

AGENDA
JEFFERSON COUNTY COMMISSION
FIRST QUARTERLY SESSION - JANUARY-MARCH 2019
THURSDAY, MARCH 7, 2019
9:30 A.M.
County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- February 13, 2019 - Budget Presentations
- February 14, 2019 - Budget Presentations
- February 15, 2019 - Budget Presentations
- February 19, 2019 - Budget Deliberations
- February 21, 2019 - Budget Deliberations
- February 21, 2019 - Regular Meeting
- February 26, 2019 - Special Session
- February 27, 2019 - Special Session

APPROVAL OF REQUISITIONS

- March 7, 2019

APPROVAL OF ACCOUNTS PAYABLE

- February 28, 2019
- March 7, 2019

APPROVAL OF MANUAL CHECKS

- March 8, 2019

APPROVAL OF PAYROLL

- February 21, 2019

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

RECOGNITION

- **Janet Collier - 25 Years of Service**

PUBLIC COMMENT (9:40 a.m. - 10:00 a.m)

PRESENTATIONS

- 1. 10:00 a.m. Angie Banks, Assessor**
 - Split Ticket - Discussion/Action
 - Exonerations - Discussion/Action
- 2. 10:10 a.m. Gail Boober, Magistrate**
 - Discuss additional space - Discussion/Action
- 3. 10:20 a.m. Ronda Eddy, Director**
 - Approval of Community Corrections Grant - Discussion/Action
- 4. 10:35 a.m. Lynn Fields, Probate Office**
 - Close the Estate of Gregory A. Corliss, deceased - Discussion/Action
- 5. 10:45 a.m. BREAK**
- 6. 11:00 a.m. Public Hearing**
 - FY2019 HOME Investment Partnership Program and approval of Resolution
 - Discussion/Action
- 7. 11:15 a.m. Nic Diehl, Executive Director, Jefferson County Development Authority**
 - Report on JCDA Activities and Financials - Discussion/Action
- 8. 11:30 a.m. Nathan Cochran, Assistant Prosecuting Attorney**
 - 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 EEOC Charge #533-2018-01557 - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #18-C-171 - Discussion/Action
 - Discussion of EEOC Charge #533-2017-00706 - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action # 18-C-201 - Discussion/Action
 - Discussion of Board of Health septic tank permitting process and procedures - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #18-C-108 - Discussion/Action

- Discussion of U.S. District Court (Northern District) Civil Action #3:18-CV-122 - Discussion/Action
- Discussion of Legal Memorandum re: JCDA - Discussion/Action

9. 12:00 p.m. Break for Lunch

NEW BUSINESS

10. Legislative Updates

11. JCDA Board Quorum - Discussion/Action (JT)

12. Amend ESA Budget Request - Discussion/Action (JT)

COUNTY ADMINISTRATOR REPORTS

- Discuss Policy/Procedures for Achievement/Recognition - Golden Rule - Discussion/Action
- Discuss FMLA Procedures - Discussion/Action

COUNTY COMMISSION REPORTS

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

13. 1:30 p.m. Public Hearing - Amendment to the Impact Fees Procedures Ordinance

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

14. 6:00 p.m. Interviews for the Jefferson County Development Authority Board of Directors - Second Round (listed in alphabetical order)

- Marty Bakken (6:00 pm)
- Joy Bridy (6:10 pm)
- Lucas Cade (6:20 pm)
- Gary Davis (6:30 pm)
- Sean Fiego (unable to attend due to work travel commitment)
- Brandon Fisher (6:40 pm)
- Chris Gaidrich (6:50 pm)
- Bob Gillette (7:00 pm)
- Jennifer King (7:10 pm)
- Katherine Walsh Ryan (7:20 pm)
- Timothy Ross (7:30 pm)
- Michelle Sudduth (7:40 pm)
- Sheila Vertino (7:50 pm)

15. ADJOURN

CORRESPONDENCE/INFORMATION

Recognition of 25 years of service - Janet Collier, Maintenance Department.

Correspondence received from Matthew Harvey, Prosecuting Attorney regarding importance of David Boober employed as a crime analyst at the Jefferson County Sheriff's Office.

Notice of Public Hearing on Wednesday, March 13, 2019, at 6:00 p.m. regarding Budget FY20.

Notice of Special Session, Tuesday, April 16, 2019 at 9:30 a.m. regarding Lay the Levy.

Correspondence received from Wayne Bavry regarding zoning concerns.

Impact Fee Status Report for February, 2019.

Correspondence received from John B. McCuskey, State Auditor and Chief Inspector regarding an Independent Account's Report on Applying Agreed-Upon Procedures for Jefferson County Board of Education for the period of July 1, 2017 through November 1, 2018.

Correspondence received from John B. McCuskey, State Auditor and Chief Inspector regarding the apportion values of public utility property located within their county.

Correspondence received from Dennis Hatcher regarding Rockwool.

Correspondence received from Gavin Perry regarding Rockwool.

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

SPECIAL SESSION

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 Wednesday, February 13, 2019, beginning at 9:30 o'clock a.m.

PRESENT: Patsy Noland, President
Jane Tabb, Vice President
Josh Compton, Commissioner
Caleb Hudson, Commissioner
Ralph Lorenzetti, Commissioner
Stephanie Grove, County Administrator
Michelle Gordon, Finance Director
Jacki Shadle, County Clerk
Jessica Carroll, Administrative Assistant

In re: FV20 Budget Presentations – Day 1

The meeting was called to order at 9:31 a.m. by President Noland

Michelle Gordon, Finance Director, gave an overview of the budget process and the projected revenues and expenditure requests submitted by the department heads and elected officials for the upcoming fiscal year.

The Commissioners then heard budget presentations from the following: Eastern Panhandle Transit Authority, Eastern WV Regional Airport, Eastern Panhandle Conservation District, Jefferson County Parks and Recreation, Jefferson Day Report Center, Local Libraries, Technology, County Commission, Homeland Security and Emergency Management, the Department of Engineering, Planning and Zoning, Arts and Humanities, and the Sheriff's Department, including the tax office and animal control.

No decisions regarding the County budget were made during this meeting.

There being no further business, the meeting adjourned at 4:10 pm.

Patricia A. Noland, PRESIDENT

Respectively Submitted:
Jessica D. Carroll
Administrative Assistant

SPECIAL SESSION

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

At a Special Session of the County Commission of said County and State continued and held in the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Thursday, February 14, 2019, beginning at 6:00 o'clock p.m.

PRESENT: Patsy Noland, President
Jane Tabb, Vice President
Josh Compton, Commissioner
Caleb Hudson, Commissioner
Ralph Lorenzetti, Commissioner
Stephanie Grove, County Administrator
Michelle Gordon, Finance Director
Jacki Shadle, County Clerk
Jessica Carroll, Administrative Assistant

In re: FY20 Budget Presentations – Day 2

The meeting was called to order at 6:03 p.m. by President Noland

Michelle Gordon, Finance Director, provided the Commission with a recap of the budget requests presented during the previous day's session

The Commissioners then heard budget presentations from the following: Emergency Communications, Emergency Services Agency and the Volunteer Fire Departments, Maintenance, Central Garage, Other Buildings, and Capital Projects.

No decisions regarding the County budget were made during this meeting.

There being no further business, the meeting adjourned at 8:10 pm.

Patricia A. Noland, PRESIDENT

Respectively Submitted:
Jessica D. Carroll
Administrative Assistant

SPECIAL SESSION

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

At a Special Session of the County Commission of said County and State continued and held in the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Thursday, February 15, 2019, beginning at 9:30 o'clock a.m.

PRESENT: Patsy Noland, President
Jane Tabb, Vice President
Josh Compton, Commissioner
Caleb Hudson, Commissioner
Ralph Lorenzetti, Commissioner
Stephanie Grove, County Administrator
Michelle Gordon, Finance Director
Jacki Shadle, County Clerk
Jessica Carroll, Administrative Assistant

In re: FY20 Budget Presentations – Day 3

The meeting was called to order at 9:33 a.m. by President Noland

Michelle Gordon, Finance Director, provided the Commission with a recap of the budget requests presented during the previous day's session

The Commissioners then heard budget presentations from the following: Magistrate Court, Jefferson County Health Department, County Clerk and Elections, Agricultural Agent/Extension Service, Historic Landmarks Commission, Convention and Visitor's Bureau, Prosecuting Attorney's Office, Assessor's Office, and the Circuit Clerk's Office.

The Commission then discussed scheduling budget deliberations, which were planned for Tuesday, February 19th and Thursday, February 21.

No decisions regarding the County budget were made during this meeting.

There being no further business, the meeting adjourned at 12:35 pm.

Patricia A. Noland, PRESIDENT

Respectively Submitted:
Jessica D. Carroll
Administrative Assistant

SPECIAL SESSION

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

At a Special Session of the County Commission of said County and State continued and held in the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Tuesday, February 19th, 2019, beginning at 9:30 o'clock a.m.

PRESENT: Patsy Noland, President
Jane Tabb, Vice President
Josh Compton, Commissioner
Caleb Hudson, Commissioner
Ralph Lorenzetti, Commissioner
Stephanie Grove, County Administrator
Michelle Gordon, Finance Director
Jacki Shadle, County Clerk
Jessica Carroll, Administrative Assistant

In re: FY20 Budget Deliberations – Day 1

The meeting was called to order at 9:31 a.m. by President Noland, and Commissioner Hudson led the Pledge of Allegiance.

Michelle Gordon, Finance Director, provided the Commission with a summary of the revenue and proposed expenditures for FY20.

The Commissioners then weighed each request by department in order to balance the budget for FY20.

No final decisions regarding the County budget were made during this meeting.

The Commission recessed at 12:40 pm for lunch, reconvened at 1:40 pm, and adjourned at 3:47pm.

Patricia A. Noland, PRESIDENT

Respectively Submitted:
Jessica D. Carroll
Administrative Assistant

SPECIAL SESSION

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

At a Special Session of the County Commission of said County and State continued and held in the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Thursday, February 21st, 2019, beginning at 1:00 o'clock p.m.

PRESENT: Patsy Noland, President
Jane Tabb, Vice President
Josh Compton, Commissioner
Caleb Hudson, Commissioner
Ralph Lorenzetti, Commissioner
Stephanie Grove, County Administrator
Michelle Gordon, Finance Director
Jacki Shadle, County Clerk
Jessica Carroll, Administrative Assistant

In re: FY20 Budget Deliberations – Day 2

The meeting was called to order at 1:00 p.m. by President Noland, and Commissioner Tabb led the Pledge of Allegiance.

Michelle Gordon, Finance Director, provided the Commission with an overview of the tentative decisions made during the February 19 Budget deliberations.

The Commissioners then continued discussing the budget requests made by departments and elected officials for FY20.

No final decisions regarding the County budget were made during this meeting.

There being no further business, the Commission adjourned at 3:52 pm.

Patricia A. Noland, PRESIDENT

Respectively Submitted:
Jessica D. Carroll
Administrative Assistant

Minutes
Jefferson County Commission
Thursday, February 21, 2019

A meeting of the Jefferson County Commission was held on Thursday, February 21, 2019 during the first quarterly session in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Josh Compton, Caleb Hudson, Ralph Lorenzetti, Patricia Noland, and Jane Tabb. Also present were Stephanie Grove, County Administrator; Jessica Carroll, Executive Administrative Assistant; Jacqueline Shadle, County Clerk; and Jim Eddy, Bailiff. (An audio tape of the Thursday, February 21, 2019 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Hudson led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Compton to approve the February 5, 2019 Board of Review and Equalization Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Compton to approve the February 5, 2019 Budget Forum Minutes as presented. Motion seconded and unanimously approved.

Motion by Ms. Tabb to approve the February 6, 2019 Special Session Minutes as presented. Motion seconded and unanimously approved.

Motion by Ms. Noland to approve the February 7, 2019 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

Motion by Ms. Noland to approve the February 7, 2019 Board of Review and Equalization Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Hudson to approve the February 12, 2019 Board of Review and Equalization Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Tabb to approve the Purchase Orders for February 21, 2019 in the amount of \$10,450.00 to include purchase order no. 52829. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK NO	DEPT	VENDOR NAME	CHECK AMOUNT
81296	406	ANGELA L BANKS	\$ 64.00
81297	712	AT&T	\$ 129.53
81298	P/R DED	BUREAU OF CHILD SUPPORT	\$ 49.85
81299	P/R DED	BUREAU OF CHILD SUPPORT	\$ 119.54
81300	425	CAPITAL ELECTRIC	\$ 2,468.78
81301	402	CONDUENT BUSINESS SERVICE	\$ 400.00
81302	P/R DED	DAVID BOOBER	\$ 1,534.71
81303	P/R DED	DELTA DENTAL OF WV	\$ 6,454.17
81304	425	DODSON'S SEPTIC TANK CLEANING	\$ 285.00
81305	P/R DED	ELIZABETH MALONEY	\$ 501.53
81306	412	EMILY MORROW	\$ 288.51
81307	413	ESS ELECTION SYSTEMS & SOFTWARE	\$ 44,241.00
81308	425	G & TRIPLE T LLC	\$ 1,446.00
81309	425	G & TRIPLET T LLC	\$ 738.00
81310	424	GLOBALSTAR USA	\$ 2,062.51
81311	P/R DED	HELEN M MORRIS, TRUSTEE	\$ 543.86
81312	P/R DED	HIGHMARK WV	\$ 201,625.84
81313	712	INFORMER SYSTEMS LLC	\$ 4,017.60
81314	402	JACQUELINE SHADLE	\$ 447.20
81315	412	JADA BENNETT	\$ 160.79
81316	P/R DED	JEFFERSON SECURITY BANK	\$ 4,925.00
81317	424	JUANITA ZALESKI	\$ 137.80
81318	405	MATTHEW HARVEY	\$ 196.00
81319	P/R DED	MAZZITTI & SULLIVAN EAP	\$ 936.00
81320	P/R DED	MILLENIUM INSURANCE GROUP	\$ 750.00
81321	404	MONROE SYSTEMS FOR BUSINESS	\$ 130.68
81322	712	NATIONAL ACADEMY OF EMERGENCY DISPATCH	\$ 30.00

81323	P/R DED	NATIONAL VISION ADMIN.	\$ 1,802.86
81324	P/R DED	NATIONWIDE RETIREMENT SOLUTIONS	\$ 849.00
81325	425	OLD CHARLES TOWN LIBRARY	\$ 1,500.00
81326	712	PRIORITY DISPATCH	\$ 98.00
81327	428	PROFOUND LOGIC SOFTWARE	\$ 756.43
81328	425	R.E. MICHEL CO. LLC	\$ 282.77
81329	425	RC AIR AND MOLD SOLUTIONS	\$ 395.00
81330	P/R DED	RETIREE HEALTH BENEFIT TRUST	\$ 8,000.00
81331	406	RHONDA WILLINGHAM	\$ 64.00
81332	700	RONALD DANTZIC	\$ 14.50
81333	P/R DED	SHERIFF OF JEFFERSON COUNTY	\$ 2,800.00
81334	P/R DED	SHERIFF OF JEFFERSON COUNTY	\$ 96,119.92
81335	P/R DED	SHERIFF OF JEFFERSON COUNTY	\$ 114.00
81336	428	SOFTWARE SYSTEMS INC	\$ 2,707.00
81337	P/R DED	THE HARTFORD	\$ 2,374.90
81338	P/R DED	THE HARTFORD	\$ 4,060.46
81339	P/R DED	VINCENT TIONG	\$ 41.28
81340	700	WILLIAM POTTER	\$ 25.71
81341	403	WV ASSOCIATION OF CIRCUIT CLERK	\$ 675.00
81342	P/R DED	WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 16,370.05
81343	P/R DED	WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 43,694.73
81344	P/R DED	WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 500.00
81345	405	WV ASSOCIATION OF COUNTIES	\$ 225.00
81346	428	XEROX CORPORATION	\$ 5,721.69
TOTAL			\$ 463,876.20

Motion by Ms. Noland to approve the Accounts Payable for February 7, 2019 in the amount of \$463,876.20. Motion seconded and unanimously approved.

CHECK NO	DEPT	VENDOR NAME	AMOUNT
81347	700	CHARLES VANGILDER	\$ 9.20
81348	425	ECOWATER	\$ 125.00
81349	401	FIFTH THIRD BANK	\$ 108,601.90
81350	406	J.D. POWER & ASSOC	\$ 250.00
81351	402	JACQUELINE SHADLE	\$ 16.00
81352	GRANT	JEFFERSON DAY REPORT CENTER	\$ 11,932.51
81353	712	JEFFREY POLCZYNSKI	\$ 11.19
81354	405	MATTHEW HARVEY	\$ 374.68
81355	700	MONTE CONNER	\$ 12.26
81356	700	MOOREFIELD POLICE DE	\$ 158.40
81357	712	PRIORITY DISPATCH	\$ 7,655.20

81358	717	RICE TIRES CO	\$ 668.76
81359	404	W.B. MASON CO. INC	\$ 1,145.91
TOTAL			130,961.01

Motion by Ms. Tabb to approve the Accounts Payable for February 14, 2019 in the amount of \$130,961.01. Motion seconded and unanimously approved.

Motion by Ms. Noland to approve the Accounts Payable for February 21, 2019 in the amount of \$322,753.77. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

CHECK	FUND	VENDOR	AMOUNT
342	5/MCT	WILLIAM E. SENSENEY	\$ 46.20
633	8/HD	FIFTH THIRD BANK	\$ 56.03
634	8/HD	ATTENTI	\$ 3,491.20
718	56/AV	SOFTWARE SYSTEMS	\$ 800.00
719	56/AV	JOURNAL	\$ 519.04
423	73/SF	CREAMERS	\$ 395.00
1172	249/IF	SHERIFF OF JEFFERSON CO - SCHOOL	\$ 96,696.22
1173	249/IF	SHERIFF OF JEFFERSON CO - LAW ENF	\$ 672.36
1174	249/IF	SHERIFF OF JEFFERSON CO - PARKS & REC	\$ 6,378.17
1175	249/IF	SHERIFF OF JEFFERSON CO - EMD	\$ 702.36
TOTALS			\$ 109,756.58

Motion by Ms. Noland to approve the Manual Checks for February 8, 2019 in the amount of \$109,756.58. Motion seconded and unanimously approved.

CHECK NO	FUND	VENDOR NAME	AMOUNT
1712	CO/246	FIFTH THIRD BANK	9,647.00
310	FP/057	JEFFERSON CO FARMLAND PROTECTION BOARD	64,205.22
720	AV/56	FIFTH THIRD BANK	107.00
TOTAL			73,959.22

Motion by Ms. Tabb to approve the Manual Checks for February 15, 2019 in the amount of \$73,959.22 Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Ms. Tabb to approve the Payroll for January 24, 2019 in the amount of \$267,310.81. Motion seconded and unanimously approved.

PUBLIC COMMENT

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

Liz Freeman, resident – spoke in opposition to Rockwool Ranson.

Jennifer King, resident – spoke in opposition to Rockwool Ranson.

Georgia DeVos, resident – spoke in opposition to Rockwool Ranson.

Sharon Wilt, resident – spoke in opposition to Rockwool Ranson.

Sara Thomsen, resident – spoke in opposition to Rockwool Ranson.

Grant Prillaman, resident – spoke in opposition to Rockwool Ranson.

Lew Prillaman, resident – spoke in opposition to Rockwool Ranson.

Tracy Hannon, resident – spoke in opposition to Rockwool Ranson.

Tristan Stemple, resident – spoke in opposition to Rockwool Ranson.

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

Nancy Gregory, resident – spoke in opposition to Rockwool Ranson.

Stewart Acuff, resident – spoke in opposition to Rockwool Ranson.

Kendra Clarke, resident – spoke in opposition to Rockwool Ranson.

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

Diane Blust, resident – spoke in opposition to Rockwool Ranson.

Mark Everhart, resident – spoke regarding the state’s potential to eliminate MARC train funding and asked the Commission to consider holding a special meeting to address the topic.

Ilsa Gregg, resident – spoke in opposition to Rockwool Ranson.

Jay Mansfield, resident – spoke in opposition to Rockwool Ranson.

Mary Reed, resident – spoke in opposition to Rockwool Ranson.

Barbara Fuller, resident – stated the Commission deserved respect as elected officials.

David Tabb, resident - spoke regarding the status of the Tax Office

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

PRESENTATIONS

1. Angie Banks, Assessor – requested approval of employment.
 - **Motion by Ms. Tabb to approve the employment of Amy Berry to fill the vacant clerk’s position in the Assessor’s Office at a salary of \$32,213.00. Motion seconded and unanimously approved.**
2. Pete Dougherty, Sheriff
 - a. Vehicle Donation
 - **Motion by Mr. Compton to approve the donation of a 2006 Ford Taurus to the Jefferson County Emergency Services Agency. Motion seconded and unanimously approved.**
 - b. Approval of Employment for Bailiff/Trip Guard
 - **Motion by Ms. Noland to approve the hire of Jennifer Deal as a Bailiff/Trip Guard within the Jefferson County Sheriff’s Office. Motion seconded and unanimously approved.**
3. Roger Goodwin, Chief County Engineer – requested the approval of employment offer to fill the position of Office Clerk in the Department of Engineering, Planning, and Zoning.
 - **Motion by Ms. Tabb to approve the offer of employment, at \$35,000 per year, to fill the position of Office Clerk in the Department of Engineering, Planning, and Zoning. Motion seconded and unanimously approved.**
4. Interviews and Appointments to the following Boards, Commissions, Committees
 - a. Jefferson County Water Advisory Committee
 - **Motion by Ms. Tabb to appoint Colin Stine to the Jefferson County Water Advisory Committee for one three-year term ending January 31, 2022. Motion seconded and unanimously approved.**
 - b. Jefferson County Board of Zoning Appeals

- **Motion by Ms. Tabb to appoint Jeffrey Bannon to the Jefferson County Board of Zoning Appeals for one three-year term ending January 1, 2022. Motion seconded and unanimously approved.**

c. North Eastern Regional EMS Board, Inc.

- **Motion by Ms. Noland to appoint Pete Kelley to the NEREMS, Inc. Board for one two-year term ending October 31, 2021. Motion seconded and unanimously approved.**

5. MARC Train Resolution

- **Motion by Ms. Noland to adopt a resolution urging the WV Legislature and the WV Governor to meet with Maryland leadership to discuss future funding for the West Virginia extensions of the MARC Train. Motion seconded and unanimously approved.**

6. Nathan Cochran, Assistant Prosecuting Attorney

- Discussion of Jefferson County Civil Action #17-C-282
- Discussion of Renewal of County Cable Franchise Agreement and related issues
- Update on Jefferson County Circuit Court Civil Action #18-P-132
- Discussion of EEOC Charge #533-2018-01557
- Discussion of Jefferson County Circuit Court Civil Action#18-C-171
- Discussion of Jefferson County Circuit Court Civil Action#18-C-201
- Discussion of EEOC Charge #533-2017-00706
- Discussion of Jefferson County Circuit Court Civil Action #19-AA-1
- Discussion of the Board of Health septic tank permitting process and procedures
- **Motion by Ms. Tabb to enter into Executive Session to receive legal advice on the following: Jefferson County Circuit Court Civil Action #19-AA-1 and discussion of the Board of Health septic tank permitting process and procedures. Motion seconded and unanimously approved.**
- **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**

NEW BUSINESS

7. Legislative Updates

8. Court House Complex Committee

- **Motion by Ms. Tabb to form a small committee comprised of Michelle Gordon, Finance Director, Bill Polk, Director of Maintenance, Stephanie Grove, County Administrator, Roger Goodwin, Chief County Engineer, and County Commissioner Ralph Lorenzetti to study and make recommendations for a possible Court House complex, including funding options. Motion seconded and unanimously approved.**

9. The Commission adjourned at 8:34 pm on a motion by Mr. Compton. Motion was seconded and unanimously approved.

Patricia A. Noland, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant

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 Wednesday, February 27th, 2019, beginning at 6:00 o'clock p.m.

PRESENT: Patsy Noland, President
Jane Tabb, Vice President
Josh Compton, Commissioner
Caleb Hudson, Commissioner
Ralph Lorenzetti, Commissioner
Stephanie Grove, County Administrator
Jessica Carroll, Administrative Assistant

In re: Interviews for the Jefferson County Development Authority Board of Directors Vacancies.

The meeting was called to order at 6:00 p.m. by President Noland, and Commissioner Compton led the Pledge of Allegiance.

President Noland stated the purpose of the evening's meeting was to continue the interviews for applicants interested in serving on the Jefferson County Development Authority Board of Directors.

The following applicants were interviewed collectively by the Commissioners: Christy Huddle, Sheila Vertino, Tom Trumble, and Bob Gillette.

The Commission stated they'd provide their top picks from Round 1 of the interviews by Friday, March 1, and staff would contact those selected for the Round 2 interviews, scheduled for Thursday, March 7, 2019 at 6:00pm.

There being no further business, the Commission adjourned at 8:27 pm.

