

AGENDA
JEFFERSON COUNTY COMMISSION
FOURTH QUARTERLY SESSION - OCTOBER - DECEMBER 2018
THURSDAY, NOVEMBER 1, 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

- October 18, 2018

APPROVAL OF PURCHASE ORDERS

- November 1, 2018

APPROVAL OF ACCOUNTS PAYABLE

- October 25, 2018
- November 1, 2018

APPROVAL OF MANUAL CHECKS

- October 26, 2018
- November 2, 2018

APPROVAL OF PAYROLL

- October 18, 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. Pete Dougherty, Sheriff
 - GHSP Grant Contract - Discussion/Action
 - HSEM Grant Contract Signatures - Discussion/Action
 - Task Force Fiduciary Agreement - Discussion/Action
 - Establish Special Fiduciary Fund - Discussion/Action
3. 10:15 a.m. Charles F. Printz, Jr., Esq., Corporation of Shepherdstown
 - Corporation of Shepherdstown Annexation - Discussion/Action
4. 10:30 a.m. Jennifer Myers, Jefferson County Parks and Recreation Commission
 - JCPRC was awarded a Eugene M. Fuller Award for Program Excellence by the West Virginia Recreation and Park Association
 - Presentation by Michael Baker International on behalf of JCPRC of the draft Concept Master Plan for Sam Michaels park to replace the park's outdated 2000 plan - Discussion/Action
5. 10:45 a.m. BREAK
6. 11:00 a.m. Bob Shefner & Gary Dungan, Jefferson County Community Ministries
 - Information and Funding Request - Discussion/Action
7. 11:15 a.m. Annette Gavin Bates, Jefferson County Convention & Visitors Bureau
 - Present Annual Report - Discussion/Action
8. 11:30 a.m. Interviews/Appointments:
 - Community Criminal Justice Board - One unexpired term ending July 3, 2020 for a member-at-large familiar with the community an interest in advancing access to substance abuse treatment - Discussion/Action
 - Property Safety Enforcement Agency Board - One unexpired term for Citizen Representative ending February 2, 2020 - Discussion/Action
9. 11:45 a.m. Bill Polk, Maintenance Department
 - Presentation of Maintenance Department Quarterly Report - Discussion/Action
 - Approval of Bid Proposal - Jefferson County Courthouse Paint/Brick Project - Discussion/Action

10. 12:00 p.m. Roger Goodwin, Chief County Engineer
 - Smith Mountain View Estates (JCPC File No. 02-06) - Request Approval for Payment of Contractor's Invoice - Discussion/Action
 - Request Approval to amend Parks and Recreation's Impact Fees - FY2019 - Capital Improvement Plan - Discussion/Action
 - Summit Point Automotive Research Center, LLC & Summit Point Raceway Associates, Inc. - SPARC Range Extension (File #S17-11) complete bond release - Discussion/Action
 - Partial release of Performance Bond #1000956765 with United States Surety Company, Timonium, MD construction bond surety for Roderick Planes, LLC - Aspen Greens Subdivision, Phase 1A (File 07-15) - Discussion/Action

11. 12:15 p.m. Nathan Cochran, Assistant Prosecuting Attorney
 - Discussion of PSD Dissolution, Appeal/Intervention of the PSC decision, acquisition of PSD assets, and related issues - Discussion/Action
 - Discussion of Jefferson County Civil Action #17-C-282 - Discussion/Action
 - Discussion of renewal of County cable franchise agreement and related issues - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #18-P-132 - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #18-C-158 - Discussion/Action
 - Discussion of EEOC Charge #533-2018-01557 - Discussion/Action
 - Discussion of US District Court, Southern District of WV, Civil Action #2:18-cv-01126 - Discussion/Action

UNFINISHED BUSINESS

12. Discuss the Jefferson County Board of Education representative to the Jefferson County Development Authority - Discussion/Action

13. Discussion on an Ordinance to prohibit forced participation in public water and sewer system - Discussion/Action (PO)

NEW BUSINESS

14. Approval of Resolution and contract - 16-VA-096 - Victims of Crime Act (VOCA) Grant - Discussion/Action

15. Discussion concerning letter received from the City of Charles Town and Jefferson Vision - Discussion/Action (JC)

16. Review and Feedback Regarding Evening Meetings: Jefferson County Commission Meeting Times - Discussion/Action (JC)

17. Discussion regarding Residential Impact Fees - Discussion/Action (JC)
18. Review of Planning and Zoning Regulations regarding all categories on Industry - Discussion/Action (JT)

FINANCIAL DIRECTOR REPORTS

- Review and Approval of FY2019 State Budget Revision 3 for the General Fund - Discussion/Action
- Review and Approval of FY2019 State Budget Revision 2 for the Coal Severance Fund - Discussion/Action
- Review and Approval of FY2019 Internal budget Revision 1 for the General Fund - Discussion/Action
- Review of FY2019 Budget to Actual as of 9/30/2018 - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

19. ADJOURN

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS

Jefferson County Historic Landmarks Commission Quarterly Report.

Jefferson County GIS/Addressing Office Quarterly Report.

Engineering Offices Quarterly Report.

CORRESPONDENCE/INFORMATION

Correspondence received from the West Virginia Department of Transportation, Division of Public Transit (DPT) regarding updates to the Coordinated Public Transit-Human Service Transportation Plan (September 2015).

Correspondence received from the West Virginia Department of Transportation, Division of Motor Vehicles regarding the Highway Safety Grant has been approved for \$234,650. This award may be used to continue the Jefferson County EP Traffic Safety Enforcement Program.

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

Minutes
Jefferson County Commission
Thursday, October 18, 2018

A meeting of the Jefferson County Commission was held on Thursday, September 20, 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 Stephanie Grove, County Administrator; Jessica Carroll, Executive Administrative Assistant; and Jim Eddy, Bailiff. (An audio tape of the Thursday, October 18, 2018 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Onoszko led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Noland to approve the October 4, 2018 Regular Meeting Minutes with noted corrections. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Ms. Tabb to approve the payroll for October 4, 2018 in the amount of \$269,937.90. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
080762	712	AT&T/GA		\$ -	\$ 136.49	\$ 136.49
080763	425	BERKELEY GLASS INC		\$ -	\$ 88.00	\$ 88.00
080764	425	BOLAND TRANE SERVICES IN		\$ -	\$ 310.00	\$ 310.00
080765	405	RAYMOND E. BOYCE		\$ -	\$ 35.97	\$ 35.97
080766	P/R DED	ALEXANDRA BEAULIEU		\$ -	\$ 2,216.54	\$ 2,216.54
080767	700	EXECUTIVE EMERGENCY	52806	\$ 5,922.12	\$ -	\$ 5,922.12
080768	401	STEPHANIE GROVE		\$ -	\$ 506.25	\$ 506.25
080768	401	STEPHANIE GROVE		\$ -	\$ 354.00	\$ 354.00
080769	425	INTERSTATE ALL BATTERY		\$ -	\$ 219.00	\$ 219.00
080770	P/R DED	JANE JONES		\$ -	\$ 2,250.00	\$ 2,250.00
080771	406	MONROE SYS FOR BUSINESS		\$ -	\$ 280.23	\$ 280.23
080772	405	KATHERINE MOORE		\$ -	\$ 313.08	\$ 313.08
080773	406	NATIONAL APPRAISAL GUIDE		\$ -	\$ 20.00	\$ 20.00
080774	700	DOUGLAS PITTINGER		\$ -	\$ 15.65	\$ 15.65
080775	425	R.E. MICHEL CO. LLC		\$ -	\$ 764.09	\$ 764.09
080776	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 114.00	\$ 114.00
080777	401	US POSTAL SERVICE		\$ -	\$ 20,000.00	\$ 20,000.00
080778	P/R DED	WV BUREAU OF EMPLOYMENT		\$ -	\$ 14,527.00	\$ 14,527.00
080779	717	WHOLESALE TIRES, INC.		\$ -	\$ 94.65	\$ 94.65
080780	700	WV STATE POLICE		\$ -	\$ 325.50	\$ 325.50
080781	402	XEROX CORPORATION		\$ -	\$ 415.32	\$ 415.32
080781	402	XEROX CORPORATION		\$ -	\$ 283.61	\$ 283.61
080781	402	XEROX CORPORATION		\$ -	\$ 378.05	\$ 378.05
TOTAL						\$ 49,569.55
TOTAL				\$ 5,922.12	\$ 43,647.43	\$ 49,569.55

Motion by Ms. Noland to approve the Accounts Payable for October 11, 2018 in the amount of \$49,569.55. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
080784	P/R DED	AMERICAN FAMILY LIFE ICU		\$ -	\$ 3,610.66	\$ 3,610.66
080785	P/R DED	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
080786	P/R DED	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
080787	P/R DED	COLONIAL LIFE		\$ -	\$ 163.20	\$ 163.20
080788	428	CONDUENT BUSINESS SERVIC		\$ -	\$ 13,405.42	\$ 13,405.42
080789	700	KATHRYN E DEMORY		\$ -	\$ 3.17	\$ 3.17
080790	425	84 LUMBER		\$ -	\$ 103.11	\$ 103.11
080790	425	84 LUMBER		\$ -	\$ 89.72	\$ 89.72
080790	425	84 LUMBER		\$ -	\$ 46.69	\$ 46.69
080791	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 27,784.06	\$ 27,784.06
080792	P/R DED	CRYSTAL GUMBEL-SHADE		\$ -	\$ 93.82	\$ 93.82
080793	404	TERESA HENDRICKS		\$ -	\$ 48.78	\$ 48.78
080794	P/R DED	TIM HELMAN		\$ -	\$ 2,250.00	\$ 2,250.00
080795	425	IPC TECHNOLOGIES INC.		\$ -	\$ 508.21	\$ 508.21
080796	P/R DED	JEFFERSON SECURITY BANK		\$ -	\$ 4,940.00	\$ 4,940.00
080797	715	*JEFFERSON CO EMERGENCY		\$ -	\$ 200,000.00	\$ 200,000.00
080798	P/R DED	KATHRYN KING		\$ -	\$ 2,250.00	\$ 2,250.00
080799	424	KONE INC.		\$ -	\$ 327.75	\$ 327.75
080799	425	KONE INC.		\$ -	\$ 1,482.00	\$ 1,482.00
080800	405	ELYSSA LUKE		\$ -	\$ 294.30	\$ 294.30
080801	P/R DED	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 543.86	\$ 543.86
080802	404	TONI L. MILBOURNE		\$ -	\$ 650.00	\$ 650.00
080803	P/R DED	NATIONWIDE RETIREMENT		\$ -	\$ 849.00	\$ 849.00
080804	402	RECORD MANAGEMENT SOLUTN		\$ -	\$ 35.00	\$ 35.00
080805	717	RICE TIRES CO		\$ -	\$ 508.72	\$ 508.72
080805	717	RICE TIRES CO		\$ -	\$ 254.36	\$ 254.36
080806	402	SOFTWARE SYSTEMS, INC		\$ -	\$ 27.00	\$ 27.00
080806	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 772.00	\$ 772.00
080806	406	SOFTWARE SYSTEMS, INC		\$ -	\$ 71.00	\$ 71.00
080806	428	SOFTWARE SYSTEMS, INC		\$ -	\$ 217.00	\$ 217.00
080807	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 47,227.16	\$ 47,227.16
080807	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 11,045.10	\$ 11,045.10
080807	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 42.98	\$ 42.98
080807	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 10.06	\$ 10.06
080807	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 36,604.88	\$ 36,604.88
080807	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 25.49	\$ 25.49

080808	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 34,357.98	\$ 34,357.98
080808	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 1,359.02	\$ 1,359.02
080808	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 16.43	\$ 16.43
080809	P/R DED	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 6,892.44	\$ 6,892.44
080809	P/R DED	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 9,730.52	\$ 9,730.52
080810	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 2,375.00	\$ 2,375.00
080810	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 415.00	\$ 415.00
080814	401	ADOBE		\$ -	\$ 16.04	\$ 16.04
080814	401	AMAZON		\$ -	\$ 170.01	\$ 170.01
080814	401	NEOPOST		\$ -	\$ 190.00	\$ 190.00
080814	401	SPIRIT OF JEFFERSON		\$ -	\$ 193.92	\$ 193.92
080814	401	SPRINT		\$ -	\$ 55.88	\$ 55.88
080814	401	WEST VIRGINIA STATE BAR		\$ -	\$ 250.00	\$ 250.00
080814	402	AMAZON		\$ -	\$ 1,161.49	\$ 1,161.49
080814	402	SPIRIT OF JEFFERSON		\$ -	\$ 155.10	\$ 155.10
080814	404	LAKEVIEW GOLF RESORT		\$ -	\$ 356.00	\$ 356.00
080814	405	MD EFILE		\$ -	\$ 212.18	\$ 212.18
080814	405	SPIRIT OF JEFFERSON		\$ -	\$ 7.50	\$ 7.50
080814	405	SPRINT		\$ -	\$ 111.76	\$ 111.76
080814	405	WV CORRECTIONAL INDUSTRS		\$ -	\$ 740.00	\$ 740.00
080814	406	SPIRIT OF JEFFERSON		\$ -	\$ 278.00	\$ 278.00
080814	406	THE BUSINESS CENTER		\$ -	\$ 17.15	\$ 17.15
080814	412	COMCAST		\$ -	\$ 105.75	\$ 105.75
080814	413	GLOBAL INDUSTRIES		\$ -	\$ 530.88	\$ 530.88
080814	413	SPIRIT OF JEFFERSON		\$ -	\$ 20.38	\$ 20.38
080814	415	FRONTIER		\$ -	\$ 85.77	\$ 85.77
080814	415	SPRINT		\$ -	\$ 111.63	\$ 111.63
080814	424	AMAZON		\$ -	\$ 136.96	\$ 136.96
080814	424	CHARLES TOWN UTILITIES		\$ -	\$ 83.58	\$ 83.58
080814	424	FRONTIER		\$ -	\$ 9,974.59	\$ 9,974.59
080814	424	MILLERS OFFICE PRODUCTS		\$ -	\$ 790.66	\$ 790.66
080814	424	POTOMAC EDISON		\$ -	\$ 2,629.29	\$ 2,629.29
080814	424	RCS/ALARM FUNDING ASSOC		\$ -	\$ 54.00	\$ 54.00
080814	424	SPRINT		\$ -	\$ 55.88	\$ 55.88
080814	425	AMAZON		\$ -	\$ 58.59	\$ 58.59
080814	425	AMAZON		\$ -	\$ 96.30	\$ 96.30
080814	425	CHARLES TOWN UTILITIES		\$ -	\$ 1,210.67	\$ 1,210.67
080814	425	COMCAST		\$ -	\$ 1,090.19	\$ 1,090.19

080814	425	CRYSTAL SPRINGS		\$ -	\$ 767.92	\$ 767.92
080814	425	GRAINGER		\$ -	\$ 636.28	\$ 636.28
080814	425	JEFFERSON COUNTY P.S.D		\$ -	\$ 597.77	\$ 597.77
080814	425	JEFFERSON RENTALS		\$ -	\$ 85.10	\$ 85.10
080814	425	JEFFERSON UTILITIES, INC		\$ -	\$ 860.77	\$ 860.77
080814	425	MILLERS OFFICE PRODUCTS		\$ -	\$ 3,650.66	\$ 3,650.66
080814	425	POTOMAC EDISON		\$ -	\$ 22,833.49	\$ 22,833.49
080814	425	RCS/ALARM FUNDING ASSOC		\$ -	\$ 2,086.00	\$ 2,086.00
080814	425	RCS/ALARM FUNDING ASSOC		\$ -	\$ 624.00	\$ 624.00
080814	425	ROACH ENERGY		\$ -	\$ 1,266.38	\$ 1,266.38
080814	425	THE HOME DEPOT		\$ -	\$ 39.83	\$ 39.83
080814	425	THE HOME DEPOT		\$ -	\$ 154.59	\$ 154.59
080814	425	THE HOME DEPOT		\$ -	\$ 588.60	\$ 588.60
080814	425	THE HOME DEPOT		\$ -	\$ 132.52	\$ 132.52
080814	425	THOS SOMERVILLE		\$ -	\$ 219.74	\$ 219.74
080814	425	WAL-MART		\$ -	\$ 13.38	\$ 13.38
080814	425	WEISS BROS OF HAGERSTOWN		\$ -	\$ 1,801.04	\$ 1,801.04
080814	425	WM WASTE MGNT		\$ -	\$ 745.61	\$ 745.61
080814	425	84 LUMBER		\$ -	\$ 99.35	\$ 99.35
080814	428	ADVANTAGE TECH		\$ -	\$ 1,956.00	\$ 1,956.00
080814	428	AMAZON		\$ -	\$ 307.96	\$ 307.96
080814	428	AMAZON		\$ -	\$ 115.98	\$ 115.98
080814	428	AMAZON		\$ -	\$ 44.95	\$ 44.95
080814	428	AMAZON		\$ -	\$ 72.98	\$ 72.98
080814	428	AMAZON		\$ -	\$ 36.99	\$ 36.99
080814	428	AMAZON		\$ -	\$ 43.05	\$ 43.05
080814	428	AMAZON		\$ -	\$ 64.99	\$ 64.99
080814	428	AMAZON		\$ -	\$ 298.95	\$ 298.95
080814	428	AMAZON		\$ -	\$ 45.84	\$ 45.84
080814	428	AMAZON		\$ -	\$ 380.09	\$ 380.09
080814	428	AMAZON		\$ -	\$ 808.00	\$ 808.00
080814	428	CLEVERBRIDGE INC		\$ -	\$ 160.50	\$ 160.50
080814	428	DELL		\$ -	\$ 55.19	\$ 55.19
080814	428	DELL		\$ -	\$ 53.56	\$ 53.56
080814	428	DELL		\$ -	\$ 965.94	\$ 965.94
080814	428	DELL		\$ -	\$ 693.34	\$ 693.34
080814	428	DELL		\$ -	\$ 1,070.58	\$ 1,070.58
080814	428	MEMORY 4 LESS		\$ -	\$ 4,674.18	\$ 4,674.18

080814	428	OFFICE DEPOT		\$ -	\$ 540.27	\$ 540.27
080814	428	OFFICE DEPOT		\$ -	\$ 14.06	\$ 14.06
080814	428	OFFICE DEPOT		\$ -	\$ 7.05	\$ 7.05
080814	428	OFFICE DEPOT		\$ -	\$ 215.27	\$ 215.27
080814	428	PCM TIGER DIRECT		\$ -	\$ 4,721.26	\$ 4,721.26
080814	428	SPRINT		\$ -	\$ 157.56	\$ 157.56
080814	428	TEXTEDLY COM		\$ -	\$ 20.00	\$ 20.00
080814	428	WWW.NEWEGG.COM		\$ -	\$ 4,194.76	\$ 4,194.76
080814	440	AMERICAN SOC CIVIL ENGIN		\$ -	\$ 255.00	\$ 255.00
080814	440	INTL CODE COUNCIL INC		\$ -	\$ 115.00	\$ 115.00
080814	440	PRINT-O-STAT		\$ -	\$ 609.00	\$ 609.00
080814	440	SPRINT		\$ -	\$ 167.64	\$ 167.64
080814	700	ARBYS		\$ -	\$ 20.85	\$ 20.85
080814	700	BATTERY JUNCTION		\$ -	\$ 100.80	\$ 100.80
080814	700	BUFFALO WILD WING		\$ -	\$ 31.00	\$ 31.00
080814	700	BUFFALO WILD WING		\$ -	\$ 46.37	\$ 46.37
080814	700	CHICK-FIL-A		\$ -	\$ 9.57	\$ 9.57
080814	700	CHINA GOURMET		\$ -	\$ 14.00	\$ 14.00
080814	700	E-Z PASS		\$ -	\$ 3.04	\$ 3.04
080814	700	GALLS		\$ -	\$ 110.00	\$ 110.00
080814	700	GEAR CLEAN		\$ -	\$ 17.85	\$ 17.85
080814	700	GOWERS FEED INC		\$ -	\$ 86.38	\$ 86.38
080814	700	GS IMAGES		\$ -	\$ 725.00	\$ 725.00
080814	700	HOLIDAY INN		\$ -	\$ 110.00	\$ 110.00
080814	700	LAKEVIEW GOLF RESORT		\$ -	\$ 356.00	\$ 356.00
080814	700	LAW ENFORCEMENT SYSTEMS		\$ -	\$ 180.00	\$ 180.00
080814	700	MARDI GRAS CASINO &RESOR		\$ -	\$ 115.00	\$ 115.00
080814	700	MORGANTOWN PRINTING		\$ -	\$ 177.02	\$ 177.02
080814	700	MPH INDUSTRIES, INC		\$ -	\$ 180.00	\$ 180.00
080814	700	RJL TECH INTEGRATION		\$ -	\$ 79.52	\$ 79.52
080814	700	RUBY TUESDAY		\$ -	\$ 48.17	\$ 48.17
080814	700	SPIRIT OF JEFFERSON		\$ -	\$ 220.00	\$ 220.00
080814	700	SPRINT		\$ -	\$ 1,569.64	\$ 1,569.64
080814	700	SUBWAY		\$ -	\$ 17.38	\$ 17.38
080814	700	SUBWAY		\$ -	\$ 23.22	\$ 23.22
080814	700	SUPERIOR AUTOBODY		\$ -	\$ 5,114.75	\$ 5,114.75
080814	700	SUPERIOR AUTOBODY		\$ -	\$ 2,436.65	\$ 2,436.65
080814	700	TRACTOR SUPPLY CO		\$ -	\$ 85.98	\$ 85.98

080814	700	USPS US POSTAL SERVICE		\$ -	\$ 3.75	\$ 3.75
080814	701	GALLS		\$ -	\$ 2,689.95	\$ 2,689.95
080814	701	TRAPUZZANOS UNIFORMS		\$ -	\$ 4,611.81	\$ 4,611.81
080814	711	AMAZON		\$ -	\$ 51.98	\$ 51.98
080814	711	CHARLES TOWN AUTO WASH		\$ -	\$ 13.91	\$ 13.91
080814	711	OFFICE DEPOT		\$ -	\$ 19.38	\$ 19.38
080814	711	SPRINT		\$ -	\$ 190.54	\$ 190.54
080814	712	CAMP DAWSON MWR		\$ -	\$ 232.00	\$ 232.00
080814	712	CAMP DAWSON MWR		\$ -	\$ 232.00	\$ 232.00
080814	712	FRONTIER		\$ -	\$ 4,917.85	\$ 4,917.85
080814	712	HARBOR FREIGHT TOOL		\$ -	\$ 272.25	\$ 272.25
080814	712	MEDICAL PRIORITY CONSULT		\$ -	\$ 198.00	\$ 198.00
080814	712	NATIONAL ACADEMY OF EMD		\$ -	\$ 50.00	\$ 50.00
080814	712	SPRINT		\$ -	\$ 889.49	\$ 889.49
080814	712	WAL-MART		\$ -	\$ 32.79	\$ 32.79
080814	716	HILLSIDE VETERINARY HOSPT		\$ -	\$ 272.50	\$ 272.50
080814	716	HILLSIDE VETERINARY HOSPT		\$ -	\$ 398.23	\$ 398.23
080814	716	SPRINT		\$ -	\$ 55.88	\$ 55.88
080814	716	THE HOME DEPOT		\$ -	\$ 869.00	\$ 869.00
080814	716	TRACTOR SUPPLY CO		\$ -	\$ 9.99	\$ 9.99
080814	716	WAL-MART		\$ -	\$ 24.49	\$ 24.49
080814	717	APOLLO OIL LLC		\$ -	\$ 470.95	\$ 470.95
080814	717	FISHER AUTO PARTS		\$ -	\$ 1,186.20	\$ 1,186.20
080814	717	NAPA AUTO PARTS		\$ -	\$ 249.59	\$ 249.59
080814	717	SUNOCO		\$ -	\$ 36.68	\$ 36.68
080814	717	SUNOCO		\$ -	\$ 37.25	\$ 37.25
080815	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 10,347.46	\$ 10,347.46
080815	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 22,994.32	\$ 22,994.32
080815	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 3,766.29	\$ 3,766.29
080815	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 6,277.16	\$ 6,277.16
080815	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 16.79	\$ 16.79
080815	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 37.32	\$ 37.32
080816	P/R DED	LISA WALTERS		\$ -	\$ 404.22	\$ 404.22
080817	700	DARYLL WIMER		\$ -	\$ 16.60	\$ 16.60
080818	700	MARGARET R.SMITH-WALKER		\$ -	\$ 3,000.00	\$ 3,000.00
080819	401	XEROX CORPORATION		\$ -	\$ 186.32	\$ 186.32
080819	402	XEROX CORPORATION		\$ -	\$ 106.53	\$ 106.53
080819	403	XEROX CORPORATION		\$ -	\$ 227.22	\$ 227.22

080819	404	XEROX CORPORATION		\$ -	\$ 71.10	\$ 71.10
080819	405	XEROX CORPORATION		\$ -	\$ 1,313.24	\$ 1,313.24
080819	406	XEROX CORPORATION		\$ -	\$ 71.10	\$ 71.10
080819	425	XEROX CORPORATION		\$ -	\$ 106.53	\$ 106.53
080819	440	XEROX CORPORATION		\$ -	\$ 203.87	\$ 203.87
080819	440	XEROX CORPORATION		\$ -	\$ 126.42	\$ 126.42
080819	700	XEROX CORPORATION		\$ -	\$ 337.22	\$ 337.22
080819	712	XEROX CORPORATION		\$ -	\$ 367.62	\$ 367.62
080819	716	XEROX CORPORATION		\$ -	\$ 120.57	\$ 120.57
TOTAL					\$ 572,611.95	\$ 572,611.95

Motion by Ms. Tabb to approve the Accounts Payable for October 18, 2018 in the amount of \$572,611.95. Motion seconded and unanimously approved.

MANUAL CHECKS

537	8/HD	UNITED BANK				\$ 55.88
704	56/ASR	GLOBAL SCIENCE/TECH				\$ 10,320.00
705	56/ASR	IAAO INTERNATION ASSOC				\$ 210.00
1691	246/CO	EXECUTIVE EMERGENCY LGHT				\$ 26,065.27
1692	246/CO	STEPHENS AUTO CENTER				\$ 123,956.00
1693	246/CO	UNITED BANKCARD				\$ 22.46
						\$ 160,629.61

Motion by Mr. Onoszko to approve the Manual Checks for October 12, 2018 in the amount of \$160,629.61. Motion seconded and unanimously approved.

471	2/CS	EASTRIDGE HEALTH SYSTEMS				\$ 300.00
618	8/HD	CDA				\$ 720.00
306	57/FARM	JEFFERSON CO FARMLAND PROT.				\$ 49,703.20
						\$ 50,723.20

Motion by Ms. Tabb to approve the Manual Checks for October 19, 2018 in the amount of \$50,723.20. Motion seconded and unanimously approved.

PUBLIC COMMENT

Linda Ballard, resident – spoke in support of the removal of the Confederate plaque and stated she wished to commemorate the 150th anniversary of John Brown’s raid on Harpers Ferry.

Brenda Branson, resident – spoke in support of the removal of the Confederate plaque and read the names of the men who were killed in fighting in John Brown’s raid on Harpers Ferry.

Brenda McCray, resident – spoke in support of the removal of the Confederate plaque and read the names of abolitionist men who survived the raid on Harpers Ferry.

Cheryl Puller, resident – spoke in support of the removal of the Confederate plaque and in opposition to Rockwool Ranson.

Diane Blust, resident – spoke in support of the removal of the Confederate plaque and in opposition to Rockwool Ranson.

Nancy Gregory, resident – spoke in support of the removal of the Confederate plaque and in opposition to Rockwool Ranson.

Tim Ross, resident – spoke in support of the removal of the Confederate plaque and in opposition to Rockwool Ranson.

Joseph Bocchiaro, resident - spoke in support of the removal of the Confederate plaque and in opposition to Rockwool Ranson.

Mary Ellen Ross, resident – spoke in opposition to the Mountaineer Gas Pipeline.

Gavin Perry, resident – spoke in opposition to Rockwool Ranson.

Ruth Hatcher, resident – spoke in opposition to Rockwool Ranson.

Danny Lutz, resident – spoke in opposition to Rockwool Ranson.

David Tabb, resident – spoke in opposition to Rockwool Ranson.

Emily Dragon, resident – spoke in opposition to Rockwool Ranson.

Catherine Jozwick, resident – spoke in opposition to Rockwool Ranson.

Ned Marshall, resident – spoke in opposition to Rockwool Ranson,

Edy Cummings, resident – spoke in opposition to Rockwool Ranson.

Eleanor Finn, resident – requested the Commission reassess night meetings and asked the Commission to give Commissioner reports at the beginning of the meetings.

Billie Garde, resident – spoke in opposition to Rockwool Ranson.

Karen Glennon, resident – spoke in opposition to Rockwool Ranson.

Sara Thomsen, resident – spoke in support of the removal of the Confederate plaque and in opposition to Rockwool Ranson.

Ralph Lorenzetti, resident – spoke in support of the removal of the Confederate plaque and in opposition to Rockwool Ranson.

Grant Prillaman, resident – spoke in support of the removal of the Confederate plaque and in opposition to Rockwool Ranson.

Dan Casto, resident and JCDA member – spoke in favor of Rockwool Ranson.

Marjorie McCauley, resident – spoke in opposition to Rockwool Ranson.

Susan Pipes, resident – spoke in opposition to Rockwool Ranson and support of the removal of the Confederate Plaque on the face of the Courthouse.

Dana Anders, resident – spoke in opposition to Rockwool Ranson.

Gerald Hatcher, resident – spoke in support of the removal of the Confederate plaque and in opposition to Rockwool Ranson.

Addison Reese, resident – spoke in opposition to Rockwool Ranson.

PRESENTATIONS

1. Michelle Gordon, Finance Director –

a. Approval of FY18 Financial Statements

- **Motion by Mr. Compton to approve the FY18 Financial Statements as presented by Ms. Gordon and approve for publication. Motion seconded and unanimously approved.**

b. Approval of FY19 State Budget Revision 2 for the General Fund

- **Motion by Ms. Tabb to approve the FY19 State Budget Revision 2 for the General Fund as presented by Ms. Gordon. Motion seconded and unanimously approved.**

2. Interview and Appointment to the Jefferson County Development Authority Board of Directors – one three-year term for Labor Representative ending April 5, 2021

- Mr. Onoszko offered his nomination for Ms. Sandra Bruning. No other nominations were offered.
- **Motion by Mr. Compton to appoint Sandra Bruning to the Jefferson County Development Authority as a labor representative for a three**

year term ending April 5, 2021. Motion seconded and unanimously approved.

3. Roger Goodwin, Chief County Engineer – requested the approval of Payment of Invoice No. 1 – Snyder Environmental Services, Inc. – Bardane Industrial Park Waste Water Treatment Plant – Lagoon Decommissioning & Sinkhole Remediation Project

- **Motion by Ms. Tabb to approve the payment of Application and Certificate for Payment No. 1, in the amount of \$63,948.19, to Snyder Environmental Services, Inc., for work performed on the Bardane Industrial Park – Waste Water Treatment Plant Lagoon Decommissioning and Sinkhole Mitigation Project. Motion seconded and passes on a vote of 4-1 with Commissioner Compton opposing.**

4. The Commission recessed for break at 7:15 pm.
The Commission reconvened at 7:30 pm.

5. Jennie Brockman, County Planner – Decision on Proposed Zoning Ordinance Text Amendments (ZTA 18-01) re: Pet and Livestock Crematoria (public hearing held October 4, 2018)

- **Motion by Ms. Tabb to approve the amendment ZTA 18-01 regarding Pet and Livestock Crematoria as presented and find the amendment in conformance with the Comprehensive Plan, effective immediately. Motion seconded and unanimously approved.**

6. Nathan Cochran, Assistant Prosecuting Attorney

- Discussion of PSD Dissolution, Appeal/Intervention of the PSC decision, acquisition of PSD Assets

- Discussion of Jefferson County Civil Action #17-C-282

- Discussion of Renewal of County Cable Franchise Agreement, related issues, and phone conference with counsel

- Discussion of Declaration of Keyes Ferry Acres Maintenance Association

- It was the consensus of the Commission to authorize Commissioner Hudson to sign the Declaration of the Keyes Ferry Acres Maintenance Association.

- Update on Jefferson County Circuit Court Civil Action #18-P-132

- **Motion by Mr. Compton to enter into Executive Session to receive legal advice and discuss contract negotiations for the cable franchise agreement, water and sewer issues, and inform the Commission of an outside investigation of the Blue Ridge Mountain Volunteer Fire Department. Motion seconded and unanimously approved.**

NEW BUSINESS

7. Water and Sewer Services to Rockwool and Related Items – Commissioner Compton requested the County Administrator to write letters to the WVDEP and EPA regarding injection wells and where they exist within the county and who assumes liability should a sinkhole be formed. Mr. Compton also requested the County Administrator send a letter to Rockwool regarding wool tuft falls. Mr. Compton also questioned how a project can receive “emergency” status and circumvent a public hearing.
 - **Motion by Ms. Tabb to send a letter to the West Virginia Public Service Commission requesting information on how a project is granted “emergency status” and its process with no public hearing. Motion seconded and unanimously approved.**
8. Discussion on an Ordinance to prohibit forced participation in public water and sewer system
9. Discuss the Jefferson County Board of Education representative to the Jefferson County Development Authority – it was the consensus of the Commission to table this matter until the November 1, 2018 regularly scheduled County Commission meeting.
10. Discuss Land Use Amendment to account for potential impact on roads – this item was tabled.

COUNTY ADMINISTRATOR REPORTS

- Inform Commission of outside investigation – BRMVFD

The Commission adjourned at 9:37 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

November 1, 2018

DEPARTMENT	P.O. NUMBER	AMOUNT	VENDOR	DESCRIPTION
EMERGENCY COMMUNICATIONS	52560	\$ 35,522.05	Motorola Solutions	Annual Maintenance Agreement
GRAND TOTAL		\$ 35,522.05		



THE COUNTY COMMISSION OF JEFFERSON COUNTY

Charles Town, West Virginia 25414

REQUISITION

No. 52560

VENDOR:

DELIVER TO:

Motorola Solutions
1299 E. Algonquin Road
Schaumburg, IL 60196

Jefferson City Emergency
Comm
28 Industrial Blvd St 100
Kearneysville, WV
25430

QUANTITY	DESCRIPTION - BUDGET LINE - ITEM NUMBER	PRICE	UNIT	AMOUNT
	Motorola Annual Maintenance Agreement			
	SVC 01 SVC 11 01C Astro Infrastructure Repair w/ adv repl	1447.54	monthly	17,370 49
	SVC 01 SVC 11 02C Astro Dispatch Serv	947.6	monthly	1,137 15
	SVC 01 SVC 11 04C Astro Tech Support	154.89	'	1,858 63
	SVC 01 SVC 14 01C Network Preventative Maintenance - Legacy	203.00	'	2,435 96
	SVC 01 SVC 14 10C Onsite Infrastructure Response - Standard	1059.98	"	12,719 82
			TOTAL	35,522 05

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

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

 Signature

 Date 9/20/18

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

Signature

Date

DESCRIPTION	Fund 001 CO.	Fund 003 Dog	Total
Gross Wages	\$ 396,779.52	\$ 373.20	\$ 397,152.72
	\$ -		
6.2% Tax Payable OASDI	\$ 23,613.78	\$ 21.49	\$ 23,635.27
1.45% Tax Payable HI	\$ 5,522.55	\$ 5.03	\$ 5,527.58
Fed Withholding	\$ 36,604.88	\$ 25.49	\$ 36,630.37
WV State Withholding	\$ 16,956.40	\$ 16.43	\$ 16,972.83
PERS Retirement Deduct 4.5%	\$ 10,347.46	\$ 16.79	\$ 10,364.25
PERS Retirement Deduct 6%	\$ 3,766.29		\$ 3,766.29
Hosp. Pre-Tax	\$ 14,009.00		\$ 14,009.00
Cancer/ICU Pre-Taxed	\$ 312.08		\$ 312.08
Cancer/ICU Not Pre-Taxed	\$ 1,493.25		\$ 1,493.25
Optional Life Not Pre-Taxed	\$ 1,946.88		\$ 1,946.88
Christmas Club	\$ 4,940.00		\$ 4,940.00
Wage Attach #1	\$ 713.25		\$ 713.25
Wage Attach #3	\$ -		\$ -
DSRS Retirement Deduct 8.5%	\$ 6,892.44		\$ 6,892.44
457 - Nationwide	\$ 849.00		\$ 849.00
457I - Empower	\$ 2,375.00		\$ 2,375.00
457R - Roth	\$ 415.00		\$ 415.00
MD State Tax	\$ 706.60		\$ 706.60
D/VF	\$ 1,617.13		\$ 1,617.13
VA. State Tax	\$ 190.99		\$ 190.99
COLONIAL(PLUS)	\$ 81.60		\$ 81.60
Total Deductions	\$ 133,353.58	\$ 85.23	\$ 133,438.81
Net Wages Total	\$ 263,425.94	\$ 287.97	\$ 263,713.91
Payroll Date	18-Oct-2018		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Angela Banks

Department or Organization: Assessor's Office

Estimation of amount of time needed for appointment: 15 minutes

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

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Exonerations - Discussion/Action**

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

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Pete Dougherty

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

Estimation of amount of time needed for appointment: 5 minutes

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

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): GHSP Grant Contract
HSEM Grant Contract Signatures
Task Force Fiduciary Agreement
Establish Special Fiduciary Fund

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

The final contract for the Governor's Highway Safety Program (GHSP) Grant has been received and requires the Commission President's signature. The grant was previously approved.

