river, and four more bedrooms and two baths and lavatory. These rooms are all nicely shaped, have delightful views, and three of them have fireplaces.

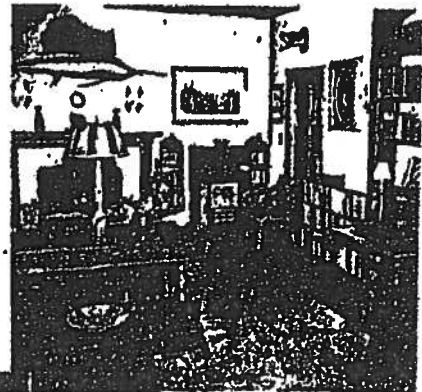
Not far from the house, there is a kennel with three dog runs, a servants' cottage and four-car garage, hung with wisteria. At the foot of the hill lies an unspoiled little village. There are swimming and fishing in the Potomac and in the not-too-distant Shenandoah.



Dining Room



Living Room



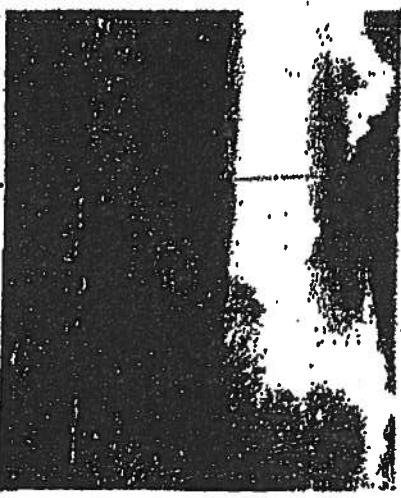
Library

EXHIBIT D

ILLUSTRATED BROCHURE FOR PRESENTATION OF PROPERTY TO CLIENTS AVAILABLE ON REQUEST.



Premiere Listing 40923



PRICE \$49,000 For just a few... SHEPHERDSTOWN, W. VA. Includes 1000 sq ft of land, 1000 sq ft of building, 1000 sq ft of parking, 1000 sq ft of storage, 1000 sq ft of office space, 1000 sq ft of workshop, 1000 sq ft of garage, 1000 sq ft of driveway, 1000 sq ft of walkway, 1000 sq ft of fence, 1000 sq ft of gate, 1000 sq ft of post, 1000 sq ft of rail, 1000 sq ft of stone, 1000 sq ft of brick, 1000 sq ft of concrete, 1000 sq ft of asphalt, 1000 sq ft of gravel, 1000 sq ft of sand, 1000 sq ft of soil, 1000 sq ft of rock, 1000 sq ft of wood, 1000 sq ft of metal, 1000 sq ft of plastic, 1000 sq ft of glass, 1000 sq ft of paper, 1000 sq ft of fabric, 1000 sq ft of leather, 1000 sq ft of rubber, 1000 sq ft of steel, 1000 sq ft of aluminum, 1000 sq ft of copper, 1000 sq ft of zinc, 1000 sq ft of nickel, 1000 sq ft of tin, 1000 sq ft of lead, 1000 sq ft of iron, 1000 sq ft of manganese, 1000 sq ft of silicon, 1000 sq ft of phosphorus, 1000 sq ft of sulfur, 1000 sq ft of chlorine, 1000 sq ft of potassium, 1000 sq ft of calcium, 1000 sq ft of sodium, 1000 sq ft of magnesium, 1000 sq ft of boron, 1000 sq ft of fluorine, 1000 sq ft of bromine, 1000 sq ft of iodine, 1000 sq ft of oxygen, 1000 sq ft of nitrogen, 1000 sq ft of carbon, 1000 sq ft of hydrogen, 1000 sq ft of helium, 1000 sq ft of neon, 1000 sq ft of argon, 1000 sq ft of krypton, 1000 sq ft of xenon, 1000 sq ft of radon, 1000 sq ft of francium, 1000 sq ft of actinium, 1000 sq ft of thorium, 1000 sq ft of protactinium, 1000 sq ft of uranium, 1000 sq ft of neptunium, 1000 sq ft of plutonium, 1000 sq ft of americium, 1000 sq ft of curium, 1000 sq ft of berkelium, 1000 sq ft of californium, 1000 sq ft of einsteinium, 1000 sq ft of fermium, 1000 sq ft of mendelevium, 1000 sq ft of nobelium, 1000 sq ft of lawrencium, 1000 sq ft of rutherfordium, 1000 sq ft of dubnium, 1000 sq ft of seaborgium, 1000 sq ft of bohrium, 1000 sq ft of hassium, 1000 sq ft of meitnerium, 1000 sq ft of darmstadtium, 1000 sq ft of roentgenium, 1000 sq ft of copernicium, 1000 sq ft of nihonium, 1000 sq ft of flerovium, 1000 sq ft of tennessine, 1000 sq ft of oganesson.

"Sunco" is a perfect small estate, in the scenic rolling country just beyond the fashionable section of Northern Virginia. It lies on the outskirts of Shepherdstown, an unspoiled little village overlooking the Potomac. History was made nearby at Antietam, and the heights around Heopers Ferry. From the Merfolk and Western Railroad station a dirt road runs sharply up the bluff to "Sunco." Open fields, the gentle hills, the quiet fields with the sheep's note of an incredibly beautiful view. The driveway is lined with maples, oak trees, apple trees, oaks of black, spruce, and dogwood. Spruce and poplar tower over the house. Beyond the stone flagged terrace the Potomac lies 125 feet below, and far off on the other side are the Blue Ridge Mountains. The golfers are pleased in state, blue and all sorts of pensance. 4 of the 8 acres of land are fields. The rest are fence and woodland. 70 Schalks and stone are only half a mile away. The Chesapeake Golf Club provides good sport. Excellent horse riding in the Potomac River, or in the Shenandoah 5 miles away. RESIDENCE: 11 rooms (4 baths, 6 marble bathrooms, 1 master's room) was built in 1930 in the grotesque Colonial style. It is of hollow tile construction covered with stucco, which requires no upkeep. The house is well built, well and effectively planned. Copper gutters, leaders and screens. Weatherstripping throughout. Coal stoker furnace. Hotwater heater electric. In winter, coal in summer. Public Service electricity. Deep-well pump. Septic tank. Land taxes are low. West Virginia has no income tax.



Appalachian Surveys, PLLC

Surveying the Eastern Piedmont for 30 years

**Description of Property Proposed for Annexation to
The Corporation of Shepherdstown**

Three tracts or parcels of land situated on the southern bank of the Potomac River and on the northern side of an unnamed state road, said tract or parcel located in Shepherdstown Magisterial District as shown on a "Plat of Survey showing George Kalathas' Parcels After Mergers", Page 5 of 5, dated 8 July 1992 and recorded in the Office of the Clerk of the Jefferson County Commission in Plat Book 10 at Page 101-D, said parcel proposed for Annexation to the Corporation of Shepherdstown is hereby described as follows:

Beginning at an unmarked point (276) on the southern bank of the Potomac River, said point being North 26°42'56" East 117.75 feet from a wooden corner fence post (30), said fence post on the common boundary with the property owned by the Corporation of Shepherdstown used for the location of a sewage treatment plant; thence for one line down and with the Potomac River

South 52°41'14" East a distance of 600.44 feet to an unmarked point (277) on the southern bank of the Potomac River, said point being North 31°06'57" East a distance of 120.00 feet from a found "T" beam (39) said point a common corner with Duncan; thence in part with Duncan and in part with Painter

South 31°06'57" West at 120.00 feet passing through a found "T" beam, in all a distance of 546.55 feet to a found stone (32) beside a wooden fence post, said post on the southern limit of an unnamed state highway (Road Book 1 Page 114), said stone a common corner with Painter and a point in the boundary with Shultz; thence in part with Shultz and in part with other property owned by Kalathas along the southern limit of an unnamed state highway

North 70°00'34" West a distance of 552.06 feet to a previously set 5/8-inch rebar with ID Cap (200), said rebar a common corner with other properties owned by Kalathas and a common corner with property owned by May; thence leaving the southern limit of the unnamed state highway and in part with May and in part with the Corporation of Shepherdstown

North 26°42'56" East a distance of 720.00 feet to the Point of Beginning, containing 8.276 acres, more or less.

R. Michael Sheperd

PO Box 342, Charles Town, WV 25414
304-724-5008 voice 304-724-5010 fax
www.appalachiansurveyspllc.com

SUPPLEMENTAL PETITION
FOR ANNEXATION

To: The Honorable Arthur J. Auxer, III, Mayor

From: George Kalathas

Date: October 27, 2017

George Kalathas, hereinafter referred to as Petitioner, submits this Supplemental Petition for Annexation, to supplement his Petition for Annexation originally submitted January 26, 2012, for the annexation of three (3) contiguous parcels of real property abutting the municipal boundary of Shepherdstown, hereinafter referred to as the Property, containing 8.276 acres in the aggregate. Attached hereto as Exhibit A is a copy of the original petition for annexation.

Background and Procedural History

The Petitioner submitted the Petition for Annexation on January 26, 2012. The contents of this Petition remain Petitioners request. After reviewing the file kept by the Town on his original petition, Petitioner is submitting this Supplemental Petition in an effort to address issues that may be unresolved after the public hearing held by the Planning Commission in July, 2012. Petitioner remains eager to have his property annexed by the Town.

According to the minutes of the Planning Commission meeting held on July 16, 2012, publication of a public hearing on the matter appeared in the Shepherdstown Chronicle on June 22, 2012, and the public hearing on the matter was held at this July 16, 2012 meeting. The Planning Commission continued the matter to the August 2012 meeting for Petitioner to consider supplementing and clarifying the petition to state "what is not planned and what is planned" as future development of the Property or to amend the petition to request R-1 zoning. On August 31, 2012, the Petitioner sent a letter to the Planning Commission stating that the intention of the Petitioner is to develop the property as a restaurant and special event venue with possibly a small number of overnight accommodations. There have been no other proceedings or communications regarding this matter until the filing of this Supplemental Petition.

Supplemental Information

A review of the file maintained by the Town on this matter indicates there were three issues of concern, namely: (1) the intended use of the property; (2) the requested zoning component of the Town Annexation Policy and its application to the original petition; and (3) the

traffic study component of the Town Annexation Policy and its application to the original petition.

Intended Use of the Property

The original Petition states that the intended use of the property is "stabilization and rehabilitation of the stone home."

The August letter from the Petitioner to the Planning Commission written in response to the Planning Commission's request as contained in the minutes of the July 2012 public hearing to "supplement and clarify the petition to state (in the negative) what is not planned and to state (positively) what is planned or amend the petition to request residential zoning (although that would not be consistent with the Petitioner's plans" states as follows:

Once the stone home is further stabilized, it is the Petitioner's expectation and firm intention that it be used and converted into a restaurant, special event facility (weddings, receptions, etc.) and possibly a small number of overnight accommodations (certainly less than five) as a lodge or an inn.

This use would most closely be embraced within the permitted uses specified in Code Section 9-602(e).

The Petitioner's intended use of the property remains the same. It is his intention to first shore up the house. Depending on many factors that all new businesses must face, not the least of which are finances, whether he builds additional facilities for an event venue or larger restaurant space or lodging, he cannot state with certainty at this time. The Petitioner can state that any development of the property into a restaurant, event venue or lodging will happen in phases, as a growing business will dictate, and that he understands any development of the Property will require his request of permission of such development from the Town. Please note that although the August 2012 letter states that the overnight accommodations would be "certainly less than five," Petitioner has made no determination as to the size of any lodging accommodations; and as is stated herein, the size and number of any lodging accommodations will be dictated by market factors and subject to Town approval of any such development.

Requested Zoning for the Property

Section 9-1424 Annexation of the Town Ordinance requires among other things for a petition for annexation contain "reasons for the annexation request, including any development plans, proposals for the subject property, and requested zoning." The original Petition for Annexation states "this petition is submitted conditioned on the Property being annexed in the Residential Commercial District."

The August letter from the Petitioner to the Planning Commission written in response to the Planning Commission's request as contained in the minutes of the July 2012 public hearing

to "supplement and clarify the petition to state (in the negative) what is not planned and to state (positively) what is planned or amend the petition to request residential zoning (although that would not be consistent with the Petitioner's plans" states as follows:

Lest there be no misunderstanding, Mr. Kalathas has submitted his Petition exclusively within this permitted use and none other enumerated within Section 602.

Further, the Petitioner is aware that if the floor area of the project would exceed 3,000 square feet, the provisions of Section 9-603 would require the Petitioner to seek as Special Exception from the Board of Zoning Appeals.

Section 9-205 Application of regulations, subsection (a) Zoning of annexed areas, provides that "all territory which may be annexed to the town shall from time of annexation be considered as being in the R-1 District until changed by ordinance, unless the resolution of annexation by the Town Council provides for other district classification or classifications."

Since the time of his original Petition, the Petitioner has been working with the Town Zoning Official. The Zoning Official suggested instead of an RC zoning classification, the Petitioner may find a PUD zoning classification preferable. Considering Petitioner's intended future use of the Property, Petitioner is open to either an RC or PUD zoning classification for the Property. Petitioner would prefer the annexation ordinance contain the zoning classification, but again, in consultation with the Town Zoning Official, understands that the zoning classification may be achieved on a "parallel track" with the annexation petition, so that the effect is the same. However the goal is reached, Petitioner would like to achieve an annexed property in which he can move forward with his intended use of the property. Petitioner feels that achieving this result is efficient since many of the questions or concerns voiced at the public hearing were in regard to his intended use of the property. An annexation ordinance outlining what the use will be could serve both the Town and the Petitioner well.

Traffic Study

Section 9-1424 Annexation of the Town Ordinance requires among other things for a petition for annexation contain "a statement of projected impacts to the Corporation of Shepherdstown which would result from the proposed annexation and all associated development activities, including:...a traffic study, conducted by a certified traffic engineering firm, which details the projected impacts on traffic from the proposed development activity."

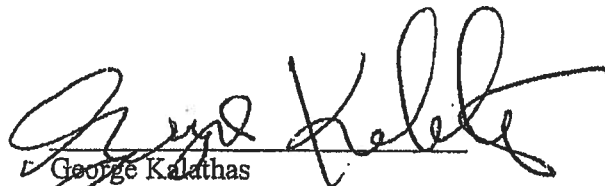
The original petition stated "no traffic to or from the Property will be generated beyond that which now exists as only the Petitioner accesses the Property through other real estate owned by him outside of the Town's corporate limits nor will the Property provide any access to any other portion of the Town."

Since the time of his original Petition, the Petitioner has been working with the Town Zoning Officials. The Zoning Official suggested that an option that the Petitioner might consider is a "conditional" approval of the annexation – conditioned on the fulfillment of the required traffic study. Petitioner is willing to accept this contingency if it is acceptable to the Planning Commission and the Town Council.

Summary

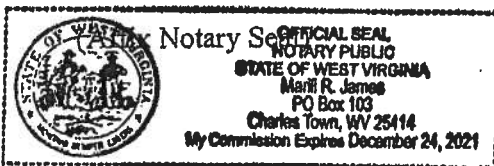
Petitioner is hopeful that this Supplemental Petition for Annexation adequately informs the Planning Commission and the Town of his intent to develop his property into one that is a beneficial addition to the Town. He looks forward to working with the Planning Commission and the Town Council in moving toward his longtime goal, or dream, for the Property.

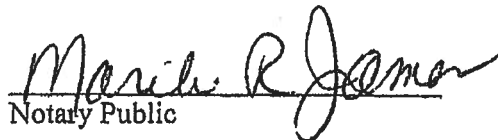
Respectfully submitted,


George Kalathas
Owner/Petitioner

State of West Virginia
County of Jefferson

The foregoing Supplemental Petition for Annexation was acknowledged before me in my said county and state by George Kalathas, Owner/Petitioner, this 6th day of ~~October~~ ^{December}, 2017.




