

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**FIRST QUARTERLY SESSION - JANUARY-MARCH 2020**  
**THURSDAY, JANUARY 30, 2020**  
**9:30 A.M.**  
**County Commission Meeting Room**  
**located at the Old Charles Town Library**  
**200 E. Washington Street, Charles Town, WV**

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- **January 16, 2020 Regular Meeting**

**APPROVAL OF REQUISITIONS**

- **January 30, 2020**

**APPROVAL OF ACCOUNTS PAYABLE**

- **January 23, 2020**
- **January 30, 2020**

**APPROVAL OF MANUAL CHECKS**

- **January 24, 2020**
- **January 31, 2020**

**APPROVAL OF PAYROLL**

- **January 23, 2020**

**ANNOUNCEMENTS**

- **Report if there are changes in the agenda if applicable**

**PUBLIC COMMENT (20 minutes)**

**PRESENTATIONS**

1. **10:00 a.m. Angela Banks, Assessor**  
**- Exonerations - Discussion/Action**

2. 10:15 a.m. Eric Lewis, Greenhouse Wellness WV Dispensaries, LLC  
- Request for letter of endorsement for an application for medical cannabis dispensary license to be located in Jefferson County - Discussion/Action
3. 10:30 a.m. Interview/Appointment to the North Eastern Regional EMS, Inc. Board - one two-year term ending October 31, 2021 - Discussion/Action
4. 10:45 a.m. BREAK
5. 11:00 a.m. Lynn Fields, Probate  
- Request approval of Quarterly Review and Petition to Probate in Solemn Form, Amended - Discussion/Action  
- Removal of Executor In the Estates of Ada and James Hatchett - Discussion/Action  
- Objection to Appointment and Petition for Removal of Administrator In the Estate of Dr. Kriesta Watson, deceased - Discussion/Action
6. 11:15 a.m. Laura Kuhn, Interim Director, Jefferson County Maintenance  
- Approval of Temporary Custodial Employee and Work Agreement for Staffing Services from Choice Staffing, Inc. - Discussion/Action
8. 12:00 p.m. Nathan Cochran, Assistant Prosecuting Attorney  
- Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues - Discussion/Action  
- Discussion of EEOC Charge #533-2017-00706 and 533-2019-01397 - Discussion/Action  
- Discussion of Jefferson County Circuit Court Civil Action #19-P-69 - Discussion/Action  
- Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282) - Discussion/Action  
- Discussion of Jefferson County Circuit Court Civil Action #19-AA-1 - Discussion/Action  
- Report by Counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency, including potential structure, financial issues, and matters related thereto - Discussion/Action
9. 12:15 p.m. Break for Lunch

**UNFINISHED BUSINESS**

- 10. Decision - Zoning Map Amendment (rezoning) for the property designated as Tax District: Middleway (07); Tax Map: 2; Parcel: 1.3. The property is located on the southeast corner of Coast Guard Drive and Charles Town Road, near the Jefferson and Berkeley County lines. The property owner is Murall Limited Partnership. Public hearing held 12/19/2019 - Discussion/Action

**NEW BUSINESS**

- 11. Amendment to Emergency Services Ordinance to add an additional "citizen" voting member to JCESA Board - Discussion/Action (JT)
- 12. Legislative Updates

**FINANCIAL DIRECTOR REPORTS**

**COUNTY ADMINISTRATOR REPORTS**

- Policy 319: Financial System Access and Approval Policy

**COUNTY COMMISSION REPORTS**

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

**Location: Jefferson County Courthouse**

**100 East Washington Street, Charles Town, WV**

- 13. 1:30 p.m. Board of Review and Equalization

- 14. ADJOURN

**DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS**

**CORRESPONDENCE/INFORMATION**

**Notice of FY21 Budget Forum**

**"Rockwool's Stormwater Pond Design, Construction Deficiencies, and Groundwater Contamination" written & submitted by Gavin Perry, resident**

***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, January 16, 2020**

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A meeting of the Jefferson County Commission was held on Thursday, January 16, 2020 during the first quarterly session in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Josh Compton, Caleb Hudson, Ralph Lorenzetti, Patricia Noland and Jane Tabb. Also present were Stephanie Grove, County Administrator; Jessica Carroll, Executive Administrative Assistant; Jacqueline Shadle, Clerk of the County Commission; and Jim Eddy, Bailiff. (An audio tape of the Thursday, January 16, 2020 meeting is available through the Jefferson County Commission Office.)

#### **PLEDGE OF ALLEGIANCE**

Commissioner Tabb led the Pledge of Allegiance.

#### **COUNTY COMMISSION ORGANIZATION**

##### **Selection of President**

Commissioner Noland nominated Commissioner Tabb for 2020 County Commission President. Ms. Tabb received three votes (Commissioners Noland, Tabb, and Lorenzetti) and was designated Commission President for calendar year 2020.

Commissioner Compton nominated Commissioner Lorenzetti for 2020 Commission President. Mr. Lorenzetti received two votes (Commissioners Compton and Hudson)

##### **Selection of Vice President**

Commissioner Noland nominated Commissioner Lorenzetti for 2020 Commission Vice President. Mr. Lorenzetti received three votes (Commissioners Noland, Tabb, and Lorenzetti) and was designated Commission Vice President for calendar year 2020.

Commissioner Compton nominated Commissioner Hudson for 2020 Commission Vice President. Mr. Hudson received two votes (Commissioners Compton and Hudson)

**Selection of Committee Assignments**

| <b>Assignment to Boards, Commissions<br/>&amp; Organizations<br/>Calendar Year 2020</b> |                          |                          |
|-----------------------------------------------------------------------------------------|--------------------------|--------------------------|
| <i>Organization</i>                                                                     | <i>Commissioner 2019</i> | <i>Commissioner 2020</i> |
| Approval of Bills                                                                       | Compton                  | Compton                  |
| Board of Health                                                                         | Hudson                   | Hudson                   |
| Building Repair & Security Courthouse Committee                                         | Noland                   | Lorenzetti               |
| Charles Town Utility Board                                                              | Compton                  | Hudson                   |
| Community Corrections Committee - Day Report Center                                     | Hudson                   | Lorenzetti               |
| Development Authority                                                                   | Noland                   | Noland                   |
| E-911 Council                                                                           | Tabb                     | Tabb                     |
| Extension Service                                                                       | Tabb                     | Tabb                     |
| Farmland Protection Board                                                               | Tabb                     | Tabb                     |
| Jefferson County Convention & Visitors Bureau                                           | Noland                   | Noland                   |
| Jefferson County Emergency Services Agency / Fire & Rescue                              | Tabb                     | Tabb                     |
| Historic Landmarks Commission                                                           | Hudson                   | Hudson                   |
| Homeland Security/LEPC                                                                  | Tabb                     | Tabb                     |
| Legislative Liaison                                                                     | County Admin             | County Admin             |
| MPO Interstate Council                                                                  | Lorenzetti               | Noland                   |
| Eastern Panhandle Transportation Authority (EPTA)                                       | Tabb                     | Tabb                     |
| Parks and Recreation                                                                    | Hudson                   | Compton                  |
| Planning Commission                                                                     | Lorenzetti               | Lorenzetti               |
| Region 9                                                                                | Lorenzetti               | Noland                   |
| Solid Waste Authority                                                                   | Compton                  | Compton                  |
| Water Advisory Committee                                                                | Hudson                   | Hudson                   |
| Workforce Investment Act Liaison                                                        | Noland                   | Lorenzetti               |

## APPROVAL OF MINUTES

**Motion by Mr. Compton to approve the December 5, 2019 Regular Meeting Minutes as presented/amended. Motion seconded and unanimously approved.**

**Motion by Ms. Noland to approve the December 10 Special Session Minutes as presented/amended. Motion seconded and unanimously approved.**

**Motion by Ms. Noland to approve the December 19, 2019 Regular Meeting Minutes as presented/amended. Motion seconded and unanimously approved.**

## APPROVAL OF REQUISITIONS

**Motion by Mr. Compton to approve the requisitions for January 16, 2020 in the amount of \$48,382.00 to include requisition nos. 20022 and 20023. Motion seconded and unanimously approved.**