The approvals have been received for the Homeland Security and Emergency Management grants. The Commission President's signature is required for official acceptance. These grants are for mobile data terminals for all county law enforcement and SRT team equipment.

The Eastern Panhandle Drug and Violent Crimes Task Force is in need of a new Fiduciary Agent. Jefferson County and the Sheriff's Office qualifies and are willing to fulfill this role. Therefore we need to enter in to a Fiduciary Agreement, which the Commission President and Sheriff both need to sign.

To be able to appropriately handle the funds, the county will need to approve an order to establish special revenue fiduciary fund for the equitable sharing agreement

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

I move to approve the Commission President to sign the final GHSP grant contract for FY19.

I move to accept the award of grant funding and approve the Commission President to sign the documents.

I move to become the fiduciary agent for the Eastern Panhandle drug and violent crimes task force and authorize the commission president to sign the agreement.

I move to approve the order establishing special revenue fund 055 as the Task Force Fiduciary Fund

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

If not attached, explain:

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

Contact information:

Email address: pdougherty@jcsdvw.com

Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

State of West Virginia

Division of Homeland Security and Emergency Management

CFDA Number:

97.067

OASIS - GRTAWD Document ID

Sub-Grant Award

Sub-Grantee Name and Address

Jefferson County Commission

102 Industrial Blvd

Kearneysville, WV 25430

FEIN

55-6000333

DUNS

077414548

Sub-Grant #

18-LE-

Federal Grant Number

EMW-2018-SS-00039-S01

Sub-Grant Period

From: 10/1/2018

To: 10/31/2019

Major Program: HSGPLE

Program: LELLECE

Program Period: LE 2018

Total Grant Award Amount: \$30,000

By signing and accepting this award the sub-grantee agrees to comply with all special conditions and assurances included in the application. I certify that this project will be implemented as described in the attached application.

Sub-Grantee Authorized Official: _____

(Agency Head - Mayor, Commission President, etc)

Date: _____

For DHSEM Use Only Below

Homeland Security Grant Program Certification

The attached application has been reviewed, and the proposed project and expenditures as described in the application fall within all state and federal guidelines which govern the Homeland Security Grant Program and sufficient funds exist to make this award.

I have reviewed this sub-grant award. All project activities fall within West Virginia's Homeland Security Strategy Goals and Objectives and the proposed expenditures are within the grant guidelines.

HSGP Grant Representative: _____

Date: _____

I hereby authorize the awarding of funds to support the project as described in the attached application.

WV Homeland Security Advisor: _____

Date: _____

2018 Homeland Security Grant Program

Applicant: Jefferson County Sheriff's Office

Jurisdiction Name: Jefferson County Commission

Project Title: 2018 HSGP Jefferson-Sheriff_SRT Equipment

	<u>Matching Funds</u>	<u>Requested Funds</u>	<u>Total Approved</u>
Planning	\$0	\$0	\$0
Equipment	\$9,735	\$55,166	\$30,000
Training	\$0	\$0	\$0
Exercise	\$0	\$0	\$0
	\$9,735	\$55,166	\$30,000

Grant Amount: \$30,000 **Law Enforcement?** Yes

Project Period: 3-6 Months

Core Capability 1: On-Scene Security, Protection and Law Enforcement

Core Capability 2: N/A

Core Capability 3: N/A

Project Description /Justification: This project will allow the Jefferson County Sheriff's Office (JCSO) to purchase new ballistic helmets for the Special Response Team that will better fit their communication devices, and additional night vision goggles to continue outfitting the team, mounts for all of the helmets for the NVGs, and a throw phone. This will improve their ability to function and communicate between members of the team and those involved in standoffs.

Stipulations / Requirements: \$30,000. Focus on SRT equipment. Not authorized to purchase phone at this time.

Applicant Information

Agency Name:	Jefferson County Sheriff's Office
Jurisdiction Name:	Jefferson County Commission
Type of Agency:	County
Address:	102 Industrial Blvd
City, State, Zip:	Kearneysville, WV 25430
Phone:	3047283205
WV DHSEM Region:	Region 3

Project Director:	Deborah Lowe
Address:	102 Industrial Blvd
City, State, Zip:	Kearneysville, WV 25430
Phone:	304-728-3205
Email:	dlowe@jeffersoncountywv.org

Fiscal Officer:	Michelle Gordon
Address:	PO Box 250
City, State, Zip:	Charles Town WV 25414
Phone:	304-728-8425
Email:	mgordon@jeffersoncountywv.org

National Incident Management System (NIMS) Implementation

Does your agency comply with Executive Order 20-04 (Dec. 23, 2004)?

Yes

Applicant DUNS:	<u>077414548</u>
Applicant FEIN:	<u>55-6000333</u>

Project Summary

Project Title: 2018 HSGP Jefferson-Sheriff_SRT Equipment

**Project Description
/Justification:**

This project will allow the Jefferson County Sheriff's Office (JCSO) to purchase new ballistic helmets for the Special Response Team that will better fit their communication devices, and additional night vision goggles to continue outfitting the team, mounts for all of the helmets for the NVGs, and a throw phone. This will improve their ability to function and communicate between members of the team and those involved in standoffs.

How was this gap identified?

In the space below, please provide the year the THIRA was completed and submitted, the year and basic findings of a real-world event, and/or the Exercise name, the year the exercise was completed, and specific gap identified.

Jurisdictional THIRA? N/A

Real-World Event? During SRT training the incapability of the communication device and current helmets came to light.

Exercise AAR/IP? N/A

How will this project close the identified gap(s)?

This project will allow the Jefferson County Sheriff's Office to purchase ballistic helmets that will allow for the appropriate fit needed for the proper functioning of the communication devices. The Throw Phone will also provide a quick means of communication during standoffs and hostage situations, while also allowing team members to gain intel.

Core Capability 1: On-Scene Security, Protection and Law Enforcement

Core Capability 2: N/A

Core Capability 3: N/A

WV Homeland Security Strategy Coordination:

Objective 4.2 -- Equip, train, exercise, and otherwise support specialized law enforcement response teams, such as public safety dive teams, crime scene and forensic identification units, aviation assets, and other tactical teams

Milestones:

Milestone 1: Identify appropriate equipment to purchase

Milestone 2: Contact suppliers to request quotes

Milestone 3: Evaluate quotes

Milestone 4: Purchase helmets and NVGs

Milestone 5: Train with helmets and NVGs to ensure its capabilities for real world scenarios

Milestone 6:

Milestone 7:

Milestone 8:

Sustainment

Does your organization have the capacity to implement this project and the ability to sustain the project objectives (including equipment maintenance and replacement) beyond the grant period?

Yes

Project Period:

3-6 Months

Planning

DHSEM Use Only Approved Amount	Requested Funds	Matching Funds	Justification/Explanation	Proposed Activity
\$0	\$0	\$0		
Totals	\$0	\$0		\$0

Additional Justification (optional):

Equipment

<u>Equipment Item*</u>	<u>AEL**</u>	<u>Requested Quantity</u>	<u>Justification/Explanation</u>	<u>Matching Funds</u>	<u>Requested Funds</u>	<u>DHSEM Use Only</u> <u>Approved</u>
Ballistic Helmets	01LE-01-HLMT	10	Ballistic helmets that will better fit SRT communication devices	\$638	\$3,613	
Night Vision Goggles	030E-02-TILA	4	To continue outfitting SRT members with night vision goggles	\$4,440	\$25,160	
NVG Mount	04MD-01-LAMP	10	Needed to mount NVGs to helmets	\$682	\$3,868	
Throw Phone	030E-01-CTAC	1	To eliminate communications issues and provide a means to safely gain interior intelligence	\$3,975	\$22,525	
						\$30,000
Totals				\$9,735	\$55,166	\$30,000

Additional Justification (optional): To purchase accessories to make the communications and night vision goggles work with the current helmets the costs would be \$7,318. While this solution would make the communication devices more secure, it will not line the earpieces up appropriately.

Training

<u>Training Requested*</u>	<u>Justification/Explanation</u>	<u>Matching Funds</u>	<u>Requested Funds</u>	<u>DHSEM Use Only</u> <u>Approved</u>
		\$0	\$0	\$0
Totals		\$0	\$0	\$0

Additional Justification:

Exercise

DHSEM Use Only	Approved	Requested Funds	Matching Funds	Justification/Explanation	Exercise*
	\$0	\$0	\$0		
Totals	\$0	\$0	\$0		

Additional Justification:

Special Conditions and Assurances

This program is conditioned upon and subject to compliance with the following Special Conditions and Assurances. By attaching a signature to page one (1) of this grant application, the applicant certifies and assures that it will comply with the following Special Conditions and Assurances, Regulations, Policies, Guidelines and Requirements of the Homeland Security State Administrative Agency (HS SAA), as further clarified in the Administrative Manual for this program; U.S. Department of Homeland Security guidance; and **all other** relevant Federal/State Regulations, Policies and Guidelines. These Special Conditions and Assurances apply to all **Homeland Security Grant Program** federal and matching funds expended for purposes associated with this project.

All correspondence to the HS SAA, which is required and/or occurs as a result or action of any of the following Special Conditions and Assurances, or as a result of the administration of any HS SAA grant program, should be addressed to:

WV Division of Homeland Security and Emergency Management
1900 Kanawha Blvd. East
Building 1, Room EB-80
Charleston, WV 25305

1 Laws of West Virginia:

This application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by the HS SAA.

2 Legal Authority:

The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

3 Relationship:

The relationship of the sub-grantee to the HS SAA shall be that of an independent contractor, not that of a joint enterprise. The sub-grantee shall have no authority to bind the HS SAA for any obligation or expense without the express prior written approval from the HS SAA.

4 Operational Within 90 Days:

If the project is not operational within 90 days of the specified project starting date, the grantee must submit a statement to HS SAA explaining the delay in implementation. Upon receipt of the 90-day letter, HS SAA may cancel the project and redistribute the funds to other project areas and/or eligible applicants.

5 Civil Rights Compliance:

Sub-grantee will comply with all federal civil rights laws, including Title VI of the Civil Rights Act, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services.

6 Written Approval of Changes:

The sub-grantee must obtain prior written approval from HS SAA for all project changes (programmatic, fiscal or otherwise).

7 Press Release:

Release of information pertaining to this sub-grant must include the following information:

1. Grant amount;
2. State involvement (WV Division of Homeland Security and Emergency Management); and,
3. Federal involvement (U.S. Dept. of Homeland Security).

8 Compliance with Federal Rules and Regulations:

Sub-grantee will comply with Title 2, Part 200 of the Code of Federal Regulations (**Super Circular**). The Super Circular supersedes Circulars A-21, A-87, A-89, A-102, A-110, A-122, A-133.

9 Program Accountability – Federal Audit Requirement – Super Circular:

If an audit must be conducted pursuant to the Super Circular, a copy of the audit shall be submitted to HS SAA as well as to the Federal clearinghouse.

The Federal clearinghouse address is as follows:

Federal Audit Clearinghouse
Bureau of the Census
1201 E. 10th Street
Jeffersonville, IN 47132

10 Program Accountability – State Audit Requirements:

Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, sets forth the audit requirements of corporations, associations or other organizations which receive state funds or grants. These audit requirements do not apply to units of local and state government. If applicable, this grant shall adhere to the audit requirements set forth in §12-4-14 at the time of award. All funds disbursed by HS SAA are appropriated by the WV Legislature; therefore all funds disbursed are considered state funds. The HS SAA will notify the Legislative Auditor when a sub-grant is awarded which falls under the requirements of the WV Code.

As of 9/13/05, the requirements set forth by §12-4-14 are as follows: Any corporation, partnership, association, individual or other legal entity (not to include a state spending unit or a local government as defined in § 6-9-1a of the West Virginia Code, as amended) which receives one or more state grants or sub-grants in the amount of \$50,000 or more in the aggregate in a state fiscal year shall file with the HS SAA a Report of the disbursement of these state funds. An OMB A-133 Audit or an audit conducted by a certified public accountant may be substituted for the Report. The Report shall be filed within two years of the end of the fiscal year in which the grant or sub-grant closes. The Report shall be made by an independent certified public accountant and the scope of the Report is limited to showing how the state grant or sub-grant funds were spent. The Report does not have to be a full-scope audit or review of the entity receiving state funds. Any entity failing to file a required Report is barred from subsequently receiving state grant or sub-grant funds until the Report is filed and is otherwise in compliance with the provisions of West Virginia Code. If a Report is not required under this section of the WV Code then the grantee or sub-grantee shall file with HS SAA a sworn statement of expenditures made under the grant or sub-grant.

The Sub-grantee assures that it has read, understands and is in full compliance with all requirements as set forth in Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, and is not currently debarred from receiving state grant funds as a result of non-compliance with this section of the West Virginia Code, as amended.

11 Access to Records, Equipment, Training, & Exercises:

The HS SAA, through any authorized representative, shall have access to and the right to examine all records, books, papers, documents, equipment, training, and/or exercises related to the sub-grant and to relevant books and records of contractors.

12 Conflict on Interest:

No public official or employee of the sub-grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can be expected to result in any private/public benefit to that individual or that individual's immediate family.

13 National and State Evaluation Efforts:

The Sub-grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

14 Political Activity:

The restrictions of the Hatch Act, Pub. L. 93-433, 5 U.S.C. Chapter III, (as amended), concerning the political activity of government employees are applicable to state grantee staff members and other state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1975 amendment to the Hatch Act, such state and local government employees may take an active part in political management and campaigns, except they may not be candidates for office.

15 **Obligation of Project Funds:**

Funds may not, without prior written approval from the HS SAA, be obligated prior to the effective start date or subsequent to the termination date of the project period. All invoices must be dated within the approved sub-grant period.

16 **Elements of a Viable Continuity Capability:**

The Continuity Plan is the roadmap for the implementation and management of the Continuity Program. The National Continuity Policy: Federal Continuity Directive 1 and Federal Continuity Directive 2 outline the following ten (10) overarching continuity requirements: Essential Functions, Orders of Succession, Delegations of Authority, Continuity Facilities, Continuity Communications, Vital Records Management, Human Capital, Tests-Training-Exercises, Devolution of Control & Direction, and Reconstitution. If utilizing sub-grant funding for the development of a Continuity Plan, the Plan must address each of these ten (10) elements in order to be eligible to be reimbursed for approved/allowable costs.

17 **Use of Funds:**

Funds awarded through the HS SAA may be expended **ONLY** for the purposes and activities specifically covered by the sub-grantee's approved project description and budget. Any change in the project or the budget must receive **PRIOR** approval from DHSEM-SAA.

18 **Release of Information:**

All records, papers and other documents kept by recipients of grant funds are required to be made available to the HS SAA. These records and other documents submitted to the HS SAA and its grantees, including plans and application for funds, reports, etc., are subsequently required to be made available to the U.S. Department of Homeland Security under the terms and conditions of the Federal Freedom of Information Act, 5. U.S.C. §552.

The HS SAA recognizes that some information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national or state security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under federal control is subject to requests made pursuant to the Freedom of Information Act, 5. U.S.C. §552, **all** determinations concerning the release of information of this nature are made on a case-by-case basis by the Federal Division of Homeland Security FOIA Office, and may likely fall within one or more of the available exemptions under the Act.

Sub-grantees must consult applicable state and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive in nature. Applicants may also consult the HS SAA regarding concerns or questions about the release of potentially sensitive information under state and local laws.

19 **Allowable and Unallowable Costs:**

Allowable costs incurred under this grant shall be determined in accordance with the Super Circular.

20 **Non-supplanting:**

Federal funds must be used to supplement existing funds for program activities and may not replace (supplant) non-Federal funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The sub-grantee hereby certifies that Federal funds made available under this grant will not be used to supplant state and local funds.

21 Matching Contribution:

If matching funds are allocated, the applicant assures that those funds shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Cash matching contributions are subject to the same expenditure guidelines established by the HS SAA and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all cash matching contributions. There is no waiver provision for any cash match requirements.

22 Project Income:

All income earned by the sub-grantee as a result of the conduct of this project, must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established by the HS SAA and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all project income. There is no waiver provision for the project income requirement.

23 Consultant Fees:

Approval of this sub-grant does not necessarily indicate an approval of specific consultant rates. Please discuss rates with the HS SAA.

24 Purchasing:

When making purchases relevant to the sub-grant, the sub-grantee will abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government.

25 Reports:

Each sub-grantee shall submit reports as deemed reasonably necessary by the HS SAA for monitoring, stewardship and evaluation of programmatic and fiscal responsibilities.

26 Environmental & Historical Preservation (EHP):

Sub-grantee shall comply with all applicable Federal, State, and local EHP requirements and shall provide any information requested to ensure compliance with applicable laws.

27 Suspension of Funding:

HS SAA may suspend, in whole or in part, terminate, or impose other sanctions on any sub-grantee funds for the following reasons:

- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
- Failure to submit reports;
- Filing a false certification in this application or in another report or document; or,
- Other just cause.

28 Sanctions for Noncompliance:

In the event of the sub-grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, the HS SAA may impose such contract sanctions, as it may deem appropriate, including but not limited to:

- Withholding of payments to the sub-grantee until the sub-grantee complies;
- Cancellation, termination or suspension of the contract, in whole or in part; or,
- Refrain from extending any further assistance to the sub-grantee until satisfactory assurance of future compliance has been received.

29 Immigration and Naturalization Verification:

The sub-grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of Federal funds to verify that employees are eligible to work in the United States.

30 Use of Grant Funds to Enact Laws:

Sub-grantee understands and agrees that shall not use any sub-grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.

31 Property Accountability:

The sub-grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a sub-grant by the HS SAA. This obligation continues as long as the property is retained by the sub-grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from the HS SAA. Sub-grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program, with copies provided to the HS SAA. The HS SAA reserves the right to inspect and review any equipment purchased with this sub-grant

32 Communications Equipment:

With respect to communications initiatives and equipment, the sub-grantee agrees to the following:
Communications equipment shall be compatible with the SAFECOM P25 trunked radio hierarchy and the WV Statewide Interoperable Radio Network. Per WV Code §15-14-4, all communications equipment requests must be reviewed and approved by the Statewide Interoperability Coordinator. www.sirn.wv.gov

33 Equipment:

Sub-grantees purchasing equipment with grant funds shall adhere to the established bidding procedures for their respective units of government and or agencies. All equipment shall have a primary function of being used for homeland security purposes, and be available statewide (if practical) for use during emergencies and training/exercise events.

34 Marking of Equipment and Publications:

Sub-grantee shall ensure that, when practicable, any equipment purchased and publications produced with grant funding shall be prominently marked as follows: "Supported with funds provided by the U.S. Department of Homeland Security and the WV DHSEM."

35 Patents and/or Copyrights and Rights in Data:

Sub-grantee acknowledges that the HS SAA, and subsequently the U.S. Department of Homeland Security; reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support. Sub-grantee shall consult with the HS SAA regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

36 Time Extensions:

Time extensions are allowable; however, the HS SAA will review and approve extension requests on a case by case basis only if the extension is warranted. Lack of planning by the sub-grantee is not a justified reason for an extension.

37 Equal Employment Opportunity Plan:

Each sub-grantee certifies that it has executed and has on file, an Equal Employment Opportunity Plan.

38 Veterans Preference:

This program includes a provision that grantees utilizing funds to hire additional personnel give suitable preference in employment to military veterans. HS SAA defines "suitable preference" as the requirement that a sub-grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

39 Submission/Release of Proposed Publications:

The sub-grantee shall submit one copy of all reports and proposed publications resulting from this agreement to the HS SAA twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements:

"This document [product] was prepared under a grant from the United States Department of Homeland Security and the WV Division of Homeland Security and Emergency Management. Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security, nor the State of West Virginia."

40 Purchase of American-made Equipment/Products:

It is the sense of the Congress, as conveyed through the FY 1997 Appropriations Act, as well as the desire of HS SAA that to the greatest extent practicable, all equipment and products purchased with Federal funds made available under this grant should be American-made.

41 Personnel Training:

The HS SAA reserves the right to require training as a condition of the sub-grant before or at any time during the project period. Proof of training/certification on grant-funded equipment shall be provided, upon request within 10 business days.

42 Accounting Requirements:

Sub-grantee shall record all project funds and costs following generally accepted accounting procedures. A unique account number or cost recording shall separate all project costs from the sub-grantee's other or general expenditures. Adequate documentation for all project costs and income shall be maintained. Adequate documentation of financial and supporting material, as defined in the pertinent Administrative Manual, shall be retained and be available for audit purposes.

43 Financial Guide:

Sub-grantee shall comply with all requirements as set forth in the Financial Guide which governs this program.

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND
OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

O.M.B. No. 1660-0025
Expires July 31, 2008

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 1.7 hours per response. The burden estimate includes the time for reviewing instructions and searching existing data sources, gathering and maintaining the data needed and completing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (1660-0001). **NOTE: Do not send your completed form to this address.**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying" and 28 CFR Part 17, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the transaction, grant, or cooperative agreement.

1. LOBBYING

As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperating agreement over \$ 100,000, as defined at 44 CFR Part 18, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any other person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Stand Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

Standard Form-LLL "Disclosure of Lobbying Activities" attached
(This form must be attached to certification if nonappropriated funds are to be used to influence activities.)

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of a or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause of default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEE OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17.615 and 17.620-

A. The applicant certifies that it will continue to provide a drug-free workplace by;

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about-

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

- (1) Abide by the term of the statement; and
- (2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring ion the workplace no later than five calendar days after such convictions;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, title, to the applicable FEMA awarding office, i.e., regional office or FEMA office.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted-

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation act of 1973, as amended; or

(2) Requiring such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, City, County, State, Zip code)

Check If there are workplaces on file that are not identified here.

Sections 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a state wide certification.

Signature of Authorized Official: _____

X

Date: _____

State of West Virginia

Division of Homeland Security and Emergency Management

CFDA Number:

97.067

OASIS - GRTAWD Document ID

Sub-Grant Award

Sub-Grantee Name and Address

Jefferson County Commission
102 Industrial Blvd
Kearneysville, WV 25430

FEIN

55-6000333

DUNS

077414548

Sub-Grant #

18-LE-

Federal Grant Number

EMW-2018-SS-00039-S01

Sub-Grant Period

From: 10/1/2018

To: 8/31/2020

Major Program: HSGPLE

Program: LELLECE

Program Period: LE 2018

Total Grant Award Amount: \$80,000

By signing and accepting this award the sub-grantee agrees to comply with all special conditions and assurances included in the application. I certify that this project will be implemented as described in the attached application.

Sub-Grantee Authorized Official: _____

(Agency Head - Mayor, Commission President, etc)

Date: _____

For DHSEM Use Only Below

Homeland Security Grant Program Certification

The attached application has been reviewed, and the proposed project and expenditures as described in the application fall within all state and federal guidelines which govern the Homeland Security Grant Program and sufficient funds exist to make this award.

I have reviewed this sub-grant award. All project activities fall within West Virginia's Homeland Security Strategy Goals and Objectives and the proposed expenditures are within the grant guidelines.

HSGP Grant Representative: _____

Date: _____

I hereby authorize the awarding of funds to support the project as described in the attached application.

WV Homeland Security Advisor: _____

Date: _____

2018 Homeland Security Grant Program

Applicant: Jefferson County Sheriff's Office

Jurisdiction Name: Jefferson County Commission

Project Title: 2018HSGP Jefferson_Sheriff_MDTs

	<u>Matching Funds</u>	<u>Requested Funds</u>	<u>Total Approved</u>
Planning	\$0	\$0	\$0
Equipment	\$14,118	\$192,780	\$80,000
Training	\$0	\$0	\$0
Exercise	\$0	\$0	\$0
	\$14,118	\$192,780	\$80,000

Grant Amount: \$80,000 **Law Enforcement?** Yes

Project Period: 6-12 Months

Core Capability 1: 304-724-8425

Core Capability 2: N/A

Core Capability 3: N/A

Project Description /Justification: This project will allow the Jefferson County Sheriff's Office to purchase MDTs for its staff as well as the other law enforcement agencies in the area (Charles Town, Hapers Ferry, Ranson, Shepherd University, and Shepherdstown). Several of our current devices are beginning to have issues with their screens, batteries, and connectivity that cannot be explained except for normal wear and tear due to use and age. They are all out of warranty.

Stipulations / Requirements: 0

Applicant Information

Agency Name:	Jefferson County Sheriff's Office
Jurisdiction Name:	Jefferson County Commission
Type of Agency:	County
Address:	102 Industrial Blvd
City, State, Zip:	Kearneysville, WV 25430
Phone:	3047283205
WV DHSEM Region:	Region 3

Project Director:	Deborah Lowe
Address:	102 Industrial Blvd
City, State, Zip:	Kearneysville, WV 25430
Phone:	304-728-3205
Email:	dlowe@jeffersoncountywv.org

Fiscal Officer:	Michelle Gordon
Address:	PO Box 250
City, State, Zip:	Charles Town WV 25414
Phone:	304-724-8425
Email:	mgordon@jeffersoncountywv.org

National Incident Management System (NIMS) Implementation

Does your agency comply with Executive Order 20-04 (Dec. 23, 2004)?

Yes

Applicant DUNS:	077414548
Applicant FEIN:	55-6000333

Project Summary

Project Title: 2018HSGP Jefferson_Sheriff_MDTs

Project Description /Justification: This project will allow the Jefferson County Sheriff's Office to purchase MDTs for its staff as well as the other law enforcement agencies in the area (Charles Town, Hapers Ferry, Ranson, Shepherd University, and Shepherdstown). Several of our current devices are beginning to have issues with their screens, batteries, and connectivity that cannot be explained except for normal wear and tear due to use and age. They are all out of warranty.

How was this gap identified?
In the space below, please provide the year the THIRA was completed and submitted, the year and basic findings of a real-world event, and/or the Exercise name, the year the exercise was completed, and specific gap identified.

Jurisdictional THIRA? N/A

Real-World Event? Failures are experienced on a daily basis, especially when it comes to visibility of the screens and connectivity. These issues often occur while responding to calls, when being able to see the most up to date information is most vital. (See note below)

Exercise AAR/IP? N/A

How will this project close the identified gap(s)?
This project will allow the Jefferson County Sheriff's Office to purchase new MDTs instead of continuing to send them off for repairs creating periods where MDTs are not available in cruisers as spare units are not always available.

Core Capability 1: 304-724-8425

Core Capability 2: N/A

Core Capability 3: N/A

WV Homeland Security Strategy Coordination:
Objective 4.4 -- Build law enforcement counter-terrorism capabilities through the purchase and sustainment of specialized equipment and technology, including License Plate Readers (LPRs), Mobile Data Terminals (MDTs), and surveillance systems

Milestones:

Milestone 1: Identify appropriate equipment to purchase

Milestone 2: Contact suppliers to request quotes

Milestone 3: Evaluate quotes

Milestone 4: Purchase MDTs

Milestone 5: Configure MDTs

Milestone 6: Deploy to members

Milestone 7:

Milestone 8:

Sustainment

Does your organization have the capacity to implement this project and the ability to sustain the project objectives (including equipment maintenance and replacement) beyond the grant period?

Yes

Project Period:

6-12 Months

Planning

DHSEM Use Only Approved Amount	Requested Funds	Matching Funds	Justification/Explanation	Proposed Activity
\$0	\$0	\$0		
				Totals

Additional Justification (optional):

Equipment

<u>Equipment Item*</u>	<u>AEL**</u>	<u>Requested Quantity</u>	<u>Justification/Explanation</u>	<u>Matching Funds</u>	<u>Requested Funds</u>	<u>DHSEM Use Only Approved</u>
Mobile Data Terminals	04HW-01-MOBL	34	Total complement of MDTs that would need to be replaced. See further justification below.	\$14,118	\$192,780	\$80,000
Totals				\$14,118	\$192,780	\$80,000

Additional Justification (optional): This project could be completed all at once or over a three year period, replacing 27 units per year. Choosing to replace them over three years would require a commitment of approximately \$64,260 per year in Homeland Security Funding and \$11,340 in matching funds.

Training

<u>Training Requested*</u>	<u>Justification/Explanation</u>	<u>Matching Funds</u>	<u>Requested Funds</u>	<u>DHSEM Use Only</u> <u>Approved</u>
		\$0	\$0	\$0
Totals		\$0	\$0	\$0

Additional Justification:

Exercise

DHSEM Use Only	<u>Approved</u>	<u>Requested Funds</u>	<u>Matching Funds</u>	<u>Justification/Explanation</u>	<u>Exercise*</u>
\$0	\$0	\$0			
Totals	\$0	\$0	\$0		

Additional Justification:

Special Conditions and Assurances

This program is conditioned upon and subject to compliance with the following Special Conditions and Assurances. By attaching a signature to page one (1) of this grant application, the applicant certifies and assures that it will comply with the following Special Conditions and Assurances, Regulations, Policies, Guidelines and Requirements of the Homeland Security State Administrative Agency (HS SAA), as further clarified in the Administrative Manual for this program; U.S. Department of Homeland Security guidance; and **all other** relevant Federal/State Regulations, Policies and Guidelines. These Special Conditions and Assurances apply to all **Homeland Security Grant Program** federal and matching funds expended for purposes associated with this project.

All correspondence to the HS SAA, which is required and/or occurs as a result or action of any of the following Special Conditions and Assurances, or as a result of the administration of any HS SAA grant program, should be addressed to:

WV Division of Homeland Security and Emergency Management
1900 Kanawha Blvd. East
Building 1, Room EB-80
Charleston, WV 25305

1 Laws of West Virginia:

This application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by the HS SAA.

2 Legal Authority:

The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

3 Relationship:

The relationship of the sub-grantee to the HS SAA shall be that of an independent contractor, not that of a joint enterprise. The sub-grantee shall have no authority to bind the HS SAA for any obligation or expense without the express prior written approval from the HS SAA.

4 Operational Within 90 Days:

If the project is not operational within 90 days of the specified project starting date, the grantee must submit a statement to HS SAA explaining the delay in implementation. Upon receipt of the 90-day letter, HS SAA may cancel the project and redistribute the funds to other project areas and/or eligible applicants.

5 Civil Rights Compliance:

Sub-grantee will comply with all federal civil rights laws, including Title VI of the Civil Rights Act, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services.

6 Written Approval of Changes:

The sub-grantee must obtain prior written approval from HS SAA for all project changes (programmatic, fiscal or otherwise).

7 Press Release:

Release of information pertaining to this sub-grant must include the following information:

1. Grant amount;
2. State involvement (WV Division of Homeland Security and Emergency Management); and,
3. Federal involvement (U.S. Dept. of Homeland Security).

8 Compliance with Federal Rules and Regulations:

Sub-grantee will comply with Title 2, Part 200 of the Code of Federal Regulations (***Super Circular***). The Super Circular supersedes Circulars A-21, A-87, A-89, A-102, A-110, A-122, A-133.

9 Program Accountability – Federal Audit Requirement – Super Circular:

If an audit must be conducted pursuant to the Super Circular, a copy of the audit shall be submitted to HS SAA as well as to the Federal clearinghouse.

The Federal clearinghouse address is as follows:

Federal Audit Clearinghouse
Bureau of the Census
1201 E. 10th Street
Jeffersonville, IN 47132

10 Program Accountability – State Audit Requirements:

Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, sets forth the audit requirements of corporations, associations or other organizations which receive state funds or grants. These audit requirements do not apply to units of local and state government. If applicable, this grant shall adhere to the audit requirements set forth in §12-4-14 at the time of award. All funds disbursed by HS SAA are appropriated by the WV Legislature; therefore all funds disbursed are considered state funds. The HS SAA will notify the Legislative Auditor when a sub-grant is awarded which falls under the requirements of the WV Code.

As of 9/13/05, the requirements set forth by §12-4-14 are as follows: Any corporation, partnership, association, individual or other legal entity (not to include a state spending unit or a local government as defined in § 6-9-1a of the West Virginia Code, as amended) which receives one or more state grants or sub-grants in the amount of \$50,000 or more in the aggregate in a state fiscal year shall file with the HS SAA a Report of the disbursement of these state funds. An OMB A-133 Audit or an audit conducted by a certified public accountant may be substituted for the Report. The Report shall be filed within two years of the end of the fiscal year in which the grant or sub-grant closes. The Report shall be made by an independent certified public accountant and the scope of the Report is limited to showing how the state grant or sub-grant funds were spent. The Report does not have to be a full-scope audit or review of the entity receiving state funds. Any entity failing to file a required Report is barred from subsequently receiving state grant or sub-grant funds until the Report is filed and is otherwise in compliance with the provisions of West Virginia Code. If a Report is not required under this section of the WV Code then the grantee or sub-grantee shall file with HS SAA a sworn statement of expenditures made under the grant or sub-grant.

The Sub-grantee assures that it has read, understands and is in full compliance with all requirements as set forth in Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, and is not currently debarred from receiving state grant funds as a result of non-compliance with this section of the West Virginia Code, as amended.

11 Access to Records, Equipment, Training, & Exercises:

The HS SAA, through any authorized representative, shall have access to and the right to examine all records, books, papers, documents, equipment, training, and/or exercises related to the sub-grant and to relevant books and records of contractors.

12 Conflict on Interest:

No public official or employee of the sub-grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can be expected to result in any private/public benefit to that individual or that individual's immediate family.

13 National and State Evaluation Efforts:

The Sub-grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

14 Political Activity:

The restrictions of the Hatch Act, Pub. L. 93-433, 5 U.S.C. Chapter III, (as amended), concerning the political activity of government employees are applicable to state grantee staff members and other state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1975 amendment to the Hatch Act, such state and local government employees may take an active part in political management and campaigns, except they may not be candidates for office.

15 **Obligation of Project Funds:**

Funds may not, without prior written approval from the HS SAA, be obligated prior to the effective start date or subsequent to the termination date of the project period. All invoices must be dated within the approved sub-grant period.

16 **Elements of a Viable Continuity Capability:**

The Continuity Plan is the roadmap for the implementation and management of the Continuity Program. The National Continuity Policy: Federal Continuity Directive 1 and Federal Continuity Directive 2 outline the following ten (10) overarching continuity requirements: Essential Functions, Orders of Succession, Delegations of Authority, Continuity Facilities, Continuity Communications, Vital Records Management, Human Capital, Tests-Training-Exercises, Devolution of Control & Direction, and Reconstitution. If utilizing sub-grant funding for the development of a Continuity Plan, the Plan must address each of these ten (10) elements in order to be eligible to be reimbursed for approved/allowable costs.

17 **Use of Funds:**

Funds awarded through the HS SAA may be expended **ONLY** for the purposes and activities specifically covered by the sub-grantee's approved project description and budget. Any change in the project or the budget must receive **PRIOR** approval from DHSEM-SAA.

18 **Release of Information:**

All records, papers and other documents kept by recipients of grant funds are required to be made available to the HS SAA. These records and other documents submitted to the HS SAA and its grantees, including plans and application for funds, reports, etc., are subsequently required to be made available to the U.S. Department of Homeland Security under the terms and conditions of the Federal Freedom of Information Act, 5. U.S.C. §552.

The HS SAA recognizes that some information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national or state security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under federal control is subject to requests made pursuant to the Freedom of Information Act, 5. U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the Federal Division of Homeland Security FOIA Office, and may likely fall within one or more of the available exemptions under the Act.

Sub-grantees must consult applicable state and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive in nature. Applicants may also consult the HS SAA regarding concerns or questions about the release of potentially sensitive information under state and local laws.

19 **Allowable and Unallowable Costs:**

Allowable costs incurred under this grant shall be determined in accordance with the Super Circular.

20 **Non-supplanting:**

Federal funds must be used to supplement existing funds for program activities and may not replace (supplant) non-Federal funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The sub-grantee hereby certifies that Federal funds made available under this grant will not be used to supplant state and local funds.

21 Matching Contribution:

If matching funds are allocated, the applicant assures that those funds shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Cash matching contributions are subject to the same expenditure guidelines established by the HS SAA and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all cash matching contributions. There is no waiver provision for any cash match requirements.

22 Project Income:

All income earned by the sub-grantee as a result of the conduct of this project, must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established by the HS SAA and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all project income. There is no waiver provision for the project income requirement.

23 Consultant Fees:

Approval of this sub-grant does not necessarily indicate an approval of specific consultant rates. Please discuss rates with the HS SAA.

24 Purchasing:

When making purchases relevant to the sub-grant, the sub-grantee will abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government.

25 Reports:

Each sub-grantee shall submit reports as deemed reasonably necessary by the HS SAA for monitoring, stewardship and evaluation of programmatic and fiscal responsibilities.

26 Environmental & Historical Preservation (EHP):

Sub-grantee shall comply with all applicable Federal, State, and local EHP requirements and shall provide any information requested to ensure compliance with applicable laws.

27 Suspension of Funding:

HS SAA may suspend, in whole or in part, terminate, or impose other sanctions on any sub-grantee funds for the following reasons:

- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
- Failure to submit reports;
- Filing a false certification in this application or in another report or document; or,
- Other just cause.

28 Sanctions for Noncompliance:

In the event of the sub-grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, the HS SAA may impose such contract sanctions, as it may deem appropriate, including but not limited to:

- Withholding of payments to the sub-grantee until the sub-grantee complies;
- Cancellation, termination or suspension of the contract, in whole or in part; or,
- Refrain from extending any further assistance to the sub-grantee until satisfactory assurance of future compliance has been received.

29 Immigration and Naturalization Verification:

The sub-grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of Federal funds to verify that employees are eligible to work in the United States.

30 Use of Grant Funds to Enact Laws:

Sub-grantee understands and agrees that shall not use any sub-grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.