Notary Public

My Commission expires: 12/24/21

Prepared and submitted by:

Alice Anne Chakmakian

Alice A. Chakmakian
Attorney for the Petitioner
108 N. George St., 3rd Floor
Charles Town, WV 25414

EXHIBIT B

CONSOLIDATED LEGAL DESCRIPTION



Appalachian Surveys, PLLC
Surveying the Eastern Piedmont for 30 years

**Description of Property Proposed for Annexation to
The Corporation of Shepherdstown**

Three tracts or parcels of land situated on the southern bank of the Potomac River and on the northern side of an unnamed state road, said tract or parcel located in Shepherdstown Magisterial District as shown on a "Plat of Survey showing George Kalathas' Parcels After Mergers", Page 5 of 5, dated 8 July 1992 and recorded in the Office of the Clerk of the Jefferson County Commission in Plat Book 10 at Page 101-D, said parcel proposed for Annexation to the Corporation of Shepherdstown is hereby described as follows:

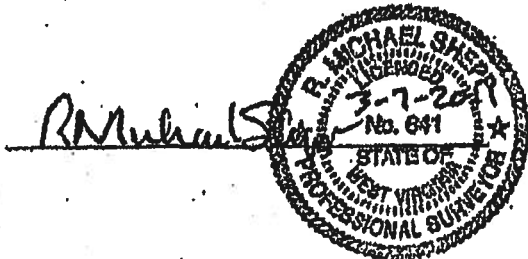
Beginning at an unmarked point (276) on the southern bank of the Potomac River, said point being North $26^{\circ}42'56''$ East 117.75 feet from a wooden corner fence post (30), said fence post on the common boundary with the property owned by the Corporation of Shepherdstown used for the location of a sewage treatment plant; thence for one line down and with the Potomac River

South $52^{\circ}41'14''$ East a distance of 600.44 feet to an unmarked point (277) on the southern bank of the Potomac River, said point being North $31^{\circ}06'57''$ East a distance of 120.00 feet from a found "T" beam (39) said point a common corner with Duncan; thence in part with Duncan and in part with Painter

South $31^{\circ}06'57''$ West at 120.00 feet passing through a found "T" beam, in all a distance of 546.55 feet to a found stone (32) beside a wooden fence post, said post on the southern limit of an unnamed state highway (Road Book 1 Page 114), said stone a common corner with Painter and a point in the boundary with Shultz; thence in part with Shultz and in part with other property owned by Kalathas along the southern limit of an unnamed state highway

North $70^{\circ}00'34''$ West a distance of 552.06 feet to a previously set 5/8-inch rebar with ID Cap (200), said rebar a common corner with other properties owned by Kalathas and a common corner with property owned by May; thence leaving the southern limit of the unnamed state highway and in part with May and in part with the Corporation of Shepherdstown

North $26^{\circ}42'56''$ East a distance of 720.00 feet to the Point of Beginning, containing 8.276 acres, more or less.



PO Box 342, Charles Town, WV 25414
304-724-5008 voice 304-724-5010 fax
www.appalachiansurveyspllc.com

EXHIBIT E

EXHIBIT C

DEEDS

162

7403

THIS DEED made this 2th day of November, 1987, by and between MARTHA W. FALKROW, widow, party of the first part, hereinafter referred to as Grantor, and GEORGE KALATHIAS, married, party of the second part, hereinafter referred to as Grantee.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid to the Grantor from the Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey, with covenants of general warranty, unto the Grantee, in fee simple, the following described property:

All that certain tract or parcel of real estate situated in Shepherdstown District, Jefferson County, West Virginia, and shown as a plot of a survey of the Falkrow property dated October 12, 1987, made by R. Michael Shapp, D.L.S., which is attached hereto, made a part hereof, and described as follows:

BEING at a stone beside a lime post, corner with Smith (32), thence with Klein and Lyman N 31° 04' 27" E 148.25 feet to a corner with Denson and the south bank of the Potomac River at the mean low water line (22); thence with said mean low water line N 22° 41' 14" W 602.44 feet to a corner with May (40); thence with May S 26° 42' 58" W 720.00 feet to a 22 meter to be set (200); thence with the south line of the Old County Road with Dougherty and Shutta S 70° 00' 00" E 232.00 feet to the point of beginning, containing 0.28 acres.

TOGETHER WITH all easements and appurtenances thereunto belonging, including the right of the use of the Old County Road and further subject, however, to the right of others to the use of the Old County Road over the southern portion of the real estate here in conveyed.

AND BEING the same real estate conveyed to Martha Falkrow by deed dated December 10, 1979, from R. Harold Falkrow, her husband, and recorded in the aforesaid Clerk's Office in deed book 448 at Page 730.

THIS CONVEYANCE IS MADE SUBJECT to utility line easements and restrictive covenants of record.

Deed transferred to George Kalathias, P.O. Box 777, Shepherdstown, WV 25403

163

DECLARATION OF CONSIDERATION OF VALUE

MARtha M. Faltrow, the Grantor herein, whose address is 2661 North Alvernon Way, D-134, Tucson, Arizona, 85714, by her signature below declares that the total consideration paid for the conveyance evidenced by the deed to which this declaration is appended is \$90,000.00.

WITNES: the following signature and seal.

MARtha M. Faltrow
MARtha M. Faltrow

STATE OF ARIZONA
COUNTY OF Pima, to-wit:

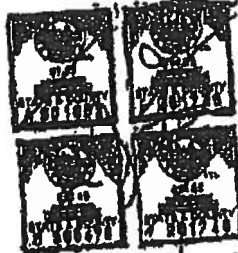
The foregoing instrument was acknowledged before me this 02th day of November, 1987, by MARTHA M. Faltrow, widow.

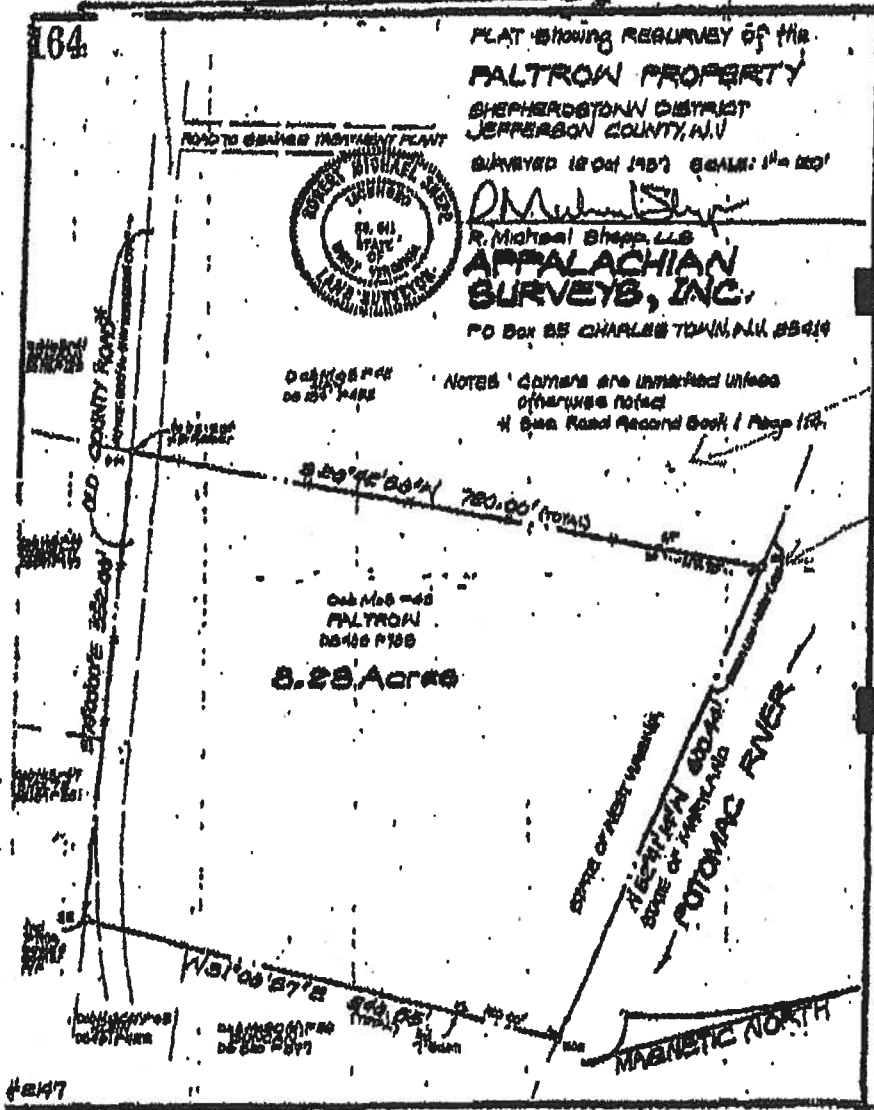
APPEX NOTARIAL SEAL

Franklin D. ...
FRANKLIN D. ...
NOTARY PUBLIC
ARIZONA
1987

My commission expires:
Commission Expires 12-15-88

This deed was prepared by
John G. Skinner, Jr., Attorney at Law
Charles Tapp, West Virginia 25414
File No. 82-87-07180/edo





State of West Virginia, County of Jefferson, Sec.
 IN THE CLERK'S OFFICE OF COUNTY COMMISSION:
 on NOV 8 1987, at 11:45 A.M., the foregoing
 Deed of S. & G. was received in my said office and duly
 admitted to record.

Test,
 John H. Ott
 Clerk of County Commission

BOOK NO. 221 JEFFERSON COUNTY

573

6487

THIS DEED made this 11th day of August, 1921, by and between
RUFUS L. CHAKMAYAN, Trustee, hereinafter referred to as GRANTOR,
and GEORGE KALATHAS, a married man, hereinafter referred to as
GRANTEE.

WITNESSETH: that for and in consideration of the sum of Ten
Dollars (\$10.00), cash in hand paid, and other good and valuable
consideration, the receipt of all of which is hereby acknowl-
edged, the said Grantor does hereby grant and convey, with cove-
nants of general warranty, in fee simple, unto the said Grantee,
all the following tracts or parcels of real estate, more particu-
larly described as follows:

PARCEL I

All that certain tract or parcel of real estate, with
improvements thereon and appurtenances thereunto be-
longing, situate in the Shepherdstown District, Jeffers-
on County, West Virginia, as the same is bounded and
described on a survey and plat thereof entitled "Plat
of Survey Showing Property of George Kalathas," dated
June 1, 1921, made by Appalachian Surveys, Inc., sheets 1
through 3, recorded in the Office of the Clerk of the
County Commission of Jefferson County, West Virginia,
in Plat Book 12 at page 101-A, wherein shown on sheet
3 of 3 as "Tract 1" comprising 6.397 Acres.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to an
existing 30 foot right-of-way unsustained state road,
as shown on the plat hereinabove mentioned and to a 40
foot wide access easement, as shown on the plat herein-
above mentioned.

PARCEL II

All that certain tract or parcel of real estate, with
improvements thereon and appurtenances thereunto be-
longing, situate in the Shepherdstown District, Jeffers-
on County, West Virginia, as the same is bounded and
described on the above mentioned survey and plat, there-
on shown on sheet 3 of 3 as "Tract 2 Residue" com-
prising 0.981 Acres.

AND BEING the same parcels of real estate that were conveyed
unto the Grantor herein from George Kalathas and Leabring
Kalathas, husband and wife, by two separate deeds, both dated

574

August 11, 1998, and recorded in the aforesaid Clerk's Office immediately preceding the recording of this deed.

The land hereby conveyed is adjacent to and contiguous with land already owned by the Grantee herein.

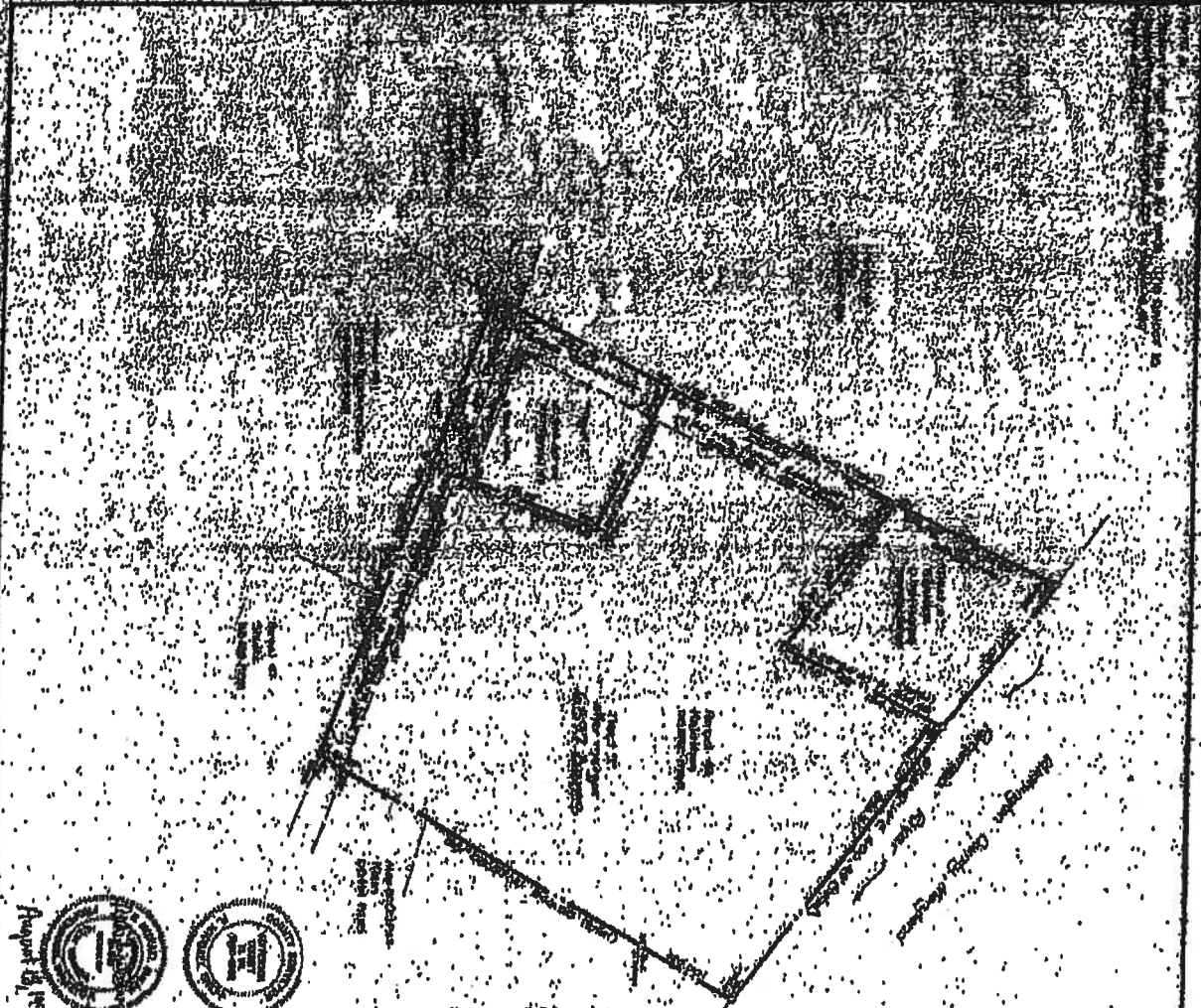
THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to restrictive covenants and conditions, easements, assessments and limitations of record.

DECLARATION OF CONSIDERATION OR VALUE

Under penalties of fine and imprisonment, as provided by law, the undersigned hereby declare that the transfer of real estate included in this document to which this declaration is appended is not subject to the West Virginia Excise Tax on the transfer of real estate, for the reason that the same is a transfer between a straw party and the owner, without actual consideration, and therefore exempt.

WITNESS the following signature and seal:

 TRUSTEE
PETER L. CHANKIRKIN, TRUSTEE



August 15, 1972, APPROXIMATE SURVEYS INC.



Part of Survey done by GEORGE KALLITHIAS
PURVIS AFTER MESSAGES
 Georgetown District Map 5
 Washington County, MD

EXHIBIT B

Scale 1/4" = 10' (approximate)
 Sheet 5 of 5

162

7108

THIS DEED was this 3th day of November, 1987, by and between MARTHA H. FALKROW, widow, party of the first part, hereinafter referred to as Grantor, and GEORGE KALANIAS, married, party of the second part, hereinafter referred to as Grantee.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid to the Grantor from the Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey, with covenants of general warranty, unto the Grantee, in fee simple, the following described property:

All that certain tract or parcel of real estate situated in Shepherdstown District, Jefferson County, West Virginia, and shown as a plot of a resurvey of the Falkrow property dated October 12, 1987, made by H. Michael Shapp, L.L.S., which is attached hereto, made a part hereof, and described as follows:

BEINGING at a stone beside a fence post, corner with Shultz (32), thence with Kiehl and Duncan W 31° 08' 27" S 248.33 feet to a corner with Duncan and the south bank of the Potomac River at the mean low water line (242); thence with said mean low water line S 22° 41' 14" W 608.44 feet to a corner with May (40); thence with May S 28° 42' 36" W 780.00 feet to a 63 meter to be set (500); thence with the south line of the Old County Road with Dougherty and Smith S 70° 50' 00" E 134.00 feet to the point of beginning, containing 8.28 acres.

TOGETHER WITH all easements and appurtenances thereunto belonging, including the right of the use of the Old County Road and further subject, however, to the right of others to the use of the Old County Road over the southern portion of the real estate here in conveyed.

AND BEING the same real estate conveyed to Martha Falkrow by deed dated December 10, 1979, from H. Harold Falkrow, her husband, and recorded in the aforesaid Clerk's Office in deed book 468 at Page 738.

THIS CONVEYANCE IS MADE SUBJECT to utility line easements and restrictive covenants of record.

Deed sent to George Kalanias, P.O. Box 111, Shepherdstown, WV 25473

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DECLARATION OF CONSIDERATION OF VALUE

MARtha M. Naltrow, the Grantor herein, whose address is 2662 North Alverno Way, B-134, Tucson, Arizona, 85718, by her signature below declares that the total consideration paid for the conveyance evidenced by the deed to which this declaration is appended is \$60,000.00.

