

AGENDA
JEFFERSON COUNTY COMMISSION
THIRD QUARTERLY SESSION - JULY - SEPTEMBER 2019
THURSDAY, AUGUST 29, 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

- August 15, 2019

APPROVAL OF ACCOUNTS PAYABLE

- August 22, 2019
- August 29, 2019

APPROVAL OF MANUAL CHECKS

- August 23, 2019
- August 30, 2019

APPROVAL OF PAYROLL

- August 22, 2019

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT *(20 minutes)*

PRESENTATIONS

1. 10:00 a.m. Angie Banks, Assessor
 - Exonerations - Discussion/Action
 - Split Tickets - Discussion/Action

2. 10:15 a.m. Pete Dougherty, Sheriff
- Unclaimed Property Resolution - Discussion/Action
3. 10:30 a.m. Lynn Fields, Probate Office
- Close the estate of Billy Clevenger, deceased - Discussion/Action
4. 10:45 a.m. **BREAK**
5. 11:00 a.m. Public Hearing - Proposed text amendment to the Jefferson County Zoning and Land development Ordinance, File #ZTA19-02
6. 11:15 a.m. Ronda Eddy, Jefferson County Day Report Center
- Approval of Resolution and Grant Contract - Discussion/Action
7. 11:30 a.m. Interview/Appointment to the Eastern West Virginia Regional Airport Authority - one 3-year term ending July 2, 2022 - Discussion/Action
8. 11:45 a.m. Jennifer Brockman, County Planner; Roger Goodwin, Director, Engineering, Planning and Zoning; and Steve Stolipher, Vice President, Planning Commission
- Approval of the Planning and Engineering Services proposal from Greenway Engineering to update the Jefferson County Zoning and Land Development Ordinance and Subdivision and Land Development Regulations - Discussion/Action
9. 12:00 p.m. Alexandra Beaulieu, Zoning Administrator
- Provide overview of the Planning Commission's recommended Zoning Ordinance Text Amendment (ZTA 19-01) and to request that the County Commission schedule a public hearing - Discussion/Action
10. 12:15 p.m. Stephen Allen, Director, Jefferson County Office of Homeland Security and Emergency Management
- Approval of the 2019 Jefferson County Emergency Operation Plan (EOP)
- Resolution proclamation to observe September 2019 as National Preparedness Month in Jefferson County - Discussion/Action
11. 12:30 p.m. Jeffrey A. Polczynski, ENP - Director of Communications
- Appointment Request - Deputy Director - Discussion/Action
- Appointment of two full-time Public Safety Dispatcher II - Discussion/Action

12. 12:45 p.m. Nathan Cochran, Assistant Prosecuting Attorney
- Discussion of renewal of County cable franchise agreement and related issues - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #18-C-171 - Discussion/Action
 - Discussion of EEOC Charge #533-2017-00706 and 533-2019-01397 - Discussion/Action
 - Discussion of and communication with FEMA regarding potential resolution. U.S. District Court (Northern District) Civil Action #3:18-CV-122 - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #19-P-69 - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #19-AA-1 - Discussion/Action
 - Discussion of potential reimbursement of former PSD board member William Strider and/or Strider LLC for successful defense of ethics complaint
 - Discussion/Action

NEW BUSINESS

13. Possible letter of support for continuation of current MARC service - Discussion/Action (RL)

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

14. **ADJOURN**

CORRESPONDENCE/INFORMATION

Notice if intent to appoint to the Jefferson County Broadband Committee - 2 citizens.

Correspondence received from Giuliana A. Brogna regarding WVDEP stormwater permit associated with the construction of Rockwool and information regarding Rural Agricultural Defenders (RAD) water Symposium.

Correspondence received from Sarah Lannon regarding Rockwool PILOT.

Correspondence received from Gavin Perry regarding the Water Symposium schedule.

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

Minutes

Jefferson County Commission

Thursday, August 15, 2019

A meeting of the Jefferson County Commission was held on Thursday, August 15, 2019 during the third 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, and Patricia Noland. Commissioner Jane Tabb was absent with prior notice. Also present were Stephanie Grove, County Administrator; Jessica Carroll, Executive Administrative Assistant; and Jim Eddy, Bailiff. (An audio tape of the Thursday, August 15, 2019 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Compton led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Compton to approve the August 1, 2019 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Mr. Compton to approve the Requisitions for August 1, 2019 in the amount of \$57,859.28 to include Requisition Nos. 20004, 20005, and 20008. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK NUMBER	VENDOR NAME	CHECK AMOUNT
82108	ADVANTAGE TECHNOLOGY LLC	\$ 12,600.00
82109	AMERIFLEX	\$ 121.60

82110		BONDED APPLICATORS OF MD INC		\$	3,250.00
82111		CAPITAL ELECTRIC		\$	1,186.63
82112		CLAUDETTE M GAUJOT-TURNER		\$	188.65
82113		DODSON'S SEPTIC TANK CLEANING		\$	285.00
82114		EFTPS IRS TAXES		\$	95,788.50
82115		EMPOWER RETIREMENT		\$	2,630.00
82116		FEDEX		\$	461.09
82117		FIDELITY POWER SYSTEMS		\$	1,198.85
82118		GUTTMAN OIL CO		\$	3,453.48
82119		JEFFERSON RENTAL		\$	294.38
82120		JOYCE A. JOHNS		\$	4,200.00
82121		MCCALL HANDLING CO		\$	280.39
82122		BULLSEYE PROPERTIES, LLC		\$	4,376.52
82123		R.E. MICHEL CO. LLC		\$	196.68
82124		RICE TIRES CO		\$	795.94
82125		SENCOMMUNICATIONS LLC		\$	575.00
82126		SHERIFF OF JEFFERSON COUNTY		\$	721.63
82127		SOFTWARE SYSTEMS INC		\$	848.42
82128		SWAB WAGON CO.		\$	14,630.00
TOTAL				\$	148,082.76

Motion by Mr. Compton to approve the Accounts Payable for August 8, 2019 in the amount of \$128,082.76. Motion seconded and unanimously approved.

CHECK #		VENDOR NAME		CHECK AMOUNT
82129		BOLAND TRANE SERVICES INC		\$ 1,763.00
82130		BUREAU OF CHILD SUPPORT		\$ 169.39
82131		CAPITAL ELECTRIC		\$ 505.88
82132		P/R DEDUCTION		\$ 353.18
82133		P/R DEDUCTION		\$ 211.29
82134		P/R DEDUCTION		\$ 763.18
82135		FIFTH THIRD BANK		\$ 130,113.28
82136		FRANKLIN & PROKOPIK P.C.		\$ 22.50
82137		GUTTMAN OIL CO		\$ 3,938.72
82138		HELEN M MORRIS TRUSTEE		\$ 543.86
82139		JEFFERSON SECURITY BANK		\$ 4,685.00
82140		P/R DEDUCTION		\$ 2,250.00
82141		P/R DEDUCTION		\$ 299.86
82142		P/R DEDUCTION		\$ 201.70

82143		P/R DEDUCTION		\$	34.59
82144		NATIONWIDE RETIREMENT SOLUTIONS		\$	849.00
82145		R.E. MICHEL CO. LLC		\$	1,429.59
82146		P/R DEDUCTION		\$	972.26
82147		VITAL SIGNS		\$	475.00
82148		WV DEPUTY SHERIFF RETIREMENT SYSTEM		\$	15,606.37
82149		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$	44,194.74
82150		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$	500.00
TOTAL				\$	209,882.39

Motion by Ms. Noland to approve the Accounts Payable for August 15, 2019 in the amount of \$209,882.39. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

MANUAL CHECKS AUGUST 9, 2019				
Check#	Fund	VENDOR		Amount
662	HD/8	ATTENTI US INC		\$ 2,883.20
663	HD/8	CDA, INC		\$ 627.75
664	HD/8	PREMIER INTEGRITY SOLT.		\$ 560.00
741	AV/56	MILLER'S SUPPLIES AT WORK		\$ 173.76
1724	CO/246	FIFTH THIRD BANK		\$ 55,950.42
TOTAL				\$ 60,195.13

Motion by Mr. Compton to approve the Manual Checks for August 9, 2019 in the amount of \$60,195.13. Motion seconded and unanimously approved.

MANUAL CHECKS AUGUST 16, 2019				
Check#	Fund	VENDOR		Amount
742	AV/56	FIFTH THIRD BANK		\$ 455.68
743	AV/56	THE JOURNAL		\$ 560.00
316	FP/057	JEFFERSON CO FARMLAND PROT		\$ 67,267.36
1196	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 51,745.44
1197	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 1,513.76
1198	IP/249	VOIDED CHECK-PARK/REC		
1199	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 4,123.76

1200	IP/249	SHERIFF JEFFERSON CO - EMS		\$	495.25
TOTAL				\$	126,161.25

Motion by Mr. Compton to approve the Manual Checks for August 16, 2019 in the amount of \$126,161.25. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Mr. Compton to approve the Payroll for August 8, 2019 in the amount of \$268,063.19. Motion seconded and unanimously approved.

PUBLIC COMMENT

Public comment was made by the following individuals: David Tabb, Billie Garde, Ruth Hatcher, John Doyle, Barbara Stiefel, Jay Mansfield, Sharon Wilt, Catherine Jozwick, and Nancy Gregory. Please refer to the archived meetings on the jeffersoncountywv.org website to listen to public comment.

PRESENTATIONS

1. Angie Banks, Assessor – requested the approval of the following Exonerations:

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Brooke Haynes	PP	CTD	302232	\$18.56

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 302232 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
David & Kathleen Cook	PP	CTD	301287	\$456.88

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 301287 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Lynn Wolf	PP	SD	317824	\$16.24

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 317824 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Melissa Vanhorn	PP	CTD	304764	\$32.48

- **Motion by Mr. Lorenzetti to approve the Exoneration for Ticket No. 304764 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Peggy Ziegler & Natalie Bowers	PP	HF	309387	\$78.85

- **Motion by Mr. Hudson to approve the Exoneration for Ticket No. 309387 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Richard Belisle	PP	SD	315550	\$62.62

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 315550 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Robert & Beverley Petersen	PP	MD	313151	\$81.18

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 313151as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Ronald & Martha William	PP	CTC	306935	\$8.40

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 306935 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
James & Denise Ciotti	RE	HF	10932	\$122.92

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 10932 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Robert Avery	PP	SD	315474	\$53.35
Ivy Avery				\$41.75

- **Motion by Mr. Hudson to approve the Split Ticket for Ticket No. 315474 as presented. Motion seconded and unanimously approved.**

2. Roger Goodwin, Chief County Engineer – request for reimbursement of HOA engineering costs to complete site work – Chapel View Subdivison, Phase 2 (JCPC File No. 03-11)

- **Motion by Mr. Compton to approve payment in the amount of \$15,000 from the escrowed bond funds (JCPC file no. 03-11), to the Chapel View Subdivision HOA to pay CTL Engineering of West Virginia, Inc.’s retainer fee (CTL contract no. 18100057MOR, Change Order no. 1). Motion seconded and unanimously approved.**

3. Stephen Allen, Director, Jefferson County Homeland Security and Emergency Management – requested approval of the 2018 Jefferson County Emergency Operations Plan (EOP)
 - This item was delayed until the August 29, 2019 regularly scheduled County Commission meeting.

4. Interviews and Appointments to the Regional Airport Authority – one three-year term ending July 2, 2022.
 - This item was delayed until the August 29, 2019 regularly scheduled County Commission meeting.

5. The Commission recessed for break at 7:45 pm.
The Commission reconvened at 8:00 pm.

6. Lyn Goodwin, Interim Director, Jefferson County Development Authority – requested the consideration of compensation adjustment for JCDA Administrative Assistant.
 - **Motion by Ms. Noland to authorize a ten percent salary adjustment for the JCDA Administrative Assistant, retroactive to July 1, 2019. Motion seconded and unanimously approved.**

7. **Bill Polk, Director, Department of Maintenance**
 - a. Request for Reclassification
 - **Motion by Ms. Noland to reclassify Laura Kuhn as Office Manager with the Jefferson County Maintenance Department at a salary of \$55,000.00 effective August 19, 2019. Motion seconded and unanimously approved.**

 - b. Request for Approval to Advertise a Request for Qualifications for Professional Architecture/Consulting Services for the Proposed County Complex Project.
 - **Motion by Ms. Noland to enter into Executive Session to discuss a personnel matter. Motion seconded and unanimously approved.**

 - **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**

 - **Motion by Mr. Compton to approve the Requests for Qualifications for Professional Architectural/Consulting Services for the proposed**

county complex project. Motion seconded and passes on a vote of 3-1 with Commissioner Compton opposing.

8. 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
 - Discussion of Jefferson County Circuit Court Civil Action#18-C-171
 - Discussion of EEOC Charge #533-2017-00706 & #533-2019-01397
 - Discussion of Jefferson County Circuit Court Civil Action #19-P-69
 - Discussion of Jefferson County Circuit Court Civil Action #19-AA-1
 - Discussion of and communication with FEMA regarding potential resolution – US District Court (Northern District) Civil Action #3-18-CV-122.
- **Motion by Ms. Noland to enter into Executive Session to discuss personnel matters and receive legal advice regarding the above listed matters. Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**

UNFINISHED BUSINESS

9. Discuss replacing JCDA Board Member (PN)

- **Motion by Ms. Noland to remove Bob McEachern as a board member on the Jefferson County Development Authority Board for publicly discussing confidential matters. Motion seconded. Motion withdrawn.**
- **Motion by Mr. Lorenzetti to instruct the County Administrator to write a letter to Mr. McEachern to serve as notice of his conduct and reiterate the importance of the confidentiality agreement as a county appointed board member to the Jefferson County Development Authority. Motion seconded and unanimously approved.**

NEW BUSINESS

10. Approval of the 2019 Sheriff's Commission

- **Motion by Mr. Compton to approve the computation of the 2019 Sheriff's Commission. Motion seconded and unanimously approved.**

COUNTY ADMINSTRATOR REPORTS

- Approval of Poorhouse Farm RFP
 - The Commission provided unanimous consent to approve the Poorhouse Farm RFP with the added clause to consider other low-impact uses (aside from farming) that would not change the character of the property.
 - Approval of Revision to Policy 305
 - **Motion by Mr. Compton to accept the revisions to Policy #305 as presented by County Administrator Grove. Motion seconded and unanimously approved.**
 - Discussion of Payroll workflow and access to payroll information – Ms. Grove requested this discussion be delayed until a future meeting.
 - Discussion of Letter received from Millennium Insurance Group and access to Health Protected Information
 - **Motion by Mr. Compton to direct Ms. Grove to send a letter to Millennium Insurance Group outlining the employee roles regarding workflow, naming Tammy Shaffer as the HIPPA compliance privacy officer, and Michelle Gordon, Finance Director as the designated signee of contracts. Motion seconded and unanimously approved.**
11. The Commission adjourned at 10:25 pm on a motion by Mr. Compton. Motion was seconded and unanimously approved.

Patricia A. Noland, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant

DESCRIPTION	Fund 001 CO.	Fund 003 Dog	Total
Gross Wages	\$ 417,881.40	\$ 1,146.00	\$ 419,027.40
	\$ -		
6.2% Tax Payable OASDI	\$ 24,873.47	\$ 67.26	\$ 24,940.73
1.45% Tax Payable HI	\$ 5,817.20	\$ 15.73	\$ 5,832.93
Fed Withholding	\$ 40,115.54	\$ 90.97	\$ 40,206.51
WV State Withholding	\$ 18,016.27	\$ 55.65	\$ 18,071.92
PERS Retirement Deduct 4.5%	\$ 10,691.10	\$ 51.57	\$ 10,742.67
PERS Retirement Deduct 6%	\$ 4,515.57		\$ 4,515.57
Hosp. Pre-Tax	\$ 14,439.50		\$ 14,439.50
Cancer/ICU Pre-Taxed	\$ 609.70		\$ 609.70
Cancer/ICU Not Pre-Taxed	\$ 937.85		\$ 937.85
Optional Life Not Pre-Taxed	\$ 1,954.33		\$ 1,954.33
Christmas Club	\$ 4,685.00		\$ 4,685.00
Wage Attach #1	\$ 169.39		\$ 169.39
Wage Attach #3	\$ 500.00		\$ 500.00
DSRS Retirement Deduct 8.5%	\$ 6,408.98		\$ 6,408.98
457 - Nationwide	\$ 849.00		\$ 849.00
457I - Empower	\$ 1,990.00		\$ 1,990.00
457R - Roth	\$ 640.00		\$ 640.00
MD State Tax	\$ 621.63		\$ 621.63
D/VF	\$ 1,707.31		\$ 1,707.31
VA. State Tax	\$ 167.42		\$ 167.42
COLONIAL(PLUS)	\$ 81.60		\$ 81.60
Total Deductions	\$ 139,790.86	\$ 281.18	\$ 140,072.04
Net Wages Total	\$ 278,090.54	\$ 864.82	\$ 278,955.36
Payroll Date	22-Aug-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: **August 29, 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*):

- ✦ Exonerations – Discussion/Action
- ✦ Apportioned/Split Tickets – 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: Pete Dougherty

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

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice next meeting

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Unclaimed Property Resolution

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

The Sheriff's Office received postcards alerting us to unclaimed funds being held at their office. We initiated a claim for funds belonging to Jefferson County. In order for the Sheriff to claim these funds on behalf of the county, a resolution needs to be signed granting him approval to act upon the county's behalf.

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*):

I move to approve the Sheriff claim unclaimed property on behalf of the County Commission and authorize the signage of a resolution.