31 Property Accountability:

The sub-grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a sub-grant by the HS SAA. This obligation continues as long as the property is retained by the sub-grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from the HS SAA. Sub-grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program, with copies provided to the HS SAA. The HS SAA reserves the right to inspect and review any equipment purchased with this sub-grant

32 Communications Equipment:

With respect to communications initiatives and equipment, the sub-grantee agrees to the following:
Communications equipment shall be compatible with the SAFECOM P25 trunked radio hierarchy and the WV Statewide Interoperable Radio Network. Per WV Code §15-14-4, all communications equipment requests must be reviewed and approved by the Statewide Interoperability Coordinator. www.sirn.wv.gov

33 Equipment:

Sub-grantees purchasing equipment with grant funds shall adhere to the established bidding procedures for their respective units of government and or agencies. All equipment shall have a primary function of being used for homeland security purposes, and be available statewide (if practical) for use during emergencies and training/exercise events.

34 Marking of Equipment and Publications:

Sub-grantee shall ensure that, when practicable, any equipment purchased and publications produced with grant funding shall be prominently marked as follows: "Supported with funds provided by the U.S. Department of Homeland Security and the WV DHSEM."

35 Patents and/or Copyrights and Rights in Data:

Sub-grantee acknowledges that the HS SAA, and subsequently the U.S. Department of Homeland Security; reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support. Sub-grantee shall consult with the HS SAA regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

36 Time Extensions:

Time extensions are allowable; however, the HS SAA will review and approve extension requests on a case by case basis only if the extension is warranted. Lack of planning by the sub-grantee is not a justified reason for an extension.

37 Equal Employment Opportunity Plan:

Each sub-grantee certifies that it has executed and has on file, an Equal Employment Opportunity Plan.

38 Veterans Preference:

This program includes a provision that grantees utilizing funds to hire additional personnel give suitable preference in employment to military veterans. HS SAA defines "suitable preference" as the requirement that a sub-grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

39 Submission/Release of Proposed Publications:

The sub-grantee shall submit one copy of all reports and proposed publications resulting from this agreement to the HS SAA twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements:

"This document [product] was prepared under a grant from the United States Department of Homeland Security and the WV Division of Homeland Security and Emergency Management. Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security, nor the State of West Virginia."

40 Purchase of American-made Equipment/Products:

It is the sense of the Congress, as conveyed through the FY 1997 Appropriations Act, as well as the desire of HS SAA that to the greatest extent practicable, all equipment and products purchased with Federal funds made available under this grant should be American-made.

41 Personnel Training:

The HS SAA reserves the right to require training as a condition of the sub-grant before or at any time during the project period. Proof of training/certification on grant-funded equipment shall be provided, upon request within 10 business days.

42 Accounting Requirements:

Sub-grantee shall record all project funds and costs following generally accepted accounting procedures. A unique account number or cost recording shall separate all project costs from the sub-grantee's other or general expenditures. Adequate documentation for all project costs and income shall be maintained. Adequate documentation of financial and supporting material, as defined in the pertinent Administrative Manual, shall be retained and be available for audit purposes.

43 Financial Guide:

Sub-grantee shall comply with all requirements as set forth in the Financial Guide which governs this program.

44 Davis-Bacon and Related Acts:

Subgrantee agrees to comply with the Davis-Bacon and Related Acts, which applies to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. The Davis-Bacon Act prevailing wage provisions applies to the "Related Acts," under which federal agencies assist construction projects through grants, loans, loan guarantees, and insurance. For prime contracts in excess of \$100,000, contractors and subcontractors must also, under the provisions of the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular rate of pay for all hours worked over 40 in a workweek. The overtime provisions of the Fair Labor Standards Act may also apply to DBA-covered contracts. For more information, check the following US Department of Labor website link. <https://www.dol.gov/whd/govcontracts/dbra.htm>

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND
OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

O.M.B. No. 1660-0025
Expires July 31, 2008

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 1.7 hours per response. The burden estimate includes the time for reviewing instructions and searching existing data sources, gathering and maintaining the data needed and completing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (1660-0001). **NOTE: Do not send your completed form to this address.**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying" and 28 CFR Part 17, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the transaction, grant, or cooperative agreement.

1. LOBBYING

As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperative agreement over \$ 100,000, as defined at 44 CFR Part 18, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any other person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Stand Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

Standard Form-LLL "Disclosure of Lobbying Activities" attached
(This form must be attached to certification if nonappropriated funds are to be used to influence activities.)

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A.

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of a or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause of default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

**3. DRUG-FREE WORKPLACE
(GRANTEE OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17.615 and 17.620-

A. The applicant certifies that it will continue to provide a drug-free workplace by;

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about-

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

- (1) Abide by the term of the statement; and
- (2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring on the workplace no later than five calendar days after such convictions;

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: **November 1, at 9:30 a.m.**

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

Date Requested – 2nd Choice: **November 15, 2018, at 6:00 p.m.**

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 Shepherd University Board of Governors 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 a Parcel Consisting of 2.21 Acres Identified as Parcel 16 on Tax Map 8, All of Which Are Presently Located in Shepherdstown District, Jefferson County, West Virginia, owned by the Shepherd University Board of Governors, 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

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

October 12, 2018

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

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 a November 2018 Agenda

Dear Ms. Carroll:

Enclosed please find a completed Agenda Request Form along with a proposed Order Approving and Confirming the Annexation to the Corporation of Shepherdstown to which is attached the Certificate of the Corporation of Shepherdstown. The Ordinance of Annexation, adopted October 9, 2018, is also provided.

I request that this request for approval of the annexation be included on the November Agenda of the County Commission.

Please advise if you require anything further.

Very truly yours,

Charles F. Printz, Jr.

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

AN ORDINANCE ANNEXING TO THE CORPORATION OF SHEPHERDSTOWN A PARCEL OF REAL ESTATE CONSISTING OF 2.21 ACRES AND IDENTIFIED UPON JEFFERSON COUNTY, WEST VIRGINIA TAX MAPS AS BEING PART OF PARCEL 16 ON TAX MAP 8, LOCATED IN THE SHEPHERDSTOWN DISTRICT OWNED BY SHEPHERD UNIVERSITY BOARD OF GOVERNORS, AND PROVIDING FOR THE INSTITUTION OF THE NECESSARY PROCEEDINGS BEFORE THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA, IN ACCORDANCE WITH WEST VIRGINIA CODE § 8-6-4 (ANNEXATION WITHOUT ELECTION).

WHEREAS, the Shepherd University Board of Governors, on behalf of Shepherd University, is the owner of a parcel of real estate consisting of 2.21 acres and identified upon the Jefferson County, West Virginia Tax Maps as being part of Parcel 16 on Tax Map 8, in the Shepherdstown District, said property being part of that real estate conveyed to it by deed dated July 16, 2009, of record in the office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1067, at page 325, and more particularly set forth and described in a legal description of the property and on a plat of said parcel of real estate, prepared by Frederick Seibert & Associates, Inc., attached hereto as Exhibits A and B, and

WHEREAS, the Shepherd University Board of Governors has petitioned the Corporation of Shepherdstown to annex to the Corporation of Shepherdstown the above described parcel of real estate containing 2.21 acres, and being the same real estate conveyed to it as set forth in the preceding paragraph, which Petition was filed with the Corporation of Shepherdstown on August 2, 2018, and

WHEREAS, the parcel of real estate to be annexed is a portion of the West Campus of Shepherd University on the west side of W.Va. Sec. Rt. 480 (N. Duke Street), at the northeast corner of West Campus Drive and Campus Hill Drive, and is contiguous with the current municipal boundary of the Corporation of Shepherdstown, and

WHEREAS, it has been represented to the Corporation of Shepherdstown and verified by the deed of record in the office of the Clerk of the County Commission of Jefferson County, West Virginia, that the Shepherd University Board of Governors, on behalf of Shepherd University, is the sole owner of said parcel of real estate which is the subject of this Petition for Annexation, and

WHEREAS, as has been represented to and verified by the Corporation of Shepherdstown, no qualified voters were residing within said parcel of real estate as of the date the Petition for Annexation was filed, and

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

WHEREAS, it being recognized that the Petitioner is exempt from land use planning pursuant to W. Va. Code § 8-12-14, and, thus, not subject to zoning, said parcel of real

estate will not be given a zoning classification, but shall be designated upon the zoning map for the Corporation of Shepherdstown as being owned by Shepherd University, and

WHEREAS, the Petition has been reviewed by the Shepherdstown Planning Commission, pursuant to the Shepherdstown Annexation Policy and Section 9-1424 of the Town Code, and a public hearing was held on or about August 27, 2018, during which time the Shepherdstown Planning Commission approved the Petition.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Corporation of Shepherdstown that the parcel of real estate consisting of 2.21 acres and identified upon the Jefferson County, West Virginia Tax Maps as being part of Parcel 16 on Tax Map 8, in the Shepherdstown District, and being part of the same real estate conveyed to the Shepherd University Board of Governors, on behalf of Shepherd University, by deed dated July 16, 2009, of record in the office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1067, at page 325, and more particularly described in the Legal Description attached hereto as Exhibit A, and on the plat attached hereto as Exhibit B, be and is hereby annexed to and made part of the corporate limits of the Corporation of Shepherdstown, West Virginia, as provided and permitted under the provisions of West Virginia Code §8-6-4, and


Be it further ORDAINED that said parcel of real estate shall not be given a zoning classification, but shall be designated upon the zoning map for the Corporation of Shepherdstown as being owned by Shepherd University, and

Be it further ORDAINED that the Mayor of the Corporation of Shepherdstown, or the Town's attorney on behalf of the Corporation of Shepherdstown, is hereby authorized and directed to present to the County Commission of Jefferson County, West Virginia, a Certificate of the Town Council of the Corporation of Shepherdstown stating that the aforesaid annexation has been completed, certified and accepted by the Corporation of Shepherdstown as provided by W. Va. Code § 8-6-4.

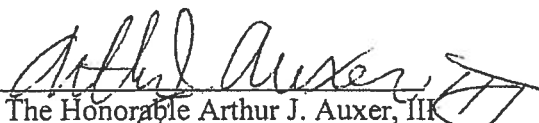
This Ordinance shall become effective and in full force and effect as of the date of its adoption.

Introduced: September 11, 2018

Adopted: October 9, 2018

ATTEST: 
Lori Robertson, Town Recorder

THE CORPORATION OF SHEPHERDSTOWN,
WEST VIRGINIA, a municipal corporation

By 
The Honorable Arthur J. Auxer, III
Its Mayor

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

ORDER APPROVING AND CONFIRMING THE ANNEXATION TO THE CORPORATION OF SHEPHERDSTOWN A PARCEL OF REAL ESTATE CONSISTING OF 2.21 ACRES AND IDENTIFIED UPON JEFFERSON COUNTY, WEST VIRGINIA TAX MAPS AS BEING PART OF PARCEL 16 ON TAX MAP 8, LOCATED IN THE SHEPHERDSTOWN DISTRICT AND OWNED BY THE SHEPHERD UNIVERSITY BOARD OF GOVERNORS, AS PROVIDED BY WEST VIRGINIA CODE 8-6-3 AND 8-6-4 (ANNEXATION WITHOUT ELECTION).

This ____ day of November 2018, came the Corporation of Shepherdstown, West Virginia, a municipal corporation, by its attorney, Charles F. Printz, Jr., and moved the County Commission of Jefferson County, West Virginia, to approve and confirm the annexation by the Corporation of Shepherdstown of a parcel of real estate consisting of 2.21 acres, being a portion of the West Campus of Shepherd University on the west side of West Virginia Secondary Route 480 (North Duke Street), at the northeast corner of West Campus Drive and Campus Hill Drive, and contiguous with the current municipal boundary of the Corporation of Shepherdstown, and identified upon the Jefferson County, West Virginia Tax Maps as being part of Parcel 16 on Tax Map 8, in the Shepherdstown District, owned by the Shepherd University Board of Governors, on behalf of Shepherd University, and being the same real estate conveyed to it by deed dated July 16, 2009, of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1067, at page 325, said real estate more particularly described in that certain Legal Description attached to the Certificate of the Corporation of Shepherdstown ("Certificate") as Exhibit B.

It appearing by the aforesaid Certificate filed this date with the Jefferson County Commission, a copy of which is attached hereto, and by the Petition of the owner of said real estate dated and filed August 2, 2018, a copy of which is attached to said Certificate as Exhibit A, that the sole owner and freeholder of said real estate has requested that the herein above 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 confirms 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 B of the Certificate.

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 said 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 November 2018.

JEFFERSON COUNTY COMMISSION

By: _____
Josh Compton, President

Dated this _____ day of November 2018.

ATTEST:

Jacqueline C. Shadle
Clerk of the County Commission of
Jefferson County, West Virginia

EXHIBIT A

LEGAL DESCRIPTION

Suggested description for lands of Shepherd University to be annexed into the Corporation of Shepherdstown

Beginning for the outline hereof at an iron pin and cap set at the end of the S 75°46'19" E 678.83 feet line of the "West Boundary Annexation" area as shown on a plat prepared for Shepherdstown by Appalachian Surveys, Inc. in 1989, running thence with said line reversed, with bearings corrected to reflect a recent survey N 76°47'37" W 116.61 feet to a point, thence through the lands of West Virginia Board of Education (Book 270, page 466) N 14°14'30" E 265.25 feet to a point, thence N 75°14'34" W 260.00 feet to a point, thence N 14°55'09" E 246.90 feet to a point, thence N 31°39'09" W 1240.56 feet to a point in the western boundary of said lands, thence with part of said boundary N 15°32'41" E 302.21 feet to an existing corner fence post, thence through said lands N 77°55'23" E 721.90 feet to a point, thence S 30°24'15" E 94.01 feet to a point, thence S 58°27'42" W 728.58 feet to a point, thence S 32°24'14" E 1005.83 feet to a point, thence S 14°55'09" W 423.89 feet to a point, thence S 75°14'36" E 295.88 feet to a point, thence S 76°53'37" E 157.59 feet to a point, thence S 32°21'07" E 39.63 feet to a point, thence S 76°44'05" E 163.91 feet to a point, thence S 14°14'30" W 264.80 feet to a point in the northern line of lands of the State Board of Control (Book 112, page 492), thence with said lands S 76°47'37" E 199.13 feet to a point, thence S 21°57'23" W 120.46 feet to a point in the existing corporate boundary, thence with said boundary N 66°41'58" W 259.08 feet to a point, thence N 65°54'26" W 312.12 feet to a point, thence N 23°42'23" E 25.14 feet to the place of beginning;

Containing 13.09 acres of land more or less;

Said annexation being part of the lands conveyed by Eleanor Lee Potts, Margaret Potts Williams and Llewellyn Powell Potts to the West Virginia Board of Education by deed dated October 1, 1964 and recorded at Book 270, page 466 along with part of the lands conveyed by Howard Pinkney Schley and Anna Woolery Schley to the State Board of Control by deed dated July 12, 1915 and recorded at Book 112, page 492 among the Land Records of Jefferson County, Maryland.

EXHIBIT B

CERTIFICATE OF THE CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA TO ANNEX WITHOUT AN ELECTION UNDER THE PROVISIONS OF WEST VIRGINIA CODE § 8-6-4 A PARCEL OF REAL ESTATE CONSISTING OF 13.09 ACRES AND IDENTIFIED UPON JEFFERSON COUNTY, WEST VIRGINIA TAX MAPS AS BEING PART OF PARCEL 16 ON TAX MAP 8, LOCATED IN THE SHEPHERDSTOWN DISTRICT AND PART OF PARCEL 1 ON TAX MAP 2, LOCATED IN THE SHEPHERDSTOWN CORPORATION DISTRICT, OWNED BY SHEPHERD UNIVERSITY BOARD OF GOVERNORS.

CERTIFICATE OF THE CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA, TO ANNEX WITHOUT AN ELECTION UNDER THE PROVISIONS OF WEST VIRGINIA CODE § 8-6-4 A PARCEL OF REAL ESTATE CONSISTING OF 2.21 ACRES AND IDENTIFIED UPON JEFFERSON COUNTY, WEST VIRGINIA, TAX MAPS AS BEING PART OF PARCEL 16 ON TAX MAP 8, LOCATED IN THE SHEPHERDSTOWN DISTRICT, AND OWNED BY THE SHEPHERD UNIVERSITY BOARD OF GOVERNORS.

WHEREAS, the Shepherd University Board of Governors, on behalf of Shepherd University, is the owner of a parcel of real estate consisting of 2.21 acres and identified upon the Jefferson County, West Virginia, Tax Maps as being part of Parcel 16 on Tax Map 8, in the Shepherdstown District, and

WHEREAS, by Ordinance of the Corporation of Shepherdstown adopted October 9, 2018, the hereinabove described parcel of real estate consisting of 2.21 acres, was 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, the Shepherd University Board of Governors, on behalf of Shepherd University, requested said annexation of the hereinabove described real estate consisting of 2.21 acres into the Corporation of Shepherdstown as evidenced by that Petition dated August 2, 2018, and filed that date with the Corporation of Shepherdstown, a copy of which is attached hereto as Exhibit A, and

WHEREAS, it appears from said Petition, and as verified by the Corporation of Shepherdstown that, at the time the Petition was filed, there were no qualified voters residing within said parcel of real estate, and that the Shepherd University Board of Governors, on behalf of Shepherd University, is the sole owner of said parcel of real estate which is the subject of the Petition for Annexation, and

WHEREAS, the parcel of real estate to be annexed is a portion of the West Campus of Shepherd University on the west side of West Virginia Secondary Route 480 (North Duke Street), at the northeast corner of West Campus Drive and Campus Hill Drive, and is contiguous with the current municipal boundary of the Corporation of Shepherdstown, and

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

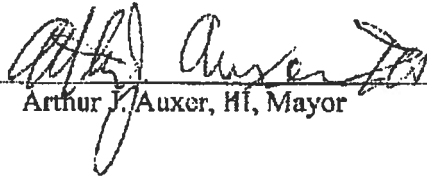
NOW, THEREFORE, this Certificate, as required by West Virginia Code § 8-6-3 and § 8-6-4, is hereby filed with the records of the Corporation of Shepherdstown and the Jefferson County Commission certifying that all of the applicable requirements of West Virginia Code § 8-6-3 and § 8-6-4 have been met in regard to this annexation request and that the Petition filed herein by the owner of said property is sufficient in every respect in regard to the annexation into the Corporation of Shepherdstown of the hereinabove described parcel of real estate consisting of 2.21 acres and identified upon the Jefferson County, West Virginia, Tax Maps as being part of Parcel 16 on Tax Map 8, in the Shepherdstown District, and being part of the same real estate conveyed to the Shepherd University Board of Governors, on behalf of Shepherd University, by deed dated July 16, 2009, of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1067, at page 325, said real estate more being particularly described in the Legal Description attached hereto as Exhibit B and on the Plat 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

Exhibits B and C attached hereto and that said annexation by the Corporation of Shepherdstown of said real estate be approved and confirmed.

Dated this 9th day of October, 2018.

CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA,
a municipal corporation,

By: 
Arthur J. Auxer, HI, Mayor

ATTEST:


Lori Robertson, Recorder

EXHIBIT A

Petition for Annexation by the Corporation of Shepherdstown, from
Shepherd University Board of Governors, dated August 2, 2018, and
filed August 2, 2018.

PETITION FOR ANNEXATION
BY THE CORPORATION OF SHEPHERDSTOWN

FROM: Shepherd University Board of Governors

DATE: August 2, 2018

The Shepherd University Board of Governors (the "Petitioner"), a West Virginia public university, hereby petitions the Corporation of Shepherdstown (the "Town"), pursuant to West Virginia Code § 8-6-4 (Annexation Without an Election) and the Town Code § 9-1424, to annex an improved parcel of real estate, containing 2.21 acres (the "Property").

The Property is a portion of the West Campus of Shepherd University on the west side of WV Sec. Rt. 480 (N. Duke Street), at the northeast corner of West Campus Drive and Campus Hill Drive, located in the Shepherdstown District, Jefferson County, West Virginia, and is contiguous with the current municipal boundary of the Town of Shepherdstown.

The Property proposed to be annexed is entirely within the Corporation of Shepherdstown's Growth Management Boundary and is consistent with the Corporation of Shepherdstown's Comprehensive Plan.

The Property is a portion of the real property owned by the Petitioner, all of which is described in a Deed dated the 16th day of July, 2009, and recorded in the Office of the Clerk of County Commission of Jefferson County, West Virginia, in Deed Book 1067, page 325, by which Deed the Petitioner acquired clear title to the Property.

The Property is identified in the County Assessor's office as being part of Parcel 16, on Tax Map 8, of the Shepherdstown District, Jefferson County, West Virginia. The Property is

currently zoned as residential growth according to the Zoning Map for Jefferson County, West Virginia.

OWNERSHIP

The Petitioner is the sole freeholder of the Property.

QUALIFIED VOTERS

The Property is improved by one residence hall building, Potomac Place. The residence hall building is used as housing for Shepherd University students and staff and as of this date is unoccupied. There are no persons/voters who currently reside on the Property.

REQUIREMENTS OF CHAPTER 14 OF THE TOWN CODE

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

1. Basis for Annexation Request, Development Plans, Zoning

The Property is improved by one (1) residence hall building, as identified above, which is used as housing for Shepherd University students and a limited number of staff. Further, the residence hall will be used for boarding individuals during the summer months on a short term, temporary basis, for summer school students, special events, and summer camps.

The Petitioner desires to have the Property annexed by the Corporation of Shepherdstown and to continue its current use, with no further development plans at the present time.

This Petition is submitted expressly conditioned on the Property being annexed in Zoning District "Shepherd College" (no density standards); the improvements thereon being owned and used by Shepherd University (fka Shepherd College).

II. Legal Description and Plat

A legal description of the Property is attached as Exhibit A. A plat of the Property, prepared by Frederick Seibert & Associates, Inc., 128 South Potomac Street, Hagerstown, Maryland, is attached as Exhibit B.¹

III. Statement of Projected Impacts to the Town

A. Utilities. Currently, water and sewer services are being furnished to the Property by the Town. After annexation of the Property, garbage service will continue to be managed by the University's private, commercial garbage service. Electric and telephone services are, and will be, furnished to the Property by Allegheny Energy and Frontier Communications, respectively.

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

C. Financial Impact. It is submitted that there will be no detrimental financial impact to the Town resulting from the annexation of the Property. However, it is anticipated that a financial benefit will inure to the Town from various sources, i.e., video lottery, utility excise taxes (electricity, telephone, and water), and contracted amounts for cable services. The cost of maintaining the existing paved roads and rights-of-way located upon the Property, which are vested in Shepherd University and include parts of West Campus Drive, Campus Hill Drive and University Drive, will not be borne by the Town as such roads are part of the West Campus of Shepherd University and are maintained by Shepherd University. Any annual costs of the Property to be borne by the Town would be *de minimis*, or none at all. In summary, the Town will improve its financial posture upon the Property being annexed.

D. Traffic Study. The Petitioner will not perform a traffic study of the proposed annexation as no traffic will be generated beyond that which exists at this time.

E. Adequate Public Facilities. The Petitioner is unaware of any adverse impact that annexation of the Property would cause the Town, because the Property is currently developed and will continue to be used as currently developed. As stated in Section A, there will be no impact upon the Town's public facilities beyond those that exist at this time.

F. Police Protection. Security for the Property is currently being provided by Shepherd University, and there is a cooperative agreement between the Town's police department and the University campus police which will be unchanged by the annexation.

¹ The Potomac Place dormitory is shown on the Plat as "Proposed Lease Area."

SUMMARY

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

Shepherd University Board of Governors,
a West Virginia public university

By: Mary J. C. Hendrix
Mary J. C. Hendrix, President

Counsel for Petitioner

K. Alan Perdue
K. Alan Perdue
General Counsel
Shepherd University

EXHIBIT B
LEGAL DESCRIPTION

EXHIBIT A
LEGAL DESCRIPTION

Situate in Shepherdstown District, Jefferson County, West Virginia, more particularly described as follows:

Commencing at a point at the beginning of the closing line of a deed from Eleanor Lee Potts, Margaret Potts Williams and Llewellyn Powell Potts to West Virginia Board of Education dated October 1, 1964 and recorded in Deed Book 270, page 466 among the Land Records of Jefferson County, West Virginia, thence with a portion of said closing line with corrected bearings to match Grid North NAD 83 West Virginia North Zone S24°43'03"W 75.79 feet to a point on the north margin of West Campus Drive, thence running through the lands of the Board of Education along the north margin of West Campus Drive N40°34'47"W 240.71 feet to a point, thence N58°43'50"W 37.38 feet to a point, thence N76°52'53"W 329.56 feet to the point of beginning, thence continuing along said margin N75°15'05"W 320.31 feet to a point, thence leaving West Campus Drive N27°16'01"W 12.48 feet to a point, thence N14°49'40"E 254.73 feet to a point, thence N75°15'44"W 31.16 feet to a point, thence N14°35'32"E 12.36 feet to a point, thence N44°42'43"E 26.72 feet to a point, thence N62°54'10"E 74.06 feet to a point, thence S75°06'44"E 129.32 feet to a point, thence S34°38'36"E 12.87 feet to a point, thence with a curve to the left having a radius of 14.75 feet, an arc length of 13.23 feet and a chord bearing and distance of S60°19'46"E 12.79 feet to a point, thence S86°00'57"E 38.01 feet to a point, thence S02°39'33"W 27.86 feet to a point, thence with a curve to the left having a radius of 425.00 feet, an arc length of 57.35 feet and a chord bearing and distance of S01°12'23"E 57.30 feet to a point, thence S05°04'19"E 65.98 feet to a point, thence with a curve to the right having a radius of 123.88 feet, an arc length of 55.98 feet and a chord bearing and distance of S08°00'41"W 55.51 feet to a point, thence S11°08'18"E 118.50 feet to a point, thence S14°45'11"W 37.89 feet to the place of beginning, containing 2.21 acres of land more or less, as identified and shown as "Lot 1 2.21 Ac." on that "Final Plat Lots 1 & 2 (Residue) Minor Subdivision for Shepherd University," recorded in the Office of the Clerk to the County Commission of Jefferson County, West Virginia in Plat Book 25, page 562.

Said lands being a portion of the lands conveyed by Eleanor Lee Potts, Margaret Potts Williams and Llewellyn Powell Potts to West Virginia Board of Education by deed dated October 1, 1964 and recorded in Deed Book 270, page 466 among the Land Records of Jefferson County, West Virginia.

Together with a nonexclusive easement for ingress, egress and utilities more particularly described as follows:

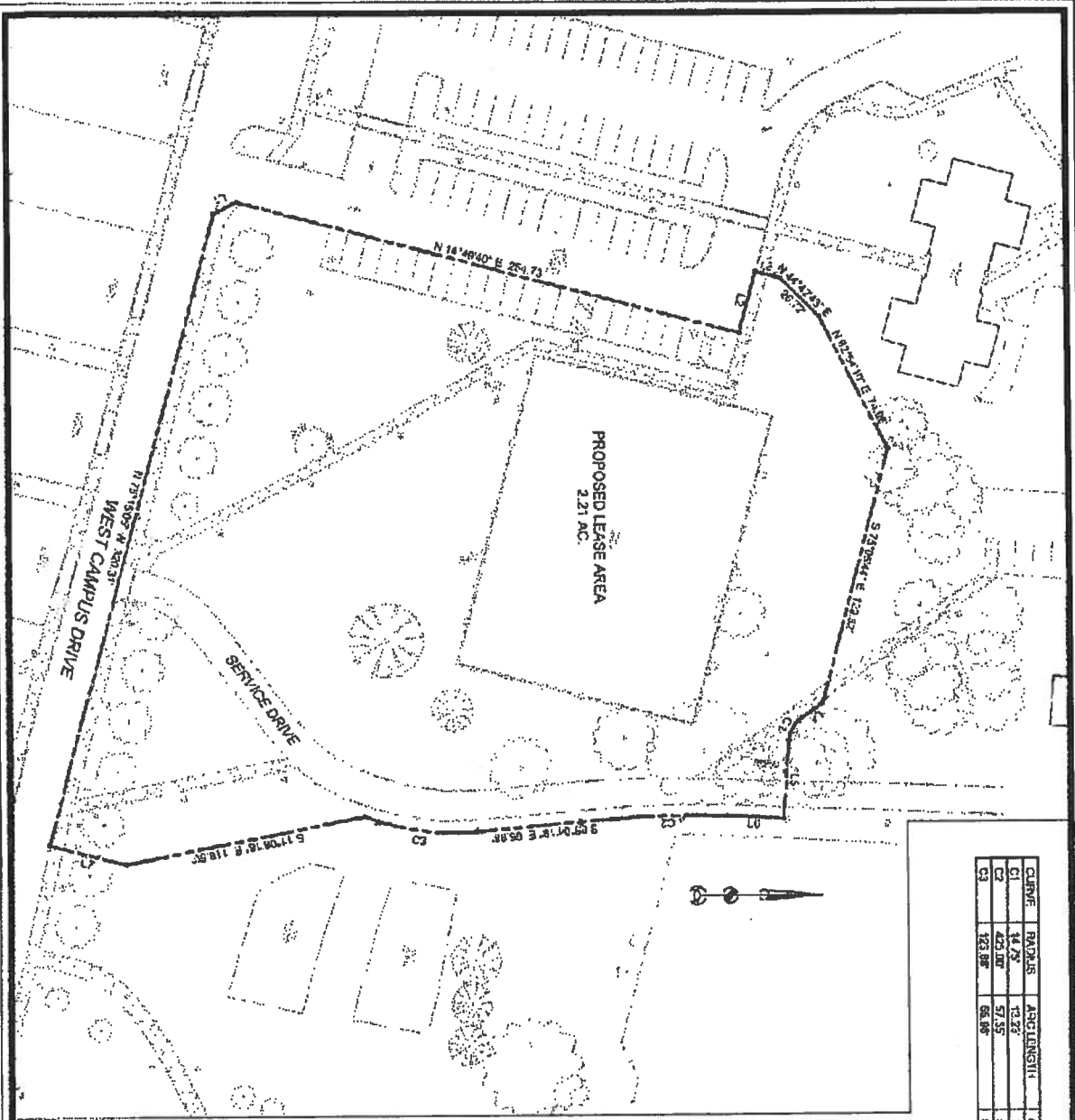
Commencing at a point at the beginning of the closing line of a deed from Eleanor Lee Potts, Margaret Potts Williams and Llewellyn Powell Potts to West Virginia Board of Education dated October 1, 1964 and recorded in Deed Book 270, page 466 among the Land Records of Jefferson County, West Virginia, thence with a portion of said closing line with corrected bearings to match Grid North NAD 83 West Virginia North Zone S24°43'03"W 75.79 feet to a point on the north margin of West Campus Drive said point being the point of beginning, thence continuing with a portion of said closing line S24°43'03"W 22.01 feet to a point, thence running through the lands of the Board of Education along the south margin of West Campus Drive N40°34'47"W 249.91 feet to a point, thence with a curve to the left having a radius of 40.00 feet, an arc length of 25.34 feet

and a chord bearing and distance of N58°43'50"W 24.92 feet to a point, thence N76°52'53"W 329.85 feet to a point, thence N75°15'05"W 329.50 feet to a point, thence leaving the south margin of West Campus Drive and continuing through the lands of the Board of Education N27°16'01"W 29.07 feet to a point, thence N14°49'40"E 262.40 feet to a point, thence S75°15'44"E 20.00 feet to a point, thence S14°49'40"W 254.73 feet to a point, thence S27°16'01"E 12.48 feet to a point on the north margin of West Campus Drive, thence with said margin S75°15'05"E 320.31 feet to a point, thence S76°52'53"E 329.56 feet to a point, thence with a curve to the right having a radius of 60.00 feet, an arc length of 38.02 feet and a chord bearing and distance of S58°43'50"E 37.38 feet to a point, thence S40°34'47"E 240.71 feet to the place of beginning, containing 0.56 acres of land more or less, as identified and shown as "West Campus Drive (Private Road)" on that "Final Plat Lots 1 & 2 (Residue) Minor Subdivision for Shepherd University," recorded in the Office of the Clerk to the County Commission of Jefferson County, West Virginia in Plat Book 25, page 562.

Said easement being over and across a portion of the lands conveyed by Eleanor Lee Potts, Margaret Potts Williams and Llewellyn Powell Potts to West Virginia Board of Education by deed dated October 1, 1964 and recorded in Deed Book 270, page 466 among the Land Records of Jefferson County, West Virginia.

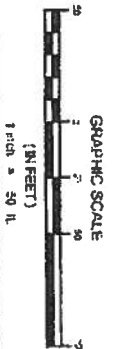
EXHIBIT C

PLAT



CLAMP	RAJUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	14.78	13.23	5.971948 E	51.2721°	
C2	45.20	57.55	8.011221 E	7.2852°	
C3	123.08	64.88	8.072011 W	28.0331°	

LINE	BEARING	DISTANCE
L1	N 71°16'01\" W	22.48
L2	N 75°15'04\" W	11.16
L3	N 14°33'32\" E	12.59
L4	S 34°28'38\" E	12.67
L5	S 80°05'57\" E	18.07
L6	S 02°28'53\" W	27.89
L7	S 14°45'11\" W	37.28



LEASE EXHIBIT
of
SHEPHERD UNIVERSITY
Site: Along West Campus Drive
Town of Shepherdstown
JEFFERSON COUNTY, WEST VIRGINIA
CLIENT
Shepherdstown University

PROJECT NO:	4381.28
CAD DWG FILE:	
DRAWN BY	DATE
CAD	02-17-2016
CHECKED BY	DATE
RDH	02-20-16
TAX MAP	ELECTION DIST.
SCALE	1" = 50'

FREDERICK SEIBERT & ASSOCIATES, INC.
© 2016
CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS
148 SOUTH POTOMAC STREET, HARTFORD, CONNECTICUT 06103
23 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
531 NORTH HANOVER STREET, CARLISLE, PENNSYLVANIA 17013
001781-045 717-394-1414 www.fsa.com 1717-394-1414

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jennifer Myers

Department or Organization: **Jefferson County Parks and Recreation Commission**

Estimation of amount of time needed for appointment: 20 min

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

If a specific date is needed, please provide reason for specific date: (Consultant is Available)

Date Requested – 2nd Choice:

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

1. JCPRC was awarded a Eugene M. Fuller Award for Program Excellence by the West Virginia Recreation and Park Association.
2. Presentation by Michael Baker International on behalf of JCPRC of the draft Concept Master Plan for Sam Michaels Park to replace the park's outdated 2000 Plan.

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

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

If so, how much? \$

Provide exact financial impact/request:

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

N/A

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: Jennifer Myers

Email address: jmyers@jcprc.org

Phone Number: 3047283207

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Bob Shefner & Gary Dungan

Department or Organization: **Jefferson County Community Ministries**

Estimation of amount of time needed for appointment: 20 Minutes

Date Requested – 1st Choice: **11/1/2018**

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

Date Requested – 2nd Choice: 11/15/18

Subject (*Wording to be placed on agenda*): **Information & Funding Request**

Please provide the County Commission with a description of your request or presentation, including any background information:
We want to update the Commission on ongoing activities at this valuable community resource, and request a resumption of funding. We also want to invite all of the Commissioners to visit Community Ministries for a tour and full description of activities that benefit the county and community.

Is this a funding request? Y/N Yes

If so, how much? \$4,000

Provide exact financial impact/request:

County Commission funding of \$4,000/year ceased after 2012.

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

I move to continue funding for Jefferson County Community Ministries in the amount of \$4,000.