WITNESS the following signature and seal.

Marta M. Naltrow
MARtha M. NALTROW

STATE OF ARIZONA
COUNTY OF Pima, to-wit:

The foregoing instrument was acknowledged before me this 02th day of November, 1987, by MARTHA M. NALTROW, widow.

AFTER NOTARIAL SEAL

Thomas O. ...
NOTARY PUBLIC

My commission expires: 12-31-88

This deed was prepared by
John G. Skinner, Jr., Attorney at Law
Charles Town, West Virginia 25414
File No. 82-87-07136/400



BOOK NO. 221 JEFFERSON COUNTY

573

6187

THIS DEED made this 11th day of August, 1893, by and between PETER L. CARMANIAN, Trustee, hereinafter referred to as GRANTOR, and GEORGE KALATHAS, a married man, hereinafter referred to as GRANTEE.

WITNESSETH: that for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said Grantor does hereby grant and convey, with covenants of general warranty, in fee simple, unto the said Grantee, all the following tracts or parcels of real estate, more particularly described as follows:

PARCEL I

All that certain tract or parcel of real estate, with improvements thereon and appurtenances thereunto belonging, situate in the Shepherdstown District, Jefferson County, West Virginia, as the same is bounded and described on a survey and plat thereof entitled "Plat of Survey Showing Property of George Kalathas," dated June, 1892, made by Appalachian Survey, Inc., Sheets 1 through 3, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 20 at page 101-2, thereon shown on Sheet 3 of 3 as "Tract 1" comprising 6.397 Acres.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to an existing 30 foot right-of-way maintained state road, as shown on the plat heretofore mentioned and to a 40 foot wide access easement, as shown on the plat heretofore mentioned.

PARCEL II

All that certain tract or parcel of real estate, with improvements thereon and appurtenances thereunto belonging, situate in the Shepherdstown District, Jefferson County, West Virginia, as the same is bounded and described on the above mentioned survey and plat, thereon shown on Sheet 3 of 3 as "Tract 1 Residue" comprising 0.951 Acres.

AND BEING the same parcels of real estate that were conveyed unto the Grantor herein from George Kalathas and Lamberly Kalathas, husband and wife, by two separate deeds, both dated

FILED IN PLAT BOOK 20

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August 11, 1978, and recorded in the aforesaid Clerk's Office immediately preceding the recording of this deed.

The land hereby conveyed is adjacent to and contiguous with land already owned by the Grantee herein.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to restrictive covenants and conditions, easements, assessments and limitations of record.

DECLARATION OF CONSIDERATION OR VALUE

Under penalties of fine and imprisonment, as provided by law, the undersigned hereby declare that the transfer of real estate included in this document to which this Declaration is appended is not subject to the West Virginia Excise Tax on the transfer of real estate, for the reason that the same is a transfer between a near party and the owner, without actual consideration, and therefore exempt.

WITNESS the following signature and seal:


Peter L. Chalkin, Trustee
(Seal)

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: **May 3, 2018**

Date Requested – 2nd Choice: **May 17, 2018**

Subject (*Wording to be placed on agenda*): **Smith Mountain View Estates (JCPC File No. 02-06)
15' Easement Plat for Lot 4 – Surveyor's Invoice Payment**

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 the recorded plat by Peter H. Lorenzen, professional surveyor and his invoice in the amount of \$400.00 for the work. Bond funds in the amount of \$36,184.00 are being held in a bank escrow account at the Bank of Charles Town (account #***112). The invoice will be paid from these funds.**

We are requesting approval for payment of the invoice in the amount of \$400.00 from the escrowed bond funds.

Is this a funding request? **No, to be paid from escrowed bond funds** 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 pay the invoice (Job Number MVE) dated February 20, 2018, from Peter H. Lorenzen, Professional Surveyor, in the amount of \$400.00 from the bond escrow account for the Smith Mountain View Estates Subdivision.

Attach supporting documents for request, or request may be denied. **Surveyor's Invoice**
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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

--

**PETER H. LORENZEN P.S.
PROFESSIONAL SURVEYOR
P.O. BOX 316
SUMMIT POINT
W.V. 25446**

(304) 728-6093

TO: JEFFERSON COUNTY COMMISSION

JOB # MVE

20 FEBRUARY 2018

*Total due upon receipt of bill unless other
arrangements are made by contract*

TOTAL AMOUNT \$400.00

DESCRIPTION:

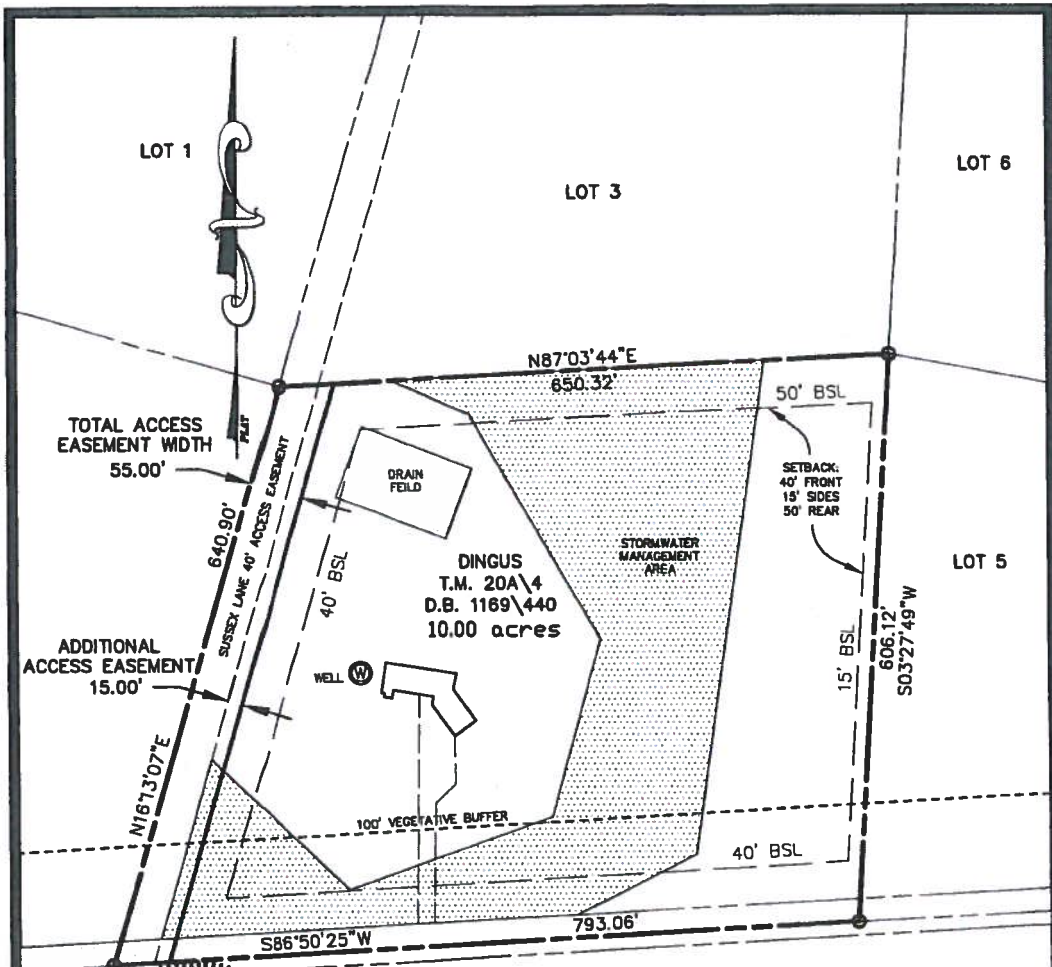
PLAT OF EASEMENT LOT 1, MOUNTAIN VIEW ESTATES

RECEIVED

FEB 20 2018

**JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING**

Please remit to above address.



ST. RT. # 38 (30' R/W)

Approved minor plat
change 4/17/18

Kevin L. Dingus

STATEMENT OF ACCEPTANCE

Kevin L. Dingus

KEVIN L. DINGUS

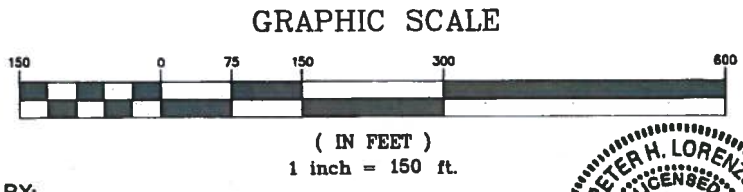
Ashley N. Dingus

ASHLEY N. DINGUS

PLAT OF EASEMENT

PLAT SHOWING ADDITIONAL 15' OF ACCESS EASEMENT ACROSS LOT 4 SMITH MOUNTAIN VIEW ESTATES SUBDIVISION, STANDING IN THE NAME OF KEVIN L. & ASHLEY N. DINGUS, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 1169\440. LOCATED IN KABLETOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

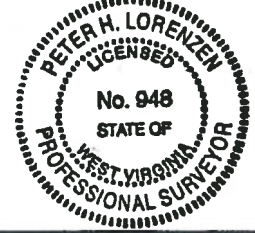
DWG # DINGUS DATE-2/16/18



SURVEYED BY:

PETER H. LORENZEN P.S.
SUMMIT POINT, W.V. 728-6093

Peter H. Lorenzen



Jefferson County
Jacqueline C Shadle, Clerk
Instrument 20180004329
04/17/2018 @ 02:36:05 PM
PLAT (8 1/2 x 14) NO CHARGE
Book 1205 @ Page 30
Pages Recorded 2



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Roger Goodwin, Chief County Engineer

Department or Organization: Department of Engineering, Planning & Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: May 3, 2018

Date Requested – 2nd Choice: May 17, 2018

Subject (*Wording to be placed on agenda*): Approval to Advertise for Bids - Bardane Industrial Park Waste Water Treatment Plant - Lagoon Decommissioning & Sinkhole Remediation Project.

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

Introduction:

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

Violation No. w17-19-025-mkk

Burr Industrial Park WWTP Site

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

Violation No. w17-19-026-mkk

Burr Industrial Park WWTP & Lagoon

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

As a result, the Jefferson County Engineering Office has been working with WVDEP officials to resolve the violations.

Mitigation Plan:

In December, 2017, the County Commission hired Potesta Engineers and Environmental Consultants to engineer the work necessary to bring the lagoon and sinkhole into compliance with violations issued by the WVDEP and to provide for proper drainage through the site. The work will require filling in the existing lagoon (approximately 3' depth) to the same level as the upstream and downstream existing grades and remediating the sinkhole.

Potesta Engineers has completed the construction plans and bid documents and are prepared to advertise the project for bids from contractors. The work will be paid for from the \$200,000 of funding allocated for this project. The work is expected to begin in late August, 2018.

The draft Request for Bids is attached.

Is this a funding request? **\$200,000 in funding is already allocated for this project.**

If so, how much?

Motion Requested: **Yes**

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

Move to approve issuing a Request for Bids for the purpose of hiring a contractor to complete the work required under the Bardane Industrial Park - Waste Water Treatment Plant Lagoon Decommissioning and Sinkhole Mitigation Project.

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

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

REQUEST FOR BIDS

Sealed bids for the WWTP Lagoon Decommission, Swale Development, and Sinkhole Remediation project will be received by the County Commission of Jefferson County, ATTN: Jefferson County Department of Engineering, Planning and Zoning, 116 East Washington Street, Suite 100, Charles Town, West Virginia 25414, until 3:00 PM, EST, on June 7, 2018 for furnishing labor and materials and performing all work set forth in the Technical Specifications and Plans (Drawings) prepared by Potesta & Associates, Inc.

The Work to be bid upon is generally described as follows:

- Clearing and grubbing at the site, and removal and disposal of debris, trash, tree roots, vegetative material, and associated unsuitable materials.
- Installing E&S measures.
- Dewatering of existing waste water treatment lagoon.
- Remediate existing sinkhole.
- Demolish & remove pump house and former irrigation/lagoon structures.
- Mixing sewage sludge and soil to stabilize sludge.
- Regrading of the lagoon area into a permanent stormwater swale.
- Stabilize land disturbance area remove E&S measures once stabilized.

Contract documents may be obtained at <http://www.jeffersoncountywv.org/county-government/bids-rfps>. A mandatory bidders meeting will be held at the site on May 24, 2018 at 11:00AM.

Bids received after the scheduled closing time for the receipt of bids will be returned unopened to the bidders.

The Commission reserves the right to reject any and/or all bids.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Todd Fagan

Department or Organization: EPZ Department, GIS/Addressing Office

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **May 3rd, 2018**

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

Date Requested – 2nd Choice: June 7th, 2018

Subject: Approval of Credit Card Merchant Processing Proposal for Land Development Applications

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

In order to provide the customer with the ability to pay fees by credit card, online or walk-in, the Engineering Department needs to integrate merchant processing software and card swipe terminals with our existing MyGovernmentOnline permit and land development software. Three proposals were reviewed and staff recommends selection of Elavon and City National Bank. Elavon is a trusted service provider with the County Commission already, having provided similar services for the Ambulance Fee Coordinator since Feb 2015. Including their low cost proposal, Elavon is also the best choice because our IT staff is familiar with their web integration solution and PCI compliance policies. Additionally, MyGovOnline has successfully integrated the Elavon solution with other government clients. The blueprint is in place to follow.

All transactions will meet Payment Card Industry Data Security Standard (PCI DSS) compliance. When the payer chooses the credit card option, they will see and sign for two separate transactions on their statement, one for the base fee and second convenience fee of 2.75%. Elavon will fund the County 100% of the total payment into our City National bank account on the next working day. This method removes the County's responsibility for taking in the extra convenience fee and paying it to the vendor. Fees are automatically accounted for and balance reports are available for daily, weekly, monthly and yearly reconciliation.

Cost to the County is minimal and one-time upon implementation, \$798 for two POS terminal devices, plus \$99 for software licensing. There are no recurring annual fees associated with this service contract.

Is this a funding request? NO, funding is approved and available within the current FY18 budget

Recommended motion: Move to approve the Elavon proposal to provide merchant processing services for the Engineering, Planning, and Zoning Department, including the purchase of software and credit card terminals.

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

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

Contact information:

Email address: tfagan@jeffersoncountywv.org

Phone Number: 304-724-6759

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



**Merchant Processing Proposal
For
Jefferson County**

**Presented by:
Bradford Hench
Elavon
Regional Sales Director
Public Sector
Bradford.hench@elavon.com
678-731-4419**

April 18, 2018

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Point of Sale Equipment	6
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Elavon and City National Bank would like to thank the Jefferson County for the opportunity to provide a proposal for your consideration. We are offering to provide a competitive revenue-neutral program for the on-going acceptance of credit card payments including Visa, MasterCard, Discover Card and American Express.

The County will use existing computer workstations at cashier windows to accept card present transactions. Payments will be entered using magnetic stripe readers or terminals that interface with MGO. All transactions will be processed on the Elavon network and deposited next business day into your bank account at City National Bank.

Elavon will be responsible for settlement and reporting.

Details are listed within the body of this proposal.

At Elavon, we focus on being a secure, reliable payment services provider that you can trust, so you can spend your time managing and growing your business. We invest in partnerships, technology and innovation that delivers the services you need, including:

Customer - centered service and support

Innovative payment solutions tailored for customers of all sizes

Global capabilities to support multi-national businesses

Emerging security solutions that secures cardholder data at every point in the transaction

Elavon's Core Values to Our Customers

Customer Focus



- Our customers feel confident knowing that when they work with Elavon, they have a partner who understands their needs, relying on our specialized industry experience.
- We're here to help you whenever you need it. As a customer, you'll have access to knowledgeable and experienced 24/7-customer local support. **87% of customers have their issues resolved on the first call.**
- Every Elavon customer has an assigned account manager to answer any questions and assist you as your needs change and grow.

Trust and Reliability



- Elavon is backed by the strength and stability of U.S. Bank, one of only two large banks in America to be named among the most ethical companies in 2016 by Ethisphere, an independent organization.
- We protect your business with secure solutions and an exceptional uptime service rate of 99.9% both in security, stability 99.9%.
- In the U.S., we are a leader in upgrading customers to the latest technology solutions standard, helping customers stay ahead of changing consumer expectations.

Size, Breadth and Depth



- For more than 25 years, we have helped more than 1 million customers around the world grow their businesses.
- Elavon has strong relationships with more than 1,500 global financial partners and more than 1.3 million customers with an average partnership tenure of 15 years.

At Elavon, we are a leader in the airlines, hospitality and healthcare industries.