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

If not attached, explain:

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

Contact information:

Email address: pdougherty@jcsdvw.com

Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM

www.jeffersoncountywv.org

NAME: Lynn Fields

DEPARTMENT OR ORGANIZATION: Probate Office

ESTIMATION OF TIME NEEDED FOR APPT.: 10-20 minutes

DATE REQUESTED: 1ST CHOICE August 29th, 2019

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

SUBJECT: Close the estate of Billy Clevenger, deceased

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

This estate did not meet the requirements to be closed during the July term. The real estate has been sold and the closing attorney is holding the funds in escrow until the estate is closed. The two heirs requested a special session to close the estate and have the funds released.

ARE DOCUMENTS ATTACHED: To follow

IS A PROJECTOR NEEDED?: NO

lfields@jeffersoncountywv.org (304) 728-3210

NOTICE OF PUBLIC HEARING
Thursday, August 29, 2019 at 11:00 AM

The Jefferson County Commission has scheduled a Public Hearing on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-02. The text amendment, in accordance with WV Code §8A and Article 12 of the Zoning Ordinance, proposes a revision to Appendix C Principal Permitted and Conditional Uses Table. The purpose of this amendment is to change the classification for “Churches” from “Not Permitted” (NP) to “Conditional Use” (CU) within the Industrial Commercial zoning district, which would allow a church to be established on a parcel zoned Industrial Commercial via the Conditional Use Permit process, subject to a Public Hearing before the Board of Zoning Appeals.

Oral or written comments can be provided at the hearing, **11:00 AM Thursday, August 29, 2019** in the Charles Town Library meeting room at 200 E. Washington St., at the side entrance on Samuel St. You may also submit written comments to info@jeffersoncountywv.org or to PO Box 250, Charles Town, WV 25414.

A copy of the proposed text amendment is available at the Office of Planning & Zoning and on the County’s website at: www.jeffersoncountywv.org. If you have any questions, please call the Office of Planning & Zoning at 304-728-3228.

By Order of the Jefferson County Commission
Patsy Noland, President

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Alexandra Beaulieu, Zoning Administrator
Department or Organization: Department of Engineering, Planning and Zoning
Estimation of amount of time needed for appointment: 10 Minutes
Date Requested – 1st Choice: August 1, 2019

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

Date Requested – 2nd Choice:

Subject (Wording to be placed on agenda):

To provide an overview of the proposed Zoning Ordinance Text Amendment (ZTA 19-02) to change Churches from "Not Permitted" to "Conditional Use" in the Industrial Commercial zoning district and to request the County Commission to schedule a Public Hearing per WV Code §8A-7-8.

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

On June 11, 2019 Pastor Tanie Guy petitioned the Jefferson County Planning Commission to amend Appendix C: Principal Permitted and Conditional Uses Table of the Zoning Ordinance to change the provision for Churches in the Industrial Commercial zoning district from "Not Permitted" to "Conditional Use".

On July 9, 2019 the Planning Commission held a Public Hearing to receive public input on the proposed text amendment. One public comment was made in support of the proposed amendment. The Planning Commission, by a vote of 7-0, found that the proposed amendment was consistent with the Envision Jefferson 2035 Comprehensive Plan and recommended that the draft text amendment be forwarded to the County Commission for the purpose of holding a public hearing.

Is this a funding request? Y/N **If so, how much?** \$ **Provide exact financial impact/request:**

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

I move to schedule a public hearing on _____, 2019 at ___ a.m./p.m. to receive input on the proposed amendment to the Jefferson County Zoning Ordinance (ZTA19-02).

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

- Staff Memo to Planning Commission dated 07-09-19 for background information
- Petition from Pastor Tanie Guy dated June 3, 2019
- Proposed Text Amendment to Appendix C of the Zoning Ordinance (ZTA19-02)

If not attached, explain:

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

Contact information: Email address: planningdepartment@jeffersoncountywv.org Phone Number: 304-728-3228

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV25414

www.jeffersoncountywv.org

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

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMO

TO: Planning Commission

FROM: Alexandra Beaulieu, Zoning Administrator

DATE: 07-09-19

RE: ZTA19-02, Churches in the Industrial-Commercial Zoning District

Recently, Staff was made aware that a church had been operating out of a building in the Burr Industrial Park. Currently, Churches are listed as “Not Permitted” in the Industrial Commercial zoning district in Appendix C of the Zoning Ordinance.

The Church would like to come into compliance with the County’s requirements. In order for the church to continue operating from their current location, Staff advised that the first step to coming into compliance would be to request a text amendment to change churches from “Not Permitted” to either “Permitted” or “Conditional Use” in the Industrial-Commercial zoning district.

Staff recommended that the request should be to amend the Ordinance to allow churches to process via a Conditional Use Permit which would allow the opportunity for the Board of Zoning Appeals to evaluate each application on its own merits based on public input and surrounding uses. For example, the subject property is surrounded primarily by commercial uses and not industrial uses. In some instances, allowing an institutional use to locate within an industrial area may not be appropriate, which is why Staff advised against amending Appendix C to allow churches in the Industrial-Commercial zoning district by right.

Staff found that the proposed text amendment is consistent with the Comprehensive Plan’s recommendation to “Encourage the adaptive reuse of existing buildings and previously used sites within Jefferson County in context with their surroundings, paying particular attention to brownfield and greyfield sites.” (Urban Level Development Recommendations [Goal 1] Recommendation 10, page 32.) Staff did not identify any conflict with the Plan with regard to new construction of churches in the Industrial Commercial Zone via the Conditional Use Permit process.

With regard to the subject church, if the proposed text amendment is approved, the next step would be to apply for a Conditional Use Permit, subject to a Public Hearing before the Board of Zoning Appeals.

The Planning Commission’s role is to receive input from the public and to determine whether the proposed text amendment is consistent with the Envision Jefferson 2035 Comprehensive Plan. Following the public hearing, the Planning Commission will finalize the draft text amendment and make a recommendation to the County Commission. Once the Planning Commission forwards their recommendation to the County Commission, the County Commission is required to hold a Public Hearing to receive additional public input.

This text amendment reflects revisions to Appendix C, Principal Permitted and Conditional Uses Table.

Attachments:

- Urban Level Development Recommendations (Goal 1) from the Envision Jefferson 2035 Comprehensive Plan
- ZTA19-02, Churches in the Industrial-Commercial Zoning District

Land Use Classifications as shown on the Future Land Use Guide

The land use classifications on the Existing Land Use Map and Future Land Use Guide were developed throughout the planning process and may not relate precisely to a single zoning classification. These land use classifications are intended to provide guidance to the County and Planning Commissions when considering owner initiated zoning map amendments (rezoning requests). According to Chapter 8A of the West Virginia State Code, as amended, the County Commission can approve any zoning ordinance map or text amendment by finding that the request is consistent with the Comprehensive Plan. For zoning map amendments in areas outside of growth areas shown on the Future Land Use Guide, this Plan recommends that the County Commission can further determine that a requested zoning map amendment is consistent with the balance of the Plan by receiving evidence and making a finding that the zoning map amendment is for the economic well-being of Jefferson County; or by finding that there is an error or under scrutinized property on the Future Land Use Guide; or a change in the neighborhood; or any other circumstance that may have been missed when considering the Future Land Use Guide; and/or that environmental impacts have been considered. Detailed information regarding the land use classifications as shown on the Existing Land Use Map and Future Land Use Guide and discussed in the following recommendations can be found in Appendix G – Land Use Map Classifications.

1.A. Urban Level Development Area

Land use and infrastructure are intertwined and in turn affect each other. This section is primarily focused on the land use recommendations for the urban areas. More information on infrastructure can be found in the section titled “Economic Development, Employment, and Infrastructure” on page 64.

Much of the development that has taken place in recent decades has taken place outside of the traditional boundaries of the municipalities of the County. In fact, over 76% of the County’s population resides outside the municipalities. In some cases, development has taken place on land either annexed into municipalities or adjacent to existing incorporated areas, with some residential development disconnected from the adjacent municipalities with large gaps of open land that may or may not be farmed at present. This form of development can affect the viability of agricultural activities (due to noise, smell, and access issues) as well as creating the need to provide infrastructure services to outlying areas which has proven costlier than developments located closer to the existing urban core of the County.

As communities have looked more closely at the cost of extending services to developments constructed further from existing fire, police, water and sewer facilities, many communities have recognized the need to rethink their land use plans and planning processes to favor residential and commercial development in closer proximity to these services.

This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan. By encouraging higher densities within the Urban Growth Boundaries and Preferred Growth Areas and working closely with municipalities, the best result can be accomplished by providing opportunities for development within these areas with established infrastructure systems. It should be noted that these statements are not about reducing development; it is about growing in a fashion that more efficiently uses existing infrastructure and services.

While the Jefferson County Commission may not have a fiduciary responsibility to provide some of these services or the authority for some services provided, such as public utility systems and the road network, citizens of the County are impacted by the cost of these services. Any land use policy that Jefferson County adopts will have an impact on other agencies such as water and sewer providers, law enforcement, fire and rescue, EMS, and the West Virginia Division of Highways (WVDOH). Appropriate placement of utilities and roads can concentrate those resources in a way that the cost of providing those services decreases in proportion to the number of residents who use those features. The WVDOH has noted that the ability to provide roadway improvements in a concentrated area is a better use of their limited resources.

In addition to the provision of water and sewer services in a community, one of the key differentiations between urban areas and rural areas is the proximity of residents to community facilities such as parks, schools, community centers, fire and police facilities, and libraries. In urbanized areas, community facilities are typically located in close proximity to neighborhoods. In some cases, schools, playing fields, recreational facilities, and libraries share parking and/or stormwater infrastructure with two or more uses being located within the same building or site. These facilities are connected to neighborhoods via sidewalk, bike or trail networks and serve as anchors for the neighborhood and its residents. In many cases, the school playgrounds and fields also serve, either formally or informally, as a park space for the neighborhood. Conversely, as the growth of communities has become more decentralized over the last several decades, the location of community facilities has followed this pattern.

As new neighborhoods are connected into the water and sewer networks, a large number of subdivisions have their own pump station to move sewer from their area to the main treatment facility. While this is partially a result of current regulations that do not allow for public utilities to expand facilities until there is demand present, the pattern has been cited by local public service officials as one that adds to the cost of both maintaining and operating the existing system. This also results in a capacity issue to serve all the developments. For existing developments that are on well and septic, there may be opportunities to connect to public water and sewer, dependent upon the residents' wishes or any necessary public safety and health requirement.

The WVDOH is responsible for the construction and maintenance of nearly all publicly owned roadways in the state, including all roadways located outside of municipalities.

The remaining roadways are privately owned and are maintained by the residents of a community, by owners of properties adjoining a roadway, or by members of a Homeowners Association (HOA).

Since West Virginia county governments have little control over the roadways in their jurisdiction, planning for interconnectivity of developments requires creative solutions. HOAs are reluctant to allow automobile traffic that is not generated by the subdivision to utilize their road system because they are not contributing to the maintenance costs. When an accident occurs where there is not interconnectivity, drivers are unable to be rerouted away from the main roads/entrances and rescue vehicles are forced to work through the stalled traffic to get to the accident site. Conversely, in a more connected development, the side streets would serve as a valve to the main roadway while also being used as a way for rescue vehicles to get to an accident site.

With this in mind, it is important for Jefferson County to work with the West Virginia Division of Highways, land developers, and homeowners associations in order to be in a position to better connect neighborhoods via an enhanced street network including walking, biking, or trail paths and to provide for a more efficient public utility system. Additional information regarding transportation can be found in the "Economic Development, Employment, and Infrastructure Element (includes Transportation)" on page 64.

Redevelopment

There are numerous examples, both locally and nationally, of existing buildings that have been repurposed and retrofitted to meet modern needs. Examples range from large barns that have been repurposed for small local business or into apartment buildings to factories that have been reutilized as mixed-use facilities incorporating housing, offices and retail. More modern buildings have been repurposed as churches, schools, or public libraries with the ability for adaptive reuses presenting many applications.

In many cases, the repurposing of a building not only benefits the community by redefining the fabric of a neighborhood, but tends to be less costly than new construction once financial incentives are factored into the total cost. The reuse of older buildings also benefits the environment by retaining a building that might otherwise end in a landfill, saving the use of new building materials, and not developing on existing farmland or open space. With abandoned or underutilized structures, the concept of reutilization and revitalization is something that should be explored; however, at times the State Building Code makes rehabilitation of existing structures difficult.

In some areas of Jefferson County there are buildings that may avail themselves to be converted into residential structures. While some, like the upper levels of stores in the municipalities and villages are available, other buildings, such as former warehouses and other such structures and barns, require additional creativity to recognize as potential dwellings. By providing guidance and directing potential developers to

structures that might be fit for adaptive reuse for housing, it is anticipated that some of the older structures in Jefferson County could be retained and have a new life.

Urban to Rural Transition

Due to annexation and changes in building practices across our Country since World War II, there is less delineation between downtown areas and the rural areas of the community. This is due to suburban residential and highway commercial development patterns with individual access and parking along major corridors leading from traditional downtowns. With the approval of Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) as a part of Envision Jefferson 2035, an opportunity exists to work with the municipalities to create and implement a series of design principles that reflect the nature of the existing communities, while ensuring an appropriate transition between town and country inside the UGBs and PGAs. In instances where a municipal boundary abuts an area designated for Rural Land Use and the Agricultural Economy as defined in this section, page 36, it is expected such areas shall be rural.

In an effort to guide land development in the municipalities, UGBs, and PGAs, the following are recommendations to achieve this goal.

Urban Level Development Recommendations (Goal 1)	
1.	Recognize the existing vested rights, development entitlements, and permitted density levels on properties in Jefferson County.
	a. No property's zoning status will be changed as part of this Plan.
2.	Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future Land Use Guide and the recommendations of this Plan; the County Commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:
	a. Economic Well-Being of the County; or
	b. Error or Under Scrutinized Property on the Future Land Use Guide; or
	c. Change in Neighborhood; or
	d. Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
	e. Environmental impacts are considered.
3.	Identify opportunities for small area plans and involve key stakeholders.
4.	In coordination with the Jefferson County Development Authority, utility providers, and other agencies, extend natural gas services and alternative energy sources into Jefferson County and encourage the extension of these services into new subdivisions to provide access to alternatives for heating and cooking uses.
5.	Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.
	a. Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available.
	b. Reduce application fees for urban level development located within the areas desired for urban future growth.
	c. Establish a greater variety of zoning district options (in commercial, residential, and mixed-use zoning categories) that adhere to predictability of land use options and outcomes based on the Plan recommendations.
	d. Consider the utilization of alternatives to use-separated (Euclidean) zoning within the UGB and PGA, such as the SmartCode adopted by the City of Ranson or performance based zoning to achieve the desired land used goals.
	e. Update the County's zoning regulations in a way that balances flexibility of use for property owners and developers while preserving the quality of life for residents.

	<p>f. Streamline development review and permitting policies by establishing a two tiered system that would allow greater power for staff review for projects of a certain size or smaller scale, etc.</p>
6.	<p>Require new urban level development to provide opportunities for multi-modal accessibility and to occur in a manner that enables connectivity to existing street and infrastructure networks or for future connectivity as development is extended to municipalities, UGBs, PGAs, or Villages.</p>
	<p>a. Create and implement the results of small area studies that would address the potential provision of infrastructure, accessibility, place making, and community facilities.</p>
	<p>b. Require viable integration of multi-modal accessibility to facilities as part of new development plans.</p>
	<p>c. In coordination with the West Virginia Division of Highways, identify key corridors where publicly owned roadways might be beneficial to the overall development of the County.</p>
	<p>d. Coordinate with existing property owners/HOA's to extend existing roadway corridors when possible to connect into adjoining neighborhoods or new development. At a minimum, this may include pedestrian, non-motorized vehicle, and/or emergency access ways.</p>
7.	<p>Encourage the location of new infrastructure (water, sewer, utilities) within municipalities, UGBs, PGAs, or Villages.</p>
	<p>a. Direct new development to be contained in municipalities, UGBs, PGAs, Villages, and areas zoned for Residential Growth (RG), where public water and sewer will be available.</p>
	<p>b. In designating where public utilities are to be delivered, enable public utility providers the ability to right size the infrastructure needed as development occurs, while considering the ability of current and future customer base to assume the debt for the infrastructure.</p>
	<p>c. Encourage that new investment by public entities be focused toward the municipal areas, including the UGBs and the PGAs.</p>
8.	<p>Encourage the location of new community public facilities (such as schools, libraries, parks) within Municipalities, UGBs, PGAs, or Villages.</p>
	<p>a. Encourage the clustering of development so that the developer retains their density while dedicating community facilities.</p>
	<p>b. Locate and integrate new neighborhoods so that existing community centers, schools, parks, or libraries serve the needs of the new development.</p>
	<p>c. Whenever possible, construct community facilities in areas served by public water and/or sewer.</p>

9.	Develop incentives for the protection of historic, cultural and/or natural resources during site development.
	a. Allow the applicant the ability to achieve permitted density and/or intensity on a site while allowing for the protection of the desired resource.
	b. Allow opportunities for development to take place at a higher density/intensity than might be otherwise be possible to offset the cost associated with protection of these resources.
10.	Encourage the adaptive reuse of existing buildings and previously used sites within Jefferson County in context with their surroundings, paying particular attention to brownfield and greyfield sites.
	a. Identify specific sites and structures where adaptive reuse could occur that will assist with the redevelopment of brownfields and greyfield areas where the existing building(s) can be rehabilitated. (using sites from <i>Ranson Renewed</i> as an example)
	b. Identify and obtain funding mechanisms to remediate sites and encourage the utilization of these areas.
	c. Collaborate with the development community and interested environmental associations that can assist the County in amending its development provisions to encourage universal design, energy efficiency, and enhanced on- or off-site storm water retention.
11.	Reduce stormwater runoff, nutrients, sediment, and waste materials that reach the Potomac and Shenandoah Rivers, as well as other water bodies through development oversight provisions.
	a. Amend the parking requirements to support walkable and/or transit oriented communities per the land development standards based on site design and site amenities.
	b. Allow developers the option to provide fewer than the minimum required parking spaces if it can be determined that sufficient mitigation measures are in place.
12.	Development on US 340 South should limit any land uses of a higher intensity than current zoning allows to the area between the existing US 340 right-of-way and the proposed preferred alignment right-of-way.
	a. The area to the east of the preferred alignment is to remain zoned Rural, except the intersection of Myerstown Road and the proposed preferred alignment.
	b. Once a Record of Decision is published by the West Virginia Division of Highways, within 18 months, the Departments of Planning and Zoning should begin an updated land use plan for this area to reflect the commitment on the part of the state to construct the new four lane road.