Patricia A. Noland, PRESIDENT

Respectively Submitted:
Jessica D. Carroll
Administrative Assistant

REQUISITIONS TO BE APPROVED

March 7, 2019

DEPARTMENT	P.O. NUMBER	AMOUNT	VENDOR	DESCRIPTION
OTHER BUILDINGS	19001	\$ 6,791.00	Gruber-Latimer Restoration	Brickwork at Hunter House & Tax Office
GRAND TOTAL		\$ 6,791.00		

PROPOSAL

DATE: February 13, 2019

PRESENTED TO: Jefferson County
Attn: Bill Polk

PROJECT: Brick Repairs and Re-pointing
Hunter House, Alley Beside Tax Office

PROPOSAL NUMBER: 1910A

As requested, Gruber-Latimer Restoration, LLC is pleased to submit the following proposal for the above-referenced project.

Section A Scope of Work

01. Mobilize. Stage materials and equipment on site.

Hunter House

02. Remove and replace up to 10 (ten) paving brick that are deteriorated or cracked.
03. Clean all paving brick on rear porch and steps (6 steps on each side), using a low pressure/steam process to remove dirt, environmental staining, and salt residue.
04. Cut out all brick mortar joints on the porch and steps, down to a depth suitable for re-pointing.
05. Re-point all of these paving brick, using Type N mortar in a "pecan" color and with a flat, brushed joint profile.
06. Apply one saturation coat of siloxane water repellent to the designated brick surfaces, at a ratio of 1 gallon per 75 square feet of wall area.
07. Clean work area. Remove all debris and excess materials that result directly from our work.

Price: \$5,405.00 (five thousand, four hundred and five dollars)

Corner at Alley Adjacent to Tax Office

08. Remove existing brick at the rear corner where damage (impact) and deterioration have occurred (+/- 12 brick).
09. Repair the corner to the same size and configuration as the existing. Re-lay reclaimed historic brick, as needed, at this corner.
10. Spot re-point +/- 6 square feet at this corner, using Type N mortar in a "pecan" color and with a flat, brushed joint profile.
11. Clean work area. Remove all debris and excess materials that result directly from our work.

Specializing in the Construction and Historic Preservation of Masonry Structures

12. Demobilize. Remove all equipment.

Price: \$1,386.00 (one thousand, three hundred and eighty-six dollars)

Section B Special Notes

01. Owner to provide potable water and electrical service to the site of our work, at no charge.
 02. This project is not a prevailing wage (scale) project.
 03. **The prices proposed herein do not include the City of Charles Town Building & Occupation Tax (2%). Per Bill Polk, Jefferson County is not subject to this B & O Tax. As a result, Gruber-Latimer Restoration is not responsible for paying such tax.**
 04. No retainage is required on this project.
 05. A diligent effort will be made to limit the amount of disturbance to adjacent soils, landscaping and sidewalks, however no guarantee can be offered in this regard.
 06. Layout, structural steel, carpentry, framing, painting/caulking, plaster/GWB work, roof work, window/door work, insulation, gutters/down spouts, concrete work, finished grading and landscaping, electrical/mechanical/HVAC work are excluded from this proposal.
 07. Mortar removal will be done by mechanical means, but only by masons with substantial experience in restoration work.
 08. Any additional brick reconstruction that exceeds the above scope of work, the need for which is discovered in the course of our work, is excluded from this proposal and, if so directed by the owner, would be pursued on a 'time and material' basis.
 09. Additional historic handmade brick and stone, if needed, would be supplied by the contractor on a 'time and material' basis.
 10. Vegetation (whether alive or dead) is very harmful to masonry structures, in that it traps moisture and its roots invade the capillaries of the brick and stone and hair line cracks in the mortar. Under freezing and thawing conditions, the latent moisture in the masonry freezes, inflicting serious damage.
 11. In addition to the importance of preventing moisture from penetrating the outside surfaces of the building (masonry walls, window and door openings, roof and trim), specific emphasis is placed upon the importance of (a) maintaining gutters and down spouts with sufficient capacity to effectively convey water off the roof, (b) the extension of down spouts, to convey discharged water away from the foundation, either above or below ground, and (c) proper slope of the soil around the building, to optimize drainage. As discussed during our meeting on site, the creation of grade patterns that convey natural ground water flow away from the base of the foundation walls is highly recommended. Preventing water from pooling along the base of each wall is a crucial issue that will have a positive impact on the future condition of the building.
 12. Regarding the proposed silane/siloxane water repellent for masonry surfaces:
 - product dries clear, with no adverse affect to the color of the stone or mortar;
 - product is temperature-sensitive in terms of ambient conditions at the time of application;
 - one saturation coat typically provides the desired level of protection;
 - product has limited initial surface repellency and may require up to 14 days to develop optimal performance;
-

maintenance coat is recommended.

A diligent effort will be made to prevent overspray of the water repellent onto adjacent surfaces and landscaping. However, while this water-based product will not damage other materials/surfaces and will be cleaned off windows with a standard window cleaning agent, all parking and driveway areas need to be clear of vehicles.

Section C Terms

01. Payment in full upon completion of the work performed. Due upon receipt.
02. All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices, and warranted for a period of one (1) year.
03. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the price estimate.
04. This proposal, and any contract that results from this proposal, is made with the expressed condition that Gruber-Latimer Restoration, LLC cannot be held responsible for strikes, accidents, delays or other circumstances beyond our control.
05. Owner to be responsible for all necessary permits. Owner will be responsible for fire, tornado and other necessary and applicable insurance. Gruber-Latimer Restoration employees are fully covered by workers' compensation insurance.
06. Maryland Home Improvement Commission (MHIC) License # 121565.
West Virginia Contractor's License # WV034399.
07. Gruber-Latimer Restoration, LLC reserves the right to withdraw this proposal if not accepted within 30 days.

Thank you for considering Gruber-Latimer Restoration to be your partner in completing this project. We are confident that our construction experience, and in particular our knowledge and expertise in the restoration field, will enable us to meet...and, in fact, exceed...your expectations. Please call with questions that may arise or if further information would be helpful. We look forward to working with you.

Gruber - Latimer Restoration, LLC

By: 

John A. Latimer, III
President

Acceptance of Proposal

The above specifications, price estimates and terms and conditions are satisfactory and are hereby accepted. Gruber-Latimer Restoration, LLC is authorized to do the work as specified. Payment will be made as outlined above.

Signature: 

Date: 2-14-19

In order to complete the agreement contemplated by this proposal, please forward a signed copy to our office via facsimile on (301) 223-8971, or via U S Mail at the above address. Thank you.

DESCRIPTION	Fund 001 CO.	Fund 003 Dog	Total
Gross Wages	\$ 386,890.03	\$ 31.80	\$ 386,921.83
	\$ -		
6.2% Tax Payable OASDI	\$ 22,967.94	\$ 1.81	\$ 22,969.75
1.45% Tax Payable HI	\$ 5,371.55	\$ 0.42	\$ 5,371.97
Fed Withholding	\$ 34,837.43	\$ 1.89	\$ 34,839.32
WV State Withholding	\$ 16,343.67	\$ 1.30	\$ 16,344.97
PERS Retirement Deduct 4.5%	\$ 10,240.77	\$ 1.43	\$ 10,242.20
PERS Retirement Deduct 6%	\$ 3,737.12		\$ 3,737.12
Hosp. Pre-Tax	\$ 14,453.00		\$ 14,453.00
Cancer/ICU Pre-Taxed	\$ 299.85		\$ 299.85
Cancer/ICU Not Pre-Taxed	\$ 1,449.03		\$ 1,449.03
Optional Life Not Pre-Taxed	\$ 2,016.97		\$ 2,016.97
Christmas Club	\$ 4,925.00		\$ 4,925.00
Wage Attach #1	\$ 713.25		\$ 713.25
Wage Attach #3	\$ 500.00		\$ 500.00
DSRS Retirement Deduct 8.5%	\$ 6,301.96		\$ 6,301.96
457 - Nationwide	\$ 849.00		\$ 849.00
457I - Empower	\$ 2,280.00		\$ 2,280.00
457R - Roth	\$ 520.00		\$ 520.00
MD State Tax	\$ 602.12		\$ 602.12
D/VF	\$ 1,689.63		\$ 1,689.63
VA. State Tax	\$ 144.57		\$ 144.57
COLONIAL(PLUS)	\$ 81.60		\$ 81.60
Total Deductions	\$ 130,324.46	\$ 6.85	\$ 130,331.31
Net Wages Total	\$ 256,565.57	\$ 24.95	\$ 256,590.52
Payroll Date	21-Feb-2019		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Angie Banks, Assessor

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

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **March 7, 2019**

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*):

- Split Ticket – Discussion/Action
- 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 [Click here to enter text.](#)

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

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

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

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

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

Telephone for conference call Y/N [Click here to enter text.](#)

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)



AGENDA REQUEST FORM
www.jeffersoncountywv.org

Name: **Gail Boober, Magistrate**

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **March 7, 2019**

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

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

Subject (*Wording to be placed on agenda*): **Discuss additional space and support the addition of another Magistrate**

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

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

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

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

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

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

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

Telephone for conference call **Y/N** [Click here to enter text.](#)

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Ronda Eddy, Director

Department or Organization: **Jefferson Day Report Center, Inc.**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **March 7, 2019 - Approval of Community Corrections Grant. Submission deadline April 3, 2019**
If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice: **March 21, 2019**

Subject (*Wording to be placed on agenda*): FY 20 Community Corrections Grant

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

Present the FY 20 Community Corrections Grant Application for Commission approval.

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: Ronda Eddy - Jefferson Day Report Center

Email address: reddy@jeffersondrc.com

Phone Number (304) 728-3527

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM

www.jeffersoncountywv.org

NAME: Lynn Fields

DEPARTMENT OR ORGANIZATION: Probate Office

ESTIMATION OF TIME NEEDED FOR APPT.: 5-10 minutes

DATE REQUESTED: 1ST CHOICE March 7th, 2019

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

SUBJECT: Close the estate of Gregory A. Corliss, deceased

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

The estate has met all requirements of probate and is now ready to be closed.

ARE DOCUMENTS ATTACHED: To follow

IS A PROJECTOR NEEDED?: NO

lfields@jeffersoncountywv.org (304) 728-3210

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Nancy Strine, CDBG and HOME Administrator

Department or Organization: **City of Martinsburg representing Eastern Panhandle HOME Consortium**

Estimation of amount of time needed for appointment: 10-15 minutes

Date Requested – March 7th 1st Choice:

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

I need at least a month to publish the legal notice for the Public Hearing

Date Requested – 2nd Choice: March 21st

Subject (*Wording to be placed on agenda*): First item, Hold a public hearing to discuss the housing needs of Jefferson County for the FY 2019 HOME Investment Partnership Program and second for the Commission to approve a Resolution authorizing participation in the Eastern Panhandle HOME Consortium of West Virginia for the Period July 1, 2019 to June 30, 2020.

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request: None

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

FY 2019 HOME (HOME Investment Partnership Program) Public Hearing and approval of 2019 HOME Resolution
First item, Hold a public hearing to discuss the housing needs of Jefferson County for the FY 2019 HOME Investment Partnership Program and second for the Commission to approve a Resolution authorizing participation in the Eastern Panhandle HOME Consortium of West Virginia for the Period July 1, 2019 to June 30, 2020.

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: nstrine@cityofmartinsburg.org

Phone Number: 304-264-2131 ext. 278

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

**JEFFERSON COUNTY COMMISSION, JEFFERSON COUNTY, WEST VIRGINIA
FY 2019 HOME INVESTMENT PARTNERSHIP PROGRAM**

Notice is hereby given by the Jefferson County Commission that it will hold a public hearing on **Thursday, March 7, 2019 at 11:00 am**, prevailing time, in the County Commission meeting room located at the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia. The Jefferson County Commission Chambers are accessible to persons with physical disabilities. If special arrangements need to be made to accommodate citizens in order for them to participate in the public hearing, please call **Sandy Slusher McDonald, Deputy County Administrator, at 304-728-3284** to make those arrangements.

The purpose of this public hearing is to discuss the specific housing needs of Jefferson County, WV. The Jefferson County Commission is a member of the Eastern Panhandle HOME Consortium of West Virginia which consists of the City of Martinsburg, Berkeley County, part of Jefferson County and part of Morgan County, West Virginia. The HOME Consortium is eligible to receive a HOME Investment Partnership Grant in FY 2019. The U.S. Department of Housing and Urban Development will be notifying the City of Martinsburg in the future of the amount of HOME funds that will be available for FY 2019. In order to receive those funds, the member jurisdictions in the Eastern Panhandle HOME Consortium must develop a program for the use of HOME funds as a part of the City of Martinsburg's FY 2019 Consolidated Annual Action Plan. The HOME Consortium will be preparing their HOME Program and they intend to afford citizens, local agencies, and interested parties the opportunity to become involved in the planning process.

The following general types of activities are eligible for funding under the HOME program: Homeowner Rehabilitation, including repair, rehabilitation or reconstruction of owner occupied houses; Homebuyer Activities, including funds for purchase and/or rehabilitation of existing houses or new construction of houses for homebuyers; Rental Housing, including acquisition and/or rehabilitation of existing rental housing or new construction of rental housing; and Tenant Based Rental Assistance, including financial assistance for rent, security deposits and under certain conditions, utility deposits for tenants. All HOME funds must be used for persons and households that meet the HUD income guidelines and definition of low- and moderate-income.

Notice is also hereby given that the JEFFERSON COUNTY COMMISSION is accepting proposals for the use of its portion of the HOME Consortium funds for FY 2019 beginning January 18, 2019. Application packets, instructions and information are available on an open basis. All interested applicants are encouraged to contact the Jefferson County Commission office, in order to obtain the application packet and to address any questions. **Please contact Sandy Slusher McDonald at 124 E. Washington Street, Charles Town, WV 25414 or 304-728-3284.**

All interested citizens are encouraged to attend this public hearing and they will be given the opportunity to present oral or written testimony concerning the housing needs of Jefferson County and the use of HOME funds to address those needs. Written comments may be addressed to **Sandy Slusher McDonald, Deputy County Administrator, 124 E. Washington Street, Charles Town, WV 25414 or 304-728-3284**

Patsy Noland, President
Jefferson County Commission

RESOLUTION

A RESOLUTION OF THE County Commission of Jefferson County, West Virginia AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2019 TO JUNE 30, 2020.

WHEREAS, TITLE II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as “HOME”); and

WHEREAS, the HOME regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) under 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

WHEREAS, there is a need throughout the Eastern Panhandle of West Virginia to provide affordable housing for the low and moderate income residents; and

WHEREAS, the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, City of Charles Town, City of Ranson, Corporation of Shepherdstown, Town of Bolivar, Town of Harpers Ferry, County of Morgan Town of Paw Paw, Town of Bath West Virginia, have formed a Consortium that has been designated as a Participating Jurisdiction under the HOME Program, thereby entitling the Consortium to seek annual funding; and

WHEREAS, the Jefferson County Commission entered into a three (3) year Housing Consortium Cooperation Agreement with an annual renewal clause for participation in the HOME Consortium for the Eastern Panhandle; and

WHEREAS, the U.S. Department of Housing and Urban Development is expected to award the HOME Consortium of the Eastern Panhandle a HOME grant upon request and consideration for Fiscal Year 2019; and

WHEREAS, the Jefferson County Commission recognizes the need to obtain funding for affordable housing and has identified the HOME Program as a source of funds to meet this need.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY THAT:

1. Jefferson County will cooperate with the City of Martinsburg, County of Berkeley, Town of Hedgesville, City of Charles Town, City of Ranson, Corporation of Shepherdstown, Town of Bolivar, Town of Harpers Ferry, County of Morgan, Town of Paw Paw, Town of Bath West Virginia, in a Consortium for participation in the HOME Program; and
2. The President of the Jefferson County Commission is hereby authorized to enter into a one-year Cooperation Agreement for the period of July 1, 2019 to June 30, 2020 with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and

3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2019 HOME Investment Partnership Program.

Adopted this _____ day of _____, 2019.

BY:

Patsy Noland, President,
Jefferson County Commission

ATTEST:

Jacqueline C. Shadle, County Clerk

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: **March 7, 2019**

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 Jefferson County Civil Action #17-C-282. Discussion/Action.
2. Discussion of renewal of County cable franchise agreement and related issues. Discussion/Action.
3. Discussion of Jefferson County Circuit Court Civil Action #18-P-132. Discussion/Action.
4. Discussion of EEOC Charge #533-2018-01557. Discussion/Action.
5. Discussion of Jefferson County Circuit Court Civil Action #18-C-171. Discussion/Action.
6. Discussion of EEOC Charge #533-2017-00706. Discussion/Action.
7. Discussion of Jefferson County Circuit Court Civil Action #18-C-201. Discussion/Action.
8. Discussion of Board of Health septic tank permitting process and procedures. Discussion/Action.
9. Discussion and update of Jefferson County Circuit Court Civil Action #18-C-108. Discussion/Action.
10. Discussion of U.S. District Court (Northern District) Civil Action #3:18-CV-122. 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:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **March 7, 2019**

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

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

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

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

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

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

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

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

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

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

Telephone for conference call **Y/N** [Click here to enter text.](#)

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Jane Tabb

Department or Organization: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: Feb. 7, 2019

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda):

JCDA Board quorum

Please provide the County Commission with a description of your request or presentation, including any background information: **Legal counsel review WV Code 7-12-3, Open Meetings Advisory Opinion No. 2007-11 and any other appropriate information to determine a legal quorum of the JCDA Board as a result of resignations.**

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

Discussion/Action

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: _____

OPEN MEETINGS ADVISORY OPINION NO. 2007-11

Issued On November 1, 2007 By The

WEST VIRGINIA ETHICS COMMISSION COMMITTEE ON OPEN GOVERNMENTAL MEETINGS

OPINION SOUGHT

The West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners (Board) asks if vacant positions must be counted in determining a quorum.

FACTS RELIED UPON BY THE COMMITTEE

Effective July 1, 2007, the statute establishing the Board was amended to expand the Board's membership from 9 to 11 members. One of the additional members of the Board is required to be a licensed nuclear medicine technologist while the other added position calls for appointment of a licensed magnetic resonance imaging technologist. In addition, one Board Member has resigned.

To date, no members have been appointed to fill these vacancies. If these three vacancies are counted in determining a quorum, the Board would need to have 6 of the 8 currently serving members participate in a meeting to establish a quorum. If the vacant positions are not counted, only 5 participating members will be required to constitute a quorum.

CODE PROVISIONS RELIED UPON BY THE COMMITTEE

W. Va. Code § 6-9A-2 provides the following definitions pertinent to this opinion:

(4) "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. . . .

(7) "Quorum" means the gathering of a simple majority of the constituent membership of a governing body, unless applicable law provides for varying the required ratio.

ADVISORY OPINION

The Open Meetings Act defines a "quorum" as "a simple majority of the constituent membership of a governing body." The Act does not further define what is meant by "constituent membership" nor is this term defined elsewhere in the Code.

The Board has requested guidance from this Committee on whether newly-created positions which have not yet been filled, or positions which are vacant due to a member's resignation, must be counted in determining whether a majority of the Board's "constituent membership" are properly gathered to convene a proper meeting.

This Committee finds that a substantially similar question was addressed by our Supreme Court of Appeals in State ex rel. Hatfield v. Farrar, 89 W. Va. 232, 109 S.E. 240 (1921). In the syllabus of its decision, the Court held:

Under a statutory provision saying in general terms a majority of the members of a public tribunal, composed of a prescribed number of officers,


shall be necessary to form a quorum, a majority of its members in office at a given time suffices, and, if there are vacancies, a majority of the whole number elected to membership is not required.

Based upon our Supreme Court's ruling in *Farrar*, the Attorney General has similarly concluded that where 2 members of a 7-member Town Council had been legally disqualified from holding office and their seats were legally vacant, a quorum should be based upon the participation of a majority of the 5 remaining members. 33 W. Va. Op. Att'y Gen. 87 (1929). This Committee finds these opinions to be dispositive of the Board's inquiry.

Accordingly, where one or more authorized positions on a governing body which are ordinarily occupied by a member who is authorized to vote are vacant, such vacant positions are not counted in determining the whole number from which a majority must be calculated to determine a quorum. A position may be vacant for a number of reasons including: (1) the death of a member; (2) the resignation of a member, properly communicated to the appropriate authority and accepted, if required by law; (3) the removal of a member from office through established legal procedures; and (4) no person has yet been duly appointed or elected to fill the position, or such person has not accepted the appointment by being duly sworn. Ex-officio members of a governing body are not ordinarily counted in determining the whole number from which a majority must be established to obtain a quorum.

In regard to this particular inquiry, the Board is not required to count the 2 newly-created positions that have yet to be filled by appointment, nor the position which is vacant as a result of the written resignation of a Board Member, in determining whether it has a quorum to hold a meeting and conduct official business. Board Members whose terms have expired but whose successors have not yet been appointed remain constituent members in accordance with W. Va. Code § 6-5-2, as do those Board Members who are serving unexpired terms. Therefore, the Board currently has 8 constituent members and 5 of those members may establish a quorum under the Act.

This advisory opinion is limited to questions arising under the Open Governmental Proceedings Act, W. Va. Code §§ 6-9A-1, *et seq.*, and does not purport to interpret other laws or rules. Pursuant to W. Va. Code § 6-9A-11, a governing body or member thereof that acts in good faith reliance on this advisory opinion has an absolute defense to any civil suit or criminal prosecution for any action taken based upon this opinion, so long as the underlying facts and circumstances surrounding the action are the same or substantially the same as those being addressed in this opinion, unless and until it is amended or revoked.


James E. Shepherd II, Chairman

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: March 7, 2019

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda):

Amend ESA budget request

Please provide the County Commission with a description of your request or presentation, including any background information: **The ESA budget request included a 1.9% COLA which was decreased to 1.4% COLA by the Commission. After discussions with Alan Keyser, it has become evident that the budget document should have reflected a 1.4% COLA and a .5% Merit increase. As stated on P. 76, # 5 of the ESA Class & Compensation Study: "JCESA should devise a pay scale ensuring appropriate salary increases occur annually. JCESA should evaluate and avoid salary compression among all ranks within the organization." Merit increases will only be awarded when warranted after annual evaluations.**

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

Move to approve 0.5% merit increase for the ESA budget and to fund the increase through an adjustment to the Ambulance Fee.

Are documents attachments? Yes NoX

If not, explain:

Is a projector needed? Yes No X

Contact information:

Email address: _____

Phone number: _____



AGENDA REQUEST FORM
www.jeffersoncountywv.org

Name: **Stephanie Grove, County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **March 7, 2019**

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

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

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

- Discuss Policy/Procedures for Achievement/Recognition - Golden Rule - Discussion/Action
- Discuss FMLA Procedures - Discussion/Action

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

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

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

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

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

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

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

Telephone for conference call Y/N [Click here to enter text.](#)

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

**NOTICE OF PUBLIC HEARING
COUNTY COMMISSION OF JEFFERSON COUNTY
AMENDMENT TO THE IMPACT FEES PROCEDURES ORDINANCE**

The County Commission of Jefferson County will hold a public hearing concerning the Draft Impact Fee Ordinance on Thursday, March 7, 2019 at 1:30 p.m. in County Commission meeting room located at the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of this public hearing is to gather public input on the Impact Fees Procedures Ordinance - Proposed Ordinance Amendment to the Affordable Housing Discount.

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

Anyone wishing to provide comment may do so at this meeting or by email at info@jeffersoncountywv.org.

The public is invited to attend.