## APPROVAL OF ACCOUNTS PAYABLE

| CHECK # | VENDOR NAME                                        | AMOUNT    |
|---------|----------------------------------------------------|-----------|
| 82670   | BOLAND TRANE SERVICES INC                          | 1,771 00  |
| 82671   | CTWV APA CHARLES TOWN CHAPTER AMERICAN PAYROLL ASC | 60 00     |
| 82672   | IPC TECHNOLOGIES INC.                              | 5,812 50  |
| 82673   | P/R DEDUCTION                                      | 1,949 57  |
| 82674   | MILLENIUM INSURANCE GROUP                          | 900 00    |
| 82675   | RICE TIRES CO                                      | 522 96    |
| 82676   | SOFTWARE SYSTEMS INC                               | 150 00    |
| 82677   | TAMMY SHAFFER                                      | 30 00     |
| 82678   | WV PUBLIC EMPLOYEE RETIREMENT SYSTEM               | 869 36    |
| 82679   | BUREAU OF CHILD SUPPORT                            | 169 39    |
| 82680   | COMPTROLLER OF MARYLAND                            | 1,139 33  |
| 82681   | EFTPS IRS TAXES                                    | 96,436 74 |
| 82682   | EMPOWER RETIREMENT                                 | 2,620 00  |
| 82683   | GUTTMAN OIL CO                                     | 3,027 82  |
| 82684   | JEFFERSON SECURITY BANK                            | 5,070 00  |
| 82685   | MILLERS SUPPLIES AT WORK                           | 38 07     |
| 82686   | NATIONWIDE RETIREMENT SOLUTIONS                    | 849 00    |
| 82687   | VA DEPT OF TAXATION                                | 994 95    |

|       |  |                                      |  |            |
|-------|--|--------------------------------------|--|------------|
| 82688 |  | WV DEPUTY SHERIFF RETIREMENT SYSTEM  |  | 16,185.60  |
| 82689 |  | WV PUBLIC EMPLOYEE RETIREMENT SYSTEM |  | 44,903.36  |
| 82690 |  | WV PUBLIC EMPLOYEE RETIREMENT SYSTEM |  | 500.00     |
| 82691 |  | WV STATE TAX DEPARTMENT              |  | 34,790.78  |
| 82692 |  | XEROX CORPORATION                    |  | 1,147.80   |
|       |  |                                      |  |            |
|       |  |                                      |  | 219,938.23 |

**Motion by Ms. Noland to approve the Accounts Payable for December 26, 2019 in the amount of \$219,938.23. Motion seconded and unanimously approved.**

| CHECK # |  | VENDOR NAME                                    |  | AMOUNT     |
|---------|--|------------------------------------------------|--|------------|
| 82694   |  | AHA-ARTS & HUMANITIES ALLIANCE                 |  | 980.07     |
| 82695   |  | ALICE N PAINTER                                |  | 64.00      |
| 82696   |  | AMERICAN FAMILY LIFE INSURANCE COMPANY ICU     |  | 3,213.06   |
| 82697   |  | ANGELA L BANKS                                 |  | 87.80      |
| 82698   |  | AT&T                                           |  | 229.80     |
| 82699   |  | BOLIVAR / HARPERS FERRY PUBLIC LIBRARY         |  | 20,625.00  |
| 82700   |  | BUREAU OF CHILD SUPPORT                        |  | 169.39     |
| 82701   |  | P/R DEDUCTIONS                                 |  | 2,774.53   |
| 82702   |  | CITY OF CHARLES TOWN                           |  | 234.60     |
| 82703   |  | CLERK OF JEFFERSON COUNTY COMMISSION           |  | 103.30     |
| 82704   |  | COLONIAL LIFE                                  |  | 163.20     |
| 82705   |  | DELTA DENTAL OF WV                             |  | 6,735.35   |
| 82706   |  | DR. ROBERT E JONES III                         |  | 1,000.00   |
| 82707   |  | EFTPS IRS TAXES                                |  | 100,882.76 |
| 82708   |  | P/R DEDUCTIONS                                 |  | 1,115.22   |
| 82709   |  | EMPOWER RETIREMENT                             |  | 2,620.00   |
| 82710   |  | EPTA EASTERN PANHANDLE TRANSIT AUTHORITY       |  | 5,000.00   |
| 82711   |  | P/R DEDUCTIONS                                 |  | 1,324.84   |
| 82712   |  | FEDEX                                          |  | 268.53     |
| 82713   |  | HIGHMARK WV                                    |  | 210,256.69 |
| 82714   |  | P/R DEDUCTIONS                                 |  | 98.71      |
| 82715   |  | JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION |  | 1,451.24   |
| 82716   |  | JEFFERSON CO EMERGENCY SERVICES AGENCY         |  | 557,836.75 |
| 82717   |  | JEFFERSON CO CONVENTION AND VISITORS BUREAU    |  | 24,501.70  |
| 82718   |  | JEFFERSON COUNTY DEVELOPMENT AUTHORITY         |  | 26,500.00  |
| 82719   |  | JEFF CO PARKS & RECREATION COMMISSION          |  | 83,015.40  |
| 82720   |  | JEFFERSON DAY REPORT CENTER                    |  | 37,502.50  |
| 82721   |  | JEFFERSON SECURITY BANK                        |  | 5,070.00   |

|              |  |                                             |  |                     |
|--------------|--|---------------------------------------------|--|---------------------|
| 82722        |  | JEFFERSON CENTER                            |  | 100.00              |
| 82723        |  | LANGUAGE LINE SERVICES                      |  | 35.74               |
| 82724        |  | P/R DEDUCTIONS                              |  | 391.16              |
| 82725        |  | MATTHEW BENDER                              |  | 197.10              |
| 82726        |  | MEGAN FARIAS                                |  | 1,333.15            |
| 82727        |  | MIDDLEWAY FIRE COMPANY                      |  | 82,500.00           |
| 82728        |  | NATIONAL VISION ADMIN.                      |  | 1,865.32            |
| 82729        |  | NATIONWIDE RETIREMENT SOLUTIONS             |  | 849.00              |
| 82730        |  | OLD CHARLES TOWN LIBRARY                    |  | 22,125.00           |
| 82731        |  | P/R DEDUCTIONS                              |  | 1,863.62            |
| 82732        |  | SHAUN PACETTI                               |  | 64.00               |
| 82733        |  | SHEPHERDSTOWN PUB LIBRARY                   |  | 20,625.00           |
| 82734        |  | SHERIFF OF JEFFERSON COUNTY                 |  | 60.31               |
| 82735        |  | SOUTH JEFFERSON PUBLIC LIBRARY              |  | 20,625.00           |
| 82736        |  | P/R DEDUCTIONS                              |  | 2,707.46            |
| 82737        |  | THE HARTFORD                                |  | 2,451.10            |
| 82738        |  | THE HARTFORD                                |  | 4,157.62            |
| 82739        |  | P/R DEDUCTIONS                              |  | 1,022.07            |
| 82740        |  | VITAL SIGNS                                 |  | 453.50              |
| 82741        |  | W.B. MASON CO. INC                          |  | 35.34               |
| 82742        |  | P/R DEDUCTIONS                              |  | 1,063.44            |
| 82743        |  | WV DEPUTY SHERIFF RETIREMENT SYSTEM         |  | 18,281.73           |
| 82744        |  | WV PUBLIC EMPLOYEE RETIREMENT SYSTEM        |  | 47,375.70           |
| 82745        |  | WV PUBLIC EMPLOYEE RETIREMENT SYSTEM        |  | 500.00              |
| 82746        |  | WV REGIONAL JAIL & CORRECTION FACILITY AUTH |  | 2,316.00            |
| 82747        |  | WVU WEST VIRGINIA UNIVERSITY                |  | 3,700.00            |
| <b>TOTAL</b> |  |                                             |  | <b>1,330,522.80</b> |

**Motion by Mr. Compton to approve the Accounts Payable for January 9, 2020 in the amount of \$1,330,522.80. Motion seconded and unanimously approved.**

| CHECK # | VENDOR NAME                      | AMOUNT       |
|---------|----------------------------------|--------------|
| 82748   | ADVANTAGE TECHNOLOGY LLC         | \$ 8,400 00  |
| 82749   | AMERIFLEX                        | \$ 121 60    |
| 82750   | AVENU INSIGHTS & ANALYTICS       | \$ 13,807 57 |
| 82751   | BERKELEY GLASS INC               | \$ 170 00    |
| 82752   | BONDED APPLICATORS OF MD INC     | \$ 529 30    |
| 82753   | CAPITAL LIGHTING & SUPPLIES, LLC | \$ 1,909 24  |
| 82754   | CITY OF CHARLES TOWN             | \$ 70 00     |