Innovation

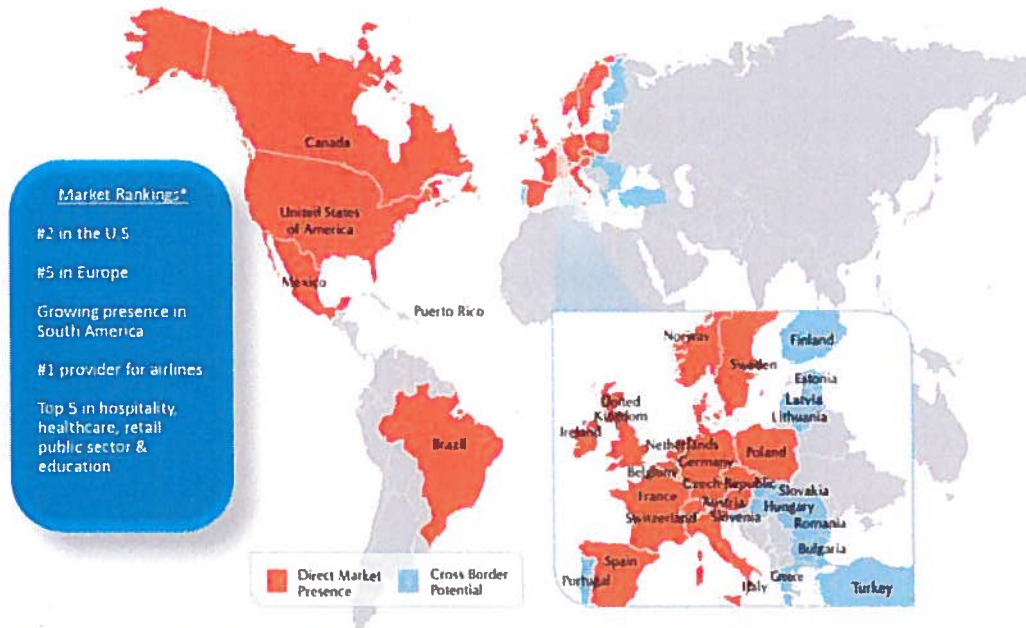


- The way your customers want to pay is changing. At Elavon, we're here to help you meet their needs with solutions to help you attract and keep customers, process payments, and simplify your operations.
- Elavon stays ahead and invests in the necessary infrastructure help our customers' run their businesses without compromising security.
- Elavon is the only payment processing provider with a single international processing platform, making it easier for Elavon customers to do business locally or across the globe.

Elavon Overview

Elavon has been a leader in processing payments for over twenty years, leveraging the world's best technologies for our customers, from large worldwide enterprises to locally-owned small businesses. We extend powerful payment solutions for all payment types and processing environments, ensuring that your business, whatever the size, remains well connected. Elavon, Inc., the second largest processor in the U.S. based on number of customers, became a wholly owned subsidiary of U.S. Bancorp in July 2001. U.S. Bancorp, with \$466 billion in assets (as of December, 2016), is a publicly traded company on the New York Stock Exchange under the symbol USB.

Elavon's Global Acquiring Solutions organization (formerly NOVA Information Systems in the U.S. and euroConex in Europe) was founded in 1991. The company is headquartered in Atlanta, Georgia and maintains sales offices in major cities nationwide. Elavon's primary U.S. operations facilities are located in Knoxville, Tennessee, and Englewood, Colorado. Elavon processes three billion secure transactions every year with \$300 billion in volume for 1.3 million customers globally.



*Nilsen Report, March 2014 (U.S.), June 2014 (EU) – ranking by number of customers

Elavon Managed Service Fee Program

The Elavon Managed Service Fee Program allows Jefferson County to accept credit cards as a payment method for miscellaneous government fees in a revenue neutral manner.

The payer will see and sign for two separate transactions on their statement. The first transaction will be for the payment being made. The second transaction, the Service Fee, will be for 2.75% of the first transaction.

Elavon will pay Jefferson County 100% of the payment. We will pay the association costs and the authorization fees from the second, service fee transaction.

How this works:

1. Jefferson County generates a credit card transaction for \$100.00 (primary amount)
2. A second transaction, the **Service Fee**, is automatically generated for 2.75% of the primary amount (\$2.75)
3. The cardholder approves both transactions
4. \$100.00 is deposited to Jefferson County's merchant defined DDA (deposit account)
5. \$2.75 is funded into an Elavon DDA
6. Elavon is responsible for all Visa/MasterCard/Discover Card/American Express fees related to that transaction

Funding

(When you can expect to receive your funds)

File Received by Elavon (by 10:00 PM EST)	Funded (depending upon funding availability at City National Bank)
Monday	Tuesday
Tuesday	Wednesday
Wednesday	Thursday
Thursday	Friday
Friday	Monday
Saturday	Monday
Sunday	Tuesday

Reporting

Jefferson County can monitor accounts around the clock from any Web browser through Merchant Connect, Elavon’s online reporting tool. Merchant Connect displays recent deposits, chargebacks, retrieval requests, accesses customer support and much more in a convenient, secure environment.

Point Of Sale Equipment Converge

Converge is the link between you and MGO. It is an Elavon product that processes credit card transactions. It is a flexible, secure Omni-commerce payment solution designed to grow with your business. Using a variety of payment choices, including online, mail order/back office mail and phone, in store (retail and service) and Mobile, Converge is the next generation platform for your commerce experience.

Terminal Processing

For in-person payments, we recommend you use a VX520 payments. This device connects via an Ethernet connection and can accept magnetic stripe, EMV chips, and NFC (Apple Pay, Android Pay, Google Pay) transactions. This terminal automatically processes service fee transactions resulting in a revenue neutral solution.

VX520 – this is a compact, all-in-one countertop terminal that is designed to work with a Service Fee program. It is easy to use and can accept a full range of payment options. It also features a built-in secure software authentication process which prevents unauthorized software applications from being downloaded. Connects to the internet via an Ethernet connection.



Data Security (PCI)

Elavon participates in industry standard data security programs (PCI). We charge a monthly fee to help ensure the security of all transactions flowing through our system. Customers opting to use our standard PCI program are required to certify their PCI compliance annually via a 150 to 200 question Self-Assessment-Questionnaire (SAQ).

We will enroll you in our Safe-T program which will encrypt transactions when entered into the terminal and tokenize them after approval for added security.

Jefferson County should follow all PCI rules and regulations including annual Self-Assessment Questionnaires (SAQ) to certify PCI compliance. When Jefferson County completes the SAQ within 90 days of contract date and renews annually, the \$60.00 per month per merchant number non-compliance fee will be waived.

Easy to follow instructions on becoming PCI compliant will be included in the Customer Welcome package.

Proposed Pricing:

Visa /MasterCard / Discover Service Fee: (Paid by the cardholder)	2.75%
Discount Fee Charged to Jefferson County	0.00%
Application Fee	No Charge
Electronic Statement Fee	No Charge
Merchant Connect Basic	No Charge
Converge License	\$99.00
VeriFone Vx520 Terminal	\$399.00
Chargeback (per occurrence)	\$15.00
Set-Up Fee	Waived
PCI Non-Compliance Fee (Per Merchant ID) ¹	\$60.00/Mo

Notes

Elavon agrees to offer the pricing herein for 90 days. If Jefferson County wishes to add products or services at the conclusion of the process, Elavon will submit a new Schedule of Fees and any additional Schedules for such services, if applicable.

The information provided in this proposal is privileged and confidential and is only to be used by Jefferson County for the sole purpose of choosing a service provider. This information is the sole and absolute property of Elavon and City National Bank and nothing is intended to, in any way, transfer ownership rights to Jefferson County. This information should not be shared outside of Jefferson County.

¹ Jefferson County should provide a certificate of compliance validation within ninety (90) days of account approval and annually thereafter to avoid a monthly non-compliance fee.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Michelle Gordon, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1st Choice: **May 3, 2018**

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

Date Requested – 2nd Choice:

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

- Review of Highmark Medical Insurance Renewal Options and Selection of Plan for FY2019
- Review of Delta Dental Renewal for FY2019
- Review and Approval of WVCORP Insurance Renewal for FY2019
- Approval of the

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

Review and approval of employee medical & dental insurance plans for FY2019. Review and approval of WVCORP Self Insurance Renewal for Liability (Property, Automobile, Liability, Volunteer Accident & Sickness, and Line of Duty Act) and Workers' Compensation coverage for July 1, 2017 to July 1, 2018. Approval of the

Medical Insurance Additional Information:

- Hartford Life Insurance plan is under a 2 year contract that expires 6/30/2019.
- NVA Vision plan is under a 4 year contract that expires 6/30/2019.

Review additional comments received, if any, regarding the proposed changes to the Emergency Ambulance Service Fee Ordinance. Discuss possible changes as are result of comments. If none, approval of the Emergency Ambulance Service Fee Ordinance as amended on April 19, 2018 during the public hearing.

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

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

Provide exact financial impact/request:

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

- Motion to accept Highmark of West Virginia health insurance renewal option number _____
- Motion to accept dental plan renewal from Delta Dental
- Motion to approve the Emergency Ambulance Service Fee Ordinance as amended on April 19, 2018 with an effective date of July 1, 2018.

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

April 2, 2018

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

RE: Contract Renewal for Jefferson County Commission
Delta Dental PPOSM Group# 15919

We appreciate your business and thank you for choosing Delta Dental of West Virginia. Your employees are among the millions nationwide who trust their smiles to Delta Dental.

We are pleased to present you with your dental plan contract renewal information. We are committed to providing you with quality plan designs combined with excellent customer service.

When reviewing your dental plan, we considered cost factors related to your group's dental service utilization and claims experience. Our analysis indicates that no change in your current rate is necessary.

We have calculated your rates based on the employer/employee contribution levels in your contract remaining the same. If the contribution levels and/or enrollment guidelines have changed or will change, please notify us immediately, as such a change may affect your renewal rate.

The following is the renewal information for your Delta Dental PPOSM dental plan:

<i>Effective Date</i>	<i>July 01, 2018</i>	
<i>Contract Term</i>	<i>July 01, 2018 - June 30, 2019</i>	
<i>% increase</i>	<i>0.00%</i>	
	<i>Current Rates</i>	<i>Renewal Rates</i>
<i>Enrollee Only</i>	<i>\$23.46</i>	<i>\$23.46</i>
<i>Enrollee + 1 Dependent</i>	<i>\$46.71</i>	<i>\$46.71</i>
<i>Family</i>	<i>\$70.04</i>	<i>\$70.04</i>

Delta Dental Insurance Company
Telephone: 800-521-2651

Delta Dental of California
Telephone: 888-335-8227

Delta Dental Mid-Atlantic Region
Delta Dental of Delaware, Inc.
Delta Dental of the District of Columbia
Delta Dental of New York, Inc.
Delta Dental of Pennsylvania (Maryland)
Delta Dental of West Virginia
Telephone: 800-932-0783

To renew your dental plan contract, please follow these steps:

- 1) Review this letter for changes to your dental plan for July 01, 2018
- 2) Begin paying the rates outlined in this letter with your new contract term.

Upon your renewal you will receive a formal amendment to your contract. If you would like to review an amendment prior to renewing your plan, please contact your Account Manager and an amendment will be provided.

If you have any questions about your renewal, your Account Manager will be happy to help. We appreciate your continued confidence in Delta Dental. We are proud of our association with you and look forward to a long and mutually successful relationship.

Sincerely,

Delta Dental of West Virginia



MohammadReza Navid
Group Vice President, Sales

The American Dental Association (ADA) annually updates its standard dental procedure coding system, which is a component of its Code on Dental Procedures and Nomenclature (CDT Code) reference manual. When the ADA changes the codes, carriers must adopt the changes. We process claims according to the current CDT reference manual. Changes made to comply with the CDT Code do not constitute a material change to your dental plan design.



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT

Josh Compton

VICE PRESIDENT

Caleb Wayne Hudson

COMMISSIONER

Patricia A. Noland

COMMISSIONER

Peter Onoszeko

COMMISSIONER

Jane Tabb

DATE: May 3, 2018
 TO: Honorable Commissioners
 Jefferson County, West Virginia
 FROM: Michelle Gordon, Finance Director
 RE: WVCorp Insurance Renewal FY2019

Attached is the renewal contract for the County's WVCORP Self Insurance Renewal for Liability (Property, Automobile, Liability, Volunteer Accident & Sickness, and Line of Duty Act) and Workers' Compensation for fiscal year 2018-2019.

For the FY2019 budget, a 2.1% increase (\$6,586) was included for Liability insurance based on historical trends, and a (1%) increase (\$14,712) was included for Workers' Compensation (WC) insurance based on historical trends. The County's WC experience rating decreased from 0.96 in FY18 to 0.83 in FY19. The renewal rate for Liability insurance is \$320,589 and is (0.1%) more than the projected budget for FY19 of \$320,209. This will result in the need for additional funding of \$380 for FY2019. The FY2019 budgeted annual payroll (\$10.4 million) increased by \$213,000 over FY18's actual payroll (\$10.2 million). Because total payroll is fairly flat and the County's WC Experience rating decreased by 13.5% (0.96 to 0.583), a -14.4% decrease was received for the County's WC premium renewal. The renewal rate for WC is \$132,590 and is \$-22,382 less than the estimated FY2019 budget of \$154,972.

Net savings of \$22,002 (\$380 + (-22,002)) *will be realized* in FY2019. The County's WC premium is normally adjusted each year when the insurance provider audits the County's annual covered payroll. Because the Budget includes 100% of payroll and does not allow for savings related to employee turnover, the County typically receives a refund of a portion of the premium paid. I estimate that the County will realize savings for the *FY2019 budget* of \$22,000-\$23,000. This savings may be used to fund the \$15,000 needed to keep the employee portion of medical insurance premiums flat for FY2019.

Description	FY17 Amount	FY18 Amount	FY19 Amount	Amount Inc/(Dec)	% Inc/(Dec)	FY19 Est Budget	% Est	Amount Over/(Under)	Over/(Under) Estimate
Business Auto	84,480	85,744	86,554	810	0.9%	87,545	2.1%	(991)	
Crime Exposure	950	950	950	-	0.0%	970	2.1%	(20)	
General Liability	125,248	128,700	131,942	3,242	2.5%	131,403	2.1%	539	
Increased Limits of Liability	19,342	19,793	19,913	120	0.6%	20,209	2.1%	(296)	
Inland Marine		2,789	3,826	1,037	37.2%	2,848	2.1%	978	
Public Officials Liability	40,365	40,115	41,872	1,757	4.4%	40,957	2.1%	915	
PR-Boiler & Machinery	37,091	35,532	35,532	-	0.0%	36,278	2.1%	(746)	
Subtotal Bond Ins 226.000	307,476	313,623	320,589	6,966	2.2%	320,209	2.1%	380	0.1%
Workers' Comp 226.001	148,611	153,432	132,590	(20,842)	-13.6%	154,972	1.0%	(22,382)	-14.4%
Total WVCorp	456,087	467,055	453,179	(13,876)	-3.0%	475,181		(22,002)	-4.6%

Description	FY17 Deductible	FY18 Deductible	FY19 Deductible
Business Auto			
Liability	None	None	None
Comprehensive	1,000	1,000	1,000
Collision	1,000	1,000	1,000
Crime Exposure	250	250	250
General Liability	None	None	None
Cyber Risk	None	None	None
Law Enforcement Liability	5,000	5,000	5,000
Increased Limits of Liability	None	None	None
Public Officials Liability	5,000	5,000	5,000
PR-Boiler & Machinery	1,000	1,000	1,000
Property	5,000	5,000	5,000
Computers	2,500	2,500	2,500
Inland Marine	2,500	2,500	2,500
Workers' Compensation	None	None	None

Description	FY17 Amount	FY18 Amount	FY19 Amount	Amount Inc/(Dec)	% Inc/(Dec)
W/C Experience Rating	1.01	0.96	0.83	(0.13)	-13.5%
Covered Payroll	9,684,000	10,219,000	10,432,333	213,333	2.1%
Total Building Values	29,438,100	30,538,100	30,538,100	-	0.0%
Total Contents Values	2,619,500	2,819,500	2,669,500	(150,000)	-5.3%
Inland Marine Values	2,531,950	2,531,950	3,477,860	945,910	37.4%
Auto Count	88	87	92	5	5.7%

County Administrator
Stephanie Grove

Deputy County Administrator
Sandy Slusher McDonald



2018 - 2019 Self Insurance Proposal

Proposal for: Jefferson County Commission

For additional information, contact:
Steve Rawlings
1315 Franklin Rd SW
Roanoke, VA 24016
Phone: (844) 986-2705

Presented: Apr 03, 2018

West Virginia Counties Group Self Insurance Risk Pool
Package coverages, terms, conditions and exclusions are only briefly outlined. For complete provisions, please refer to the coverage contract.



We provide the most extensive coverage and service at stable and extremely competitive pricing.

Why WVCoRP?