By Order of the County
Commission of Jefferson County
Patricia A. Noland, President

West Virginia

Impact Fee Procedures Ordinance

ADOPTED

November 6, 2003

Amended July 8, 2004

Amended January 20, 2005

Amended February 22, 2007

Amended November 15th, 2012 (added Affordable Housing Discount)

Amended April 7, 2016 (Affordable Housing Discount)

Amended _____, 2019 (Affordable Housing Discount)

**Proposed Amendment
To
Affordable Housing Discount
(see pages 19 & 20)**

Public Hearing March 7, 2019

TABLE OF CONTENTS

Section 1. IN GENERAL	6
(A) Purpose and Intent	6
(B) Rules of Construction	6
(C) Definitions	7
(D) General Provisions; Applicability	11
Section 2. PROCEDURES FOR IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES	14
(A) In General	14
(B) Calculation	14
(C) Offsets/Credits	16
(D) Collection	18
(E) Impact Fee Agreements	18
(F) Affordable Housing Discount	19
Section 3. ESTABLISHMENT OF IMPACT FEE ACCOUNTS; APPROPRIATION OF IMPACT FEE FUNDS; AND REFUNDS	22
(A) Impact Fee Accounts	22
(B) Appropriation of Impact Fee Funds	22
(C) Procedure for Appropriation of Impact Fee Funds	23
(D) Refunds	23
Section 4. APPEALS	25
(A) Initiation	25
(B) Burden of Proof	26
(C) Contents	26
(D) Decision	26
(E) APPEAL OF COUNTY COMMISSION DECISION	26
Section 5. EXEMPTIONS/WAIVERS	27
(A) Filing of Application	27
(B) Effect of Grant of Exemption/Waiver	27
(C) Development Agreements	27
Section 6. ANNUAL REVIEW AND ADJUSTMENTS	27
(A) Annual Review	27
(B) Annual Adjustments	28
Section 7. ENFORCEMENT	29
Section 8. SEPARABILITY AND CONSTRUCTION	30
(A) Liberal Construction	30
(B) Separability	30

WHEREAS, pursuant to the Local Powers Act, West Virginia Code § 7-20-1 *et seq.*, Jefferson County, West Virginia (the "County") is authorized to establish and impose impact fees on new development to offset costs to the County associated with providing necessary public facilities and services, the demand for which is created by new development; and

WHEREAS the Jefferson County Commission (the "County Commission") has studied the necessity for and implications of the adoption of impact fees for various public facilities and retained Tischler & Associates, Inc. to prepare an impact fees report to consider impact fees, and Tischler & Associates, Inc. has prepared an Impact Fees Report, dated June 11, 2003; and

WHEREAS

(1) The residents, taxpayers and users of County facilities and services have contributed significant funds in the form of taxes and user charges toward the cost of existing County facilities and services, which represent a substantial and incalculable investment;

(2) The County is experiencing an increased demand for development which is causing a strain on tax revenues and user charges at existing levels and impairing the ability of taxpayers, residents and users to bear the cost of increased demand for County facilities and services; and

(3) Sound fiscal policy in the efficient administration of County government requires that the imposition of taxes and user charges be commensurate to the actual yearly cost of County facilities and services; and

WHEREAS the County Commission adopted a comprehensive plan in 1994 which is currently being updated; and

WHEREAS the County has adopted a comprehensive zoning ordinance and a subdivision control ordinance, and has adopted the state building code as part of the County building permit review system; and

WHEREAS the population growth rate of the County has exceeded one percent (1%) annually, averaged over the years between 1990 and 2000; and

WHEREAS the Impact Fees Report has determined that the population of the County is expected to grow from approximately 44,367 in 2002 to approximately 54,091 in 2012, with a growth in the number of housing units from 18,558 units to 23,198 units over the same period; and

WHEREAS the County Commission has developed a Capital Improvements Program in order to more definitively project the specific public service demands that will be imposed upon the County by the projected growth, and maintains a list of sites within the County with development potential; and

WHEREAS, based on the population, housing units, commercial square footage, and land use projections as well as the public service needs associated with the projected level of growth, the County Commission has determined that impact fees are an appropriate and necessary technique, to be used in conjunction with other available public service financing techniques, to ensure that adequate public facilities are provided to new growth while the County maintains the level of service (LOS) standards for existing County residents; and

WHEREAS the County Commission has determined that impact fees will be necessary for construction of public schools and related facilities and may, in the future, determine that impact fees will be necessary for other public facilities; and

WHEREAS the County Commission has found and determined that impact fees for public facilities, all enacted pursuant to the authority granted by the Local Powers Act, will have certain common characteristics and that the County will, therefore, benefit from the adoption and use of a uniform procedure for the imposition, calculation, collection, expenditure and administration of all of the adopted impact fees; and

WHEREAS the use of uniform procedures, to the extent possible, will be more efficient and expedient for both the County and applicants for development permits than separate procedures for each impact fee; and

WHEREAS the use of uniform procedures will simplify the implementation and administration of impact fees; and

WHEREAS the use of uniform procedures will best ensure that impact fees are earmarked and expended for the public facilities for which they were imposed and collected; and

WHEREAS all monies collected from impact fees shall be deposited in interest-bearing accounts which clearly identify the category, account, fund and public service for which such fee was imposed; and

WHEREAS each such category, fund or account shall be accounted for separately; provided, however, that the determination as to whether the accounting requirement shall be by category, account or fund and whether by aggregate or individual development shall be within the discretion of the County; and

WHEREAS any interest or other income earned on monies deposited in said interest-bearing accounts shall be credited to the applicable account; and

WHEREAS the County Commission has found and determined that impact fees are an appropriate technique for funding public facilities; and
WHEREAS the County Commission has determined that the impact fee amounts to be imposed bear a reasonable relationship and are “roughly proportional” to the impact on public services created by new development; and

WHEREAS the County Commission has found that the public services for which impact fees are collected are necessary to protect the health, safety, and general welfare of the citizens of Jefferson County; and

WHEREAS the County Commission recognizes its obligation and authority to provide the public services for which impact fees are collected;

WHEREAS the County has or will, for each impact fee, determine that the payment of the impact fee and its expenditure for needed public facilities will result in a direct beneficial use to the development on which it is imposed; and

WHEREAS the County has or will develop and adopt a schedule of impact fees for each public service; and

WHEREAS the County has provided a credit (offset) mechanism in cases where the proposed development has been subject to the required dedication of public sites and/or public improvements, or payment in lieu thereof, for which impact fees are also being imposed; and

WHEREAS the County has determined that the impact fee amounts bear a reasonable relationship to the burden imposed upon the County to provide the additional public facilities to serve the new development at the appropriate level of service (LOS) standard; and

WHEREAS the County has developed fee calculation methodologies which will be imposed in an equitable and non-discriminatory manner.

NOW, THEREFORE, BE IT ORDAINED by the County Commission of Jefferson County, West Virginia as follows:

Section 1. IN GENERAL

(A) Purpose and Intent

The purposes and intent of these Impact Fee procedures are:

- (1) To establish uniform procedures for the imposition, calculation, collection, expenditure and administration of impact fees imposed on new development;
- (2) To ensure that new development contributes its fair share towards the costs of public facilities reasonably necessitated by such new development;
- (3) To ensure that new development reasonably benefits from the provision of the public facilities provided with the proceeds of impact fees;
- (4) To ensure that all applicable legal standards and criteria are properly incorporated in these procedures.

(B) Rules of Construction

- (1) The word “shall” is always mandatory and not discretionary and the word “may” is permissive.
- (2) Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary; use of the masculine gender shall include the feminine gender.
- (3) The phrase “used for” includes “arranged for,” “designed for,” “maintained for,” or “occupied for.”
- (4) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or” or “either...or,” the conjunction shall be interpreted as follows:
 - (a) “And” indicates that all the connected terms, conditions, provisions or events shall apply.
 - (b) “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - (c) “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (5) The words “includes” and “including” shall not limit a term to the specific example but are intended to extend its meaning to all other instances or circumstances of like kind or character.

(6) Words not defined in this Ordinance shall have the meaning ascribed to them in the Jefferson County Zoning Ordinance, as amended. Definitions of land use not defined in this ordinance or in the Jefferson County Zoning Ordinance shall have the meaning as defined in the Impact Fee Calculation Methodology Report.

[Amended by Act of the County Commission, effective January 20, 2005]

(C) Definitions

(1) **Accessory Agricultural Dwelling Unit:** a dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building and meets all of the following criteria, unless otherwise approved by the Board of Zoning Appeals: (a) is limited in size to a maximum of 1,700 heated square feet, gross floor area; (b) is located on a property for which the primary use is an agricultural use as defined by the Zoning Ordinance; (c) is located on a property of at least 10 acres in area; and (d) is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property. An Accessory Agricultural Dwelling Unit shall have a valid and active Zoning Certificate pursuant to the Jefferson County Zoning and Development Review Ordinance.

[Amended by Act of the County Commission, effective June 20, 2016]

(2) **Applicant:** any person who files an application with the County for a building permit, or for property that is located within a municipality which issues building permits, or any person who files an application with the County for the payment of impact fees.

[Amended by Act of the County Commission, effective November 6, 2003]

(3) **Appropriation or to appropriate:** an action by the County to identify specific public facilities for which impact fee funds may be utilized. Appropriation shall be limited to: Capital Improvements Program; execution of a contract or other legal encumbrance for construction of a public service using impact fee funds in whole or in part; and/or actual expenditure of impact fee funds through payments made from a impact fee account.

(4) **Average Market Value:** The value of a home as determined by the average cost data listed in the Residential Housing Index created pursuant to the provisions of W.Va. Code § 11-1-2b.

(5) **Building Permit:** the official document or certificate issued by the County or any Municipality under the authority of ordinance or law authorizing the commencement of construction of any building or other structure or part thereof, or authorizing a change in use.

(6) **Business Park:** a group of flex-type buildings served by a common roadway system. The tenant space includes a variety of uses with an average mix of 20-30% office/commercial and 70-80% industrial/warehousing.

(7) **Capital Improvement:** as defined in West Virginia Code §7-20-3 (a).

(8) **Commercial (use):** an establishment that engages in the buying and/or selling of commodities and/or services. A shopping center is a subset of this category and is typified as an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. A shopping center provides on-site parking facilities sufficient to serve its own parking demands.

[Amended by Act of the County Commission, effective January 20, 2005]

(9) **County:** Jefferson County, West Virginia. and/or its County Government.

[Amended by Act of the County Commission, effective November 6, 2003]

(10) **County Attorney:** the Prosecuting Attorney of the County.

(11) **County Commission:** the County Commission of Jefferson County, West Virginia.

(12) **County Government:** the County Commission and all staff of the County.

(13) **Development:** the subdivision of land; or the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure.

(14) **Development Agreement:** a written agreement between the County and a developer regarding the development of a specific parcel of property.

[Amended by Act of the County Commission, effective November 6, 2003]

(15) **District or Impact Fee District:** a defined geographic area or subarea of the County within which particular public facilities are provided and in which impact fees will be collected, appropriated, and expended for public facilities serving new development within such area or subarea.

(16) **Dwelling Unit:** one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and containing independent cooking, plumbing and sleeping facilities. Dwelling Unit does not include recreational vehicles propelled by an engine on the same chassis.

[Amended by Act of the County Commission, effective November 6, 2003]

(17) **Extreme Hardship** - For the purposes of this ordinance, any one of the following conditions shall qualify as extreme hardship cases and such qualifying cases may be considered by the County Commission as eligible for an extreme hardship exemption:

(1) Cases where the total household income is less than or equal to the Poverty Guidelines applicable to Jefferson County, West Virginia and which are defined by the United States Department of Health and Human Services, and which Poverty Guidelines are adopted by the United States Department Housing and Urban Development. In determining total household income, the Impact Fee Coordinator shall use methods as outlined by the United States Department of Housing and Urban Development; or

(2) Cases where the householder, as defined by the United States Bureau of the Census, has been classified as being totally and/or permanently disabled and is receiving disability payments from the Social Security Administration; or

(3) Cases where at least fifty per cent (50%) of the cost of the applicant's new or replacement home is being funded by a Community Housing Development Organization as recognized by the State of West Virginia Housing Development Fund, or other comparable grant or public funding mechanism. [Amended (by deleting the original Clause 15 and renumbering as Clauses 16-33), by Act of the County Commission, effective February 23, 2007.]

(18) **Impact Fee Calculation Methodology Report:** a report titled Impact Fees prepared by Tischler & Associates, Inc., dated June 11, 2003, and subsequently ammended, which sets forth the methodology and basis for the calculation of the impact of new development and the proper and proportional amount of the impact fee to be assessed against new development.

[Amended (by deleting the original Clause 15 and renumbering as Clauses 15-32), by Act of the County Commission, effective November 6, 2003.]

[Amended by Act of the County Commission, effective January 20, 2005]

(19) **Impact Fee:** the charge or fee levied or imposed on new development on a *pro rata* basis in connection with and as a condition of the issuance of a building permit to fund a portion of the costs of capital improvements for a public facility or service in accordance with the provisions of this Ordinance and the applicable specific Impact Fee Ordinance. [see note clause 15]

(20) **Impact Fee Agreement:** an agreement entered into by and between an applicant and the County Commission at the time the impact fee is paid.[see note clause 15]

(21) **Impact Fee Coordinator:** the person appointed by the County Commission to administer the collection, imposition, management and all other aspects of Impact Fees.[see note clause 15]

(22) **Manufacturing:** any use involving the use of mechanical power and machinery to produce products from raw materials, to prepare or alter materials for use in a finished product, or to assemble parts into products. Light industrial facilities are considered a subset of this category and usually employ fewer than 500 persons and have an emphasis on activities orhter than manufacturing. Typical light industrial activities include, but are not limited to printing plants, material-testing laboratories, and

assembling of data processing equipment. As defined in the Institute of Transportation Engineers *Trip Generation* manual, light industrial facilities generate more vehicular traffic than general manufacturing facilities.

[see note clause 15]

[Amended by Act of the County Commission, effective January 20, 2005]

(23) **Multifamily:** a single building or structure containing three or more dwelling units. but excluding any structure defined as a townhouse.[see note clause 15]

(24) **Municipality:** any and all of the following: Corporation of Charles Town, Corporation of Ranson, Corporation of Bolivar, Corporation of Harpers Ferry, and Corporation of Shepherdstown, or any municipal corporation hereafter established in the County.[see note clause 15]

(25) **New Development:** any new construction, reconstruction, redevelopment, rehabilitation, structural alteration, structural enlargement, structural extension, or new use which requires a building permit; any change in use of an existing non-residential building, structure or lot requiring any form of County approval, and which increases the demand for one (1) or more public facilities or services as herein defined. [see note clause 15]

(26) **Non-Residential:** any use or development that is not a residential use, and includes commercial, industrial and institutional uses.[see note clause 15]

(27) **Office (use):** a building used primarily for offices that may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper, or candy stand.[see note clause 15]

(28) **Offset:** a credit of certain required impact fees in exchange for the provision by the applicant of, among other things, monetary contributions, dedication of land, or actual construction of all or part of a public service consistent with the County's Capital Improvement Program.[see note clause 15]
[Amended twice by Act of the County Commission, effective November 6, 2003.]

(29) **Planning Director:** the Executive Director of Planning, Zoning and Engineering, or his designee.[see note clause 15]

(30) **Public Facility or Service:** public improvements and facilities provided by the County and necessary to accommodate new development and necessary to protect the health, safety and general welfare of the citizens of the County; which public services include, but are not limited to, public schools.[see note clause 15]

(31) **Public Service Expenditures:** amounts appropriated in connection with the planning, design, engineering and construction of public facilities; including planning, legal, appraisal and other costs related to the acquisition of land, financing and development costs; the costs of compliance with purchasing procedures and applicable

administrative and legal requirements; and all other costs necessarily incident to provision of public facilities.[see note clause 15]

(32) **Residential:** any use or development that includes or results in the creation of a Dwelling Unit.[see note clause 15]

(33) **Residential Housing Index:** The single dwelling residential housing index created by the Tax Commissioner in accordance with the provisions of W.Va. Code § 11-1-2b.

(34) **Single-Family Detached Dwelling:** a detached building designed or used exclusively for only one dwelling unit.[see note clause 15]

(35) **Townhouse:** a dwelling unit which is located in a structure which is attached by one or more vertical party walls to one or two other structures, each designed for and occupied exclusively by only one dwelling unit.[see note clause 15]

(36) **Warehousing:** a use engaged in bulk storage of wholesale or distribution materials, inventory, equipment, supplies, or other materials not stored for immediate, on-site retail sale.[see note clause 15]

(D) General Provisions; Applicability

(1) **Term.** This Ordinance and the procedures established herein shall remain in effect unless and until repealed, amended or modified by the County Commission in accordance with applicable state law and the County's code, ordinances and resolutions.

(2) **Affected Area.**

(a) **County Wide Application.** This Ordinance shall apply to all new development within the County, including new development which takes place within the boundaries of any Municipality. Impact fees for particular public facilities may apply to less than the entire County, as set forth in the ordinance adopting each specific Impact Fee.

(b) **Impact Fee District.** Impact fees for certain public facilities shall be collected and spent within a defined geographical area which may be all or less than all of the County, as set forth in the ordinance adopting a specific impact fee.

(c) **Identification.** The affected area, including Impact fee Districts, if applicable, shall be described and/or mapped in the particular impact fee ordinance.

(d) **Change in Boundaries of Impact Fee Districts.** The County Commission may amend the boundaries of the Impact fee Districts at such times as may be deemed necessary to carry out the purposes and intent of this Ordinance and applicable legal requirements for use of the impact fees.

[Amended by Act of the County Commission, effective November 6, 2003]

(3) **Type of Development Affected.** This Ordinance shall apply to all development after the effective date of this Ordinance.

(4) **Type of Development Not Affected.** This Ordinance shall not apply to:

(a) **Previously-Issued Building Permits.** No impact fee shall be imposed on new development for which a building permit has been issued prior to the effective date of this Ordinance.

[Amended by Act of the County Commission, effective November 6, 2003]

(b) **No Net Increase in Habitable Dwellings.** No impact fee shall be imposed on any new residential development that does not result in the creation of one or more additional habitable dwelling units. No impact fee shall be imposed on the replacement of a mobile home or a single-family dwelling unit by another mobile home or single-family dwelling unit. The applicant must demonstrate that the dwelling to be replaced was in habitable condition within 36 months of the date of application for a building permit for the replacement dwelling. [Amended by Act of the County Commission, effective February 23, 2007.]

(c) **No Net Increase in Non-Residential Square Footage.** No impact fee shall be imposed on any new non-residential development that does not result in the creation of new square footage, unless the new non-residential development is to a different category of development, as defined herein, which results in an increase in the demand for public facilities for which impact fees are being imposed.

(d) **Other Uses.** No impact fee shall be imposed on a use, development, project, structure, building, fence, sign or other activity, whether or not a building permit is required, which does not result in an increase in the demand for public facilities.

(e) **Public Facilities Provided By Government.** No impact fees shall be imposed on building permits issued for the construction of public facilities by the State of West Virginia, the County Government or any municipality.

(f) **Development Agreements:** No impact fees shall be imposed on development projects that are the subject of a development agreement containing provisions in conflict with this Ordinance, but only to the extent of the conflict or inconsistency.

[Amended by Act of the County Commission, effective November 6, 2003]

(g) **Extreme Hardship Exemption** – The County Commission may agree to consider exemptions from residential impact fee payments for extreme hardship as defined in Section (1)(C)(15) of this ordinance. An applicant for an extreme hardship waiver shall:

- (1) Complete the Hardship Exemption Form available in the Department of Impact Fees;
- (2) Provide all documentation requested in the Hardship Exemption Form; and
- (3) Be entitled to a Hardship Exemption hearing before the County Commission during which hearing the County Commission shall hear the merits of an exemption application and shall act to:
 - (a) Grant the exemption;
 - (b) Deny the exemption based on the evidence provided; or
 - (c) Direct that the hearing be postponed for the purpose of acquiring additional information and/or documentation.

The County Commission may grant any number of exemptions for extreme hardship *provided* that the total amount of impact fees deferred by such grants in any given fiscal year does not exceed the interest accrued by the appropriate impact fee accounts during that same fiscal year. [Amended by Act of the County Commission, effective February 23, 2007]

(5) Effect of Payment of Impact Fees on Other Applicable County Land Use, Zoning, Platting, Subdivision or Development Regulations.

[Amended by Act of the County Commission, effective November 6, 2003]

(a) The payment of impact fees shall not entitle the applicant to a building permit unless all of the applicable land use, zoning, planning, platting, subdivision or other related requirements, standards and conditions of the County Government have been met. Such other requirements, standards and conditions are independent of the requirement for payment of a impact fee.

(b) Neither this Ordinance nor the specific impact fee ordinances for particular public facilities shall affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards or other applicable standards or requirements of the County zoning, subdivision or building ordinances or other development regulations, which shall be operative and remain in full force and effect without limitation.

(6) **Amendments.** This Ordinance, and any ordinance adopting impact fees for any particular public facility pursuant to this Ordinance, may be amended from time to time by the County Commission; provided, however, that no such amendment shall be adopted without a written report detailing the reasons and need for the impact fee revision nor without proper notice and public hearing. [Amended by Act of the County Commission, effective November 6, 2003]

Section 2. PROCEDURES FOR IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES

(A) In General

An applicant shall be notified by the County Government of the applicable impact fee requirements at the time of application for a building permit via the issuance of an Impact Fee Calculation Form to the applicant. Impact fees shall be calculated by the County at the time of application for a building permit and shall be paid by the applicant prior to the issuance of a building permit.

(B) Calculation

(1) Upon receipt of an application for a building permit, the Impact Fee Coordinator shall determine (a) whether it is a residential or non-residential use, (b) the specific category of residential or non-residential development, if applicable, (c) if residential, the number of new dwelling units, (d) if non-residential, the number of new or additional square feet of gross floor area of the proposed use, and, (e) the Impact Fee District in which the new development is located, if applicable.

(2) Upon receipt of an application for a building permit, the Impact Fee Coordinator shall determine whether the development involves a change in use. In such cases, the impact fee due shall be based only on the incremental increase in the fee for the additional public facilities needed for the change in use. An applicant shall not be entitled to a refund where the change of use is to a category of development which imposes a lower demand on public facilities.

(3) After making the determinations described in Section 2(B)(1) or (2), the Impact Fee Coordinator shall calculate the impact fee by multiplying the amount of the applicable impact fee times the units of development, incorporating any applicable offset as defined in this procedures ordinance.

[Amended by Act of the County Commission, effective November 6, 2003]

(4) If the type of land use proposed for new development is not expressly listed in the particular impact fee ordinance and schedule, the County Government shall:

(a) identify the most similar land use type listed and calculate the impact fee based on the impact fee for the land use identified; or

(b) identify the broader land use category within which the specified land use would apply and calculate the impact fee based on the impact fee for that land use category; or

(c) at the option of the applicant or Impact Fee Coordinator, determine the basis used to calculate the fee pursuant to an independent impact analysis for impact fee calculation. When initiated by the applicant, this option shall be requested on a form provided by the Impact Fee Coordinator for such purpose. Whether initiated by the applicant or the Impact Fee Coordinator, the following shall apply:

1. The applicant shall be responsible, at its sole expense, for preparing the independent impact analysis, which shall be reviewed for approval by the Impact Fee Coordinator, and, if appropriate, other County staff or officials, prior to payment of the fee.

2. The independent impact analysis shall measure the impact that the proposed development will have on the particular public service at issue, and shall be based on the same methodologies used in the Impact Fee Calculation Methodology Report, and shall be supported by professionally acceptable data and assumptions.

3. After review of the independent impact analysis submitted by the applicant, the Impact Fee Coordinator shall accept or reject the analysis and provide written notice to the applicant of its decision on a form provided for such purpose within forty-five (45) days. If the independent impact analysis is rejected, the written notice shall provide an explanation of the insufficiencies of the analysis.

4. The final decision of the Impact Fee Coordinator may be appealed pursuant to Section 4.

5. An applicant may request a non-binding estimate of impact fees due for a particular new development at any time by filing a request on a form provided for such purpose by the Impact Fee Coordinator; provided, however, that such estimate may be subject to change when a formal application for a building permit for new development is made. Such non-binding estimate is solely for the benefit of the prospective applicant and shall in no way bind the County nor preclude it from making amendments or revisions to any provisions of this Ordinance, the specific impact fee implementing ordinances, or the impact fee schedules.

6. The calculation of impact fees due from a multiple-use new development shall be based upon the aggregated demand for each public service generated by each land use type in the new development.

7. The calculation of impact fees due from a phased new development shall be based upon the demand generated by each specific land use within the phase of development for which a separate building permit is requested.

8. Impact fees shall be calculated based on the impact fee amount in effect at the time of application for a building permit.

(C) Offsets/Credits

(1) Offsets or credits against the amount of an impact fee due from a new development shall be provided for, among other things, contributions made concurrently or to be made in the future in cash; or made, prior to the effective date of this ordinance, pursuant to a written agreement entered into with the County Government; or by dedication of land; or by actual construction of all or part of a public service by the affected property owner for public services meeting or exceeding the demand generated by the new development, and the contribution is determined by the Impact Fee Coordinator to be a reasonable substitute for the cost of public facilities which are included in the methodology set forth in the Impact Fee Calculation Methodology Report. Any agreement to make future payments in cash shall be accompanied by a cash bond, letter of credit, or other surety in a form satisfactory to the County Attorney in an amount equal to the offset or credit as laid forth in the written agreement entered into with the County Government. Offsets shall be adjusted for time-price differentials in accordance with the requirements of W.Va. Code § 7-20-5.

[Amended by Act of the County Commission, effective July 8, 2004.]

(2) The amount of the excess contribution shall be determined by the Impact Fee Coordinator upon receipt of an application form requesting an offset; provided, however, that (a) the County Government will make no reimbursement for excess contributions unless and until the particular public service fund has sufficient revenue to make the reimbursement without jeopardizing the continuity of the County's Capital Improvements Program and further provided that (b) the excess contribution may not be transferred or credited to any other types of impact fees calculated to be due from that development for other type of public facilities. The determination of the eligibility for and the amount of the credit shall be made by the County on a form provided for such purposes by the Impact Fee Coordinator. If the applicant contends that any aspect of the Impact Fee Coordinator's decision constitutes an abuse of discretion, the applicant shall be entitled to appeal pursuant to Section 4 of this Ordinance.