	<p>c. Require that confirmation from public service providers be submitted, as a part of the application, stating that public water and sewer infrastructure can be provided to the proposed property to be rezoned (including cost), before any zoning map amendments occur in this area.</p>
13.	<p>Develop design criteria and access management standards for the WV 45 corridor west of the Shepherdstown Preferred Growth Area and within the Shepherdstown Growth Management Boundary to the Jefferson/Berkeley County line.</p>
	<p>a. Ensure that any new development or redevelopment along this corridor occur in a manner that recognizes and enhances the gateway aspect of this corridor.</p>
	<p>b. Require that an additional setback from the road right-of-way be set aside to allow for a roadway widening improvement easement, a pedestrian easement to include a hard surface trail, a landscaping strip wide enough to support large canopy trees, and the subsequent start of the development. This commitment of land shall not affect the overall permitted density and may require adjustments elsewhere in the development plan. This easement area shall be required whether or not the land is conveyed to a public agency.</p>
	<p>c. Require that developments be configured to eliminate lots having individual access onto WV 45. Lots shall use common access easements or rights-of-way to gain access to the state right-of-way.</p>
14.	<p>Require all commercial/industrial zoning map amendment requests to utilize new zoning categories adopted on June 1, 2014 (or later) and discourage the use of the existing Residential-Light Industrial-Commercial (R-LI-C) District as a zoning category for zoning map amendment requests.</p>
	<p>a. Encourage any development in a zone that permits mixed use to be developed according to the Mixed Residential/Commercial or Mixed Office/Commercial ratios found in the land use category recommended by this Plan, unless otherwise provided in the Zoning Ordinance.</p>
15.	<p>Develop new non-rural residential zoning categories in line with the residential land use categories recommended by this Plan and require that all non-rural residential zoning map amendment requests utilize the new categories, after the creation of such new residential zoning districts.</p>
16.	<p>Collaborate with state legislators to amend WV Code 8A to allow conditions to be imposed meeting specified requirements on proposed zoning map amendments.</p>
	<p>a. Encourage the state legislature to include adaptive reuse of historic structures in State Building Code.</p>

ASCENSION

73 Edmond Rd., Suite 2
Kearneysville, WV. 25425

RECEIVED

JUN 03 2013

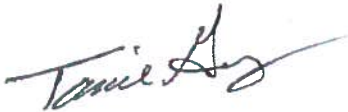
JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

June 3, 2019

Dear Planning Commission,

We are a tenant at 73 Edmond Rd, which is in a complex of business offices. The zoning for this complex is Industrial Commercial (IC) which does not permit a church to operate. We are requesting a text amendment to Appendix C: Principle Permitted and Conditional Uses Table to change the Land Use for a Church in the IC zoning from Not Permitted (NP) to Conditional Use (CU).

Thank you for your consideration.



Pastor Tanie Guy
Church Administrator
304 930 1161 (O)
304 886 5409 (C)

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37}

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

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Ronda Eddy, Director

Department or Organization: **Jefferson County Day Report Center**

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

Date Requested – 1st Choice: **August 29, 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*): **Approval of Resolution and contract – Discussion/Action**

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

Is this a funding request? Y/N

If so, how much? \$ 0 (Pass through Grant)

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

Motion to approval of Resolution, contract, and grant document – 20-CC-07 in the amount of \$155,000.00 and to authorize the President of the Commission to affix her signature to the appropriate documents - Discussion/Action

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

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

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

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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State of West Virginia
Division of Administrative Services
DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

1201 Greenbrier Street
Charleston, WV 25311
(304) 558-2350

JEFF S. SANDY, CFE, CAMS
CABINET SECRETARY

DENNY RHODES
DIRECTOR

August 5, 2019

The Honorable Patricia Noland
President
Jefferson County Commission
Post Office Box 250
Charles Town, West Virginia 25414

Re: Approved Funding – \$155,000.00
Jefferson Day Report Center
Project Number: 20-CC-07

Dear Commissioner Noland:

Congratulations on your recent award for a Jefferson Day Report Center Grant Award. Enclosed you will find:

- A Contract with Attachment A (copy of completed application);
- A Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements;
- EEOP Certification – Two (2) forms – one completed form to the Office for Civil Rights and one completed form returned to the Division of Justice and Community Services (signed by Authorized Official)
- Revised Standard and Federal Conditions and Assurances; and,
- A sample resolution.

To formalize your acceptance of this grant award, please sign the contract, certification, Conditions and Assurances and affect a resolution (if necessary) and return the **originals** to this office by August 23, 2019.

Additional information regarding the administrative procedures that govern this grant program will be sent directly to your designated Project Director in the near future. In the interim, should you have questions concerning the contract or other enclosures, please contact me at (304) 558-8814, Extension 53349, or via email at Marty.A.Hatfield@wv.gov.



1124 Smith Street, Charleston, WV 25301
Phone: 304-558-8814

Patricia Noland
August 5, 2019
Page 2 of 2

I look forward to working with you on this project and feel confident that our efforts will prove tremendously beneficial to the State of West Virginia.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'MHA', with a long horizontal stroke extending to the right.

Marty Hatfield
Senior Criminal Justice Specialist

mahlanm

C: Ronda Eddy (*all attachments*)
Grant File (*all attachments*)
Enclosures

GRANT CONTRACT AGREEMENT
BETWEEN
DIVISION OF ADMINISTRATIVE SERVICES
JUSTICE AND COMMUNITY SERVICES SECTION
AND
Jefferson County Commission

20-CC-07

This **AGREEMENT**, entered into this **30th Day of July 2019**, by the Deputy Director of the Division of Administrative Services, Justice and Community Services Section, hereinafter referred to as "JCS", and the Jefferson County Commission, hereinafter referred to as "Grantee."

WHEREAS, JCS is the recipient of Community Corrections Funds from the State of West Virginia., and

WHEREAS, the Grantee is an eligible applicant who is desirous of receiving funds for: **These funds will be utilized for the continued operation of a community corrections program in Jefferson County.**

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

1. The Grantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. JCS agrees to assist the Grantee to perform such tasks and functions as set forth in the application, which is attached hereto and made part hereof, hereinafter referred to as Attachment A.
3. The Grantee shall do, perform, and carry out in a satisfactory and proper manner as determined by JCS all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.
4. The Grantee will commence its duties under the Agreement on **July 1, 2019** and shall continue those services/activities until **June 30, 2020**. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.
5. In consideration of the services rendered by the Grantee, the sum of up to **\$155,000.00** shall be obligated by JCS and said amount shall be deemed to be the maximum compensation to be received for this Agreement unless a written modification is entered into between the parties amending this Agreement.
6. It is the understanding of all parties to this Agreement that JCS by joining in the Agreement does not pledge, or promise to pledge, the credit of the State of West Virginia, nor does it promise to pay all of the compensation hereunder from monies of the Treasury of the State of West Virginia.

7. It is the understanding of all parties to this Agreement that JCS has determined that the Grantee will receive an upfront scheduled allocation of funds.
8. If the Grantee is not receiving an upfront scheduled allocation of funds: To be eligible for any and all payments of the grant amount, the Grantee shall submit a Request for Reimbursement of Funds once per month to JCS. Upon receipt of said request, JCS shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. Grantee shall submit a fiscal report detailing expenditures to JCS by the twentieth (20th) day of each month.
9. If the Grantee is receiving an upfront scheduled allocation of funds, the Grantee hereby agrees to adopt a schedule of payments dictated by JCS: To be eligible for any and all scheduled allocation of funds of the total grant amount, the Grantee shall submit a Request for Funds to JCS which adheres to the schedule of payments. Upon receipt of said request, JCS shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. Grantee shall submit a fiscal report detailing expenditures to JCS by the twentieth (20th) day of each month.
10. Grantee hereby represents that it possesses the legal authority to contract for this Agreement and that attached hereto and made a part hereof as Attachment B is a certified copy of the resolution, motion or similar action which was clearly adopted or passed by the Grantee's governing body; and further, that it has directed and authorized an official representative to act in connection with this Agreement. If the Grantee is a State agency, the completed application signed by the agency head is sufficient.
11. Grantee agrees to abide by the grant conditions, terms, assurances and certifications which are a part of Attachment A and such other special terms and conditions that JCS has set forth in Attachment C which is incorporated herein and made part hereof, if said Special Conditions are appropriate to this Agreement.
12. If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner, obligations under this Agreement, the JCS may withhold payments to the Grantee upon notice in writing, suspend, or cancel this Agreement and Attachments. The notice of withholding payments, suspension, or cancellation should set forth the JCS reasons for taking said action.
13. JCS and Grantee may from time to time require changes in the scope of services performed hereunder. Grantee agrees to submit a written request for modification prior to changing any budget line item. All such changes, including any increase or decrease in the amount of compensation hereunder or work to be performed, which are mutually agreed upon between the parties shall be in writing.
14. If for any reason funds received by JCS are suspended or terminated, in whole or in part, funding for this Agreement shall cease.

15. Grantee shall within the time period prescribed by grant conditions upon the termination of the Agreement, submit to JCS a final report on forms provided by JCS. Said reports shall reflect actual costs incurred or expended during the terms of this Agreement.
16. The parties hereto agree that notice shall be given by personal service or served when mailed certified U.S. Mail, postage prepaid, return receipt requested to the following addresses:
 - a. Justice and Community Services Section
1124 Smith Street, Suite 3100
Charleston, West Virginia 25301-1323
 - b. **Grantee Mailing Address:**
Jefferson County Commission
Post Office Box 250
Charles Town, West Virginia 25414
17. The Grantee shall hold and save JCS and its officers, agents and employees harmless from liability of any nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries or damages sustained by any persons or property resulting in whole or in part from the negligent performance or omission of any employee, agent or representative of the Grantee.

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

Patricia Noland, President
Post Office Box 250
Charles Town, West Virginia 25414

**Joseph C. Thornton, Deputy Director
Justice and Community Services Section**

...NOTHING FOLLOWS



**WEST VIRGINIA DIVISION OF ADMINISTRATIVE SERVICES
JUSTICE & COMMUNITY SERVICES SECTION
STANDARD CONDITIONS & ASSURANCES**

Effective: July 23, 2019
Revision History: N/A

The following Standard Conditions and Assurances apply to all Grant Programs that the Division of Administrative Services, Justice and Community Services (JCS) Section administers. The application of these Assurances is applicable regardless of the source of funding and/or whether the recipient receives an upfront allocation of funds or is operating under a request for reimbursement process.

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

Justice and Community Services Section
1124 Smith Street, Suite 3100
Charleston, West Virginia 25301-1323

1. **LAWS OF WEST VIRGINIA:** This grant application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by JCS, regardless of the original funding source. At the sole discretion of JCS, this grant can be based on a "reimbursement bases" mechanism, or a mechanism which awards an "upfront allocation" of funds on a quarterly or semi-annual basis. Upon timely notification to the grantee, JCS reserves the express right to commute an upfront allocation mechanism to a request for reimbursement mechanism for a recipient of funds, at any time during a grant period.
2. **LEGAL AUTHORITY:** The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required if applicable.
3. **RELATIONSHIP:** The relationship of the grantee to JCS shall be that of an independent contractor, not that of a joint enterprise. The grantee shall have no authority to bind JCS for any obligation or expense without the express prior written approval from JCS.
4. **COMMENCEMENT WITHIN 60 DAYS:** This project must be operational within 60 days of the project starting date, as specified in the grant contract agreement. If the project is not operational within 60 days of the specified project starting date, the grantee must report by letter to JCS, the steps taken to initiate the project, the reasons for delay, and the expected starting date.

5. **OPERATIONAL WITHIN 90 DAYS:** If the project is not operational within 90 days of the specified project starting date, the grantee must submit a second statement to JCS explaining the delay in implementation.

6. **SUSPENSION OF FUNDING:** The grantee acknowledges that acceptance of an award is not a guarantee of funds. Further, by accepting this award, the grantee acknowledges and agrees that JCS may suspend in whole or in part, terminate, or impose other sanctions on any grantee funds for the following reasons:

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

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

- Withholding of payments to the grantee until the grantee complies or, if reports are more than 60 days late, the funding for that month is forfeited and may not be recouped or remedied;
- Cancellation, termination or suspension of the contract, in whole or in part;
- Refraining from extending any further assistance to the grantee until satisfactory assurance of future compliance has been received;
- If the grantee is receiving funds on an upfront basis, JCS can commute the transfer of funds mechanism to a reimbursement only process for the remainder of the grant period;
- If the grantee is receiving funds on an upfront basis and a determination is made by JCS that funds were intentionally or unintentionally misused, misappropriated, misspent or otherwise not consistent with the intents and purpose of the grant, the grantee automatically forfeits any remaining funds from the grant program, and any other awarded funds from any other program, until a satisfactory resolution has been achieved;
- If a grantee is indebted to JCS for any amount of funds at the close of an applicable quarter, semi-annual or end of a grant period, and the debt is not resolved within 30 days following the close of those periods, the grantee acknowledges and agrees that it is automatically ineligible to receive or apply for funds from JCS for any grant program; and
- Grantee agrees and acknowledges that under no circumstances may it commute a debt to be applied as matching funds; or, will JCS reduce a future quarterly or semi-annual allotment or future award as repayment of the debt. Repayment must be from a general account or an account unrelated to the grant award.

8. **ACCOUNTING REQUIREMENTS:** Grantee agrees to record all project funds and costs following generally accepted accounting principles. A unique account number or cost recording must separate all project costs from the grantee's other or general expenditures. Adequate documentation for all project costs and income must be maintained. Adequate documentation of financial and supporting material must be retained and be available for audit purposes. Federal regulations prohibit the commingling of Federal grant funds with funds from other sources; further, funds received on an upfront basis from JCS for one program may not be comingled with funds received on an upfront basis for another JCS program.
9. **REPORTS:** Regardless of an award being on an upfront or reimbursement basis, each grantee shall submit all reports as JCS requires necessary to the execution of monitoring, stewardship, and evaluation of programmatic and fiscal responsibilities.
10. **WRITTEN APPROVAL OF CHANGES:** The grantee must obtain prior written approval from JCS for all project changes (programmatic, fiscal or otherwise) before those changes are executed.
11. **OBLIGATION OF PROJECT FUNDS:** Funds may not, without prior written approval from JCS, be obligated prior to the effective start date or subsequent to the termination date of the project period. Obligations outstanding as of the project termination date shall be liquidated within thirty (30) days.
12. **USE OF FUNDS:** Funds awarded through JCS may be expended only for the purposes and activities specifically covered by the grantee's approved project scope and budget. By attaching their signature, the grantee recognizes that any deviations from the original grant budget are unallowable.
13. **ALLOWABLE AND UNALLOWABLE COSTS:** Allowable and unallowable costs incurred under this grant shall be determined in accordance with General Accounting Office principles and standards, state guidelines, and federal guidelines pursuant to the specific grant program.
14. **PURCHASING:** When making purchases relevant to the grant, the grantee will abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government or another agency. See 148CSR1 of the West Virginia State Code.
15. **PROJECT INCOME:** All income earned by the grantee as a result of the conduct of this project must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established for grant funds by JCS. All grantees must maintain records that clearly show the source, the amount, and the timing of all project income. There is no waiver provision for the project income requirement.
16. **MATCHING CONTRIBUTION:** The grantee will have available, and will expend as required, adequate resources to defray that portion of the total costs as set forth in this application as "match" and as approved by JCS. The applicant assures that the matching funds required to pay the grant portion of the cost of each program and project, for which funds are made available, shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Matching contributions are subject to the same expenditure guidelines as grant funds for this program. All grantees must maintain records that clearly show the source, the amount, and the timing of all matching contributions. In addition, Federal grant dollars from any source may not be utilized as matching funds.