|              |         |                                             |  |                      |
|--------------|---------|---------------------------------------------|--|----------------------|
| 82755        |         | DARYLL WIMER                                |  | \$ 6.75              |
| 82756        |         | DOUGLAS PITTINGER                           |  | \$ 7.66              |
| 82757        |         | FIFTH THIRD BANK                            |  | \$ 85,421.24         |
| 82758        |         | FLEETPRIDE                                  |  | \$ 137.76            |
| 82759        |         | FRANKLIN & PROKOPIK P.C.                    |  | \$ 3,670.50          |
| 82760        |         | GUTTMAN OIL CO                              |  | \$ 10,624.56         |
| 82761        |         | JUSTTECH LLC                                |  | \$ 217.27            |
| 82762        |         | P/R DEDUCTION                               |  | \$ 1,733.86          |
| 82763        |         | MARY K. HURLEY                              |  | \$ 42.35             |
| 82764        |         | MICROMAIN CORPORATION                       |  | \$ 6,995.00          |
| 82765        |         | R.E. MICHEL CO. LLC                         |  | \$ 455.00            |
| 82766        |         | RICE TIRES CO                               |  | \$ 410.60            |
| 82767        |         | ROBERT L PETERSON SR                        |  | \$ 3.37              |
| 82768        |         | RONALD DANTZIC                              |  | \$ 7.50              |
| 82769        |         | SHERIFF OF JEFFERSON COUNTY                 |  | \$ 103.30            |
| 82770        |         | TRACY P HERRON-RICE                         |  | \$ 2,875.95          |
| 82771        |         | WV REGIONAL JAIL & CORRECTION FACILITY AUTH |  | \$ 55,970.00         |
| 82772        |         | WVNET                                       |  | \$ 50.00             |
| 82773        |         | XEROX CORPORATION                           |  | \$ 2,540.50          |
| 82774        |         | XEROX FINANCIAL SERVICES                    |  | \$ 249.81            |
| 82775        | GRANT   | JEFFERSON DAY REPORT                        |  | \$ 3,860.60          |
| 82776        | AMB FEE | FIFTH THIRD BANK                            |  | \$ 2,076.10          |
|              |         |                                             |  |                      |
| <b>TOTAL</b> |         |                                             |  | <b>\$ 202,417.39</b> |

**Motion by Ms. Tabb to approve the Accounts Payable for January 16, 2020 in the amount of \$202,417.39. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

| <b>MANUAL CHECKS</b> |             |                              |  |               |
|----------------------|-------------|------------------------------|--|---------------|
| <b>Check#</b>        | <b>Fund</b> | <b>VENDOR</b>                |  | <b>Amount</b> |
| 497                  | CS/2        | EASTRIDGE HEALTH SYSTEM      |  | \$ 1,000 00   |
| 498                  | CS/2        | JEFF CO COMMUNITY MINISTRIES |  | \$ 2,500 00   |
| 345                  | MC/5        | MARY PAUL RISSLER            |  | \$ 192 43     |
| 680                  | HD/8        | FIFTH THIRD BANK             |  | \$ 57 63      |
| 681                  | HD/8        | PREMIER INTEGRITY SOLT.      |  | \$ 544 00     |
| 760                  | AV/56       | MILLER'S SUPPLIES AT WORK    |  | \$ 31 59      |
| 761                  | AV/56       | MR PRINT                     |  | \$ 1,432 90   |

|              |        |                                      |    |                  |
|--------------|--------|--------------------------------------|----|------------------|
| 762          | AV/56  | PRINT-O-STAT                         | \$ | 190.00           |
| 1737         | CO/246 | BOLIVAR/HARPERS FERRY PUBLIC LIBRARY | \$ | 11,585.00        |
| 1738         | CO/246 | TYLER TECH                           | \$ | 1,275.00         |
|              |        |                                      |    |                  |
| <b>TOTAL</b> |        |                                      |    | <b>18,808.55</b> |

**Motion by Ms. Noland to approve the Manual Checks for January 10, 2020 in the amount of \$18,808.55 . Motion seconded and unanimously approved.**

| <b>MANUAL CHECKS</b> |             |                              |    |                      |
|----------------------|-------------|------------------------------|----|----------------------|
| <b>Check#</b>        | <b>Fund</b> | <b>VENDOR</b>                |    | <b>Amount</b>        |
| 682                  | HD/8        | ATTENTI                      | \$ | 4,067.20             |
| 683                  | HD/8        | CDA                          | \$ | 372.00               |
| 321                  | FP/57       | JEFFERSON CO FARMLAND PROT.  | \$ | 59,623.15            |
| 1739                 | CO/246      | TYLER TECH                   | \$ | 1,500.00             |
| 1217                 | IP/249      | SHERIFF JEFFERSON CO -SCHOOL | \$ | 57,499.20            |
| 1218                 | IP/249      | SHERIFF JEFFERSON CO - LAW   | \$ | 1,008.65             |
| 1219                 | IP/249      | SHERIFF JEFFERSON CO - PARKS | \$ | 4,582.27             |
| 1220                 | IP/249      | SHERIFF JEFFERSON CO - EMS   | \$ | 500.32               |
| <b>TOTAL</b>         |             |                              |    | <b>\$ 129,152.79</b> |

**Motion by Mr. Lorenzetti to approve the Manual Checks for January 17, 2020 in the amount of \$129,152.79. Motion seconded and unanimously approved.**

**APPROVAL OF PAYROLL**

**Motion by Ms. Noland to approve the Payroll for December 26, 2019 in the amount of \$269,825.73. Motion seconded and unanimously approved.**

**Motion by Mr. Compton to approve the Payroll for January 9, 2020 in the amount of \$279,354.34. Motion seconded and unanimously approved.**

**PUBLIC COMMENT**

Public comment was made by the following individuals:

David Tabb, Sara Thomsen, and Nicola Bastian.

Please refer to the archived meetings on the jeffersoncountywv.org website to listen to public comment.

## **PRESENTATIONS**

1. Jacqueline Shadle, Clerk of the County Commission – requested the approval of employment for Finance Clerk.
  - **Motion by Mr. Compton to approve the employment of Bessie Nelson as Finance Clerk for the County Clerk’s Office at a salary of \$40,000.00, effective February 3, 2020. Motion seconded and unanimously approved.**
2. Stephen Allen, Director, Jefferson County Department of Homeland Security and Emergency Management
  - a. Recommendation from JCHSEM Steering Committee for reappointments to the JCHSEM Steering Committee
    - **Motion by Ms. Tabb to approve the recommendation of the JCHSEM Steering Committee for the reappointments of the following people to serve on the JCHSEM Steering Committee, per their letter (dated January 8, 2020) for a term of 2 years beginning January 31, 2020: John Sherwood, representing the Chamber of Commerce; Ed Smith, representing the fire service; Sanford “Sandy” Green, representing WV Homeland Security and Emergency Management; Jeff Polczynski, representing the Emergency Communications Center; Thomas Butcher, representing the Utility Company; Donald L. Grubb, Jr., representing Jefferson Medical Center; and Paula Marrone-Reese, representing non-profit. Motion seconded and unanimously.**
  - b. Approval of the 2018 Emergency Management Performance Grant application
    - **Motion by Ms. Tabb to approve the 2018 Emergency Management Performance Grant application. Motion seconded and unanimously approved.**
3. **Interviews and Appointments to the following:**
  - o Jefferson County Board of Zoning Appeals – two three year terms ending January 1, 2023.

- **Motion by Ms. Noland to reappoint Leeds Corbin and Tyler Quynn to the Jefferson County Board of Zoning Appeals each for a term of three years ending January 1, 2023. Motion seconded and unanimously approved.**
  - Jefferson County Historic Landmarks Commission – one unexpired term ending March 6, 2023.
  - **Motion by Ms. Noland to appoint Jack Hefestay to the Jefferson County Historic Landmarks Commission for one unexpired term ending March 6, 2023. Motion seconded and unanimously approved.**
4. The Commission recessed for break at 7:30 pm.  
The Commission reconvened at 7:45pm.
5. Russell Burgess, Director, Jefferson County IT – requested approval of an Information Technology Internship for Corey Proctor
- **Motion by Ms. Noland to approve the internship of Mr. Corey Proctor with the Information Technology Department for 150 hours at the rate of \$10.00 per hour, with a start date in approximately one week. Motion seconded and unanimously approved.**
6. Nathan Cochran, Assistant Prosecuting Attorney
- Discussion of Jefferson County Civil Action #17-C-282
  - Discussion of Renewal of County Cable Franchise Agreement, resolution of franchise fee audit 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 WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282)
    - Discussion of Jefferson County Circuit Court Civil Action #19-C-96
    - Discussion of EPA Administrative Complaint #04R-19-R3
    - Discussion of Jefferson County Circuit Court Civil Action #19-AA-1
  - **Motion by Mr. Compton to enter into Executive Session to discuss EEOC Charge #533-2017-00706 & #533-2019-01397, WV Supreme Court #19-0412 and EPA Administrative Complaint #04R-19-R3. Motion seconded and unanimously approved.**
  - **Motion by Ms. Noland to come out of Executive Session.**
  - **Motion by Ms. Noland to request counsel to contact Senator Patricia Rucker regarding WV Supreme Court #19-0412 and request that she modify the**

**language therein to reflect the Commission's wishes. Motion seconded and unanimously approved.**

**NEW BUSINESS**

7. Discuss creation of Jefferson County Fire Protection Service Board

It was the consensus of the Commission to request that the County's legal counsel review the Ordinances in effect in Berkeley and Morgan Counties and discuss steps and a time frame needed to implement a similar Fire Protection Service Fee Ordinance in Jefferson County

It was also the consensus of the Commission to request the JC Commissioner's Financial Director examine the Fire Service Fee Ordinances in Berkeley and Morgan Counties to determine what fee amounts would be adequate to support the seven fire departments in Jefferson County.