Member-Owned, Member Governed

West Virginia Counties Group Self-Insurance Risk Pool (WVCoRP) provides coverage and risk management expertise to local government entities throughout West Virginia. By pooling risks, members enjoy the benefits of cost savings, price stability and comprehensive coverages. Unlike a commercial carrier, WVCoRP is governed by a Supervisory Board that is comprised of pool members. As a member governed organization, WVCoRP knows and understands its members' needs and has a proven record of quickly responding to the changes in state laws and mandates



Services and Resources Available

WVCoRP uses its expertise to custom design services to meet the specific needs of each member, including risk management consultations and on-site trainings.

- Online tools allow our members easy access to claim reporting, claims data, customized loss reports, Certificate of Insurance requests, and changes to Property, Inland Marine, and Auto schedules
- Cyber risk coverage provided at no charge
- Contract and lease review to ensure adequate coverage requirements and indemnification language
- Property valuations are completed on a rotating basis at no charge
- Live and recorded training webinars
- Case Management services provided by nursing professionals
- Medical Bill Review to ensure cost effective treatment for injured employees
- Nurse triage services available by trained professionals
- Defensive Driver Training with Enhanced On-Site Driving Simulator
- Onsite Law Enforcement Staff Training with continuing education credits





Contribution Summary Form

Coverage	Deductible	Contribution
Property : Special Form; Replacement Cost (or stated otherwise); No Coinsurance; Blanket	See Schedule	\$31,547
Inland Marine : Replacement Cost if Scheduled, otherwise Actual Cash Value	See Schedule	\$3,826
Equipment Breakdown	\$1,000	\$3,985
General Liability : \$1,000,000 Combined Single Limit; Occurrence Form; No Annual Aggregate; Non-Audited	None	\$131,942
Law Enforcement Liability : \$1,000,000 Limit	\$5,000	Included
Public Officials Liability : \$2,000,000 Limit Each Wrongful Act	\$5,000	\$41,872
Automobile : \$1,000,000 Liability for Owned Autos; Coverage Level per Schedule; Automatic Coverage for Additions; Non-Audited	See Schedule	\$86,554
Crime : Blanket \$250,000 Faithful Performance; In/Out Robbery; Counterfeit; Forgery; Computer Fraud; Telephone Toll Fraud \$25,000 sublimit	\$250	\$950
Excess Liability : \$1,000,000 Limit	None	\$19,913
Workers' Compensation :	None	\$132,590
Grand Total Annual Contribution		\$453,179

Any additions or deletions made after the proposal and initial billing effective up to and including July 1st will result in an endorsement and contribution adjustment.

In order to be eligible for WVCoRP membership the following coverages must be selected: Property (where applicable), General Liability, Business Auto (where applicable) and Crime. To be eligible for Workers' Compensation coverage, Property & Casualty must be in effect with WVCoRP.

Quarterly installment payment terms available for Workers' Compensation coverage only.



Property

- WVCoRP provides members with the most extensive property coverage available.
- Property coverage is Special Form specifically drafted for public entities; all perils are covered except those specifically excluded.

Buildings and Contents

Total Building Values	\$ 30,538,100
Total Contents Values	\$ 2,669,500
Business Income / Extra Expense (\$100,000 Automatic or as scheduled)	\$ 0

Coverage Includes: (no additional charge)*

- Back-up of Sewers & Drains: \$1,000,000 Limit
- Debris Removal: \$20,000,000 Pool Limit
- Pollutant Clean-up and Removal: \$500,000 Pool Limit
- Newly Acquired Property: \$10,000,000 Limit (up to 120 Days)
When timely reported, covered until renewal at no additional charge if under \$500,000 in value; additional charge for new values above \$500,000
- Property in Transit: \$5,000,000 Pool Limit
- Utility Services Time Element: \$2,000,000 Pool Limit
- Building Ordinance/Increased Cost of Construction/Demolition: up to \$20,000,000 Pool Limit
- Earthquake, Volcanic Eruption, Landslide, and Mine Subsidence: up to \$10,000,000 Pool Limit
- Flood (if outside the 100 year flood plain): up to \$10,000,000 Pool Limit
- Architect & Engineering fees for plans, specifications, and supervision included upon replacement
- Error in Reporting Provision
- Improvements and Betterments to buildings leased by the member
- Signs, fences, light poles, antenna, masts, and towers; retaining walls are covered within 1,000 feet of the premises provided their values are included in the schedule

*Does not apply to properties valued at Actual Cash Value (ACV)

Coverage Available (Additional Charge):

Builders' Risk during building construction (Optional - must be reported)

Perils Covered

- Special Form; specifically drafted for local government; all perils are covered except those specifically excluded.
- Flood (if outside the 100 year flood plain) and Earthquake are included.

Valuation

- Building & Contents – Replacement Cost, except vacant property at Actual Cash Value or stated otherwise
- Business Income - Actual Loss Sustained

Other Terms

- Blanket Limit
- No Coinsurance
- Vacant Buildings must be reported.
If vacant building becomes occupied, please notify WVCoRP to ensure proper coverage is in place.

Deductibles (Per Occurrence)

- \$5,000 Building & Contents
- \$25,000 Flood
- \$25,000 Earthquake

Definitions

- **Replacement Cost (RC):** The cost to repair, rebuild, or replace, at the same site, lost, damaged, or destroyed property, with other property of comparable size, material, and quality; or the applicable Limit of Coverage.
- **Actual Cash Value (ACV):** The cost to repair, rebuild, or replace lost or damaged property, at the time and place of the loss, with other property of comparable size, material and quality, less allowance for physical deterioration, depreciation, obsolescence, and depletion.
- **Functional Replacement Cost:** The cost of repairing or replacing damaged or stolen property with the same kind or quality; or comparable new property as of the time of loss; or applicable Limit of Coverage.
- **Vacant:** A building that does not contain adequate Covered Property to conduct customary business operations.



Inland Marine

- Inland Marine is property coverage for movable or specialized types of property and equipment.
- Electronic Data Processing (EDP) covers direct physical loss to member-owned computer equipment, phone systems, fax machines, printers, and copiers.

Inland Marine

Total Inland Marine Value (Per Schedule)	\$ 2,595,510
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Computers / Electronic Data Processing (EDP)

Hardware (Per Schedule)	\$ 882,350
Software (Per Schedule)	\$ 0

Perils Covered

- Special Form; specifically drafted for public entities; all perils are covered, except those specifically excluded.
- Electronic Data Processing (EDP) includes electrical and mechanical breakdown.

Valuation

- Inland Marine – Replacement Cost if scheduled, otherwise Actual Cash Value except:
- Electronic Data Processing (EDP) - Functional Replacement Cost, if scheduled at 100% replacement values - otherwise Actual Cash Value.

Deductible

See Schedule

Definitions

- **Replacement Cost (RC):** The cost to repair, rebuild, or replace, at the same site, lost, damaged, or destroyed property, with other property of comparable size, material, and quality; or the applicable Limit of Coverage.
- **Actual Cash Value (ACV):** The cost to repair, rebuild, or replace lost or damaged property, at the time and place of the loss, with other property of comparable size, material and quality, less allowance for physical deterioration, depreciation, obsolescence, and depletion.
- **Functional Replacement Cost:** The cost of repairing or replacing damaged or stolen property with the same kind or quality; or comparable new property as of the time of loss; or applicable Limit of Coverage.

Equipment Breakdown

- Equipment Breakdown is omprehensive coverage for direct damage to covered equipment. Examples of covered equipment include: air conditioning and refrigeration equipment, boilers and pressure vessels (air tanks, hot water tanks, cookers, furnaces), communication systems, and electrical equipment (compressors, fans, system motors).
- Coverage includes the expense of inspections and certification of boilers and air compressors as required by the Department of Labor and Industry

Limits

- \$50,000,000 Limit Per Breakdown; includes Property Damage, Business Income and Extra Expense, and Hazardous Substances
- \$1,000,000 Newly Acquired Property (up to 90 Days)
- \$1,000,000 Demolition (Coverage B)
- \$1,000,000 Increased Cost of Construction (Coverage C)
- \$1,000,000 Service Interruption
- \$250,000 Spoilage Damage
- \$100,000 Electronic Data or Media Damage

Covered Events

Property losses ranging from air conditioning equipment and HVAC systems to electrical equipment, including system motors, compressors, refrigeration equipment, fans, switchboards, coils, pipes and air conditioning vessels.

Deductibles

- \$1,000 Per Occurrence
- 24 Hours Business Income Loss



General Liability

- WVCoRP general liability coverage provides the broadest protection for public entities in West Virginia.
- WVCoRP coverage provides protection from claims or suits for personal injury or property damage.
- Excess limits available

Basis of Contribution

Net Operating Expense

\$ 12,115,868

Limits

- \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage - Each Occurrence
- No Annual Aggregate

Additional Coverages

- Failure to Supply (No Sublimit)
- Sidetrack Agreements including Railroads
- Contractual Liability for Covered Contracts
- Personal Injury and Advertising Liability
- Broad Form Property Damage Liability
- Incidental Medical Malpractice
- Limited Worldwide Liability
- Owned Watercraft under 51 feet
- Products/Completed Operations
- Punitive Damages Covered in Most Cases
- Employee Benefits Liability

Sublimits

- \$100,000 Care, Custody, and Control of Others' Property
- \$100,000 Fire Legal Liability - Real Property

Deductible

None



Law Enforcement Liability

- WVCoRP Law Enforcement Liability provides protection from allegations arising from law enforcement operations.

Limit

- \$1,000,000 Personal Injury, Property Damage, or Wrongful Act – Per Occurrence

Coverages

Follows Coverage Contract for Liability Coverage

Additional Coverages

- Bodily Injury/Property Damage with respects to Law Enforcement operations
- Personal Injury Liability
- Broad Form Property Damage Liability
- Limited Worldwide Liability
- Owned Watercraft under 51 feet
- Volunteers included as covered persons (volunteer fire & rescue are excluded)
- Contractual Liability for covered contracts

Deductible

- \$5,000 Per Occurrence



Public Officials Liability

- Public Officials Liability provides protection against allegations of wrongful acts, such as sexual harassment and employment practices.
- Defense costs are provided for certain excluded coverages

Limits

- \$2,000,000 Each Wrongful Act
- \$2,000,000 Annual Aggregate

Policy Form

Occurrence

Coverages

- Employment Practices
- Sexual Harassment
- Notary Public applicable for all current employees while acting within the course and scope of their notarial duties of the Member
- Defense cost in addition to coverage limits

Additional Provisions

- Claims handled when filed, not only if a lawsuit is filed

\$100,000 Defense Limit provided for the following excluded coverages:

- Employment Wrongful Acts, when no monetary damages requested
- Land Use/Eminent Domain (subject to \$25,000 Deductible)
- Suits for non-monetary relief brought to remove an elected official pursuant to WV Code §6-6-7 (subject to \$25,000 Deductible)

\$50,000 Defense Reimbursement Limit provided for the following excluded coverages:

- Criminal Acts (subject to a \$10,000 Deductible); see contract language for specific terms and conditions

Deductible

- \$5,000 Per Occurrence
- \$25,000 Land Use/Eminent Domain

Prior Acts Coverage included if prior coverage was written on claims-made basis.



Automobile Liability and Physical Damage

- WVCoRP coverage includes hired and non-owned vehicles
- Automatic coverage for newly acquired vehicles at no additional charge until renewal.
- Excess limits available.

Basis of Contribution

Number of Vehicles

92

Liability

Limits

- \$1,000,000 Liability Limit For Owned and Hired Autos - Bodily Injury and Property Damage - Each Occurrence
- \$2,000 Medical Payments (Per Person)
- \$1,000,000 Non-Owned Auto Liability (excess over any other collectible insurance)
- \$1,000,000 Uninsured Motorist
- \$250,000 Underinsured Motorist
- No Annual Aggregate

Additional Coverages

- Out of State No Fault Coverage provided at the basic minimum limits required by state law
- Newly acquired vehicles covered until renewal at no additional charge
- Unlimited Physical Damage for all owned vehicles; deductible will apply
- Replacement cost coverage can be provided on any vehicle with a replacement cost value in excess of \$50,000
 - Must be reported at 100% of replacement cost value
 - Additional charge will apply

Physical Damage

Deductibles

- \$1,000 Comprehensive (ACV)
- \$1,000 Collision (ACV)
- \$1,000 Hired Car Physical Damage Comprehensive (up to \$50,000)
- \$1,000 Hired Car Physical Damage Collision (up to \$50,000)

Definitions

- **Replacement Cost (RC):** The Fund will pay the lesser of: (a) the cost of repairing damaged property or replacing damaged or stolen property with the same kind or quality; (b) the cost to replace the damaged or stolen property with comparable new property as of the time of loss; or (c) the Limit of Coverage applicable to the lost, damaged or stolen Covered Auto.
- **Actual Cash Value (ACV):** The cost to repair, rebuild, or replace lost or damaged property, at the time and place of the loss, with other property of comparable size, material and quality, less allowance for physical deterioration, depreciation, obsolescence, and depletion.

Please provide values for all vehicles you wish to have this coverage applied to effective 07/01/2018



Crime Coverage

- Crime provides protection from loss of money and securities, as well as, forgery and fraud.
- State-required faithful performance bonds for covered persons are included.
- Coverage is for covered crimes committed by employees, board members, commission members and volunteers.

Limit

- \$250,000 Per Occurrence

Coverage Forms

- Employee Theft
- Employee Dishonesty (Faithful Performance Form)
- Loss Inside and Outside the Premises
- Money Orders and Counterfeit Paper Currency
- Depositors Forgery Coverage
- Computer Fraud
- Funds Transfer Fraud
- Telephone Toll Fraud subject to \$25,000 sublimit

Public Officials Required Bond

Meets maximum listed Bond value for all public officials as outlined by West VA Code §6-2-10:

- \$200,000 per County Commissioner;
- \$50,000 per Circuit Court Clerk;
- Assessor - \$5,000;
- County Clerk - \$50,000;
- Surveyor of Lands - \$3,000;
- Sheriff - the aggregate amount of all state, county, district, school, municipal and other moneys which will probably come into his hands during any one year of his term of office, up to \$250,000;
- Deputy Sheriff - \$100,000

Deductible

- \$250 Per Occurrence

Excess Liability

Limit

- \$1,000,000 Limit

Coverages

- Applies to Business Automobile Liability, if WVCorP coverage in place*
- Applies to General Liability, if WVCorP coverage in place
- Applies to Law Enforcement Liability, if WVCorP coverage in place*

*Does not include Hired & Non-Owned Automobile Liability and Uninsured/Underinsured Motorists Coverage

Deductible

None



Workers' Compensation

- WVCoRP provides the most affordable and responsive Workers' Compensation coverage available.
- WVCoRP provides leading medical bill review and case management services to ensure cost effective treatment and return to work for injured employees.
- Online claim reporting capability through our WVCoRP member website.

Coverages

Workers' compensation coverage is provided in accordance with and limited to guidelines established by the Offices of the West Virginia Insurance Commissioner and Employers Liability.

Employers' Liability

Bodily Injury by Accident	\$1,000,000
Bodily Injury by Disease (Per Person)	\$1,000,000
Bodily Injury by Disease (Per Accident)	\$1,000,000

Classification	Group	Code	Payroll	Rate (Per \$100 Payroll)	Contribution
Police Officers & Drivers		7720	\$2,523,685	\$ 3.49	\$88,076.61
Auto Service or Repair		8380	\$45,973	\$ 2.17	\$997.61
Clerical		8810	\$5,144,094	\$ 0.19	\$9,773.78
Attorney - All Employees		8820	\$1,262,029	\$ 0.14	\$1,766.84
Animal Control		8831	\$218,950	\$ 1	\$2,189.50
Building Operated by Owner		9015	\$564,005	\$ 2.75	\$15,510.14
Municipal Employees NOC		9410	\$673,597	\$ 3.61	\$24,316.85
Total Payroll:			\$10,432,333		

Manual Contribution	\$142,631.33
Experience Modification	0.83
Modified Contribution	\$118,384.00
Scheduled Debit/Credit	\$0.00
Regulatory & Debt Reduction	1.12
Total Estimated Annual Contribution	\$132,590

Workers' Compensation Coverage is available only if Property & Casualty coverage is in place through WVCoRP.

The classifications and codes shown are established by the National Council on Compensation Insurance (NCCI) and are the same as those used by insurance companies in West Virginia.

Rates have been filed with the State Corporation Commission and are subject to approval.

Workers' Compensation Coverage Contribution is payable in equal quarterly installments.