[Amended by Act of the County Commission, effective November 6, 2003]

(3) After the effective date of this Ordinance, no offset shall be allowed unless the County Commission has approved and accepted the contribution, dedication or expenditure before it is made.

(4) Where an applicant has dedicated land to the County or constructed a public facility in accordance with the provisions of this Section, the amount of offset or credit shall be determined in accordance with the following:

(a) In order for a credit or offset to be applied for the construction of a public facility or the dedication of land, the applicant must demonstrate that the dedicated land or constructed public facility will reduce the need for the specific

public facility, and that the public facility is consistent with the County's adopted capital improvement plan and the comprehensive plan.

(b) Applications for an offset must be made on a form provided by the Impact Fee Coordinator for such purposes. Upon receipt of a completed application, the Impact Fee Coordinator and other appropriate staff and/or consultants shall review the application, as well as such other information and evidence as may be deemed relevant, and the Impact Fee Coordinator shall forward a report as to whether an offset is proper based on the provisions of this Ordinance to the County Commission.

(c) Based on the report of the Impact Fee Coordinator, the provisions of this Ordinance, the capital improvement plan, comprehensive plan, and the impact fee calculation methodology report, the Impact Fee Coordinator shall make a recommendation to the County Commission whether to accept, reject, or modify the proposed offset/credit.

[Amended by Act of the County Commission, effective July 8, 2004.]

(d) The amount of the offset is to be calculated as follows:

1. For construction of public facilities, the offset shall be equal to the cost of construction as determined by the County using Standard Unit Costs or other such standards-based methodology, or the amount of Impact Fees due, whichever is less.

[Amended by Act of the County Commission, effective July 8, 2004.]

2. Where the applicant has dedicated land to the County, the offset is to be based on either the assessed value of the proffered land, based on the most recent County property appraisal, or the fair market value of the land as determined by a certified property appraiser hired and paid for by the applicant. If the latter option is chosen, the Impact Fee Coordinator may reject the applicant's appraisal, in which case the County shall hire and pay for a second appraiser to appraise the property. If either party rejects the second appraisal, a third appraisal shall be performed by an appraiser chosen by the first and second appraisers, the costs of which are to be shared equally by the County and the applicant. The third appraisal is binding on both parties. All appraisals must be consistent with generally-accepted appraisal techniques and the date of valuation must be the date of transfer to the County.

[Amended by Act of the County Commission, effective November 6, 2003]

3. Only the original applicant or the applicant's legal successor in title to the real estate shall be entitled to the offset.

[Amended by Act of the County Commission, effective November 6, 2003]

(5) Offsets for dedication of land or provision of public facilities shall be applicable only as to impact fees imposed for the same types of public facilities that are proposed to be dedicated or provided. Even if the value of the dedication of land or

provision of a public service exceeds the impact fee due for the type of public service, the excess value may not be transferred to impact fees calculated to be due from the applicant for other types of public facilities for which impact fees may be imposed. Offsets may, however, be transferred to the same applicant or to other applicants for new development that are proposed within the final approved platted area of the same development and for the same type of public service.

(D) Collection

(1) The date on which impact fees may first be collected shall not be sooner than the sixty-first (61st) day after the adoption of any impact fee ordinance.

[Amended by Act of the County Commission, effective November 6, 2003]

(2) The County shall collect all applicable impact fees prior to issuance of a building permit, or, for new development on property which is located in a Municipality which issues its own building permits, prior to the issuance of a building permit by such Municipality, and shall issue a receipt to the applicant for such payment unless:

[Amended by Act of the County Commission, effective November 6, 2003]

(a) the applicant is entitled to a full offset;

(b) the applicant is not otherwise subject to the payment of a impact fee; or

(c) the applicant has filed an appeal, and a bond or other surety in the amount of the impact fee, as calculated by the Impact Fee Coordinator and approved by the County Attorney, has been posted with the County.

(3) The County Government shall collect an impact fee prior to issuance of a building permit even if the applicant has paid impact fees at an earlier time in the development approval process, if the amount of the impact fees has increased since such prior payment. The applicant shall only be liable for the difference between the impact fees paid earlier and those in effect at the time of issuance of the subsequent building permit. Upon receipt of payment for an impact fee, the Impact Fee Coordinator, or a designee chosen by the Impact Fee Coordinator shall issue a receipt for impact fee payment.

[Amended by Act of the County Commission, effective November 6, 2003]

[Amended by Act of the County Commission, effective July 8, 2004.]

(4) No building permit shall be issued unless the applicant has complied with the provisions of this Ordinance.

(E) Impact Fee Agreements

(1) The County Attorney shall prepare a form of Impact Fee Agreement which shall contain such provisions of this Ordinance related to the collection and use of impact fees as the County Attorney determines is necessary to comply with the provisions of §7-20-8(c), West Virginia Code.

(2) At the time of payment of Impact Fees, the Impact Fee Coordinator shall prepare an Impact Fee Agreement for the specific development for which impact fees are being paid, and the applicant shall execute such Agreement.

(3) Within thirty (30) days after an Impact Fee Agreement is executed by an applicant, such Agreement shall be executed by the Impact Fee Coordinator, who shall send a copy of the fully executed Impact Fee Agreement to the applicant and retain the original executed Impact Fee Agreement.

(F) Affordable Housing Discount

~~(1) In accordance with the provisions of W.Va. Code § 7-20-7a, the County Commission shall provide a discounted fee schedule so as not to limit safe, decent and affordable housing, for new dwelling units valued at 60 percent (60%) or below of the average market value for single dwelling residential housing in the county as determined by the most recent residential housing index. The discounted fee schedule will be based on a lineal scale of the normal impact fee. Dwelling units valued at greater than 60% of the average market value shall pay the full amount of the normal impact fee.~~

(2) A new dwelling unit's market value shall be determined by the Assessor, using the same methods and calculations to determine market values for purposes of taxation and shall include both the dwelling and land value. The Assessor's estimate of value shall be based upon information supplied by the homeowner about the new dwelling unit during the affordable housing discount application process. The Assessor's estimate of market value is not subject to appeal and shall not be used at a later date to contest valuation for purposes of taxation.

In the case where a property is assessed as "agricultural" use, and already has a primary dwelling unit on the property, and a second dwelling unit is proposed for the sole purpose of providing an "assessory agricultural dwelling unit" (or more simply known as a farmhand dwelling); then, for the purposes of determining qualification for the Affordable Housing Discount, the assessory agricultural dwelling unit's market value shall be determined as follows:

The market value of the structure/dwelling without any land value.
The primary dwelling and all other structures on the property and all land shall not be considered.

[Amended by Act of the County Commission, effective June 20, 2016]

~~(3) The affordable housing discount shall be available by application only. A qualifying applicant shall be required to pay a percentage of the normal impact fee, as outlined in the following sections (4)(c) & (4)(d). which percentage shall be equal to the dwelling unit's estimated value as compared to the residential housing index. For example an applicant whose dwelling unit is estimated to be 60% of the average market value will pay 60% of the impact fee.~~

- (4) An applicant for an affordable housing discount shall:
- (a) Complete the Affordable Housing Discount Application Form available from the Office of Impact Fees Engineering Department, and pay any applicable application processing fee, as set by the Jefferson County Commission.
 - (b) Provide all documentation requested on the Affordable Housing Discount Application Form.
 - (c) Be entitled to an affordable housing discount for a single-family detached, single-family attached, duplex unit, townhouse unit, or manufactured/mobile home, if the new dwelling unit's value is estimated to be equal to or less than 60% of the average market value for a single residential dwelling, as determined by the residential housing index issued by the State Tax Commissioner under West Virginia Code §11-1-2b.

The discounted fee schedule will be based on a lineal scale of the normal impact fee. Dwelling units valued at greater than 60% of the average market value shall pay the full amount of the normal impact fee.

- (d) If the new dwelling unit is part of an apartment building or condominium consisting of three or more units, then the applicant for an affordable housing discount shall be entitled to an affordable housing discount if the new dwelling unit's appraised value is equal to or less than 40% of the average market value for a single residential dwelling, as determined by the residential housing index issued by the State Tax Commissioner under West Virginia Code §11-1-2b. The discounted fee shall be 40% of the full fee amount for apartment building and condominium dwelling units. Apartment building and condominium dwelling units valued at greater than 40% of the average market value, as determined by the residential housing index, shall pay the full amount of the normal impact fee.

The applicant shall bear the cost of an independent appraisal (selected by the Jefferson County Commission), of the apartment building or condominium complex, if deemed necessary by the Office of Impact fees. The appraised value shall be used to determine the dwelling unit's eligibility for the affordable housing discount.

[Amended _____, 2019]

- (5) If the value of the dwelling unit, as determined by the Assessor for taxation purposes, far exceeds the estimated market value, as determined by the Assessor for impact fee purposes, and the difference in value is a result of inaccurate information provided by the applicant at the time of applying for the affordable housing discount; then the applicant shall be required to pay the difference between the normal impact fee and the affordable housing impact fee that was actually paid by the applicant. The additional impact fees due shall be paid within 30 days of written notification.

(6) If an applicant applies for an exemption pursuant to Section 1(D)(4)(b) of this Ordinance and replaces a residential dwelling that received an affordable housing discount with a dwelling unit that does not qualify for the discount within five years of receiving an affordable housing discount, the applicant shall be required to pay the difference between the discounted fee originally paid and the full amount of the impact fee in effect at the time the affordable housing discount was paid.

Section 3. ESTABLISHMENT OF IMPACT FEE ACCOUNTS; APPROPRIATION OF IMPACT FEE FUNDS; AND REFUNDS

(A) Impact Fee Accounts

The County shall establish an impact fee account for each category of public facility for which impact fees are imposed. Such account shall clearly identify the category, account, or fund for which the impact fee has been imposed. Subaccounts may be established for individual Impact Fee Districts. All impact fees collected by the County Government shall be deposited into the appropriate impact fee account or subaccount, which shall be interest bearing. All interest earned on monies deposited to such account shall be credited to and shall be considered funds of the account. The funds of each such account shall be capable of being accounted for separately from all other County Government funds. The County Government shall establish and implement necessary accounting controls to ensure that the impact fee funds are properly deposited, accounted for and appropriated in accordance with this Ordinance Chapter and any other applicable legal requirements.

(B) Appropriation of Impact Fee Funds

(1) **In General.** Impact fee funds may be appropriated for capital improvements and for the payment of principal, interest and other financing costs on contracts, bonds, notes or other obligations issued by or on behalf of the County Government to finance such public facilities and public service expenditures. All appropriations from impact fee accounts shall be detailed on a form provided for such purposes and filed in the Jefferson County Sheriff's Tax Collection Office.

(2) **Restrictions on Appropriations.** Impact fees shall not be appropriated for maintenance or repair of public facilities or for operational or personnel expenses associated with the provision of public facilities or for funding any expenditure that would be classified in accounting as a maintenance or repair expense. Impact fees shall be appropriated only:

- (a) for the particular public service for which they were imposed, calculated and collected;
- (b) within the Impact Fee District where collected; and
- (c) within six (6) years after the date of collection, unless such time period is extended as provided herein.

(3) **Appropriation of Impact Fee Funds Outside of District Where Collected.** Where the County is divided into impact fee districts for a particular category of impact fees, impact fee funds may be appropriated for a public service located outside of the District where collected only if the demand for the public service is

generated in whole or in part by the new development or if the public service will actually serve the new development.

(4) Expenditure of Impact Fee Funds Beyond Six (6) Years of Collection.

Notwithstanding paragraph 2 of this subsection (B), impact fee funds may be expended more than six (6) years from the date of collection if there are extraordinary and compelling reasons for the extension beyond six (6) years. An extraordinary and compelling reason may be found by the County Commission where the appropriation is for a public facility that requires more than six (6) years to plan, design and construct, and the demand for the public facility is generated in whole or in part by the new development, or if the public facility will actually serve the new development. The County Government shall document compliance with the provisions of this paragraph.

(C) Procedure for Appropriation of Impact Fee Funds

(1) Each year the County shall identify public facility projects anticipated to be funded in whole or in part with impact fees. The public facilities shall be so identified based upon the impact fee annual review set forth in Section 6 of this Ordinance, and such other information as may be relevant, and shall be part of the County's capital improvements planning process and may be part of the County's annual budget. Impact fees shall only be collected for projects identified in the County's Capital Improvements Plan.

[Amended by Act of the County Commission, effective July 8, 2004.]

(2) Such identification of public facilities shall be consistent with the provisions of this Ordinance, the particular impact fee ordinances, other applicable legal requirements, and any guidelines adopted by the County Commissioners.

(3) The County Commissioners may include public facilities funded with impact fees in the County's annual budget and Capital Improvements Program. If included, the description of the public facility shall specify the nature of the facility, the location of the public facility, the capacity to be added by the public facility, the service area of the public facility, the need/demand for the public facility and the anticipated timing of completion of the public facility.

(4) The County Commissioners shall verify that adequate impact fee funds are or will be available from the appropriate impact fee account for the particular public facility.

[Amended by Act of the County Commission, effective November 6, 2003]

(D) Refunds

(1) Eligibility for Refund.

(a) **Expiration or Revocation of Building Permit.** An applicant who has paid an impact fee for a new development for which the necessary building permit has expired or for which the building permit has been revoked prior to construction shall be eligible to apply for a refund of impact fees paid. The refund application shall be made on a form provided by the County Government for such purposes.

(b) **Failure of County to Appropriate Impact Fee Funds Within Time Limit.** The current property owner may apply for a refund of impact fees paid by an applicant if the County Government has failed to appropriate the impact fees collected from the applicant within the time limit established in subsection 3(B)1. The refund application shall be made on a form provided by the County for such purposes. If the County Commission has failed to expend any impact fee within the time limits set forth in subsection 3(B)1, the County Commission shall notify the payor of such impact fee, by first class mail in accordance with the provisions of West Virginia Code §7-20-9, at the last known address of such payor, of the right to apply for a refund in accordance with the provisions of this Section 3(D).

(c) **Abandonment of Development After Initiation of Construction.** An applicant who has paid a impact fee for a new development for which a building permit has been issued and pursuant to which construction has been initiated, but which construction is abandoned prior to completion and issuance of a certificate of occupancy, shall not be eligible for a refund unless the uncompleted building is completely demolished.

(2) **To Whom Refunds Paid.** Except as provided in paragraph 1(a) and 1(c) of this subsection, refunds shall be made only to the current owner of property for which impact fees were paid, credited or offset.

[Amended by Act of the County Commission, effective November 6, 2003]

(3) **Processing of Applications for a Refund.** Applications for a refund shall be made on a form provided by the Impact Fee Coordinator for such purposes and shall include all information required in paragraphs 5 or 6 of this subsection, as appropriate. Upon receipt of a complete application for a refund, the Impact Fee Coordinator shall review the application and documentary evidence submitted by the applicant as well as such other information and evidence as may be deemed relevant, and make a determination as to whether a refund is due. Refunds by direct payment shall be made following an affirmative determination by the Impact Fee Coordinator.

(4) **Refunds Because of Abandonment.** Applications for refunds due to abandonment of a new development prior to completion shall be made on forms provided by the Impact Fee Coordinator and shall be made within sixty (60) days following expiration or revocation of the building permit. The applicant shall submit the following: (a) evidence that the applicant is the property owner or the duly designated agent of the property owner, (b) the amount of the impact fees paid by public facility category and receipts evidencing such payments, and (c) documentation evidencing the expiration or

revocation of the building permit or approval of demolition of the structure pursuant to a valid County Government-issued demolition permit. Failure to apply for a refund within sixty (60) days following expiration or revocation of the building permit or demolition of the structure shall constitute a waiver of entitlement to a refund. No interest shall be paid by the County Government in calculating the amount of the refunds.

(5) **Refunds Due to Failure to Appropriate Funds.** Applications for refunds due to the failure of the County Government to appropriate impact fees collected from the applicant within the time limits established in subsection 3(B)1 shall be made on forms provided by the Impact Fee Coordinator and shall be filed within one (1) year following the expiration of such time limit. The applicant shall submit: (a) evidence that the applicant is the property owner or the duly designated agent of the property owner, (b) the amount of the impact fees paid by public service category and receipts evidencing such payments, and (c) description and documentation of the County's Government failure to appropriate impact fee funds for relevant public facilities.

(6) **Methods of Refunds.** Pursuant to Section 3 (D)(2), the County Government may, at its option, make refunds of impact fees by (a) direct payment, (b) offsetting such refunds against other impact fees due for the same category of public facilities for new development on the same property, or (c) other means subject to agreement with the property owner.

[Amended by Act of the County Commission, effective November 6, 2003]

Section 4. APPEALS

(A) Initiation

(1) An appeal from any decision of a County official pursuant to this Ordinance shall be made to the County Commission by filing a written appeal on the appropriate County Government form with the County Clerk within thirty (30) days following the decision which is being appealed. The County Commission may appoint a hearing officer to hear the appeal, in which case the hearing officer shall have the authority to conduct hearings as required by this Ordinance. The hearing officer shall take sworn testimony, receive evidence and exhibits, rule on evidentiary objections, cause the testimony to be taken by stenographic reporter or electronic recording device and make proposed findings of fact which the County Commission may adopt or the County Commission may substitute its own findings of fact in support of its decision.

(2) If the notice of appeal is accompanied by a cash bond, letter of credit or other surety in a form satisfactory to the County Attorney in an amount equal to the impact fee calculated by the Impact Fee Coordinator to be due, a building permit may be issued to the new development.

(3) The filing of an appeal shall not stay the imposition or the collection of the impact fee as calculated by the County Government unless a cash bond or other sufficient surety has been provided.

(B) Burden of Proof

The decision of a County official or County Commission pursuant to this ordinance shall enjoy the presumption of correctness. The burden of proof shall be on the appellant to demonstrate that the decision of the County official or County Commission is clearly erroneous or contrary to law.

(C) Contents

All appeals shall detail the specific grounds therefor and all other relevant information and shall be filed on a form provided by the County Government for such purposes.

(D) Decision

(1) The County Commission shall:

(a) determine whether there is an error in an order, requirement or decision made by a County official in the enforcement of this Ordinance, and/or

(b) determine whether the fee would amount to a taking of private property or otherwise violate the State and federal constitutional rights of the applicant.

(2) Based on the information provided at the hearing, the County Commission shall reverse or affirm, in whole or in part, or modify, the order, requirement or decision of the County official appealed from, and make such order, requirement, decision or determination as the County Commission considers necessary.

[Amended by Act of the County Commission, effective November 6, 2003]

(3) The County Commission shall render a decision on the appeal within ninety (90) days after the filing of the appeal.

[Amended by Act of the County Commission, effective November 6, 2003]

(E) APPEAL OF COUNTY COMMISSION DECISION

The applicant may appeal any decision of the County Commission pursuant to this Ordinance, by Writ of Certiorari filed within thirty (30) days of the decision of the County Commission.

Section 5. EXEMPTIONS/WAIVERS

(A) Filing of Application

Petitions for exemptions from the application of the provisions of this Ordinance or for waivers from specific impact fees shall be filed with the Impact Fee Coordinator.

(B) Effect of Grant of Exemption/Waiver

(1) **Grant of Waiver.** If the County Commission grants a waiver in whole or in part of impact fees otherwise due, the amount of the impact fees waived shall be provided by the County from non-impact fee funds, and such funds shall be deposited in the appropriate impact fee account within a reasonable period of time consistent with the applicable County Capital Improvements Program.

(2) **Effect of Exemption.** If an exemption from the application of the provisions of this Ordinance is authorized by the terms of a specific impact fee ordinance, the County Government shall not be required to provide any funds to cover the cost of the impact fee which would have been due without such exemption.

(C) Development Agreements

Nothing herein shall be deemed to limit the County's Government authority or ability to enter into development agreements with applicants for new development who may provide for dedication of land, payments in lieu of impact fees, or actual infrastructure improvements. Such development agreements may allow offsets against impact fees for contributions made concurrently or to be made in the future in cash, or by assessments or dedication of land or by actual construction of all or part of a public facility by the affected property owner.

[Amended by Act of the County Commission, effective November 6, 2003]

Section 6. ANNUAL REVIEW AND ADJUSTMENTS

(A) Annual Review

(1) At least once every year not later than January 31st of each year, beginning in the year 2005, and prior to County Commission's adoption of the Annual Budget and Capital Improvements Program, the Impact Fee Coordinator or a designee chosen by the Impact Fee Coordinator shall coordinate the preparation and submission of an Annual Report to the County Executive and County Commission on the subject of impact fees.

[Amended by Act of the County Commission, effective July 8, 2004.]

(2) The Annual Report may include any or all of the following:

- (a) recommendations for amendments, if appropriate, to these procedures or to specific ordinances adopting impact fees for particular public facilities;
- (b) proposed changes to the County Capital Improvements Program, including the identification of additional public facilities anticipated to be funded wholly or partially with impact fees;
- (c) proposed changes to the boundaries or creation of Impact Fee Districts, if applicable;
- (d) proposed changes to impact fee schedules as set forth in the ordinances imposing and setting impact fees for particular public facilities;
- (e) proposed changes to level of service standards for particular public facilities;
- (f) proposed changes to any impact fee calculation methodology;
- (g) proposed changes to the population, housing, land use, persons per household or non-residential development projections included in the Impact fee Calculation Methodology Report and upon which the impact fee amounts have been determined; or
- (h) other data, analysis or recommendations as the Impact Fee Coordinator or appropriate designee may deem appropriate, or as may be requested by the County Commission.

(3) **Submission of Impact Fee Annual Report and County Commission Action.** The Impact Fee Coordinator or the Impact Fee Coordinator's designee shall submit the Annual Report to the County Commission, who shall receive the Annual Report and which may take such actions as they deem appropriate, including, but not limited to, requesting additional data or analyses and holding public workshops and/or public hearings.

(B) Annual Adjustments

(1) On April 1, 2005, and on April 1 of each year thereafter in which this Ordinance is in effect, the amount of any impact fee may be automatically adjusted to account for inflationary increases in the cost of providing public facilities utilizing the most recent Quantity and Price Indexes for Gross Government Fixed Investment by Type, published by the United States Bureau of Economic Analysis, using the most appropriate type of New Building construction for each specific Impact Fee.

(2) The Impact Fee Coordinator shall make the automatic annual adjustment unless the County Commission, in its Annual Review, determines an alternate adjustment is appropriate.

(3) Nothing herein shall prevent the County Commission from electing to retain existing impact fees, from electing to waive the inflation adjustment for any given fiscal year, or from making any other adjustment in the amount of the impact fee which conforms with the law.

Section 7. ENFORCEMENT

(A) It is unlawful for any person or entity to enlarge, alter or change any use of property or to erect, construct, enlarge, alter, repair, move, improve, make, put together or convert any building in the County, or attempt to do so, or cause the same to be done, without first paying all impact fees imposed by this Ordinance.

(B) In the event a fee is not paid as required hereunder, the County Attorney may institute an action to recover the fee and enjoin the use of the property until the fee is paid. The person who fails so to pay shall be responsible for the costs of such suit, including reasonable attorney's fees.

(C) In the event that a Municipality issues a permit for a development for which the payment of an impact fee is required, without evidence of the payment of such impact fee to the County Government, the County Government may institute an action to recover the fee.

Section 8. SEPARABILITY AND CONSTRUCTION

(A) Liberal Construction

The provisions of this Ordinance shall be liberally construed to effectively carry on its purposes in the interest of further promoting and protecting the public health, safety and welfare.

(B) Separability

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance, which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

The undersigned hereby certifies that this amended Ordinance was approved and adopted by the Jefferson County Commission on the ____th Day of _____, 2019, effective June 1, 2019.

JEFFERSON COUNTY COMMISSION

ATTEST:

Jacqueline C. Shadle, County Clerk

By:

Patricia A. Noland, President

The County Commission of Jefferson County
Department of Maintenance
128 Industrial Blvd.
Kearneysville, WV 25430
304-728-3355 • 304-728-3376 (f)
William Polk, Director
bpolk@jeffersoncountywv.org

February 28, 2019

Janet Collier
P.O. Box 236
Charles Town, WV 25414

Dear Janet:

Congratulations on reaching 25 years of service with the Jefferson County Commission in the Maintenance Department. I would like to express my appreciation to you in reaching this significant milestone. You have been a valuable member of our team and I applaud your dedication to Jefferson County.

I am so happy and proud of you for all you have accomplished throughout the years. You started with the County all those years ago as a member of our custodial staff. Through your determination and effort, you have now established yourself as a valuable member of our maintenance office staff.

I sincerely appreciate your hard work and dedication year after year. Thank you for being a valued member of our work family and for your 25 years of service with Jefferson County.