8. Letter urging NRA to relocate operations to Jefferson County, WV
- **Motion by Mr. Compton to invite the Interim Director of the Jefferson County Development Authority and the Board President to have a discussion with the Commission regarding contacting the NRA to relocate operations in Jefferson County. Motion seconded and unanimously approved.**

9. Legislative Updates

10. The Commission adjourned at 9:08 pm on a motion by Mr. Compton. Motion was seconded and unanimously approved.

\_\_\_\_\_  
Jane Tabb, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Administrative Assistant

**REQUISITIONS TO BE APPROVED****January 30, 2020**

| DEPARTMENT            | P.O. NUMBER | AMOUNT              | VENDOR             | DESCRIPTION                  |
|-----------------------|-------------|---------------------|--------------------|------------------------------|
|                       |             |                     |                    |                              |
| COMMUNICATIONS        | 20024       | \$34,740.39         | Motorola Solutions | Annual Service Contract      |
|                       |             |                     |                    |                              |
| CO. CLERK - ELECTIONS | 20025       | \$ 44,241.00        | ESS Elections      | Yearly Maintenance Agreement |
|                       |             |                     |                    |                              |
| IT/DATA PROCESSING    | 20026       | \$ 10,125.00        | Storage Networks   | Storage Area Networks        |
|                       |             |                     |                    |                              |
| <b>GRAND TOTAL</b>    |             | <b>\$ 89,106.39</b> |                    |                              |



| DESCRIPTION                 | FUND 001 CO. | FUND 003 DOG | TOTAL        |
|-----------------------------|--------------|--------------|--------------|
| Gross Wages                 | \$407,267.54 | \$36.90      | \$407,304.44 |
| 6.2% Tax Payable OASDI      | \$24,228.27  | \$2.29       | \$24,230.56  |
| 1.45% Tax Payable HI        | \$5,666.21   | \$0.54       | \$5,666.75   |
| Fed Withholding             | \$37,341.02  |              | \$37,341.02  |
| WV State Withholding        | \$17,411.85  |              | \$17,411.85  |
| PERS Retirement Deduct 4.5% | \$10,098.63  | \$3.69       | \$10,102.32  |
| PERS Retirement Deduct 6%   | \$4,403.39   |              | \$4,403.39   |
| Hosp. Pre-Taxed             | \$14,293.00  |              | \$14,293.00  |
| Cancer/ICU Pre-Taxed        | \$656.33     |              | \$656.33     |
| Cancer/ICU Not Pre-Taxed    | \$868.60     |              | \$868.60     |
| Optional Life Not Pre Taxed | \$2,148.16   |              | \$2,148.16   |
| Christmas Club              | \$4,900.00   |              | \$4,900.00   |
| Wage Attach #1              | \$169.39     |              | \$169.39     |
| Wage Attach #3              | \$500.00     |              | \$500.00     |
| DSRS Retirement Deduct 8.5% | \$6,629.24   |              | \$6,629.24   |
| 457 - Nationwide            | \$849.00     |              | \$849.00     |
| 457I - Empower              | \$1,830.00   |              | \$1,830.00   |
| 457R - Roth                 | \$620.00     |              | \$620.00     |
| MD State Tax                | \$564.95     |              | \$564.95     |
| D/VF                        | \$1,649.80   |              | \$1,649.80   |
| VA State Tax                | \$123.01     |              | \$123.01     |
| Colonial(Plus)              | \$81.60      |              | \$81.60      |
| Uniforms                    |              |              | \$0.00       |
| Total Deductions            | \$135,032.45 | \$6.52       | \$135,038.97 |
| Net Wages Total             | \$272,235.09 | \$30.38      | \$272,265.47 |
| Payroll Date                | 23-Jan-2020  |              |              |



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Angie Banks, Assessor

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

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **January 30, 2020**

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

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

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

✚ **Exonerations – Discussion/Action**

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

Is this a funding request?  Y/N [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](http://www.jeffersoncountywv.org)



Name: Eric Lewis

Department or Organization: Greenhouse Wellness WV Dispensaries LLC

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **January 30**

*If a specific date is needed, please provide reason for specific date: **Deadline for WV Medical Cannabis applications is February 18***

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): Discussion and possible action on endorsement of an application for medical cannabis dispensary license to be located in Jefferson County (if application is approved)

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

Our company is applying for a license to operate a medical cannabis dispensary in Jefferson County. The West Virginia Office of Medical Cannabis (WVOMC) requires that the county and the city (if applicable) approve of a medical cannabis use within their locality. In other states we have applied for licenses in the county and/or city have also submitted a specific letter of endorsement of our application (see attached). We are requesting that the Jefferson County Commission endorse our application via letter so that we can submit the letter of endorsement to the WVOMC with the application. Applications are due by February 18, 2020.

Is this a funding request? No

If so, how much? Not applicable

Provide exact financial impact/request:

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

To authorize the president of the County Commission to draft and sign a letter of endorsement of the medical cannabis dispensary application of Greenhouse Wellness WV Dispensaries LLC for submission by the company to the West Virginia Office of Medical Cannabis as a component of its application for a dispensary license pursuant to West Virginia State Code.

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

If not attached, explain:

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

Contact information: Eric Lewis CPA

Email address: [erlewis@dollcpas.com](mailto:erlewis@dollcpas.com)

Phone Number: 304 728 6877

FOR COMMISSION STAFF USE ONLY - FINANCIAL IMPACT/RECOMMENDATION



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jessica Carroll

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 20 minutes

Date Requested – 1<sup>st</sup> Choice: **January 30, 2020**

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

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): **Interview/Appointment to the North Eastern Regional EMS, Inc. Board – one two-year term ending October 31, 2021 – Discussion/Action**

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

Is this a funding request? Y/N

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**



The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, January 30, 2020 or as soon thereafter as the Commission may decide:

**North Eastern Regional EMS, Inc. - one unexpired term ending October 31, 2021.**

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



## Jessica Carroll

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**From:** Craig Horn  
**Sent:** Monday, December 2, 2019 12:39 PM  
**To:** Jessica Carroll  
**Subject:** NEREMS Appointment for the next two years  
**Attachments:** RCH NERMES Appoint 18.pdf

My Northeastern Regional EMS (NEREMS) which I serve as president is up in January of 2020. I attached my previous appointment certificate. Can you get me re-appointed to this committee..

Thanks,

**R Craig Horn, MS, NRP**

**Education & Compliance - Captain II**

**Jefferson County Emergency Services Agency**

419 Sixteenth Ave - Ranson, WV 25438

304.728.3287 (Station))

304.728.6221 (Fax)

[www.jcesa.org](http://www.jcesa.org)



AGENDA REQUEST FORM

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

NAME: Lynn Fields

DEPARTMENT OR ORGANIZATION: Probate Office

ESTIMATION OF TIME NEEDED FOR APPT.: 20-30 minutes

DATE REQUESTED: 1<sup>ST</sup> CHOICE January 30<sup>th</sup>, 2019

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

SUBJECT: (1) Quarterly Review  
(2) Petition to Probate in Solemn Form-Amended

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

- (1) Approve and close estates
- (2) Approve amended petition to probate in solemn form

ARE DOCUMENTS ATTACHED: To follow

IS A PROJECTOR NEEDED?: NO

[lfields@jeffersoncountywv.org](mailto:lfields@jeffersoncountywv.org) (304) 728-3210



**Regular Term**

**JANUARY 2020**

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

**At a Regular Term of the County Commission of said County and State, begun and held at the Old Charles Town Library thereof, on Thursday, January 30<sup>th</sup>, 2020 beginning at 9:00AM.**

**PRESENT: Jane Tabb, President  
Patsy Noland, Joshua Compton, Ralph Lorenzetti and  
Caleb Wayne Hudson, Commissioners**

**A list of Wills Probated, Executors qualified, Guardians, Administrators, &c appointed since the last Regular Term of this Commission, to-wit: October 2019 Term, thereof was this day presented to the Commission by the Clerk thereof, examined by it, and ordered filed:**