17. **TIME EXTENSIONS:** In general, time extensions will not be granted. Unexpended grant funds remaining at the close of the grant period shall be deobligated. Funds remaining at the end of a project where an upfront allocation will, by the deadline of the final financial and progress report, be remitted back to JCS.
18. **NON-SUPPLANTING:** Grant funds must be used to supplement existing funds for program activities and may not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from state grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The grantee hereby certifies that funds made available under this grant will not be used to supplant other funding sources.
19. **TRANSFER OF FUNDS PROHIBITION:** The grantee is expressly prohibited from transferring funds between any JCS programs. Federal regulations prohibit the commingling of Federal grant funds with funds from other sources.
20. **TRAINING:** For projects involving payment of personnel, JCS reserves the right to require training as a condition of the grant before or at any time during the project period.
21. **PURCHASE OF AMERICAN-MADE EQUIPMENT/PRODUCTS:** To the extent practicable, all equipment and products purchased with state funds made available under this grant should be American-made.
22. **MARKING OF EQUIPMENT:** Grantee will ensure that all equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by Justice and Community Services."
23. **PROPERTY ACCOUNTABILITY:** The grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a grant by JCS. This obligation continues as long as the property is retained by the grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from JCS. Grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program (if applicable), with copies provided to JCS. Property must be used for the intended grant purposes. If the property is not being used in accordance with terms of the grant, said property will revert to JCS.
24. **COMPUTER EQUIPMENT:** Grantees purchasing computer equipment (hardware, software, or peripherals) with grant funds are required to adhere to the established bidding procedures for their respective units of government or agency. To ensure reputable vendors are obtained, grantees may consider utilizing the current applicable State computer contract. Computer equipment must adhere to minimum requirements established by the West Virginia Office of Technology.
25. **LEASE AGREEMENTS:** Grantee agrees to provide JCS with a copy of the lease arrangement if funds are being requested for reimbursement or utilized as match.
26. **PATENTS AND/OR COPYRIGHTS AND RIGHTS IN DATA:** Grantee acknowledges that JCS, or any applicable parent federal agency, reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an

award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support. Grantee agrees to consult with JCS regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

27. **ACCESS TO RECORDS:** JCS, through any authorized representative, shall have access to and the right to examine all records, books, papers, or documents related to the grant and to relevant books and records of contractors.
28. **CIVIL RIGHTS COMPLIANCE:** Grantee will comply with any applicable federal nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. §§ 10228(c) and 10221(a); the Victims of Crime Act (34 U.S.C. §20110(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); the Violence Against Women Act (34 U.S.C. § 12291(b)(13)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations; Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations; and the DOJ implementing regulations at 28 C.F.R. Part 38. Subrecipients of grants under the Violence Against Women Act (VAWA) of 1994, as amended, are prohibited from discriminating on the basis of sexual orientation or gender identity. These laws collectively prohibit grantees from discriminating on the basis of race, color, national origin, sex, disability, age, religion, sexual orientation and gender identity. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of age, disability, race, color, religion, national origin, or sex against a recipient of funds, the grantee will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs and Justice and Community Services Section.
29. **RELIGIOUS ACTIVITIES:** Grantees must ensure that services are offered without regard to religious affiliation and that receipt of services is not contingent upon participation in a religious activity or event. Furthermore, all religious activities must be separate in time or place from the funded project. Participation in such activities by individuals receiving services must be voluntary.
30. **LOBBYING:** Grantee will comply with any and all lobbying provisions and/or restrictions as outlined in the Uniformed Guidelines, Department of Justice Guidelines, and as outlined in §6B-2-5 of the West Virginia State code.
31. **CONFLICT OF INTEREST:** No public official or employee of the grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can reasonably be expected to result in any benefit or remuneration to that individual or that individual's immediate family as discussed in the W. Va. Code §§ 6B-1-1 through 6B-3-11).
32. **FREEDOM OF INFORMATION ACT:** All records, papers, and other documents kept by recipients of grant funds are required to be made available to JCS. These records and other documents submitted to JCS and its grantees, including plans and application for funds, reports, etc., may be subsequently required to be made available to entities under Federal Freedom of Information Act, 5. U.S.C. §552, or Chapter 29B, Article 1 (West Virginia Freedom of Information) of the West Virginia Code. JCS recognizes that some information submitted in

the course of applying for funding under this program or provided in the course of its grant management activities, may be considered law enforcement, personnel, juvenile sensitive, or personal or otherwise important to national or state security interests. This may include threat, risk and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures.

While this information under state control is subject to requests made pursuant to the Chapter 29B, Article 1 of the West Virginia Code, all determinations concerning the release of information of this nature are made on a case-by-case basis by JCS and may fall within one or more of the available exemptions under the Act.

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

JCS has the authority to release all information which does not meet an exemption to the public without a FOIA.

- 33. NATIONAL AND STATE EVALUATION EFFORTS:** The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.
- 34. SUBMISSION/RELEASE OF PUBLICATIONS/PRESS RELEASES:** The grantee must submit one copy of all reports and proposed publications resulting from this agreement to JCS twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements: "This document [product] was prepared under a grant from the West Virginia Division of Administrative Services, Justice & Community Services Section (or simply "JCS"). Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the State of West Virginia Division of Administrative Services, Justice & Community Services Section or any entity of the Department of Justice." In addition, the grantee agrees not to utilize the JCS logo without written permission.
- 35. JUVENILE JUSTICE & DELINQUENCY PREVENTION ACT:** Grantee agrees to comply with the four core protections under the Juvenile Justice & Delinquency Prevention (JJDP) Act of 1974, reauthorized 2002.
- Deinstitutionalization of status offenders (DSO).
 - Separation of juveniles from adults in institutions (separation).
 - Removal of juveniles from adult jails and lockups (jail removal).
 - Reduction of disproportionate minority contact (DMC), where it exists.

As well as, 101CSR1 of the West Virginia code. This includes, but is not limited to, completing the annual WV Certification of Non-Secure Facilities and submitting to JCS, if applicable, and submitting a monthly Secure Holding Log, if applicable.

- 36. COLLABORATION W/OTHER FEDERAL AND STATE GRANTS:** Where warranted, this initiative/grantee shall make every effort to support or assist other federally funded or State grant programs in any manner, including but not limited to, providing personnel, supplies, equipment, and any other resources deemed necessary by JCS.

- 37. USE OF DATA/EXCHANGE OF INFORMATION:** With respect to programs related to criminal justice information systems, the grantee agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. The grantee further agrees:
- a. That all computer programs (software produced under this grant) will be made available to JCS for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
 - b. To provide a complete copy of the computer programs and documentation, upon requests, to JCS. The documentation will include, but not be limited to, system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
 - c. That whenever possible all application programs will be written in standardized programming languages or will adhere to Open Database Connectivity format for use on general operating systems that can be utilized on at least three different manufacturers of computer hardware with similar size and configuration capabilities.
 - d. To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Criminal Justice Systems Clearinghouse (916-392-2550) should be contacted to determine availability of software prior to any development effort.
- 38. NATIONAL AND STATE EVALUATION EFFORTS:** The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.
- 39. EQUAL EMPLOYMENT OPPORTUNITY PLAN:** The grantee will provide an Equal Employment Opportunity Plan (EEO) to the Office for Civil Rights, Office of Justice Programs (OCR) and JCS. Each grantee certifies that it has executed and has on file an Equal Employment Opportunity Plan which conforms with the provisions of 28 CFR Section 42.301, et. seq., Subpart E; or that in conformity with the foregoing regulations, no Equal Employment Opportunity Plan is required. The grantee further certifies that it has filed an EEO Certification form and, if required, an EEO Utilization Report, through the EEO Reporting Tool at <https://ojp.gov/about/ocr/eeop.htm>.
- 40. VETERANS PREFERENCE:** This program includes a provision that grantees utilizing funds to hire additional personnel, to the extent possible, give suitable preference in employment to military veterans. JCS defines "suitable preference" as the requirement that a grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.
- 41. IMMIGRATION AND NATURALIZATION VERIFICATION:** The grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of state funds to verify that employees are eligible to work in the United States.
- 42. POLITICAL ACTIVITY:** The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government, and some state and

local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees (5 U.S.C. §§ 7321-7326). (These amendments did not change the provisions that apply to state and local employees. 5 U.S.C. §§ 1501- 1508.). Please reference West Virginia Code § 29-6-20 for state restricted activities.

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

To the best of my knowledge the applicant has and will comply with all of the attached Standard Conditions and Assurances.

Authorized Official [please print]: Patricia Noland

Authorized Official Signature: _____

Date: _____



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

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

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

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

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

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

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

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

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

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

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

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

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

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

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

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

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

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

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

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

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

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

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

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

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

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

Place of Performance (Street address, city, county, state, zip code)

Check ___ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ___ if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620--

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address: Jefferson County Commission PO Box 250 Charles Town WV 25414

20-CC-07

55-6000333

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

Patricia A. Noland, President

4. Typed Name and Title of Authorized Representative

August 29, 2019

5. Signature

6. Date

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

INSTRUCTIONS

Completing the Certification Form

Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

The federal regulations implementing the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, require some recipients of financial assistance from the U.S. Department of Justice subject to the statute's administrative provisions to create, keep on file, submit to the Office for Civil Rights (OCR) at the Office of Justice Programs (OJP) for review, and implement an Equal Employment Opportunity Plan (EEOP). *See* 28 C.F.R. pt. 42, subpt. E. All awards from the Office of Community Oriented Policing Services (COPS) are subject to the EEOP requirements; many awards from OJP, including awards from the Bureau of Justice Assistance (BJA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC) are subject to the EEOP requirements; and many awards from the Office on Violence Against Women (OVW) are also subject to the EEOP requirements. If you have any questions as to whether your award from the U.S. Department of Justice is subject to the Safe Streets Act's EEOP requirements, please consult your grant award document, your program manager, or the OCR.

Recipients should complete *either* Section A *or* Section B *or* Section C, not all three.

Section A

The regulations exempt some recipients from all of the EEOP requirements. Your organization may claim an exemption from all of the EEOP requirements if it meets any of the following criteria: it is a nonprofit organization, an educational institution, a medical institution, or an Indian tribe; *or* it received an award under \$25,000; *or* it has less than fifty employees. To claim the complete exemption from the EEOP requirements, complete Section A.

Section B

Although the regulations require some recipients to create, maintain on file, and implement an EEOP, the regulations allow some recipients to forego submitting the EEOP to the OCR for review. Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business; *and* (2) have fifty or more employees; *and* (3) have received a single grant award of \$25,000 or more, but less than \$500,000, may claim the limited exemption from the submission requirement by completing Section B. In completing Section B, the recipient should note that the EEOP on file has been prepared within twenty-four months of the date of the most recent grant award.

Section C

Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business, *and* (2) have fifty or more employees, *and* (3) have received a single grant award of \$500,000 or more, must prepare, maintain on file, *submit to the OCR for review*, and implement an EEOP. Recipients that have submitted an EEOP Utilization Report (or in the process of submitting one) to the OCR, should complete Section C.

Submission Process

If a recipient receives multiple awards subject to the Safe Streets Act, the recipient should complete a Certification Form for each grant. Recipients should download the online Certification Form, have the appropriate official sign it, electronically scan the signed document, and then send the signed document to the following e-mail address: EEOPForms@usdoj.gov. *The document must have the following title: EEOP Certification.* If you have questions about completing or submitting the Certification Form, please contact the Office for Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, DC 20531 (Telephone: (202) 307-0690 and TTY: (202) 307-2027).

Public Reporting Burden Statement

Paperwork Reduction Act Notice. Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a current valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated minimum average time to complete and file this application is 20 minutes per form. If you have any comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office of Justice Programs, 810 7th Street, N.W., Washington, D.C. 20531.

RESOLUTION

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

Be it resolved that the **Jefferson County Commission** hereby authorizes **Patricia Noland, President** of the **Jefferson County Commission** to act on its behalf to enter into a contractual agreement with the Division of Administrative Services (DAS) Justice and Community Services (JCS) Section to receive and administer grant funds pursuant to provisions of the West Virginia Community Corrections Grant Program.

Signed: _____

County Clerk

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **August 29, 2019**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Interview/Appointment to the Eastern West Virginia Regional Airport Authority – one three-year term ending July 2, 2022**

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

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Jessica Carroll

From: Nicolas Diehl <nic@flymrb.com>
Sent: Monday, August 19, 2019 3:41 PM
To: Jessica Carroll; Neil Doran
Cc: 'zappedan@reagan.com'; Stephanie Grove; Patricia Noland
Subject: Re: Need for Zappe appointment letter

Jessica,

Thank you for the reply. Mr. Zappe serves at the 167th ANG, which can cause some scheduling conflicts. However, he has a strong attendance rating otherwise and is an important asset to the Eastern West Virginia Regional Airport Authority. As a board member, Mr. Zappe has the unique perspective of being able to understand struggles on both sides of the runway. We would respectfully request the Jefferson County Commission reappoint Mr. Zappe to another term on our board. We are at a unique situation with the development of the airport and his input is critical. Thank you for your consideration.

Nicolas Diehl



Nicolas H. Diehl, Executive Director
Eastern West Virginia Regional Airport Authority

Nic@flymrb.com
170 Aviation Way - Suite 101, Martinsburg, WV 25405
T: (304) 263-2106 M: (304) 702-3700 www.FlyMRB.com

From: Jessica Carroll <jcarroll@jeffersoncountywv.org>
Date: Monday, August 19, 2019 at 1:00 PM
To: Neil Doran <ndoran@flymrb.com>
Cc: "'zappedan@reagan.com'" <zappedan@reagan.com>, Stephanie Grove <sgrove@jeffersoncountywv.org>, Nicolas Diehl <nic@flymrb.com>
Subject: RE: Need for Zappe appointment letter

Mr. Doran –

The Commission postponed action on the appointment to the Regional Airport Authority as another applicant appeared at the August 15 meeting and raised concerns regarding Mr. Zappe's attendance at the EWVRAA board meetings. The Commission would like the opportunity to speak with Mr. Zappe if possible, either in person or via phone interview. The next regularly scheduled County Commission meeting is on August 29 at 9:30 am. I'll have a time certain for the interviews by close of business on Monday, August 26, at which time I'll be back in touch.

Please let me know if you have any additional questions.

Thanks,

----- Original message -----

From: Jessica Carroll <jcarroll@jeffersoncountywv.org>

Date: 8/2/19 09:23 (GMT-08:00)

To: 'Neil Doran' <ndoran@flymrb.com>

Cc: Stephanie Grove <sgrove@jeffersoncountywv.org>, "'nic@flymrb.com'" <nic@flymrb.com>,
"'zappedan@reagan.com'" <zappedan@reagan.com>

Subject: RE: Need for Zappe appointment letter

Mr. Dornan –

Please be advised that, per County policy, Mr. Zappe has been notified of his term expiration and the term has been advertised to the public in the event others are interested in applying. This matter is scheduled for the August 15 County Commission agenda, at which time the Commission will be making an appointment to the board.

Mr. Zappe will need to contact me in writing (via e-mail or US mail) by Monday, August 12 stating he wishes to remain serving on the EWVRAA.

Once the Commission has taken action on this matter, I will be happy to forward a letter of appointment you. Please let me know if you have any questions.

Thank you,

Jessica D. Carroll

Executive Administrative Assistant

Jefferson County Commission

PO Box 250

Charles Town, WV 25414

304-728-3284 (p)

304-725-7916 (f)

170 Aviation Way - Suite 105, Martinsburg, WV 25405

T: (304) 263-2106, ext. 2 F: (304) 267-6350

ndoran@flymrb.com - www.FlyMRB.com - facebook.com/EWVRAA

***** CONFIDENTIALITY NOTICE ***** This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute, forward or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

John William Allen
147 Old Middleway Road
Kearneysville, WV 25430
john.w.allen@comcast.net
304-261-8463

August 8, 2019

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

Dear County Commissioners,

I respectfully submit this letter and my resume for consideration to be appointed the representative for Jefferson County on the Regional Airport Authority scheduled for Thursday, August 15, 2019 that was advertised in the August 7, 2019 edition of the Spirit of Jefferson and Farmers Advocate.

It is my opinion I could well serve Jefferson County in this position as I am a fairly lifelong resident of Jefferson County, having moved here with my parents in 1972 at the age of 5, only leaving for a few years to serve our Country in the US Army. I am also the product of the West Virginia education system, attending Shepherdstown Elementary, North Jefferson Elementary, Shepherdstown Junior High, Jefferson High, Shepherd College and Mountain State University ultimately earning a Bachelor's Degree from West Virginia University Institute of Technology with a concentration in Aviation Management.

I am also a Commercial Pilot and Certified Flight Instructor with knowledge of the Federal Aviation Regulations, airport operations and the needs of aviators which could provide something valuable currently absent on the Airport Authority. I also have extensive experience in infrastructure development, construction, facility management and project management that could prove beneficial in steering the direction of a great facility.

Thank you for your time and consideration. I look forward to hearing my name announced at the Commission meeting and bringing my skills and experience to the service of our community.

Sincerely,



John W. Allen, AGI, IGI, CFI, CFII

Enclosure: Resume'

John William Allen
john.w.allen@comcast.net
(304)261-8463

FLIGHT EXPERIENCE	Certificates and Ratings: Commercial Pilot, ASEL, Instrument Airplane CFI, CFI-I, AGI, IGI; AMEL-Private Privileges Endorsements: Hi-Performance, Complex, Tailwheel FAA Second Class Medical FAA Remote (sUAS pt. 107) Pilot	Total Hours (07/31/19) 445.7 Pilot in Command 340.9 Instrument 71.7 Cross Country 121.3 Night 8 Multiengine 39.5 Tail Wheel 3.2
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EDUCATION **West Virginia University Institute of Technology** Montgomery, WV
Regents Bachelor of Arts May 2016
Aviation Management Concentration

OTHER LICENSES/CERTS Class "A" Commercial Driver's License with
HazMat, Tanker, Passenger, Doubles/Triples and Motorcycle Endorsements
CPR/AED First Aid Certification
OSHA 10 Hour (Construction Safety and Health)
OSHA Confined Space Entry and Rescue

SKILLS Computer
Proficient with Microsoft Windows based PCs and Microsoft Office programs
Word, Excel, Outlook and PowerPoint
Proficient with iPad based Aviation app ForeFlight

AFFILIATIONS AOPA, EAA, NAFI

MILITARY SERVICE **United States Army** **Honorable Discharge**
Air Defense Operations and Intelligence, Sergeant/E5 February 1994

- Served as a working section supervisor of a 10-person staff Radar/Communications Anti-Aircraft missile Installation.
- Developed schedules and manpower requirements for 24/7 operation of installation.
- Developed and implemented continuous training programs to ensure a high level of readiness.
- Served all tours OCONUS

John William Allen
john.w.allen@comcast.net
(304)261-8463

**WORK
HISTORY**

Self-Employed (Affiliated with Aero-Smith, Inc.)
Certified *Flight Instructor (freelance)*

Martinsburg, WV
7/2017-Present

- Provide classroom, ground and flight instruction for private, instrument and commercial students.
- Conduct student pilot phase checks and “mock” check rides for practical exam candidates.
- Conduct discovery, site seeing and maintenance flight operations.