Sincerely,

William Polk,
Maintenance Director

cc: Jefferson County Commission



OFFICE of THE PROSECUTING ATTORNEY

MATTHEW L. HARVEY

*Prosecuting Attorney of
Jefferson County, West Virginia*

120 South George Street * P.O. Box 729 * Charles Town, West Virginia 25414 * Phone: (304) 728-3243
Criminal Fax: (304) 728-3293 * Civil Fax: (304) 728-3353 * paoffice@jeffersoncountywv.org * www.icpawv.org

Commissioner Noland:

I write to inform you of the importance of having David Boober employed as a crime analyst at the Jefferson County Sheriff's Office. David is a long recognized expert in extracting data from computers and cell phones. My office heavily relies on his expertise in gathering evidence of guilt in criminal investigations. Without this expertise, and the software he brought with him, my office would have to send hard drives and cell phones off for examination at great expense and great delay.

In today's world so much evidence exists on computers and cell phones and it is critical to retain the current advantage our county enjoys. I have noticed the huge improvement in our cases moving faster and having investigations completed with forensic analysis. It would be devastating to resort back to having to mail evidence off to a lab without a certainty in length of wait.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. L. Harvey", with a long, sweeping flourish extending to the right.

Matthew L. Harvey

**COUNTY COMMISSION OF JEFFERSON COUNTY
NOTICE OF PUBLIC HEARING
BUDGET FY20**

The County Commission of Jefferson County will hold a public hearing on Wednesday, March 13, 2019, at 6:00 p.m. in the County Commission Meeting Room located in the Old Charles Town Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the public hearing is to receive public comment concerning the County's FY20 budget.

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

No decisions will be made at the hearing.

**By Order of The County
Commission of Jefferson County
Patricia A. Noland, President**

**COUNTY COMMISSION OF JEFFERSON COUNTY
NOTICE OF SPECIAL SESSION
LAY THE LEVY**

The County Commission of Jefferson County, will hold a Special Session on Tuesday, April 16, 2019, at 9:30 a.m. in the County Commission Meeting Room located at the Old Charles Town Library Meeting Room, 200 E. Washington Street, Charles Town, West Virginia 25414.

The purpose of the Special Session is to officially Lay the Levy.

A copy of the Jefferson County Commission Levy Estimate (Budget) Fiscal Year 2020 may be obtained at the offices of the County Commission of Jefferson County, 124 E. Washington Street, Charles Town, WV, or on the County website at: www.jeffersoncountywv.org

The public is invited to attend.

**By Order of the County Commission of Jefferson County
Patricia A. Noland, President**

Jessica Carroll

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Thursday, February 21, 2019 12:32 PM
To: JCCInfo
Subject: Jefferson County Commission, WV: Website Form Notification

A new entry to a form/survey has been submitted.

Form Name: County Commission Contact
Date & Time: 02/21/2019 12:32 PM
Response #: 828
Submitter ID: 3796
IP address: 172.77.242.140
Time to complete: 39 min. , 39 sec.

Survey Details

Page 1

1. Name

Wayne E Bavry

2. Email

waynes_world@frontier.com

3. Questions or Concerns

I would like to talk to someone about a zoning concern that has the potential to greatly impact me and my neighbors, i.e., I am requesting to be contacted by a County representative via phone (304-876-3343) and/or mail. Recently I complained to the Jefferson County zoning enforcement office about a neighbor's plans to build a tiny house community on a property that adjoins mine in violation of Jefferson County zoning requirements. My complaint was based on the concern that multiple tiny homes placed on a single parcel without an issued building permit on any kind violates zoning requirements.

As a result of my complaint and the complaints of other neighbors, a cease and desist order was apparently issued. However, it is my understanding that Jefferson County employee(s) have encouraged and advised the tiny house advocate to work around existing zoning requirements by pursuing the tiny home community as a "campground", i.e., seeking a variance to the current zoning requirement that a campground be a minimum of ten acres. This so called campground could legally place as many as 90 occupants along river road on a six acre parcel greatly depressing property values and creating crime concerns due to the introduction of a transient population. I am very concerned about this matter and have scheduled an appointment with an attorney to get legal advice. I have requested a phone discussion with my Jefferson County Commissioner and if County employees continue to promote the introduction of a tiny home community on River Road I will contact the media to make this matter public.

4. Would you like to receive email notifications from Jefferson County?

(o) Yes

The Environmental Impact of Rockwool on Jefferson County

These data do not support the premise of Rockwool that a 210 foot smokestack will distribute and dilute its emissions with no effect on the populace and businesses of Jefferson County.

Deficiencies of the AERMOD model of air pollution used by EPA and WVDEP

If you wonder why the WVDEP did not consider these conditions, it is because the AERMOD model of EPA uses hourly data and pools data into average annual events to arrive at average annual emission levels. Details such as extended periods of calm air are masked by the pooling protocol required by the AERMOD model. The 'devil is in the details' and those details are a critical issue in the acceptance of the Rockwool plant into the community of Jefferson County. There is no 'average' person and no 'average' day, month or year. It is the unique characteristics of each day that will determine the effect of Rockwool's emissions on the businesses and population of Jefferson County. The fact that the WVDEP is unable to model to such a fine level of detail does not dismiss the fact that extended calm periods will have an effect in Jefferson County.

It is my argument that the Rockwool plant's plan for mitigation of particulate and gaseous emissions with a 210 foot tall smoke stack is unacceptable to Jefferson County given the wind behavior and prevalence of calm winds for extended periods of time throughout the year."

THREATS TO FARMING, AGRICULTURE AND ORCHARDS

The increased pollution will impact the natural environment, including the land, agriculture and vegetation. Retired director of the USDA-ARS-Appalachian Fruit Research Station, Kearneysville, WV; David Michael Glenn PhD cites peer reviewed literature that increased ozone levels from Rockwool could reduce crop yields for soybeans by up to 50%, winter wheat by 25% and corn by 10%. Rockwool could harm livestock and cattle, particularly horses, which are 15 times more sensitive to particulate matter pollutants in the air than humans, according to a new study published in the journal of Veterinary Internal Medicine. Pollination by bees, which is critical to local orchards, will be impacted because of the environmental problems and loss of habitat resulting from the construction and operation of the factory

NOISE AND LIGHT POLLUTION

The factory will operate twenty four hours a day, every day of the year. It will create increased noise and light pollution for the residents, schools and businesses located within sight and hearing distance from the factory. The large number of heavy duty trucks, some carrying loads of coal, stone, and potentially natural gas, entering and leaving the factory twenty four hours a day, will also dramatically increase noise pollution for local residents.

VISUAL POLLUTION

The Rockwool factory is located in close proximity to eleven structures listed or eligible for the National Register of Historic Place, according to the Jefferson County Historic Landmark Commission. The sight of the smokestacks, their lights and the emissions coming from them will negatively impact the views to and from local historic battlefields, Harpers Ferry National Park, the Appalachian Trail as well as views of the first ridge of the Blue Ridge Mountains.

The Environmental Impact of Rockwool on Jefferson County

WATER SUPPLY AND RIVER POLLUTION

The Rockwool factory is located in the Chesapeake Bay watershed and the Shenandoah River flows into the Potomac River which then flows into the Chesapeake Bay.

Storm water runoff, outside factory spills and overflows from the above ground lagoons from the Rockwool factory will flow into Rocky Marsh Run which flows into the Potomac River. Communities, both locally and those down river from Rocky Marsh Run which depend on drinking water from the Potomac River could be impacted by the release of contaminants from the factory, potentially impacting the health of the river and the safety of the public water supply.

Rocky Marsh Run is also in the Shepherdstown water supply watershed. The City of Shepherdstown pulls water from the Potomac River just after Rocky Marsh Run enters the river.

According to Rockwool's application for a West Virginia national pollutant discharge elimination system water pollution control permit modification, dated November 1, 2018, non-domestic wastewater from Rockwool at the Charles Town's main wastewater treatment plant for ultimate treatment and discharge through Outlet 001, will feed into Evitt's Run, a tributary Shenandoah River of the Potomac River.

The Corporation of Harpers Ferry at its August 31, 2018 meeting was particularly concerned about what it has identified as a PSSC – "Potential Source for Significant Contamination" to the Harpers Ferry water supply. Elks Run and its tributary the Elk Branch, are the main sources of drinking water for residents of Harpers Ferry, Bolivar, adjacent county customers, and the National Park Service. This watershed area is of critical concern and requires detailed scrutiny due to the proximity of the Rockwool plant to the Harpers Ferry surface water intake and the intake's susceptibility to potential contaminants.

UNDERGROUND WATER SUPPLY

Wells, Springs, Sink Holes, Estevalles

Water for a large number of Jefferson County residents, businesses and farms is obtained from private wells. The April 2, 2012 report, "**County-Wide Groundwater Assessment Jefferson County, West Virginia**" states that there are approximately 15,500+ wells in the county. The study also noted that there are areas of Jefferson County that are abundant with groundwater and also that demonstrate robust recharge. The report indicates that groundwater levels are affected by rainfall quantities, temperature and usage. According to Mary T. Sell of the Jefferson County Water Advisory Committee, the document is full of information about the availability of groundwater in the County to help inform decisions on how to best utilize and protect this critical natural resource in our County. The Assessment was prepared for the Jefferson County Commission. The Assessment can be found at:

<http://www.jeffersoncountywv.org/home/showdocument?id=3783>

Colin Stine, a long time Jefferson County resident whose farm, Elmwood Fields and Forests is located on Flowing Springs Road outside of Shepherdstown, has expressed concerns about the study's findings. He states that the models used to determine whether there is sufficient water is a generalized model which works 95% of the time. However he thinks that it does not emphasize the importance of karst, and Jefferson County is primarily karst. Therefore the models for water that were used are likely to be inaccurate. The most recent map of wells in the county was done in 2012 and includes less than 10% (~950) of the 15,000+ wells in the county. Ground water streams and wells need to be mapped before an accurate model can be produced. The assessment also does not report on the groundwater dye

The Environmental Impact of Rockwool on Jefferson County

experiments done for USGS. The assessment does not do justice to our karst system. Sinkholes in Jefferson County have direct connections to the groundwater and the groundwater flows rapidly in karst (limestone).

The location of the Rockwool factory, the sinkholes in Jefferson County and the local hydrology raises the possibility of pollutants entering the groundwater and contaminating wells and springs. A spill or leaking sewer line could result in health and safety issues as the contaminated material moves underground rapidly and is difficult to track and to clean up. According to maps by D.H. and K. Doctor in "Carbonates and Evaporates", June 2012, Vol 27, Issue 2, **the highest concentration of sinkholes in Jefferson County is located adjacent to the proposed Rockwool site.** The factory site is also located at the headwaters of a number of County streams.

In the 1990s, a county study injected dye into a well near Bardane in the Elk Run watershed and within less than two weeks the dye was also found in Rocky Marsh Spring, which feeds Rocky March Run, almost 8 miles away. The dye also found its way to the Morgan Spring, which feeds the Town Run, Elmwood Spring, which feeds Rattlesnake Run and the Duffield Spring- Elk Branch. The dye moved rapidly underground over a large landscape and took 25 weeks to clear from all locations. (Kozar, M. D., et al., 1990. Geohydrology, Water Availability, and Water Quality of Jefferson County, West Virginia, with Emphasis on the Carbonate Area. U.S. Geological Survey, Water-Resources Report 90-4118).

According to Colin Stine the water flow on his farm from the underground aquifer has significantly decreased in the past 30 years. The farm has five permanent springs, three seasonal springs and Rattlesnake run which flows through the center of the property. During the last ten years three of the permanent springs have gone dry in the fall, if the season is dry enough. In 1999 a portion of the Run which passes through the farm went dry for the first time. Since then a portion the Run has gone dry during the fall in most years and in the past decade has gone dry every year, except in 2018. A portion of the Run goes dry because of an estevalle in the stream in the middle of the farm. An estevalle is a form of sinkhole with a dual function. It either discharges water as a spring or allows water to sink into the aquifer, depending on the groundwater conditions. The water problems of the Run on the farm have not yet affected the downstream water flow because there is one spring that has never gone dry and the Run is fed by other water sources. Another local farmer also reported that the Run through his property went dry because a sink hole opened up on the bank of the stream and all the water flowed into the sink hole. The water flow in the Run was restored once the bank was rebuilt.

Also In 1999, "Elmwood Farm Spring" which is usually eight inches deep in the spring house, was down to about two inches deep. Thus the potential further lowering of the water table would cause that spring to go dry and affect the downstream water flow in the Run.

Statement from the Potomac Valley Audubon Society:

*Rockwool would set a dangerous and unnecessary precedent for air pollution and water pollution in Jefferson County. Placement of a heavy industry and a new major source of air emissions of pollutants in the heart of Jefferson County goes against our mission. We want to see air quality and habitat preserved so that the residents of the county, particularly children, can enjoy the outdoors in a healthy environment, not one that is characterized by potentially dangerous levels of carcinogens and other hazardous pollutants. **Our Main Concerns Stem From:***

THREATS TO STREAMS, WETLANDS, AND RARE MARL MARSHES

Rockwool proposes to withdraw 125 thousand gallons of water per day initially and then up to 500 thousand gallons of water per day. The internal underground drainage systems in karst areas are very sensitive to extraction. Removing this quantity of water from the aquifers can have very serious and unpredictable adverse consequences. Lowering of water tables can affect the hydrologic equilibrium of local streams as well as wetlands, including rare marl marshes, at substantial distances from the point of extraction. The potential impact is loss of critical wetland and riparian habitat for threatened and endangered species of plants and other forms of wildlife.

THREATS TO ENDANGERED, THREATENED, AND RARE SPECIES

In Jefferson County twenty-seven rare species live in the marl marshes. There is also one federally-listed Threatened Species: the Madison Cave Isopod, a small crustacean that lives in groundwater and has been documented in three locations, including two sites near the Rockwool factory. The WVDNR identifies several "High Quality and State Mussel Streams" including Evitts Run, Bullskin Run, Elks Run, and Long Marsh Run. The USFWS and the WVDNR also maintain lists of species of concern which includes the Baltimore Checker spot butterfly and Sedge Wren.

THREATS TO MIGRATORY BIRDS

Jefferson County is positioned on the Atlantic Flyway and immediately to the east of the Allegheny Front. Many migrating birds take advantage of the winds from the mountains and ridges of the Appalachian range to mitigate the challenges to their biennial long-distance flights. Migratory birds are protected under the Migratory Bird Treaty Act, which not only protects the birds themselves but also sets stipulations to protect habitats necessary for the birds' survival. According to Suzanne Offutt, Board President of the Potomac Valley Audubon Society air emissions from the Rockwool factory, especially particulate matter, will create hazards to migrating birds using the Atlantic Flyway.

Impact Fee Status Report

February 2019

Office of Impact Fees

Summary

Date Range: Friday 1 through Thursday 28 February 2019

Report Date: 1 March 2019

Process Number Range: 1900019-1900029

Total Applications: 11

Total Non-Exempt: 10

Of which:

Commercial: 0

Residential: 10

Of which:

County: 6

Municipal: 4

Total Exempt: 1

Of which:

Commercial: 0

Residential: 1

Of which:

County: 1

Municipal: 0

Tables 1 through 7 summarize impact fee processing for February 2019. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

Table 1. Form 100 Tallies

	Exempt	Commercial	Residential	Total
1 – 28 February 2019	1	0	10	11
Fees collected		\$0.00	\$66,462.00	\$66,462.00
<i>Of which</i>				
School Impact Fee			\$60,374.00	\$60,374.00
Law Enforcement Fee		\$0.00	\$1,008.00	\$1,008.00
Parks & Recreation Fee			\$4,580.00	\$4,580.00
EMS Fee		\$0.00	\$500.00	\$500.00

Table 2. Financial Data – Office of Impact Fees General Account (3111776)

Description	Amount
Opening Statement Balance (1 February 2019)	\$104,449.11
February Deposits (1 – 28 February 2019)	\$66,462.00
School January Transactions (withdraws via transfer on 13 Feb. 2019)	(\$96,696.22)
Law January Transactions (withdraws via transfer on 13 Feb. 2019)	(\$672.36)
Parks & Rec Jan. Transactions (withdraws via transfer on 13 Feb. 2019)	(\$6,378.17)
EMS January Transactions (withdraws via transfer on 13 Feb. 2019)	(\$702.36)
Interest Earned (28 February 2019)	\$22.22
Ending Statement Balance (28 February 2019)	\$66,484.22
<i>Outstanding Credits (deposits through 1 March 2019)</i>	<i>\$0.00</i>

Table 3. Financial Data – School Impact Fee Account (3107582)

Description	Amount
Opening Balance (1 February 2019)	\$2,870,280.91
January Transactions (deposits via transfer on 13 February 2019)	\$96,696.22
Interest Earned (28 February 2019)	\$1,122.12
Ending Balance (28 February 2019)	\$2,968,099.25

Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)

Description	Amount
Opening Balance (1 February 2019)	\$134,401.05
January Transactions (deposits via transfer on 13 February 2019)	\$672.36
Interest Earned (28 February 2019)	\$51.70
Ending Balance (28 February 2019)	\$135,125.11

Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)

Description	Amount
Opening Balance (1 February 2019)	\$156,821.86
January Transactions (deposits via transfer on 13 February 2019)	\$6,378.17
Interest Earned (28 February 2019)	\$61.55
Ending Balance (28 February 2019)	\$163,261.58

Table 6. Financial Data –EMS Impact Fee Account (3122816)

Description	Amount
Opening Balance (1 February 2019)	\$18,102.35
January Transactions (deposits via transfer on 13 February 2019)	\$702.36
Interest Earned (28 February 2019)	\$7.10
Ending Balance (28 February 2019)	\$18,811.81

Table 7. Total Impact Fees as of 1 March 2019/1

Description	Amount
Office of Impact Fees General Account	\$66,484.22
School Impact Fee Account	\$2,968,099.25
Law Enforcement Fee Account	\$135,125.11
Parks & Recreation Impact Fee Account	\$163,261.58
EMS Impact Fee Account	\$18,811.81
Total Impact Fees	\$3,351,781.97

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

Table 8. Pending February 2019 Fee Transfers /1

Account	28 February 2019 Account Totals	Pending Impact Fee Transfers	Account Totals
School Impact Fee Account	\$2,968,099.25	\$60,394.23	\$3,028,493.48
Law Enforcement Fee Account	\$135,125.11	\$1,008.44	\$136,133.55
Parks & Recreation Impact Fee Account	\$163,261.58	\$4,581.33	\$167,842.91
EMS Impact Fee Account	\$18,811.81	\$500.22	\$19,312.03
Total Impact Fees	\$3,285,297.75	\$66,484.22	\$3,351,781.97

/1 This table represents each of the impact fee category account totals as of 28 February 2019 listed in tables 3 – 6. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in February 2019 are listed in table 1 of the General Account (3111776); these transactions will be processed in March 2019. Any outstanding credits, as listed in table 2, will be added to the next month's Impact Fee transfer amounts.



Form 100 Transaction Summary

Jefferson County Government – Office of Impact Fees

Impact Fee Applications Processed between dates Friday 1 through Thursday 28 February 2019

Process Number	Date	Last Name	First Name	Tax District	Deed Book	Deed Page	Tax Map	Parcel	Impact Fees Collected	Date	Exemption Reason
1900025	02/26/2019	Jenkins	Westley &	07 Middleway	1215	676	24	4.1	\$0.00	02/26/2019	Form 200

Category Count: 1 **Category Total** **\$0.00**

Non-Exempt Applications											
1900019	02/11/2019	Corbin	Norman & Lora	06 Kabletown	1172	460	6G	55-56	\$6,423.00	02/11/2019	N/A
1900020	02/13/2019	ThomasSandr	Thomas	02 Charles Town	1217	618	21F	7	\$6,423.00	02/13/2019	N/A
1900021	02/19/2019	Tennants in	Michael and	02 Charles Town	1216	295	10D	27	\$6,423.00	02/19/2019	N/A
1900022	02/21/2019	David Lutman	JC 2017	09 Shepherdstown	1068	687	11	13	\$6,423.00	02/21/2019	N/A
1900023	02/25/2019	Blickstaff	Lisa Collins	06 Kabletown	1140	419	06	3.6	\$6,423.00	02/25/2019	N/A
1900024	02/25/2019	David Lutman	JC 2017	09 Shepherdstown	1204	620	11	13C	\$6,423.00	02/25/2019	N/A
1900026	02/28/2019	DR Acquisitions,		08 Ranson Corp	1028	659	4	341	\$6,981.00	02/28/2019	N/A
1900027	02/28/2019	DR Acquisitions,		08 Ranson Corp	1028	659	4	342	\$6,981.00	02/28/2019	N/A
1900028	02/28/2019	DR Acquisitions,		08 Ranson Corp	1028	659	4	343	\$6,981.00	02/28/2019	N/A
1900029	02/28/2019	DR Acquisitions,		08 Ranson Corp	1028	659	4	344	\$6,981.00	02/28/2019	N/A

Category Count: 10 **Category Total** **\$66,462.00**

TOTAL APPLICATIONS: 11 **Grand Total** **\$66,462.00**



State of West Virginia

John B. McCuskey

**State Auditor and
Chief Inspector**

Office of the State Auditor
Chief Inspector Division
State Capitol, Building 1, Suite W-100
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Toll Free: (877) 982-9148
Telephone: (304) 558-2540
Fax: ~~(304) 205-6033~~
www.wvsao.gov

February 7, 2019

The Honorable Matthew L. Harvey
Jefferson County Prosecuting Attorney
P.O. Box 250
Charles Town, WV 25414

Dear Mr. Harvey:

Enclosed is a copy of an Independent Accountant's Report on Applying Agreed-Upon Procedures for Jefferson County Board of Education for the period of July 1, 2017 through November 1, 2018.

The report discloses the potential existence of certain instances of noncompliance. These instances are presented throughout the body of the report.

Our office is statutorily required by West Virginia Code §6-9-7 to notify the proper legal authority if any examination discloses potential misfeasance, malfeasance or nonfeasance. Therefore this notification is necessary when there are any potential violations of federal, state or local laws. We are also required to provide our recommendation as to any legal action considered proper under the circumstances.

We do not believe that any criminal or civil action is warranted for the potential instances of noncompliance cited in this report. Therefore, you are only required to notify the Chief Inspector of any such legal action if your office makes a determination that it is necessary and appropriate.

Your attention to this matter will be most appreciated. If I can be of assistance, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script that reads "Samantha L. Woods".

Samantha L. Woods
Director of Professional Development
Chief Inspector Division

SW/et
Enclosure

cc: Hon. Kathryn Skinner, President
Jefferson County Board of Education



State of West Virginia

John B. McCuskey

**State Auditor and
Chief Inspector**

**Office of the State Auditor
Chief Inspector Division
State Capitol, Building 1, Suite W-100
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305**

**Toll Free: (877) 982-9148
Telephone: (304) 558-2540
Fax: (304) 205-6033
www.wvsao.gov**

February 7, 2019

The Honorable Kathryn Skinner, President
Jefferson County Board of Education
110 Mordington Avenue
Charles Town, West Virginia 25414

Dear Ms. Skinner:

Enclosed is a copy of the Report of Applying Agreed-Upon Procedures of the Jefferson County Board of Education for the period beginning July 1, 2017 through November 1, 2018. As the recipient, you are required to notify all members of the governing body of the receipt of this report and related correspondence and to make the contents available for inspection by all such officers. You are also advised that this report, under the provisions of West Virginia Code § 6-9-9a, is considered public information and must be made available for public inspection. You can contact us if you would like to receive further copies of the report directly from us.

West Virginia Code § 6-9-7 also requires that this office notify the proper legal authority of any instances of noncompliance with state laws. Please advise the Prosecuting Attorney of Jefferson County within 60 days of how you intend to remedy the instances of noncompliance. State law authorizes the prosecutor to proceed with civil and/or criminal action to resolve noncompliance problems which are not otherwise remedied.

If I can be of further assistance, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script that reads "Samantha L. Woods".

Samantha L. Woods
Director of Professional Development
Chief Inspector Division

SW/et
Enclosure

The Honorable Kathryn Skinner, President
Jefferson County Board of Education
Page Two

cc: Hon. Bondy Shay Gibson, Superintendent
Jefferson County Board of Education

Hon. Matthew L. Harvey
Jefferson County Prosecuting Attorney

Hon. Beth Marrone, Treasurer
Jefferson County Board of Education



State of West Virginia

John B. McCuskey

**State Auditor and
Chief Inspector**

Office of the State Auditor
Chief Inspector Division
State Capitol, Building 1, Suite W-100
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Toll Free: (877) 982-9148
Telephone: (304) 558-2540
~~Fax: (304) 205-6033~~
www.wvsao.gov

Independent Accountant's Report on Applying Agreed-Upon Procedures

Honorable Members of the
Jefferson County Board of Education
110 Mordington Avenue
Charles Town, WV 25414

We have performed the procedures enumerated below, which were agreed to by the Jefferson County Board of Education (the Board), on bid procedures and the expenditures for selected vendors in compliance with West Virginia State Code and compliance with the *Purchasing Policies and Procedures Manual for Local Educational Agencies* in the State of West Virginia, for the period beginning July 1, 2017 through November 1, 2018. The Board is responsible for the aforementioned bidding procedures and expenditures and their compliance with West Virginia State Code and the *Purchasing Policies and Procedures Manual for Local Educational Agencies* in the State of West Virginia. The sufficiency of these procedures is solely the responsibility of the specified users of the report. Consequently, we make no representation regarding the sufficiency of the procedures enumerated below, either for the purpose for which this report has been requested or for any other purpose.