**Estate of April Aine Burkett, deceased, First and Final Accounting, Ernest Burkett, Administrator**

**Estate of Paul Michael Casseen, deceased, First and Final Accounting, Calvin S. Stokes, Executor**

**Estate of Hilda Jane Cheshire, deceased, First and Final Accounting, Patricia L. DeHaven, Executrix**

**Estate of Barbara Jean Cook, deceased, First and Final Accounting, D. Frank Hill, III, Administrator**

**Estate of Frances B. Cook, deceased, First and Final Accounting, D. Frank Hill, III, Ancillary Administrator, cta**

**Estate of Mary Lee Donovan, deceased, First and Final Accounting, James R. Donovan, Jr., Administrator**

**Estate of Geraldine Magaha Feliciano, deceased, First and Final Accounting, Holly McCall, Administratrix**

**Estate of Mary Galloway, deceased, First and Final Accounting, Christopher Edwin Haugh, Administrator**

**Estate of Charles William Henry, deceased, First and Final Accounting, Henry W. Morrow, Jr., Administrator cta**

**Estate of Anthony Wayne Howell, deceased, First and Final Accounting, Henry W. Morrow, Jr., Administrator**

**Estate of Geraldine F. Link aka Geraldine Ann Link, deceased, First and Final Accounting, Henry W. Morrow, Jr., Executor**

**Estate of Dorothy Louise Michael, deceased, First and Final Accounting, Alfred Lee Michael, Jr., and William Russell Lutman, Co-Executors**

**Estate of Agatha Pittard Murphy, deceased, First and Final Accounting, Barbara J. Birney, Executrix**

**Estate of Donald James Owen, deceased, First and Final Accounting, Erica Nicole Sloan, Executrix**

**Estate of Victor E. Peterson, deceased, First and Final Accounting, Jeffrey S. Day, Executor**

**Estate of Virginia Mae Snyder, deceased, First and Final Accounting, Donald William Snyder, Executor**

**The following Waivers of Final Settlement were this day examined by the Commission and there being no exceptions thereto, and none appearing on the face thereof, same are ordered approved and recorded as follows:**

**Estate of Sandra Ann Ault, deceased, Waiver of Final Settlement, William Ault, Executor**

**Estate of Timothy Patrick Bennett, deceased, Waiver of Final Settlement, Dawn E. Bennett, Administratrix**

**Estate of Robert D. Berry, deceased, Waiver of Final Settlement, Barbara M. Lowe, Executrix**

**Estate of Dolores E. Blust, deceased, Waiver of Final Settlement, Diane L. Blust, Executrix**

**Estate of Helen Elizabeth Brown, deceased, Waiver of Final Settlement, Harold L. Brown, Jr., Ancillary Administrator**

**Estate of Dana Gail Butts, deceased, Waiver of Final Settlement, Michael Butts, Executor**

**Estate of Donna Howe Callar, deceased, Waiver of Final Settlement, Bank of Charles Town, Executor**

**Estate of Richard B. Crim, deceased, Waiver of Final Settlement, John B. Crim, Executor**

**Estate of Mark Timothy Day, deceased, Waiver of Final Settlement, Patty Lou Harrington, Executrix**

**Estate of John DeLeonardo, II, deceased, Waiver of Final Settlement, Debra L. DeLeonardo, Administratrix**

**Estate of Ruby Mae Gainer, deceased, Waiver of Final Settlement, Joseph Gainer, Executor**

**Estate of Charles E. Gayhart, deceased, Waiver of Final Settlement, Mary Diane Roper, Administratrix**

**Estate of Margaret V. Gayhart, deceased, Waiver of Final Settlement, Mary Diane Roper, Administratrix**

**Estate of George Robert Glassford, Sr., deceased, Waiver of Final Settlement, George Robert Glassford, Jr., Executor**

**Estate of Hugh Helmick, Jr., deceased, Waiver of Final Settlement, Stephanie Ayers, Administratrix**

**Estate of Joyce Clark Johnson, deceased, Waiver of Final Settlement, Beth J. Rehberger and Diane J. Fulton, Co-Executors**

**Estate of Frank Laumann, deceased, Waiver of Final Settlement, Stephanie Ayers, Administratrix cta**

**Estate of Helen Louise Longerbeam, deceased, Waiver of Final Settlement, Deborah Breeden, Executor**

**Estate of Jessica Ryan Loy, deceased, Waiver of Final Settlement, Damon A. Loy, Administrator**

**Estate of Richard Dean Marken, deceased, Waiver of Final Settlement, Jeffrey Marken, Administrator**

**Estate of Mary E. May, deceased, Waiver of Final Settlement, Carlton J. May, Jr., Administrator**

**Estate of Linda Darlene Ortman, deceased, Waiver of Final Settlement, Stacey Watson, Executrix**

**Estate of Paul Rudolph Ranalli, Jr., deceased, Waiver of Final Settlement, Walter R. Ranalli, Administrator**

**Estate of Jerry Wayne Reece, deceased, Waiver of Final Settlement, Paul Leon Reece, Executor**

**Estate of John A. Robichaud, deceased, Waiver of Final Settlement, Dawn K. Moore, Executrix**

**Estate of Nola A. Rognley, deceased, Waiver of Final Settlement, Randolph Neff and Gloria Neff, Co-Executors**

**Estate of Betty Ann Shanklin, deceased, Waiver of Final Settlement, Barbara Wolfe, Executrix**

**Estate of Patricia C. Zigler, deceased, Waiver of Final Settlement, Patricia C. Zigler, Ancillary Administrator**

**Accountings and Waivers of Final Settlement submitted from the Fiduciary**

**Commissioners: June K. Jovanelly, S. Andrew Arnold, Frank D. Hill, III and**

**David A. Dejarnett:**

**Estate of William Broaddus Ancarrow, deceased, First and Final Accounting, Isis C. Kirby O'Connell, Executrix**

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**President**

**IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA**

**IN RE: The Estate of Marian Virginia Washington**

**ADDENDUM TO PETITION**

Diana McKnight Hodge  
c/o Cathy White  
1734 Noble Rd.  
East Cleveland, OH 44112

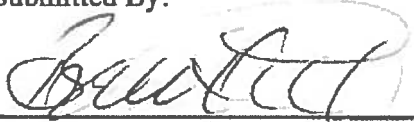
Cathy A. White  
1734 Noble Rd.  
East Cleveland, OH 44112

Myron K. Washington  
c/o April Washington  
17315 Glendale Ave  
Cleveland, OH 44128

Gia Young  
7940 N. MacArthur Blvd. Apt 3141  
Irving, TX 75063

**DIANA McKNIGHT HODGE**  
By Counsel

Submitted By:



**Braun A. Hamstead, Esquire**  
**West Virginia State Bar ID No. 1568**  
**HAMSTEAD & ASSOCIATES, L.C.**  
**507 S. Fairfax Blvd.**  
**Charles Town, WV 25414**  
**Phone: 304-725-1468**  
**Fax: 304-725-1321**



**IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA**

**IN RE: The Estate of Marian Virginia Washington**

**PETITION TO PROBATE A WILL IN SOLEMN FORM**

COMES NOW your Petitioner, Diana McKnight Hodge (formerly Diana L. McKnight), and petitions for the admission and probate in solemn form of a paper writing believed to be the Last Will and Testament (the "Will") of Marian Virginia Washington (the "Decedent") in accordance with the provisions of West Virginia Code Chapter 41, Article 5, Section 5, and represents to this Commission that:

1. Petitioner Diana McKnight Hodge (c/o Cathy White, 1734 Noble Rd., East Cleveland, OH 44112) was designated as Executrix and Personal Representative of The Decedent by virtue of her Last Will and Testament dated September 20, 2005, which is the subject of this Petition and a copy of which is hereto attached as Exhibit 1.
2. The Decedent died a resident of Jefferson County, West Virginia, on February 23, 2006 and a true copy of her death certificate of hereto attached as Exhibit 2.
3. The last place of residence and domicile of The Decedent at her death was 265 Kearneysville Pike, Kearneysville, WV 25430.
4. At the date of her death, the nature of the estate of The Decedent consisted of a ½ acre lot of real estate situate in Jefferson County and acquired by her by virtue of a Will dated June 3, 1980, and recorded in Will Book W at page 265.
5. At the date of her death, Marian Virginia Washington, was a widow and had not remarried; that she was survived by her four (4) children: Diana L. McKnight, Gary

W. Washington, Cathy A. White, and Myron K. Washington, who constitute her known heirs-at-law and distributes, as defined under West Virginia Code §42-1-3a(a).