Subject to Audit and Annual Adjustment



Jefferson County Commission

Coverage Term : 7/1/2018 - 7/1/2019

BUILDINGS AND CONTENTS SCHEDULE

Replacement Cost or Stated Otherwise

Loc #	Bldg #	Bldg Description	Street Address	City	Bldg Value	Cts Value	Deductible	Builders Risk	Demo / Debris Removal Only	Agreed Value	Actual Cash Value
1	1	Communications Center	28 Industrial Blvd.	Kearneysville	\$4,400,000.00	\$243,000.00	\$5,000.00				
2	1	Sheriff's Office Substation	Blue Ridge School/Route 9	Charles Town	\$55,000.00	\$7,500.00	\$5,000.00				
3	1	Old Jail Annex	119 North George Street	Charles Town	\$2,640,000.00	\$234,000.00	\$5,000.00				
4	1	Health Center	1948 Wiltshire Road	Kearneysville	\$3,733,000.00	\$94,000.00	\$5,000.00				
5	1	Animal Shelter	161 Poor Farm Road	Kearneysville	\$295,000.00	\$34,000.00	\$5,000.00				
6	1	Caretakers Dwelling	County Farm-Leetown Rd	Leetown	\$204,900.00	\$0.00	\$5,000.00				
7	1	County Judicial Center	110 North George Street	Charles Town	\$5,456,000.00	\$576,000.00	\$5,000.00				
8	1	Assessor/Probation	102-106 E. Washington Street	Charles Town	\$800,000.00	\$83,000.00	\$5,000.00				
9	1	Smoot Building	114 E. Washington Street	Charles Town	\$196,800.00	\$1,000.00	\$5,000.00				
10	1	Mason Building	116 E. Washington Street	Charles Town	\$1,877,000.00	\$214,000.00	\$5,000.00				
11	1	Hunter House	124 E. Washington Street	Charles Town	\$792,000.00	\$94,000.00	\$5,000.00				
12	1	Hunter House Annex/Mailroom	104 South Samuel Street	Charles Town	\$159,400.00	\$10,000.00	\$5,000.00				
13	1	Courthouse	100-102 E. Washington Street	Charles Town	\$3,735,000.00	\$258,000.00	\$5,000.00				
14	1	Riggler Building	108-110-112 E. Washington Street	Charles Town	\$1,247,000.00	\$126,000.00	\$5,000.00				
15	1	Sheriff's Office	102 Industrial Blvd.	Kearneysville	\$2,645,000.00	\$272,000.00	\$5,000.00				
16	1	Lot 18 Maintenance Bldg 2	128 Industrial Blvd	Kearneysville	\$1,202,000.00	\$223,000.00	\$5,000.00				
17	1	Gray Building	120 George Street	Charles Town	\$1,100,000.00	\$200,000.00	\$5,000.00				
		Totals	Count: 17		\$30,538,100.00	\$2,669,500.00					



Jefferson County Commission

Coverage Term : 7/1/2018 - 7/1/2019

INLAND MARINE SCHEDULE

Equipment Type	Department	Item Description	Serial Number	Value	Deductible
Electronic Data Hardware		Hunter House Server Room - Basement		\$227,350.00	\$2,500.00
Electronic Data Hardware		Blanket EDP Per Appraisal		\$655,000.00	\$2,500.00
Generators		Generator located behind Mason Bldg		\$57,855.00	\$2,500.00
Generators	Maintenance Department	Maint. Nitrogen Generator		\$5,000.00	\$2,500.00
Miscellaneous Equipment	Maintenance	2017 Bobcat	2215	\$25,372.00	\$2,500.00
Miscellaneous Equipment	Maintenance Department	Genie Equipment		\$15,000.00	\$2,500.00
Miscellaneous Equipment	Maintenance Department	Holland Tractor		\$15,000.00	\$2,500.00
Miscellaneous Equipment	Sheriff	(2) E-Z-Go 2000 Yamaha Golf Carts		\$10,000.00	\$2,500.00
Mobile Equipment	Homeland Security	1990 Hovercraft	E090	\$10,000.00	\$2,500.00
Mobile Equipment	Sheriff	2007 Polaris Sportsman ATV500	8301	\$7,500.00	\$2,500.00
Mobile Equipment	Sheriff	2007 Polaris Sportsman ATV500	6948	\$7,500.00	\$2,500.00
Mobile Equipment	Sheriff	2012 Polaris	4921	\$11,931.00	\$2,500.00
Mobile Equipment	Sheriff	2011 Polaris ATV	4050	\$12,600.00	\$2,500.00
Telephone System	911 Center	Phone & Radio System		\$1,040,464.00	\$2,500.00
Telephone System	Non-911 Phone System	VOIP System		\$369,500.00	\$2,500.00
Trailers		Thule Cargo Pro Riderville Cycle	7982	\$7,800.00	\$2,500.00
Trailers	JCHSEM	2005 Team Spirit Trailer	1395	\$5,000.00	\$2,500.00
Trailers	JCHSEM	2012 Carry On Trailer	7035	\$6,000.00	\$2,500.00
Trailers	JCHSEM	2011 Utility Trailer	9731	\$12,950.00	\$2,500.00
Trailers	Maintenance	2012 Moritz F Series	3397	\$5,000.00	\$2,500.00
Trailers	Maintenance Department	2006 Carry On Trailer	4371	\$2,500.00	\$2,500.00
Trailers	Maintenance Department	2005 Mid Atlantic Trailer	7894	\$30,000.00	\$2,500.00
Trailers	Sheriff	2010 Trailer	2207	\$10,000.00	\$2,500.00
Voting Machines	Elections	Pollbook Equipment		\$94,083.00	\$2,500.00
Voting Machines	Elections	ExpressVote Tabulation Sys & equip		\$834,455.00	\$2,500.00
Totals		Count: 25		\$3,477,860.00	



Jefferson County Commission

Coverage Term : 7/1/2018 - 7/1/2019

BUSINESS AUTO SCHEDULE

Vehicle #	Dept	Year	Make	Model	Vin	Repl. Cost Value	Comp Ded	Coll Ded
	Maintenance	1992	Ford	Truck	9097	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	1998	Chevrolet	Motor Home	1937	\$0.00	\$1,000.00	\$1,000.00
	Maintenance	1999	Jeep	Cherokee Sport	5376	\$0.00	\$1,000.00	\$1,000.00
	Animal Control	2000	Ford	Ranger	6107	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2001	Ford	Crown Victoria	3744	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2001	Ford	Crown Victoria	4156	\$0.00	\$1,000.00	\$1,000.00
	Addressing	2001	Jeep	Cherokee Sport	1330	\$0.00	\$1,000.00	\$1,000.00
	E-911	2001	Jeep	Cherokee Sport	1329	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2002	Ford	Crown Vic	5072	\$0.00	\$1,000.00	\$1,000.00
	Assessment	2002	Jeep	Liberty	2558	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2003	Ford	Crown Victoria	1976	\$0.00	\$1,000.00	\$1,000.00
	Assessment	2003	Jeep	Liberty	5830	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2004	Dodge	Dakota	2034	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2005	Chevrolet	Trailblazer	1270	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2005	Dodge	Durango	0752	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2005	Ford	Crown Victoria	5377	\$0.00	\$1,000.00	\$1,000.00
	Maintenance	2005	Ford	Escape	6995	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2005	Ford	Explorer	5593	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2005	Ford	Explorer	6536	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2005	Ford	Explorer XLT	7139	\$0.00	\$1,000.00	\$1,000.00
	Animal Control	2005	Ford	Ranger	0335	\$0.00	\$1,000.00	\$1,000.00
	E-911	2006	Dodge	Durango	8943	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2006	Ford	Explorer XLS	8134	\$0.00	\$1,000.00	\$1,000.00
	Maintenance	2006	Ford	F-250 XL	3361	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2006	Ford	Taurus	1116	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2006	Jeep	Cherokee	4901	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2007	Ford	Crown Victoria	5288	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2008	Ford	Crown Vic	4932	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2008	Ford	Crown Victoria	4372	\$0.00	\$1,000.00	\$1,000.00
	Assessment	2008	Ford	Escape XLS	7970	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2008	Ford	Explorer	6432	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2008	Ford	Explorer	7785	\$0.00	\$1,000.00	\$1,000.00
	Animal Control	2008	Ford	Ranger	3624	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2009	Ford	Crown Victoria	9448	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2009	Ford	Crown Victoria	9449	\$0.00	\$1,000.00	\$1,000.00
	Assessment	2009	Ford	Escape	9995	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2009	Ford	Expedition	0882	\$0.00	\$1,000.00	\$1,000.00
	Maintenance	2009	Ford	Ranger	3168	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2010	Ford	Explorer	5546	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2010	Ford	Explorer	8177	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2011	Can-Am	Spyder	0254	\$0.00	\$1,000.00	\$1,000.00
	Maintenance	2011	Dodge	Dakota	1368	\$0.00	\$1,000.00	\$1,000.00
	Maintenance	2011	Dodge	Dakota	1369	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2011	Ford	Crown Vic	9487	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2011	Ford	Crown Vic	9488	\$0.00	\$1,000.00	\$1,000.00
	Maintenance	2011	Ford	F350	8636	\$0.00	\$1,000.00	\$1,000.00
	Engineering	2011	Ford	Focus	0563	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2012	Dodge	Charger	2009	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2012	Dodge	Charger	2010	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2012	Dodge	Charger	2011	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2012	Dodge	Charger	6138	\$0.00	\$1,000.00	\$1,000.00
	Animal Control	2012	GMC	Canyon	9225	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2013	Chevrolet	Equinox	3370	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2013	Ford	Police Sedan	4898	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2013	Ford	Police Sedan	4899	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2013	Ford	Police Utility	1382	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2014	Ford	Utility	0316	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2014	Ford	Utility	0317	\$0.00	\$1,000.00	\$1,000.00



Jefferson County Commission

Coverage Term : 7/1/2018 - 7/1/2019

BUSINESS AUTO SCHEDULE

Vehicle #	Dept	Year	Make	Model	VIn	Repl. Cost Value	Comp Ded	Coll Ded
	Sheriff	2014	Ford	Utility	0318	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2014	Ford	Utility	0319	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2014	Ford	Utility	0320	\$0.00	\$1,000.00	\$1,000.00
	Assessor	2014	Jeep	Patriot	9625	\$0.00	\$1,000.00	\$1,000.00
	Assessor	2014	Jeep	Patriot	9626	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2014	Jeep	Patriot	3139	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2016	Ford	Explorer	6361	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2016	Ford	Explorer	6362	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2016	Ford	Explorer	6363	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2016	Ford	Explorer	7436	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2016	Ford	Explorer	7437	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2017	Ford	Explorer	1447	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2017	Ford	Explorer	3188	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2017	Ford	Explorer	3189	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2017	Ford	Explorer	3190	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2017	Ford	Explorer	5932	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2017	Ford	Explorer	8399	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2017	Ford	Explorer	8400	\$0.00	\$1,000.00	\$1,000.00
	Maintenance	2017	Ford	Transit	9434	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2017	GMC	Van	6112	\$0.00	\$1,000.00	\$1,000.00
	Assessor	2017	Jeep	Cherokee Laredo	7873	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2018	Dodge	Ram 1500	4866	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2018	Ford	Explorer	1046	\$0.00	\$1,000.00	\$1,000.00
	Sheriff	2018	Ford	Explorer	1047	\$0.00	\$1,000.00	\$1,000.00
	Animal Control	2018	GMC	Truck	1663	\$0.00	\$1,000.00	\$1,000.00
	Assessor	2018	Jeep	Cherokee	9499	\$0.00	\$1,000.00	\$1,000.00
0	Sheriff	2000	Ford	Van	2991	\$0.00	\$1,000.00	\$1,000.00
DPZE	Engineering	2002	Jeep	Liberty	0249	\$0.00	\$1,000.00	\$1,000.00
DPZE	Engineering	2003	Jeep	Liberty	6721	\$0.00	\$1,000.00	\$1,000.00
DPZE	Engineering	2006	Ford	Explorer	4156	\$0.00	\$1,000.00	\$1,000.00
DPZE	Engineering	2006	Ford	Explorer XLS	4155	\$0.00	\$1,000.00	\$1,000.00
DPZE	Engineering	2012	Jeep	Patriot SP	7454	\$0.00	\$1,000.00	\$1,000.00
JCHSEM	Security	2001	Jeep	Cherokee	2447	\$0.00	\$1,000.00	\$1,000.00
JCHSEM	Security	2011	Ford	Expedition	9048	\$0.00	\$1,000.00	\$1,000.00
Totals			Count: 92			\$0.00		

**JEFFERSON COUNTY, WEST VIRGINIA
EMERGENCY AMBULANCE SERVICE FEE ORDINANCE**

Amendment Effective July 1, 2018

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SECTION 1 - LEGISLATIVE AUTHORITY

This Ordinance concerns the imposition and collection of a special emergency ambulance service fee and is adopted under the authority of Chapter 7, Article 15, Section 17, of the Code of West Virginia, as amended.

SECTION 2 - PURPOSE

This Ordinance is enacted by the Jefferson County Commission for the purpose of providing career Fire Fighter/Paramedics and Fire Fighter/EMTs to maintain an adequate emergency ambulance system within the geographic boundaries of Jefferson County, West Virginia. An adequate emergency ambulance system is necessary to promote the health and welfare of the citizens of Jefferson County. Emergency ambulance service is a public purpose and a responsibility of government for which public money may be spent.

SECTION 3 - DEFINITIONS

ACCESSORY STRUCTURE. Any separate structure associated with a residential unit such as a garage, storage shed, workshop or otherwise located on the same parcel shall be included as part of the residential unit and not subject to a separate fee so long as it is not actually used as a residential or non-residential unit. If a dispute arises with regard to whether or not a structure qualifies as accessory structure not subject to a separate fee, the burden is upon the owner to demonstrate that the structure is not a commercial or residential unit.

RESIDENTIAL PROPERTY. Means any place of residence, whether occupied or unoccupied, as classified by the records of the Jefferson County Assessor, including, but not limited to, single-family homes, duplexes, vacation and secondary homes, mobile homes, apartments, and rental units.

AGRICULTURAL BUILDING. Means structures which directly contribute to the operation of a farm and shall include any processing plant, milking parlor, farm equipment storage building, barn, silo, grain storage building, swinery, and temporary quarters furnished to farm employees without rent to assist in performance of employment duties as part of the terms of their employment. Agricultural buildings shall be exempt from any fee assessed under this Ordinance. However, the agricultural exemption does not apply to any ordinary residential unit located on a farm, such units shall be subject to the standard residential unit fee. In addition, any structure which conducts a retail commercial enterprise open to the general public, including but not limited to a distillery, butcher shop, winery, bed and breakfast, buildings used in the course business for animal racing, or retail nursery, shall be subject to the standard non-residential, warehouse or casino fee even if located on a farm. The warehousing, processing, drying, storage, distribution and marketing of agricultural products for the wholesale marketplace when those activities are conducted in conjunction with, but are secondary to, husbandry or production conducted on the farm shall be exempt from the fee. If a dispute arises with regard to whether or not a structure qualifies as an exempt agricultural building, the burden is upon the owner to demonstrate that the structure contributes to the operation of a farm and is not a commercial or residential unit.

NON-RESIDENTIAL PROPERTY. Means commercial business, industrial activity or non-residential activity conducted for a profit or non-profit, and any federal, state or local government (except those defined as an "Agricultural", "Casino", and "Warehouse" property herein) including, but not limited to, any store, filling station, hotel, motel, flea market, amusement park, camp ground, institutional living arrangement with centralized services such as nursing homes, assisted living or similar arrangement, a bed and breakfast, an entertainment venue, a club, bar or restaurants, church, school, courthouse, or federal, state, or municipal government building. In the case of commercial activity that occurs outdoors such as a flea market, camp ground or amusement park, such business shall be assessed a fee as a commercial unit unless a permanent structure associated with the use is already subject to a commercial fee at the same location. In the case of a commercial complex with more than one structure, such as a shopping center or business complex, each separate structure shall be included in total square foot calculations.

EMERGENCY AMBULANCE SYSTEM. Any emergency ambulance service provided pursuant to this ordinance.

HOMESTEAD EXEMPTION shall mean an owner-occupied residential unit used exclusively for residential purposes and occupied by the owner or one of the owners who is a citizen of this state and who is sixty-five years of age or older or is permanently and totally disabled as that term may be defined by the Legislature, and which granted by, and recognized in the records of, the Assessor of Jefferson County as exempt from a portion of the ad valorem property taxation of Jefferson County as prescribed by general law. The burden shall be upon the owner claiming the exemption to present proof of same at the time the fee is paid. If sufficient proof is not provided, the owner shall pay the normal fee.

CASINO PROPERTY shall mean any parcel or building that is part of the HOLLYWOOD CASINO AT CHARLES TOWN RACES, including but not limited to the gambling areas, restaurants located within the casino, stables and racing areas; and excluding any hotel or motel which is subject to the regular non-residential property rate. The burden shall be upon the owner claiming the rate reduction to present proof of same at the time the fee is paid. If sufficient proof is not provided, the owner shall pay the normal fee.

WAREHOUSE PROPERTY shall mean any non-residential property that has been classified as a warehouse or industrial property by the Jefferson County Assessor's Office. The burden shall be upon the owner claiming the rate reduction to present proof of same at the time the fee is paid. If sufficient proof is not provided, the owner shall pay the normal fee.