The procedures performed and the associated findings are as follows:

I. Expenditures for the designated vendors in compliance with West Virginia Code Sections §11-8-26(a)(1) and §11-8-26(a)(2).

West Virginia Code Section §11-8-26(a) states in part:

"...a local fiscal body shall not expend money or incur obligations:

- (1) In an unauthorized manner;
- (2) For an unauthorized purpose;"

The following vendors were included for testing as detailed in our agreed upon procedures:

1. Caldwell's Windoware, Inc.
2. Ralph's Furniture and Appliance
3. Superior Environmental Service

We performed the following procedures:

For the vendors indicated above, we inspected invoices and payments which were provided to us by board officials for the period July 1, 2017 through November 1, 2018 for completeness and compliance.

For all three vendors, the expenditures tested were in compliance with the referenced State Code above for the time period indicated.

II. Purchasing policies for the selected vendors in compliance with all elements of Section 7 of the *Purchasing Policies and Procedures Manual for Local Educational Agencies.*

Purchasing Policies and Procedures Manual for Local Educational Agencies Section 7 states:

- "7.1 Commodities and services are to be purchased in accordance with the procedures specified in this section.
- 7.2 The competitive method used is determined by the threshold limits discussed in Section 7.11. These limits are based on the best estimate of the purchasing director at the time the bid prices are solicited, however, LEAs may establish lower threshold limits if they desire.
- 7.3 The threshold level to be used is determined by the total estimated cost of the item being purchased, which is the unit cost multiplied by the quantity.
- 7.4 The bid method selected will be considered to be the appropriate method unless the lowest bid received exceeds the maximum dollar threshold of the bidding method selected by ten percent. If the lowest bid exceeds the threshold by more than ten percent, the bid must be re-bid using bid requirements with a higher dollar threshold level.
- 7.5 Purchases cannot be separated into a series of separate requisitions or purchase orders, called stringing, for the purpose of circumventing the applicable threshold limits of these competitive bidding procedures.
- 7.6 Commodities may be purchased from a retail outlet that charges a membership fee, whenever it is determined to be in the best interest of the LEA. The membership fee is another cost associated with the purchase and needs to be taken into consideration in making the determination. Membership fees cannot be paid for individual employees to become members, nor can an LEA's membership card be used by employees for personal purchases, even if the retail outlet does not charge an additional fee for employees to be members.
- 7.7 Since the variety of services can vary significantly among service providers, services may be procured without basing the selection of the vendor solely on price. The cost can be negotiated without the use of competitive bids; however, RFPs are encouraged whenever possible.
- 7.8 If the price is not the sole determining factor in making the selection, the LEA must establish the procedures and criteria for evaluating the proposals received.

- 7.9 Documentation of the criteria and selection process must be retained for review. See the Records Retention Schedule published by the Office of School Finance for the period of time that the records must be retained.
- 7.10 The procedures for the: submission of sealed bids are discussed in Section 16 of this manual; the approval process in Section 18; and the awarding of bids in Section 19.
- 7.11 Competitive Bid Threshold Limits:
- 7.11.1 Purchases costing less than \$5,000:
- a. Competitive bids are encouraged but not required.
 - b. An approved purchase order is required before the merchandise or service is ordered.
- 7.11.2 Purchases costing \$5,000 or more but less than \$10,000:
- a. Competitive bids are required.
 - b. A minimum of three (3) verbal quotes must be obtained, whenever practical.
 - c. Bids may be solicited by telephone, internet, mail, or by visiting the vendor.
 - d. Documentation must be maintained of all quotes obtained, recording the name of the vendor, name of the vendor's representative, name of the LEA's representative seeking the quote, date, commodity, and price.
 - e. Refer to the Records Retention Manual issued by the Office of School Finance for the period of time that the documentation is to be retained.
 - f. A sample form for recording these quotes is included in Appendix C.
 - g. An approved purchase order is required before the merchandise or service is ordered.
- 7.11.3 Purchases costing \$10,000 or more but less than \$25,000:
- a. Competitive bids are required.
 - b. A minimum of three (3) written bids must be obtained, whenever practical.
 - c. Bids may be solicited by telephone, internet, or mail, but a written bid must be submitted by the vendor.
 - d. A "No bid" is not to be considered a received bid, so sufficient requests should be solicited to assure that at least three actual bids are received, whenever practical.
 - e. All bids received must be retained for public review and inspection during normal business hours. Refer to the Records Retention Manual issued by the Office of School Finance for the period of time that the bids are to be retained.
 - f. An approved purchase order is required before the merchandise or service is ordered.
- 7.11.4 Purchases costing \$25,000 or more but less than \$50,000:
- a. Competitive bids are required and bids shall be solicited from at least three known suppliers whenever practical, using advertising media such as newspapers, the internet, trade journals, purchasing bulletins, other media considered advisable, or mass mailing.
 - b. If a vendor list is maintained, this requirement may be met by submitting the bid request to the vendors on the list.
 - c. If a vendor list is not maintained, a good faith effort must be made to solicit as many competitive bids as practical, providing them adequate time to submit proposals.
 - d. The invitation for bids, must include all specifications and pertinent attachments, and shall define the items or services in order for the bidder to properly respond.

e. An LEA may waive the requirement to advertise when a vendor is considered to be the sole source for the item being purchased, when it is determined to be in the best interest of the LEA, or when professional, technical, or specialized services are being acquired under an agreement. All waivers must be well documented and those based on a best interest determination must be approved by the county superintendent, or director of a RESA or MCVV.

f. Any and all bids may be rejected if there is a sound documented reason.

g. The request for bids must be retained for public review and inspection during normal business hours. After the bid is awarded, all criteria and evaluations used in making the selection, as well as all bids received from vendors, must be retained for public review. Refer to the Records Retention Manual issued by the Office of School Finance for the period of time that the bids are to be retained.

h. An approved purchase order is required before the merchandise or service is ordered.

7.11.5 Purchases costing \$50,000 or more:

a. The solicitation for bids must specify that the bids are to be received in the form of sealed bids.

b. The request for bids must be publicly advertised using such media as legal advertisements in local newspapers, the internet, trade journals, purchasing bulletins, mass mailings or other media considered advisable, and adequate time must be provided to allow interested bidders sufficient time to submit their responses prior to the date set for the opening of bids.

c. The invitation for bids must include all specifications and pertinent attachments and must define the items or services in order for the bidder to properly respond.

d. All bids will be publicly opened at the time and place specified in the invitation for bids.

e. An LEA may waive the requirement to advertise when a vendor is considered to be the sole source for the item, when it is determined to be in the best interest of the LEA, or when professional, technical, or specialized services are being acquired under an agreement. All waivers must be well documented, and those based on a best interest determination must be approved by the governing body.

f. Any and all bids may be rejected if there is a sound documented reason.

g. The request for bids must be retained for public review and inspection during normal business hours. After the bid is awarded, all criteria and evaluations used in making the selection, as well as all bids received from vendors, must be retained for public review. Refer to the Records Retention Manual issued by the Office of School Finance for the period of time that the bids are to be retained.

h. An approved purchase order is required before the merchandise or service is ordered."

Board officials indicated that Jefferson County Board of Education has the same policy as listed in section 7.11.1 of the *Purchasing Policies and Procedures Manual for Local Educational Agencies* .

We inspected supporting documentation for checks and invoices which were provided to us by board officials for the aforementioned vendors. Supporting documentation included checks, purchase orders, bid documentation, if available, and any other items presented to support the transaction.

Vendor Name	No. of Checks	Total Amount Paid	No. of Invoices
¹ Caldwell's Windoware, Inc.	N/A	\$0.00	4
Ralph's Furniture and Appliance	6	\$40,336.49	9
Superior Environmental Service	11	\$137,159.74	28
Totals	17	\$177,496.23	41

¹ Four Purchase Orders and Invoices totaling \$39,476.18 were provided to us by board officials. At the conclusion of the engagement the amounts had not yet been paid. There was no supporting documentation provided that indicated proper bidding procedures were followed. The 4 invoices ranged in amount from \$5,000.00 to \$14,730.00.

NONCOMPLIANCE WITH SECTION 7

We observed potential instances of noncompliance with Section 7 of the *Purchasing Policies and Procedures Manual for Local Educational Agencies* as follows:

- Out of the forty-one invoices tested, we did not receive any documentation indicating the proper bidding procedures were followed. At a minimum, there were 17 invoices totaling \$157,763.73 in which we were not provided adequate documentation to support proper bidding procedures were present as follows:

Vendor	No. of Invoices Between \$5,000 and \$9,999	Invoice total between \$5,000 to and \$9,999	No. of Invoices Between \$10,000 and \$24,999	Invoice total between \$10,000 to and \$24,999
Caldwell's Windoware, Inc.	4	\$ 24,746.18	1	\$ 14,730.00
Ralph's Furniture and Appliance	1	\$ 7,275.24	1	\$ 15,117.31
Superior Environmental Service	5	\$ 30,695.00	5	\$ 65,200.00
Totals	10	\$ 62,716.42	7	\$ 95,047.31

RECOMMENDATION:

Management of the Jefferson County Board of Education and the maintenance department should require that the appropriate support documentation for bidding requirements are obtained prior to the signing the purchase orders to comply with the *Purchasing Policies and Procedures Manual for Local Educational Agencies* - Section 7.

POTENTIAL STRINGING

We observed instances of potential noncompliance with section 7.5 of the *Purchasing Policies and Procedures Manual for Local Educational Agencies* at Jefferson County Board of Education, specifically:

- From the forty-one invoices tested, four invoices totaling \$39,476 indicated potential stringing. Specifically, window replacements completed by Caldwell's Windoware, Inc. at multiple school locations for the same time period were documented as separate projects instead of one project.
- From the forty-one invoices tested, three invoices totaling \$33,045 indicated potential stringing. Specifically, the removal of floor tiles due to asbestos completed by Superior Environmental Services at multiple school locations for the same time period were documented as separate projects instead of one project.
- From the forty-one invoices tested, two invoices totaling \$17,500 indicated potential stringing. Specifically, the removal of floor tiles due to asbestos plus the removal and installation of new carpet completed by Superior Environmental Services at two different school locations for the same time period were documented as separate projects instead of one project.
- From the forty-one invoices tested, six invoices totaling \$24,800 indicated potential stringing. Specifically, removal and installation of new carpet, flooring repairs, and asbestos inspections completed at multiple school locations by Superior Environmental Services for the same time period were documented as separate projects instead of one project.
- From the forty-one invoices tested, four invoices totaling \$13,000 indicated potential stringing. Specifically, mold treatment at two separate locations, the replacement of floor tiles, and the maintenance repairs for a concession stand completed by Superior Environmental Services for the same time period were documented as separate projects instead of one project.
- From the forty-one invoices tested, two invoices totaling \$7,300 indicated potential stringing. Specifically, the mold treatment and air sampling performed at two separate locations completed by Superior Environmental Services for the same time period were documented as separate projects instead of one project.
- From the forty-one invoices tested, two invoices totaling \$17,000 indicated potential stringing. Specifically, the removal of floor tiles and carpet due to asbestos at two separate locations completed by Superior Environmental Services for the same time period were documented as separate projects instead of one project.
- From the forty-one invoices tested, three invoices totaling \$9,600 indicated potential stringing. Specifically, mold testing and treatment performed at multiple locations completed by Superior Environmental Services for the same time period were documented as separate projects instead of one project.
- From the forty-one invoices tested, two invoices totaling \$7,874 indicated potential stringing. Specifically, purchases from Ralph's Furniture & Appliance for flooring related items for the same time period installed at two individual schools were documented as separate projects instead of one project.
- From the forty-one invoices tested, four invoices totaling \$19,750 indicated potential stringing. Specifically, purchases from Ralph's Furniture & Appliance for flooring related items for the same time period installed at the same school were documented as separate projects instead of one project.

Upon inquiry with the Secretary and Director of the Jefferson County Board of Education Maintenance Department regarding the instances stated above, both indicated that previously the Board would consider repair and maintenance projects for each individual school as separate with the exception of the HVAC system and lawn care maintenance which are required for all the individual schools. Board Officials could not provide us with any written policies and procedures that address a vendors performing similar type projects at multiple location inasmuch it relates to bidding requirements.

RECOMMENDATION:

Management of the Jefferson County Board of Education and the maintenance department should require that procedures are implemented to comply with the *Purchasing Policies and Procedures Manual for Local Educational Agencies* - Section 7.5. Management should also consider developing a written policy that would dictate how similar jobs completed at separate school locations by a single vendor should be recorded and the proper bidding procedures to follow.

Additionally, we observed the following item while performing our testing:

PURCHASE ORDERS

We observed the following internal control issue at Jefferson County Board of Education, specifically:

- From the forty-one invoices tested, twenty-six instances indicated the invoice was dated before the purchase order was completed to approve the expenditures.

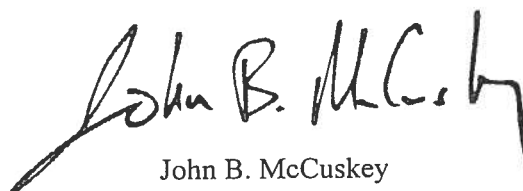
RECOMMENDATION:

In order to provide adequate control over the purchasing cycle, purchase orders should be issued and properly approved in advance of the actual purchase.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on expenditures for selected vendors in compliance with West Virginia State Code; and bidding procedures for the selected vendors with the *Purchasing Policies and Procedures Manual for Local Educational Agencies* in the State of West Virginia, for the period beginning July 1, 2017 through November 1, 2018. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Jefferson County Board of Education and is not intended to be, and should not be, used by anyone other than the specified parties.

Respectfully submitted,



John B. McCuskey
West Virginia State Auditor
Charleston, West Virginia



State of West Virginia

John B. McCuskey

**State Auditor and
Commissioner of Delinquent
and Nonentered Lands**

February 19, 2019

Office of the State Auditor
County Collections Division
State Capitol, Building 1, Suite W-118
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Toll Free: (888) 509-6568
Telephone: (304) 558-2262
Fax: (304) 558-4156
www.wvsao.gov

County Clerk - County Commission
Jefferson County
Post Office Box 9
Charles Town, WV 25414

Dear County Clerk:

West Virginia Code, Chapter 11, Article 6, Section 13, assigns the State Auditor the responsibility of certifying to each County Commission the apportion values of public utility property located within their county. The Statute further states that the Clerk of the County Commission shall forthwith certify such values to the school district and municipalities.

The apportion value in Jefferson County for FY 2019-2020 is \$161,649,966.

Carlines that appear on the Allocation of Assessed Value report represent the total value of carlines that operate within each taxing entity of your county. In addition, those companies that have had their assessed values assigned to them by the Tax Division, but cannot have their specific location of business identified, have been grouped together under the category of Exceptions. These types of companies have had their assessed values apportioned equally among all taxing entities in the State.

To obtain a detailed listing of the companies identified as exceptions or carlines within your county, as well as the levy rates and company tax liabilities, you can visit our website at <http://www.wvsao.gov> or contact our office directly.

For use in determining the levy rate under provisions of West Virginia Code, Chapter 11, Article 8, Section 6E, 6F, and 6G, I have enclosed a report titled New Old Report which indicates the amount of new and old property to be used.

If you have questions or need additional information concerning this matter, please contact Russell Rollyson of my office at (304) 558-2251, Extension 2183.

Sincerely,

John B. McCuskey
State Auditor

JBM/pu

Enclosures as stated

WEST VIRGINIA STATE AUDITOR'S OFFICE
 ALLOCATION OF ASSESSED VALUES
 JEFFERSON COUNTY

2019

COMPANY	CLASS 1	CLASS 3 & 4	TOTAL
JEFFERSON COUNTY			
A T & T COMMUNICATIONS	0	68,233	68,233
ALL STAR LIMOUSINE	0	12,000	12,000
AT&T MOBILITY LLC	0	469,188	469,188
CARLINES	0	4,455,884	4,455,884
CAVE ROAD UTILITIES LLC	0	46,200	46,200
CAVE ROAD UTILITIES LLC(WATER)	0	40,200	40,200
CELLCO PARTNERSHIP - WVA RSA 1 & 2	0	1,740,096	1,740,096
CENTURYLINK COMMUNICATIONS LLC	0	36,736	36,736
CITIZENS TELECOM CO OF WV	0	7,671,187	7,671,187
CRANBERRY PIPELINE CORPORATION	0	3,936	3,936
CSX TRANSPORTATION INC	0	9,937,485	9,937,485
DOMINION TRANSMISSION INC.	0	93,767	93,767
E G SPECIALIZED LIMO LLC	0	278	278
EXCEPTIONS	0	6,025	6,025
FEDEX EXPRESS	0	2,047	2,047
FOX GLEN UTILITIES INC	0	49,500	49,500
FRONTIER WEST VIRGINIA INC	0	149,893	149,893
HARDY CELLULAR TELEPHONE COMPANY	0	363,008	363,008
INTELLIFIBER NETWORKS INC	0	79,000	79,000
JEFFERSON UTILITIES INC	0	4,277,100	4,277,100
LUMOS NETWORKS LLC	0	418,228	418,228
LUMOS NETWORKS OF WEST VIRGINIA INC	0	22,952	22,952
MCI COMMUNICATIONS SERVICES INC	0	192,066	192,066
MONONGAHELA POWER COMPANY - ELECTRIC	0	2,276	2,276
MOUNTAINEER GAS COMPANY	0	7,867	7,867
NORFOLK SOUTHERN CORPORATION	0	7,680,924	7,680,924
POTOMAC EDISON COMPANY THE	0	37,341,053	37,341,053
SHENANDOAH JUNCTION PUBLIC SEWER INC	0	21,000	21,000
SHENANDOAH PERSONAL COMMUNICATIONS CO	0	1,397,195	1,397,195
SHENTEL COMM. LLC (FKA SHENANDOAH NETWORK)	0	1,312,035	1,312,035

WEST VIRGINIA STATE AUDITOR'S OFFICE
 ALLOCATION OF ASSESSED VALUES
 JEFFERSON COUNTY

2019

COMPANY	CLASS 1	CLASS 3 & 4	TOTAL
JEFFERSON COUNTY			
SPOK INC	0	10	10
SPRINT COMMUNICATIONS COMPANY LP	0	8,001	8,001
SPRINT NEXTEL WIRELESS	0	564,009	564,009
T-MOBILE USA INC AFFILIATES	0	82,937	82,937
VALLEY MEDICAL TRANSPORT	0	182,703	182,703
VIRGINIA ELECTRIC & POWER COMPANY	0	60,365,088	60,365,088
DISTRICT TOTALS	0	139,100,107	139,100,107
BOLIVAR			
CITIZENS TELECOM CO OF WV	0	23,667	23,667
E G SPECIALIZED LIMO LLC	0	278	278
EXCEPTIONS	0	6,025	6,025
POTOMAC EDISON COMPANY THE	0	701,082	701,082
SPRINT NEXTEL WIRELESS	0	56,015	56,015
DISTRICT TOTALS	0	787,067	787,067
CHARLES TOWN			
AT&T MOBILITY LLC	0	881,785	881,785
CARLINES	0	62,447	62,447
CELLCO PARTNERSHIP - WVA RSA 1 & 2	0	1,175,500	1,175,500
CITIZENS TELECOM CO OF WV	0	5,722,056	5,722,056
CSX TRANSPORTATION INC	0	117,845	117,845
E G SPECIALIZED LIMO LLC	0	278	278
EXCEPTIONS	0	6,025	6,025
FRONTIER COMMUNICATIONS OF AMERICA INC	0	11,417	11,417
FRONTIER WEST VIRGINIA INC	0	6,108	6,108
HARDY CELLULAR TELEPHONE COMPANY	0	730,573	730,573
POTOMAC EDISON COMPANY THE	0	1,201	1,201
SHENANDOAH PERSONAL COMMUNICATIONS CO	0	305,145	305,145
SPRINT NEXTEL WIRELESS	0	104,795	104,795

WEST VIRGINIA STATE AUDITOR'S OFFICE
 ALLOCATION OF ASSESSED VALUES
 JEFFERSON COUNTY

2019

COMPANY	CLASS 1	CLASS 3 & 4	TOTAL
CHARLES TOWN			
T-MOBILE USA INC AFFILIATES	0	127,150	127,150
DISTRICT TOTALS	0	9,252,325	9,252,325
HARPERS FERRY			
AT&T MOBILITY LLC	0	562,246	562,246
CARLINES	0	154,238	154,238
CELLCO PARTNERSHIP - WVA RSA 1 & 2	0	1,172,824	1,172,824
CITIZENS TELECOM CO OF WV	0	362,762	362,762
CSX TRANSPORTATION INC	0	344,236	344,236
DOMINION TRANSMISSION INC.	0	18,563	18,563
E G SPECIALIZED LIMO LLC	0	278	278
EXCEPTIONS	0	6,026	6,026
HARDY CELLULAR TELEPHONE COMPANY	0	260,736	260,736
MOUNTAINEER GAS COMPANY	0	2,959	2,959
POTOMAC EDISON COMPANY THE	0	436,945	436,945
SPRINT COMMUNICATIONS COMPANY LP	0	1,385	1,385
SPRINT NEXTEL WIRELESS	0	2,002	2,002
T-MOBILE USA INC AFFILIATES	0	99,356	99,356
DISTRICT TOTALS	0	3,424,556	3,424,556
RANSON			
AT&T MOBILITY LLC	0	308,727	308,727
CARLINES	0	131,525	131,525
CELLCO PARTNERSHIP - WVA RSA 1 & 2	0	139,101	139,101
CITIZENS TELECOM CO OF WV	0	422,983	422,983
CSX TRANSPORTATION INC	0	81,409	81,409
E G SPECIALIZED LIMO LLC	0	278	278
EXCEPTIONS	0	6,026	6,026
HARDY CELLULAR TELEPHONE COMPANY	0	127,123	127,123
NORFOLK SOUTHERN CORPORATION	0	369,070	369,070

RPUB003

WEST VIRGINIA STATE AUDITOR'S OFFICE
ALLOCATION OF ASSESSED VALUES
JEFFERSON COUNTY

2/19/19 10:32 AM

2019

COMPANY	CLASS 1	CLASS 3 & 4	TOTAL
RANSON			
POTOMAC EDISON COMPANY THE	0	3,407,403	3,407,403
SHENANDOAH PERSONAL COMMUNICATIONS CO	0	181,119	181,119
SPOK INC	0	10	10
SPRINT NEXTEL WIRELESS	0	107,663	107,663
DISTRICT TOTALS	0	5,282,437	5,282,437
SHEPHERDSTOWN			
AT&T MOBILITY LLC	0	447,690	447,690
CARLINES	0	46,360	46,360
CELLCO PARTNERSHIP - WVA RSA 1 & 2	0	469,359	469,359
CITIZENS TELECOM CO OF WV	0	915,052	915,052
E G SPECIALIZED LIMO LLC	0	278	278
EXCEPTIONS	0	6,026	6,026
FRONTIER WEST VIRGINIA INC	0	21,115	21,115
HARDY CELLULAR TELEPHONE COMPANY	0	294,070	294,070
NORFOLK SOUTHERN CORPORATION	0	212,650	212,650
POTOMAC EDISON COMPANY THE	0	847,659	847,659
SHENTEL COMM. LLC (FKA SHENANDOAH NETWORK)	0	518,997	518,997
SPRINT NEXTEL WIRELESS	0	8,129	8,129
T-MOBILE USA INC AFFILIATES	0	16,089	16,089
DISTRICT TOTALS	0	3,803,474	3,803,474
COUNTY TOTALS	0	161,649,966	161,649,966