6. Petitioner has tendered to the Court a photocopy of the Exhibit 1 Will together with the original of the Exhibit 2 Death Certificate. The original of the Decedent's Will cannot be located but the authenticity of the Will photocopy has been verified through the offices of Hamstead & Associates where it was prepared and signed.
7. Your Petitioner has tendered to the Fiduciary Supervisor of Jefferson County two Affidavits (witness deposition) with respect to Exhibit 1, one executed by Paula R. Wilt and the other executed by Helen Hite, each affirming to the genuineness of the signature of the Decedent to Exhibit #1, copies of which are attached hereto as Exhibit 3 and Exhibit 4, respectively.
8. The beneficiaries under the Will and their relation to Decedent are as follows:

|                                    |          |
|------------------------------------|----------|
| Diana L. McKnight                  | Daughter |
| Gary W. Washington (Deceased 2015) | Son      |
| Cathy A. White                     | Daughter |
| Myron K. Washington                | Son      |
9. Subsequent to the death of Marian Virginia Washington, your Petitioner made a diligent and thorough search among the possessions and papers of the Decedent, including having gained access to her safe deposit box, in which the original Will was not located, despite which she has been unable to find the whereabouts thereof.
10. Your Petitioner has no reason to conclude that Marian Virginia Washington revoked the aforesaid document (Exhibit 1) but is without sufficient information and knowledge to determine whether the Decedent either misplaced the same or was

accidentally destroyed without the intent to revoke the same.

11. Personal jurisdiction over the Respondents is asserted pursuant to West Virginia Code § 41-5-1, *et seq.*, §44-1-1, *et seq.*, and § 56-3-33.
12. Subsequent matter jurisdiction is asserted pursuant to West Virginia Constitution Articles VIII, § 6, and West Virginia Code §§ 41-1-1, *et seq.*, and 44-1-1, *et seq.*
13. Venue lies within this Commission pursuant to West Virginia Code § 41-5-4 as this Petition involves the probate of a paper writing believed to be a Will of the Testatrix who at the time of her death had a known place of residence in Jefferson County, West Virginia.

WHEREFORE, the Petitioner respectfully petitions this County Commission to issue process and summons to all those persons known as the heirs-at-law of Marian Virginia Washington, deceased, to appear at a day named to show cause why the aforesaid paper writing, dated September 20, 2005, should not be admitted to probate pursuant to the provisions of West Virginia Code § 41-5-5, *et seq.*, to consider the need for the appointment of a Guardian ad Litem to represent the interest of any unknown beneficiaries of the Estate of Marian Virginia Washington (of whom there are believed to be none), to appoint Diana McKnight Hodge as the Executrix of the Decedent's Estate, and to take such further action as to this Commission may seem fair and just.

**DIANA McKNIGHT HODGE**  
By Counsel

Submitted By:

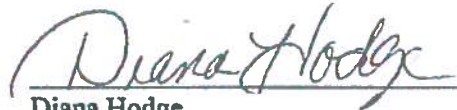


**Braun A. Hamstead, Esquire**  
**West Virginia State Bar ID No. 1568**  
**HAMSTEAD & ASSOCIATES, L.C.**  
**507 S. Fairfax Blvd.**  
**Charles Town, WV 25414**  
**Phone: 304-725-1468**  
**Fax: 304-725-1321**

STATE OF OHIO

COUNTY OF Cuyahoga, to wit:

I, Diana Hodge, Petitioner in the foregoing Petition, being first duly sworn, say that the facts and allegations therein contained are true, except insofar as they are therein stated to be upon information and belief, and insofar as they are therein stated to be upon information and belief, I believe them to be true.

  
Diana Hodge

Taken, sworn to and subscribed before me this 26<sup>th</sup> day of October, 2019,

by Diana Hodge.

  
Notary Public

Commission Expires: 10/30/2023

AGENDA REQUEST FORM

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

NAME: Lynn Fields

DEPARTMENT OR ORGANIZATION: Probate Office

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

DATE REQUESTED: 1<sup>ST</sup> CHOICE January 30<sup>th</sup>, 2019

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

SUBJECT: Removal of executor on the estates of Ada and James Hatchett

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

Ken Derrenbacker, beneficiary and son of James and Ada Hatchett sent in a letter explaining his position and requesting that D. Frank Hill, III be removed/replaced as executor on both estates.

ARE DOCUMENTS ATTACHED: yes

IS A PROJECTOR NEEDED?: NO

[lfields@jeffersoncountywv.org](mailto:lfields@jeffersoncountywv.org) (304) 728-3210

## Lynn Fields

---

**From:** ken.derrenbacker@gmail.com  
**Sent:** Thursday, November 21, 2019 8:52 AM  
**To:** Lynn Fields  
**Cc:** Ken E. Derrenbacker  
**Subject:** Hatchett Estate Version II

To whom it may concern,

Please understand that I am completely out of my depth in this matter. I will try to give you the broad picture of the last 10 years that this estate has gone unsettled. The time line is based on my memory but if necessary I can nail down the chain of events with Emails and other documentation.

My Mother Ada Hatchett passed in August of 2009. Her husband James Hatchett (Jim) passed in August of 2010. Frank Hill, retained by Jim some years earlier became the executor of their estate. Jim and Ada left behind 5 children, 3 on Ada's side; Lisa Derrenbacker, Cindy Peterson and myself. Jim left 2 sons David and John Hatchett. Jim and Ada's will split the their estate equally among the five of us. Their home in Uvilla Estates was prepared for sale in relatively short order where it languished until it finally sold in 2012-2013. During that period Frank had dispersed various sums ranging from \$5000 to \$40,000, none of us knowing at the time exactly how much the estate was worth or what was coming next. This made it very difficult for us to make any kind of plan on how to invest the money. Some of us had and have received extra draws including me for various needs further complicating the calculation. There still remains approximately \$120,000 in the estate. I have for the last 6 years been trying every form of friendly coercion to get Frank to finish closing the estate too no avail. Please understand this is not just about the money. It's about finishing what he was hired to do. Three years ago Lawyers from my sisters financial planning firm (ACORN) made attempts to "encourage" him to complete the task he was hired for. After a face to face meeting with them (ACORN's Lawyers) Frank assured them that he would get the job done by the end of 2017. We let another year go by and when nothing materialized by the end of 2017 we, in January of 2018 were preparing to begin the process of having Frank removed as executor and to file a complaint with the bar association. When he was informed of this by myself and Lynn Fields who I had contacted for advice and instructions, he implored me not to do this as it would only delay him finishing the estate and tarnish his reputation. As spokesperson for this effort I agreed to stop the process. He assured me he would finish it by June of 2018. It is now late November 2019 and since January 2018 I have talked or emailed him for a progress report at least weekly sometimes more often. In every conversation he assured me he was on top of it and was making progress. If I *could* get him to estimate when it would be completed he would give estimates of; end of the summer, Thanksgiving, end of the year, end of the month and finally absolutely promised for it to be ready for submission to you, the Fiduciary Commission, by the first week of November 2019. After entering into the 3<sup>rd</sup> week of this November it finally became clear (as it should have years ago) that he would never be finished. Earlier this year I discovered that he had never reconciled the Estate on even an annual basis and was struggling to balance and bring all the years together in a cohesive accounting. He tried taking the books to an accountant in your area for help and when that didn't work out my wife Gayle, a Small Business Bookkeeper, offered to drive up there and help him find the mistakes, "It's what she does all day, every day Frank" is what I told him. He would not accept the help. I am at loss as to what else to do other than begin the process of removing him as executor and finding someone else to finish this up.

In summary, Frank and I have become friends over the years and I truly sympathize with his dilemma. In a friendly and concerned way I once asked him why he couldn't seem to get this done. He replied that he just didn't know and didn't understand it himself. He just couldn't explain it. Whatever the reasons are, my family and I have given him every opportunity to complete his task and I truly regret having to do this, but we have no confidence that it will ever get done and we need to find someone else who can. The investment opportunities we have missed because of the unpredictable dispersals and never knowing what the estate was worth and consequently what we were entitled too was not known until about 2 years ago (I believe this is called The First Accounting ) and by then it was too late to make a cohesive financial plan. That is a bitter pill to swallow but, it's water over the dam so we just want it finished. It's been nine and ten years respectively since Jim and my Mother's passing. It's way past time that their estate be settled.

**Ken Derrenbacher**

**Ken D**



AGENDA REQUEST FORM

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

NAME: Lynn Fields

DEPARTMENT OR ORGANIZATION: Probate Office

ESTIMATION OF TIME NEEDED FOR APPT.: 20-30 minutes

DATE REQUESTED: 1<sup>ST</sup> CHOICE January 30<sup>th</sup>, 2019

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

SUBJECT: **OBJECTION TO APPOINTMENT AND PETITION FOR REMOVAL OF ADMINISTRATOR  
Estate of Dr. Kriesta Watson, deceased**

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

**Petitioner requests removal of Administrator on the above referenced estate on the grounds that he has failed in his duties as Administrator. Further details are provided in the petition and will be presented at the hearing. Both sides are represented by legal counsel.**

ARE DOCUMENTS ATTACHED: Yes

IS A PROJECTOR NEEDED?: NO

[lfields@jeffersoncountywv.org](mailto:lfields@jeffersoncountywv.org) (304) 728-3210



**IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA**

**IN RE: Appointment of Akhenaton Bonaparte, aka Akhenaton Bonaparte IV, aka Akhenaton Ramses Bonaparte IV, aka Dean Richard Martin for the Estate of Dr. Kriesta Watson, Deceased**

**OBJECTION TO APPOINTMENT AND PETITION FOR REMOVAL OF  
ADMINISTRATOR**

Comes Zimren Dixon, age 17, daughter of the deceased, Dr. Kriesta Watson, by and through her natural father and next friend, Andrew Dixon, and files this Petition for removal of the above-named Administrator of said estate on the grounds that he has failed in his duties as Administrator, has exhibited and continues to exhibit a clear and malevolent conflict of interest and is otherwise unfit to serve in said capacity. In further support of her Petition, your Petitioner provides the following information.