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

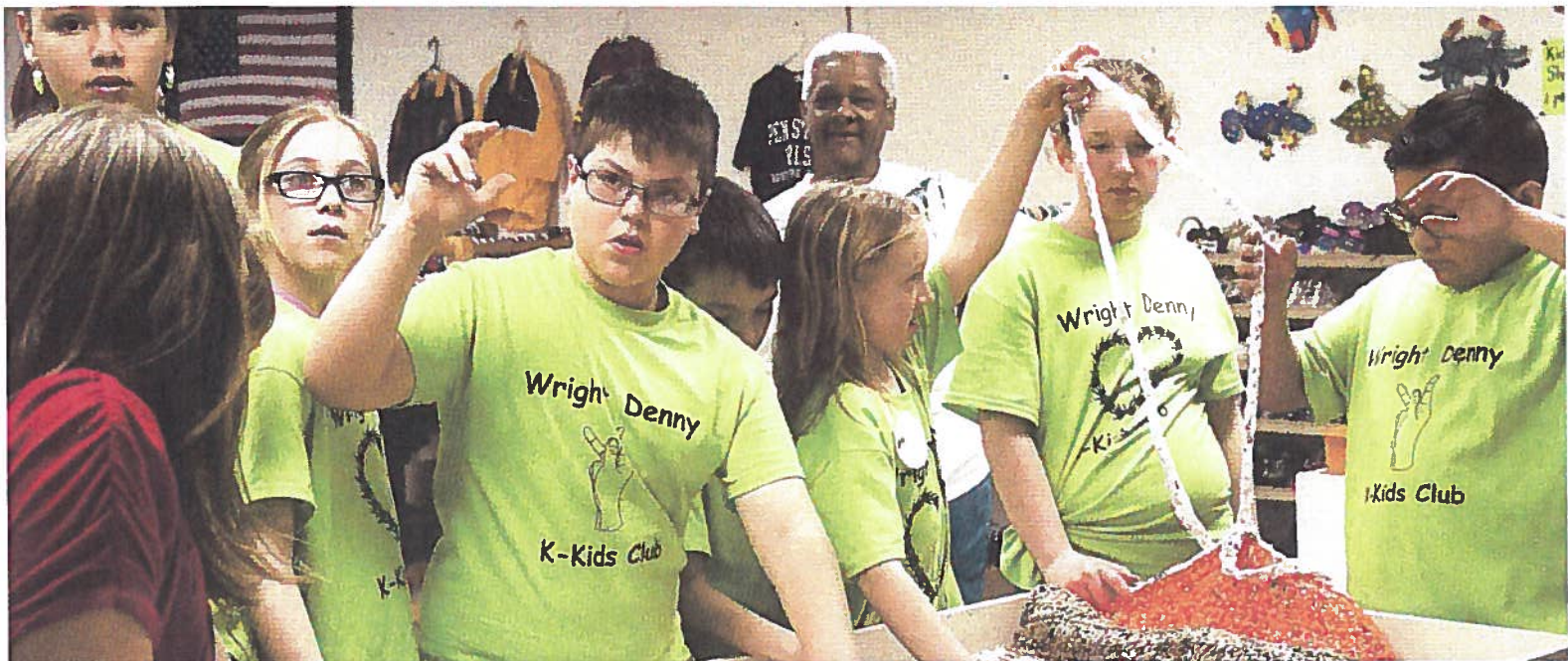
Contact information: Gary Dungan

Email address: garydungan@hotmail.com

Phone Number: 304-535-6914

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



Neighbors helping neighbors

....with emergency services

short-term relief to those who qualify

- Supplemental food assistance including fresh produce
- Child and adult clothing
- Utility termination and eviction relief
- Cold weather shelter and homeless services
- Fuel for heating, cooking, and transportation
- Medication



....and transitional services

support, guidance, and training towards a more self-sufficient life



- Coaching on topics such as health issues, budgeting, and planning
- Long-term mentoring and support
- Personalized solutions for employment, housing, and more

238 West Washington Street
Charles Town, WV 25414
304-725-3186
info@jccm.us



Jefferson
County
Community
Ministries

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Annette Gavin Bates

Department or Organization: JCCVB (Jefferson County Convention & Visitors Bureau)

Estimation of amount of time needed for appointment: 15-20 minutes

Date Requested – 1st Choice: **Nov. 1, 2018**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Present Annual Report

Please provide the County Commission with a description of your request or presentation, including any background information:
At least once a year, the JCCVB updates the JCC with hotel motel collection, marketing and past and future direction of the JCCVB.

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

will bring laptop if needed

Contact information: 37 Washington Court Harpers Ferry, WV 25425

Email address: Annette.gavin@jccvb.com

Phone Number: 304-535-2627

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 15 minutes

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

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Interview/Appointment to the Community Criminal Justice Board – one unexpired term ending July 3, 2020 for a member-at-large familiar with the community & an interest in advancing access to substance abuse treatment – Discussion/Action**

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

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, November 1, 2018 or as the Commission sees fit:

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

The following board member positions are vacant:

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

All appointees must be residents of Jefferson County.

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

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414.

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

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

Micah Garrison
26 Sheffield Court
Charles Town, West Virginia 25414
678-780-1688
micahgarrison@yahoo.com

September 25, 2018

Jefferson County Commission
PO Box 250
Charles Town, West Virginia 25414

To Whom It May Concern:

My name is Micah Garrison. My family and I relocated from Georgia to Jefferson County last year when I accepted a position with a company located in Ranson. The purpose of this letter is to express my interest in serving as a member-at-large on the local Criminal Justice Board.

I want to serve on the Board because I believe citizens have the responsibility of serving locally for the betterment of their community. I also believe long-term employment is a key component of lasting recovery. I have visited the Jefferson Day Report Center and am familiar with the services offered and the overall mission of their organization. Given my business, military, and educational background, I believe I would serve as an asset to the community through my service on this Board.

Respectfully,

A handwritten signature in black ink that reads "Micah Garrison". The signature is written in a cursive style with a large initial "M".

Micah Garrison
Jefferson County Resident

Micah Garrison

26 Sheffield Court
Charles Town, WV 25414
Cell: 678.780.1688 – Home: 304.930.1244

Work Experience

Universal Forest Products, Ranson, WV

Plant Manager, March 2017 – Present

- Properly manage and safeguard all plant assets.
- Staff, develop, and coach the production management team, evaluate performance, and initiate corrective action as required.
- Properly staff the plant to meet production levels and goals.
- Develop and/or approve the master production schedule, shipping schedule, and coordinate production activities between shifts and other functions.
- Assist in developing capital expenditure recommendations.
- Establish quality standards for operations, and initiate and manage quality improvement initiatives.
- Monitor plant output, cuts/yields, and scrap to ensure efficient resource utilization and initiate corrective action as required.
- Manage raw material, in-process and finished goods inventories and coordinate inventory requirements with management consistent with inventory levels/turnover goals.
- Analyze production operations and initiate corrective actions to ensure efficient product flow.
- Monitor expenses and review P&L and other financial and business documents to compare to Budget and initiate corrective action as required.
- Ensure that plant operations are consistent with Company and OSHA policies, practices, and procedures.

Carroll Daniel Construction Company, Gainesville, GA

Assistant Project Manager, August 2015 – February 2017

- Developed, revised, and maintained a detailed schedule of the work for each project.
- Monitored and maintained progress of the work on site.
- Worked in coordination with the Superintendent and Architect to resolve field issues.
- Coordinated material deliveries for timely incorporation into the project.
- Scheduled and attended regular owner meetings.
- Coordinated document review and approval.

Koppers Performance Chemicals (formerly Osmose, Inc.), Griffin, GA

Assistant Regional Sales Manager, December 2012 – July 2015

- Served as project manager for customer construction projects, coordinated engineering assistance, and monitored personnel assisting with various account services.
- Assisted with development of sales and profit budgets as directed by the Vice President of Customer Services.
- Assisted with the generation of sales profits and oversight of service activities as directed by the Vice President of Customer Services.
- Maintained relationships with all accounts as directed by the Vice President of Customer Services.
- Assisted in maximizing profit margins on all product sales (including chemicals, literature, equipment, parts, and various services).
- Assisted with the collection of account receivables as directed.
- Professionally represented company at industry meetings, trade associations, etc., as assigned or requested.
- Managed expenses and expenditures prudently in accordance with corporate, division, or management guidelines or directives.

Riverside Military Academy, Gainesville, GA

Coordinator of Co-Curricular Activities and Operations Officer, August 2010 – November 2012

- Planned and executed New Cadet Orientations and Senior/Junior Leadership Camps for 400+ member Corps of Cadets at military boarding school.
- Assisted Commandant of Cadets with daily operational tasks including cadet discipline, counseling, and parent communication.
- Served as Director, Summer ESL Program.
- Served as the primary liaison between the Athletic Department and the Commandant's Staff.
- Planned, coordinated, and executed intramural sports, community service, and Boy Scout programs.
- Served as the Editor-In-Chief of Commandant's Office Publications.

Math Instructor, August 2008 – July 2010

Soccer Coach, August 2008 – July 2010

- Taught Algebra II, Math II, and Math II Accelerated to an average class of 15 cadets.
- Provided daily tutoring assistance to cadets during after-school hours.
- Coached indoor, junior varsity, and varsity soccer teams.

Robbins Wood Preserving (Purchased Pine Wood Products in June 2006)

General Manager, January 2008 – July 2008, Thomaston, GA and Rockwell, NC

- Oversaw operations at lumber treating plants located in Thomaston, GA and Rockwell, NC.
- Served as leader/mentor/coach for the plant managers of these facilities.
- Managed operations, personnel, and equipment issues at these facilities.
- Performed site visits regularly to ensure compliance with corporate policies concerning production costs and addressed personnel or equipment concerns.

Plant Manager, January 2007 – July 2008, Gainesville, GA

- Managed all aspects of plant operations including sales, production, inbound and outbound freight, quality control, environmental matters, and plant safety at Gainesville, GA treating facility.
- Managed inside sales force and coordinated these efforts with outside sales.
- Addressed human resources issues and other personnel concerns for plant employees.
- Supervised performance of yard foreman and daily activities of yard employees.
- Purchased and/or approved all materials required for daily operation of treating plant, sales office, and maintenance shop.
- Assisted in the development, implementation, and monitoring of annual budget.

Purchasing Agent, June 2006 – December 2006, Gainesville, GA

- Purchased entire lumber inventory for plant averaging 45+ million board feet in annual lumber sales and managed inbound freight.
- Maintained an on hand inventory of approximately three million board feet.
- Minimized excess inventory by creating a computerized spreadsheet to track the sales history of each inventory item to help project future sales by analyzing each item's sales history.

Pine Wood Products, Inc., Gainesville, GA

Operations Manager, May 2001 – November 2004

- Managed daily operations of lumber treating plant including outbound freight, treating, and maintenance of plant property and equipment.
- Directed relationship between operations and inside/outside sales to ensure customer demands were met.
- Supervised yard employees in the accomplishment of their job duties and responsibilities.
- Managed and scheduled employee vacation days, maintained employee performance files, and served as initial interviewer of applicants for yard positions.

Military Service

Illinois Army National Guard, HHC/2-130 Infantry (Air Assault), Fort Stewart, GA and Iraq

Infantry Reconnaissance Platoon Leader, December 2004 – May 2006

- Planned and executed combat missions for 20 man Infantry reconnaissance platoon during Operation Iraqi Freedom. Missions included sniper operations, air assault operations, mounted and dismounted patrols, and unmanned aerial vehicle operations.
- Responsible for the administration, personnel management, discipline, combat readiness, and logistics of the platoon.
- Attended all command and staff meetings and reported directly to the battalion commander.
- Decorations and badges awarded include the Bronze Star and Combat Infantryman Badge.
- Possessed Top Secret Security Clearance.

Georgia Army National Guard

HHC/1-121 Infantry (Mechanized), Milledgeville, GA

Infantry Scout Platoon Leader, May 2003 – November 2004

- Planned and executed training for 30 man HMMWV mounted Infantry scout platoon.
- Responsible for the tactical employment, collective training, administration, personnel management, discipline, combat readiness, and logistics of the platoon.
- Attended all command and staff meetings and reported directly to the battalion commander.

A/1-121 Infantry (Mechanized), Lawrenceville, GA

Mechanized Infantry Platoon Leader, May 2001 – April 2002

- Planned and executed training for 40 man mechanized Infantry platoon.
- Responsible for the tactical employment, collective training, administration, personnel management, discipline, combat readiness, and logistics of the platoon.

C/1-121 Infantry (Mechanized), Gainesville, GA

Enlisted Soldier, February 1997 – April 2001

- Decorations and badges awarded include the Army Achievement Medal.
- Military Occupational Specialty: 11M (Mechanized Infantry).

Education

Brenau University, January 2009 – May 2010, Gainesville, GA

- Masters of Business Administration, 4.0 GPA.
- Outstanding Management Graduate Student Award, Brenau University.
- Who's Who Among American Colleges and Universities.

North Georgia College and State University, August 1997-May 2001, Dahlonega, GA

- Bachelors of Business Administration in Management, Magna Cum Laude.
- Paul M. Hutcherson Outstanding Student Award.
- Distinguished Military Student Award, Department of Military Science.
- Wall Street Journal Award, Department of Business Administration.
- Who's Who Among American Colleges and Universities.
- Four year participant in Army ROTC.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 15 minutes

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

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Interview/Appointment to the Property Safety Enforcement Agency Board – one unexpired term for Citizen Representative ending February 2, 2020 – Discussion/Action**

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

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, November 1, 2018, or as soon thereafter as the Commission may decide:

Board of Zoning Appeals - two (2) three-year terms ending January 1, 2021 and three alternate positions expiring January 1, 2019, 2020, and 2021, respectively.

Jefferson County Farmland Protection Board - one unexpired term ending September 7, 2020 for a Farmer-at-Large representative.

Property Safety Enforcement Agency Board - one unexpired term ending February 2, 2020 and one unexpired term ending February 2, 2019.

BZA Alternates: Alternate members shall have all powers and duties of a regular Board member when sitting on a case and shall continue to participate in the case until a final decision is reached. Alternate members shall serve by rotation based upon seniority of appointment to the Board.

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

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

October 24, 2018

Jefferson County Commissioners

I would like to Thank you for taking the time to consider me for the open position.
Property Safety Enforcement Agency Board

I believe that my skills and experience make me an ideal candidate for this position. I am adaptable to my work environment, and I'm sure that I would fit in to your team easily. I bring enthusiasm and attention to detail to any job I do.

The information that has been shared with me about the responsibilities and opportunities match very well with my achievements and skill sets.

If you need any additional information, please feel free to call me any time on my cell phone, (304)582-2201.

I look forward to speaking with everyone.

Sincerely,

Sharon Wilt
SW25442@aol.com
(304)582-2201

Sharon Wilt

Objective

Currently Retired (Past Resume)

2011-2012 Millennia Housing Management Cleveland Oh.

Property Manager Senior Towers Apartments

- Accounting and bookkeeping. Preparation of Budgets
- Supervised office and maintenance staff.
- Training of Maintenance and Office staff.
- All Marketing aspects of Property for Leasing.
- Weekly and Monthly Staff and Vendor Scheduling
- Installed computer programs and trained all staff on use.
- Prepared payroll.
- Accounts receivable and account payable.
- Reviewed and approved contracts for apartment complexes.
- Criminal background investigations.
- Credit Checks.
- All court and legal procedures as warranted. I.E. Eviction, Safety Issues,
Supervise office and field staff, including: purchasing department, maintenance staff, and A/C department.
Prepared All HUD transmissions monthly
Overseen a tenant in place rehab of 125 units seven story Senior Apartment Complex.
Fire safety Inspections
Compliance with All State and Government Regulations.

Experience

2009-2010 Grapevine Business Park LLC Martinsburg, WV

Property Manager

- All accounting and bookkeeping for the Business Park
- All Marketing which included Storage Units, Apartments, Restaurant, Auto Garage Boat & Car Storage.
- Background Checks
- Court and Legal procedures as warranted.

- Reviewed and approved contracts for leasing.
- Designed Ads and Marketing material as needed.

2003-2008 Habitat America LLC Manassas, Va

Senior Property Manager **Baltimore , Md**

- .Accounting and bookkeeping for seven apartment communities.
- Supervised Property Managers, office and maintenance staff.
- Training of Property Managers and office staff.
- All Marketing aspects of Property for Leasing.
- Weekly and Monthly Staff and Vendor Scheduling
- Installed computer programs and trained all staff on use.
- Prepared payroll.
- Accounts receivable and account payable.
- Reviewed and approved contracts for apartment complexes.
- Criminal background investigations.
- Credit Checks.

Receivership by Court Appointed Judgements on Foreclosures

All Life Health Safety Issues addressed upon takeover of Property.

Fire Safety, Health Department , Local Police,,HUD Housing , Pest Control Sanitization, Elevator Inspection, Fire and Emergency Call Systems

2002-2003 Habitat America LLC/ Silverwood Management. Ranson, WV

Property Manager

- Overseeing the daily operations of 3 Apartment Complexes totaling 167 apartments. With over four hundred residents.
- Improved occupancies from 84 percent to 98 percent.
- Supervised office and maintenance staff.
- Staff Scheduling
- Criminal background investigations.
- Credit Checks.
- All court and legal procedures as warranted.

1999-2001 Quantum Property Management Ashburn, Va.

Assistance Resident Manager of a Senior Apartment Complex

- Initiated all paper work to verify resident for move-in.
- Installed Jenark computer system at all Quantum Properties, as well as assisted in training of employees on system.
- Obtained Certification of Tax Credit Specialist through National Center of Housing Management.
- Supervised maintenance staff.
- Planned and implemented daily actives for all residents.
- Monthly Actives Calendar and Newsletter for Senior Actives.
- Scheduling of Meals on Wheels Lunch Program.

1994–1996 Rodberg Property Management West Palm Beach FL
Property Manager

- Supervise office and field staff, including: purchasing department, maintenance staff, A/C department and accounting department.
- Scheduling of Maintenance calls to residents.
- Scheduling and overseeing of all Vendors.
- Received all monies for rent and handled all banking transactions.
- Handled high-pressure phone calls.
- Criminal background checks.
- Credit Reports.
- Legal proceeding pertaining to evictions.

Education

1971–1974 Jefferson High School Shen. Jct., WV.
1999 Housing Management Licenses
1999 National Center for Housing Management for Tax Credit.
2000 V.H.D.A. Basic Compliance Training Workshop.
2004 Certification in Microsoft Excel
2004 Certification in Microsoft Office
2006 Certification in Supervisor Version Conflict Resolution
2006 Certification in Customer Service
2006 Fair Housing
2006 Sexual Harassment
2006 Preventing Sexual Harassment
2006 Mold Awareness, Curb Appeal, Internet Leasing
2007 Traffic Generation and Customer/Resident Retention, Leasing for a Living
2012 Refresher courses in Fair Housing, Tax Credit, Customer Service and Bed Bug training classes.
2012 Dealing with Difficult People
2012 Customer Relationship Management
2013 Basic Electrical
2013 Cortication of Commercial Pool Operations

Interests

All sports, gardening, fishing, computers, and my four grandsons and two granddaughters.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Bill Polk

Department or Organization: **Maintenance Department**

Estimation of amount of time needed for appointment: 15 minutes

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

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Presentation of Maintenance Department Quarterly Report

Please provide the County Commission with a description of your request or presentation, including any background information:
I would like to present the Maintenance Department report for July 1 – September 30, 2018

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information: Bill Polk

Email address: bpolk@jeffersoncountywv.org

Phone Number: 304-728-3355

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Bill Polk**

Department or Organization: **Maintenance Department**

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

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

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Approval of Bid Proposal – Jefferson County Courthouse Paint/Brick Project**

Please provide the County Commission with a description of your request or presentation, including any background information: **I have received proposals for the painting and brick repair at the Courthouse. I requested that the contractors submit two bids. Each bid is based on the recommendations provided in the Historic Structures Report and the Cross-section Paint Microscopy Report. Because each report recommends a different approach in this project, I requested bids based on each recommendation. I am requesting the Commission's approval on one of the bid proposals.**

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

If so, how much? **The amount will be determined based on which proposal is accepted. We are also applying for grant funds for this project in the amount of \$100,000.**

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):
Move to approve proposal (1 or 2) for the Courthouse Paint/Brick Project.

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

If not attached, explain:

Is equipment needed? Projector **no** Internet/Wi Fi **no** Telephone for conference call **no**

Contact information:

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

Phone Number: **304-728-3355**

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

October 3, 2018

Jefferson County Commission
Maintenance Department
128 Industrial Boulevard
Kearneysville, WV 25430

Re: Jefferson County Courthouse – Historic Structures Report Paint Bid

Minghini's General Contractors, Inc. is submitting the following bid for the painting and repairing damaged bricks/masonry work requested at the Jefferson County Courthouse. The bid is based on the pre-bid meeting and the Historic Structures Report provided by the Jefferson County Maintenance Department.

Jefferson County Courthouse Historic Structures Report Paint Bid \$562,000.00

See the attached page for a list of clarifications.

MINGHINI'S GENERAL CONTRACTORS, INC.

Jacob Collis

Jacob Collis, Project Manager



WV 000056

51 Trumpet Lane • Martinsburg, WV 25404-4889
P: (304) 263-9988 • F: (304) 263-0109 • www.minghinis.com

Bid Clarifications:

- B&O Taxes are included.
- Bonding is included.
- Testing by Owner if required.
- The bid is based on the pre-bid meeting and the Historic Structures Report provided by the Jefferson County Maintenance Department. Work will only be done on brick portions of the courthouse.
- An allowance of \$30,000.00 has been figured for repairing damaged bricks/masonry. There is no way to quantify masonry repair at this time as more brick & mortar will be damaged during paint removal.
- Paint products used in this proposal:
 - 1 coat of Sherwin Williams Loxon Clear Conditioner.
 - 2 coats of Sherwin Williams Exterior SuperPaint.
- No lead abatement, lead removal, or lead disposal is included. The building owner shall confirm that this property does not fall under the Lead RRP rule.



WV 000056

51 Trumpet Lane • Martinsburg, WV 25404-4889
P: (304) 263-9988 • F: (304) 263-0109 • www.minghinis.com

October 3, 2018

Jefferson County Commission
Maintenance Department
128 Industrial Boulevard
Kearneysville, WV 25430

Re: Jefferson County Courthouse Paint Bid

REFERENCES OF HISTORIAL RESTORATIONS

Jefferson County Courthouse: Columns/Roof, Gutters and Soffits/Painting of the roof/Painting and Repair of the Clock Tower

Jefferson County Commission
Bill Polk (County Representative)
\$536,767.00

Charles Town City Hall Water Damage

City of Charles Town
Helbing Lipp Recny Architects
Katie See (City Representative)
\$303,635.00

MARC Layover Facility

CSX Transportation
Mike Hoey (CSX Representative)
\$1,333,707.00



WV 000056

51 Trumpet Lane • Martinsburg, WV 25404-4889
P: (304) 263-9988 • F: (304) 263-0109 • www.minghinis.com

October 3, 2018

Jefferson County Commission
Maintenance Department
128 Industrial Boulevard
Kearneysville, WV 25430

Re: Jefferson County Courthouse – Cross-Section Paint Microscopy Report Paint Bid

Minghini's General Contractors, Inc. is submitting the following bid for the painting and repairing damaged bricks/masonry work requested at the Jefferson County Courthouse. The bid is based on the pre-bid meeting and the Cross-Section Paint Microscopy Report provided by the Jefferson County Maintenance Department.

Jefferson County Courthouse Cross-Section Paint Microscopy Report Paint Bid \$152,000.00

See the attached page for a list of clarifications.

MINGHINI'S GENERAL CONTRACTORS, INC.

Jacob Collis

Jacob Collis, Project Manager



WV 000056

51 Trumpet Lane • Martinsburg, WV 25404-4889
P: (304) 263-9988 • F: (304) 263-0109 • www.minghinis.com

Bid Clarifications:

- B&O Taxes are included.
- Bonding is included.
- Testing by Owner if required.
- The bid is based on the pre-bid meeting and the Cross-Section Paint Microscopy Report provided by the Jefferson County Maintenance Department. Work will only be done on brick portions of the courthouse.
- An allowance of \$10,000.00 has been figured for repairing damaged bricks/masonry.
- Paint products used in this proposal:
 - 1 coat of Sherwin Williams Loxon Clear Conditioner.
 - 2 coats of Sherwin Williams Exterior SuperPaint.
- No lead abatement, lead removal, or lead disposal is included. The building owner shall confirm that this property does not fall under the Lead RRP rule.



October 3, 2018

Jefferson County Commission
Maintenance Department
128 Industrial Boulevard
Kearneysville, WV 25430

Re: Jefferson County Courthouse Paint Bid

REFERENCES OF HISTORIAL RESTORATIONS

Jefferson County Courthouse: Columns/Roof, Gutters and Soffits/Painting of the roof/Painting and Repair of the Clock Tower

Jefferson County Commission
Bill Polk (County Representative)
\$536,767.00

Charles Town City Hall Water Damage

City of Charles Town
Helbing Lipp Recny Architects
Katie See (City Representative)
\$303,635.00

MARC Layover Facility

CSX Transportation
Mike Hoey (CSX Representative)
\$1,333,707.00



WV 000056

51 Trumpet Lane • Martinsburg, WV 25404-4889
P: (304) 263-9988 • F: (304) 263-0109 • www.minghinis.com



TISCHER SURETY

September 19, 2018

The County Commissioners of Jefferson County West Virginia
128 Industrial Blvd.
Kearneysville, WV 25430

RE: Courthouse Paint Bid

To Whom It May Concern:

It has been the pleasure of Tischer Surety and United States Surety Company to provide surety bonds on behalf of Minghini's General Contractors, Inc. for over twenty one years. Minghini's General Contractors, Inc. continues to be a valued surety client and our experience with the company has been most satisfactory. During that time we have supported them with bid bonds, performance bonds, and payment bonds on projects in the range of \$19,000,000, and in our opinion, Minghini's General Contractors, Inc. remains properly financed, well equipped, and capably managed. Minghini's General Contractors, Inc. continues to enjoy an excellent relationship with its surety company because of its quality craftsmanship, financial strength, and ability to complete projects in a timely fashion. Currently Minghini's General Contractors, Inc. has an aggregate bonding capacity of \$25,000,000 with \$23,000,000 available.

If Minghini's General Contractors, Inc. is low bidder, and awarded a contract for the above referenced project, we are prepared to issue the appropriate performance and payment bonds. As always, United States Surety Company reserves the right to perform its normal underwriting at the time of any bond request, including without limitation, prior review and approval of all relevant contract documents, bond forms, and confirmation of project financing.

While United States Surety Company has an "A++" XV A.M. Best rating, it is part of the Houston Casualty Company Surety Group and is able to provide bonds using co-surety arrangements, because of common ownership, with American Contractors Indemnity Company, which has an "A++" XV A.M. Best rating, and U.S. Specialty Insurance Company, which has an "A++" XV Best rating.

Sincerely,

Francis D. Carden
Tischer Surety, Bond Manager
United States Surety Company, Attorney-in-Fact

POWER OF ATTORNEY

**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Francis D. Carden, Frederick C. Wright IV, Sherri Mae Winters

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed *****Unlimited***** Dollars (\$ ***unlimited***).

This Power of Attorney shall expire without further action on November 3, 2019. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 1st day of November, 2016.

**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

Corporate Seals



By:

[Signature]
Daniel P. Aguilar, Vice President

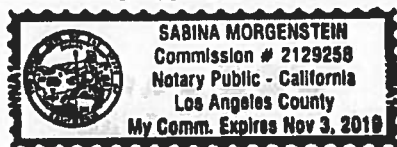
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles SS:

On this 1st day of November, 2016, before me, Sabina Morgenstein, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

Signature *[Signature]* (Seal)



I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 19 day of September, 2018.

Corporate Seals

Bond No. *[Signature]*
Agency No. 12102



[Signature]
Kio Lo, Assistant Secretary

**WEST VIRGINIA
STATE TAX DEPARTMENT
BUSINESS REGISTRATION
CERTIFICATE**

ISSUED TO:
MINGHINIS GENERAL CONTRACTORS INC
51 TRUMPET LN
MARTINSBURG, WV 25404-4889

BUSINESS REGISTRATION ACCOUNT NUMBER: 1040-1406

This certificate is issued on: 06/6/2011

*This certificate is issued by
the West Virginia State Tax Commissioner
in accordance with Chapter 11, Article 12, of the West Virginia Code.*

*The person or organization identified on this certificate is registered
to conduct business in the State of West Virginia at the location above.*

This certificate is not transferrable and must be displayed at the location for which issued.
This certificate shall be permanent until cessation of the business for which the certificate of registration
was granted or until it is suspended, revoked or cancelled by the Tax Commissioner.

Change in name or change of location shall be considered a cessation of the business and a new
certificate shall be required.

TRAVELING/STREET VENDORS: Must carry a copy of this certificate in every vehicle operated by them.
CONTRACTORS, DRILLING OPERATORS, TIMBER/LOGGING OPERATIONS: Must have a copy of
this certificate displayed at every job site within West Virginia!

CONTRACTOR LICENSE

Authorized by the

West Virginia Contractor Licensing Board

Number: WV000056

Classification:

GENERAL BUILDING
MULTIFAMILY
PIPING
PLUMBING
RESIDENTIAL
SPECIALTY
DRYWALL
CONCRETE
ROOFING

EXCAVATION

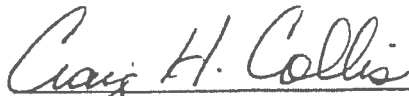
MINGHINIS GENERAL CONTRACTORS INC
DBA MINGHINIS GENERAL CONTRACTORS INC
51 TRUMPET LANE
MARTINSBURG, WV 25404

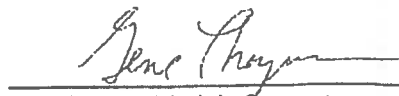
Date Issued

Expiration Date

AUGUST 01, 2018

AUGUST 01, 2019


Authorized Company Signature


Chair, West Virginia Contractor
Licensing Board

**WEST VIRGINIA
CONTRACTOR
LICENSING
BOARD**

This license, or a copy thereof, must be posted in a conspicuous place at every construction site where work is being performed. This license number must appear in all advertisements, on all bid submissions and on all fully executed and binding contracts. This license cannot be assigned or transferred by licensee. Issued under provisions of West Virginia Code, Chapter 21, Article 11.

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: November 1, 2018

Date Requested – 2nd Choice: November 15, 2018

Subject (*Wording to be placed on agenda*): **Smith Mountain View Estates (JCPC File No. 02-06)
Request Approval for Payment of Contractor's Invoice**

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. The work remaining generally included the clearing of brush and debris from the roadways and road rights-of-way, the grading and placement of gravel pavement on the subdivision roads, seeding & mulching of disturbed areas, installation of street signs and traffic control signs.

On behalf of the Smith Mountain View Estates Subdivision HOA, the County Commission signed a contract on August 3, 2018, with C. Allen Lane Construction, LLC, to complete the site improvements for the subdivision. The contract amount is \$33,995.00. The work is complete.

The work is paid for from escrowed bond funds; no tax dollars are being used for this project. Bond funds in the amount of \$35,829.00 are being held in a bank escrow account at the Bank of Charles Town (account no. xxxx7112). We are requesting approval to pay C. Allen Lane Construction, LLC's invoice for the work in the amount of \$33,995.00. Also, we will charge the cost of staff's time for managing the project to the remaining balance of funds in the escrow account. The funds for staff's time will be deposited in the county commission's general fund and then the bank escrow account will be closed.

Is this a funding request? **No** If so, how much?

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

Motion Requested: Move to approve payment of C. Allen Lane Construction, LLC's invoice in the amount of \$33,995.00 from the BCT bank escrow account (account no. xxxx7112). Also, that the cost of staff's time for managing the project be charged to the remaining balance of funds in the escrow account and that staff then close the bank escrow account for the Smith Mountain View Estates Subdivision, JCPC file no. 02-06.

Attach supporting documents for request, or request may be denied. **Surveyor's Proposal dated February 6, 2018**
If not attached, explain:

C. Allen Lane Construction, LLC Invoice (no. 71805)
BCT – Smith Mountain Estates Subdivision 02-06 Escrow Bank Account Statement as of 9/29/2018
Invoice – Engineering Staff Project Management

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>

AGENDA REQUEST FORM
www.jeffersoncountyvva.org



Name: **Roger Goodwin, Chief County Engineer**

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

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

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

Date Requested – 2nd Choice: **None**

Subject (*Wording to be placed on agenda*): **Request Approval to amend Parks & Recreation's Impact Fees - FY 2019 Capital Improvement Plan**

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

**Parks & Recreation
FY 2019 CIP
Amendment No. 2**

This Fiscal Year 2019 Impact Fees CIP amendment supersedes the prior FY 2019 CIP Amendment No. 1.

This amendment adds \$30,000.00, to the \$100,000.00 already allocated in FY 2019, for Sam Michael's Park – Amphitheatre project.

As of September 30, 2018, the grand total revenue collected for the Parks & Recreation impact fee entity is \$1,630,777.00. Of the total revenue collected, the "Park Improvements & Recreation Facilities" capital category is allocated 69.1% of the total revenue, which equals \$1,127,600.00. Subtracting expenditures to date of \$983,238.00 for this capital category results in a remaining allocation amount available of \$144,362.00. This amendment allocates an additional \$30,000 to the \$100,000.00 allocation approved under amendment no. 1, for the Amphitheatre project, for a total FY 2019 capital category allocation of \$130,000.

As of September 30, 2018, there is \$256,724.00 in the Parks & Recreation impact fee entity account.

The Office of Impact Fees recommends approval of the requested amendment.

Is this a funding request? **No, impact fees are used as funding for this request.**
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 the Parks & Recreation's Impact Fees – FY 2019 Capital Improvement Plan, Amendment No. 2, as presented.

Attach supporting documents for request, or request may be denied. **(See attached CIP Form 1 – Amendment No. 2)**

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>

**Parks & Recreation - Percent Allocation & Amount Available by Capital Category
Status Report as of September 30, 2018**

(Target Allocation % based on 2015 LOS Recalculations)

Balance as of 31 January, 2018							
Capital Category	LOS Value	Percent of Total LOS*	Total Revenue Collected	Capital Category Allocation	Total Expended	Jan. 31, 2017 Amount Available by Allocation %	Comments
Park Improvements & Rec Facilities	\$10,086,983	69.1%	\$1,550,873	\$1,072,351	\$983,238	\$89,113	
Park Land	\$4,156,920	28.5%	\$1,550,873	\$441,924	\$300,000	\$141,924	
Maintenance Equipment & Vehicles	\$344,265	2.4%	\$1,550,873	\$36,599	\$90,815	-\$54,216	Capital Category Overspent
Total for Parks & Recreation	\$14,588,168	100%		\$1,550,873	\$1,374,053	\$176,820	

Balance as of September 30, 2018							
FY 2019 CIP Amendment #2							
Capital Category		Percent of Total LOS*	Actual Total Revenue Collected (Note 1)	Capital Category Allocation	Total Expended	Sept. 30, 2018 Amount Available by Allocation %	Comments
Park Improvements & Rec Facilities		69.1%	\$1,630,777	\$1,127,600	\$983,238	\$144,362	Fund the \$130,000 Request
Park Land		28.5%	\$1,630,777	\$464,692	\$300,000	\$164,692	No Funding Request
Maintenance Equipment & Vehicles		2.4%	\$1,630,777	\$38,485	\$90,815	-\$52,330	Do Not Fund This Category
Total for Parks & Recreation		100%		\$1,630,777	\$1,374,053	\$256,724	(P&R Account Balance)
Note 1: Total includes \$1,585,007.43 impact fees collected thru September 30, 2018 plus \$54,634.01 in accrued interest, less \$8,864.00 in refunds							
*Calculated Based on 02/19/2015 Impact Fees Recalculation Report by TischlerBise using the Capital Category LOS Cost Calculations							

CIP FORM 1

FY 2019
CIP AMENDMENT No. 2

Jefferson County Government

Agency/Department/Office Summary

Name of Agency/Department/Office: Jefferson County Parks & Recreation Commission

(1) (2) (3) (4) (5) (6) (7)

(1) Pri No	(2) PROJECT NAME & DESCRIPTION	(3) ESTIMATED TOTAL COST	(4) PRIOR ALLOC. SOURCE	(5) CURRENT REQUEST FY 2019	(6) CURRENT ALLOC. OTHER SOURCES	(7) EXPECTED FIVE-YEAR FUTURE PROGRAM REQUESTS				
						FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
3	James Hite Park (Utilities)	\$1,500,000	0	0	0		0	0	0	0
2	Maintenance Vehicle	\$45,000	0	0	0		0	0	0	0
2	Sam Michael's Park (Amphitheatre)	\$2,000,000	0	\$130,000	0	\$100,000	0	0	0	\$1,800,000
2	Land Acquisition	\$300,000	0	\$100,000	0		0	\$200,000	0	0
3	Sam Michael's Park (Master Plan)	\$65,000	0	0	0		0	0	0	0
2	Sam Michael's Park (Community Center Addition)	\$1,500,000	0	0	0		\$750,000	0	0	0
3	South Jefferson Park (Master Plan)	\$75,000	0	0	0		0	0	0	\$75,000
3	Aquatic Facility Feasibility Study	\$45,000	0	0	0		0	0	0	\$45,000

CIP FORM 2

Jefferson County Government

ANNUAL and FIVE YEAR PROJECT REQUEST and JUSTIFICATION

Project Title: Sam Michael's Park (Amphitheatre) **Date this form prepared:** 09/25/18

Project Type: Fees Services Construction Renovation Acquisition of major equipment
 Other (Specify) _____

Project Location: Jefferson County

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed (3) Optional/Deferrable
OR provide Ranking Number if using Form 2A: _____

Project Need: This project **does not** benefit new growth. This project **only** benefits new growth
 This project benefits **both** current and new residents and/or businesses.

Budget Impact This project will affect the county operating budget: Yes No
(if Yes – attach Form 2B).

DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 – attach additional pages as needed)

This represents a long-term ongoing project targeted at alleviating deficiencies noted in the 2016 park master plan.

Amphitheaters can greatly vary in size and complexity. Depending on the size of the facility, use can range from facilitating a small gathering to serving as a venue for a major regional event. Studies performed to construct facilities in Sam Michael's Park illustrate the range of facilities that is possible. Cost aside, the size, location, and design can also dramatically impact the viability and utilization of a facility and therefore its sustainability. It appears that Jefferson County could support a large, more revenue intensive and revenue generating facility, which could serve both its resident population and compliment Jefferson County's larger tourism development goals. Phase I of the project, which includes a concrete stage with roof has a cost of \$566,000. The JCPRC has received a grant in the amount of \$199,000 from WV Culture and History and is pledging \$100,000 from their capital account to complete the project. In addition, the JCPRC has applied for additional grants and will be kicking off a capital campaign.

Estimated Total Cost of Project (\$)	\$2,000,000
Funding Request Breakdown by Year (\$):	
	\$130,000 Current (FY 2019)
	\$100,000 Out Year 1 (FY 2020)
	0 Out Year 2 (FY 2021)
	0 Out Year 3 (FY 2022)
	0 Out Year 4 (FY 2024)
	\$1,800,000 Out Year 5 (FY 2025)

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)
The Jefferson County Parks & Recreation Commission estimated costs based on the 2016 Park Master Plan and quotes received from the bidding process.