USDA, US Forest Service, Harpers Ferry Job Corps CCC
Assistant Work Program Officer (AWPO)

Harpers Ferry, WV
4/2014-4/2017

- Assisted with developing annual budget and recurrent work plans for operations and maintenance projects for 20 plus buildings situated on 77 acres.
- Developed, implemented and managed preventive maintenance programs.
- Planned projects, set/adjusted short-term priorities and prepared/monitored schedules for work completion of construction and rehabilitation projects.
- Provided technical/administrative supervision to employees, assigned work based on priorities, consideration of difficulty and employee capability.
- Supervised, evaluated and monitored work performance of employees and contractors.
- Served as Contracting Officer Representative (COR).
- Assisted with developing OSHA action plans, 5 year plan updates, center safety program, building fire plans.
- Assisted directing the overall planning and operation of the Career Technical Training (CTT) program by serving as Assistant Vocational Training Manager.
- Collected, collated and analyzed data and metrics tracking success of the CTT program.
- Communicated with other management staff, trade instructors, supervisors, staff members and representatives of local public community groups.
- Managed Center vehicle and equipment fleet properties.
- Served as trainer for new employees requiring CDL.
- Served as Center Certified Driver-Operator Examiner.

River Riders, Inc.
Seasonal, Part-time CDL Driver

Harpers Ferry, WV
4/2015-9/2017
(3 Seasons)

- Operated small passenger vans, shuttles and up to 52 passenger capacity busses safely transporting customers/guests to activities offered by the company.
- Interacted with customers/guests one-to-one and in large groups providing information regarding activities offered.
- Operated road tractors with up to 53 foot long trailers over local roads and confined off-road areas.
- Assisted with driver training and evaluation of new driver employees.

John William Allen
john.w.allen@comcast.net
(304)261-8463

The National Institutes of Health,

Ft. Detrick, MD

Maintenance Mechanic WG-4749-10/3

11/2010 –1/ 2014)

- Maintained, operated, troubleshot and repaired building equipment in the trade areas of mechanical, structural, electrical and grounds maintenance.
- Responded to service order calls orally or in writing through the computerized maintenance management system (CMMS).
- Input of pertinent data in CMMS.
- Performed preventative maintenance inspections on building equipment and operating systems.
- Performed upkeep of buildings, fixtures and utilities pertaining to Bio-Safety Level (BSL) 3 &4 facilities.
- Maintained Level 2 Public Trust Clearance in Bio-surety Select Agent Program.

Canyon Construction Corporation

Frederick, MD

Vice President, WV Operations: 5/2006-8/2009

2/2006-8/2009

Manager, Concrete Division: 2/2006-8/2009

Project Manager: 2/2006-8/2009

- Responsible for all operations in the state of West Virginia.
- Responsible for profit/loss of WV operations.
- Prepared or reviewed all quotes and proposals for West Virginia operations.
- Managed crews and subcontractors ensuring completion on time/under budget.
- Ensured all regulations complied with regarding the hiring and termination of employees.
- Reviewed contract requirements and ensured they were met.
- Mediated contract disputes between subcontractors and customers.
- Reviewed contractor submittals and verified contract requirements achieved.
- Ensured quality control and safety programs were enforced.
- Managed all commercial (WV, MD, VA, PA) concrete operations.
- Prepared or reviewed quotes and proposals for all concrete projects.

Frederick Precast Concrete, Inc.

Frederick, MD

General Manager 1/2003-1/2005

3/2001-1/2005

Production Manager 3/2001-1/2003

- Responsible for overseeing and guiding general plant operations (50+ employees).
- Generated all engineering take-offs, material lists, and production orders.
- Coordinated special designs with structural engineers.
- Scheduled production to meet requirements of customers and sales representatives.
- Supervised and assisted with all shipping and receiving.
- Monitored quality control program.
- Prepared quotes for inside sales.
- Resolved plan discrepancies, structure problems, and design questions with civil engineering firms and our customers.
- Visited job-sites to maintain customer relations and address problems.
- Company liaison to various state, county and municipal governmental agencies.

John William Allen
john.w.allen@comcast.net
304-261-8463

Winchester Building Supply

Winchester, VA

Plant Superintendent

2000-2001

- Supervised production crews and yard personnel.
- Ensured all work scheduled by manager completed efficiently.
- Responsible for inventory, loading and unloading of trucks.
- Assisted manager with scheduling of deliveries.
- Supervised or performed field repairs of product as required.
- Performed plant maintenance and repair of equipment.
-

Rocky Top Wood Preservers

Rocky Mount, VA

Customer Service/Sales

1998-2000

- Prospected for new business and maintained customer relations with existing clients in Mid-Atlantic Region.
- Conducted product knowledge classes for employees of major corporate clients, with emphasis on the safe handling of pressure-treated lumber.
- Investigated and evaluated complaints at retail sales level concerning quality of product.
- Inspected job sites to determine proper use of pressure-treated lumber.
- Prepared reports of inspection results and new client contacts.

J.A.M.S. Construction Company

Harpers Ferry, WV

Owner/Operator

1993-1998

- General contractor for the construction of single-family homes.
- Planned and installed underground utility projects (electric, telephone, cable, water, sewer) and individual residential sewage disposal systems.
- Completed home site excavations.
- Operated heavy equipment including backhoe, skid loader, track loader, dump truck and trailer.
- Estimated and prepared project proposals
- Ensured all work was performed to applicable codes and that all necessary permits were obtained.
- Maintained records as required to operate a small business.
- Hired, trained, supervised and terminated employees.

Radiation Systems, Inc.

Sterling, VA

Production Planner

1990-1994

- Reviewed blueprints, developed bills of materials.
- Performed manufacture vs. purchase/costs analysis.
- Originated work-orders and purchase requisitions.
- Generated production schedules and maintained project records.
- Served as project manager on contracts of \$500,000 or less.
- Served as liaison with program management, engineering, purchasing, quality assurance and manufacturing to ensure timely, cost-effective production.

John William Allen
john.w.allen@comcast.net
304-261-8463

Past held Licensing/Certifications:

- **Siemens Building Automation Systems**
 - 5-615, APOGEE Field Panel and FLN Operations
 - 5-620, APOGEE Workstation Operations
 - 5-630, APOGEE PPCL Programming
- **ACI Concrete Field Technician-Grade I: #076085**
- **MARTCP Concrete Field Technician: #1326-MD**
- **VDOT HCC Plant Technician / Field Technician**
- **West Virginia Contractors License: WV023823**
 - **Excavating**
 - **General Building**
 - **Septic and Sewer Systems**
- **West Virginia Individual Sewer System Installer (Class I & II)**
 - **Class I Systems: WV 54-94-0215**
 - **Class II Systems: WV 54-94-A-0215**
 - **Berkeley County: BC-153**
- **West Virginia Blasting License Class A- Unlimited**
- **Class A- unlimited**

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jennifer Brockman, County Planner; Roger Goodwin, Director, Engineering, Planning and Zoning; and Steve Stolipher, Vice President Planning Commission

Department or Organization: Office of Planning and Zoning

Estimation of amount of time needed for appointment: 15 Minutes

Date Requested – 1st Choice: August 29, 2019

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

Date Requested – 2nd Choice:

Subject (Wording to be placed on agenda):

Approval of the Planning and Engineering Services Proposal from Greenway Engineering (attached) to update the Jefferson County Zoning and Land Development Ordinance and Subdivision and Land Development Regulations

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

At the May 2, 2019 County Commission meeting, the Planning Commission requested authorization to advertise a Request for Qualifications for a land use consultant to assist with a comprehensive update to the County's Zoning and Land Development Ordinance and Subdivision and Land Development Regulations. They noted that while their work plan continues to include numerous amendments to these ordinances, as development has picked up in Jefferson County, staff is needed to focus on the current planning tasks related to site plans and subdivisions and applications before the Board of Zoning Appeals and Planning Commission and therefore cannot focus on these needed amendments. The Request for Qualifications was advertised in multiple locations in late May with a due date of response by June 14, 2019.

Planning Commission formed a Committee which reviewed the applications and prioritized them by qualifications. Three firms were interviewed by the Committee and Engineering, Planning, and Zoning staff on July 19, 2019 and a top candidate was chosen the following week. The Committee and Staff held a scoping meeting with the top candidate on August 1, 2019 to review the required amendments and discuss the consultant's proposed process. The consultant's proposal and cost estimate was sent to the Committee and staff on August 9, 2019 and is now being forwarded to the County Commission for discussion and approval.

Is this a funding request? Y/N **If so, how much?** \$48,600 **Provide exact financial impact/request:**

See attached proposed scope of work and cost proposal.

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

I move to approve the proposal dated 8/9/19 submitted by Greenway Engineering to update and reorganize the Jefferson County Zoning and Land Development Ordinance and Subdivision and Land Development Regulations and authorize _____ to sign the scope of services contract.

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



704 Foxcroft Avenue
Martinsburg, WV 25401

August 9, 2019

Jefferson County Planning Commission
116 East Washington Street, Suite 200
Charles Town, WV 25414

Re: **Jefferson County Land Development Ordinance Update**
Planning & Engineering Services Proposal

Dear Commissioners:

On behalf of Greenway Engineering please find the enclosed proposal for Professional Planning/Consulting Services associated with the tasks required to update and reorganize the current Jefferson County Subdivision and Land Development Regulations and Zoning Land Development Ordinance. We would be honored to work as an extension of Jefferson County Planning Staff to facilitate the amendment, reorganization, and update of the Ordinance(s) to make them more efficient, orderly, and user-friendly. A summary of our services is shown below, with detailed scope of services to follow:

<u>SUMMARY OF SERVICES</u>	<u>FEES</u>
Item 1: Review, Research, & Executive Summary	\$6,680.00 (Lump Sum)
Item 2: Greenway Draft Ordinance	\$13,460.00 (Lump Sum)
Item 3: County Draft Ordinance-Revisions	\$8,260.00 (HNTE)
Item 4: Public Processing	\$10,200.00 (HNTE)
Item 5: Meetings, Correspondence, & Coordination	\$10,000.00 (Hourly Allowance)

Engineers Surveyors Planners Environmental Scientists Laboratory QC Inspection Services
Telephone 304.620.5111 Fax 540.722.9528
www.greenwayeng.com

ITEM 1 – (22EX) REVIEW, RESEARCH, AND EXECUTIVE SUMMARY

Greenway Engineering will review the Zoning Ordinance and Subdivision Ordinance for the County to identify language and/or sections that should be relocated from one ordinance to the other, identify language and/or sections that should be relocated within the existing code, and to determine how the structure of both ordinance documents can be revised to make the ordinances more user-friendly and more organized. Greenway will also review all written suggestions provided by Jefferson County Planning Commission and Planning and Engineering Staff during this phase. Once this has been determined by Greenway, we will prepare an executive summary and an outline of our recommendations, specific to both ordinances, that will be provided to the Jefferson County Planning Commission Subcommittee for information and comment.

FEE: \$6,680.00

Lump Sum

Item 1

ITEM 2 – (22OA) GREENWAY DRAFT ORDINANCE

The scope of this task will include receiving comments from the Planning Commission Subcommittee regarding our recommendations from Item #1 above. Once written comments have been provided, Greenway will prepare necessary revisions and will create the draft information and reorganized documents in Microsoft Word. The scope of this task entails the required time for Greenway to develop one (1) working draft of the land development ordinance, which will include proposed updates to the Subdivision and Zoning Ordinances, based on written comments received. The deliverable for this task will be a draft ordinance to be delivered to the Jefferson County Planning Commission Subcommittee, for dissemination as they deem fit, in preparation for item #3 outlined below.

FEE: \$13,460.00

Lump Sum

Item 2

ITEM 3 – (22OA) COUNTY DRAFT ORDINANCE REVISIONS

The scope of this task will include working in collaboration with the Planning Commission Subcommittee to finalize the revisions to the Zoning Ordinance and the Subdivision Ordinance that have been deemed necessary. These recommendations will become part of the draft ordinance to be utilized for the public process (Item #4 below). The scope of this task will include time associated with the collaborative process between Greenway Engineering and the Jefferson County Planning Commission Subcommittee. The scope of this item is based on the acceptance of Item(s) #1 and #2, outlined above. The scope of this task will include up to two (2) rounds of revisions from the Jefferson County Planning Commission Subcommittee and/or Jefferson County Planning and Engineering Staff to the Greenway working draft ordinance that will be created with the scope outlined in Item #2. This item assumes that revision requests will be submitted to Greenway in writing, or by email. The scope of this task assumes that the client and Greenway will reach a client accepted draft of the ordinance in two (2) rounds of revisions. The scope of this item does not include public hearings or work sessions. Public hearings, work sessions, stakeholder meetings are included in the scope of Item(s) #4 and #5 below. If additional rounds of revisions are required, Greenway can provide these services with additional scope and a signed addendum.

FEE: \$8,260.00

HNTE

Item 3

ITEM 4 – (11PX) PUBLIC PROCESSING

The scope of this task encompasses the work associated with attending planning commission meetings, public hearings, and county commission meetings, for the purpose of gaining input from Jefferson County Planning Commission Members, Jefferson County Commissioners, and the general public on the proposed ordinance draft that will be drafted as a result of Item #3. Greenway will assist the Planning Commission Subcommittee to present and facilitate discussion at public meetings and work sessions. Greenway anticipates the following meetings:

1. Planning Commission Work Session Meeting;
2. Planning Commission Public Comment Meeting;
3. Planning Commission Public Hearing;
4. County Commission Work Session;
5. County Commission Public Hearing

Greenway will work in collaboration with the PC Subcommittee to finalize the revisions to the Zoning Ordinance and the Subdivision Ordinance that they deem necessary to recommend for the public process. We will coordinate with staff representative to have meetings recorded and we will develop detailed summary of items gleaned from public process through the PC Public Comment Meeting. We will provide information to County Commission and PC to determine items deemed appropriate for consideration and prepare final revisions for consideration during the PC Public Hearing and County Commission Public Hearing. The scope of this task includes two (2) Greenway representatives' attendance at up to five (5) public meetings/work sessions/stakeholder meetings. The scope of this task will also include up to three (3) rounds of revisions to the draft ordinance. If additional rounds of revisions are required, Greenway can provide these services with additional scope and a signed addendum.

FEE: \$10,200.00
HNTE
Item 4

ITEM 5 – (10MC) MEETINGS AND CONFERENCES, CLIENT CORRESPONDENCE, AND PROJECT COORDINATION

Unless specifically outlined in Items #1 through #4 above, any meetings either in house or offsite, as requested by the Planning Commission, County Commission, Jefferson County Staff, necessary for completion or approval of this project, will be billed hourly. This task also includes time associated with client correspondence and project coordination, necessary for the completion of the project, that is outside of the scope of Items #1 through #4 above. All time will be billed hourly in accordance with our current hourly rate schedule, which is attached for ease of reference. If we reach this budget threshold, we will meet with the County to review scope and determine if an addendum is needed.

FEE: \$10,000.00
Hourly Allowance
Item 5

ADDITIONS/REVISIONS/EXCLUSIONS

The fees listed above are in effect from the date on this proposal until 60 days thereafter. If the proposal has not been executed within the 60 days, Greenway Engineering, Inc. has the right to reevaluate scope and associated fees and present the client with an updated proposal. Upon contract ratification, a percentage increase in fees may be applied for contract durations over 12 months.

Greenway Engineering, Inc. also reserves the right to obtain an adjustment in the fee due to changes in the scope of services not provided for herein and outside our control and beyond our view. Our proposal is predicated on the exhibits and information presented to us and the applicable ordinances and regulations in effect as of the date of this proposal. Any modifications to the scope of the project which require Greenway Engineering, Inc. to perform additional work will be billed on an hourly basis or a lump sum fee, as agreed upon by the client.

Any other work not specifically stated herein is excluded from the scope of this proposal. Additionally, all application fees required for submittal or processing any Items identified in this proposal will be the responsibility of the client.

We understand that in the preparation of this scope of services, we will have assistance (if necessary) from the client(s)/developer's consultants, i.e., architect, mechanical engineer, electrical engineer, structural engineer, soils or geotechnical engineer, soils testing laboratory, underground utility location specialist, and an attorney if necessary. Greenway Engineering, Inc. shall be held harmless from errors or omissions by these consultants.

PRINTS, FEDERAL EXPRESS, DELIVERIES, MAILINGS, ETC.

Prints, Federal Express charges, deliveries and mailing costs for plans, exhibits and reports will be billed to you as ordered through the appropriate service item listed above in addition to the quoted fee. If you have an account setup with a local printing company, we can have that company bill you directly for these printing costs.

PAYMENT/COLLECTIONS/INTEREST

Payment is due 30 days from the invoice date unless prior written arrangements have been made. Account balances past 30 days of invoice date are considered "delinquent accounts" and are subject to interest accruing on the past due amounts at a rate of 1% per month from the date(s) such balance(s) is/are 30 days past due. Should default of any or all payments occur related to the agreed services in this proposal and the account is referred to "collections", it will then be your obligation to pay all collection costs, including, but not limited to, court costs, attorney's fees equal to 40% of the balance due (which 40% shall be deemed to be reasonable attorney's fees hereunder), lien fees, and collection company fees, accrued interest and any other costs incurred for the collection of this debt.

We reserve the right to stop services and withhold the issuance of documents for delinquent accounts. Services and the issuance of documents will resume when delinquent accounts are made current.

Payment should be sent to 151 Windy Hill Lane, Winchester, Virginia 22602.