SQUARE-FOOTAGE shall be determined by the Jefferson County Assessor's Office. All structures located on each property shall be included in the total square-footage calculation, including but not limited to warehouses, retail space, storage areas, and accessory structures. If a dispute arises with regard to whether or not a structure qualifies for inclusion in the total square-footage calculation, the burden is upon the owner to demonstrate that the structure is not a casino, non-residential, warehouse, accessory structure or residential unit.

CASINO RATE shall apply any parcel or building as defined in CASINO PROPERTY. The rate per 100 square foot shall be calculated at 75% (seventy-five percent) of the non-residential regular rate per 100 square foot.

WAREHOUSE RATE shall apply any parcel or building as defined in WAREHOUSE PROPERTY. The rate per 100 square foot shall be calculated at 40% (forty percent) of the non-residential regular rate per 100 square foot.

VACANT RATE shall apply to any non-residential, casino, or warehouse property that has been vacant or unused for a period of 18 or more months. The rate per 100 square foot shall be calculated at 25% (twenty-five percent) of the non-residential regular rate per 100 square foot. The burden shall be upon the owner claiming the rate reduction to present proof of same at the time the fee is paid. If sufficient proof is not provided, the owner shall pay the normal fee.

OWNER. Means the person, firm or corporation listed in the Jefferson County land records and/or records of the Assessor of Jefferson County as the owner of the unit or property as of July 1st of a given year.

RESIDENTIAL UNIT. Means any habitable structure intended for residential use, whether occupied or unoccupied, including, but not limited to, single-family homes, duplexes, vacation and secondary homes, mobile homes, apartments, condominiums and rental units. In the case of a structure which contains multiple independent addressable dwelling units, such as duplexes and apartments, each addressable unit shall be deemed to be a separate residential unit.

SPECIAL EMERGENCY AMBULANCE SERVICE FEE. Means the fee imposed by the Jefferson County Commission through this Ordinance and collected from the users of emergency ambulance service within Jefferson County.

USER. Means any person, firm or corporation to whom emergency ambulance transport service is made available.

SECTION 4 – RATES

The Emergency Ambulance Service Fee imposed under this Ordinance shall be for emergency ambulance service provided for a Jefferson County Fiscal Year July 1 to June 30.

- **Residential Unit Fee.** The Emergency Ambulance Service Fee established by this Ordinance shall be **thirty five dollars (\$35.00) per residential unit** per Fiscal Year.
- **Other Non-Residential Fees.** The Emergency Ambulance Service Fee for property that is not residential shall be calculated based on total building square footage, and based on one of 5 (five) classifications.

For properties where the Assessor has available building square footage, four (4) rates are applicable. The fee is calculated per 100 square foot of the total building square footage as defined in SQUARE FOOTAGE and is subject to a minimum fee payable of eighty-five dollars (\$85.00) per non-residential unit per fiscal year:

- CASINO RATE \$2.132 / 100 sf
- WAREHOUSE RATE \$1.137 / 100 sf
- VACANT >18 MOS \$0.711 / 100 sf
- REGULAR RATE FOR ALL OTHER \$2.842 / 100 sf

Jefferson County, West Virginia
Emergency Ambulance Service Fee Ordinance
Amendment Effective July 1, 2018

For properties where the total building square footage is not available from the Jefferson County Assessor, the flat fee is: \$150.00

Homestead Exemption. All those residents who have been granted a property tax Homestead Exemption by the Assessor in the tax year prior to July 1, 2014, and each year thereafter, shall pay a discounted fee of twenty dollars (\$20.00) on their personal residence.

Responsibility and Due Date. The Fee imposed under this ordinance shall be the responsibility of the record owner of the unit as of July 1st, each year. The Fee assessed and levied under the provisions of the ordinance shall be a personal obligation of the owner of the unit. The Fee shall be due and payable July 1st of each year for taxable units owned as of July 1st for services to be rendered in the fiscal year. On or before, July 31st of each year, a bill shall be mailed to the owner's mailing address on record with the Assessor of Jefferson County.

Late Fee and Dates

- For each service year, *accounts paid on or after October 1 through December 31* the fee shall increase by \$5 for residential properties or by 10% for non-residential properties.
- For *accounts paid on or after January 1 through March 31* of a given service year, the fee shall increase by an additional \$10 for residential properties or by an additional 20% for non-residential properties, whichever is greater.

Collections. Fees delinquent on or after the First day of April the year after they became due and payable shall be forwarded to the County Commission. The County Commission, in its sole discretion, may collect unpaid fees through civil action filed in a court of competent jurisdiction. Such suit need not be brought in the same fiscal year the fee was billed. In any suit for collection of delinquent fees, the Commission is authorized to recover its reasonable costs of collection, including court costs, attorney's fees, service costs and statutory interest.

Error Resolution. If any owner believes he or she was erroneously charged an emergency service fee, the County Commission shall provide, upon the owner's request, an exoneration form. The form shall be completed and returned to the County Commission no later than September 30 of the Fiscal Year for which the fee applies. The County Commission staff shall, within a reasonable time, investigate any request for exoneration. The County Commission shall, at its next regular meeting after completion of the investigation, consider each written request for exoneration and staff's recommendation regarding the exoneration request. If good cause for exoneration is found by the County Commission, the Commission shall exonerate or modify the imposed charges, and shall notify the owner in writing of its actions. If the Commission does not exonerate or modify as requested by the applicant, the owner requesting exoneration may appeal to the Circuit Court of Jefferson County. The appeal must be filed within 30 days of the Commission decision upon the exoneration. No prior fiscal year fees will be refunded.

SECTION 5 – RATE CHANGES

The service of ambulance protection shall be continued, maintained, and improved by the Jefferson County Emergency Services Agency at the charge and expense of the owners of all residential and commercial units within the county. The fees shall be imposed, assessed and

collected as set forth in this Ordinance. In the event the JCESA determines change in the fee imposed by this ordinance is necessary, it shall, by resolution, request the County Commission consider approving the recommended a change. The JCESA shall submit copies of its current budget, the future budget developed under Section 7 and any other documentation supporting the proposed a change in the fee. The County Commission retains sole discretion in approving, denying or modifying any fee change. Procedures set forth in Article 15, Chapter 7, Section 17 of the Code of West Virginia for the initial levy of such a fee shall be followed by the County Commission in the event an increase is sought.

SECTION 6 - EFFECTIVE DATE

The prior Ordinance became effective June 30, 2017 and the Emergency Ambulance Service Fee was originally enacted effective June 30, 2014. This Amended Ordinance shall become effective on July1, 2018. The fee assessed and levied by this ordinance are for services to be rendered from July 1, 2018 to June 30, 2019, and each fiscal year thereafter.

SECTION 7 - USE AND MANAGEMENT OF FEE PROCEEDS

The proceeds from the imposition and collection of the Emergency Ambulance Service Fee shall be deposited in a special fund or specific appropriations shall be exhibited in separate and distinct accounts for the benefit of the JCESA held by the Treasurer of Jefferson County and shall be used only to pay reasonable and necessary expenses actually incurred, including personnel, training, supplies and equipment used in providing emergency ambulance service to residents of Jefferson County. Proceeds not expended in a given Fiscal Year will be maintained in the special fund and may be used in subsequent Fiscal Years as necessary.

SECTION 8 - BUDGET DEVELOPMENT

The Jefferson County Emergency Services Agency shall hold an annual public hearing for the purpose of receiving written or oral public comments pertaining to the operations of the JCESA within Jefferson County. This public hearing shall be advertised as a Class II legal advertisement in local newspapers within the County.

The required public hearing shall be held no later than the regular December Board of Directors meeting in order to provide JCESA sufficient time to consider any improvements or changes in services and to account for said changes when submitting the annual budget request to the Jefferson County Commission.

As required by the JCESA Ordinance, JCESA shall prepare a financial statement and budget detailing the upcoming Fiscal Year projections for the special emergency ambulance fund. The Board of Directors shall make recommendations to the County Commission regarding the need to change or maintain the rates charged for the upcoming year.

SECTION 9 - DATA USED FOR ASSESSMENT OF FEES

Upon completion of the annual budget for the Fund, County Commission shall request the Assessor to provide it with a list of all residential units, non-residential, casino, and warehouse units and square footage within the meaning of this Ordinance within the county to be utilized as the data base for billing the Special Emergency Ambulance Service Fee commencing the

following July 1. In addition, GIS shall provide a list of addressable units within each category to assist in the identification and classification of residential, non-residential, casino, and warehouse units within the county. Each residential, non-residential, casino, and warehouse unit or property shall have an account established in the name of the owner of that unit or property and a bill in the amount of the fee shall be delivered to that property owner by US Postal Service on or after July 31st of the Fiscal Year. The Assessor will further provide monthly updates to County Commission so that the database can be maintained on a current basis.

SECTION 10 – COLLECTION OF DELINQUENT ACCOUNTS

On or before November 30 of each year, letters shall be sent to all unpaid accounts as a status reminder including a notice of late fees and charges and a notice that delinquent accounts will be submitted for collection after March 31st. On or about April 1, all delinquent accounts at that point shall be submitted for collection by either internal or external agencies.

SECTION 11 – INITIAL USE OF FUNDS AND POSITIONS

Funds will initially be allocated to train, hire and equip Fire Fighter/Paramedics and Fire Fighter/EMTs assigned based on response time to maximize limited resources.

SECTION 12 – AMENDMENTS AND SEVERABILITY

This Ordinance may, from time to time, be amended by a majority of the members of the County Commission as they deem it necessary and appropriate.

If a court of competent jurisdiction declares any provision of this Ordinance to be void, invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly declared to be void, invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully enforceable and effective.

This Ordinance shall become effective upon July 1, 2018.

NOW THEREFORE, THIS ORDINANCE IS ENACTED AND ORDAINED BY MAJORITY VOTE OF THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA.

Given under my hand and seal this _____ day of _____, 2018.

Josh Compton, President

NOTICE OF PUBLIC HEARING
Thursday, May 3, 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 #ZTA17-01. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 10 Provisions for Signs. The primary purpose of this amendment is to create provisions to allow electronic signs in Jefferson County. The amendment also includes reorganization of existing text for clarification.

Oral or written comments can be provided at the hearing, **1:30 PM Thursday, May 3, 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.

A copy of the proposed text amendment is 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



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV25414

www.jeffersoncountywv.org

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

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMO

TO: County Commission

FROM: Alexandra Beaulieu, Zoning Administrator

DATE: 04-19-18

RE: ZTA17-01, Electronic Signs

The draft text amendment ZTA17-01 proposes reorganizing existing sign regulations and adding provisions to allow for electronic signs in Jefferson County.

- The ~~blue text~~ indicates existing text which is proposed to be deleted.
- The green text indicates existing text which is proposed to be relocated.
- The red text indicates new text.
- The black text is current text, no changes proposed.

The Planning Commission requested that as part of the memo to the County Commission, attention be drawn to the fact that the brightness level is proposed to be higher during the day so as to allow for visibility during daytime hours. The brightness level is proposed to be reduced significantly after sunset so as to not be a nuisance during nighttime hours and because visibility is greater when there is no sunlight.

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.
Building Maintenance Services ²⁷	An establishment primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.
Building Materials and Supplies ²⁷	An establishment which sells goods relating to construction which require a large floor area such as lumber, appliances, electrical supplies and plumbing supplies.

in this Ordinance. This land use does not include Hunting, Shooting, Archery and Fishing Clubs and general hunting.

Shopping Center^{7, 27, 32}

A group of retail and/or other commercial establishments that is planned, constructed, and managed as a total entity on a single lot with common parking facilities that uses or leases separate areas of space to retail or service oriented businesses.

Shrub, Evergreen

A low growing, usually several stemmed, woody plant which has foliage that remains green and functional through more than one growing season.

Sign

Any object, device display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign, Animated

A sign with action or motion, flashing lights, or color change requiring electrical energy, electronic, or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or pennants.

Sign, 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)

Sign, Attached Business

A sign attached to a building/structure which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located.

Sign, Electronic

A sign utilizing lights that change to form a static sign message or graphic wherein the sequence of messages and rate of change is electronically programmed.

Sign, Freestanding Business

A sign supported by a permanent structure, other than a building, that is affixed to the earth and placed on the same parcel of land on which the business commodity, or service, or entertainment advertised by the sign is located.

Sign, Inflatable

Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.

Sign, Off-Premises
~~Outdoor Advertising~~

A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located. ~~This term shall include billboards.~~

Sign, Pylon

A sign which advertises more than one land use on the premises where the sign is located.

Sign, Vehicle²³

A sign or advertising device which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose

of providing advertisements of products and services or directing people to a business or service or other activity on or off the premises or public right-of-way where such vehicle sign is located. This does not include identification signs on vehicles which are moved regularly and used in the normal, day-to-day operation of the business.

Soil Value	A relative numeric value assigned to soil groups based on the group's potential for agricultural production.
Species, Rare or Endangered	Any species listed with the West Virginia Department of Natural Resources Heritage Program Species List or by the U.S. Department of the Interior, Department of Fish and Wildlife Management.
Specified Anatomical Area ¹⁵	As used herein specified anatomical areas means and includes any of the following: <ul style="list-style-type: none">A. Less than completely and opaquely covered human genitals, public region, buttocks, anus, or female breasts below a point immediately above the top of the areola; orB. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.
Specified Sexual Activities ¹⁵	As herein, specific sexual activities means and includes any of the following: <ul style="list-style-type: none">A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; Masturbation, actual or simulated; orC. Excretory functions, when such activities are a part of or in connection with any of the activities set forth in the following definitions: Adult Use; Adult Arcade; Adult Bookstore; Adult Cabaret; Adult Mini Motion Picture; Adult Sauna; Adult Theater; Massage Parlor; Sexual Encounter Establishment; and, Sexual Paraphernalia Store.
Staff ^{17, 21, 23, 31}	Personnel employed in the Department of Engineering, Planning, and Zoning.
Standard Details ^{7, 23}	Minimum acceptable details approved by the County Engineer for use in preliminary plats, site plans, and related improvement plans. Said approval does not relieve the subdivider, the design consultant, or the builder of the responsibility for structural adequacy and sound construction.
Storage, Commercial ²⁷	An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property.
Street ²³	(See Road)

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:³⁵
 - 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.

8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6.
- 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 Permit ~~Uses~~^{26, 32}

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals ~~followingsubject to~~ a public hearing in accordance with the following:
 1. The public hearing is subject to the notification requirements of Section 6.1B.
 - ~~1.2.~~ The public hearing shall be conducted according to the requirements of Section 6.1C.
 - ~~2.3.~~ Such hearing may be continued according to the requirements of Section 6.1D.

~~3.4. The public hearing is subject to the notification requirements of Section 6.1B.~~

B. The following signs may be approved as a Special Exception:

1. Off-Premises Signs per Section 10.5A~~outdoor advertising signs including billboards.~~

2. Billboard Signs per Section 10.5B

3. Electronic Signs per Section 10.5C

The Board of Zoning Appeals shall determine if such a sign conforms to existing State law and does not have a negative effect on the neighborhood or intent of this Ordinance.^{17, 21}

ARTICLE 7: RESERVED ³²

ARTICLE 10: PROVISIONS FOR SIGNS

Section 10.1 Purpose of Sign Provisions

The purpose of this section is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values and the character of the County. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building or use.

~~It is intended that the placement of a particular sign will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. It is also intended that in areas proposed for new development, that signs placed will be harmonious in color, form and proportions to its surroundings.~~

Section 10.2 General Provisions

It is intended that the placement of a particular sign will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. It is also intended that in areas proposed for new development, that signs placed will be harmonious in color, form and proportions to its surroundings.

- A. No sign shall be erected, hung, or placed in any district except as provided in this Ordinance.
- ~~A.B.~~ B. No sign erected before the enactment of this Ordinance shall be structurally altered or moved except in accordance with this Ordinance.
- ~~B.C.~~ C. ~~No zoning permit shall be required for the repainting or repairing of a sign.~~
- ~~C.D.~~ D. No signs, other than subdivision signs approved by the Planning Commission, shall be located in the right-of-way of any road or on any slope or drainage easement for such road or within any stormwater, drainage, or utility easement.^{2, 17, 21, 23}
- ~~D.E.~~ E. No sign shall be permitted which ~~is an imitation of~~ or which resembles an official traffic control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines. ~~Illuminated signs shall be so constructed as to avoid glare or reflection of any portion of an adjacent highway or residential building.~~
- ~~E.F.~~ F. No sign which implies the need or requirement of stopping or this existence of danger shall be displayed.
- ~~F.G.~~ G. No sign shall be placed on rocks, trees, or on poles maintained by public utilities.
- ~~G.H.~~ H. No sign shall be permitted which becomes unsafe or endangers the safety of the building, premises, or persons and unless maintained in a good general condition.
- ~~H.I.~~ I. No sign shall be permitted which contains statements, words or pictures of an obscene, indecent, or immoral character.
- J. Illuminated signs shall be so constructed as to avoid glare or reflection of any portion of an adjacent highway or residential building.
- K. ~~No a~~Animated signs, as defined by Section 2.2, are prohibited ~~allowed~~.
- L. Inflatable signs, as defined by Section 2.2, are prohibited. Residential, seasonal lawn decorations are exempt from this provision.
- M. Vehicle signs, as defined by Section 2.2, are prohibited per Section 4.4J.