Additional pages attached

AGENDA REQUEST FORM
www.jeffersoncountywv.org



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

Estimation of amount of time needed for appointment: 5 minutes
Date Requested – 1st Choice: November 1, 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*): Two Bond Release requests

1. Summit Point Automotive Research Center, LLC & Summit Point Raceway Associates, Inc. – SPARC Range Extension (File #S17-11) complete bond release.
2. Roderick Planes, LLC – Aspen Greens Subdivision, Phase IA (File #07-15) partial bond release.

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

1. Complete release of Irrevocable Letter of Credit #340 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 (File #S17-11).
2. Partial release of Performance Bond #1000956765 with United States Surety Company, Timonium, MD, construction bond surety for Roderick Planes, LLC – Aspen Greens Subdivision, Phase IA (File 07-15).

Is this a funding request? Y/NO
If so, how much? [Click here to enter text.](#)

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

1. I authorize a complete release of Irrevocable Letter of Credit #340 with The Bank of Charles Town in the amount of \$10,000.00 for Summit Point Automotive Research Center, LLC & Summit Point Raceway Associates, Inc. – SPARC Range Extension (File #S17-11).
2. I authorize a partial release of Performance Bond #1000956765 with United States Surety Company, Timonium, MD, in the amount of \$462,839.00 for Roderick Planes, LLC – Aspen Greens Subdivision, Phase IIA (File 14-01).

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

Construction Bond Release Letter

Bond Release Request Report

Site Map

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT

Josh Compton

November 1, 2018

VICE PRESIDENT

Caleb Wayne Hudson

Mr. Joshua Householder, Sr. Vice President

Bank of Charles Town

COMMISSIONER

Patricia A. Noland

P. O. Box 906

Charles Town, West Virginia 25443

COMMISSIONER

Jane M. Tabb

RE: Irrevocable Letter of Credit #340 dated January 9, 2018, Construction Bond Surety for

Summit Point Automotive Research Center, LLC & Summit Point Raceway Associates, Inc.

COMMISSIONER

Peter W. Onoszko

– SPARC Range Extension (File #S17-11).

Dear Mr. Householder:

The Jefferson County Commission authorizes a complete release of the remaining \$10,000.00 from the construction bond amount for Summit Point Automotive Research Center, LLC & Summit Point Raceway Associates, Inc. – SPARC Range Extension (File #S17-11). This project is located on the south side of Route 13-Summit Point Road. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount of the above referenced Irrevocable Letter of Credit, originally issued in amount of \$501,706.00. Please contact the Jefferson County Department of Engineering, Planning & Zoning - Office of Engineering at (304) 728-3257 if you have any questions.

Sincerely,

Josh Compton, President
Jefferson County Commission

JC:rfb

cc: Mr. John Wells, Director of Facility Maintenance
Summit Point Raceway Associates, Inc.
P. O. Box 190
Summit Point, WV 25446
Department of Engineering, Planning & Zoning
Office of Engineering

County Administrator
Stephanie Grove

Deputy County Administrator
Sandy Slusher McDonald

Email: engineering@jeffersoncountywv.org

BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 10 / 12 / 2018

J.C.P.C. File No. 517 - 11

Consultant/Engineer/Firm Name: GORDON

Mailing Address: 148 S. QUEEN ST.

City: MARTINSBURG State: WV Zip: 25401

Contact Person: RIA PERKS Phone: 304-725-8456

Project/Subdivision Name: SPARC RANGE EXTENSION SITE PLAN

Section/Phase: _____ Lots: _____

Review Comments:

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

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

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

_____ Bonding Policy & Unit Cost Figures attached for your use.

Comments: STABILIZATION APPROPRIATE.

GRASS GROWTH EXCEED 70%

RECOMMEND RELEASE OF BOND

Approved for:
BOND RELEASE
By: [Signature] Date: 10/15/2018
County Engineer

Original Bond Amt. \$ 436,246 + 15% Cont. \$ 65,440 = Total Original Bond Amt. \$ 501,706

Total Current Bond Amount \$ 10,000.00

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

= Approved for Revised Bond Amount \$ 0.00

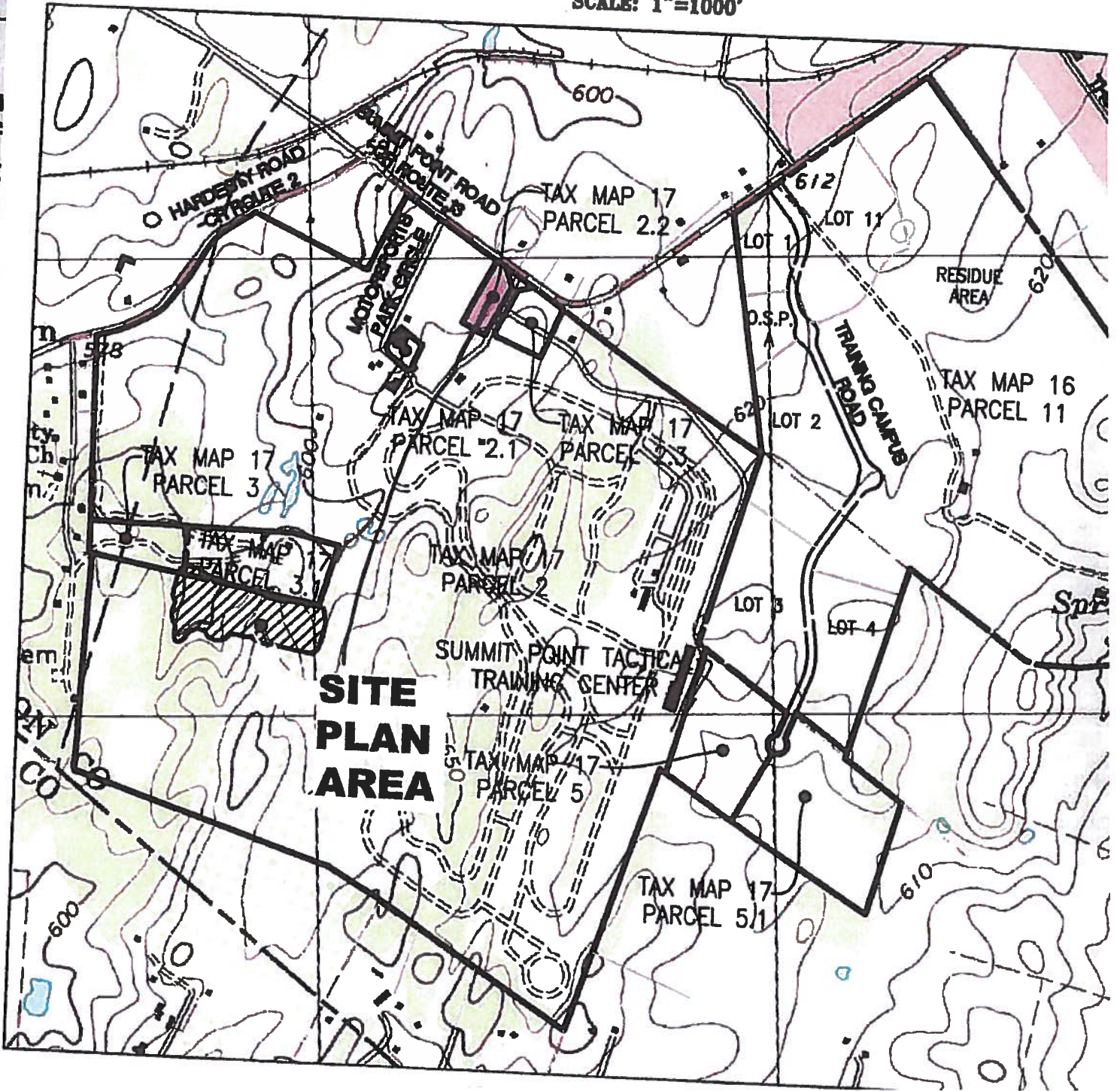
Reviewed By: Joseph W. Kent Title: L.D.I.

Signature: [Signature] Date: 10 / 15 / 2018

S17-11

VICINITY MAP

SCALE: 1"=1000'





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

November 1, 2018

VICE PRESIDENT

Caleb Wayne Hudson

Mr. Jaime L. George, Trustee
United States Surety Company

COMMISSIONER

Patricia A. Noland

P. O. Box 5605

Timonium, MD 21094-5605

COMMISSIONER

Jane M. Tabb

RE: Performance Bond No. 1000956765 dated September 28, 2012, Construction Bond Surety for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15).

COMMISSIONER

Peter W. Onoszko

Dear Mr. George:

The Jefferson County Commission authorizes a partial release of \$462,839.00 from the construction bond for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15). This project is located at the intersection of Country Club Road-Route 24 and Flowing Springs Road-Route 17. The work remaining includes but is not limited to the following:

1. Paving
2. Stormwater Management
3. Landscaping
4. Final Stabilization

In summary, you are hereby authorized to reduce the amount of the above referenced Performance Bond No. 1000956765 originally issued in the amount of \$2,418,557.00 to \$241,856.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Josh Compton, President
Jefferson County Commission

JC:rfb

cc: Maurice Gladhill, Managing Member
Roderick Planes, LLC
5509 Mt. Zion Road
Box 777
Frederick, MD 21705
Department of Engineering, Planning & Zoning

County Administrator
Stephanie Grove

Deputy County Administrator
Sandy Slusher McDonald

BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 08 / 20 / 2018 J.C.P.C. File No. 07 - 15
Consultant/Engineer/Firm Name: GATES ASSOCIATES, INC
Mailing Address: 153 VENICE WAY
City: SNYDERSTOWN State: WV Zip: 25443
Contact Person: FRED GATES Phone: 304-876-6124
Project/Subdivision Name: ASPEN GREENS
Section/Phase: PHASE 1A Lots: _____

Review Comments:

The bond release/reduction is Approved as ^{REVISED} ~~Submitted~~. _____ The bond release/reduction request is Denied.

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

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

_____ Bonding Policy & Unit Cost Figures attached for your use.

Comments: WORK HAS BEEN COMPLETED PER

THE SUBMITTED ESTIMATE, HOWEVER, PER THE

JEFFERSON COUNTY BONDING POLICY, MAY NOT BE

LESS THAN 10% OF THE ORIGINAL BOND AMOUNT.

Approved for:
BOND REDUCTION
By [Signature] 08/23/18
County Engineer Date

Original Bond Amt. \$ 2,103,092 15% Cont. \$ 315,463 = Total Original Bond Amt. \$ 2,418,557

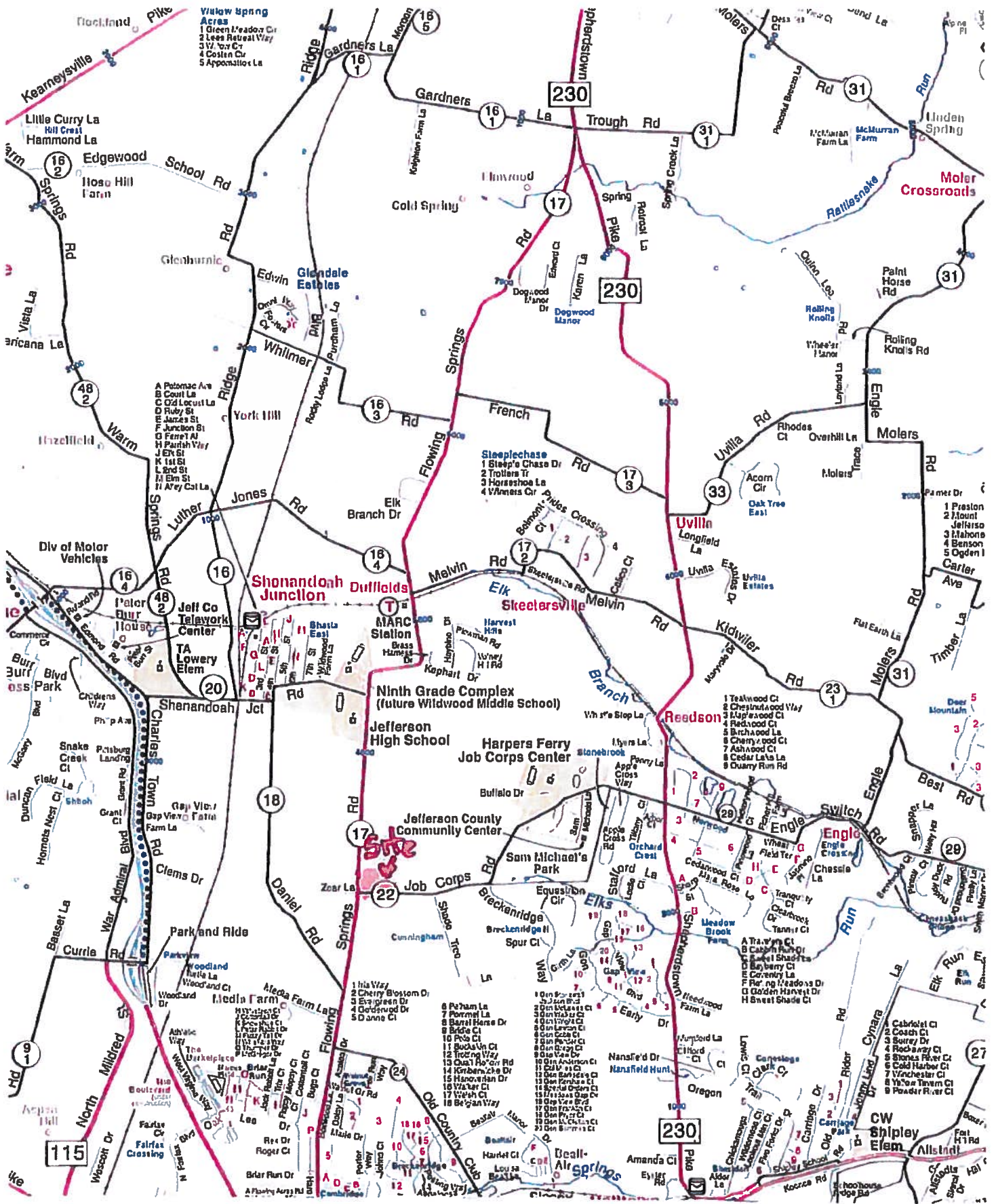
Total Current Bond Amount \$ 704,695.00

Cost of Work Remaining \$ 137,588.00 + Contingency Amount \$ _____ .00

= Approved for Revised Bond Amount \$ 241,856.00

Reviewed By: JOSEPH W. KENT [Signature] Title: L.D.I.

Signature: [Signature] Date: 08 / 27 / 2018



- Wallow Spring Acres
- 1 Green Meadow Cr
- 2 Lees Retreat Way
- 3 Weyer Cr
- 4 Costin Cr
- 5 Appomattox La

Shenandoah Junction

Ninth Grade Complex (future Wildwood Middle School)

Jefferson High School

Harpers Ferry Job Corps Center

Jefferson County Community Center

Job Corps

Reedson

1 Teakwood Ct

2 Chestnutwood Way

3 Redwood Ct

4 Redwood Ct

5 Birchwood La

6 Cherrywood Ct

7 Ashwood Ct

8 Cedar Lake La

9 Quarry Run Rd

10

11

12

13

14

15

16

17

18

19

20

21

22

23

CW Shipley Elem

1 Cabriole Ct

2 Coach Dr

3 Burrey Dr

4 Rockaway Ct

5 Thomas River Ct

6 Cold Harbor Ct

7 Winchester Ct

8 Vinton Tavern Ct

9 Peader River Ct

AGENDA REQUEST FORM
www.jeffersoncountywv.org



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

Department or Organization:

Estimation of amount of time needed for appointment:

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

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

Date Requested – 2nd Choice:

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

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

1. Discussion of PSD Dissolution, Appeal/Intervention of the PSC decision, acquisition of PSD assets, and related issues. Discussion/Action.
2. Discussion of Jefferson County Civil Action #17-C-282. Discussion/Action.
3. Discussion of renewal of County cable franchise agreement and related issues. Discussion/Action.
4. Discussion of Jefferson County Circuit Court Civil Action #18-P-132. Discussion/Action.
5. Discussion of Jefferson County Circuit Court Civil Action #18-C-158. Discussion/Action.
6. Discussion of EEOC Charge #533-2018-01557. Discussion/Action.
7. Discussion of US District Court, Southern District of WV, Civil Action #2:18-cv-01126. Discussion/Action.

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice:

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Appointment of Gary Kable as the Jefferson County Board of Education Liaison to the Jefferson County Development Authority Board of Directors – Discussion/Action**

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

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Jefferson County Schools
110 Mordington Avenue
Charles Town, WV 25414
(304) 728-9741

Received

OCT 09 2018

Jefferson County Commission

Superintendent:

Bondy Shay Gibson, Ed.D.

Board Members:

Kathryn Skinner, President
Mark Osbourn, Vice-President
Gary Kable
Laurie Ogden
Arthena S. Roper

September 28, 2018

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

Attention: Mr. Josh Compton, President

Dear Jefferson County Commission,

I hope this letter finds you well. As part of our ongoing collaboration efforts in the community, the Jefferson County Board of Education (JCBOE) routinely assigns its members to serve on various other boards and committees around the community in an effort to be better informed about what our partners and neighbors are doing and how we can collaborate. During the board's regular meeting held on August 27, 2018 Mr. Gary Kable was selected to serve as a liaison on the Jefferson County Development Authority (JCDA), replacing former board member Scott Sudduth.

This letter is to officially notify you of Mr. Kable's assignment, as Mr. Sudduth did serve in that position for a number of years. Subsequently, we are also writing to see if the Jefferson County Commission has plans to officially appoint Mr. Kable as a member of the JCDA. It is important for the board of education to understand how its members will serve and represent their constituents.

Thank you for giving this your time and attention. We appreciate the County Commission's continued support of education and our students.

Sincerely,



Bondy Shay Gibson, Ed.D.
Superintendent

Sandra McDonald

From: Bondy Gibson <bondy.gibson@k12.wv.us>
Sent: Friday, September 14, 2018 4:19 PM
To: vinemont.farm@gmail.com; Stephanie Grove; kfoto@frontiernet.net
Cc: Sandra McDonald; Kathy Skinner
Subject: Re: JCDA
Attachments: By-Laws appd Dec 2012 by JCDA.PDF

Dear Ms. Grove and Ms. Tabb

I hope this message finds you well. Our office made an inquiry with the JCDA and received a copy of the attached by-laws. The JCS Board of Education has annually appointed a liaison to the JCDA. This liaison has never been granted voting rights.

According to JCDA by-laws it is a function of the Jefferson County Commission to appoint JCDA members. You will note in Section 2. Appointment of Members that ..."Other members of the Board shall be appointed by the County Commission and shall include representatives of business, education, industry and labor" To our knowledge there are currently members from Shepherd University and, if I remember correctly, American Public University. There is no requirement that the Jefferson County Commission appoint the JC BoE liaison as a member and they have never, to our knowledge, done so.

If you require additional information please feel free to contact me directly and I will assist as I am able.

Bondy Shay Gibson, Ed.D.
Superintendent
Jefferson County Schools
Office: 304-728-9223
Mobile: 304-582-0181
<https://boe.jeff.k12.wv.us/>

DISCRIMINATION PROHIBITED: As required by Federal laws and regulations, including Title IX, the Jefferson County Board of Education does not discriminate on the basis of sex, race, color, religion, disability, age or national origin in employment or in the administration of any of its education programs and activities. Inquiries may be referred to (Director to Career, Technical, and Adult Education) Title IX Coordinator or (Director of Pupil Services) Section 504 Coordinator, Jefferson County Board of Education, 110 Mordington Avenue, Charles Town, WV 25414, Phone: (304) 725-9741; to the State Title IX Coordinator, (304) 558-3401, to the State 504 Coordinator, (304) 558-2696, West Virginia Department of Education, Charleston, WV 25305; or to the U.S. Department of Education's Office for Civil Rights, 1-800-421-3481, TDD 1-800-877-8339.

From: kfoto@frontiernet.net <kfoto@frontiernet.net>
Sent: Friday, September 14, 2018 3:58:20 PM
To: vinemont.farm@gmail.com; Stephanie Grove
Cc: Sandra McDonald; Bondy Gibson
Subject: Re: JCDA

Thank you Jane and Stephanie. I will ask Superintendent Gibson to take the next step.

Gary

On Wednesday, September 12, 2018 5:38 PM, Jane Tabb <vinemont@frontiernet.net> wrote:

Please clarify Gary Kable's position on the JCDA as to voting rights and need for CC ratification of appointment.

Thanks,
Jane Tabb

From: kfoto@frontiernet.net [mailto:kfoto@frontiernet.net]

Sent: Wednesday, September 12, 2018 4:43 PM

To: Jane Tabb

Subject: JCDA

Hi Jane,

I have been Informed that I am not a voting member of JCDA until the commission ratifies my appointment. Can you shed some light on this. It really is not a reasonable position

unless I would have voting rights on the JCDA board representing Jefferson County Schools. I cannot recall that requirement before.

Thanks for your help,
Gary Kable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: PETER ONOSZKO

Department or Organization: JCL

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: ~~OCTOBER 18 2018~~ NOV 1 2018
If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (Wording to be placed on agenda): AN ORDINANCE TO PROHIBIT FORCED PARTICIPATION
IN A PUBLIC SEWER & WATER SYSTEM

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

SEE ATTACHED TEXT

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):

- THAT LEGAL COUNSEL REVIEW TO DETERMINE LEGAL PERMISSABILITY
 - IF LEGALLY PERMITTED, THAT TEXT BE DISCUSSED DURING THE NOVEMBER 1 JCL MEETING
- Attach supporting documents for request, or request may be denied.
If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name:

Department or Organization:

Estimation of amount of time needed for appointment: [Click here to enter text.](#)

Date Requested – 1st Choice: **November 1, 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*): **Approval of Resolution and contract – 16-VA-096 – Victims of Crime Act (VOCA) Grant – Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information:
[Click here to enter text.](#)

Is this a funding request? Yes

If so, how much? **\$20,421.00 Matching Funds**

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

Motion to approval of Resolution, contract, and grant documents – 16-VA-096 - Victims of Crime Act (VOCA) Grant in the amount of \$102,104.00 and to authorize the President of the Commission to affix his signature to the appropriate documents - Discussion/Action

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

--

GRANT CONTRACT AGREEMENT

BETWEEN

DIVISION OF JUSTICE AND COMMUNITY SERVICES

AND

Jefferson County Commission

16-VA-096

This **AGREEMENT**, entered into this **12th day of October 2018** by the Director of the Division of Justice and Community Services, hereinafter referred to as "DJCS", and the Jefferson County Commission hereinafter referred to as "Grantee."

WHEREAS, DJCS is the recipient of a Victims of Crime Act (VOCA) Program Grant from the United States Department of Justice, and

WHEREAS, the Grantee is an eligible applicant who is desirous of receiving funds. **This grant will fund staff in the Jefferson County Prosecuting Attorney's Office to provide direct services to crime victims in Jefferson County.**

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. The Grantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. DJCS agrees to assist the Grantee to perform such tasks and functions as set forth in the application which is attached hereto and made part hereof, hereinafter referred to as Attachment A.
3. The Grantee shall do, perform, and carry out in a satisfactory and proper manner as determined by DJCS all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.
4. The Grantee will commence its duties under the Agreement on **October 1, 2018** and shall continue those services/activities until **September 30, 2019**. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.

5. In consideration of the services rendered by the Grantee, the sum of up to **\$81,683.00** shall be obligated by DJCS and said amount shall be deemed to be the maximum compensation to be received for this Agreement unless a written modification is entered into between the parties amending this Agreement.
6. It is the understanding of all parties to this Agreement that DJCS by joining in the Agreement does not pledge, or promise to pledge, the credit of the State of West Virginia, nor does it promise to pay all of the compensation hereunder from monies of the Treasury of the State of West Virginia.
7. To be eligible for any and all payments of the grant amount, the Grantee shall submit a Request for Funds once per month to DJCS. Upon receipt of said request, DJCS shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. Grantee shall submit a fiscal report detailing expenditures to DJCS by the twentieth (20th) day of each month.
8. Grantee hereby represents that it possesses the legal authority to contract for this Agreement and that attached hereto and made a part hereof as Attachment B is a certified copy of the resolution, motion or similar action which was clearly adopted or passed by the Grantee's governing body; and further, that it has directed and authorized an official representative to act in connection with this Agreement. If the Grantee is a State agency, the completed application signed by the agency head is sufficient.
9. Grantee agrees to abide by the grant conditions, terms, assurances and certifications which are a part of Attachment A and such other special terms and conditions that DJCS has set forth in Attachment C which is incorporated herein and made part hereof, if said Special Conditions are appropriate to this Agreement.
10. If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner, obligations under this Agreement, the DJCS may withhold payments to the Grantee upon notice in writing, suspend, or cancel this Agreement and Attachments. The notice of withholding payments, suspension, or cancellation should set forth the DJCS reasons for taking said action.
11. DJCS and Grantee may from time to time require changes in the scope of services performed hereunder. Grantee agrees to submit a written request for modification prior to changing any budget line item. All such changes, including any increase or decrease in the amount of compensation hereunder or work to be performed, which are mutually agreed upon between the parties shall be in writing.
12. If for any reason funds received by DJCS are suspended or terminated, in whole or in part, funding for this Agreement shall cease.

13. Grantee shall within the time period prescribed by grant conditions upon the termination of the Agreement, submit to DJCS a final report on forms provided by DJCS. Said reports shall reflect actual costs incurred during the terms of this Agreement.
14. The parties hereto agree that notice shall be given by personal service or served when mailed certified U.S. Mail, postage prepaid, return receipt requested to the following addresses:
 - a. Division of Justice and Community Services
1124 Smith Street, Suite 3100
Charleston, West Virginia 25301-1323
 - b. **Grantee Mailing Address:**

Jefferson County Commission
Post Office Box 250
Charles Town, West Virginia 25414
15. The Grantee shall hold and save DJCS and its officers, agents and employees harmless from liability of any nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries or damages sustained by any persons or property resulting in whole or in part from the negligent performance or omission of any employee, agent or representative of the Grantee.

IN WITNESS WHEREOF, the parties hereto attach their signatures representing that each is acting with full authority.

Josh Compton, President
Jefferson County Commission

Joseph C. Thornton, Director
Division of Justice and Community Services

RESOLUTION

The **Commission** of the **Jefferson County Commission** met on _____ (date) with a quorum present and passed the following resolution.

Be it resolved that the **Commission** hereby authorizes **Josh Compton, President** of **Jefferson County Commission** to act on its behalf to enter into a contractual agreement with the Division of Justice and Community Services to receive and administer grant funds pursuant to provisions of the Victims of Crime Act (VOCA) grant program.

Signed: _____
Board Secretary

VOCA Grants Program	Budget Summary Page 3
--------------------------------	----------------------------------

Applicant: Jefferson County Commission	FEIN: 55-6000333 DUNS#: 077414548
--	--

Category	VOCA Grant Funds (A)	Matching Funds (B)	Total Funds (A + B)
Personnel and Contractual	\$79,683	\$20,421	\$100,104
Travel and Training	\$2,000	\$0	\$2,000
Equipment	\$0	\$0	\$0
Space	\$0	\$0	\$0
Other	\$0	\$0	\$0
Total Budget	\$81,683	\$20,421	\$102,104

FUNDING STRATEGY

Funding Source(s)	Amount	Status
VOCA Grant Funds	\$81,683	(A)
Match	\$20,421	
Total	\$102,104	

* TOTAL FOR COLUMN A SHALL BE PLACED IN THE SPACE PROVIDED ON PAGE ONE FOR GRANT FUNDS REQUESTED.

VOCA Grants Program	Itemization of Funds By Category Page 4		
Applicant: Jefferson County Commission	Local Matching Funds	Requested VOCA Grant Funds	Approved VOCA Funds (DJCS ONLY)
<u>Personnel and Contractual:</u>			
F/T Victim Advocate salary - Debra Young	\$8,000	\$30,727	\$30,727
F/T Advocate Crystal Gumbel-Shade	\$6,841	\$29,798	\$29,798
P/T Advocate -Cora Kowalski 80 hrs./month x 18.50/hr.		\$17,760	\$17,760
FICA 7.65% \$ 1359; W/C 0.22% \$39		\$1,398	\$1,398
Match Support Staff -Gail McMillian 10%	\$3,580		
Volunteer hours \$10.00/hr.	\$2,000		
<u>Travel and Training:</u>			
DJCS Pre-Approved Travel/Training (in-state only)		\$2,000	\$2,000
Total Local Matching Funds	\$20,421		\$20,421
Total Federal Funds		\$81,683	\$81,683
Total Approved Project (DJCS ONLY)			\$102,104

WEST VIRGINIA DIVISION OF JUSTICE & COMMUNITY SERVICES
STANDARD CONDITIONS & ASSURANCES

All correspondence to DJCS, which is required and/or occurs as a result or action of any of the following Standard Conditions and Assurances, or as a result of the administration of any DJCS grant program, should be mailed to the following address:

West Virginia Division of Justice & Community Services
1124 Smith Street-Suite 3100
Charleston, West Virginia 25301-1323

1. LAWS OF WEST VIRGINIA:

This grant application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by DJCS, regardless of the original funding source. This grant is on a "**REIMBURSEMENT ONLY**" mechanism.

2. LEGAL AUTHORITY:

The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required if applicable.

3. RELATIONSHIP:

The relationship of the grantee to DJCS shall be that of an independent contractor, not that of a joint enterprise. The grantee shall have no authority to bind DJCS for any obligation or expense without the express prior written approval from DJCS.

4. COMMENCEMENT WITHIN 60 DAYS:

This project must be operational within 60 days of the project starting date, as specified in the grant contract agreement. If the project is not operational within 60 days of the specified project starting date, the grantee must report by letter to DJCS, the steps taken to initiate the project, the reasons for delay, and the expected starting date. The Division has the right to cancel the contract and deobligate the funds.

5. OPERATIONAL WITHIN 90 DAYS:

If the project is not operational within 90 days of the specified project starting date, the grantee must submit a second statement to DJCS explaining the delay in implementation. Upon receipt of the 90-day letter, DJCS may cancel the project and deobligate the funds.

6. SUSPENSION OF FUNDING:

By accepting this award the grantee agrees that DJCS may suspend, in whole or in part, terminate, or impose other sanctions on any grantee funds for the following reasons:

- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
- 30 or more days late in submitting reports;
- Failure to submit reports;
- High Risk Grantee as determined by the DJCS High Risk Assessment; or
- Other cause shown.

7. SANCTIONS FOR NONCOMPLIANCE:

In the event of the grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, DJCS shall impose such contract sanctions, as it may deem appropriate, including but not limited to:

- Withholding of payments to the grantee until the grantee complies or if reports are more than 30 days late the money for that month is forfeited and MAY NOT be recouped;
- Cancellation, termination or suspension of the contract, in whole or in part; or,

- Refrain from extending any further assistance to the grantee until satisfactory assurance of future compliance has been received.

8. ACCOUNTING REQUIREMENTS:

Grantee agrees to record all project funds and costs following generally accepted accounting procedures. A unique account number or cost recording must separate all project costs from the grantee's other or general expenditures. Adequate documentation for all project costs and income must be maintained. Adequate documentation of financial and supporting material, must be retained and be available for audit purposes. **Federal regulations prohibit the commingling of Federal grant funds with funds from other sources.**

9. REPORTS:

Each grantee shall submit all reports as DJCS requires necessary to the execution of monitoring, stewardship and evaluation of programmatic and fiscal responsibilities.

10. WRITTEN APPROVAL OF CHANGES:

The grantee must obtain prior written approval from DJCS for all project changes (programmatic, fiscal or otherwise).

11. OBLIGATION OF PROJECT FUNDS:

Funds may not, without prior written approval from DJCS, be obligated prior to the effective start date or subsequent to the termination date of the project period. Obligations outstanding as of the project termination date shall be liquidated within thirty (30) days.

12. USE OF FUNDS:

Funds awarded through DJCS may be expended **ONLY** for the purposes and activities specifically covered by the grantee's approved project scope and budget. By attaching their signature, the grantee recognizes that **any** deviations from the original grant budget are unallowable.

13. ALLOWABLE AND UNALLOWABLE COSTS:

Allowable and unallowable costs incurred under this grant shall be determined in accordance with General Accounting Office principles and standards and federal guidelines pursuant to the specific grant program.

14. PURCHASING:

When making purchases relevant to the grant, the grantee will abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government or other agency. See 148CSR1 of the West Virginia State code.

15. PROJECT INCOME:

All income earned by the grantee as a result of the conduct of this project, must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established by DJCS as are established for granted funds. All grantees must maintain records that clearly show the source, the amount and the timing of all project income. There is no waiver provision for the project income requirement. In an effort to understand the program income, each applicant may be asked to provide an Operational Budget for the applicant agency.

16. MATCHING CONTRIBUTION:

The grantee will have available, and will expend as required, adequate resources to defray that portion of the total costs as set forth in this application as "match" and as approved by the West Virginia Division of Justice & Community Services. The applicant assures that the matching funds required to pay the grant portion of the cost of each program and project, for which funds are made available, shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Matching contributions are subject to the same expenditure guidelines established by the West Virginia Division of Justice & Community Services for this program. All grantees must maintain records that clearly show the source, the amount and the timing of all matching contributions. In addition, Federal grant dollars from any source may not be utilized as matching funds.

17. TIME EXTENSIONS:

In general, time extensions will not be granted. Unexpended grant funds remaining at the close of the grant period shall be deobligated.

18. NON-SUPPLANTING:

Grant funds must be used to supplement existing funds for program activities and may not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from state grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The grantee hereby certifies that funds made available under this grant will not be used to supplant other funding sources.

19. TRANSFER OF FUNDS PROHIBITION:

The grantee is expressly prohibited from transferring funds between any DJCS programs. Federal regulations prohibit the commingling of Federal grant funds with funds from other sources.

20. TRAINING:

For projects involving payment of personnel, DJCS reserves the right to require training as a condition of the grant before or at any time during the project period.

21. PURCHASE OF AMERICAN-MADE EQUIPMENT/PRODUCTS:

To the extent practicable, all equipment and products purchased with state funds made available under this grant should be American-made.

22. MARKING OF EQUIPMENT:

Grantee will ensure that all equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the West Virginia Division of Justice & Community Services."

23. PROPERTY ACCOUNTABILITY:

The grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a grant by DJCS. This obligation continues as long as the property is retained by the grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from DJCS. Grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program (if applicable), with copies provided to DJCS. Property must be used for the intended grant purposes, if not being used in accordance with terms of the grant property will revert back to DJCS.

24. COMPUTER EQUIPMENT:

Grantees purchasing computer equipment (hardware, software, or peripherals) with grant funds are required to adhere to the established bidding procedures for their respective units of government or agency. To ensure reputable vendors are obtained, grantees may consider utilizing the current applicable State computer contract. The following are **minimum** hardware requirements, as well as software requirements, established by DJCS for this grant program, which must be recognized when purchasing computer equipment, in whole or in part, utilizing grant funds:

Minimum Hardware Requirements:

- Processor: Intel Core i5, 3.5 GHz, or equal
- RAM: 4 GB DDR3 single DIMM
- Hard Drive: 500 GB, 7200 RPM SATA, upgradable
- Keyboard: Standard USB
- Mouse: Optical USB 2 button W/scroll
- DVD/RE: Multi DVD/RW optical drive
- USB Ports: USB 3.0, minimum of 4 back, 2 front with one USB 3.0 charging
- Ethernet Port: 10/100/1000 NIC integrated
- Expansion Slots: PCI Express
- Video: Dual monitor capability with one VGA port & one DVI port

- Trusted Platform Module: TPM chip

Recommended Hardware Components:

- Mid-tower case

Software Requirements:

- Whenever possible, software should operate within open industry standards. For example, Windows 10 Professional, or equal

Warranty Requirements:

- Year on-site warranty

25. LEASE AGREEMENTS:

Grantee agrees to provide DJCS with a copy of the lease arrangement if funds are being requested for reimbursement or utilized as match.

26. PATENTS AND/OR COPYRIGHTS AND RIGHTS IN DATA:

Grantee acknowledges that DJCS, and DOJ if Federally funded, reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support.

Grantee agrees to consult with DJCS re the allocation of any patent rights that arise from, or are purchased with, this funding.

27. ACCESS TO RECORDS:

DJCS, through any authorized representative, shall have access to and the right to examine all records, books, papers, or documents related to the grant and to relevant books and records of contractors.

28. CIVIL RIGHTS COMPLIANCE:

Grantee will comply with any applicable federal nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. §§ 10228(c) and 10221(a)); the Victims of Crime Act (34 U.S.C. §20110(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); the Violence Against Women Act (34 U.S.C. § 12291(b)(13)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations; Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations; and the DOJ implementing regulations at 28 C.F.R. Part 38. Subrecipients of grants under the Violence Against Women Act (VAWA) of 1994, as amended, are prohibited from discriminating on the basis of sexual orientation or gender identity. These laws collectively prohibit grantees from discriminating on the basis of race, color, national origin, sex, disability, age, religion, sexual orientation and gender identity.

In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of age, disability, race, color, religion, national origin, or sex against a recipient of funds, the grantee will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs and the West Virginia Division of Justice and Community Services.

29. RELIGIOUS ACTIVITIES:

Grantees must ensure that services are offered without regard to religious affiliation and that receipt of services is not contingent upon participation in a religious activity or event. Furthermore, all religious activities must be separate in time or place from the funded project. Participation in such activities by individuals receiving services must be voluntary.

30. LOBBYING:

Grantee will comply with any and all lobbying provisions and/or restrictions as outlined in the Uniformed Guidelines, Department of Justice Guidelines, and as outlined in §6B-2-5 of the West Virginia State code.