MEDIATION

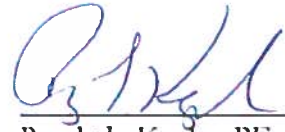
You agree that any dispute that may arise regarding the meaning, performance or enforcement of this contract will, prior to resorting to litigation, be submitted to mediation, and that the parties will engage in the mediation process in good faith once a written request to mediate has been given by any party to the contract. Any mediation initiated as a result of this contract shall be administered within Frederick County, Virginia, by a mediator mutually selected by the parties. The results of any such mediation shall be binding only upon agreement of each party to be bound. The costs of any mediation proceeding (but not including attorney's fees) shall be shared equally by the participating parties. In the event mediation does not result in an agreement between the parties, then any ensuing litigation shall be conducted within said Frederick County, according to

Virginia law, and the parties agree and consent that venue and jurisdiction shall be proper in the General District Court or the Circuit Court of Frederick County, Virginia.

We appreciate the opportunity to submit this proposal. Please contact me should you have any questions or wish to change the scope of services.

Sincerely,
Greenway Engineering, Inc.

 8/9/19
Date
Jamie Rogers MacLean, CZO, CFM
Director of Planning, WV

 9-AUG-2019
Date
Randy L. Kepler, PE
Director of Engineering

Signature of representative responsible for payment of services is required for execution of the contract.

The scope of services and terms of this proposal are accepted:

Print Authorized Representative Responsible for Payment of Services Name and Title

Signature of Authorized Representative Responsible for Payment of Services Date

***Refer to the BILLING INFORMATION sheet attached for additional information needed for our billing purposes.**

BILLING INFORMATION

Please provide all applicable information that applies to your company for billing purposes.

The following information is required for execution of the contract.

Verification of Land Ownership

Legal Property Owner: _____

Company: _____

Address: _____

Contact No.: _____

Email: _____

Responsible Billing Party (if different from landowner)

Responsible Individual: _____

Company: _____

Address: _____

Contact No.: _____

Email: _____

The following information is optional if applicable to your company.

Required Documents

Check below, if any, the documents your company requires for billing purposes.

- Purchase Order
- On-site Signed Purchase Order
- Signed Time Tickets
- Certification of Insurance
- W-9
- Waivers
- Accounts Payable Registration
- _____
- _____
- _____

GREENWAY ENGINEERING, INC.

Reimbursable Rate Schedule 2019

PRINT TYPE

8 ½ x 11 Black and White	\$0.10
8 ½ x 14 Black and White	\$0.15
11 x 17 Black and White	\$0.20
18 x 24 Black and White	\$2.00
24 x 36 Black and White	\$3.00
30 x 42 Black and White	\$4.00
36 x 48 Black and White	\$5.00
8 ½ x 11 Color	\$0.35
8 ½ x 14 Color	\$0.70
11 x 17 Color	\$1.00
24 x 36 Color	\$15.00
30 x 42 Color	\$25.00
18 x 24 Mylar	\$7.00
24 x 36 Mylar	\$12.00
30 x 42 Mylar	\$16.00

COMPILATIONS

Computer Disk	\$10.00
USB Flash Drive	\$10.00
Spiral Bound Binder	\$5.00
<i>This price is strictly for the binder and does not include the price of the individual prints.</i>	
3-Hole Binder	\$10.00
<i>This price is strictly for the binder and does not include the price of the individual prints.</i>	

COURIER SERVICE

Berkeley & Jefferson County Areas	\$20.00
Frederick County & Winchester City Areas	\$25.00
Clarke, Warren, Loudoun & Shenandoah County Areas	\$30.00
<i>Overnight and other area deliveries are available and billed on a per usage basis.</i>	

Prints, Federal Express charges, deliveries and mailing costs for plans, exhibits and reports will be billed to you as ordered in addition to any contracted or quoted fees. Large submittals will be sent out to our printing company and will be billed with an additional 15% to you as needed. If you have an account setup with a local printing company, we can have that company bill you directly for these printing costs.

All travel costs (mileage, lodging, meals, etc.) are on a per diem basis.

Subcontractual services are billed with a 15% markup

The rates appearing in this Schedule are accurate and effective as of January 1, 2019. Service charges are subject to change at any time and upon occurrence, notification will be given at time of new work request from client.

If you have any questions or require current rate and fee information on your account(s), please contact our accounting department at (540) 662-4185

GREENWAY ENGINEERING, INC.

Hourly Rate Schedule 2019

ENGINEER	
Professional Engineer V	\$180.00
Professional Engineer IV	\$170.00
Professional Engineer III	\$160.00
Professional Engineer II	\$150.00
Professional Engineer I	\$140.00
Engineer X	\$150.00
Engineer IX	\$140.00
Engineer VIII	\$130.00
Engineer VII	\$120.00
Engineer VI	\$110.00
Engineer V	\$100.00
Engineer IV	\$90.00
Engineer III	\$80.00
Engineer II	\$70.00
Engineer I	\$60.00
PLANNING	
Senior Certified Planner III	\$200.00
Senior Certified Planner II	\$180.00
Senior Certified Planner I	\$160.00
Planner III	\$140.00
Planner II	\$120.00
Planner I	\$100.00
ENVIRONMENTAL	
Certified Environmental Scientist III, AOSE	\$140.00
Certified Environmental Scientist II, AOSE	\$130.00
Certified Environmental Scientist I, AOSE	\$120.00
Environmental Scientist III	\$110.00
Environmental Scientist II	\$100.00
Environmental Scientist I	\$90.00
Environmental Scientist	\$60.00
SURVEY	
Certified Land Surveyor III	\$160.00
Certified Land Surveyor II	\$150.00
Certified Land Surveyor I	\$140.00
Land Surveyor V	\$140.00
Land Surveyor IV	\$130.00
Land Surveyor III	\$110.00
Land Surveyor II	\$90.00
Land Surveyor I	\$70.00

Expert Witness will be provided at 1.5 times the regular billing rate

The rates appearing in this Schedule are accurate and effective as of January 1, 2019. Service charges are subject to change at any time and upon occurrence, notification will be given at time of new work request from client.

If you have any questions or require current rate and fee information on your account(s), please contact our accounting department at (540) 662-4185

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Alexandra Beaulieu, Zoning Administrator

Department or Organization: Department of Engineering, Planning and Zoning

Estimation of amount of time needed for appointment: 10 Minutes

Date Requested – 1st Choice: August 29, 2019

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

Date Requested – 2nd Choice:

Subject (Wording to be placed on agenda):

To provide an overview of the Planning Commission's recommended Zoning Ordinance Text Amendment (ZTA 19-01) and to request that the County Commission schedule a Public Hearing in accordance with WV Code §8A-7-8. The draft amendment proposes to create provisions to establish a Special Event Facility in the Rural, Residential Growth, and Village zoning districts. The new text would replace the existing Rural Event Facility provision in Section 8.14.

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

On April 9, 2019 a request from Quintina Reddington was submitted to the Jefferson County Planning Commission to amend the Zoning Ordinance to incorporate text which would allow her to establish an event facility on her orchard. The Planning Commission made a motion to accept into their work plan Ms. Reddington's request and directed Staff to begin working on an amendment.

On July 9, 2019 the Planning Commission held a Public Hearing to receive public input on the proposed text amendment, which proposed changes to Article 2, Definitions; Section 8.14 Rural Reception/Event Facility; and Appendix C – The Principal Permitted and Conditional Uses Table. During the Public Hearing, one public comment was made in support of the proposed amendment and one in opposition. The Planning Commission kept the public comment period open for two weeks, in order to provide an opportunity for the public to submit written comments. During that time, two additional comments were submitted, in general support of the amendment with recommended revisions.

On August 13, 2019 the Planning Commission incorporated revisions based on public comment received and with a vote of 7-0, found that the proposed amendment was consistent with the Envision Jefferson 2035 Comprehensive Plan and recommended that the draft text amendment be forwarded to the County Commission for the purpose of scheduling a public hearing.

Is this a funding request? Y/N **If so, how much?** \$ **Provide exact financial impact/request:**

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

I move to schedule a public hearing on _____, 2019 at __ a.m./p.m. to receive input on the draft text amendment to the Jefferson County Zoning Ordinance, File #ZTA19-01, which proposes to create provisions to establish Special Event Facilities in the Rural, Residential Growth, and Village zoning districts.

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

- Staff Memo to Planning Commission dated 07-09-19 for background information
- Petition from Quintina Reddington dated March 26, 2019
- Proposed Text Amendment to various sections of the Zoning Ordinance (ZTA19-01)

If not attached, explain:

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

Contact information: Email address: planningdepartment@jeffersoncountywv.org Phone Number: 304-728-3228

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV25414

www.jeffersoncountywv.org

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

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMO

TO: Planning Commission

FROM: Alexandra Beaulieu, Zoning Administrator

DATE: 07-09-19

RE: ZTA19-01, Special Event Facilities

On April 9, 2019, the Planning Commission made a motion to accept into their work plan Quintina Reddington's request to create a text amendment to allow an event facility in the Rural zoning district.

Staff has received a number of inquiries to establish event venues, typically for weddings and similar types of receptions/celebrations. Since the adoption of Section 8.14 in 2014, which allows for a Rural Event Facility in an existing structure, it has been brought to our attention that converting existing barns is cost prohibitive due to the requirements set forth in Building Code; however, under the current regulations, there are no provisions to process a newly constructed event facility in the Rural zoning district.

The draft amendment before you today proposes two types of event facilities. An Agricultural Special Event Facility, which mimics the intent of the existing provisions in Section 8.14 but proposes additional text for clarity such as a minimum acreage and that the use be accessory to an existing farm.

The second type of facility is a Special Event Facility, which is a facility that operates independent from any other use on the property. A Special Event Facility would require processing a Conditional Use Permit to operate in the Rural, Residential Growth, and Village zoning districts. The proposed text includes criteria for the Board of Zoning Appeals to consider when reviewing an application such as the proposed frequency of events, maximum building capacity, signage, etc. Requiring a Conditional Use Permit for this land use is consistent with the County Commission's 2018 revision to Appendix C to allow most Commercial Uses to process as a Conditional Use in these zoning districts. Staff also found that the proposed text is consistent with the Envision Jefferson 2035 Comprehensive Plan's recommendation to "Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses." (recommendation 5, page 77 of the Plan.)

The proposed text is also consistent with the Plan's recommendation 5.b to "Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps preserve farmland and open space and continue agricultural operations."

The Planning Commission's role is to receive input from the public and to determine whether the proposed text amendment is consistent with the Envision Jefferson 2035 Comprehensive Plan. Following the public hearing, the Planning Commission will finalize the draft text amendment and make a recommendation to the County Commission. Once the Planning Commission forwards their recommendation to the County Commission, the County Commission is required to hold a Public Hearing to receive additional public input.

The proposed text amendment reflects revisions to Section 2.2, Terms Defined; Section 8.14, Rural Reception/Event Facility [Proposed Special Event Facility]; and Appendix C, Principal Permitted and Conditional Uses Table.

Attachments:

- Agricultural and Rural Economy Recommendations (Goal 8) from the Envision Jefferson 2035 Comprehensive Plan
- ZTA19-01, Special Event Facilities

2.B. Agricultural and Rural Economy

One of the more significant issues expressed by County residents involved in the Envision Jefferson 2035 process was maintaining the rural economy and small town lifestyle of Jefferson County. It is important that this discussion not be framed by the concept of preservation but of creating opportunities for farms to be economically viable. This would include identifying ways to protect and enhance the farms and open spaces that provide the rural character along with the agribusinesses that have been the historical heart of the Jefferson County economy. One goal of this Plan is to maintain productive farmland soils and the rural character and economy of the County by reducing the conversion of farmland to non-agricultural based uses.

There must be a viable rural economy to maintain the rural landscape. The rural economy is much more than traditional farming. It includes innovative agriculture, horticulture, forestry, commercial and non-commercial equine industry, other forms of animal husbandry, tourism, rural based public and commercial recreation, ancillary rural business, and compatible rural institutional uses. Many of these sectors are growing and collectively contribute significantly to Jefferson County's economy and provide several thousand jobs. The County's citizens benefit from the proximity of rural based activities and services and the rural enterprises benefit from nearby markets for goods and services. With this potential, the rural areas of Jefferson County should be seen as ripe for investment and reinvestment.

A key aspect of the County's rural economy is recognizing the changes in the regional and national marketplace that might affect agricultural activities at the local level. In some instances, farm operators have adapted to these changes by diversifying into additional farm based activities, changing the types of farming activities taking place on a site, or seeking to include direct sales and on-site marketing, and value added processing of crops or products. The ability of a farm operator to diversify or change their operations to meet the needs of the marketplace is an important consideration in providing a framework for the continuation and enhancement of farm and agricultural activities in Jefferson County.

The enhancement of the rural economy is a central focus of the rural strategy of this Plan and requires the support of the Jefferson County Development Authority and other organizations which support the agricultural economy. A broad-based rural economy can be a net-revenue generator for the County because tax revenues generally exceed expenditures for rural properties. The County recognizes its fiscal responsibility to protect the land resource for the rural economy, to provide fundamental protection for rural businesses, to ensure prudent fiscal management of limited public resources, and to provide needed protection of the public health and safety.

Rural Economic Activities

The agricultural community in Jefferson County recommended the following priorities to strengthen the rural economy:

Agricultural Community Priorities
Diversify farm operations through the sale and marketing of value added products (such as the processing and marketing of products on-site);
Allow farm operators to work with nearby farm operators to market and sell each other's goods on each individual farm;
Allow a wider range of service activities to take place on agricultural properties.

The rural areas of Jefferson County include not only farms and residences, but also a variety of small artisan studios and other cottage industries. While the preservation of agriculture is essential to the protection of rural areas, it is also important to provide for the ability of appropriately scaled businesses to succeed. When permitting additional uses in the rural area, it is important that the size and scale of both the property and the business be correlated. The intensity of the activity permitted should directly relate to the size of the rural property which would enable larger rural properties to undertake more activities. By correlating scale and intensity of uses to the rural property size, it is anticipated that off-site impacts would be mitigated for the surrounding landowners. Some uses may require performance standards which should be incorporated into the local land use regulations.

By enabling farm operators to have more options and encouraging the creation of cottage industries that reflect the rural aesthetic, the viability of operating rural based businesses in the County's rural areas will be enhanced in the coming decades. While Jefferson County has modified its Zoning and Land Development Ordinance to allow for a greater variety of uses, additional steps might be needed to improve opportunities for farm operators to continue or expand their businesses, and for artisans and other individuals to operate small businesses that complement these activities. A streamlined process for uses with minimal impacts to surrounding neighbors should be developed.

The land use component of this Plan recognizes an example of a non-residential Conditional Use Permit (CUP) in the Rural area referred to as an Agricultural Based Economic Empowerment Area, defined as a commercial agricultural hub that is not located on a farm, but is located in a rural area and focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods. Other appropriate uses in the Rural district (some of which may require a CUP) include, but are not limited to, artisan activities; home based businesses; agricultural equipment sales, rental, and repair services; veterinary services; farm co-ops; product storage and seed supply; agri-tourism, bed-and-breakfast enterprises; farm markets, wayside stands, and similar types of uses, provided that these uses are designed in a manner compatible with the rural character of the area.

There are many creative people that live and work in Jefferson County, using their talents to create poetry, pottery, paintings, plays, performances, photographs, novels, fabric art, sculpture, carvings, installations, music and dance, and the fine art and culture of all forms. The County is home to numerous cultural and historical organizations as well as artist studios, galleries, museums, and theaters which host a number of activities and events throughout the year. These activities and organizations add to the cultural value in the County and provide economic resources for the artisan. This Plan supports the artisan community and its needs for developing a robust economic and cultural community.

While most of these types of Cottage Industries and Home Occupations are permitted by right in the Rural District, some more intense uses may require a CUP. This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare. Some non-agricultural/non-residential related rural CUPs should only be proposed on a small portion of a rural property to help preserve farmland and open space, and continue agricultural operations. This requires eliminating the Land Evaluation Site Assessment (LESA) system and modifying the CUP process. For additional discussion, see Rural Land Use Planning Section (page 34).

Agricultural Service Facilities

An issue expressed by members of Jefferson County's agricultural community during the planning of this document was the lack of agricultural service facilities located in Jefferson County. Farm operators currently travel to Winchester, Hagerstown, or Frederick to purchase farm machinery or to get their machinery repaired. Farmers raising livestock also need to travel out of state to sell or purchase animals at auctions. There are few large animal veterinarians in Jefferson County that can assist with maintaining the health of animals or be available in case of emergency. There are no meat processing facilities in the County and nearby out of state facilities are limited to mass production which excludes small farmers from receiving this service. The lack of service facilities could have a negative impact on the maintenance or expansion of agricultural activities in Jefferson County in the coming years.

Distribution and Marketing of the County's Agricultural Products

In recent years, there has been a change in the way farm products are marketed and sold in Jefferson County. In the past, a large number of farm products cultivated on Jefferson County farms were commodities, with little differentiation between the products of individual farm operators. Currently this is changing due to the increasing reliance of the local farm community on farmers' markets and direct sales to local and regional restaurants. There are several farmers' markets operating in Jefferson County on a weekly basis, during the growing season, at temporary sites. A permanent year-round farmers' market could provide opportunities for a winter market in a place that could also be used for the sales of arts and crafts, root crops, or value added products. Incorporating a farmers' market into a regional agricultural center

complex could serve as another means of selling the County's farm products and could include dining and/or commercial kitchen facilities.

While the farmers' markets have helped individual farm operators differentiate between their products, there is still a limited local or regional identity when it comes to agriculture in the Eastern Panhandle. In some cases, individual farms have addressed this concern through the creation of an identity for the farm and/or for the product being produced. It would be beneficial to the Jefferson County rural economy if a more unified effort occurred through a shared marketing mechanism, regional branding, or the creation of common distribution and marketing facilities.