West Virginia State Auditor's Office
New Old Report

	2018		2019			2019 Class 1		2019 Class 3_4		2019 Class 3_4	
	Class 1	Class 3_4	Total	Class 1	Class 3_4	Total	Old	New	Old	New	
BARBOUR COUNTY	0	38,405,266	38,405,266	0	38,496,701	38,496,701	0	0	38,405,266	91,435	
BELINGTON	0	5,611,197	5,611,197	0	5,764,856	5,764,856	0	0	5,611,197	153,659	
JUNIOR	0	657,868	657,868	0	687,366	687,366	0	0	657,868	29,498	
PHILIPPI	0	5,823,271	5,823,271	0	4,945,904	4,945,904	0	0	4,945,904	0	
BERKELEY COUNTY	0	138,888,075	138,888,075	0	136,465,531	136,465,531	0	0	136,465,531	0	
HEDGESVILLE	0	2,678,563	2,678,563	0	2,509,605	2,509,605	0	0	2,509,605	0	
MARTINSBURG	0	38,736,889	38,736,889	0	36,901,419	36,901,419	0	0	36,901,419	0	
BOONE COUNTY	0	104,711,003	104,711,003	0	108,585,972	108,585,972	0	0	104,711,003	3,874,969	
DANVILLE	0	1,729,853	1,729,853	0	2,408,025	2,408,025	0	0	1,729,853	678,172	
MADISON	0	8,008,728	8,008,728	0	8,207,801	8,207,801	0	0	8,008,728	199,073	
SYLVESTER	0	203,212	203,212	0	269,405	269,405	0	0	203,212	66,193	
WHITESVILLE	0	1,048,712	1,048,712	0	1,073,980	1,073,980	0	0	1,048,712	25,268	
BRAXTON COUNTY	0	89,233,238	89,233,238	0	86,305,677	86,305,677	0	0	86,305,677	0	
BURNSVILLE	0	6,057,528	6,057,528	0	7,472,237	7,472,237	0	0	6,057,528	1,414,709	
FLATWOODS	0	2,343,406	2,343,406	0	2,487,755	2,487,755	0	0	2,343,406	144,349	
GASSAWAY	0	3,947,154	3,947,154	0	4,219,447	4,219,447	0	0	3,947,154	272,293	
SUTTON	0	4,293,008	4,293,008	0	4,389,323	4,389,323	0	0	4,293,008	96,315	
BROOKE COUNTY	0	72,764,669	72,764,669	0	68,432,437	68,432,437	0	0	68,432,437	0	
BEECH BOTTOM	0	731,545	731,545	0	704,406	704,406	0	0	704,406	0	
BETHANY	0	1,544,803	1,544,803	0	1,603,141	1,603,141	0	0	1,544,803	58,338	
FOLLANSBEE	0	6,093,018	6,093,018	0	6,264,031	6,264,031	0	0	6,093,018	171,013	
WEIRTON - BROOKE	0	11,071,545	11,071,545	0	11,489,949	11,489,949	0	0	11,071,545	418,404	
WELLSBURG	0	6,338,533	6,338,533	0	6,552,815	6,552,815	0	0	6,338,533	214,282	
WINDSOR HEIGHTS	0	567,911	567,911	0	584,152	584,152	0	0	567,911	16,241	
CABELL COUNTY	0	179,325,558	179,325,558	0	196,214,709	196,214,709	0	0	179,325,558	16,889,151	
BARBOURSVILLE	0	10,138,988	10,138,988	0	9,974,785	9,974,785	0	0	9,974,785	0	
HUNTINGTON - CABELL	0	159,853,178	159,853,178	0	168,254,907	168,254,907	0	0	159,853,178	8,401,729	
MILTON	0	7,943,075	7,943,075	0	7,695,250	7,695,250	0	0	7,695,250	0	
CALHOUN COUNTY	0	32,260,013	32,260,013	0	34,113,557	34,113,557	0	0	32,260,013	1,853,544	
GRANTSVILLE	0	2,002,966	2,002,966	0	2,001,390	2,001,390	0	0	2,001,390	0	

West Virginia State Auditor's Office
New Old Report

	2018		2019			2019 Class 1		2019 Class 3_4		2019 Class 3_4		2019 Class 3_4		
	Class 1	Class 3_4	Total	Class 1	Class 3_4	Total	Old	New	Old	New	Old	New	Old	New
CLAY COUNTY	0	47,348,688	47,348,688	0	45,562,624	45,562,624	0	0	45,562,624	0	0	45,562,624	0	0
CLAY	0	1,608,311	1,608,311	0	1,752,871	1,752,871	0	0	1,752,871	0	0	1,752,871	0	0
DODDRIDGE COUNTY	0	133,495,103	133,495,103	0	147,668,493	147,668,493	0	0	147,668,493	0	0	147,668,493	0	0
WEST UNION	0	3,464,449	3,464,449	0	3,661,430	3,661,430	0	0	3,661,430	0	0	3,661,430	0	0
FAYETTE COUNTY	0	204,275,223	204,275,223	0	233,763,515	233,763,515	0	0	233,763,515	0	0	233,763,515	0	0
ANSTED	0	2,903,702	2,903,702	0	2,819,679	2,819,679	0	0	2,819,679	0	0	2,819,679	0	0
FAYETTEVILLE	0	5,019,276	5,019,276	0	5,147,585	5,147,585	0	0	5,147,585	0	0	5,147,585	0	0
GAULEY BRIDGE	0	1,742,676	1,742,676	0	1,968,339	1,968,339	0	0	1,968,339	0	0	1,968,339	0	0
MEADOW BRIDGE	0	1,832,676	1,832,676	0	1,773,551	1,773,551	0	0	1,773,551	0	0	1,773,551	0	0
MONTGOMERY - FAYETTE	0	3,650,103	3,650,103	0	4,271,209	4,271,209	0	0	4,271,209	0	0	4,271,209	0	0
MOUNT HOPE	0	5,521,651	5,521,651	0	5,606,396	5,606,396	0	0	5,606,396	0	0	5,606,396	0	0
OAK HILL	0	27,905,582	27,905,582	0	29,873,812	29,873,812	0	0	29,873,812	0	0	29,873,812	0	0
PAX	0	682,995	682,995	0	813,924	813,924	0	0	813,924	0	0	813,924	0	0
SMITHERS - FAYETTE	0	1,966,350	1,966,350	0	2,145,736	2,145,736	0	0	2,145,736	0	0	2,145,736	0	0
THURMOND	0	407,765	407,765	0	452,004	452,004	0	0	452,004	0	0	452,004	0	0
GILMER COUNTY	0	65,015,803	65,015,803	0	63,819,324	63,819,324	0	0	63,819,324	0	0	63,819,324	0	0
GLENVILLE	0	3,943,263	3,943,263	0	4,111,988	4,111,988	0	0	4,111,988	0	0	4,111,988	0	0
SAND FORK	0	111,973	111,973	0	138,357	138,357	0	0	138,357	0	0	138,357	0	0
GRANT COUNTY	0	528,606,587	528,606,587	0	544,634,147	544,634,147	0	0	544,634,147	0	0	544,634,147	0	0
BAYARD	0	805,887	805,887	0	844,730	844,730	0	0	844,730	0	0	844,730	0	0
PETERSBURG	0	3,809,700	3,809,700	0	3,668,009	3,668,009	0	0	3,668,009	0	0	3,668,009	0	0
GREENBRIER COUNTY	0	93,840,226	93,840,226	0	102,816,310	102,816,310	0	0	102,816,310	0	0	102,816,310	0	0
ALDERSON - GREENBRIER	0	1,653,149	1,653,149	0	1,641,921	1,641,921	0	0	1,641,921	0	0	1,641,921	0	0
FALLING SPRINGS	0	390,855	390,855	0	408,759	408,759	0	0	408,759	0	0	408,759	0	0
LEWISBURG	0	9,936,433	9,936,433	0	10,013,150	10,013,150	0	0	10,013,150	0	0	10,013,150	0	0
QUINWOOD	0	922,216	922,216	0	1,081,045	1,081,045	0	0	1,081,045	0	0	1,081,045	0	0
RAINELLE	0	3,707,240	3,707,240	0	3,733,135	3,733,135	0	0	3,733,135	0	0	3,733,135	0	0
RONCEVERTE	0	4,451,667	4,451,667	0	4,842,073	4,842,073	0	0	4,842,073	0	0	4,842,073	0	0
RUPERT	0	1,569,323	1,569,323	0	1,498,075	1,498,075	0	0	1,498,075	0	0	1,498,075	0	0
WHITE SULPHUR SPRINGS	0	7,272,694	7,272,694	0	7,484,471	7,484,471	0	0	7,484,471	0	0	7,484,471	0	0

West Virginia State Auditor's Office
New Old Report

	2018		2019			2019 Class 1		2019 Class 3_4		2019 Class 4	
	Class 1	Class 3_4	Total	Class 1	Class 3_4	Total	Old	New	Old	New	Old
HAMPSHIRE COUNTY	0	188,775,142	188,775,142	0	192,308,539	192,308,539	0	0	188,775,142	0	3,533,397
CAPON BRIDGE	0	1,520,303	1,520,303	0	1,479,061	1,479,061	0	0	1,479,061	0	0
ROMNEY	0	6,846,918	6,846,918	0	6,284,213	6,284,213	0	0	6,284,213	0	0
HANCOCK COUNTY	0	36,808,104	36,808,104	0	37,712,043	37,712,043	0	0	36,808,104	0	903,939
CHESTER	0	5,001,411	5,001,411	0	5,104,612	5,104,612	0	0	5,001,411	0	103,201
NEW CUMBERLAND	0	3,524,927	3,524,927	0	4,054,689	4,054,689	0	0	3,524,927	0	529,762
WEIRTON - HANCOCK	0	26,198,008	26,198,008	0	26,906,524	26,906,524	0	0	26,198,008	0	708,516
HARDY COUNTY	0	258,358,680	258,358,680	0	262,118,184	262,118,184	0	0	258,358,680	0	3,759,504
MOOREFIELD	0	4,144,672	4,144,672	0	4,352,035	4,352,035	0	0	4,144,672	0	207,363
WARDENSVILLE	0	1,219,997	1,219,997	0	1,226,759	1,226,759	0	0	1,219,997	0	6,762
HARRISON COUNTY	0	529,198,229	529,198,229	0	554,415,144	554,415,144	0	0	529,198,229	0	25,216,915
ANMOORE	0	325,199	325,199	0	344,054	344,054	0	0	325,199	0	18,855
BRIDGEPORT	0	19,169,485	19,169,485	0	20,417,618	20,417,618	0	0	19,169,485	0	1,248,133
CLARKSBURG	0	75,185,977	75,185,977	0	74,871,362	74,871,362	0	0	74,871,362	0	0
LOST CREEK	0	1,827,655	1,827,655	0	2,278,512	2,278,512	0	0	1,827,655	0	450,857
LUMBERPORT	0	1,494,420	1,494,420	0	1,570,103	1,570,103	0	0	1,494,420	0	75,683
NUTTER FORT	0	2,833,323	2,833,323	0	2,958,164	2,958,164	0	0	2,833,323	0	124,841
SALEM	0	5,142,609	5,142,609	0	5,226,085	5,226,085	0	0	5,142,609	0	83,476
SHINNSTON	0	5,348,600	5,348,600	0	5,187,918	5,187,918	0	0	5,187,918	0	0
STONEWOOD	0	3,220,912	3,220,912	0	3,196,242	3,196,242	0	0	3,196,242	0	0
WEST MILFORD	0	1,796,178	1,796,178	0	2,266,908	2,266,908	0	0	1,796,178	0	470,730
JACKSON COUNTY	0	112,989,488	112,989,488	0	127,460,749	127,460,749	0	0	112,989,488	0	14,471,261
RAVENSWOOD	0	9,064,940	9,064,940	0	10,058,271	10,058,271	0	0	9,064,940	0	993,331
RIPLEY	0	10,239,304	10,239,304	0	10,247,726	10,247,726	0	0	10,239,304	0	8,422
JEFFERSON COUNTY	0	139,113,248	139,113,248	0	139,100,107	139,100,107	0	0	139,100,107	0	0
BOLIVAR	0	802,796	802,796	0	787,067	787,067	0	0	787,067	0	0
CHARLES TOWN	0	11,500,159	11,500,159	0	9,252,325	9,252,325	0	0	9,252,325	0	0
HARPERS FERRY	0	3,490,912	3,490,912	0	3,424,556	3,424,556	0	0	3,424,556	0	0
RANSON	0	4,617,803	4,617,803	0	5,282,437	5,282,437	0	0	4,617,803	0	664,634
SHEPHERDSTOWN	0	4,443,319	4,443,319	0	3,803,474	3,803,474	0	0	3,803,474	0	0

West Virginia State Auditor's Office
New Old Report

	2018		2019			2019 Class 1		2019 Class 3_4		
	Class 1	Class 3_4	Total	Class 1	Class 3_4	Total	Old	New	Old	New
KANAWHA COUNTY	0	721,542,568	721,542,568	0	754,681,225	754,681,225	0	0	721,542,568	33,138,657
BELLE	0	3,805,311	3,805,311	0	4,286,014	4,286,014	0	0	3,805,311	480,703
CEDAR GROVE	0	2,302,705	2,302,705	0	2,511,472	2,511,472	0	0	2,302,705	208,767
CHARLESTON	0	276,321,108	276,321,108	0	301,922,819	301,922,819	0	0	276,321,108	25,601,711
CHESAPEAKE	0	2,313,752	2,313,752	0	2,684,870	2,684,870	0	0	2,313,752	371,118
CLENDENIN	0	7,675,928	7,675,928	0	9,066,172	9,066,172	0	0	7,675,928	1,390,244
DUNBAR	0	17,787,595	17,787,595	0	18,516,586	18,516,586	0	0	17,787,595	728,991
EAST BANK	0	2,065,372	2,065,372	0	2,142,543	2,142,543	0	0	2,065,372	77,171
GLASGOW	0	1,124,242	1,124,242	0	1,417,614	1,417,614	0	0	1,124,242	293,372
HANDLEY	0	6,761,695	6,761,695	0	6,760,612	6,760,612	0	0	6,760,612	0
MARMET	0	9,446,979	9,446,979	0	9,718,449	9,718,449	0	0	9,446,979	271,470
MONTGOMERY - KANAWHA	0	1,239,218	1,239,218	0	1,830,208	1,830,208	0	0	1,239,218	590,990
NITRO - KANAWHA	0	9,794,781	9,794,781	0	10,342,683	10,342,683	0	0	9,794,781	547,902
PRATT	0	839,896	839,896	0	924,263	924,263	0	0	839,896	84,367
SAINT ALBANS	0	21,140,683	21,140,683	0	24,267,531	24,267,531	0	0	21,140,683	3,126,848
SMITHERS - KANAWHA	0	55,503	55,503	0	71,180	71,180	0	0	55,503	15,677
SOUTH CHARLESTON	0	37,846,186	37,846,186	0	37,968,266	37,968,266	0	0	37,846,186	122,080
JEFFERSON	0	0	0	0	0	0	0	0	0	0
LEWIS COUNTY	0	157,755,721	157,755,721	0	168,751,413	168,751,413	0	0	157,755,721	10,995,692
JANE LEW	0	1,569,554	1,569,554	0	1,606,363	1,606,363	0	0	1,569,554	36,809
WESTON	0	11,720,765	11,720,765	0	11,906,704	11,906,704	0	0	11,720,765	185,939
LINCOLN COUNTY	0	87,871,579	87,871,579	0	88,793,111	88,793,111	0	0	87,871,579	921,532
HAMLIN	0	4,529,683	4,529,683	0	4,706,961	4,706,961	0	0	4,529,683	177,278
WEST HAMLIN	0	1,337,534	1,337,534	0	1,427,622	1,427,622	0	0	1,337,534	90,088
LOGAN COUNTY	0	100,104,733	100,104,733	0	103,810,469	103,810,469	0	0	100,104,733	3,705,736
CHAPMANVILLE	0	2,561,405	2,561,405	0	3,285,802	3,285,802	0	0	2,561,405	724,397
LOGAN	0	15,301,677	15,301,677	0	14,924,792	14,924,792	0	0	14,924,792	0
MAN	0	2,467,426	2,467,426	0	2,512,040	2,512,040	0	0	2,467,426	44,614
MITCHELL HEIGHTS	0	306,424	306,424	0	308,340	308,340	0	0	306,424	1,916
WEST LOGAN	0	351,678	351,678	0	352,598	352,598	0	0	351,678	920

West Virginia State Auditor's Office
New Old Report

	2018			2019			2019 Class 1		2019 Class 3_4	
	Class 1	Class 3_4	Total	Class 1	Class 3_4	Total	Old	New	Old	New
MARION COUNTY	0	132,360,671	132,360,671	0	139,688,754	139,688,754	0	0	132,360,671	7,328,083
BARRACKVILLE	0	1,419,414	1,419,414	0	1,487,296	1,487,296	0	0	1,419,414	67,882
FAIRMONT	0	81,095,891	81,095,891	0	85,719,455	85,719,455	0	0	81,095,891	4,623,564
FAIRVIEW	0	1,965,481	1,965,481	0	1,972,864	1,972,864	0	0	1,965,481	7,383
FARMINGTON	0	1,590,921	1,590,921	0	1,556,566	1,556,566	0	0	1,556,566	0
GRANT TOWN	0	1,123,871	1,123,871	0	1,220,345	1,220,345	0	0	1,123,871	96,474
MANNINGTON	0	4,255,906	4,255,906	0	4,458,819	4,458,819	0	0	4,255,906	202,913
MONONGAH	0	2,590,895	2,590,895	0	2,488,783	2,488,783	0	0	2,488,783	0
RIVESVILLE	0	4,040,423	4,040,423	0	3,528,440	3,528,440	0	0	3,528,440	0
WORTHINGTON	0	1,379,985	1,379,985	0	1,412,536	1,412,536	0	0	1,379,985	32,551
WHITE HALL	0	2,490,451	2,490,451	0	2,629,622	2,629,622	0	0	2,490,451	139,171
PLEASANT VALLEY	0	3,902,323	3,902,323	0	4,001,735	4,001,735	0	0	3,902,323	99,412
MARSHALL COUNTY	0	867,535,397	867,535,397	0	890,678,933	890,678,933	0	0	867,535,397	23,143,536
BENWOOD	0	2,655,536	2,655,536	0	2,994,368	2,994,368	0	0	2,655,536	338,832
CAMERON	0	13,740,722	13,740,722	0	29,565,141	29,565,141	0	0	13,740,722	15,824,419
GLEN DALE	0	2,070,674	2,070,674	0	2,323,847	2,323,847	0	0	2,070,674	253,173
MC MECHEM	0	1,335,667	1,335,667	0	1,419,172	1,419,172	0	0	1,335,667	83,505
MOUNDSVILLE	0	15,902,809	15,902,809	0	16,030,274	16,030,274	0	0	15,902,809	127,465
WHEELING - MARSHALL	0	325,093	325,093	0	544,406	544,406	0	0	325,093	219,313
MASON COUNTY	0	300,517,937	300,517,937	0	299,775,586	299,775,586	0	0	299,775,586	0
HARTFORD	0	629,540	629,540	0	710,878	710,878	0	0	629,540	81,338
HENDERSON	0	853,874	853,874	0	1,034,733	1,034,733	0	0	853,874	180,859
LEON	0	686,415	686,415	0	758,079	758,079	0	0	686,415	71,664
MASON	0	975,458	975,458	0	1,006,186	1,006,186	0	0	975,458	30,728
NEW HAVEN	0	1,404,066	1,404,066	0	1,461,736	1,461,736	0	0	1,404,066	57,670
POINT PLEASANT	0	5,152,143	5,152,143	0	5,606,155	5,606,155	0	0	5,152,143	454,012
MCDOWELL COUNTY	0	158,778,565	158,778,565	0	193,451,356	193,451,356	0	0	158,778,565	34,672,791
ANAWALT	0	243,306	243,306	0	245,639	245,639	0	0	243,306	2,333
BRADSHAW	0	824,881	824,881	0	787,373	787,373	0	0	787,373	0
DAVY	0	402,412	402,412	0	387,317	387,317	0	0	387,317	0

West Virginia State Auditor's Office
New Old Report

	2018		2019			2019 Class 1		2019 Class 3_4		2019 Class 4		
	Class 1	Class 3_4	Total	Class 1	Class 3_4	Total	Old	New	Old	New	Old	New
GARY	0	2,447,130	2,447,130	0	2,534,432	2,534,432	0	0	2,447,130	0	2,447,130	87,302
IAEGER	0	5,583,585	5,583,585	0	5,728,835	5,728,835	0	0	5,583,585	0	5,583,585	145,250
KEYSTONE	0	302,017	302,017	0	295,421	295,421	0	0	295,421	0	295,421	0
KIMBALL	0	1,136,715	1,136,715	0	1,246,521	1,246,521	0	0	1,136,715	0	1,136,715	109,806
NORTHFORK	0	2,242,062	2,242,062	0	2,273,158	2,273,158	0	0	2,242,062	0	2,242,062	31,096
WAR	0	3,219,060	3,219,060	0	3,291,452	3,291,452	0	0	3,219,060	0	3,219,060	72,392
WELCH	0	11,568,722	11,568,722	0	11,811,667	11,811,667	0	0	11,568,722	0	11,568,722	242,945
MERCER COUNTY	0	161,874,824	161,874,824	0	170,290,130	170,290,130	0	0	161,874,824	0	161,874,824	8,415,306
ATHENS	0	1,817,262	1,817,262	0	1,632,033	1,632,033	0	0	1,632,033	0	1,632,033	0
BLUEFIELD	0	61,021,492	61,021,492	0	63,329,335	63,329,335	0	0	61,021,492	0	61,021,492	2,307,843
BRAMWELL	0	1,883,036	1,883,036	0	1,919,313	1,919,313	0	0	1,883,036	0	1,883,036	36,277
MATOAKA	0	1,498,209	1,498,209	0	0	0	0	0	0	0	0	0
OAKVALE	0	3,278,852	3,278,852	0	3,478,884	3,478,884	0	0	3,278,852	0	3,278,852	200,032
PRINCETON	0	21,467,032	21,467,032	0	21,750,566	21,750,566	0	0	21,467,032	0	21,467,032	283,534
MINERAL COUNTY	0	47,223,142	47,223,142	0	49,166,232	49,166,232	0	0	47,223,142	0	47,223,142	1,943,090
CARPENDALE	0	16,927	16,927	0	19,646	19,646	0	0	16,927	0	16,927	2,719
ELK GARDEN	0	1,110,248	1,110,248	0	1,045,145	1,045,145	0	0	1,045,145	0	1,045,145	0
KEYSER	0	12,092,121	12,092,121	0	12,464,884	12,464,884	0	0	12,092,121	0	12,092,121	372,763
PIEDMONT	0	2,311,366	2,311,366	0	2,336,132	2,336,132	0	0	2,311,366	0	2,311,366	24,766
RIDGELEY	0	1,520,081	1,520,081	0	1,608,211	1,608,211	0	0	1,520,081	0	1,520,081	88,130
MINGO COUNTY	0	175,131,657	175,131,657	0	183,249,062	183,249,062	0	0	175,131,657	0	175,131,657	8,117,405
DELBARTON	0	2,506,808	2,506,808	0	1,926,449	1,926,449	0	0	1,926,449	0	1,926,449	0
GILBERT	0	2,185,737	2,185,737	0	2,083,775	2,083,775	0	0	2,083,775	0	2,083,775	0
KERMIT	0	2,521,297	2,521,297	0	2,572,394	2,572,394	0	0	2,521,297	0	2,521,297	51,097
MATEWAN	0	3,406,243	3,406,243	0	3,532,160	3,532,160	0	0	3,406,243	0	3,406,243	125,917
WILLIAMSON	0	26,604,101	26,604,101	0	27,268,456	27,268,456	0	0	26,604,101	0	26,604,101	684,355
MONONGALIA COUNTY	0	224,038,358	224,038,358	0	226,175,781	226,175,781	0	0	224,038,358	0	224,038,358	2,137,423
BLACKSVILLE	0	751,130	751,130	0	770,743	770,743	0	0	751,130	0	751,130	19,613
GRANVILLE	0	1,582,773	1,582,773	0	1,728,744	1,728,744	0	0	1,582,773	0	1,582,773	145,971
MORGANTOWN	0	73,286,996	73,286,996	0	72,022,754	72,022,754	0	0	72,022,754	0	72,022,754	0