Section 10.3 Signs Permitted Signs Without A Zoning Certificate Permit

- ~~A.~~ No zoning permit shall be required for the ~~r~~Repainting or repairing of a sign.
- ~~A.B.~~ Signs posted upon property relating to private parking or warning the public against trespassing or against dangers of animals.
- ~~B.C.~~ Municipal, County, State and Federal signs, including necessary traffic signs.
- ~~C.D.~~ Historical markers, monuments, or signs erected by a public authority.
- ~~D.E.~~ Plates on residential structures or premises giving the name or address of the occupant, mailboxes, papertubes, and ~~similar uses~~signs customarily associated with residential uses.
- ~~E.F.~~ A sign ~~indicating~~advertising the name and/or premises or accessory use of a home for an ~~approved~~ home occupation or ~~cottage industry~~ professional purpose, not exceeding the maximum size for such a sign as permitted in Article 4A of this Ordinance.
- ~~G.~~ A sign not exceeding 25 square feet and no more than six feet in height on a farm, advertising farm ~~activities and/or~~ products primarily grown on the premises.
- ~~H.~~ Municipal, County, State and Federal signs, including necessary traffic signs.
- ~~F.I.~~ Historical markers, monuments, or signs erected by a public authority.
- ~~G.J.~~ 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.
- K. Temporary Signage
The temporary sign must be located on the property for which the advertisement is related. One temporary sign is permitted per street frontage. Temporary signs shall not be located within a public right-of-way. All temporary signs shall be removed 30 days after the event.
1. A sign not exceeding 20 square feet and no more than six feet in height that advertises:
 - a) A temporary ~~r~~Real estate information, sign designating the zoning classification of the parcel, not exceeding 20 square feet and being located on the subject property for sale or lease.
 - b) Services rendered by a contractor and/or professional person.
 - c) A short-term or limited-time sale.
 2. A sign not exceeding 100 square feet that announces an upcoming subdivision or commercial site. Sign shall not interfere with traffic visibility.
 3. A sign that advertises a Seasonal Use approved by the Board of Zoning Appeals.
 4. Election signs are permitted if erected no more than 90 days before the election and removed within 15 days of announced results. Signs shall not interfere with traffic visibility.
- ~~H.L.~~ Building contractors', subdivision and/or professional person' temporary signs on buildings or land under construction but not to exceed 100 square feet.
- ~~I.~~ 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.
- ~~J.M.~~ All temporary signs shall be removed 30 days after the event, unless otherwise specified in Article 10.

Section 10.4 Signs Requiring a Zoning ~~Certificate~~ Permit

Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.² Sign types are defined in Section 2.2.

- A. ~~Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.²~~

B. Attached Business Signs

1. 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 ~~The~~ total area of the sign shall be no more than two square feet for each foot in length of the frontage of the building.
2. Attached business signs shall not ~~No sign shall~~ be attached to the side of the building that faces an adjoining residence.^{32, 35}
3. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.

C. Freestanding Business Signs

Freestanding business signs related to the subject land use are permitted, provided: Individual business or industrial establishments may erect a freestanding business sign, provided

1. ~~The~~ lot frontage is at least 40 feet.
2. ~~The~~ One freestanding sign per street frontage is permitted. The total area for any sign or signs on one supporting structure shall not exceed 100~~300~~ square feet and the maximum total height of the sign structure shall not exceed 35 feet.
3. Freestanding business signs 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.
4. Freestanding business signs ~~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 an adjacent the adjoining~~ residence.
5. Properties which consist of ~~Structures which have~~ more than one land use shall be required to use a pylon sign. One pylon sign is permitted on each street frontage.^{8, 32, 35}
6. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.

~~B.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.~~

~~C.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 deviation from the standards in Section 10.4 shall require consideration and approval by the Board of Zoning Appeals as part of the Conditional Use Permit application in accordance with Section 6.3.~~^{2, 17, 21, 22, 23, 25}

~~D.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.~~

~~E.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.~~

~~F.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 Signs Requiring a Special Exception Permit Zoning Certificate²

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

The following signs shall require processing a Special Exception Permit before the Board of Zoning Appeals pursuant to Section 6.5. Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the Special Exception application.

A. Off-Premises Signs

Signs approved by the Board shall adhere to the following:

1. Off-Premises Signs shall not exceed 60 square feet and shall be no more than 25 feet in height.
2. When located in the commercial/industrial zoning districts, 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.
3. When located, and in the Rural/residential zoning Districts, 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.
4. Off-Premises Signs shall comply with front yard setback provisions in the districts in which they are permitted.
- ~~5. Off-Premises Signs shall not be located 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.

6. In addition to the provisions herein, electronic signs shall also conform to the criteria outlined in Section 10.7.

B. Billboard Signs

Signs approved by the Board shall adhere to the following:

1. No billboard sign face shall exceed a total of 300 square feet in surface area including trim, nor shall it contain more than one message per sign face.
2. No billboard shall exceed 35 feet in height.
- 2.3. No billboard shall be closer to any public highway right-of-way than 300 feet.
- 3.4. Placement of a billboard must be in a location that is within 800 feet of an existing business.
- 4.5. There shall be a minimum of 1,000 feet between billboards.
- 5.6. A billboard shall be no closer than 500 feet from a church, school, or cemetery.
7. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.

C. Electronic Signs

Electronic Signs located in the Rural, Residential Growth, and Village zoning districts shall require a Special Exception Permit unless included as part of a Conditional Use Permit application per Section 10.6. Electronic Signs shall conform to the criteria outlined in Section 10.7.

Section 10.6 Conditional Use Permit (CUP) Signs

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 deviation from the standards in Section 10.4 shall require consideration and approval by the Board of Zoning Appeals as part of the Conditional Use Permit application in accordance with Section 6.3.^{2, 17, 21, 23, 32, 35}

Signs associated with a Conditional Use Permit application shall be assessed by the Board of Zoning Appeals as part of the CUP process per Section 6.3. Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the CUP application. Signs approved by the Board shall adhere to the following:

- A. There shall be a minimum of 300 feet between signs when located in the commercial/industrial zoning districts.
- B. There shall be a minimum of 1,000 feet between signs when located in the rural/residential zoning districts; however, a minimum of 300 feet between signs may be permitted provided the adjacent land use is a commercial/industrial land use.
- C. Signs shall comply with the front yard setback provisions in the districts in which they are permitted.

D. In addition to the provisions herein, electronic signs accessory to a CUP application shall conform to the criteria outlined in Section 10.7.

Section 10.7 Electronic Signs

Electronic Signs are permitted in any commercial and/or industrial district. Electronic Signs located in the Rural, Residential Growth, and Village zoning districts shall process as a Special Exception before the Board of Zoning Appeals per Section 6.5. Any electronic sign accessory to a Conditional Use Permit application shall comply with Section 10.6 and the criteria outlined in this section. When permitted, Electronic Signs shall conform to the following criteria:

- A. The message or image shall be static, displayed for a minimum of 15 seconds and shall not be animated by scrolling, flashing, or other similar non-static displays.
- B. The message or image change shall occur simultaneously for the entire electronic sign face without any special effects. The time to complete the change from one message to the next is a maximum of one second.
- C. Electronic signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if a malfunction occurs.
- D. An electronic sign may not be animated, play video or audio messages, or blink in any manner.
- E. Electronic signs shall not exceed a maximum illumination of 3,000 nits during daylight hours and a maximum of 100 nits for the time period between ½ hour before sunset and ½ hour after sunrise as measured from the sign's face at maximum brightness.
 - 1. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other appropriate methods.
 - 2. The change from 3,000 nits to 100 nits shall be controlled by an automatic dimmer control system.
- F. There shall be only one electronic sign on each parcel of land. Off-premises electronic signs shall be subject to Section 10.5A.
 - 1. Community announcements, emergency alerts, weather, and time related messages are generally permitted and shall not be considered an off-premises sign.
- G. Electronic Signs shall not be located within 300 feet of a traffic light.
- H. Electronic signs shall not be located within 200 feet of the property line of a parcel with a residential structure. This setback does not apply to mixed-use buildings or residential structures located on the same parcel as a commercial development.
- I. Electronic signs proposed to locate adjacent to a lot in the Rural, Residential Growth, or Village zoning districts, or adjacent to residential structures in any zoning district, shall be oriented perpendicular to residential frontages. Electronic signs shall not be parallel to any residential structures in any zoning district.
- J. Electronic signs adjacent to lots in the Rural, Residential Growth, and Village zoning districts shall automatically shut-off by 10:00 p.m. and shall not turn on until 6:00 a.m.

Electronic signs shall be FCC certified as required by Federal Law. A valid copy of the FCC Manufacturers Testing Certificate shall be submitted to the Office of Planning and Zoning as part of the Zoning Certificate application.



**Jefferson County Homeland Security and Emergency Management
Quarterly Report to the Jefferson County Commission
Third Quarter of FY-2018 – January-March, 2018**

Projects Completed:

The Public Information Officer held Media Day at the EOC event for members of the press and other public information officers on January 8.

HAM Radio testing night was held at Jefferson EOC in January 4th, the next test is scheduled for April 5th. For the next 6 months – until the Amateur Radio ARES Coordinator is available - will be held quarterly.

Held meetings of JCHSEM's Public Awareness Committee, Counter Terrorism Committee and Steering Committee. Also held Local Emergency Planning Committee (LEPC) meetings. The Steering Committee meetings will now be held on a quarterly basis instead of monthly, to reduce the number of meetings that representatives have to attend each month. The reduction in meetings will not be detrimental to the operation of the department.

JCHSEM held the Quarterly Partnership Luncheon at Charles Town Races and Slots on January 19th. The speakers were a panel consisting of WV DHSEM, Red Cross, and Team Rubicon representatives deployed to various areas ravaged from storms who gave their observations on various success stories, as well as problems from their deployments. The discussion was moderated by the JC HSEM Administrative Assistant/PIO, Brandon Vallee.

Staff conducted quarterly equipment testing to ensure operational reliability.

JCHSEM staff and Jefferson County agencies participated in the Shaky Ground Tabletop Exercise After Action Report/Improvement Plan meeting for WV Homeland Security Region 3 in Romney with other participants from Jefferson County and from throughout the region. This completes the exercise requirements for FFY 2017 EMPG.

Developed the annual Work Plan for our Department, as well as our departmental budget for FY-2019.

Our Department participated in the WV Severe Weather and Flood Awareness Week in March. This included several severe weather posts on social media.

Projects Working on Now:

2018 Multi-Jurisdictional All-Hazard Mitigation Plan update

The Hazard Mitigation Working Group (about 30-40 participants county-wide) has been meeting on a monthly basis since February 23rd with our contractor on updating the plan. We expect to have a “draft” plan for the public meeting sometime after May 1st (when it is scheduled for our review). After that, we have until June 1st to review and improve/approve it before we submit to the State of WV and FEMA for their review and acceptance.

2018 Community Rating System Annual Recertification

Working with the CRS Resource Specialist to complete the Annual Recertification due by May 1st.

Hiring Deputy Director/Planner/Project Manager

The selection committee, comprised of the JC HSEM Director, JC Deputy County Administrator Sandy McDonald, and Steering Committee Chair John Sherwood, have completed interviews, administered “Skills and Aptitude Test”, and met to discuss each of the candidates merits. We have contacted the references provided by the candidates and at this time background checks are being processed. We expect to be able to present a name for the successful candidate to the County Commission by early to mid-May for their consideration for hiring.

Continuing to add to our annual Training and Exercise Calendar

Continuing to work to issue PIV-I Cards. (Personal Identity Verification- Interoperable)

Things the County Commission Should be Aware of:

The next Quarterly Partnership Meeting will be held on April 27 at Noon at Alfredo’s Mediterranean Restaurant. The subject matter will be a presentation by the JC ESA on Project “Stop the Bleed” and CPR/AED training.

Staff is working with WV Homeland Security and Emergency Management, Region 3 on a Tabletop Exercise to be held on April 24 in Keyser, WV with a Derecho/Flooding scenario.

The Director has completed one training course on becoming a Certified Floodplain Manager. He expects to be "certified" sometime later this year or early next year.

NOTICE
JEFFERSON COUNTY COMMISSION
MEETING SCHEDULE CHANGE

A decision was made at the regular County Commission meeting on Thursday, February 15, 2018 that effective May 1, 2018, for a trial period until October 2018, the Jefferson County Commission will begin a new regular Commission meeting schedule. The Commission will hold its regular meeting at 9:30 a.m. on the first (1st) Thursday and at 6:00 p.m. on the third (3rd) Thursday. When applicable, the Commission will meet on the fifth (5th) Thursday at 9:30 a.m.

By Order of The County Commission of Jefferson County
Josh Compton, President



Meet and Converse with your Jefferson County Commissioners

Where: Citizens Fire Company
245 Citizens Way
Charles Town, WV 25414

When: Thursday, May 10th, 2018

Time: 6:00 p.m.

*Questions regarding the event should be directed to
the Jefferson County Commission: 304-728-3284*



April 16, 2018

Ms. Stephanie Grove
Jefferson County Administrator
124 East Washington Street
PO Box 250
Charlestown, WV 25414

Re: Important Information on Video Packaging

Dear Ms. Stephanie Grove:

At Comcast we are constantly innovating to deliver more value, flexibility and choice to our customers. One way we do this is to offer our industry-leading products in packages for customer convenience and savings. We are introducing new, simpler pricing and packaging options detailed below.

Our new packages provide customers with more of what they want in entertainment, including new, lower pricing on Double and Triple Play packages inclusive of High Definition, and more Internet speed options – all the way up to 1 Gig. We are adding more value to our higher-end packages as well by including Netflix and other great entertainment options, giving access to more of the best shows and movies customers enjoy. Comcast is now giving customers even more choice and more control through an increasingly personalized experience.

Double Play Bundled Packages:

- The **Economy Double Play** package at \$102.67 per month will include Digital Economy, a TV Box with Remote for the primary outlet, and Performance Plus Internet.
- The **Standard Double Play** package at \$112.67 per month will include Limited Basic, kids & family programming, entertainment programming, sports & news programming, a TV Box with Remote and HD programming for the primary outlet, and Performance Pro Internet.
- The **Select Double Play** package at \$122.67 will include Limited Basic, kids & family programming, entertainment programming, sports & news programming, Digital Preferred Tier, a TV Box with Remote, DVR Service and HD programming for the primary outlet, and Performance Pro Internet.
- The **Signature Double Play** package at \$142.67 will include Limited Basic, kids & family programming, entertainment programming, sports & news programming, Digital Preferred Tier, Showtime, Starz, Streampix, a TV Box with Remote, DVR Service and HD programming for the primary outlet, Performance Pro Internet, and Netflix Standard (HD) Plan.
- The **Super Double Play** package at \$172.67 will include Limited Basic, kids & family programming, entertainment programming, sports & news programming, Digital Premier Tier, Sports Entertainment Package, Streampix, a TV Box with Remote, DVR Service and HD programming for the primary outlet, Blast! Internet, and Netflix Standard (HD) Plan.

Triple Play Bundled Packages:

- The **Standard Triple Play** package at \$132.67 per month will include Limited Basic, kids & family programming, entertainment programming, sports & news programming, a TV Box with Remote and HD programming for the primary outlet, Performance Pro Internet, and Voice Unlimited.
- The **Select Triple Play** package at \$152.67 will include Limited Basic, kids & family programming, entertainment programming, sports & news programming, Digital Preferred Tier, a TV Box with Remote, DVR Service and HD programming for the primary outlet, Blast! Internet, and Voice Unlimited.
- The **Signature Triple Play** package at \$172.67 will include Limited Basic, kids & family programming, entertainment programming, sports & news programming, Digital Preferred Tier, Showtime, Starz, Streampix, a TV Box with Remote, DVR Service and HD programming for the primary outlet, Extreme Pro Internet, Voice Unlimited, and Netflix Standard (HD) Plan.
- The **Super Triple Play** package at \$202.67 will include Limited Basic, kids & family programming, entertainment programming, sports & news programming, Digital Premier Tier, Sports Entertainment Package, Streampix, a TV Box with Remote, DVR Service and HD programming for the primary outlet, Gigabit Internet, Voice Unlimited, and Netflix Standard (HD) Plan.

New customers will be able to take advantage of these new packages starting April 17, 2018, and existing customers will be able to do the same starting May 9, 2018. Our existing Double and Triple Play packages, including our XFINITY Latino Double and Triple Play packages, will no longer be available for new subscriptions when these new packages become available to customers.

We're happy to be able to provide more value through these new Xfinity packages loaded with content, features, options and faster speeds – all at new, lower pricing. If you have any questions about these changes, please feel free to contact me at (301) 836-9436.

Sincerely,

Kevin Broadhurst
Vice President of Government & Regulatory Affairs