An increasing movement toward smaller farming operations of less than 40 acres in size in the County should not be discounted, even though a number of farms in Jefferson County are located on large tracts of land. According to the 2012 U.S. Agricultural Census, over half of all farms in Jefferson County provide a limited income to farm operators; however, there are opportunities for expansion of smaller farming operations. The majority of the farms in Jefferson County have the opportunity to provide a viable range of income generating agricultural activities to an individual farm operator.

Enhance Farmland Protection Activities

In 2000, Jefferson County formed a Farmland Preservation Program that is funded by a portion of the transfer tax collected when a house or land is sold. To date, this program has purchased the development rights of 3,900 acres. As mentioned in the Land Use element, the funding that is available to support the County's farmland protection program is much less than the demand from farm operators to participate in it. Since the County's farmland protection program is funded by a portion of the transfer tax, the viability of the program is subject to a widely fluctuating real estate marketplace. In times when there is a great deal of real estate activity, revenue generated for the program is strong, enhancing the ability to purchase development rights and protect farmlands. Conversely, in times when the real estate market is slow, the amount of money available for protection efforts is limited. Therefore, it is important to establish reliable funding sources to support farmland protection activities. One option to protect farmland is to coordinate with the American Battlefield Protection program to make the most efficient use of funding resources.

To reduce the conversion of farmland, the Plan recommends that clustering should be the preferred method of any rural residential development. This would allow land owners to group lots in a traditional rural community pattern, while retaining a majority of the land for agricultural and rural economic uses. Even when the development of a residential cluster results in the loss of some farm land, the goal of the regulations related to cluster developments is to retain as much farmland as possible by adjusting the number and size of the lots in the cluster and requiring the balance of the farm (the residue) to be retained as a permanent agricultural use. Cluster developments on a property should minimize the use of high quality soils and maximize the use of less

productive agricultural land. In order to retain the maximum amount of land in farm use and rural economic activity, the open space requirement for residential cluster development shall be met by the residue which will retain no development rights.

Transportation in the Rural Environment

The County's rural road network originally evolved serving the needs of the farming community and is not intended to serve the needs associated with the higher traffic volumes and speeds required for large residential subdivisions. At certain seasons of the year conflict can be created between residential traffic and large pieces of slow moving farm equipment. The LESA/CUP system has not effectively protected the rural road network from this type of development pressure. As such, this Plan recommends utilizing cluster developments as the preferred form of residential development within the rural areas. Limiting suburban development in the rural area helps protect agricultural land use activities.

Most of the roads in the County's rural area are paved, but tend to have narrow widths, excessive horizontal and vertical curvatures, bridge and drainage problems, and poor intersection alignments. These conditions contribute to the safety concerns associated with increasing motor vehicle traffic on the rural roads. The increased residential densities that have occurred in the rural area in the past are producing additional traffic volume and requiring more maintenance of the rural road network of predominantly narrow, two-lane paved roads with existing design issues.

Agriculture Tourism

The rural areas of the County contribute to the local tourism economy in a variety of ways. Not least of these is the maintenance of attractive viewsheds to enhance the experience of visitors to battlefields, historic sites and villages. Tourism is addressed later in this Element on page 81.

The following recommendations provide action steps to foster and expand the diverse rural economy through a variety of policy, regulatory, incentive-based, and programmatic approaches that will protect the rural land, structures, and character necessary to advance the rural economy.

Agricultural and Rural Economy Recommendations (Goal 8)	
1.	Support West Virginia’s and Jefferson County’s “Right to Farm” policies which protect the rights of existing and future farms and farmers by developing zoning standards, other legislation, and educational programs designed to reduce potential conflicts arising from the proximity of agriculture to residential development (State Code § 19-19; Section 4.5 of the County’s Zoning Ordinance).
	a. Identify and utilize a wider variety of funding sources that could serve to expand the County’s farmland protection program.
	b. Create an educational pamphlet informing developers, realtors, and potential homeowners of the offsite impacts of living adjacent to farming activities.
2.	Enact Zoning Ordinance provisions to reduce the intensity of residential development in the Rural zone, other than by clustering, thereby protecting and increasing the investment potential and attractiveness of the agricultural lands for families, entrepreneurs, and businesses.
	a. Decrease the problems of rural traffic volume and the need for additional costly public infrastructure services in rural areas while conserving areas of the Rural zone for agricultural uses and the rural economy through support for rural cluster development vs large subdivisions of new home growth.
3.	Support the rural economy by amending the Subdivision Regulations to establish rural business site plan standards to include:
	a. performance criteria, including compatible size, scale, use, intensity, traffic capacity limits, employee limits, site design standards (i.e. buffering, siting), and standards that protect public health, safety, and welfare; and
	b. the adaptive reuse of existing historic and agricultural structures.
4.	Collaborate with the County’s agricultural community to assess the current land use regulations and determine what opportunities for agriculture might currently exist and what additional opportunities might be able to succeed in Jefferson County.
5.	Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.
	a. Incorporate into the zoning provisions innovative agricultural uses including the creation of standards which permit flexibility in the sale of farm products and related auxiliary products.
	b. Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations.

	<p>c. Require that new non-rural commercial uses that are not compatible with the dominant agricultural land use pattern locate only in the Urban Growth Boundaries (UGBs) and Preferred Growth Areas (PGAs) as identified by the future land use recommendations of this Plan.</p>
6.	<p>Coordinate with local businesses and the Jefferson County Development Authority (JCDA) to brand and market Jefferson County farms and products by identifying and linking potential partnerships and matching suppliers with potential local and regional markets.</p>
	<p>a. Conduct market research on high-value agricultural products, ancillary farm businesses, and other rural economic uses such as farm agri-tourism, retreats, and country inns;</p>
	<p>b. Develop and expand, in conjunction with the Jefferson County Convention and Visitors Bureau, brand identification of Jefferson County farm products;</p>
	<p>c. Provide more alternatives to promote rural tourism and rural land uses.</p>
7.	<p>Work with Jefferson County’s agricultural community to effectively distribute local agricultural products and encourage the growth of the market for local products.</p>
	<p>a. Facilitate the establishment of year round marketing outlets to support the farm community, such as farmers’ markets or a product distribution center;</p>
	<p>b. Encourage the expansion of off-site farmers’ markets to provide marketplaces for farmers and artisans to sell their goods within a variety of Jefferson County commercial venues;</p>
	<p>c. Promote products to Jefferson County based businesses.</p>
8.	<p>Coordinate with key agricultural and rural stakeholders to identify ways to expand marketing and value added production activities for farmers and artisans on their properties in rural areas of Jefferson County.</p>
	<p>a. Amend existing regulations in order to identify and facilitate ways to allow the sale of items grown, processed, crafted, or manufactured in Jefferson County on farms other than the farm where the product originated.</p>
	<p>b. Develop a streamlined process for such uses when there are minimal impacts to surrounding neighbors.</p>
	<p>c. Expand and improve high speed Information Technology (IT) connections in rural areas of Jefferson County with local internet or advanced technologies providers to enable residents to run businesses from home or to telecommute.</p>
9.	<p>Collaborate with the local artisan community and Jefferson Arts Council to review and amend the local land use regulations to promote and enhance the viability and livelihood of artisans in the rural areas of Jefferson County.</p>
	<p>a. Encourage local non-profit organizations and local and regional economic development agencies to create a regular forum where all County artisans, businesses, and members of the non-profit and arts communities can meet to network and collaborate.</p>

	b. Work to improve connections between County businesses and artisans that may have products and services that can be sold in local stores or other businesses.
	c. Ensure that training and educational opportunities are available that would enable the success of such businesses.
	d. Establish and support an endowment for arts funding for rural crafted arts.
10.	Strengthen the Agricultural Committee of the JCDA by creating a public/private Rural Economic Development Council comprised of rural industry sector leaders. This organization will:
	a. link governmental, non-governmental, and regional organizations;
	b. link state and federal farm assistance programs to local farmers;
	c. receive and make grants;
	d. act as an advocacy group for rural issues; and
	e. promote activities that nurture the rural economy.
11.	Create a county or regional agricultural industrial park that could include sites for service providers such as farm equipment repair facilities, tractor and implement sales, meat processing facilities, and veterinarian services; as well as:
	a. A local or regional food hub that could be tied into Community Supported Agriculture (CSA) packaging and distribution, a regional food bank, and to serve as a marketing site for farms and farmers;
	b. A neighborhood based CSA or Development Supported Agriculture;
	c. A permanent, year-round farmers' market site;
	d. Sites for Industrial Agriculture such as Vertical Farming, Hydroponic Greenhouses, and Aquaponic Farming;
	e. Agriculture based training, research, and continuing education facilities created in conjunction with institutes of higher learning and research;
	f. Commercial aquaculture activities;
	g. A livestock auction facility;
	h. A Community Cold Storage/Meat Locker Facility that would allow county residents to rent space to purchase and store sides of meat; and/or
	i. Alternative Energy Production facilities, ranging from ethanol refining to algae production for biofuels.
12.	Promote and expand the commercial and recreational equine industry as a fundamental component of the rural economy by amending County ordinances to reflect the current practices and needs of the industry.
13	Collaborate with the County's culinary, artisan, and farm communities and JCDA to study the feasibility of establishing a Culinary Center that would provide exposure to and for marketing the goods that are produced in Jefferson County and the Eastern Panhandle.

	<p>a. Collaborate with the West Virginia Extension Service, West Virginia Department of Agriculture, and local stakeholders to establish a regional commercial kitchen and packing facility in the Eastern Panhandle that could be used by farm operators in the manufacture of value added products.</p>
14.	<p>Expand vocational programs, either through the existing Future Farmers of America program in the County's high schools or through programs that combine classroom exercise with a co-op program exposing students to a variety of agricultural formats and opportunities.</p>
	<p>a. Advocate for Jefferson County Schools to partner with Berkeley and Morgan County schools to create a regional Agriculture Magnet School whose curriculum would be focused on agriculture and agribusiness fields.</p>
	<p>b. Encourage the Board of Education to provide equal vocational education programs in all middle schools and high schools throughout the County.</p>
15.	<p>Coordinate with Jefferson County Schools to encourage the following agricultural activities:</p>
	<p>a. Preserve and expand the Future Farmers of America programs that are in place at the County's middle and high schools.</p>
	<p>b. Coordinate with local artisans to improve accessibility and awareness of arts education and programming.</p>
	<p>c. In conjunction with local gardening organizations and Jefferson County Agricultural Development Office, expand school garden programs that could serve as a source of fresh foods for cafeterias.</p>
	<p>d. Encourage schools to use local agricultural products in cafeterias through partnerships with local farmers and CSA programs.</p>
16.	<p>Encourage the West Virginia University Extension Office to consider the creation of Mentoring/Training Programs similar to FarmLink programs that are in place in other states such as Maryland and Virginia.</p>
17.	<p>Support the County's rural economic strategy by working with the State Legislature to review the State Code and consider the following amendments:</p>
	<p>a. Tax credits on farm-related capital improvements;</p>
	<p>b. Tax abatement or deferral when a farmer makes an investment in high-value crops that do not turn a profit for several years (orchards, Christmas trees, vineyards, etc.);</p>
	<p>c. Assessment of farm worker housing on farms below residential market value;</p>
	<p>d. Additional reduction in the real estate tax rate on rurally zoned property that is under permanent conservation easement.</p>

From: [Reddington, Quintina](#)
To: [Planning Department](#)
Subject: Reddington Farm Barn Language
Date: Tuesday, March 26, 2019 3:51:33 PM
Attachments: [Proposed Event Barn Content.docx](#)

Hi Alex,

Below is the language for the event barn we discussed on Monday. Please let me know if this is what you had in mind.

Thank you,

Tina

Proposed Event Barn Content

We are proposing to build a new barn or barn like structure that will house a distillery and will be a multi- purpose facility to allow rental of the space for meetings or events.

- The structure will hold approximately 100-300 people inside depending on the space configuration ie. Tables and chairs vs standing room only.
- The structure will contain restrooms that meet the International Plumbing Code.
- Food will be prepared and served from a permanent or mobile facility that has been approved by the health department.
- If alcohol is served on site, separate from the distillery, all State liquor licensing laws will be.
- Events may include but are not limited to weddings, graduation festivities, corporate retreats/meetings.

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Section 2.2 Terms Defined

Agricultural Use^{17, 21, 23} The use of land for a bona-fide farming operation. This includes:

1. Commercial Agricultural Enterprise;
2. Agriculture, Ranching;
3. Aquaculture;
4. Apiculture;
5. Horticulture
6. Viticulture;
7. Fish, meat, poultry and game birds processing, provided that fifty percent (50%) of the meat processed must be raised on the site farm of the processing facility for minimum periods of three (3) months for beef and pork and two (2) months for lamb and poultry;
8. Animal Husbandry; including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals;
9. Poultry husbandry and the production of poultry, game birds, and poultry products;
10. Dairy production and processing of dairy products;
11. Equestrian uses;
12. The production of field crops including but not limited to tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, mushrooms, timber, pasturage, Christmas trees, maple sap, woody biomass, compost;
13. Pick your own farm products;
14. Agricultural tourism;
15. Farm vacation enterprise;
16. Farm brewery and winery subject to the requirements for such a use in Article 8;
17. Rental of garden plots;
18. Community supported agriculture;
19. The warehousing; processing, value added, drying, storage, distribution and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, husbandry or production;
20. Forestry;
21. Agricultural Special Event Facility

Rural Reception/
Event Facility²⁶

~~A facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events in the Rural, Village, Residential Growth and Residential Light Industrial Commercial Districts (permitted by Special Exception). Such events are limited to events that involve extended families and friends such as weddings, wedding receptions, birthday events, anniversary events, reunion events and/or family gatherings. No events that involve charging admission or are solely performance events are permitted under this provision.~~

<u>Rural Reception/Event Facility, Small</u> ²⁶	A Rural Reception/Event Facility in the Rural District for the hosting of events such as weddings with attendance not to exceed 75 cars at a frequency of no more than one event per month.
<u>Special Event</u>	<u>A gathering of individuals for the common purpose of attending a celebration, ceremony, reception, or similar activity for the benefit of someone other than the property owner. No events that involve charging admission or are solely performance events are permitted under this provision. Private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the homeowner are not defined as a special event.</u>
<u>Special Event Facility</u>	<u>A facility where special events are permitted to occur. Special event facilities are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a rental fee for the use of the facility. Facilities may operate entirely within a structure, entirely outside of a structure, or both inside and outside a structure.</u>
<u>Special Event Facility, Agricultural</u>	<u>A Special Event Facility located on a parcel which the Assessor's Office has classified as "farm use".</u>

Section 4.5 Agricultural Uses Permitted Generally

~~Except for compliance with distance requirements for a building set forth in Section 4.6, n~~Nothing in this Ordinance shall prohibit the use of land for agricultural purposes or the construction or use of building or structures incidental to the use for agricultural purposes. New structures built for the purpose of establishing an Agricultural Use, as defined in Article 2, which is open to the public (i.e. Agricultural Special Event Facility), are subject to a 75' setback. Existing structures converted for Agricultural Uses which are open to the public are not subject to the 75' setback.

Section 4.10 Site Plan Requirements

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.^{23, 26}
- B. Site Plan submittal is not required for single-family or two-family dwelling units, unless planned as part of a multi-unit or mixed use development plan.
- C. Site Plan submittal is not required for any Agricultural Use defined in Article 2. Agricultural Uses which are open to the public (Agricultural Special Event Facility, Farm Market, etc.) established on parcels of less than 20 acres shall process a Concept Plan in accordance with the Subdivision and Land Development Regulations.
- D. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.
- E. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.^{10, 17, 21, 23}

Section 8.14 ~~Rural Reception/Event Facility~~²⁶ Special Event Facilities

The purpose of this section is to create a process by which a property owner in the Rural, Residential Growth, and Village zoning districts may establish a Special Event Facility. A Special Event Facility in any other zoning district may process in accordance with Appendix C.

A. An Agricultural Special Event Facility is permitted in any zoning district on a parcel with an existing farm and shall operate accessory to the property owner's primary residence or caretaker's residence. The minimum acreage required is five acres.

1. An Agricultural Special Event Facility may be established on a separate legal lot of record adjoining a parcel with farm use status, as long as it is under the same ownership.

2. An Agricultural Special Event Facility on a parcel of less than 20 acres shall process a Concept Plan, subject to a Public Workshop before the Planning Commission, in accordance with the Subdivision and Land Development Regulations.

a. If a Concept Plan is not required, the following documentation shall be submitted as part of the Zoning Certificate application:

i. A sketch reflecting the layout of the proposed event shall be submitted to ensure compliance with setbacks and parking. The sketch should delineate the parking area, the event tent(s), location of portable restrooms, and the location of any vendors.

ii. A traffic control plan shall be submitted to address traffic flow for ingress and egress to ensure that traffic will not create a backup onto public or private roads.

3. An Agricultural Special Event Facility shall not exceed attendance of 250 people, excluding event staff and vendors.

4. All aspects of the land use, excluding parking, but including any new structures and any outdoor components such as event tents, portable restrooms, etc., shall be setback 75 feet from all property lines. Parking shall be setback 25' from all property lines.

5. Parking shall be provided at a ratio of one parking space for each two guests allowed on-site and one parking space for each permanent employee who does not reside on premises. Parking may occur on grass if the applicant can demonstrate that the parking will occur on usable ground and can identify how handicapped accessibility (if applicable) will be addressed.

6. The land use shall comply with Section 8.9A.1 and shall apply the Residential Growth District standard to all adjacent lots.

If the subject parcel associated with an approved Agricultural Special Event Facility loses the associated "farm use" classification through the Assessor's Office, the property owner may apply for a Special Exception in accordance with Article 6 to continue operating the land use.