31. CONFLICT OF INTEREST:

No public official or employee of the grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can reasonably be expected to result in any benefit or remuneration to that individual or that individual's immediate family as discussed in the W. Va. Code §§ 6B-1-1 through 6B-3-11.

32. FREEDOM OF INFORMATION ACT:

All records, papers and other documents kept by recipients of grant funds are required to be made available to DJCS. These records and other documents submitted to DJCS and its grantees, including plans and application for funds, reports, etc., may be subsequently required to be made available to entities under Federal Freedom of Information Act, 5. U.S.C. §552, or Chapter 29B, Article 1 (West Virginia Freedom of Information) of the West Virginia Code.

DJCS recognizes that some information submitted in the course of applying for funding under this program or provided in the course of its grant management activities, may be considered law enforcement, personnel, juvenile sensitive, or personal or otherwise important to national or state security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under state control is subject to requests made pursuant to the Chapter 29B, Article 1 of the West Virginia Code, **all** determinations concerning the release of information of this nature are made on a case-by-case basis by DJCS and may fall within one or more of the available exemptions under the Act.

Grantees must consult applicable federal, state, and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive or protected. Applicants may also consult DJCS regarding concerns or questions about the release of potentially sensitive, protected or exempt information applicable to federal, state and local laws and regulations.

The Division has the authority to release to the public without a FOIA all information which does not meet an exemption. Example: Grant Award

33. NATIONAL AND STATE EVALUATION EFFORTS:

The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

34. SUBMISSION/RELEASE OF PUBLICATIONS/PRESS RELEASES:

The grantee must submit one copy of all reports and proposed publications resulting from this agreement to DJCS twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements:

"This document [product] was prepared under a grant from the West Virginia Division of Justice & Community Services (or simply "DJCS"). Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the State of West Virginia or the Division of Justice & Community Services."

"This project supported by Grant No. _____ awarded by the West Virginia Division of Justice & Community Services and the U.S. Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also included the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position of policies of the United State Department of Justice."

In addition, the grantee agrees not to utilize the Division logo without written permission.

35. JUVENILE JUSTICE & DELINQUENCY PREVENTION ACT:

Grantee agrees to comply with the four core protections under the Juvenile Justice & Delinquency Prevention (JJDP) Act of 1974, reauthorized 2002.

- Deinstitutionalization of status offenders (DSO).
- Separation of juveniles from adults in institutions (separation).
- Removal of juveniles from adult jails and lockups (jail removal).
- Reduction of disproportionate minority contact (DMC), where it exists.

As well as, 101CSR1 of the West Virginia code.

This includes, but is not limited to, completing the annual the WV Certification of Non-Secure Facilities and submitting to DJCS, if applicable, and submitting a monthly Secure Holding Log, if applicable.

36. COLLABORATION W/OTHER FED. AND STATE GRANTS:

Where warranted, this initiative/grantee shall make every effort to support or assist other federally funded or State grant programs in any manner, including but not limited to, providing personnel, supplies, equipment and any other resources deemed necessary by DJCS.

37. USE OF DATA/EXCHANGE OF INFORMATION:

With respect to programs related to criminal justice information systems, the grantee agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. The grantee further agrees:

- a. That all computer programs (software produced under this grant) will be made available to DJCS for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
- b. To provide a complete copy of the computer programs and documentation, upon requests, to DJCS. The documentation will include, but not be limited to, system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
- c. That whenever possible all application programs will be written in standardized programming languages (i.e. Cobol, Fortran, C, C++, XML, etc.) or will adhere to Open Database Connectivity format for use on general operating systems that can be utilized on at least three different manufacturers of computer hardware with similar size and configuration capabilities.
- d. To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Criminal Justice Systems Clearinghouse (916/392-2550) should be contacted to determine availability of software prior to any development effort.

38. EQUAL EMPLOYMENT OPPORTUNITY PLAN:

The grantee will provide an Equal Employment Opportunity Plan (EEOP) to the Office for Civil Rights, Office of Justice Programs (OCR) and the West Virginia Division of Justice and Community Services. Each grantee certifies that it has executed and has on file an Equal Employment Opportunity Plan which conforms with the provisions of 28 CFR Section 42.301, et. seq., Subpart E; or that in conformity with the foregoing regulations, no Equal Employment Opportunity Plan is required. The grantee further certifies that it has filed an EEOP Certification form and, if required, an EEOP Utilization Report, through the EEO Reporting Tool at <https://ojp.gov/about/ocr/eeop.htm>.

39. VETERANS PREFERENCE:

This program includes a provision that grantees utilizing funds to hire additional personnel, to the extent possible, give suitable preference in employment to military veterans. DJCS defines "suitable preference" as the requirement that a grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

40. IMMIGRATION AND NATURALIZATION VERIFICATION:

The grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of state funds to verify that employees are eligible to work in the United States.

41. POLITICAL ACTIVITY:

The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government and some state and local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees (5 U.S.C. §§ 7321-7326). (These amendments did not change the provisions that apply to state and local employees. 5 U.S.C. §§ 1501- 1508.)

Please reference West Virginia Code § 29-6-20 for state restricted activities.

42. PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:

Grantees must support public safety and justice information sharing. The grantee is required to use the Global Justice Data Model specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at www.it.ojp.gov/gjxdm.

To the best of my knowledge the applicant has and will comply with all of the attached Standard Conditions and Assurances.

Authorized Official: _____

Title: _____

Signature: _____

Date: _____

**WEST VIRGINIA DIVISION OF JUSTICE AND COMMUNITY SERVICES
VICTIM OF CRIME ACT (VOCA) GRANT SPECIAL CONDITIONS AND
ASSURANCES**

43. Administrative Changes:

The applicant must advise DJCS immediately in writing if there are any changes in the: (1) Project Director, (2) Fiscal Officer, (3) Authorized Official, or (4) VOCA Grant-funded staff position(s). Please also submit to DJCS a new membership list if there are any changes in the members of a governing board, such as County Commission or City Council, or changes in members of the Advisory Board/Committee.

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract"). The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization) and are incorporated by reference here.

44. Late Reporting:

Applicant understands that projects which become 60 days delinquent in the submission of reporting requirements will forfeit one month of reimbursable expenses for the entire project. Each additional 30 days past the initial 60-day delinquency period shall result in an additional forfeiture of a month's reimbursable expenses. Late reports may result in a partial or all loss of funding in future grant applications.

45. Client Files:

Applicant must maintain client files for all victims served to document type of crime and services provided throughout the grant period. Sub-grantee also agrees to collect and maintain Civil Rights information, where such information is voluntarily furnished by those receiving service, on race, sex, national origin, age and disability. These records are to be available at any time for review by DJCS while following the VOCA and VAWA Confidentiality requirements.

46. Client Surveys/Evaluations:

The applicant is required to implement client surveys for evaluation purposes. DJCS may require a copy of these surveys/evaluations or request proof survey is being implemented. All surveys/evaluations must ensure client confidentiality. . All surveys/evaluations will include the two following outcome measures: **(1) Victim safety,**

(2) Public awareness, results will be required on the VOCA Annual Performance Report.

47. Client Confidentiality:

All programs who receive funds must adhere to the program rules at 28 CFR 94.115 describe the non-disclosure and confidentiality rules that apply to subrecipients of VOCA funds and if the program receives funds under the STOP Violence Against Women Act (VAWA) must adhere to all confidentiality requirements under the Violence Against Women Reorganization Act of 2005 and 2013. Applicant must maintain a **written** confidentiality policy that prohibits the disclosure of victim's name, address, phone number, any contact information, or any other personally identifying information without prior voluntary written consent of the victim (or legal guardian). Client information should only be accessible to authorized direct service staff of the funded program.

The recipient must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it -- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

48. Notification Of Victim Compensation Program:

Applicant is required to assist crime victims in seeking available and eligible crime victim compensation benefits. Such assistance may include identifying and notifying crime victims of the availability of the victim compensation fund, assisting with the application forms and procedures, obtaining necessary documents, and/or checking on claim status.

49. Grant File:

Applicant must maintain a grant file containing all grant-related documents, such as the grant agreement, monthly financial reports, monthly progress reports, and any grant-related correspondence. In some situations, the project site maybe at a different location than the official sub-grantee. Therefore, an official grant file should be maintained by both the official sub-grantee and the project site. These records are to be available at any time for review by DJCS.

50. Administrative Manual:

All pertinent information in regard to the Victim of Crime Act and amendments and all applicable federal and state laws, orders, circulars and regulations are updated and

maintained in the appropriate administrative manual by sub-grantees and should be downloaded on the Project Director's computer, a copy provided by DJCS or have a hard copy available.

51. Travel/Training:

Any applicant receiving VOCA Grant funding for training must submit in writing to DJCS all request for training in writing for pre-approval of all training. Also, for any VOCA grant-funded staff position who attends any training workshop or conference must submit a written narrative identifying the training, its purpose, agenda, what specific workshops were attended, and the useful information obtained that will assist in implementing the VOCA grant project in the request for pre-approval for training. **All training must be approved in advance by DJCS** by submitting a written request (from project director) identifying the staff person who will be attending, the name of the conference and purpose, costs that are related to training and for reimbursement (this is based on availability of funds) and attaching a brochure and the agenda.

Please note – sub-grantee representatives (project director and VOCA-funded staff positions/volunteers) may be required to attend training workshops deemed critical by DJCS.

52. VOCA Funded Training Events:

All agenda topics and trainers must be pre-approved by DJCS for any training events (conferences, workshops, symposiums, etc.) paid for with VOCA funds. A written request must be submitted to DJCS **90** days prior to entering into any agreements, for agenda topics, speakers, and/or trainers. The request must include workshop descriptions and speaker biographies. All state agencies are required to work with the WV Coalition Against Domestic Violence and/or the WV Foundation for Rape Information and Services in acquiring appropriate speakers prior to the conference.

Please note – all VOCA funded training events must include an evaluation component and the results of the evaluations must be submitted to DJCS with the corresponding monthly report. A certificate and/or certification must be provided that participants actually attended training in order to be reimbursed for training. They must include a sign-in sheet of participants to DJCS.

Any training or training materials that the subrecipient ("subgrantee") at any tier-- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Sub grantees, available at <http://ojp.gov/funding/ojptrainingguidingprinciples.htm>.

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of

attendance at such conferences. Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide.

53. Interagency Agreements:

Sub-grantee must participate in training and begin to develop a formal inter-agency agreement with all Victim Service Providers in their service area/region. The inter-agency agreements will include mission statements of all victim service providers, referral process, how gaps in services will be addressed, how services will not be duplicated. Copies of interagency agreements will be submitted with future applications.

54. Hiring, Firing and Grievance Procedures:

Hiring, firing and grievance procedures outlined in the grant application should be followed in hiring and firing VOCA grant-funded staff positions. Staff hired must meet the qualifications outlined in the job description for the position. DJCS is to be advised in writing if there are any difficulties in filling VOCA grant-funded staff positions.

55. Ensuring Equal Treatment of Faith-Based Organizations and Safeguarding Constitutional Protections Related to Religion

The DOJ regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38, updated in April 2016, prohibits all recipient organizations, whether they are law enforcement agencies, governmental agencies, educational institutions, houses of worship, or faith-based organizations, from using financial assistance from the DOJ to fund explicitly religious activities. Explicitly religious activities include worship, religious instruction, or proselytization. While funded organizations may engage in non-funded explicitly religious activities (e.g., prayer), they must hold them separately from the activities funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. Funded faith-based organizations must also provide written notice to beneficiaries, advising them that if they should object to the religious character of the funded faith-based organization, the funded faith-based organization will take reasonable steps to refer the beneficiary to an alternative service provider. For more information on the regulation, please see the OCR's website at <https://ojp.gov/about/ocr/partnerships.htm>.

Applicants and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. § 10228(c); the Victims of Crime Act of 1984, as amended, 34 U.S.C. § 20110(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as

amended, 34 U.S.C. § 11182(b); and VAWA, as amended, 34 U.S.C. § 12291(b)(13), contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

56. Ensuring Victims' Rights:

All funded programs/agencies will practice a "Victim Centered Approach". They are required to inform victims of their rights and ensure victims are afforded their rights.

57. Activities That May Compromise Victim Safety:

Applicants are strongly discouraged from proposing projects or supporting programs that include any activities that may compromise victim safety as outlined in the Victim of Crime Act.

58. Audits:

All programs that meet the Audit Requirement under §200.501(a) will submit a copy of an audit to DJCS. Programs who complete an audit for other purposes must submit a copy of the audit within 30 days of completion. Additionally, **programs who are not required to submit an audit under §12-4-14 are still required to submit a copy of an audit or an annual internal financial review to the Program Administrator at DJCS**, showing the total budget expenditures and revenues from all sources for the prior year, along with a systematic method for timely and appropriate resolution of findings and/or recommendations.

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

59. Board of Directors/Advisory Boards:

Non-profit agencies are required to maintain a Board of Directors that will meet at least quarterly to review the status of grant objectives, to develop strategies for resolving any problems or barriers, and to perform periodic evaluations. Board Meeting minutes

must be submitted with corresponding monthly reports. All state and local government agencies must submit any county commission minutes at a minimum of quarterly (which discuss the sub-grant or VOCA staff) or advisory board meeting minutes with the corresponding monthly reports.

60. Printed Materials:

Any brochures or materials printed with VOCA funds must be submitted to DJCS 30 days for pre-approval prior to printing. Subgrantee's that were awarded funding for brochures must submit a copy of the brochure to DJCS for pre-approval prior to printing and all brochures must be purchased within the first quarter of the grant cycle or the funds may be deobligated.

61. Debarment:

Any funded agency that is debarred with the State of West Virginia or Federally must inform DJCS in writing within 30 days of becoming debarred and have a plan of action stating the steps to address this issue. Funds will be frozen, and the sub-grantee has 30 days to address this issue and then funds may be deobligated.

62. Text Messaging:

Applicant and all funded agencies will develop and implement a written policy which bans employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

63. Volunteers:

The applicant must utilize at least one volunteer during the grant period for VOCA allowable activities, as well as VOCA-funded staff to implement the grant project. All sub-grantees will be required to submit a volunteer timesheet quarterly. If a timesheet is not submitted, DJCS may hold funds until it is submitted.

64. Minimum Training Requirement:

All funded VOCA staff **will be required** to complete eight (8) hours per grant year of pre-approved victim assistance training. They must submit a certificate showing they completed this training. If this is not completed by June 30th the sub-grantee must submit in writing why they have not attended a training; when they will attend and what type of training they plan to attend to DJCS. This will be reviewed for compliance at grant reviews and funding may be cut due to non-compliance.

65. Network Policy & Protections

All subgrantee's must have a policy that prohibits the viewing, downloading, and/or exchanging of pornographic material. Subgrantee's understand and agrees that – (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

66. VOCA Guidelines:

The Recipient assures that it will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404 (a)(2) and 1404 (b) (1) and (2), 42 U.S.C. 10603(a)(2) and (b) (1) and (2) and the applicable program guidelines and regulations; as required.

Specifically, the recipient certifies that funds under this sub-award will a) eligible victim assistance organizations 42 U.S.C. 1063 (a)(2); b) not be used to supplant State and local public funds that would otherwise be available for crime victim assistance; and c) be allocated in accordance with program guidelines or regulations implementing 42 U.S.C. 1063(a)(2)(A) and 42 U.S.C. 1063 (a)(2)(B) to, at a minimum assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes identified by the State.

67. Project Director & Fiscal Officer Monitoring Requirement:

The recipient acknowledges that the Project Director and Fiscal Officer of the grant are REQUIRED to be in attendance for the DJCS on-site monitoring visit.

68. Using Arrest and Conviction Records in Making Employment Decisions

The OCR issued an advisory document for subrecipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 20 13), available at http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf. Subrecipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, subrecipients should consult local counsel in reviewing their employment practices. If warranted, subrecipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs).

69. Funds:

Subgrantee's that are awarded an increase in Personnel/Contractual must apply the approved raises in salary within the first quarter of the grant cycle or the increased funds may be deobligated.

Subgrantee's that are awarded "Other" funding for general office supplies must purchase supplies quarterly or the funds may be deobligated. Trinkets are not allowable.

Subgrantee's that are awarded "Other" funding for computers and/or office equipment must purchase the approved items within the first quarter of the grant cycle or funds may be deobligated.

Subgrantees awarded Travel/Training funding for Cab or Bus Vouchers or Other funds for Clothing Vouchers, must submit the DJCS Tracking Form, corresponding Invoices, and Proof of Payment to be reimbursed. Be advised DJCS will ONLY reimburse for those Vouchers that have been used by Victims of Crime and are appropriately documented on the required form and have been approved in the subgrantee's budget for this purpose.

70. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (the "Part 200 Uniform Requirements") apply to this 2015 award from the Office of Justice Programs (OJP). For this 2015 award, the Part 200 Uniform Requirements, which were first adopted by DOJ on December 26, 2014, supersede, among other things, the provisions of 28 C.F.R. Parts 66 and 70, as well as those of 2 C.F.R. Parts 215, 220, 225, and 230.

If this award supplements funds previously awarded by OJP under the same award number, the Part 200 Uniform Requirements apply with respect to all award funds (whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this 2015 award.

Potential availability of grace period for procurement standards: Under the Part 200 Uniform Requirements, a time-limited grace period may be available under certain circumstances to allow for transition from policies and procedures that complied with previous standards for procurements under federal awards to policies and procedures that comply with the new standards (that is, to those at 2 C.F.R. 200.317 through 200.326).

For more information on the Part 200 Uniform Requirements, including information regarding the potentially-available grace period described above, see the Office of

Justice Programs (OJP) website at
<http://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the subgrantee is to contact DJCS and OJP promptly for clarification.

I.) Federal Office of Management and Budget (OMB) sets forth standards for obtaining consistency and uniformity for the audit of states, local government, and non-profit organizations expending Federal awards. If applicable, this grant shall adhere to the audit requirements set forth at the time of award.

§200.501(a) Audit required. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

(b) Single audit. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.

(c) Program-specific audit election. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a sub-recipient, approves in advance a program-specific audit.

(d) Exemption when Federal awards expended are less than \$750,000. A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

71. Outstanding Audit Issues

The subgrantee understands and agrees that DJCS and/or OJP may withhold award funds, or may impose other related requirements, if the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

72. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

73. In-direct Costs:

A subgrantee that is eligible under the Part 200 Uniform Requirements to use the "de minimis" indirect cost rate described in 2 C.F.R.200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC). All applicants/sub-grantees requesting in-direct costs must provide a spreadsheet showing how the indirect cost rate was determined. Indirect costs cannot be transferred or moved to direct costs within the current budget.

74. Fraud

The recipient must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct. Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (2) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax). Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

75. Restrictions and certifications regarding non-disclosure agreements and related matters

No subgrantee under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information. The foregoing is not intended and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the subgrantee --

a) represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b) certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the subgrantee does or is authorized to make subawards or contracts under this award -- a) it represents that --

1) it has determined that no other entity that the recipient's application proposes may or will receive award funds

(whether through a subaward, contract, or subcontract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and b) it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

76. Performance Measures

The subgrantee must collect, maintain, and provide to DJCS & OJP, data that measure the performance and effectiveness of activities under this award, in the manner, and within the timeframes, specified in the program solicitation, or as otherwise specified by OJP. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws. The subgrantee agrees to submit performance reports on the performance metrics identified by DJCS and OVC, and in the time and manner required by DJCS & OVC. This information on the activities supported by the award funding will assist in assessing the effects that VOCA Victim Assistance funds have had on services to crime victims within the jurisdiction.

77. Non-Profit Financial Statements and Status Certifications:

All non-profit subgrantees of VOCA Assistance funding under this award are required to make their financial statements available online (either on the subgrantees, or another publicly available website). OVC will consider sub-recipient organizations that have Federal 501(c)(3) tax status as in compliance with this requirement, with no further action needed, to the extent that such organization files IRS Form 990 or similar tax document (e.g., 990-EZ), as several sources already provide searchable online databases of such financial statements.

All non-profit subgrantees of VOCA Assistance funding under this award are required to certify their non-profit status. Subgrantees may certify their non-profit status by submitting a statement to DJCS (to be placed in the grant file) affirmatively asserting that the subgrantee a non-profit organization, and indicating that it has on file, and available upon audit, either – 1) a copy of the recipient's 501(c)(3) designation letter; 2) a letter from the recipient's state/territory taxing body or state/territory attorney general stating that the recipient is a non-profit organization operating within the state/territory; or 3) a copy of the recipient's state/territory certificate of incorporation that substantiates its non-profit status. Subgrantees that are local non-profit affiliates of state/territory or national non-profits should have available proof of (1), (2) or (3), and a statement by the state/territory or national parent organization that the recipient is a local non-profit affiliate

78. Requirement to report potentially duplicative funding

If the subrecipient currently has other active awards of federal funds, or if the subrecipient receives any other award of federal funds during the period of performance for this award, the subrecipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used {in whole or in part} for one or more of the identical cost items for which funds are provided under this award. If so, the subrecipient must promptly notify DJCS and the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by DJCS or the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

79. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award).

The subrecipient ("subgrantees"), at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the subrecipient. The details of the subrecipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by subrecipients related to trafficking in persons (including reporting

requirements and OJP authority to terminate award)), and are incorporated by reference here.

80. High-Risk Grantee

The subrecipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or DJCS, as appropriate) during the period of performance for this award, if the subrecipient is designated as "high-risk" for purposes of the DJCS or DOJ high-risk grantee list.

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

81. Civil Rights and Non-Discrimination

The subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016. Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to subrecipient ("sub grantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of federal Regulations (currently accessible at <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a

number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

82. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.) Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

83. Compliance with general appropriations-law restrictions on the use of federal funds

The subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2016, are set out at <http://ojp.gov/funding/Explore/FY2016-AppropriationsLawRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a subrecipient would or might fall within the scope of an appropriations-law restriction, the subrecipient is to contact DJCS and OJP for guidance and may not proceed without the express prior written approval of DJCS and OJP.

84. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The subrecipient must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant. The subrecipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712. Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the subrecipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

85. Office for Victims of Crime (OVC) and/or Office of the Chief Financial Officer (OCFO) Authorization

The subgrantee authorizes DJCS and the Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper or documents related to the VOCA grant. DJCS will further ensure that all VOCA subgrantees will authorize representatives of OVC and OCFO access to and the right to examine all records, books, paper or documents related to the VOCA grant.

86. Match

Subgrantees that are awarded \$100,000 or more for the grant period must submit Match on a Monthly Basis.

87. Mandatory Technical Assistance Training

All Subgrantees are required to send at least one representative to DJCS Mandatory Technical Assistance Training. The person(s) attending the training must be able to adequately train other VOCA funded staff on changes in reporting requirements and the correct way to collect and report data for the Subgrant Award Report and VOCA Performance Measures.

88. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward). The details of the requirement for advance approval to use a noncompetitive approach in a

procurement contract under an OJP award are posted on the OJP web site at <http://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)) and are incorporated by reference here.

89. Compliance with general appropriations – law restrictions on the use of federal funds

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2016, are set out at <http://ojp.gov/funding/Explore/FY2016-AppropriationsLawRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

90. ACORN

Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.

91. Non-discrimination of Students

The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

92. Providing Services to Limited English Proficiency (LEP) Individuals:

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <https://www.lep.gov>.

93. Reclassification of various statutory provisions to a new Title 34 of the United States Code:

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code. Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

94. Requirements related to System for Award Management and Universal Identifier Requirements:

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements) and are incorporated by reference here. This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

95. Demographic Data:

The recipient assures that its subrecipients will collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance, where such information is voluntarily furnished by the victim.

96. National Environmental Policy Act:

The recipient understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related Federal laws (including the National Historic Preservation Act), if applicable. The recipient agrees to assist OJP in carrying out its responsibilities under NEPA and related laws, if the recipient plans to use VOCA funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The recipient also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.

97. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS:

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

I certify that I have read the entire Standard and Special Conditions and Assurances of this grant program and agree to comply with these requirements.

Printed/Typed Authorized Official Name

SIGNATURE (Original) of Authorized Official

DATE

Printed/Typed Project Director Name

SIGNATURE (Original) of Project Director

DATE



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 Seventh Street NW., Washington, DC 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address: Jefferson County Commission PO Box 250 Charles Town WV 25414

Victims of Crime Act (VOCA) 16-VA-096

55-6000333

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

Josh Compton, President

4. Typed Name and Title of Authorized Representative

November 1, 2018

5. Signature

6. Date

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Josh Compton

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 15 minutes

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

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Discussion concerning letter received from the City of Charles Town and Jefferson Vision – Discussion/Action**

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



OFFICE OF THE MAYOR SCOTT ROGERS

Dear Charles Town Property Owner:

As Mayor of Charles Town, I am opposed to the proposed Rockwool Industrial facility. Rockwool's traffic and toxic pollution near our schools make it the wrong fit for Jefferson County.

Charles Town freeholders, or property owners, have the right to sign a petition to increase the votes required for Rockwool to be able to use Charles Town's sewer system.

I think that's a good idea. We need to make sure that there's a strong consensus in Charles Town before building any infrastructure for Rockwool.

Thanks for considering and signing the Charles Town sewer petition.

Sincerely,

Scott Rogers

Mayor

STOP TOXIC ROCKWOOL

ToxicRockwool.com

CHARLES TOWN PROPERTY OWNERS PETITION: HELP STOP THE ROCKWOOL INDUSTRIAL SEWER BOND

- Rockwool is a planned global-scale insulation factory with toxic emissions from giant 21 story smoke stacks.
- The Rockwool plant is located in a former apple orchard in the heart of Jefferson County, next to North Jefferson Elementary School and within 2 miles of three other public schools -- **30% of Jefferson County's entire student population.**
- There is widespread opposition to Rockwool and subsidizing heavy industry in Jefferson County -- the towns of Harpers Ferry, Shepherdstown, and neighboring towns have issued formal proclamations opposing Rockwool.
- **State bureaucrats are trying to push through a new \$16 million bond to build an industrial sewer line connecting Rockwool to the Charles Town sewer system.**
- The Mayor of Charles Town, Scott Rogers, also opposes Rockwool and the Rockwool industrial sewer bond.
- The Charles Town Building Commission and the Charles Town City Council must vote in order to pass this bond.
- Charles Town property owners have the right to be directly heard on this issue and can strengthen the public process for passing the bond.
- **If 30% of Charles Town property owners sign these petitions, additional votes will be needed to pass the Rockwool bond (the petitions will trigger a requirement that the bonds must get 4/5 vote to pass instead of a simple majority).**
- Rockwool needs an industrial sewer in order to build its factory; **signing these petitions will help make it harder to build heavy industry in the middle of Jefferson County.**
- **To eligible to sign these petitions, you must own property (a home or other real estate) within the city of Charles Town. You are receiving this letter because you were listed as a tax paying property owner within the Charles Town District 03.**

SAVE OUR COUNTY AND JOIN THE PETITION BEFORE NOVEMBER 3rd
See Reverse Side for Petition Instructions

More Information Available at www.jeffersoncountyvision.com

2

Charles Town Property Owners Petitions Against Rockwool Industrial Sewer Line

City of Charles Town, West Virginia
Building Commission
101 East Washington Street
Charles Town, WV 25414

RE: Proposed Ordinance and Presentation for Enactment of Consideration of an Ordinance Authorizing the Leasing of Certain Sanitary Sewer System Assets from the Charles Town Building Commission and Approving the Issuance by the Charles Town Building Commission of Lease Revenue Bonds in an Amount Not to Exceed \$16,000,000

Dear Members of the Building Commission

Pursuant to the provisions of West Virginia Code § 8-16-7, this letter serves as written protest of the above referenced ordinance.

Notice is hereby provided that at least thirty percent of the freeholders of the City of Charles Town have hereby signed this letter in protest of said ordinance and hereby file their formal protest of the same to this Commission. Enclosed herewith are the official signatures of these freeholders.

Pursuant to West Virginia Code § 8-16-7, the above referenced ordinance now cannot pass this Commission without the assent of four-fifths of this Commission's members.

Further, we ask that you accept this protest as the voice of the community that you have agreed to serve and represent and reconsider your acceptance of this ordinance.

Signature: _____

Printed Name and Address: _____

City of Charles Town, West Virginia
City Council
101 East Washington Street
Charles Town, WV 25414

RE: Ordinance Authorizing the Leasing of Certain Sanitary Sewer System Assets from the Charles Town Building Commission and Approving the Issuance by the Charles Town Building Commission of Lease Revenue Bonds in an Amount Not to Exceed \$16,000,000

Dear Members of the City Council

Pursuant to the provisions of West Virginia Code § 8-16-7, this letter serves as written protest of the above referenced ordinance.

Notice is hereby provided that at least thirty percent of the freeholders of the City of Charles Town have hereby signed this letter in protest of said ordinance and hereby file their formal protest of the same to this Council. Enclosed herewith are the official signatures of these freeholders.

Pursuant to West Virginia Code § 8-16-7, the above referenced ordinance now cannot pass this council without the assent of four-fifths of this Council's members.

Further, we ask that you accept this protest as the voice of the community that you have agreed to serve and represent and reconsider your acceptance of this ordinance.

Signature: _____

Printed Name and Address: _____

Return via Mail, Email, or a Drop Spot by November 3rd
Mail To: Jefferson County Vision, PO Box 103, Shenandoah Junction, WV 25442
Scan and Email To: ccarwv@gmail.com

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Josh Compton

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **November 1, 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 & Feedback Regarding Evening Meetings: Jefferson County Commission Meeting Times- Discussion/Action**

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Josh Compton

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 15 minutes

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

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

Date Requested – 2nd Choice:

1. Subject (*Wording to be placed on agenda*): **Discussion regarding Residential Impact Fees- Discussion/Action**

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jane Tabb

Department or Organization: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: Nov. 1, 2018

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda):

Review of Planning and Zoning Regulations regarding all categories on "Industry"

Please provide the County Commission with a description of your request or presentation, including any background information: **Staff conduct a review of Planning and Zoning Regulations regarding all categories on "Industry" and present a report to the County Commission on areas to improve: Require an Environmental Impact Statement, require Air Quality Permit approval before project is approved, require set-backs from Schools and other sensitive populations, clear definition of Smokestack vs Chimney, etc.**

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

Discussion/Action

Are documents attachments? Yes NoX

If not, explain:

Is a projector needed? Yes No X

Contact information:

Email address: _____

Phone number: _____

West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts.

Group Residential Home²³

A building owned or leased by developmentally disabled or behaviorally disabled persons for purposes of establishing a personal residence, and complying with all applicable requirements of the state of West Virginia. Per Chapter 17 of the West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts.

Harpers Ferry Overlay District²²

For purposes of regulating Wireless Telecommunication Facilities, an area bounded on the north by a line running west from the Potomac River shore to and along Engle Switch Road to its intersection with Route 230; thence south along Route 230 to its intersection with the CSX Railroad Valley Line; thence south along said railroad to Milepost 4 on the railroad at its intersection with Millville Road; thence east from that point to and across the Shenandoah River to a point 1000 feet distant on the eastern shore of the said Shenandoah River; then following a line 1000 feet inland from that opposite shore of the Shenandoah River to its confluence with the Potomac River; then along a line 1000 feet inland from the Potomac river shore running east to the Virginia state line; thence north to the Potomac River shore; thence west along the shore of the Potomac River to the point of origin. This district excludes the area within the jurisdictional boundaries of the town of Harpers Ferry and the town of Bolivar.

Heavy Industrial Use²⁷

Manufacturing or other enterprises with significant external effects including but not limited to noise, dust, glare, odors or vibrations, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. This use also includes those land uses characterized by heavy trucking activity or extensive warehousing.

Helipad²⁷

A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

Heliport²⁷

An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Historic District³⁵

A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Historic Landmark³⁵

A site, building, structure, or object designated as a "Landmark" either on a national, state, or local register.

Historic Landmarks Commission^{32, 35}

A five member commission, appointed by the Jefferson County Commission. Powers, membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Historic

Manufacturing, Heavy ²⁷	An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibrations beyond its property line. A land use that generates significant noise, odor, vibration, illumination, or particulate matter that has the potential to adversely affect adjacent land uses, or requires a significant amount of on-site hazardous chemical storage, shall be classified under this land use.
Manufacturing, Limited ²⁷	The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. This category includes welding services.
Massage Parlor ⁷	An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, certified massage therapist, or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
Medical/Dental/ Optical Office, Small ^{23, 32}	A medical, dental, or optical office limited to two practitioners and related support staff.
Medical/Dental/ Optical Office ²⁷	A facility other than a hospital where medical, dental, optical, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates licensed primary practitioners (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.) within a single office suite.
Mixed Use Building ³²	A mixed use unit consisting of a commercial or office use and a residential use. The commercial or office use must be located on the first floor.
Mobile Home Park	A lot, site, or parcel of land used or intended to accommodate two (2) or more mobile homes for residential purposes with adequate public or community water and sewerage service meeting Health Department standards. A mobile home park does not include mobile home sales lots, which unoccupied mobile homes are parked for inspection and sale. This term includes all buildings, structures, vehicles, accessories and appurtenances used or intended as equipment in such a park.
Mobile Home, Boat and Trailer Sales ²⁷	Use of a site for the sale, rental or servicing of mobile homes, boats and trailers. This use includes outdoor display of items for sale or rent, and accessory retail sale of merchandise related to mobile homes, boats and trailers. This use does not include a gas station.

Institutional Use ^{17, 21, 23}	A non-profit, public or quasi-public use, such as a religious facility, library, public or private school, hospital, or government owned, operated, or supported facility or land use for public purpose.
Kennel ^{23, 27, 32}	The boarding, breeding, raising, or training of more than six dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain or as part of the operations of a not-for-profit organization.
Land Surveyor	A person registered by the State of West Virginia through the Board of Examiners of Land Surveyors.
Lattice Tower ^{9, 22}	A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.
Light Industrial ^{1, 23}	Any industry that does not use a significant amount of water except for domestic purposes. Industrial uses that do not create noise, odors, smoke and objectionable nuisances or hazards. Any uses listed in Section 5.6B (as amended) are not considered light industrial.
Lot	A tract of land area meeting local development standards which is intended for building development whether immediate or future.
Lot Area	The total horizontal area included within the rear, side and front lot or proposed street lines of the lot.
Lot Line, Front ^{5, 23}	The side or sides of an interior or through lot which abut a street. Front lot lines shall be measured from the Road Improvement Easement where one exists. For a property with a rear yard adjacent to a right-of-way designated as an alley, a rear yard setback shall apply.
Lot Line, Side ^{5, 23}	Any lot line other than a front lot line or rear lot line.
Lot of Record	A written or graphic description of a lot that is on record in the office of the Clerk of the County Commission of Jefferson County at the adoption of this Ordinance.
Lot, Corner ²³	A lot abutting on two intersecting streets. Both sides abutting the streets forming the corner shall be considered front lot lines unless otherwise specified in this Ordinance, with the exception of corner lots that front on a private or public road on one edge and an access easement serving 5 lots or fewer on one edge. For such lots, a front yard setback for the principal structure applies to the edge of the lot that fronts on a private or public road and a side yard setback for a principal structure applies to the edge of the lot that fronts on the access easement. A corner lot must have at least one rear lot line.
Manufactured Housing ^{23, 32}	A single family detached structure built in a factory according to Federal Manufactured Home Construction and Safety Standards, effective June 15, 1976. For the purpose of this Ordinance, a manufactured home shall be considered the same as any site-built, single-family detached dwelling.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.13 Highway Commercial (HC) District^{27, 32}

A. Purpose. The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, which may include very large buildings that exceed 100,000 square feet of gross floor area for an individual building and which may have a greater impact on surrounding areas as a result of significant truck traffic and other factors. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.

B. Location. This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.³²
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.³²

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.14 Light Industrial (LI) District^{27, 32}

A. Purpose. The purpose of this district is to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. In this district, most manufacturing is composed of processing or assembly of previously processed materials.

B. Location. This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.³²

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

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.15 Major Industrial (MI) District^{27, 32}

A. Purpose. This district is intended to provide sufficient space in appropriate locations for a wide variety of industrial activities. The uses in this district can be served with adequate public or community water and sewerage service, and may be characterized by extensive warehousing, frequent heavy trucking activity, and broader manufacturing activity than would be permitted in the Light Industrial District.

B. Location. This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.³²

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.

E. Additional Requirements

1. Heavy industrial land uses shall not be located less than 1,000 feet from an adjacent property with a dwelling, school, church or institution for human care or a residential zoning district.
2. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.16 Planned Neighborhood Development (PND) District^{27, 32, 35}

A. Purpose. The purpose of the PND District is to:

1. Encourage flexibility in the development of land in order to promote its most appropriate use;
2. Improve the design, character and quality of new developments;
3. Provide and promote redevelopment and reuse opportunities;

consumption on the premises. This use may include live entertainment (other than an adult use) that complies with Jefferson County noise restrictions.

Nonconforming Lot³²

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

Nonconforming Use³²

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

Nonconforming Structure³²

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

Non-Residential^{17, 21}

A commercial, industrial, or institutional use.

Nursing or Retirement Home

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

Open Space³²

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

Parking, Commercial Offsite Accessory²⁷

Use of a site for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking space rented to the general public or reserved for individuals by the hour, day, week, or month.

Pawn Shop Services²⁷

An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. This use does not include a Bank.

PCS²²

Personal Communication Services.

Performing Arts Theater²⁷

An establishment for the performing arts with seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions. Incidental use of a performing arts

theater for community events is permitted. This use does not include an adult use or a bar or nightclub.

Personal Services²⁷

Establishments primarily engaged in providing individual services generally related to personal needs of a non-medical type, including barber shops; beauty salons; chiropractic clinics; clothing rental; dry cleaning and laundry services (as defined in this Ordinance); duplicating services; garment repair, pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.