West Virginia State Auditor's Office
New Old Report

	2018		2019			2019 Class 1		2019 Class 3_4		2019 Class 1		2019 Class 3_4	
	Class 1	Class 3_4	Total	Class 1	Class 3_4	Total	Old	New	Old	New	Old	New	Old
STAR CITY	0	2,000,095	2,000,095	0	2,110,927	2,110,927	0	0	2,000,095	0	0	2,000,095	110,832
WESTOVER	0	5,952,001	5,952,001	0	6,288,013	6,288,013	0	0	5,952,001	0	0	5,952,001	336,012
MONROE COUNTY	0	44,924,986	44,924,986	0	45,717,098	45,717,098	0	0	44,924,986	0	0	44,924,986	792,112
ALDERSON - MONROE	0	1,043,632	1,043,632	0	1,103,813	1,103,813	0	0	1,043,632	0	0	1,043,632	60,181
PETERSTOWN	0	2,548,208	2,548,208	0	2,565,497	2,565,497	0	0	2,548,208	0	0	2,548,208	17,289
UNION	0	2,339,427	2,339,427	0	2,140,766	2,140,766	0	0	2,140,766	0	0	2,140,766	0
MORGAN COUNTY	0	40,793,141	40,793,141	0	44,376,485	44,376,485	0	0	40,793,141	0	0	40,793,141	3,583,344
BATH	0	7,843,701	7,843,701	0	7,278,194	7,278,194	0	0	7,278,194	0	0	7,278,194	0
PAW PAW	0	4,028,029	4,028,029	0	4,384,962	4,384,962	0	0	4,028,029	0	0	4,028,029	356,933
NICHOLAS COUNTY	0	80,282,363	80,282,363	0	71,705,847	71,705,847	0	0	71,705,847	0	0	71,705,847	0
RICHWOOD	0	4,346,299	4,346,299	0	4,538,286	4,538,286	0	0	4,346,299	0	0	4,346,299	191,987
SUMMERSVILLE	0	11,092,592	11,092,592	0	10,587,154	10,587,154	0	0	10,587,154	0	0	10,587,154	0
OHIO COUNTY	0	58,586,252	58,586,252	0	54,375,037	54,375,037	0	0	54,375,037	0	0	54,375,037	0
BETHLEHEM	0	4,482,512	4,482,512	0	4,591,637	4,591,637	0	0	4,482,512	0	0	4,482,512	109,125
CLEARVIEW	0	277,969	277,969	0	296,969	296,969	0	0	277,969	0	0	277,969	19,000
TRIADDELPHIA	0	2,293,197	2,293,197	0	2,227,260	2,227,260	0	0	2,227,260	0	0	2,227,260	0
VALLEY GROVE	0	1,171,703	1,171,703	0	1,105,333	1,105,333	0	0	1,105,333	0	0	1,105,333	0
WEST LIBERTY	0	1,009,127	1,009,127	0	1,202,472	1,202,472	0	0	1,009,127	0	0	1,009,127	193,345
WHEELING - OHIO	0	59,433,292	59,433,292	0	57,695,578	57,695,578	0	0	57,695,578	0	0	57,695,578	0
PENDLETON COUNTY	0	65,263,170	65,263,170	0	71,883,905	71,883,905	0	0	65,263,170	0	0	65,263,170	6,620,735
FRANKLIN	0	2,459,993	2,459,993	0	2,468,699	2,468,699	0	0	2,459,993	0	0	2,459,993	8,706
PLEASANTS COUNTY	0	122,142,262	122,142,262	0	85,428,538	85,428,538	0	0	85,428,538	0	0	85,428,538	0
BELMONT	0	1,650,170	1,650,170	0	2,004,086	2,004,086	0	0	1,650,170	0	0	1,650,170	353,916
ST. MARYS	0	4,978,488	4,978,488	0	5,132,845	5,132,845	0	0	4,978,488	0	0	4,978,488	154,357
POCAHONTAS COUNTY	0	40,599,587	40,599,587	0	40,273,947	40,273,947	0	0	40,273,947	0	0	40,273,947	0
DURBIN	0	307,216	307,216	0	451,109	451,109	0	0	307,216	0	0	307,216	143,893
HILLSBORO	0	1,215,697	1,215,697	0	1,255,607	1,255,607	0	0	1,215,697	0	0	1,215,697	39,910
MARLINTON	0	3,631,043	3,631,043	0	3,586,107	3,586,107	0	0	3,586,107	0	0	3,586,107	0
PRESTON COUNTY	0	181,355,128	181,355,128	0	182,832,304	182,832,304	0	0	181,355,128	0	0	181,355,128	1,477,176
ALBRIGHT	0	3,561,273	3,561,273	0	1,108,789	1,108,789	0	0	3,561,273	0	0	1,108,789	0

West Virginia State Auditor's Office
New Old Report

	2018		2019			2019 Class 1		2019 Class 3_4		
	Class 1	Class 3_4	Total	Class 1	Class 3_4	Total	Old	New	Old	New
WOMELSDORFF	0	399,837	399,837	0	342,005	342,005	0	0	342,005	0
RITCHIE COUNTY	0	38,035,103	38,035,103	0	51,759,769	51,759,769	0	0	38,035,103	13,724,666
AUBURN	0	26,415	26,415	0	31,329	31,329	0	0	26,415	4,914
CAIRO	0	853,049	853,049	0	1,012,809	1,012,809	0	0	853,049	159,760
ELLENBORO	0	805,317	805,317	0	1,116,432	1,116,432	0	0	805,317	311,115
HARRISVILLE	0	1,177,946	1,177,946	0	1,365,604	1,365,604	0	0	1,177,946	187,658
PENNSBORO	0	1,083,203	1,083,203	0	1,247,138	1,247,138	0	0	1,083,203	163,935
PULLMAN	0	171,662	171,662	0	179,390	179,390	0	0	171,662	7,728
ROANE COUNTY	0	45,328,987	45,328,987	0	54,200,249	54,200,249	0	0	45,328,987	8,871,262
REEDY	0	549,556	549,556	0	600,386	600,386	0	0	549,556	50,830
SPENCER	0	5,099,441	5,099,441	0	5,264,296	5,264,296	0	0	5,099,441	164,855
SUMMERS COUNTY	0	89,549,252	89,549,252	0	92,840,050	92,840,050	0	0	89,549,252	3,290,798
HINTON	0	13,457,908	13,457,908	0	13,699,116	13,699,116	0	0	13,457,908	241,208
TAYLOR COUNTY	0	84,513,091	84,513,091	0	87,371,856	87,371,856	0	0	84,513,091	2,858,765
FLEMINGTON	0	3,867,366	3,867,366	0	4,165,225	4,165,225	0	0	3,867,366	297,859
GRAFTON	0	15,801,716	15,801,716	0	14,968,434	14,968,434	0	0	14,968,434	0
TUCKER COUNTY	0	55,513,675	55,513,675	0	58,176,086	58,176,086	0	0	55,513,675	2,662,411
DAVIS	0	2,653,928	2,653,928	0	2,741,013	2,741,013	0	0	2,653,928	87,085
HAMBLETON	0	317,995	317,995	0	333,324	333,324	0	0	317,995	15,329
HENDRICKS	0	348,563	348,563	0	365,809	365,809	0	0	348,563	17,246
PARSONS	0	2,975,300	2,975,300	0	3,085,078	3,085,078	0	0	2,975,300	109,778
THOMAS	0	6,067,303	6,067,303	0	1,868,099	1,868,099	0	0	1,868,099	0
TYLER COUNTY	0	35,984,952	35,984,952	0	40,100,555	40,100,555	0	0	35,984,952	4,115,603
FRIENDLY	0	1,031,062	1,031,062	0	942,313	942,313	0	0	942,313	0
MIDDLEBOURNE	0	1,887,393	1,887,393	0	1,896,266	1,896,266	0	0	1,887,393	8,873
PADEN CITY - TYLER	0	1,557,376	1,557,376	0	1,591,178	1,591,178	0	0	1,557,376	33,802
SISTERSVILLE	0	3,626,075	3,626,075	0	3,761,164	3,761,164	0	0	3,626,075	135,089
UPSHUR COUNTY	0	98,800,396	98,800,396	0	99,013,688	99,013,688	0	0	98,800,396	213,292
BUCKHANNON	0	13,878,415	13,878,415	0	19,666,976	19,666,976	0	0	13,878,415	5,788,561
WAYNE COUNTY	0	258,551,980	258,551,980	0	299,167,378	299,167,378	0	0	258,551,980	40,615,398

West Virginia State Auditor's Office
New Old Report

	2018		2019			2019 Class 1		2019 Class 3_4		New	Old	2019 Class 3_4 New
	Class 1	Class 3_4	Total	Class 1	Class 3_4	Total	Old	New	Old			
CEREDO	0	3,417,858	3,417,858	0	3,625,346	3,626,346	0	0	0	0	3,417,858	208,488
FORT GAY	0	1,735,274	1,735,274	0	1,605,794	1,605,794	0	0	0	0	1,605,794	0
HUNTINGTON - WAYNE	0	5,276,320	5,276,320	0	5,363,984	5,363,984	0	0	0	0	5,276,320	87,664
KENOVA	0	14,241,539	14,241,539	0	15,313,452	15,313,452	0	0	0	0	14,241,539	1,071,913
WAYNE	0	3,810,934	3,810,934	0	4,247,415	4,247,415	0	0	0	0	3,810,934	436,481
WEBSTER COUNTY	0	25,856,766	25,856,766	0	27,123,396	27,123,396	0	0	0	0	25,856,766	1,266,630
CAMDEN-ON-GAULEY	0	253,094	253,094	0	257,947	257,947	0	0	0	0	253,094	4,853
COWEN	0	1,425,097	1,425,097	0	1,513,676	1,513,676	0	0	0	0	1,425,097	88,579
WEBSTER SPRINGS	0	4,220,974	4,220,974	0	4,142,165	4,142,165	0	0	0	0	4,142,165	0
WETZEL COUNTY	0	287,737,966	287,737,966	0	314,052,334	314,052,334	0	0	0	0	287,737,966	26,314,368
HUNDRED	0	668,731	668,731	0	690,972	690,972	0	0	0	0	668,731	22,241
LITTLETON	0	0	0	0	0	0	0	0	0	0	0	0
NEW MARTINSVILLE	0	8,092,574	8,092,574	0	8,477,528	8,477,528	0	0	0	0	8,092,574	384,954
PADEN CITY - WETZEL	0	2,829,377	2,829,377	0	2,994,734	2,994,734	0	0	0	0	2,829,377	165,357
PINE GROVE	0	985,298	985,298	0	1,125,932	1,125,932	0	0	0	0	985,298	140,634
SMITHFIELD	0	397,153	397,153	0	440,913	440,913	0	0	0	0	397,153	43,760
WIRT COUNTY	0	17,362,884	17,362,884	0	26,156,207	26,156,207	0	0	0	0	17,362,884	8,793,323
ELIZABETH	0	2,471,617	2,471,617	0	2,309,509	2,309,509	0	0	0	0	2,309,509	0
WOOD COUNTY	0	105,304,194	105,304,194	0	109,576,973	109,576,973	0	0	0	0	105,304,194	4,272,779
NORTH HILLS	0	58,920	58,920	0	64,806	64,806	0	0	0	0	58,920	5,886
PARKERSBURG	0	64,436,922	64,436,922	0	64,048,665	64,048,665	0	0	0	0	64,048,665	0
VIENNA	0	13,768,556	13,768,556	0	14,144,712	14,144,712	0	0	0	0	13,768,556	376,156
WILLIAMSTOWN	0	4,845,105	4,845,105	0	5,431,312	5,431,312	0	0	0	0	4,845,105	586,207
WYOMING COUNTY	0	187,553,102	187,553,102	0	187,534,456	187,534,456	0	0	0	0	187,534,456	0
MULLENS	0	3,842,655	3,842,655	0	4,070,699	4,070,699	0	0	0	0	3,842,655	228,044
OCEANA	0	3,530,613	3,530,613	0	3,626,581	3,626,581	0	0	0	0	3,530,613	95,968
PINEVILLE	0	5,200,841	5,200,841	0	4,880,993	4,880,993	0	0	0	0	4,880,993	0
Totals	0	10,756,388,600	10,756,388,600	0	11,189,019,800	11,189,019,800	0	0	0	0	11,189,019,800	11,189,019,800

Sandra McDonald

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Thursday, February 14, 2019 11:40 AM
To: JCCInfo
Subject: Jefferson County Commission, WV: Website Form Notification

A new entry to a form/survey has been submitted.

Form Name: County Commission Contact
Date & Time: 02/14/2019 11:39 AM
Response #: 823
Submitter ID: 3786
IP address: 4.35.14.90
Time to complete: 12 min. , 55 sec.

Survey Details

Page 1

1. Name

Dennis Hatcher

2. Email

dgeraldh@frontiernet.net

3. Questions or Concerns

Please stop the support for Rockwool. It will do nothing but pollute the community, and provides no benefit to the county.

The few jobs it may create will not be worth the loss of revenue from the counties tourism industry. It will become a revolving door for employment similar to the one in Martinsburg, lower home values and drive many people from the county.

Farmers I have spoken to are already deciding to sell and move before factory is built.

It may appear that the only people that really support it, are profiting personally with no support for the nearly 12,000 signatures against it.

4. Would you like to receive email notifications from Jefferson County?

Yes

Thank you,
Jefferson County Commission, WV

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

THE ENVIRONMENTAL IMPACT OF ROCKWOOL ON JEFFERSON COUNTY

G.A. Perry – gavarch@gmail.com February 18, 2019.

THREATS TO AIR QUALITY

The 21-story smokestacks are permitted to emit 470 tons of volatile organic compounds and 239 tons of nitrogen oxides each year. This will make the Rockwool factory in Jefferson County the second largest VOC polluter in the state of West Virginia, based on 2014 EPA NEI data. The dramatic increase of toxic emissions and particulate matter air pollution pose a threat to all residents, particularly the most vulnerable—the children, the elderly, and those with compromised respiratory systems.

David Michael Glenn PhD; the retired director of the USDA-ARS-Appalachian Fruit Research Station, Kearneysville, WV, with over 30 years experience in weather measurement and interpretation, provided the following weather information related to the Rockwool project:

"As stated in the Rockwool permit, they will be emitting 471 tons/year of volatile organic compounds (VOC's) and 239 tons/year of nitrogen dioxides (NOx's), the building blocks of ozone, in addition to 154 tons/year of particulate matter. The reason that this project will construct 210 foot smoke stacks is to use wind currents to dilute and distribute the pollutants off-site.

It is my argument that wind characteristics in the Jefferson county area do not support this strategy and differ significantly from Milton, Ontario and the area near Byhalia, MS where Rockwool has existing and similar plants. The Rockwool plant's plan for mitigation of particulate and gaseous emissions with a 210 foot tall smoke stack is unacceptable to Jefferson county given the wind behavior and prevalence of calm winds for extended periods of time throughout the year

In Charles Town, WV, The windier part of the year lasts for 6 months, from November through April, with average wind speeds of approximately 7 miles per hour. The calmer time of year lasts for 6 months, from May through October with average wind speed of approximately 5 mph. (Source: <https://weatherspark.com/y/21067/Average-Weather-in-Charles-Town-West-Virginia-United-States-Year-Round>)

The Effects of Calm Air Events on Particulate Pollution

From 2008 to 2017, 30% of the year had wind speeds less than 3 knots (3.45 mph) which the national Weather Service (NWS) classifies as 'calm' meaning there is no detectable wind motion by the instrumentation. The predominance of still air occurs at night but night or day, the still air provides ample time for particulates to settle to the ground in very close proximity to the site since this plant operates 24/7. Under these conditions, the nearby schools, businesses and homes will experience fallout of the particulate matter ranging from an average of 5 hours to an extreme of 15-20 hours throughout the year.

Ozone pollution is an additional concern. Ozone is a heavy gas and will settle to ground.

During the daylight hours from March to October when light and temperature conditions are adequate for ozone production (8 AM to 6 PM) due to the VOC and NOx emissions, calm air occurs an average of 1.5 hours of each day but calm periods can occur for 6-8 hours. These are conditions typical of the spring frosts, inversions, and hot sultry days that occur in Jefferson county. Calm wind conditions would allow ozone to be generated at the top of the 210 foot tall smoke stack and settle nearby potentially affecting ozone sensitive groups, children and the elderly as well and further reducing soybean yield in nearby farms due to direct ozone damage.

The Environmental Impact of Rockwool on Jefferson County

These data do not support the premise of Rockwool that a 210 foot smokestack will distribute and dilute its emissions with no effect on the populace and businesses of Jefferson County.

Deficiencies of the AERMOD model of air pollution used by EPA and WVDEP

If you wonder why the WVDEP did not consider these conditions, it is because the AERMOD model of EPA uses hourly data and pools data into average annual events to arrive at average annual emission levels. Details such as extended periods of calm air are masked by the pooling protocol required by the AERMOD model. The 'devil is in the details' and those details are a critical issue in the acceptance of the Rockwool plant into the community of Jefferson County. There is no 'average' person and no 'average' day, month or year. It is the unique characteristics of each day that will determine the effect of Rockwool's emissions on the businesses and population of Jefferson County. The fact that the WVDEP is unable to model to such a fine level of detail does not dismiss the fact that extended calm periods will have an effect in Jefferson County.

It is my argument that the Rockwool plant's plan for mitigation of particulate and gaseous emissions with a 210 foot tall smoke stack is unacceptable to Jefferson County given the wind behavior and prevalence of calm winds for extended periods of time throughout the year."

THREATS TO FARMING, AGRICULTURE AND ORCHARDS

The increased pollution will impact the natural environment, including the land, agriculture and vegetation. Retired director of the USDA-ARS-Appalachian Fruit Research Station, Kearneysville, WV; David Michael Glenn PhD cites peer reviewed literature that increased ozone levels from Rockwool could reduce crop yields for soybeans by up to 50%, winter wheat by 25% and corn by 10%. Rockwool could harm livestock and cattle, particularly horses, which are 15 times more sensitive to particulate matter pollutants in the air than humans, according to a new study published in the journal of Veterinary Internal Medicine. Pollination by bees, which is critical to local orchards, will be impacted because of the environmental problems and loss of habitat resulting from the construction and operation of the factory

NOISE AND LIGHT POLLUTION

The factory will operate twenty four hours a day, every day of the year. It will create increased noise and light pollution for the residents, schools and businesses located within sight and hearing distance from the factory. The large number of heavy duty trucks, some carrying loads of coal, stone, and potentially natural gas, entering and leaving the factory twenty four hours a day, will also dramatically increase noise pollution for local residents.

VISUAL POLLUTION

The Rockwool factory is located in close proximity to eleven structures listed or eligible for the National Register of Historic Place, according to the Jefferson County Historic Landmark Commission. The sight of the smokestacks, their lights and the emissions coming from them will negatively impact the views to and from local historic battlefields, Harpers Ferry National Park, the Appalachian Trail as well as views of the first ridge of the Blue Ridge Mountains.

The Environmental Impact of Rockwool on Jefferson County

WATER SUPPLY AND RIVER POLLUTION

The Rockwool factory is located in the Chesapeake Bay watershed and the Shenandoah River flows into the Potomac River which then flows into the Chesapeake Bay.

Storm water runoff, outside factory spills and overflows from the above ground lagoons from the Rockwool factory will flow into Rocky Marsh Run which flows into the Potomac River. Communities, both locally and those down river from Rocky Marsh Run which depend on drinking water from the Potomac River could be impacted by the release of contaminants from the factory, potentially impacting the health of the river and the safety of the public water supply.

Rocky Marsh Run is also in the Shepherdstown water supply watershed. The City of Shepherdstown pulls water from the Potomac River just after Rocky Marsh Run enters the river.

According to Rockwool's application for a West Virginia national pollutant discharge elimination system water pollution control permit modification, dated November 1, 2018, non-domestic wastewater from Rockwool at the Charles Town's main wastewater treatment plant for ultimate treatment and discharge through Outlet 001, will feed into Evitt's Run, a tributary Shenandoah River of the Potomac River.

The Corporation of Harpers Ferry at its August 31, 2018 meeting was particularly concerned about what it has identified as a PSSC – "Potential Source for Significant Contamination" to the Harpers Ferry water supply. Elks Run and its tributary the Elk Branch, are the main sources of drinking water for residents of Harpers Ferry, Bolivar, adjacent county customers, and the National Park Service. This watershed area is of critical concern and requires detailed scrutiny due to the proximity of the Rockwool plant to the Harpers Ferry surface water intake and the intake's susceptibility to potential contaminants.

UNDERGROUND WATER SUPPLY

Wells, Springs, Sink Holes, Estevalles

Water for a large number of Jefferson County residents, businesses and farms is obtained from private wells. The April 2, 2012 report, "**County-Wide Groundwater Assessment Jefferson County, West Virginia**" states that there are approximately 15,500+ wells in the county. The study also noted that there are areas of Jefferson County that are abundant with groundwater and also that demonstrate robust recharge. The report indicates that groundwater levels are affected by rainfall quantities, temperature and usage. According to Mary T. Sell of the Jefferson County Water Advisory Committee, the document is full of information about the availability of groundwater in the County to help inform decisions on how to best utilize and protect this critical natural resource in our County. The Assessment was prepared for the Jefferson County Commission. The Assessment can be found at:

<http://www.jeffersoncountywv.org/home/showdocument?id=3783>

Colin Stine, a long time Jefferson County resident whose farm, Elmwood Fields and Forests is located on Flowing Springs Road outside of Shepherdstown, has expressed concerns about the study's findings. He states that the models used to determine whether there is sufficient water is a generalized model which works 95% of the time. However he thinks that it does not emphasize the importance of karst, and Jefferson County is primarily karst. Therefore the models for water that were used are likely to be inaccurate. The most recent map of wells in the county was done in 2012 and includes less than 10% (~950) of the 15,000+ wells in the county. Ground water streams and wells need to be mapped before accurate models can be produced. The assessment also does not report on the groundwater dye

The Environmental Impact of Rockwool on Jefferson County

experiments done for USGS. The assessment does not do justice to our karst system. Sinkholes in Jefferson County have direct connections to the groundwater and the groundwater flows rapidly in karst (limestone).

The location of the Rockwool factory, the sinkholes in Jefferson County and the local hydrology raises the possibility of pollutants entering the groundwater and contaminating wells and springs. A spill or leaking sewer line could result in health and safety issues as the contaminated material moves underground rapidly and is difficult to track and to clean up. According to maps by D.H. and K. Doctor in "Carbonates and Evaporates", June 2012, Vol 27, Issue 2, **the highest concentration of sinkholes in Jefferson County is located adjacent to the proposed Rockwool site.** The factory site is also located at the headwaters of a number of County streams.

In the 1990s, a county study injected dye into a well near Bardane in the Elk Run watershed and within less than two weeks the dye was also found in Rocky Marsh Spring, which feeds Rocky March Run, almost 8 miles away. The dye also found its way to the Morgan Spring, which feeds the Town Run, Elmwood Spring, which feeds Rattlesnake Run and the Duffield Spring- Elk Branch. The dye moved rapidly underground over a large landscape and took 25 weeks to clear from all locations. (Kozar, M. D., et al., 1990. Geohydrology, Water Availability, and Water Quality of Jefferson County, West Virginia, with Emphasis on the Carbonate Area. U.S. Geological Survey, Water-Resources Report 90-4118).

According to Colin Stine the water flow on his farm from the underground aquifer has significantly decreased in the past 30 years. The farm has five permanent springs, three seasonal springs and Rattlesnake run which flows through the center of the property. During the last ten years three of the permanent springs have gone dry in the fall, if the season is dry enough. In 1999 a portion of the Run which passes through the farm went dry for the first time. Since then a portion the Run has gone dry during the fall in most years and in the past decade has gone dry every year, except in 2018. A portion of the Run goes dry because of an estevalle in the stream in the middle of the farm. An estevalle is a form of sinkhole with a dual function. It either discharges water as a spring or allows water to sink into the aquifer, depending on the groundwater conditions. The water problems of the Run on the farm have not yet affected the downstream water flow because there is one spring that has never gone dry and the Run is fed by other water sources. Another local farmer also reported that the Run through his property went dry because a sink hole opened up on the bank of the stream and all the water flowed into the sink hole. The water flow in the Run was restored once the bank was rebuilt.

Also In 1999, "Elmwood Farm Spring" which is usually eight inches deep in the spring house, was down to about two inches deep. Thus the potential further lowering of the water table would cause that spring to go dry and affect the downstream water flow in the Run.

Statement from the Potomac Valley Audubon Society:

*Rockwool would set a dangerous and unnecessary precedent for air pollution and water pollution in Jefferson County. Placement of a heavy industry and a new major source of air emissions of pollutants in the heart of Jefferson County goes against our mission. We want to see air quality and habitat preserved so that the residents of the county, particularly children, can enjoy the outdoors in a healthy environment, not one that is characterized by potentially dangerous levels of carcinogens and other hazardous pollutants. **Our Main Concerns Stem From:***

THREATS TO STREAMS, WETLANDS, AND RARE MARL MARSHES

Rockwool proposes to withdraw 125 thousand gallons of water per day initially and then up to 500 thousand gallons of water per day. The internal underground drainage systems in karst areas are very sensitive to extraction. Removing this quantity of water from the aquifers can have very serious and unpredictable adverse consequences. Lowering of water tables can affect the hydrologic equilibrium of local streams as well as wetlands, including rare marl marshes, at substantial distances from the point of extraction. The potential impact is loss of critical wetland and riparian habitat for threatened and endangered species of plants and other forms of wildlife.

THREATS TO ENDANGERED, THREATENED, AND RARE SPECIES

In Jefferson County twenty-seven rare species live in the marl marshes. There is also one federally-listed Threatened Species: the Madison Cave Isopod, a small crustacean that lives in groundwater and has been documented in three locations, including two sites near the Rockwool factory. The WVDNR identifies several "High Quality and State Mussel Streams" including Evitts Run, Bullskin Run, Elks Run, and Long Marsh Run. The USFWS and the WVDNR also maintain lists of species of concern which includes the Baltimore Checker spot butterfly and Sedge Wren.

THREATS TO MIGRATORY BIRDS

Jefferson County is positioned on the Atlantic Flyway and immediately to the east of the Allegheny Front. Many migrating birds take advantage of the winds from the mountains and ridges of the Appalachian range to mitigate the challenges to their biennial long-distance flights. Migratory birds are protected under the Migratory Bird Treaty Act, which not only protects the birds themselves but also sets stipulations to protect habitats necessary for the birds' survival. According to Suzanne Offutt, Board President of the Potomac Valley Audubon Society air emissions from the Rockwool factory, especially particulate matter, will create hazards to migrating birds using the Atlantic Flyway.