**Mr. Bonaparte Has Failed in His Duties to the Estate.**

Mr. Bonaparte has failed to file an inventory of the Estate as required by law. Bonaparte's failure to file an inventory of personal assets is particularly suspect in this matter where 1) he has engaged legal counsel to assist him presumably using the assets of the estate to do so; and 2) despite his access to legal advice, he has locked Petitioner out of her house of thirteen years effectively converting Petitioner's personal belongings to his own possession and use.

**Mr. Bonaparte Exhibits a Malevolent Conflict of Interest.**

Mr. Bonaparte demonstrated extreme hostility and mean behavior toward the decedent Dr. Watson as she was dying of brain cancer and has transferred his hostility and mean behavior toward Petitioner, the sole co-beneficiary of the estate of her mother. Mr. Bonaparte undertook

to serve as Dr. Watson's "caretaker" under law, but then intentionally neglected Dr. Watson. Dr. Watson underwent a 20-hour critical brain surgery on December 18, 2018, with Mr. Bonaparte absent from the hospital. The critical surgery included removal of cancer cells from her brain and the entire removal of her left ear from her head. Subsequently, when her condition again reached a critical point on May 10, 2019, he refused to transport the decedent for emergency treatment. Instead, he forced the dying Dr. Watson to drive from Charles Town, West Virginia to her hospital in Baltimore, Maryland, while heavily medicated on morphine and a combination of drugs, with Petitioner in the car to help her reach her destination. Subsequent to her death, Bonaparte disposed of Dr. Watson's remains by cremation, with no opportunity given the family for a ceremony. He has refused to disclose the location of Petitioner's mother's remains to Petitioner or any member of her family. His animus toward Petitioner and her family puts him in a conflict of interest position regarding Petitioner's share of the estate assets. This is particularly made manifest where Bonaparte refuses to permit Petitioner to retrieve her own personal possessions and refuses to permit her possession of her home in which she is vested with a one-half fee interest.

**Mr. Bonaparte is Unfit and Unqualified to Serve as Administrator.**


Mr. Bonaparte claims to suffer from Post Traumatic Distress Disorder and a variety of other mental disorders and is believed unfit to serve as Administrator under all the facts and circumstances. He has gone by various names and aliases over the years and has demonstrated instability in his relationships with others. At no time in the six years of his marriage to the decedent was he ever employed. He failed to accomplish even the most rudimentary tasks for the household such as the payment of bills although he had access to Dr. Watson's money, and it is believed that he is not competent to manage the affairs of the estate. Following the

termination of the utilities to the house, eventually Petitioner, a teenager, had to take over that task while Mr. Bonaparte secluded himself to the basement of the house.

Wherefore, Petitioner prays that the Sheriff of this County, or some other qualified individual or entity, be appointed to serve as Administrator of the Estate of Dr. Kriesta Watson, deceased.

**ANDREW DIXON**  
By Counsel

Submitted By:

  
**Braun A. Hamstead, Esquire**  
**West Virginia State Bar ID No. 1568**  
**HAMSTEAD & ASSOCIATES, L.C.**  
**507 S. Fairfax Blvd.**  
**Charles Town, WV 25414**  
**Phone: 304-725-1468**  
**Fax: 304-725-1321**

STATE OF Virginia

COUNTY OF Alexandria, to wit:

I, Andrew Dixon, as next friend of Petitioner Zimren Dixon in the foregoing Objection and Petition, being first duly sworn, say that upon information and belief, the facts and allegations therein contained are true.

  
Andrew Dixon  
Next Friend for Zimren Dixon

Taken, sworn to and subscribed before me this 14th day of November, 2019, by Andrew Dixon.

  
Notary Public

My Commission Expires: Sept 30, 2023

NELLY P VARGAS  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES SEPT. 30, 2023  
COMMISSION # 342872

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Laura Kuhn**

Department or Organization: **Maintenance Department**

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

Date Requested – 1<sup>st</sup> Choice: **January 30, 2020**

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

Date Requested – 2<sup>nd</sup> Choice:

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

**Approval of Temporary Custodial Employee and Work Agreement for Staffing Services from Choice Staffing, Inc. – Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information:  
**Due to staffing changes and medical leave within the Maintenance Department, we will need a temporary employee to fill a custodial position.**

Is this a funding request?    Y/N NO

If so, how much?                \$

Provide exact financial impact/request:

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

Move to approve the Work Agreement for Staffing Services from Choice Staffing, Inc. to provide a temporary custodial employee.

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:

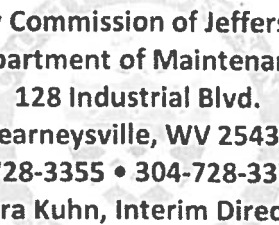
Email address: [LKuhn@jeffersoncountywv.org](mailto:LKuhn@jeffersoncountywv.org)

Phone Number: 304-728-3355

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable





The County Commission of Jefferson County  
Department of Maintenance  
128 Industrial Blvd.  
Kearneysville, WV 25430  
304-728-3355 • 304-728-3376 (f)  
Laura Kuhn, Interim Director

---

**TO:** Jefferson County Commission  
**FROM:** Laura Kuhn, Interim Director  
**DATE:** January 15, 2020  
**RE:** Request for Temporary Custodial Employee

The Maintenance Department is in need of a temporary custodial employee due to staffing changes and medical leave. Janet Collier will be retiring at the end of February. Her last day will be February 28<sup>th</sup>. We will be promoting Amanda Martinson from a custodial position to fill the position vacated by Janet. Tyler Kemp has made a lateral move and is taking Amanda's custodial position. Tyler has already started working in Amanda's custodial position in order for Amanda to start training for Janet's position.

We now have another custodial employee that will be out on medical leave for the next 8-12 weeks. This has resulted in Amanda needing to work custodial and not being able to get any training time in the office.

I am requesting the approval of a temporary custodial employee that will be provided by Choice Staffing, Inc. The temporary employee has passed a background check. This employee will be part-time, 3 days a week. The 3 days a week should provide ample time for Amanda to receive the training she needs in order to make an easy transition into the Office Assistant position on March 2<sup>nd</sup>.

No additional funding should be needed for the temporary employee. The employee who will be out on leave will be taking unpaid leave for her time out.

Thank you for your consideration.





" MAKE THE RIGHT CHOICE. "

Client: Jefferson County Commission
Maintenance Dept
Contact: Laura Kuhn
Phone: 304-728-3355
Fax: 304-728-3376
Email: lkuhn@jeffersoncountywv.org

167 Eagle School Rd.
Martinsburg WV 25404
Phone: 304-262-6666
Fax: 304-262-3766
Email: Dave@choicewv.com

WORK AGREEMENT FOR STAFFING SERVICES

Description of work assignment: Custodial Worker

- Choice Staffing, Inc. will submit weekly invoices to client for employees' time worked in the preceding week.
The client will be billed at a rate of \$16.75 per hour
Choice Staffing, Inc. will be responsible for all state and federal taxes, unemployment compensation, liability insurance, and workers' compensation of its employees working for Client.
Choice Staffing, Inc.'s invoices will be due 14 days from receipt. Choice Staffing, Inc. will assess finance charges up to one & one-half percent (1 1/2%) per month for past due invoices.
Employees will be eligible for permanent placement with the client after five hundred sixty (560) hours. If client fails to abide by the provision of 560 hours, a \$1200 buy-out option will be assessed to the client for each employee.
Choice Staffing, Inc. will bill Client at time and a half (1-1/2) for the following holidays if employee works: New Year's Day, Easter, Memorial Day, 4th of July, Labor Day, Thanksgiving, and double time for Christmas Day.
Client agrees to notify Choice Staffing, Inc. in a timely manner upon completion of the above described work assignment.
Client will immediately notify Choice Staffing, Inc. of any workers' compensation claims as a result of any injuries on the job by Choice Staffing, Inc.'s employees.
Client agrees to notify Choice Staffing, Inc. of any safety training required or recommended to ensure the safety of Choice Staffing, Inc.'s employees.
Client agrees to inform Choice Staffing, Inc. in a timely manner of any personnel and/or human resources and safety performance concerns regarding employees of Choice Staffing, Inc. while under client's management.
Contract will be governed by the laws of West Virginia.
Choice Staffing will charge a 6% sales tax on all work performed in WV unless a Sales Tax Exemption Certificate or a Direct Pay Permit is provided