Plat²³

A scaled, graphic drawing of a land subdivision project prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance. A plat depicts the design and layout of a project as well as the location of existing and proposed property boundaries and easements. A plat also includes all terms, conditions and performance requirements established prior to the approval of a subdivision.

Preliminary Plat²³

A professionally prepared drawing of a proposed subdivision which is not a record plat but which contains detailed information concerning the proposed development, and is prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance.

Preschool²³

Use of a site for the provision of pre-elementary educational services on a scheduled basis to children through kindergarten. If the West Virginia Department of Education establishes requirements for a preschool, the land use shall meet these requirements.

Preservation of a Historic Site³⁵

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

Primary Public Safety Provider²²

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

Principal Permitted Use^{23, 31, 32}

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

ARTICLE 4: GENERAL PROVISIONS

Section 4.1 Ordinance Deemed Minimum Regulations; Uniformity

The regulations set forth by this Ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each kind of structure or land except as hereinafter provided.

For each zoning district, a list of principal permitted uses and conditional uses are delineated in Appendix C. Additionally, several uses prohibited for all districts are listed in Section 4.4. Conditional uses shall require processing before the Board of Zoning Appeals. All non-residential permitted and approved conditional uses shall require a Zoning Certificate and may require processing a Site Plan in conformance with the requirements of the Jefferson County Subdivision and Land Development Regulations.^{23, 32}

Section 4.2 Compliance with Ordinance

Except as hereinafter specified, no land, building, or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted or altered except in conformity with the regulations herein specified for the district in which it is located. This provision shall not apply to general maintenance or repair or any addition deemed not a major addition as defined in Section 2.2 of this Ordinance.³²

Section 4.3 Nonconforming Uses

Any building, structure or premises lawfully existing at the time of the adoption of this Ordinance, or lawfully existing at the time that this ordinance is subsequently amended, may continue to be used even though such building, structure, or premises does not conform to use, setbacks or dimensional regulations of the zoning district in which it is located; subject, however, to the following provisions:^{7, 32}

- A. Nonconforming structures may be upgraded or repaired, or alterations made to the facilities.^{7, 23, 32}
- B. Repair includes the following: replacement of same size (^{+/-}35%) porches, awnings, decks roofs, overhangs, patios, or any other similar construction as approved by the Zoning Administrator. However, expansion of any nonconforming structure or use shall be limited to the lot that existed at the time of adoption of this Ordinance. Additional acreage shall not be added to enlarge any nonconforming use unless a variance is approved by the Board of Zoning Appeals after review and a public hearing in accordance with Section 6.1C.^{7, 23, 32}
- B. Whenever a nonconforming use has been abandoned for a period of twelve (12) months, such use shall not be reestablished and any future use shall be in conformance with the provisions of this Ordinance.^{5, 17, 21}
- C. A nonconforming use may not be substituted for any other nonconforming use without the Board of Zoning Appeals review and public hearing, provided, however, to the following: upon notice to the Zoning Administrator with an application for and approval of a Zoning Certificate a nonconforming retail, service, or wholesale operation may be substituted with another retail, service or wholesale operation without such public hearing; provided again, however, the intended use does not include an adult use.^{7, 17, 21}
- D. Effective October 14, 1999, whenever a nonconforming structure or use expands over 35% of the existing square footage of its operation said use shall meet all the applicable requirements of this Ordinance unless otherwise allowed by the Board of Zoning Appeals. Any nonconforming structure or use that expanded between October 5, 1988 and October 14, 1999 may expand under this provision as if they have never utilized this provision in the past.^{7, 8, 12, 17, 21, 23, 32}

1. When a nonconforming use can be computed by units such as apartment units, motel/hotel units, mobile home parks, and similar uses, the 35% expansion shall be limited to 35% of the number of existing units.⁸
- E. A nonconforming shopping center (including spaces that were not leased in the existing building at the time of the adoption of this Ordinance) may substitute uses according to Section 4.3C.⁷
- F. Section 4.3 is subject to Chapter 8A of the West Virginia Code, as Amended.^{17, 21, 23}
- G. This Section (4.3) does not apply to industrial uses that existed at the adoption of the ordinance. Such industries may expand provided that they meet the site plan standards of this Ordinance, in addition to those of the Jefferson County Subdivision and Land Development Regulations.^{8, 23}
- H. A nonconforming structure or use destroyed by a natural or unnatural calamity cannot be rebuilt without approval of the Board of Zoning Appeals upon application by the owner and pursuant to the variance and appeal procedures outlined in Article 6. This provision will not apply to existing residential dwelling units.^{12, 17, 21, 23, 32}
- I. The nonconforming use automobile racing facility located on property specifically described as Tax Map 17, Parcels 2, 2.1 and 5 in the Kabletown District is permitted to expand as herein described:
 1. The commercial/competitive racing circuit as measured on January 10, 2002, 5,344 linear feet may add an additional 8,870 feet of commercial/competitive raceway surface, in accordance with (and not in addition to) the provisions of Section 4.3 of this Ordinance. The surface shall conform to a required 200 foot setback from all property lines.
 2. May add dormitory lodging with food service facilities that do not contain internally lit signs.
 3. May add automobile related research and development facilities.
 4. May add other automobile related facilities only for vehicles that are used on-site, including, but not limited to warehousing, parts, supplies and service.¹³

Section 4.4 Prohibited Uses

- A. Any existing or proposed use which is determined to be in conflict with any existing ordinance or laws of Jefferson County or law or regulation of the State of West Virginia or other governmental agency shall be prohibited even though such use may be allowed under the terms of this Ordinance.
- B. No land use shall be conducted that creates any injurious, noxious, or otherwise objectionable fire, explosive heat, or other hazard; noise, or vibration; smoke, dust, odor, gases, or other form of air pollution; or emit dangerous radioactivity in such a manner that if permitted would adversely affect the uses of an adjacent property or contaminate the ground water or surface waterways of the County. All land uses generating such conditions shall comply with the appropriate State and Federal Codes. Such compliance with applicable State and Federal laws shall be deemed as compliance with this Ordinance.
- C. Any development which would destroy the historical character of a property listed on the West Virginia or National Register of Historic Places shall not be permitted.
- D. No materials or waste should be stored on a property in a form that could be transported to adjacent property by wind or water or other natural causes or forces.
- E. All methods of industrial waste or sewage treatment and disposal shall be in accordance with County, State and Federal Codes.

- F. Jails, prisons, and/or penal institutions shall be prohibited in all zoning districts except the Industrial-Commercial District and the Major Industrial District.^{5, 27, 32}
- G. No gambling or casino type game of chance (video or mechanical) that provides any type of payoff or remuneration shall be permitted anywhere in Jefferson County unless expressly and explicitly permitted and authorized by the West Virginia Code as amended. Such use shall only be permitted in the Industrial-Commercial District and the Major Industrial District and shall be processed as a Conditional Use through the Board of Zoning Appeals.^{6, 23, 27, 32}
- This prohibition does not apply to betting on horses or pari-mutuel betting on horses. Furthermore, this prohibition does not apply to such uses that existed at the time of the adoption of this ordinance. Approval of a Conditional Use shall not supersede this prohibition in any zoning district other than the Industrial-Commercial District or the Major Industrial District.^{23, 27, 32}
- H. For parcels located east of the Shenandoah River or which are in a natural, undisturbed condition within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek, no use shall be permitted without adherence to the requirements for retention of land in a natural, undisturbed area as spelled out in Section 22.504 of the Jefferson County Subdivision and Land Development Regulations.^{5, 23}
- I. No sales of fireworks are permitted outside of the Industrial-Commercial, Residential-Light Industrial-Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts, and are subject to the requirements of for such use in Article 8.^{8, 23, 27}
- J. Vehicle signs left parked or standing on a public right-of-way, public property or private property.¹²
- K. Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District.^{23, 27}
- No conditional use permit shall be approved for any of these adult uses in any zoning district. This provision does not apply to any specific existing use that legally qualifies as a nonconforming use.^{15, 16, 27}
- L. Salvage yards unless established in accordance with the Jefferson County Salvage Yard Ordinance.²³
- M. Heavy industrial uses listed as Conditional Uses (CU) in Section 5.6B and Appendix C , Principal Permitted and Conditional Uses Table of this Ordinance are permitted only in the Industrial-Commercial District and the Major Industrial District and require approval of the Board of Zoning Appeals in accordance with Section 6.3.^{23, 27, 32}
- N. No above ground chemical storage tanks shall be permitted within an area defined by one (1) mile upstream of any public water intake and within one-quarter (1/4) mile of any waterway serving the public water intake; provided, however, that agricultural tanks that are regulated by WV Code Chapter 19 are exempt from this provision.²⁷

Section 4.5 Agricultural Uses Permitted Generally

Except for compliance with distance requirements for a building set forth in Section 4.6, nothing in this Ordinance shall prohibit the use of land for agricultural purposes or the construction or use of building or structures incidental to the use for agricultural purposes.

Section 4.6 Distance Requirements

- A. Industrial uses are subject to this subsection, unless otherwise specified in this Ordinance. Any uses (not including parking) or buildings subject to compliance with this Section shall be located at least 200 feet from:²⁷
1. Any lot in the Residential Growth District;²⁷
 2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;¹
 3. Any lot which is part of a recorded subdivision; and
 4. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.
- B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:^{7, 27}
1. Any lot in the Residential Growth District;
 2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
 3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.²³
- C. A commercial use (not including parking) located in the Neighborhood Commercial District or the Office/Commercial Mixed Use shall be located at least 25 feet from a land use identified in Section 4.6B.1-3.²⁷
- D. Housing for farm animals and feeding pens shall be set back a minimum of 50 feet from all property lines; excluding chicken coops which may be set back 25 feet from all property lines, if no roosters are housed there.³²
- E. Structure used to store manure shall comply with distance requirements specified in 4.6A.³²
- F. All portions of a kennel land use must be buffered pursuant to Article 4 and set back at least 300' from any other property line that contains a residence. If the adjacent use is a commercial use, setbacks shall conform with commercial setbacks in Appendix B.³²
- G. Historic Sites are subject to this subsection, unless otherwise specified in this Ordinance. All properties designated as a historic site shall be subject to a protection radius as described in this section when a non-residential development or major residential subdivision is proposed. A protection radius is the area surrounding a historic site not exceeding the boundary lines of the property.³⁵
1. **Protection Radius:** Category I historic sites shall be subject to a 200-foot protection radius, as measured from the center of the site or principal structure. When an entire site is placed on the National Register and contains historic structures, preference shall be given to the Property Owner as to whether the protection radius is applied to the center of the principal historic structure or the center of the area of property on the National Register. The protection radius shall only apply to a property or structure listed on the National Register and does not apply to federally designated battlefields or historic districts broadly, but may apply to an individual parcel that is part of a federally designated battlefield or historic district, if the property or structure is listed on the National Register.

2. Uses permitted within the Protection Radius include Residential Uses as listed in Appendix C, barns, and residential accessory structures as defined by this Ordinance. Existing structures (which existed prior to the adoption of this text amendment) within the protection radius may be converted to a non-residential use in accordance with Appendices B & C and shall comply with applicable district regulations as required by Article 5.

Section 4.7 Essential Utility Equipment

Essential utility equipment, as defined in Section 2.2, shall be permitted in any district, as authorized and regulated by law and ordinances of Jefferson County, it being the intention hereof to exempt such essential utility equipment from the application of this Ordinance. Wireless telecommunication towers, however, shall conform to the requirements of Article 4B.^{7, 22}

Section 4.8 Buildable Lot

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this Ordinance.

Section 4.9 Traffic Visibility Across Corner Lots

On any corner in all districts, there shall be no obstruction to traffic visibility within 35 feet of the intersection of the two street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.²³

Section 4.10 Site Plan Requirements

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.^{23, 26}
- B. Site plan submittal is not required for single-family or two-family dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.²³
- D. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.^{10, 17, 21, 23}

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.²⁷

- A. Commercial Development²⁷
 1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a 50 foot or greater unscreened green space buffer or a 15 foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

2. All commercial development adjacent to all other uses must maintain ten foot side and rear yard landscape buffers.⁵

B. Industrial Development²⁷

1. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have an unscreened buffer yard of no less than 200 feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard.
2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half ($\frac{1}{2}$) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.^{5,7}
3. All industrial development adjacent to any use shall have 20 foot screened side and rear landscape buffers.

C. Multi-family Development²⁷

1. All multi-family adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have, along common property lines, screened green space buffers as follows:
 - a. Front and rear: a minimum of 15 feet
 - b. Side: a minimum of 12 feet

D. In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.

E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.^{7,23,27,28}

However, any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:^{27,28}

- a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of 20 feet or more at maturity, planted every 50 linear feet; at least every other tree shall be an evergreen;
 - b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every 50 linear feet; and
 - c. Three (3) shrubs per each 25 feet along the property line, round upward.
 - d. These requirements shall be required on both sides of a property line for adjoining properties.
 - e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.^{7,23,26}
2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.

- 3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
- 4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.
- F. In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.²³
- G. All buffer yards shall be maintained by the property owner.
- H. All development adjacent to a Sensitive Natural Area shall have a buffer of natural vegetation. Environmental standards contained in Section 8.9A, 1 through 7, will apply. The buffer shall meet the current Federal standard except as required in Table 4.11 -1 below:²³

Table 4.11 -1 Wetland Size in Acres^{5, 8, 23}

Greater Than	Less Than	Buffer Width in Feet
0.05	0.10	30
0.10	0.16	35
0.15	0.21	40
0.20	0.26	50
0.25	0.31	55
0.30	0.36	60
0.35	0.41	65
0.40	0.46	70
0.45	0.51	75
0.50	0.66	80
0.65	0.81	85
0.80	0.96	90
0.95	1.21	95
1.20	--	100

- I. All required landscape plans shall contain the following elements:⁷
 - 1. Deciduous street trees for shade and aesthetics, planted at the following average spacing:²³
 - a. Site with street frontage of up to 200 feet: 1 tree per 50 feet.
 - b. Site with street frontage exceeding 200 feet: The greater of 4 trees or 1 tree per 100 feet.
 - 2. Evergreen buffer planting, as required, for full screening.
 - 3. Parking lot and internal drive plantings (mix of evergreen and deciduous) for partial screening and limited shade.
 - 4. Structure plants for aesthetics and limited shade.
 - 5. Schedule of plants including common name, scientific name, minimum size (height, caliper, etc.) quantity and specific limitation notes.
- J. Required landscape buffers for a non-residential use are indicated in Appendix B.²⁷

Section 4.12 Design Standards for Multi-Family Developments²³

- A. Common open space shall be oriented to the interior of the development and shall consist of land suitable for passive and active recreational use. No more than 50 percent of land dedicated to recreational use shall be within the 100 year Floodplain.

- B. Impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed 50 percent of the gross land area.
- C. Tot lot or play areas shall be centrally located in areas convenient to residential buildings and at least 25 feet from any street right-of-way.

Section 4.13 Development Adjacent to the Potomac and Shenandoah Rivers²³

- A. Any development, other than residential development, that takes place after the adoption of this Ordinance must maintain a 500 foot buffer strip from the existing banks of the Potomac and Shenandoah Rivers.

Section 5.5 Reserved²³

Section 5.6 Industrial - Commercial (IC) District^{23, 32}

The purpose of this district is to provide locations for manufacturing, processing, and commercial uses which may require extensive transportation and central or public water and sewer services. It is not the purpose of this district to encourage the use of land within the district for retail services; however, it is anticipated that there may be areas or locations where retail services can be reasonably and logically considered due to their relationship with other uses existing within the district, as well as their relationship with the district boundary line or the configuration of the property and the relative scale of the project.

A. Principal Permitted and Conditional Uses^{23, 32}

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table and this section.^{27, 32}
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to the requirements of this section and to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance.^{27, 32}

B. The following heavy industrial uses shall require review and approval of the Board of Zoning Appeals under the Conditional Use Permit process and shall not be located less than 1000 feet from any Residential property line or property listed on the National and State Historic Register/Survey.³²

1. Bituminous concrete mixing and recycling plants
2. Concrete and ceramic products manufacture, including ready mixed concrete plants
3. Petroleum products refining or storage (subject to the requirements for such standards in Article 8)²³
4. Commercial sawmills
5. Salvage Yards (subject to the Jefferson County Salvage Yard Ordinance)
6. Garbage or dead animal reduction or processing
7. Slaughterhouses, Stockyards
8. Acid or heavy chemical manufacturer, processing or storage
9. Cement or lime manufacture
10. Explosive manufacture or storage
11. Foundries and/or casting facilities
12. Mineral extraction, mineral processing
13. Jails and Prisons (subject to requirements for this use in Article 8)²³

C. Height Regulations

No structure shall exceed 75 feet in height except as provided in Section 9.2.

D. Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.^{5, 23, 27}

2. Compliance with Section 4.11 and Section 8.9A(1-9)^{7, 23}
3. Distance Requirements
 - a. Commercial shall comply with Section 4.6B
 - b. Industrial shall comply with Section 4.6A^{7, 23}

E. Lot Area

A minimum lot size of three acres shall be required for any industrial use unless the site is located in an approved Industrial Park.²³

F. Additional Commercial and Industrial Design Standards²⁷

1. Commercial Design Standards^{23, 27}

- a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 80% of the gross area of the site.
- b. Adequate provision shall be made for storage and collection of refuse. Refuse containers are subject to Section 4.11F.²⁷
- c. Permeable areas of the site shall be planted with ground cover, shrubs and trees.
- d. Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public highways, streets and properties.

2. Industrial Design Standards

- a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 90% of the gross area of the site.²³
- b. Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11F.²⁷
- c. Permeable areas of the site shall be planted with ground cover, shrubs or trees if subject to Section 4.6.

Section 5.7 Rural (R) District^{23, 32}

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not served with public water or sewer facilities, although certain size developments processed under the cluster provision of Section 5.7D(2) may choose to do so. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7D. The Envision Jefferson 2035 Comprehensive Plan recommends that the cluster provision of the Zoning Ordinance be the preferred method of residential development in the Rural zoning district.^{8, 23, 32}

A. Principal Permitted and Conditional Uses^{23, 27, 32}

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.^{27, 32}
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.^{27, 32}

B. Minimum Lot Area, Lot Width and Yard Requirements²³

- (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
- (d) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating “The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.²³
- 3. If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.³²
- 4. Subdivisions involving transfers of land between family members known as “Family Transfers”, as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to further subdivide except as another Family transfer.³²
- 5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
- 6. Notwithstanding any other provision contained in Article 5, Section 5.7D, if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 1, 2018, then the property may continue to subdivide, or finish subdividing, utilizing the property’s remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan, or Community Impact Statement, or otherwise contained within the property’s subdivision files within the Department of Engineering, Planning, and Zoning.³⁴

Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District¹

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.²³

A. Principal Permitted and Conditional Uses^{23, 27, 32}

- 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.^{27, 32}

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

B. Standards²³

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.^{23, 27}
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.²⁷

C. Site Development Standards^{23, 27}

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.²⁷
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.^{5, 7, 23, 27}
3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use in accordance with Section 6.3 of this Ordinance. This requirement shall not apply to a building located within a shopping center shown on an approved site plan.^{23, 26, 32}
4. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.^{7, 27}

Section 5.9 Reserved²³

Section 5.10 Village (V) District^{8, 23, 32, 35}

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

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

A. Principal Permitted Uses

1. Residential Land Uses
 - a. Refer to Appendix A for site development standards. If applicable, reduced building setbacks may be permitted in accordance with Article 9.
2. Non-Residential Land Uses in Existing Structures

- c. Sales of packaged products produced on-premises.
 - d. Sales of novelty and gift items associated with products produced on-premises.
5. Twenty-five percent of the raw products for a product containing alcohol that is produced by a farm winery or farm distillery must be produced (i.e. grown and harvested) on the premises of the farm winery or farm distillery. No more than 25% of any produce utilized for farm wineries and farm distilleries shall originate from any source outside of West Virginia.²⁶
 6. Production limits are as follows:²⁶
 - a. A farm winery may produce annually up to 50,000 gallons of wine and similar products.
 - b. A farm distillery may produce annually up to 20,000 gallons of alcoholic liquor.
 7. Buildings located on the premises may exceed the square footage limit of Section 8.5A provided that the total building area dedicated to the use does not exceed total permitted square footage. This limit applies to the use of space for distilling, bottling, sales, administrative offices, and customer area, and does not apply to a barn, greenhouse or similar structure that is directly related to agricultural production.²⁶

Section 8.6 Farm and Farmer’s Market^{23, 32}

- A. A Farm Market shall be located on the land or farm on which the farm products being sold are produced. The floor area of a farm market may not exceed 1,500 square feet, a front yard setback of 25 feet from the street right-of-way must be maintained, and off street parking must be provided.³²
- B. A Farmers’ Market is a multi-stall market at which multiple farmer-producers offer agricultural products for sale to the public. Such uses are permitted in commercial zones in accordance with Appendix C and in the Rural Zoning District as a part of a Commercial Agricultural Enterprise.³²

Section 8.7 Jails and Prisons²³

Due to the special conditions surrounding a jail, prison, or penal institution, all such projects shall only be allowed in the Industrial-Commercial and Major Industrial Zones and shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use as provided for in this Ordinance.^{5, 32}

Design Standards for Jails, Prisons and/or Penal Institutions are as follows:⁵

- A. All jails shall have direct access to a primary road as defined by the Jefferson County Comprehensive Plan. Such road shall have a level of service no worse than Level C.
- B. No residential subdivisions, schools, churches or institution for human care shall be within 2000’ of the subject property. However, this does not prevent such use from locating within 2000’ of a jail, prison, or penal institution.
- C. Setbacks:
 1. Front 1,000 Feet
 2. Sides 1,500 Feet
 3. Rear 1,500 Feet

Section 8.8 Hunting, Shooting and Fishing Clubs²³

- A. Hunting, Shooting and Fishing Clubs may include the following accessory uses:
 1. Private restaurant that seats no more than 80 patrons that are members and guests of members.

2. Conference and banquet facilities to serve no more than 250 people in which a member rents the facility. Events which are accessory uses other than hunting, shooting, archery and fishing, cannot exceed more than 16 per year.

3. Private lodge facilities of up to 50 units that serve members and guests.²⁰

4. Shooting ranges for use of members and guests of members.

B. Standards for Hunting, Shooting and Fishing Clubs²⁰

1. 75 foot setback for all structures and parking.

2. 150 yard setback for all shooting facilities.

3. Height

a. As is for conversion or reconstruction that does not exceed 135 percent of the original footprint of existing structures

b. 35 feet for new structures

4. Landscaping requirements of this Ordinance apply, with the following exception:

a. Perimeter landscaping shall be as approved by staff in order to preserve existing vegetation.

5. Minimum of 150 acres under common ownership.

C. Special Exceptions for Hunting, Shooting and Fishing Clubs²⁰

1. Limits exceeding requirements outlined above can be increased with Board of Zoning Appeals approval provided that the Board of Zoning Appeals find that the increase is compatible with the neighborhood after taking into consideration neighborhood character, traffic, and buffering. Such decision shall be rendered after a public hearing as outlined in the Board of Zoning Appeals Rules of Procedure.

Section 8.9 Industrial and Commercial Uses²³

A. Industrial and commercial uses in all districts shall comply with the following standards:

1. Noise

All noise shall be muffled so as not to be objectionable due to intermitting, beat frequency, or shrillness. Noise levels shall not exceed the following sound levels dB(A). The sound-pressure level shall be measured at the property line with a sound level meter.

<u>Sound Measured In</u>	<u>DAY</u>	<u>NIGHT</u>
	<u>7 AM - 6 PM</u>	<u>6 PM - 7 AM</u>
Adjoining Agricultural or Residential Growth District	60 dB(A)	50 dB(A)
Residential Uses in R-LI-C District	65 dB(A)	55 dB(A)
Commercial Uses	70 dB(A)	60 dB(A)
Light Industrial Uses adjacent to noise source	85 dB(A)	80 dB(A)

The following sources of noise are exempt:

a. Transportation vehicles not under the control of the industrial use.

b. Occasionally used safety signals, warning devices and emergency pressure relief valves.

c. Temporary construction activity between 7:00 a.m. and 7:00 p.m.

2. Odor

No operation shall result in the creation of odors of such intensity and character as to be detrimental to the health and welfare or the public or which interferes with the comfort of the public. Odor thresholds shall be in accordance with ASTM d139-57 “Standard Method for Measurement of Odor in Atmospheres (Dilution Method)” or its equivalent.

Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the state line, measured either at ground level or habitable elevation.

3. Smoke

No smoke, dust, fumes, or particulate matter shall be perceptible at any lot line. Further, the regulations and standards governing the control of air pollution shall be the same as those adopted by the State of West Virginia.

For the purpose of grading the density or equivalent capacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used.

The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.

The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other opening or any process, operation, or activity except solid waste incinerators within the boundaries of any lot, will not exceed the levels set forth below.

Particulate matter emission from materials or products subject to becoming wind borne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles or bulk material such as coal, sand, cinders, slag, sulfur, etc.

4. Ambient Air Quality Standard

Particulate Matter

Suspended

Annual Arithmetic Mean ug/m	65
24-hour Maximum b, ug/m	140

Settleable

Annual Arithmetic Average, mg/cm/	/month 0.35
Monthly Maximum	0.7

5. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration-measuring equipment.

6. Glare and Heat

No direct or sky-reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. There shall be no emission or transmission of heat or heated air so as to be discernable at the lot line.

7. Toxic Matter

The ambient air quality standards for the State of West Virginia shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists.

Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hours sampling period.

The release of airborne toxic matter will not exceed one-thirteenth of the threshold limit value across lot lines.

Such materials shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry derivatives; pyrotechnics and fireworks such as acetylates, tetrazoles, and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) per cent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is prohibited.

8. Fire Hazards

The storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

The total capacity of flammable liquids and gasses shall not exceed those quantities permitted in the following Table for each of the industrial districts:

<u>CAPACITY</u>	<u>STORAGE</u>
Liquids	60,000 gallons
Gasses	
- Above ground	150,000 SCF
- Below ground	300,000 SCF

SCF - Standard Cubic Feet at sixty (60) degrees Fahrenheit and 29.92 inches Mercury.¹

The following setback requirements will apply to the location of any container which holds flammable liquids or gasses:

Container Setback from Lot Lines

Water Capacity per Container (Gallons)	Containers		Between Above Ground Containers (Feet)
	Underground (Feet)	Above Ground Containers (Feet)	
0 to 2,000	25	25	3
2,000 to 30,000	50	50	5
30,000 to 60,000	50	75	
In excess of 60,000	75	100	¼ the sum of diameters of adjacent containers

9. Frontage Road

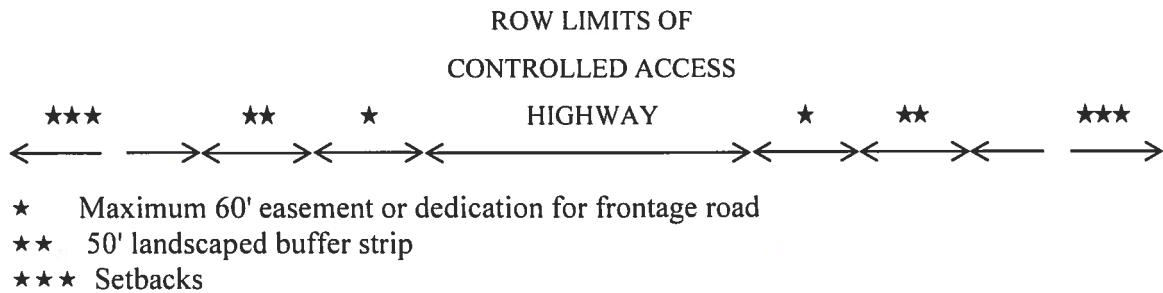
Easements or fee simple dedications will be provided along all limited access highways at the site plan or subdivision phases. Said easement/dedication shall not exceed 60 feet in width. The width may vary but must be adequate for extension, continuation or establishment of a minimum 20' wide paved frontage road.

10. Landscape Buffer

All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this Ordinance.²⁷

A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)



This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.⁵

Section 8.10 Model Homes/Sales Offices²³

Model homes with a staffed sales office for sales exclusively within the residential subdivision in which they are located are permitted provided that they are contained on the first lot on either or both sides of any road/right-of-way that enters the subdivision; provided also that they are so designated on the preliminary and final plats during the subdivision process.

Model homes with a staffed sales office in any other location within the subdivision must be approved or denied by the Board of Zoning Appeals after a public hearing advertised for 15 days.^{17, 21}

Model homes without staffed sales offices are permitted internally within the subdivision.¹²

Section 8.11 Petroleum Products Refining or Storage²³

Petroleum refining or storage (above ground in tanks) requires adherence to all state and federal laws, as well as National Fire Underwriters Codes.

Section 8.12 West Virginia Legal Fireworks²³

Sales of fireworks are permitted in the Industrial-Commercial, Residential-Light Industrial-Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.^{8, 27}

ARTICLE 9: EXCEPTIONS

Section 9.1 General

The regulations specified in this ordinance shall be subject to the following exceptions, modifications and interpretations.

Section 9.2 Building Height Limitations

Building height limitations shall not apply for public utilities, agricultural uses, communication poles and towers, chimneys, steeples, water tanks, electric generating plants, electric transforming or switching equipment, flagpoles, fire or observation towers, monuments, or to tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, hospitals, schools, colleges and public buildings. Commercial wireless communications facilities shall comply with Article 4B.^{7, 10, 22}

Section 9.3 Lot Area Modification

In any district where a single-family dwelling is permitted, a dwelling may be erected on any lot or parcel of record, despite the fact that the lot or parcel does not meet the minimum area requirements of this Ordinance, provided:

- A. The lot or parcel was lawfully created in compliance with the applicable subdivision regulations in effect at the time the lot was created; and²³
- B. Health Department regulations can be met.

Section 9.4 Setback Modifications

- A. Where the average setback line of at least two (2) existing buildings on lots which are on the same side of the street or road within 200 feet of the lot in question is less than the minimum setback prescribed by this ordinance, the minimum setback line shall be the average setback line of all buildings within 200 feet of the proposed building. However, in no case shall the setback line be less than 35 feet from the centerline of any abutting road or street.
- B. A structure may be located on a common side or rear lot line of contiguous property owned by the same entity. Provided, however, that the structure shall only be a single family dwelling or an accessory structure. Also provided, however, that the contiguous lots shall be treated as one lot for all purposes by the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations.^{5, 23}
- C. Subdivision signs, school bus shelters and/or mailboxes do not have to comply with setback restrictions provided they are shown and approved on the preliminary or final plat in the subdivision process. In subdivisions approved prior to this amendment, subdivision signs, school bus shelters and/or mailboxes can be built as shown on the plat or be replaced in the same general location.^{12, 23}

Section 9.5 Projections Into Yards⁸

- A. Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four feet; provided that such projections are not over ten feet in width. All roof overhangs may extend into any required yard not more than two feet; provided that the primary structure is located entirely within the appropriate setback.²³
- B. Fences and walls over six feet in height shall meet building lines and yard requirements. A building permit is required before construction. Fences and walls six feet and under in height

shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.²³

- C. In the Residential - Light Industrial - Commercial District and Residential Growth District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse (in addition to associated stairs or concrete slabs located beneath the deck) may be reduced to ten feet if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding 150 square feet, shall be five feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

Section 9.7 Other Exceptions³

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process.²³

Residential Growth District²³

Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8' side	and	12' rear

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 35}

Zoning District	Development Type [⊖]	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imperious Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11)								
						Setbacks			Setbacks			Setbacks			A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			(Screened / Unscreened) Adjacent Use		
						Front	Side	Rear	Front	Side	Rear	Distance	Front	Side & Rear	Front	Side & Rear	Commercial Use	Front	Side & Rear	Industrial Use
Industrial – Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25	4	4	15	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)			
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25	10	10	15	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)			
Residential-Light Industrial-Commercial (RLC)	Industrial	3 ac***	N/A	75	90%	50 or 25 if adjacent to Industrial Use	25 or 20 if adjacent to Industrial Use		200	Street Trees	Wide Buffer Detail No. M-52	See IC District		25(S)	20(S)	N/A	20(S)			
	Commercial or Industrial	N/A	N/A	75	80%							See IC District								
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50				N/A	50(U) or 15 (S)	N/A	10(S)	N/A	10(S)			
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A	N/A	N/A	N/A	N/A			
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A	N/A	N/A	N/A	N/A			
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A	N/A	N/A	N/A	N/A			
Village (V)	Commercial [‡]	N/A	N/A	35	N/A	25	10	40												
	Industrial**	See IC District		35																
Residential Growth (RG)	Commercial or Industrial**	See IC District		35																
	Commercial	N/A	N/A	35	70%	15 min 25 max	10 ^E	10 ⁰						25			See IC District			
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	80%	20	10	25												
	Commercial	N/A	N/A	75	80%	25	25	25												
General Commercial (GC)	Commercial	N/A	N/A	75	80%	25	25	25												
	Commercial	N/A	N/A	75	80%	25	25	25												
Highway Commercial (HC)	Commercial or Industrial	N/A	N/A	75	90%	25	10	50												
	Commercial	N/A	N/A	75	90%	25	50	50												
Light Industrial (LI)	Commercial	3 ac***	N/A	75	80%	15 min 25 max	10 ^E	10 ⁰												
	Industrial	N/A	N/A	75	80%	25	10	50												
Major Industrial (MI)	Commercial	N/A	N/A	75	80%	25	10	50												
	Industrial	3 ac***	N/A	75	80%	25	10	50												
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	25	10	50												
	Commercial	3 acres	See GC District	See GC District	Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).															
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District	See GC District	Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).															
	Commercial	3 acres	See GC District	See GC District	Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).															

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

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

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

**** Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

⊘ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

⊕ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

⊖ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⊙ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37}

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

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Industrial													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU ²	NP	NP	NP	NP	NP	CU ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
Industrial Manufacturing & Processing													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
Adult Uses													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground ³¹	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet ³⁷	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	CU	P	CU	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock ³⁷	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

P Permitted Uses

NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

² Approval process is per the Salvage Yard Ordinance.

OC Office / Commercial Mixed-Use

R Rural

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Michelle Gordon, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 20 minutes

Date Requested – 1st Choice: **November 1, 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 and Approval of FY2019 State Budget Revision 3 for the General Fund
- Review and Approval of FY2019 State Budget Revision 2 for the Coal Severance Fund
- Review and Approval of FY2019 Internal Budget Revision 1 for the General Fund
- Review of FY2019 Budget to Actual as of 9/30/2018

Please provide the County Commission with a description of your request or presentation, including any background information:
Financials will be distributed at the meeting on 11-1-2018

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 FY19 State Budget Revision 3 for the General Fund
- Motion to accept FY19 State Budget Revision 2 for the Coal Severance Fund
- Motion to accept FY19 Internal Budget Revision 1 for the General Fund

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Jefferson County, West Virginia
 Department of Financial Management
 Budget Revision for Fiscal Year Ending June 30, 2019
 Internal Budget Revision
 IBR # FY19 1

Narrative:

Internal Budget revisions for FY19 as follows:

Budget Line No.	Account Name	Approved Budget	Requested Additions	Requested Reduction	Revised Budget
001.405.01.103.000.GG.000	Pros Atty Wages	1,172,905		8,100	1,164,805
001.405.03.354.000.GG.000	Pros Atty Computer Hardware	-	4,105		4,105
001.405.03.353.000.GG.000	Pros Atty Computer Software	35,000	4,000		39,000
	Pros Atty Total		8,105	8,100	
					-
Totals		1,207,905	8,105	8,100	1,207,910

Requested by: Michelle Gordon/ Finance Director

Approved by: (department head/elected): see Attached emails from Elected Officials

Date: _____

Reviewed by: _____

Date: _____

Michelle Gordon/ Finance Director

Date Submitted to County Commission: _____

Date Approved: _____

Authorizing Signature: _____

Michelle Gordon

From: Matt Harvey
Sent: Tuesday, October 23, 2018 3:01 PM
To: Michelle Gordon; Tinadawn Stratton
Cc: Russell Burgess; Greg Jones
Subject: RE: New PCM Business Direct Quote 53995920823 for JEFFERSON COUNTY WEST VIRGINA(0167383041) Regarding Surface Pro Quote

Salary. I have three open positions currently. Would that work?

Matt

From: Michelle Gordon
Sent: Tuesday, October 23, 2018 1:44 PM
To: Tinadawn Stratton; Matt Harvey
Cc: Russell Burgess; Greg Jones
Subject: RE: New PCM Business Direct Quote 53995920823 for JEFFERSON COUNTY WEST VIRGINA(0167383041) Regarding Surface Pro Quote

I don't see that he budgeted for purchasing computers. He would need to let me know what other line items he would like to cut in order to transfer funds into computer hardware.

Michelle Gordon

Finance Director, Jefferson County
Jefferson County Commission
O: 304.724.8425

From: Tinadawn Stratton
Sent: Monday, October 22, 2018 3:57 PM
To: Matt Harvey; Michelle Gordon
Cc: Russell Burgess; Greg Jones
Subject: RE: New PCM Business Direct Quote 53995920823 for JEFFERSON COUNTY WEST VIRGINA(0167383041) Regarding Surface Pro Quote
Importance: High

Matt/ Michelle:

I need the object code to charge The Prosecuting's budget for these surfaces, before I can get them ordered.