B. A Special Event Facility is a facility that operates independent from any other use on the property.

1. In the Rural, Village, and Residential Growth zoning districts, a Special Event Facility shall process a Conditional Use Permit in accordance with Article 6.

a. The minimum lot size shall be five acres. Site development standards shall comply with Appendix B.

b. Parking shall be provided at a ratio of one parking space for each two guests allowed on site and one parking space for each permanent employee.

c. In addition to the criteria set forth in Article 6, Section 6.3, the Board shall evaluate the following:

- i. Proposed frequency;
- ii. Number of attendees (maximum building capacity);
- iii. Signage;
- iv. Adequacy of parking area. The Board should consider the number of parking spaces as well as the location of the proposed parking area;
- v. Adequacy of vehicular access to the property. The applicant shall provide a traffic control plan to address traffic flow and ingress and egress to the property to ensure that traffic will not hinder shared access (if applicable) or create a back-up onto public or private roads; and
- vi. Impact on adjacent properties.

Parks and Recreation events and facilities are exempt from Section 8.14.

~~A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events proposed in the Rural, Village, Residential Growth, and Residential Light Industrial Commercial Districts are approved by the Board of Zoning Appeals following a public hearing. Such public hearing shall be conducted according to the requirements of Section 6.1C; may be continued according to the requirements of Section 6.1D; and is subject to the notification requirements of Section 6.1B.³²~~

~~Such a land use may be approved based on the Board's evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.³²~~

~~A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings with attendance not to exceed 75 cars, at a frequency of no more than one event per month. Such events are permitted administratively provided that if the facility would utilize a private, shared right of way, driveway or easement for vehicular access, a public hearing before the BZA is required.³²~~

~~Approvals of all Rural Reception/Event Facility and Rural Reception/Event Facility, Small shall include a provision that noise at the property line shall conform with Section 8.9A.1 of this Ordinance and shall apply the Residential Growth District Standard to all adjacent lots containing a residence as well as adjacent lots in the Rural District.~~

~~Note that any vendors and/or production staff are not counted in the trip generation for this Section.³²~~

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground ³¹	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet ³⁷	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4

ZTA19-01 – Version 2 - Reflecting PC changes from 08/13/19

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	CU	P	CU	
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
<u>Special Event Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>CU</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>Sec. 8.14</u>
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock ³⁷	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
<u>Special Event Facility, Agricultural</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 8.14</u>
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

- NC Neighborhood Commercial
- GC General Commercial
- HC Highway Commercial
- LI Light Industrial
- MI Major Industrial
- PND Planned Neighborhood Development
- OC Office / Commercial Mixed-Use
- R Rural
- RG Residential Growth District
- RLIC Residential-Light Industrial-Commercial District
- IC Industrial-Commercial District
- V Village District
- P Permitted Uses
- NP Not Permitted Uses
- CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)
- ** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU
- ¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.
- ² Approval process is per the Salvage Yard Ordinance.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Stephen S. Allen, Director

Department or Organization: Jefferson County Office of Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: August 29, 2019

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

Date Requested – 2nd Choice:

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

1. Approval of the 2019 Jefferson County Emergency Operation Plan (EOP)
2. Resolution proclamation to observe September 2019 as National Preparedness Month in Jefferson County.

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

1. Each year, we are required to update at least 4 annexes within our Emergency Operations Plan. This year, the annexes were: Emergency Support Function 2 – Communications, ESF 3 – Public Works, and ESF 13 – Public Safety and Security as well as the addition of ESF 11 - Agriculture and Natural Resources. The Dam Failure and Terrorism Response Annexes are also included in this update.
2. Since 2004, the Federal Emergency Management Agency launched National Preparedness Month to encourage communities and individuals alike to plan and prepare for disaster. National Preparedness Month creates an important opportunity for every resident of Jefferson County to prepare their homes, businesses, and communities for any type of emergency. This is the request for this years' resolution by the County Commission to designate September 2019 as National Preparedness Month in Jefferson County.

Is this a funding request? No

If so, how much? N/A

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

1. I move to approve the updates to the 2019 Emergency Operations Plan including the addition of ESF 11 - Agriculture and Natural Resources.
2. I move to approve the proclamation and resolve to observe September 2019 as National Preparedness Month in Jefferson County.

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

If not attached, explain:

Attachment:

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

Contact information:

Email address: sallen@jeffersoncountywv.org. Phone Number: 304-728-3290

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

Proclamation

National Preparedness Month, September 2019

“National Preparedness Month” creates an important opportunity for every resident of Jefferson County to prepare their homes, businesses, and communities for any type of emergency including natural disasters and potential terrorist attacks; and

WHEREAS, investing in the preparedness of ourselves, our families, businesses, and communities can reduce fatalities and economic devastation in our communities and in our nation; and

WHEREAS, the Federal Emergency Management Agency’s *Ready* Campaign and other federal, state, local, tribal, territorial, private, and volunteer agencies are working to increase public activities in preparing for emergencies and to educate individuals on how to take action; and

WHEREAS, emergency preparedness is the responsibility of every citizen in Jefferson County and all citizens are urged to make preparedness a priority and work together, as a team, to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type; and

WHEREAS, all citizens of Jefferson County are encouraged to participate in citizen preparedness activities and become more prepared.

THEREFORE, BE IT RESOLVED that the Jefferson County Commission hereby proclaims September 2019 as National Preparedness Month and encourages all Jefferson County citizens to develop their own emergency preparedness plan and work together toward creating a more prepared society.

DATED this ____ Day of _____ 2019 by the Jefferson County Commission

Patricia A. Noland, County Commission President

JEFFERSON COUNTY EMERGENCY OPERATIONS PLAN PROMULGATION STATEMENT – RESOLUTION

WHEREAS preparedness to cope with the effects of a disaster includes many diverse but interrelated elements which must be woven into an integrated emergency management system involving all departments of local government and private support agencies, as well as the individual citizen.

AND WHEREAS planning for population protection must be a cooperative effort to avert or minimize the effects of natural, technological, and/or man-made disasters, protect lives and property, and restore the stricken area to its pre-disaster status with a minimum of social and economic disruption.

AND WHEREAS many agencies from local, state and federal sources may be involved in emergency response and management, thus requiring a consistent nationwide approach to ensure these agencies work together in their full capacity regardless of the cause, size or complexity of disasters. The National Incident Management System (NIMS) provides for this approach, and the *Jefferson County Emergency Operations Plan* was developed to be responsive to federal requirements contained in the NIMS and is subject to approval by the State of West Virginia and the Federal Emergency Management Agency (FEMA).

SO AS A RESULT, pursuant to the State Emergency Services Act (West Virginia Code, Chapter 15, Article 5, as amended), Jefferson County has established the Jefferson County Homeland Security and Emergency Management, and that the Homeland Security and Emergency Management is, to the limits of its capabilities, responsible for the disaster preparedness activities within Jefferson County.

NOW THEREFORE IT IS RESOLVED, ORDERED AND DETERMINED that the County Commission of Jefferson County does hereby approve and adopt the *Jefferson County Emergency Operations Plan*, which is filed in the Office of the County Commission at the Courthouse in Charles Town, West Virginia, and which is incorporated herein by this reference.

PASSED AND ADOPTED by the County Commission of Jefferson County, State of West Virginia, this _____ day of _____, 20__.

SIGNATURES

County Commission President

County Commissioner

County Commissioner

County Commissioner

County Commissioner

JCHSEM Director

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Jeffrey A. Polczynski, ENP – Director of Communications

Department or Entity: Emergency Communications

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: 8/29/2019

Date Requested – 2nd Choice: _____

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

Subject: **Appointment Request – Deputy Director**

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

The ECC received over 150 applications for the position of Deputy Director and after thorough screening, invited twenty of the most qualified applicants to testing and interview. After multiple interviews, the ECC also completed psychological testing and preliminary background investigation and is recommending the appointment of Mr. Joseph Murphy to the position of Deputy Communications Director.

Mr. Murphy currently holds the position of supervisor at Fauquier County Communications with fourteen years of experience. He lives locally (Inwood) and holds several certifications from APCO and NENA including APCO instructor which is a highly desired cert. He is also a volunteer firefighter and holds several certifications in the fire discipline. The interview panel afforded Mr. Murphy as “highly recommended”

With the Commissions’ approval, Mr. Murphy will set a start date likely for the third week of September.

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

Motion to approve the appointment of Mr. Joseph Murphy as the Deputy Communications Director at Grade 7 with a starting date to be determine by the Director of Communications

Attachments:

Sandra McDonald

From: Jeffrey Polczynski
Sent: Tuesday, August 06, 2019 5:36 PM
To: Jessica Carroll; Sandra McDonald
Subject: Agenda Request - 8/29/2019
Attachments: Commission Agenda Request_Murphy_Deputy Director_2019-8-29.pdf

I know this is early but I wanted to get the paperwork done as soon as possible.

My appointment request is for the last meeting of the month on 8/29/2019. I cannot be in the 8/15 meeting due to other commitments and the candidate cannot start until mid September so I'm requesting that this be on the agenda for 8/29. During this same meeting, I'll be asking to appoint two more public safety dispatchers as well. I don't yet have their psychological exams back yet (they are scheduled for 8/15) so I won't be able to get their agenda requests completed until the week of 8/19 (however I wanted to let you know what to expect).

Jeff

Jeffrey A. Polczynski, ENP

Director of Communications

Jefferson County Emergency Communications Center

28 Industrial Boulevard

Kearneysville, WV 25430

jpolczynski@jeffersoncountywv.org

C: 304-279-1823

O: 304-728-2100 x2221

F: 304-725-5436

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Jeffrey A. Polczynski, ENP – Director of Communications

Department or Entity: Emergency Communications

Estimation of amount of time needed for appointment: 2 minutes

Date Requested – 1st Choice: August 29, 2019

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date: *Timing in regards to filling vacancies in the schedule*

Subject: **Appointment of two Full-Time Public Safety Dispatcher II**

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

The purpose is to fill two of the four vacancies of authorized positions. The ECC currently has vacancies in its authorized staff strength. One is due to promotion of Lori Brown to EMD Coordinator.

Two individuals have passed the initial phases of the hiring process and are recommended for hire as a Public Safety Dispatcher.

- **Mr. John-Mark Michael is currently a trained dispatcher at Morgan County Emergency Communications and a reserve member of the 167th ANG.**
- **Mr. Jeffery Finley is an entry level dispatcher with no experience in public safety.**

The candidates will begin at (FY20) Grade 4 Step A with an increase to Step B after completion of full training and release from the training academy.

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

Motion to approve the full-time employment of John-Mark Michael and Jeffery Finley as Full-Time Public Safety Dispatchers with subsequent step increases after completion of their training.

Attachments:

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: **August 29, 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 renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues. Discussion/Action.
2. Discussion of Jefferson County Circuit Court Civil Action #18-C-171. Discussion/Action.
3. Discussion of EEOC Charge #533-2017-00706 & #533-2019-01397. Discussion/Action.
4. Discussion of and communication with FEMA regarding potential resolution. U.S. District Court (Northern District) Civil Action #3:18-CV-122. Discussion/Action.
5. Discussion of Jefferson County Circuit Court Civil Action #19-P-69. Discussion/Action.
6. Discussion of Jefferson County Circuit Court Civil Action #19-AA-1. Discussion/Action.
7. Discussion of potential reimbursement of former PSD board member William Strider and/or Strider LLC for successful defense of ethics complaint. 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: **Ralph Lorenzetti, Commissioner**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **August 29, 2019**

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

Subject (*Wording to be placed on agenda*): **Discuss possible letter of support for continuation of current MARC train service - 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 INTENT TO APPOINT

The Jefferson County Commission proposes to name two (2) citizens to the Jefferson County Broadband Committee on Thursday, September 19, 2019 or as soon thereafter as the Commission may decide.

The Jefferson County Commission received a Community Development Block Grant (CDBG) for a Broadband Plan to devise strategies to bring affordable service to the county's unserved and underserved areas. The Committee will meet and discuss goals and vision for the Jefferson County Broadband Plan by developing a scope of work and preparing an RFP for a consultant to be selected by the committee and approved by the County Commission.

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

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

Come to our Water Symposium in Harpers Ferry, Sept 28, 2019!

On Wed, Aug 14, 2019 at 3:35 PM Giuliana Brogna <treasurer@radwv.org> wrote:

Dear Jefferson County Commission,

Water in Jefferson County, WV is at significant risk!

It has come to the Rural Agricultural Defenders (RAD) attention that the WVDEP stormwater permit associated with the construction activities of the Rockwool Ranson Facility (#WVR108876--Reissue of WV/NPDES General Water Pollution Permit #WV011592) is under review for reissuance.

We believe this permit is flawed, as the Limits of Disturbance (LOD) are now over 100 acres. This fact should trigger a mandatory public comment period, per the requirements of the 2012 General Permit. Rockwool seeks to evade public review of its stormwater permit. WVDEP should not deny the public the opportunity to question Rockwool's plans and contest the permit. By allowing a less stringent permit process, both WVDEP and Rockwool are violating the Clean Water Act.

We have sent a Letter to WVDEP, copying officers at EPA, to alert them to these concerns. A copy of this letter is included here for your information.

We ask you to pressure WVDEP to perform four actions:

1. Halt the permit re-issuance process until an on-site inspection can be made.
2. Have WVDEP personnel visit the site and inspect Rockwool's proposed LOD to confirm that it is, in fact, more than 100 acres.
3. Require that Rockwool sign and notarize the Statement of Billing form to commence the 30 day review period.
4. Require permit reissuance to proceed under the mandatory 30 day public comment period and review process, including the possible need for a public hearing.

RAD suggests that you write directly to the recipients at WVDEP and EPA. Using the information provided in our letter, please lobby WVDEP to take the four actions above. We are simply asking WVDEP to follow their own permitting protocol and comply with the Clean Water Act, which requires state NPDES permits to be as stringent as, not less stringent than, EPA NPDES permits.

RAD is also encouraging the **public to write to WVDEP** to make these requests. We have provided our letter as an example, along with the email addresses of the recipients. We ask you to engage your networks and encourage you to use our public letter as a starting point (Attached as a word doc) or direct your contacts to use our [letter-writing template on the RAD website.](#)

This is only the latest in a continuing pattern of incorrect and potentially fraudulent permitting for Rockwool by the WVDEP. RAD will be sending you more alerts in the near future with background information and suggested actions for you to share with your networks. We are currently working on action campaigns for several pending permits.

Together, we can amplify actions with people power and shine a bright light on the shady dealings that continue to occur in the Rockwool project.

Please let us know if you have any questions about the permit or suggested actions. If you'll be taking up this action, please let us know, we want to build on this first effort!

Thank you for your consideration and we hope to hear from you.

Giuliana A. Brogna
Treasurer, Rural Agricultural Defenders
www.radwv.org Info@radwv.org

Come to our Water Symposium in Harpers Ferry, Sept 28, 2019!

Sandra McDonald

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Friday, August 16, 2019 1:39 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: 08/16/2019 1:39 PM
Response #: 968
Submitter ID: 4074
IP address: 76.21.230.249
Time to complete: 5 min. , 39 sec.

Survey Details

Page 1

1. Name

Sarah Lannon

2. Email

s.e.anderson24@gmail.com

3. Questions or Concerns

Hello,

My name is Sarah Lannon. I am a resident of Shepherdstown, own a business for mental health counseling, work in Charles Town, mother of a 9 month old, and moved to the eastern panhandle to get away from the Kanawha Valley due to pollution. I have adult onset asthma from growing up in such a chemical environment. I have followed Rockwool closely and see that the PILOT is not a binding agreement. I am asking the JCC to please withdraw the JCDA immediately. If Rockwool is to still be built, at least they need to pay just as I do with my own business. The JCC should also require Rockwool to use their electric arc to make their product to eliminate the pollution concern. I love this county and this is absolutely heartbreaking to watch especially with a baby of my own. I'm not sure if this is the right email to provide this info to, but please forward to the appropriate commissioners or get back to me with the proper email address. Thank you for your time and please help us.

The Lannons
Sarah, Mark, and Evelyn

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

Yes

Learn and Preserve: Jefferson County Regional Water Symposium

Saturday, September 28, 2019. Clarion Inn, Harpers Ferry, WV. 9:00 am – 3:00 pm

Session 1 – Our Changing Climate and Local Watershed

Speaker – Dr. Nicholas Zegre Ph.D, Associate Professor of Forest Hydrology, Davis College of Agriculture, Natural Resources & Design, West Virginia University. Director of the West Virginia University Mountain Hydrology Laboratory

Session 2 – Jefferson County Groundwater, with a special focus on Karst.

Speaker – Dr. Daniel H. Doctor Ph.D., Research Geologist, U.S. Geological Survey, KARST Project, Eastern Geology and Paleoclimate Science Center, Reston, VA

Session 3 – Case Study – Groundwater Contamination in Bradford and Clinton County, PA

Speaker – John W. Clune, Hydrologist, U.S. Geological Survey, Pennsylvania Water Science Center, Williamsport, PA.

Lunch

Session 4 – Environmental Justice and Community Action

Speaker – Dr. Sacoby Wilson, MS, PhD; Associate Professor, Maryland Institute for Applied Environmental Health and Department of Epidemiology and Biostatistics, School of Public Health, University of Maryland-College Park. Program Director, Community Engagement, Environmental Justice and Health (CEEJH) Initiative.

Session 5 – Water Sampling 101

Speaker – Liz Chudoba, Water Quality Program Manager, Alliance for the Chesapeake Bay, Chesapeake Monitoring Cooperative.

Emily Bialowas, Chesapeake Monitoring Outreach Coordinator, Izaak Walton League of America, Chesapeake Monitoring Cooperative

Session 6 Symposium Q&A and Community Discussion

Speakers – Symposium Speakers and West Virginia Rivers Coalition

Visit www.radwv.org for more information about speakers

Please consider a donation to support the symposium!