Thanks

Tinadawn

From: Matt Harvey
Sent: Friday, October 19, 2018 12:33 PM
To: Tinadawn Stratton <tstratton@jeffersoncountywv.org>; Michelle Gordon <mgordon@jeffersoncountywv.org>
Cc: Russell Burgess <rburgess@jeffersoncountywv.org>

Subject: Re: New PCM Business Direct Quote 53995920823 for JEFFERSON COUNTY WEST VIRGINA(0167383041)
Regarding Surface Pro Quote

Michelle,

See the email below, I am in need of 4 tablets but do not have a specific budget line for them. They are necessary for us to effectively use the new case management software. I do have three open positions where the money could come from to cover this cost. Can you check that for me and do a budget revision if I am correct? I appreciate it.

Matt

Sent from my iPhone

On Oct 19, 2018, at 12:11 PM, Tinadawn Stratton <tstratton@jeffersoncountywv.org> wrote:

Matt

See attached quote.

With your approval, I will order, but I need your object code to charge your budget.

Thanks

Tinadawn

From: Jeffery Dalling <Jeffery.Dalling@pcm.com>
Sent: Friday, October 19, 2018 11:40 AM
To: Russell Burgess <rburgess@jeffersoncountywv.org>
Cc: Jeffery.Dalling@pcm.com; Tinadawn Stratton <tstratton@jeffersoncountywv.org>
Subject: New PCM Business Direct Quote 53995920823 for JEFFERSON COUNTY WEST VIRGINA(0167383041) Regarding Surface Pro Quote



Dear Russell Burgess,

Good news. The quote you requested is ready. Please log in to your Business Direct account to review it now.

Comments:

Tinadawn,

Good morning!

Thank you for your quote request! The quote is attached and ready to review.

Kind regards,

Jeff Dalling

Click [here](#) to view all comments

[Click here to approve or reject your quote.](#)


Quote Details

Quote Number: 53995920823
Quote Label: Surface Pro Quote
Status: Pending Approval from Buyer
Date Submitted: 10/19/2018
Quote is valid until: 11/18/2018*
Company Name: JEFFERSON COUNTY WEST VIRGINA
Customer #: 0167383041
Requested by: Russell Burgess

Billing Address:
JEFFERSON COUNTY WEST VIRGINA
Russell Burgess
124 E WASHINGTON ST
CHARLES TOWN, WV 25414
Phone Number: 304-728-3284

Shipping Address:
default shipping
JEFFERSON COUNTY WEST VIRGINA
Russell Burgess
116 E WASHINGTON ST
CHARLES TOWN, WV 25414
Phone Number: 304-728-3284

Shipping Method:
FedEx Ground (3-7 business days)

Product Description	PCM Part #	Mfr Part #	Qty	Unit Price	Ext. Price
 Mfr: Microsoft Surface Pro Type Cover - Black	40649044	FMN-00001	4	\$103.83	\$415.32
Comment to this item: No comment added					
 Mfr: Microsoft Surface Pro 7th Gen Intel Core i5-7300U Tablet - 4GB RAM, 128GB SSD, Wi-Fi, Bluetooth, Intel HD Graphics 620, 12.3 Touchscreen (2736 x 1824), Microsoft Windows 10 Pro 64-bit - TAA + Pen, TC	40776242	HET-00001-2	4	\$921.37	\$3,685.48
Comment to this item: No comment added					
Group Subtotal:					\$4,100.80

Comments: Tinadawn, Good morning! Thank you for your quote request! The quote is attached and ready to review. Kind regards, Jeff Dalling Click here to view all comments	Estimated Sales Tax:	\$0.00
	Shipping(FedEx Ground):	\$0.00
	Total:	\$4,100.80
	Grand Total :	\$4,100.80

** Promotional pricing is limited to the duration of the specific promotion, and is subject to change.*
 If you have any questions regarding your order, contact your Account Representative, **Jeffery Dalling** at **(208)272-9369** or eMail at Jeffery.Dalling@pcm.com.

Effective January 1, 2005 the State of California is requiring that we collect an Electronic Waste Fee from all taxable customers that purchase a qualifying product and have the product shipped to California or pick-up the product within the state of California. Qualifying products are all displays, CRTs, Plasmas, LCDs, referred to as a CED, covered electronic device. For more details, visit <http://www.boe.ca.gov/sptaxprog/ewaste.htm>

Thanks again for shopping at PCM Business Direct.

1940 E. Mariposa Ave, El Segundo, CA 90245 - 800-700-1000
 © 2018 PCM Sales, Inc.

<PCM Business Direct Quote #53995920823 Regarding Surface Pro Quote.pdf>

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

REQUEST FOR REVISION TO APPROVED BUDGET

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

CONTROL NUMBER

2019

FY

002

FUND

2

REV. NO.

1 of 1

PG. OF NO.

Jefferson County Commission

GOVERNMENT ENTITY

Person To Contact Regarding

P.O. Box 250

Budget Revision: **Michelle Gordon**

STREET OR PO BOX

Phone: **304-724-8425**

Fax: **304-725-7916**

Charles Town

25414

CITY

ZIP CODE

COUNTY

Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

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

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
953	Public Transit		30,000		30,000
401	County Commission	148,221		30,000	118,221
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures

APPROVED BY THE STATE AUDITOR

BY: Director, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 1st day of November, 2018, the following Order was made and entered:

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

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised as shown on **Fiscal Year 2019 budget revision number #2 to the Coal Severance Fund**, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by

_____, and duly seconded by _____
the vote was as follows:

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

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

Josh Compton, President
Jefferson County Commission

Jefferson County Commission
State Budget Revision Entry

Budget Revision #2 of Coal Severance Fund FY19

Description	GL acct	Increase	Decrease
Pub Transportation-Contributions	002.953.05.567.000.SS.000	30,000	
Co Comm Prof Services	002-401-02-223-000-GG-000		30,000

On May 17, 2018 the Commission unanimously approved stop-gap funding to the EPTA to continue bus service to the local MARC train stations. Funded by Coal Severance Fund.

Totals		30,000	30,000
--------	--	--------	--------

5-17-18 Special Session
Minutes

Need SBR2 for Coal

SPECIAL SESSION

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

At a Special Session of the County Commission of said County and State continued and held in the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Tuesday, May 22, 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
Jacqueline Shadle, County Clerk
Nikki Painter, Chief Deputy Clerk, Elections
Stephanie Grove, County Administrator
Jessica Carroll, Administrative Assistant

In re: Certification of the Results from the 2018 Primary Special Election/Funding Request for EPTA Service to MARC Train Stations/Flooding Update & State of Emergency

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

Commissioner Noland led the Pledge of Allegiance.

Ms. Painter stated the final counties had finished their canvasses and the results for the 2018 Primary Election could now be certified.

- **Motion by Ms. Tabb to certify the 2018 Primary Election results for Jefferson County. Motion seconded and unanimously approved.**

Ms. Grove stated she had spoken with Michelle Gordon, Finance Director, regarding the EPTA request for \$30,000 to continue EPTA bus service to the local MARC train stations for FY19. Ms. Grove stated the Commission could use monies from the Coal Severance Fund to honor the EPTA's request but it would only be for one fiscal year.

- **Motion by Mr. Compton to allocate \$30,000 from the FY19 Coal Severance Fund as a stop-gap measure to allow the EPTA to continue bus service to the local MARC train stations. Motion seconded and unanimously approved.**

Steve Allen, Director of the Jefferson County Department of Homeland Security and Emergency Management, updated the Commission on local flooding due to last week's rainfall. Mr. Allen stated that although some of the areas of the county saw damage from a hail and flooding, the damages weren't great enough to warrant FEMA funding. Mr. Allen also recommended that the Commission lift the State of Emergency that was declared on Thursday, May 17, 2018.

- **Motion by Mr. Onoszko to lift the State of Emergency declared for Jefferson County on Thursday, May 17, 2018. Motion seconded and unanimously approved.**

There being no further business, the meeting was adjourned at 9:47 am.

JOSH COMPTON, PRESIDENT

Respectively Submitted:
Jessica D. Carroll
Administrative Assistant

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

REQUEST FOR REVISION TO APPROVED BUDGET

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

CONTROL NUMBER

2019

FY

001

FUND

2

REV. NO.

1 of 1

PG. OF NO.

Jefferson County Commission

GOVERNMENT ENTITY

Person To Contact Regarding

Budget Revision: **Michelle Gordon**

Phone: **304-724-8425**

Fax: **304-725-7916**

P.O. Box 250

STREET OR PO BOX

Charles Town

25414

CITY

ZIP CODE

COUNTY

Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
366	Miscellaneous Revenue	21,300	2,258		23,558
340	Rents & Concessions	362,580		14,200	348,380
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

-11,942

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

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
700	Sheriff-Law Enforcement	4,369,258	2,258		4,371,516
401	County Commission	1,907,697	10,640		1,918,337
699	Contingencies	2,604,323		15,640	2,588,683
911	Visitor's Bureau	377,500		14,200	363,300
431	Economic Development	543,857	5,000		548,857
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures

-11,942

APPROVED BY THE STATE AUDITOR

BY: Director, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 1st Day of November 2018, the following Order was made and entered:

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

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised as shown on **Fiscal Year 2019 budget revision number #3 to the General County Fund**, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by

_____, and duly seconded by _____
the vote was as follows:

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

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

Josh Compton, President
Jefferson County Commission

Jefferson County Commission
State Budget Revision JE

Budget Revision #3 of General Fund FY19

<u>Description</u>	<u>GL acct</u>	<u>Increase</u>	<u>Decrease</u>
Approval on 10-4-2018 to reclass proceeds of Auction held on 10-19-2018 to Sheriff's Auto Supply Line			
Miscellaneous Revenue	001.366.MM.000	(2,258)	
Law Enf- Auto Supplies	001.700.03.343.000.PS.000	2,258	
Retiree premium increase due to additional retiree. See Email from SGRAN			
Co Comm- Insur Premium-Retirees	001.401.02.239.000.GG.000	15,640	
Contingency for Emergencies	001.699.06.675.001.GG.000		15,640
The property that the CVB is located on was transferred in June 2018. It is no longer the County's property and an in-kind rent is no longer needed for FY19.			
Rent-In-Kind CVB	001.340.CS.013		14,200
Vis Ctr-In kind contributions	001.911.05.567.002.CR.000		(14,200)
Correct line item entry for EWVRAA. FY19 pending budget was entered into 401 for the seat on the board of the EWVRAA- Airport Authority. It is normally paid from Dept 431-JCDA.			
Co Comm Other Contributions	001.401.05.568.001.GG.000		5,000
Econ Dev-Contr Airport Auth	001.431.05.568.001.GG.000	5,000	
Total		20,640	20,640

Jefferson County Sheriff's Office

Auction Breakdown October 19, 2018

Item	JCSO	Forfeiture	County	Mort	WRIT	Forfeiture
Mercedes		3100	2300			3750
Jeep Cherokee						27.45
Crown Vic	675			5400		372.255
F150						372.255
Motorhome	1600					3350.295
Tractor			850			
Pavers			90			
Barrels			25			
Lift			500			
Impala		350				
Acura		300				
Jeep Grand Cherokee	2275	3750	3765	5400	2500	
Total	0.14976959	0.24687294	0.2478604	0.355497	2500	\$ 17,690.00
% of Sale	16.6543779	27.4522712	27.56208	39.53127	111.2	Percentage due for Ad
Ad Cost	16.66	27.45	27.56	39.53	111.2	Ad share
						Total Less WRIT

700 SBR 3

WRIT	2500
Sheriff's Fee	60.62
Spirit	40.30
Les's Towing	119.50
Shenandoah Springs	2279.58
Total WRIT	\$ 2,500.00

Bud Rev F419 JCSO Auto

Final Division of Proceeds	
County	3737.44
JCSO	2258.34
JCSO Forfeiture	3350.29
PA Forfeiture	372.26
Mort	5360.47
Spirit of Jefferson	111.20
Total County	\$ 15,190.00

Grand Total of Expenditures \$ 17,690.00
 Remaining funds \$

2. Peter Dougherty, Sheriff

a. Approval of Trip Guards/Bailiffs

- **Motion by Compton to approve the hire of Charles VanGilderCharles Ellis as a bailiff/trip guard and George Booth as a trip guard. Motion seconded and unanimously approved.**

b. Home Confinement

- **Motion by Ms. Tabb to recognize Special Deputy Earl Gill as a part-time Home Confinement Officer. Motion seconded and unanimously approved.**

c. Auction – Friday, October 19, 2018 at 5:00 pm

- **Motion by Mr. Onoszko to approve the sale of the listed County property and proceeds be added to the Sheriff's Auto Supply line item 700-03-343 for Sheriff's Office property.**

d. Salvage Vehicle

- **Motion by Mr. Onoszko to approve that the 2004 Ford Crown Victoria be sold for salvage and the proceeds be added to the Sheriff's Auto Supply line item 700-03-343. Motion seconded and unanimously approved.**

e. Sheriff's Annual Report

3. Matthew Harvey, Prosecuting Attorney – discussion of staffing needs and potential new hires.

- **Motion by Ms. Tabb to approve the hire as full time Victim Advocate and Jamie Green as a part-time staffer in the Prosecuting Attorney's Office. Motion seconded and unanimously approved.**

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

5. Lynn Fields, Probate Office – Quarterly Review – closure of estates that have met all deadlines and approve estates that have been opened since last quarterly review.

- **Motion by Ms. Tabb to convene as a Fiduciary Review Board. Motion seconded and unanimously approved.**

10-4-18
Minutes

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Pete Dougherty

Department or Organization: Sheriff's Office

Estimation of amount of time needed for appointment: 5 minutes

Date Requested - 1st Choice: October 4, 2018

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

Date Requested - 2nd Choice:

Subject (Wording to be placed on agenda): Trip Guards/Bailiff
Home Confinement
Auction
Salvage Vehicle
Sheriff's Annual Report

Auction
10/4 -
approved to
reclass proceeds
to 700 343

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

I am seeking to hire a Trip guard and a Bailiff/trip guard to expand those available to function in these capacities due to added needs.

Judge Hammer has recognized Deputy Thomas and Special Deputy Gill as the employees designated by me to work the Home Confinement program. Per WV Code, I am asking the Commission to also recognize Special Deputy Gill as a Part-time Home Confinement Officer.

On Friday, October 19, 2018 at 5:00 pm, I am holding an auction of Seized/Forfeited/County property, as well as other items I have a legal duty to sell for WRIT and Conservatorship purposes. I am asking approval to sell the following County items (list attached).

I am also seeking approval to sell for salvage a 2004 Ford Crown Victoria VIN 2FAFP71W46X102742.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

I move to approve the hire of Charles VanGilder as a Bailiff/trip guard and George Booth as a Trip Guard.

I move to recognize Special Deputy Earl Gill as a Part-time Home Confinement Officer.

I move to approve the sale of the listed County property and proceeds be added to the Sheriff's Auto Supply line item 700-03-343 for Sheriff's Office property.

I move to approve that the 2004 Ford Crown Victoria be sold for salvage and the proceeds be added to the Sheriff's Auto Supply line item 700-03-343.

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

If not attached, explain:

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

Contact information:

Email address: pdougherty@jcsdww.com

Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

[Empty box for financial impact/recommendation]

List of County Property to be sold at auction for Sheriff's Office:

2007 Ford Crown Victoria Tag R-2303 VIN 2FAFP71W87X105288

1998 Chevrolet Motor Home Tag SO2001 VIN 1GBLP37N9V3301937

List of County Property to be sold at auction for Maintenance:

T2080 Kubota Tractor – Riding Lawn Mower (This may be removed, but wanted to gain permission)

Portable vehicle scissor lift – Up to 8000 lbs

2001 Jeep Cherokee

4 used oil drums

3 pallets of used paver

Michelle Gordon

From: Sally Gran
Sent: Wednesday, October 03, 2018 10:04 AM
To: Stephanie Grove
Cc: Michelle Gordon
Subject: PEIA Medical for Retirees

Our monthly premium will be increasing from \$ 6,126.00 to \$ 7,690.00 due to the retirement of K. Burke.

Sally Gran
Jefferson County Finance Office
100 E Washington Street
Charles Town, WV 25414
304-728-3340

7,690 - 6,126 = 1,564
1,564 x 10 mos = \$15,640 needed for FY19 retiree
premiums. mgordon

Jefferson County Commission
In Kind Contributions
Conventions & Visitors Bureau
FY2019

001.340.CS.013
001.911.05.567.002.CR.000

Description	Cost	Amount
Land Building is located on		\$ 70,000.00

Annual Estimate	<u>\$ 10,000.00</u>	Estimate
Markup for Inflation of Market Value	42%	
Estimated Annual Value	\$ 14,200	***Property transferred to CVB June 2018

Note: Use 0.5-1% annual increase thereafter

FY17	40%
FY18	41%
FY19	42%
FY20	43%

Michelle Gordon

From: Michelle Gordon
Sent: Tuesday, June 05, 2018 3:00 PM
To: Nic Diehl
Cc: Jane Jones
Subject: FY19 Budget Final
Attachments: Employee Action Form-Blank.xlsx; Dept 431 JCDA FINAL.xlsm

Attached is the FY19 Budget that was approved by the Commission and the State Auditor for your department. (NOTE: Funding of \$5,000 is included in FY19 for the Board seat at the Airport Authority. I need to do a BR to move it from the Commission to your Dept.)

Merit Increases

The Commission approved the addition of funding for merit increases, including employer benefits, with proposed effective dates that are based on hire date. It does not include discretionary funding that was requested for employee increases. On the Wages tab within your spreadsheet, I added my calculation of the estimated 2% average merit increase for each employee to be effective based on each employee's hire date. ****IT IS AN ESTIMATE ONLY**** Final merit increase amounts/percentages will be determined by you and/or their supervisor with Stephanie's approval. Final merit increase amounts must be based on performance. Stephanie and I are working on the new compensation policy and employee evaluation forms. It is your decision how much of a merit increase percentage to award to your employees; however, you cannot go over your allotted budget. It is anticipated that some employees may get more than 2%, some may get less than 2%, and a few poor performers or recently promoted employees may get no increase this fiscal year.

Health Insurance

I will process a FY19 budget revision for all departments in FY19 to ensure you have enough to cover any increases. No increase to the employee portion of insurance rates for medical, dental, vision or life insurance was approved.

Change Forms

Please submit completed, approved employee action forms to Sally Gran 6/15 for any position changes or increases that you want to be effective on 7/1. Merit increase action forms should be submitted at least 2 weeks prior to the proposed effective date. Please be sure to complete all fields including grade, step and position title for employees.

Let me know if you have any questions.

Michelle

Michelle Gordon

Finance Director, Jefferson County

Jefferson County Commission
124 East Washington Street
PO Box 250
Charles Town, WV 25414
O: 304.724.8425
F: 304.725.7916

mgordon@jeffersoncountywv.org
www.jeffersoncountywv.org

Type choices, press Enter.

B=Budget Trans History E=Encumbrance Trans History F=Fiscal Balance
G=G/L Trans History P=Period Balances
Account Number...: 00143105568001GG000 ECON DEV-CONTR AIRPORT AU
Choice.....: F Post Period...: 10 2018

	Current Month	Fiscal Year-To-Date	Fiscal Year
Original Budget.....:	.00	.00	.00
Budget Revisions.....:	.00	.00	.00
Revised Budget.....:	.00	.00	.00
Expenditures.....:	.00	5000.00	5000.00
Encumbrance Activity....:	.00	.00	.00
Unencumbered Balance....:		-5000.00	-5000.00

HELP F3=Exit F8=Clear F12=Previous

FY19 Budget was pending and entered into 401.568.001 while pending approval during the budget process. The amount approved for the EWVRAA airport auth board seat is normally paid out of Dept 401 from 431.568.001. Need Budget revision to correct this line item. mgordon



Quarterly Report

July 1, 2018 – September 30, 2018

1. Projects Undertaken

- a. Civil War Battlefield Preservation in Jefferson County – Ongoing
 - i. Shepherdstown Battlefield properties acquisition and management - ongoing
 - ii. Lobbying US Congress to expand Antietam National Battlefield Park –ongoing
- b. Peter Burr Farm improvements and programing - ongoing
- c. *Our History, Our Community* Endowment Campaign - ongoing
- d. Snow Hill/Poor House Marketing – ongoing
- e. WV GeoExplorer project – sponsor, fundraise, and coordinate - ongoing
- f. Duffields Depot – site clean-up and building stabilization - ongoing
- g. Concept Plan reviews in conjunction with JC Planning Department - ongoing
- h. Verification of JCHLC historic sites inventory data - ongoing
- i. Hosting an AmeriCorps Member Meaghan Papeika – ongoing
- j. Hosting a Shepherd University Student 200-hour internship Amanda Harmon
- k. Designation of NR Landmark – *The Rocks*
- l. Designation of JC Landmark – *Rose Lawn*
- m. Delay of Demolition Ordinance - ongoing
- n. Designation of NR Landmark – *McMurrin Farm*
- o. Morgan’s Grove Historic District – branding and installation of signage
- p. Designating the Jefferson County Courthouse, a National Historic Landmark
- q. Design and printing the *Beeline March* brochure

2. Projects Completed

- a. Fundraising lecture for Duffields Depot – July 25, 2018
- b. Installation of War Department signs on Shepherdstown Battlefield – August 10, 2018
- c. Completed hosting AmeriCorps Member Lauren Kelly – August 24, 2018
- d. Duffields Depot site clearing - September 6, 2018

3. Projects Proposed

- a. Design guidelines for Villages in JC – Summit Point, Rippon, Middleway, Shenandoah Junction
- b. Development of historic preservation curriculum for fourth and eighth graders in conjunction with JC Schools

Submitted by
Martin Burke
Chair, JCHLC

Jefferson County GIS/Addressing Office

DEPARTMENTAL MEMORANDUM

TO: Roger Goodwin, EPZ Director and Chief County Engineer
FROM: Todd Fagan, GIS Manager
DATE: October 5th, 2018
SUBJECT: GIS Office Quarterly Update Report- 2018, 2nd and 3rd Quarters



1. PROJECTS COMPLETED

- a. Training:
 - WVSAMS-II data upload training, 7/17/18
 - GIS Analyst attended WVAGP Conference, 6/11-6/14/18 (on training committee)
 - P-Card training, 8/8/18 and Basic GIS skills training for Admin Asst, 3 classes, 9 total hours
- b. General Staff Support

Agency	Request for service
JC Emergency Communications	Updated CAD mapping data each month, Troubleshoot CAD/Mapping issues, Closed 15 CAD Mapping Support Tickets. Added floorplans for NCTC Lodges. Mapped non-hydranted, or "K" box, areas for Fire Response. Revised process for address assignment: More timely and efficient, less field GPS required, utilizing permit site sketches. Mapped 144 new addresses and 5 new roads.
JC IT	Attended monthly IT squad meetings. Created new online map service for staff research. New "Download GIS Data" website tool implemented.
MyGovernmentOnline (permitting, planning, zoning, & code enforcement portal)	Multiple tasks completed including: Processed 429 permits and issued 98 U&O's; Closed out 11 of 15 requests for support and enhancements. Revised permit applications and Implemented new permit fee schedule on July 1st, 2018. Streamlined applications to reduce paper and eliminate info not required by Engineering or Assessor. Currently making them fillable PDFs. Custom report developed to balance weekly bank deposits. Custom report for Tax Appraisers means they can access the system and conduct new development research on their own. Now generating customer receipts from the permit system.
JC PZ&E	Conducted staff reviews of 14 Pre-Proposal Conferences and Final Plats that impact 911 addressing. Back-scanned 85 ILP permit files (2015). Updated FEMA LOMA maps for Ordinance Compliance Officer
JC Commission	Confirmed addresses and parcel info for various requests
JC HSEM	Published 15 maps for JC Hazard Mitigation Plan
JC FPB	Conservation Easement Updates
JC Parks & Rec	GPS'd amphitheater, disc golf course and dog park
JC Schools	Info requests from Bus Garage
US Census bureau	Completed Local Update of Census Addresses (LUCA) which gives the County and municipalities better and more accurate representation in Census Bureau databases ahead of the 2020 decennial census.
Public	EPan GIS User Conference, 9/13/18, in Berkeley Springs was successful. Handled routine requests from Public re: address verification. Addressing Ordinance interpretation re: re-addressing and appeals. Maps for 2018 Back Roads Century biking event. Road sign maintenance: (11 repairs, 10 replacements, 9 new installations).
Charles Town	Info requests for CTUB and provided data to city planner re: downtown government offices.
Harpers Ferry/Bolivar	Completed HF Address Compliance project. Provided HF general reference map.

PROJECTS IN PROGRESS

- c. 911 CAD Ongoing technical support for CAD and continued adjustments to modelled data extraction, compilation workflows, mapping content, quickest routing services, address record maintenance, etc.
 - i. Working with 911 Deputy Director and Dispatcher/Addressing Committee to resolve searching issues.
 - ii. Monitored WVDoH road closures in CAD mapping due to RR crossing maintenance and flooding.
 - iii. Planning upgrade to GIS software, a new CAD Mapping module, and impacts on 911 CAD
- d. GIS Data Maintenance
 - i. 144 new addresses and 5 new road added due to new construction permits/subdivision reviews.
- e. MyGovernmentOnline Permitting Software and Content Management System
 - i. Testing Credit Card payment tools
 - ii. Staff is examining legacy Act! permit database for import into MyPermitNow.
 - iii. Planning & Zoning module is in development and scheduled for implementation in November 2018
 - iv. Staff have confirmed WV State Code allows for electronic receipt of signatures and digital storage of land development records.
 - v. Upcoming tasks; a) Import legacy permit database to MyPermitNow, b) automate database backups to local server, c), investigate a routing tool for inspectors, d) integrate State contractor database with permitting system, e) online applications, and f) reach out to architects, engineers, and developers regarding digital submission of plans vs. paper copies.
- f. US Census Bureau's Local Update of Census Addressing (LUCA)
 - i. IT staff have established a secure server working space that meets Census Title 13 security requirements. GIS staff has partnered with each of the municipalities and are preparing to review federal data against local, authoritative address and road data. Anticipate heavy staff involvement in April 2018

2. COMMISSION SHOULD BE AWARE OF:

- i. Nothing at this time

MEMORANDUM

Jefferson County, West Virginia
Offices of Engineering, Building Permits & Inspections, Impact Fees
and
Ordinance Compliance & Floodplain Management

TO: Jefferson County Commission
Stephanie Grove, County Administrator

FROM: Roger Goodwin, PE, CFM
Chief County Engineer

DATE: October 4, 2018

SUBJECT: **Engineering Offices Quarterly Update Report – 3rd Quarter 2018**

1. Projects Undertaken/Underway:

A. Bonding:

- i) Chapel View Subdivision (03-11) – The developer defaulted on their obligation to complete all the required site improvements for the subdivision. Bond funds in the amount of \$225,638.00 are being held in a bank escrow account for the completion of the required site improvements. The HOA indicated that they want to proceed on their own with obtaining an engineer to bid the project for them.

- ii) Smith Mountain View Estates Subdivision (02-06) - The developer defaulted on their obligation to complete all the required site improvements for the subdivision. The engineering staff completed a preliminary scope of work and quantities, and cost estimates for completing the site improvements. Bond funds in the amount of \$38,120.00 are being held in a bank escrow account to use toward completing the remaining site work.

A contract was signed with C. Allen Lane Construction, LLC on August 3, 2018, and site work began on August 27, 2018, and is 90% complete as of October 4, 2018. Work progress has been delayed due to rain and wet weather conditions.

B. Property Safety Ordinance:

- i) The Property Safety Enforcement Agency board currently has one active complaints/cases. We are working with the property owner to bring the property into compliance. **As of October 4, 2018, the owner has made significant progress in demolishing and removing the dwelling, mobile home and two outbuildings on the property; and removing the junk vehicles.**

C. Ordinance Compliance:

- i) Mason Carter, Ordinance Compliance Officer, is handling approximately 40 active citizen complaints and violations of various ordinances.
- ii) Mason Carter and I are also working with Nathan Cochran, Assistant Prosecuting Attorney, on a response to defendant's request for discovery and preparing for the hearing on an injunction filed in circuit court to halt the creation of a salvage yard, which is a violation of the Salvage Yard Ordinance. The property is located along WV Route 115 (old route 9) on the east side of Kearneysville.

D. Floodplain Management:

- i) Mason Carter is working with the GIS Office to scan all FEMA floodplain Letters of Map Amendment (LOMA) and Letters of Map Revision (LOMR) into the GIS mapping system so the information can be more efficiently obtained by staff and citizens for building permits and flood insurance rate purposes.

E. Impact Fees:

- i) Processing impact fee applications for new construction.
- ii) **The Impact Fees Program Specialist is preparing to send out the FY 2020 Capital Improvement Plan funding request forms to the impact fee entities:**

- Jefferson County School Board (schools)
- Jefferson County Parks & Recreation (parks)
- Sheriff (law enforcement)
- Emergency Services Agency (EMS/ambulance)

F. Building Code:

- i) Processing building permit applications and performing inspections.
- ii) **Worked with the GIS staff on reducing and removing unnecessary information from all the building permit applications in order to make them less cumbersome and more user friendly. This was done as part of the transition to the new “MyGov” digital permit application and workflow management system.**

G. Other:

- i) Sink Hole at the Bardane Industrial Park – engineering staff is working with the West Virginia Department of Environmental Protection (WVDEP) on a solution to the sinkhole and waste water treatment plant/lagoon violations. Both are on a parcel of land owned by the Jefferson County Commission.

The WVDEP approved the Lagoon Decommission & Sinkhole Remediation Plan on October 6, 2017. Engineering staff will move forward with advertising a request for proposals (RFP) for a consulting engineering firm to provide design and surveying services for the project.

The County Commission accepted a proposal from Potesta Engineers and Environmental Consultants to engineer the fix to decommission the WWTP lagoon and remediate the sinkhole.

The County Commission signed a contract on July 30, 2018, with Snyder Environmental Services, Inc., to perform the work to decommission the lagoon and remediate the sinkhole. Work began on August 13, 2018. Progress has been delayed due to rain and wet weather conditions. As a result, the ground water table has risen and on October 2nd was visible and within two feet of the top of the sinkhole opening. This project has a December 31, 2018 WVDEP deadline for completion.

- ii) I am working with Nathan Cochran, assistant prosecuting attorney, on an appeal of the WVDEP order issued to the Emergency Services Agency (ESA), for their facility at 419 16th Avenue in the City of Ranson, by the West Virginia Department of Environmental Protection (WVDEP). The order requires that the ESA bring the site into compliance by applying for an industrial discharge permit for their stormwater runoff from their site. The appeal hearing before the Environmental Quality Board is scheduled for July 27th.

On September 25, 2017, the WVDEP informed us that they want to come to an agreement that will eliminate the violation and the need for an industrial discharge permit for the stormwater runoff from the site. The existing Stormceptor device will need to be modified by the ESA as part of this agreement. As of September 30, 2018, the Engineering office is still waiting on the letter from the WVDEP formalizing the agreement before we move forward with modifying the device.

- iii) Department Restructuring Implementation Plan - continuing to work on the one remaining task necessary to complete the implementation plan.

2. Projects/Training Completed:

- **Attended the Annual West Virginia Floodplain Manager's Association Conference on June 11 & 12, 2018, to obtain floodplain manager continuing education credits as required under state code.**
- **Completed "Emergency Activation & Emergency Response" training on June 19, 2018.**
- **Completed the ASCE webinar "Connection Solutions for Wood Frame Structures", on August 24, 2018.**
- **Completed "Financial Management" training provided by the West Virginia Secretary of State's office, on September 21, 2018.**
- **Attended roundtable meeting on September 26, 2018, with the West Virginia Department of Highways and regional planning & engineering agencies.**
- **Working with Nic Diehl, JCDA Director, and Mike Shepp, board member, on a request for qualifications (RFQ), from architects, for a possible project in the industrial park.**

3. Projects Proposed:

- A. Get the land development standard construction details updated and put into a digital/AutoCAD format, to supplement the requirements of the Subdivision, Zoning, and Stormwater Management ordinances.

4. Items Requiring Commission Attention:

None at this time.

Note: The projects noted above are in addition to maintaining the daily operations of the Office of Building Permits & Inspections, the Office of Impact Fees, administering the land development bonding process, performing land development inspections, performing land development plan reviews for the Planning Commission, administering floodplain management, investigating citizen complaints and carrying out ordinance compliance efforts, and completing statutory continuing education and certification requirements, etc.

S:\engineering\Engineering\ENGINEERING\County Commission - Quarterly Reports\2018 3rd Quarter\2018 3rd Engineering Quarterly Report 10-04-2018.doc



Received

OCT 24 2018

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Jefferson County Commission

Division of Public Transit

1900 Kanawha Boulevard East • Building Five • Room 650
Charleston, West Virginia 25305-0432 • (304) 558-0428
FAX: (304) 558-0174 558-0174 • TDD: (800) 742-6991

Thomas J. Smith, P. E.
Cabinet Secretary

Dear Transportation Stakeholder:

The West Virginia Department of Transportation, Division of Public Transit (DPT) is initiating updates to the Coordinated Public Transit-Human Service Transportation Plan (September 2015). This Coordinated Plan Update is a requirement of the Federal Transit Administration (FTA) Enhanced Mobility of Seniors & Individuals with Disabilities (Section 5310) grant program. An update to the transportation needs assessment and strategies in the Coordinated Plan is necessary to remain in compliance with the Fixing America's Surface Transportation (FAST) Act, the 2015 reauthorization of Federal surface transportation programs.

The DPT is working with RLS & Associates, Inc. to update the plans. A local public meeting is scheduled for **Thursday, November 15, 2018 from 10:00 AM to 11:30 AM at Shepherd University – Martinsburg Center, 261 Aikens Center, Room 117, Martinsburg, WV 25404**. The meeting will be an opportunity to discuss gaps in transportation service, opportunities, and priorities for addressing the identified gaps through coordinated transportation. Transportation stakeholders will be asked to share their concerns about the challenges to coordinating services. A second, follow-up meeting will be held in the spring of 2019 to prioritize goals and strategies for transportation coordination.

All grant applications for Section 5310 funding must be clearly stated in the recommended goals and strategies of the updated Coordinated Plan.

Therefore, your participation in the process is required if you intend to apply for Section 5310 funding. If you submit an application for a project not included in the plan, it may not be approved due to the requirements set by

the FAST Act. If you represent an agency, please encourage your clients to attend and provide input. If you are unable to attend the meeting, please contact Christy Campoll with RLS & Associates, Inc. at (317) 439-1475 or

ccampoll@rlsandassoc.com. To sign up to participate in the meeting online through GoToMeeting, please register at www.surveymonkey.com/r/WVSignUp by Friday, October 26.

In addition to Section 5310 recipients, organizations that receive Section 5311 funding for public transportation, as well as private and non-profit organizations, human service agencies and private transportation operators that serve older adults, individuals with disabilities, people with low incomes and the general public are strongly encouraged to attend. It is also recommended that agencies serving older adults and individuals with disabilities encourage your clients to attend the meeting. Please do so by personal invitation and by posting the enclosed flyer where the public and/or your clients gather. Participation is important to ensuring that transportation providers are fully aware of local transportation needs and gaps in service, and that these needs, and gaps are accurately addressed in the coordinated transportation plan update.

We look forward to seeing you at the meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. C. Robinson', written in a cursive style.

William C. Robinson, Executive Director
WVDOT, Division of Public Transit

Please Attend:
**A Public Workshop to Update the Regional
Public Transit-Human Services Transportation Plan**

Recognizing that transportation services are essential for Seniors, People with Disabilities, Individuals and Families with Low Incomes, and the General Public to access employment, education, health services, and community programs,

West Virginia Department of Transportation, Division of Public Transit
Cordially invites you to attend a public workshop to contribute to the plan.

Please come and provide your input and insights to discuss unmet transportation needs, gaps in transportation services, and recommended strategies to improve transportation and mobility options in and around Berkeley, Jefferson and Morgan Counties.

All are invited!

Organizations that are or plan to be applicants for Federal Transit Administration Section 5310 must participate in the planning effort.

<p>Thursday, November 15, 2018 10:00 AM to 11:30 AM Shepherd University-Martinsburg Center, Room 117 261 Aikens Center, Martinsburg, WV 25404</p>

Kelly Shawn from RLS & Associates, Inc. will facilitate the meeting. Please RSVP by October 30 by calling 800-684-1458 or emailing ccampoll@rlsandassoc.com

Parking is available at Shepherd University-Martinsburg Center. For a directory of transportation providers in your county, visit <https://transportation.wv.gov/publictransit/Pages/OnlineDirectory.aspx>.

Meeting facility is wheelchair accessible. If language translation services are needed, please call Zach at 800-684-1458 in advance, or notify your local agency so that they may coordinate with the meeting facilitators.

Take our online survey on transportation needs!
www.surveymonkey.com/r/WVMOBILITY



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Motor Vehicles

5707 MacCorkle Avenue, Southeast
Post Office Box 17600
Charleston, West Virginia 25317-0010 • (304) 558-3900
TDD: (800) 742-6991 • (800) 642-9066

Thomas J. Smith, P. E.
Cabinet Secretary

September 10, 2018

Jefferson County Commission
Mr. Josh Compton
Commission President
Post Office Box 250
Charles Town, West Virginia 25414



Dear President Compton:

Your Highway Safety Grant has been approved for \$234,650. This award may be used to continue the Jefferson County EP Traffic Safety Enforcement Program.

I am pleased to see a continued commitment to improving the safety of West Virginians as they travel our State's roadways. Projects such as this are a significant step toward achieving our common goal of reducing traffic crashes, injuries, and fatalities statewide.

Please let me know if my Highway Safety program staff or I can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pat Reed". The signature is fluid and cursive.

Pat Reed
Governor's Representative
for Highway Safety

PR/ta