Client Representative

Date

Choice Staffing, Inc., Representative

Date









**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **January 30, 2020**

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

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

Subject (*Wording to be placed on agenda*): **Decision – Zoning Map Amendment (rezoning) for the property designated as Tax District: Middleway (07); Tax Map: 2; Parcel; 1.3. The property is located on the southeast corner of Coast Guard Drive and Charles Town Road, neat the Jefferson and Berkeley County lines. The property owner is Murall Limited Partnership. Public Hearing 12/19/19 – Discussion/Action**

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

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

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

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

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

Contact information:

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

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

[Click here to enter text.](#)



**NOTICE OF PUBLIC HEARING**  
**Thursday, December 19, 2019 at 7:00 PM**

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment (rezoning) for the property designated as Tax District: Middleway (07); Tax Map: 2; Parcel: 1.3. The property is located on the southeast corner of Coast Guard Drive and Charles Town Road, near the Jefferson and Berkeley County lines. The property owner is Murall Limited Partnership. The property is comprised of 5.68 acres and is currently zoned Rural. A petition has been made to the County Commission by the property owner to change the zoning classification to General Commercial (Planning Commission File #19-1-Z).

The hearing will be held on **Thursday, December 19, 2019 at 7:00 PM** in the Old Charles Town Library Meeting Room, 200 E. Washington St. in Charles Town, accessed from the side entrance on Samuel Street.

Oral or written comments can be provided at the hearing on **Thursday, December 19, 2019 at 7:00 PM**. Written comments may also be submitted to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) or to PO Box 250, Charles Town, WV 25414.

By Order of the Jefferson County Commission  
Patsy Noland, President




# STAFF REPORT

## Jefferson County Planning Commission Meeting

November 12, 2019

**Item # 4** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment by property owner Murall Limited Partnership for a property located near the Jefferson and Berkeley County lines, on the corner of Coast Guard Drive and Charles Town Road, is consistent with the 2035 Comprehensive Plan. This property is currently zoned Rural and the applicant is requesting General Commercial Zoning.

|                                     |                                                                                                                                                                    |                                |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| APPLICANT/OWNER:                    | Murall Limited Partnership                                                                                                                                         |                                |
| DEVELOPER:                          | Same as above                                                                                                                                                      |                                |
| CONSULTANT:                         | Paul J. Raco Consulting                                                                                                                                            |                                |
| PROPERTY LOCATION:                  | Near the Jefferson and Berkeley County lines, on the corner of Coast Guard Drive and Charles Town Road (WV 115)                                                    |                                |
| LEGAL DESCRIPTION:                  | District: Middleway (07), Map: 2, Parcel: 1.3; Size: 5.68 ac.; Zoned: Rural<br> |                                |
| SURROUNDING PROPERTIES:             | North: RLIC, Berkeley Co.<br>East: R                                                                                                                               | South: R<br>West: Berkeley Co. |
| CURRENT USE:                        | Vacant Parcel                                                                                                                                                      |                                |
| PROPOSED REQUEST                    | To rezone from Rural (R) to General Commercial (GC)                                                                                                                |                                |
| PRIOR CASES:                        | None                                                                                                                                                               |                                |
| PLANNING COMMISSION RESPONSIBILITY: | To advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the Envision Jefferson 2035 Comprehensive Plan.                |                                |
| STAFF FINDING:                      | Staff finds that the request is reasonably <b>consistent</b> with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .                                          |                                |



# STAFF REPORT

## Jefferson County Planning Commission Meeting

November 12, 2019

### Applicant's Request

The applicant's request is to have the property located at southeast corner of Coast Guard Drive and Charles Town Road (WV 115) rezoned from Rural (R) to General Commercial (GC).

### Neighboring Uses

The property under consideration for this Zoning Map Amendment is adjacent to or in close proximity to the following non-residential uses:

- Hospice of the Panhandle (north; zoned Rural)
- Proposed Rocky Ridge Townhouse development/mini warehouses (north; zoned RLIC in 2014)
- Vacant grocery store (west, in Berkeley County)
- Federal Offices (southwest, in Berkeley County)
- Potomac Edison Substation (south; zoned Rural)
- Vacant (east; zoned Rural)



### Scope of this Assessment

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan* (2035 Plan) and provides a Staff recommendation based on review of the various plan sections and elements. Staff's professional recommendation is that the request is reasonably **consistent** with the *2035 Plan* because of its location within the County-designated

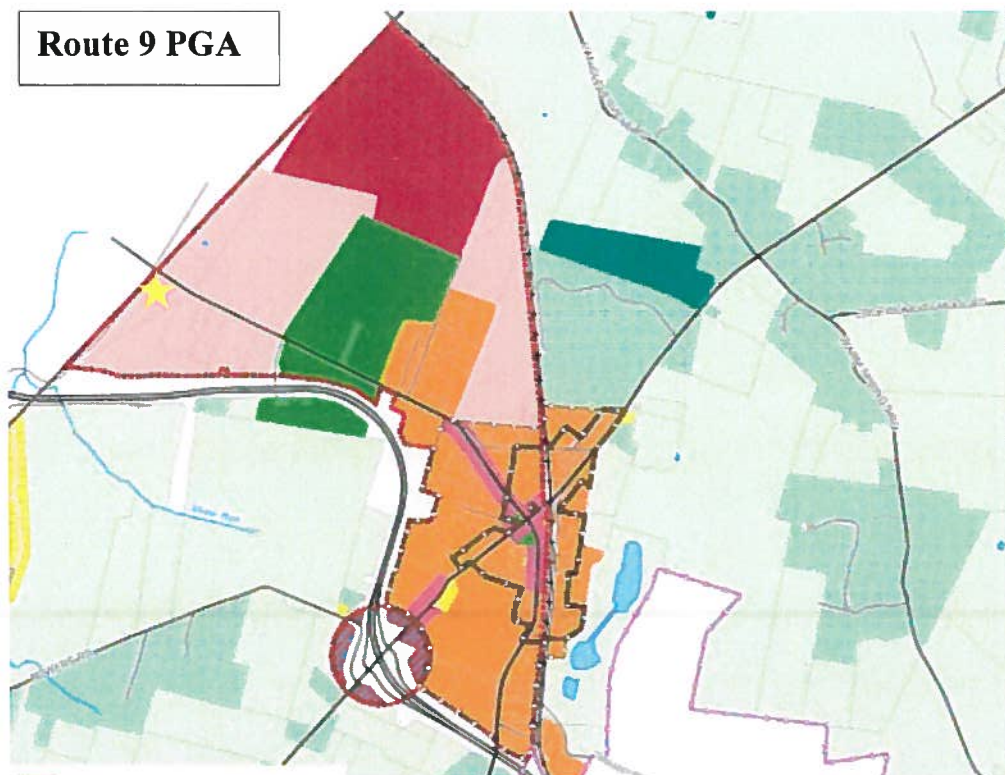
# STAFF REPORT

## Jefferson County Planning Commission Meeting

November 12, 2019

Route 9 Preferred Growth Area (PGA) and its designation on the Future Land Use Guide as Future Mixed Use Office/ Commercial.

It should be noted that Staff have no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.



### Zoning Map Amendment Public Hearing Process

Article 12 of the Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan.” [See WVC 8A-7-9(c)].

### Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary

#### 1. Land Use and Growth Management Element

##### **Future Land Use Guide (p. 215)**

The *Envision Jefferson 2035 Comprehensive Plan* includes a Future Land Use Guide, which depicts recommended future land uses (p.16) for the unincorporated areas of Jefferson County. The Future Land Use Guide is intended to be used in combination with the recommendations of the *2035 Plan* when considering owner initiated zoning map amendments. The purpose of the Future Land Use Guide is to assist the Planning Commission and County Commission in making decisions on changes to the Zoning Map. The *2035 Plan* states that the review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan and that all zoning map amendments shall be in conformance with the Future Land Use Guide and the

# STAFF REPORT

## Jefferson County Planning Commission Meeting

November 12, 2019

recommendations of the *2035 Plan* (p.17). The Future Land Use Guide also includes a note that states: “Use of this map is to be in combination with the text and land use recommendations of the *Envision Jefferson 2035 Comprehensive Plan* when considering zoning map amendments and future land use decisions.”

A subsection of the *Plan* found on page 26, entitled “Land Use Classifications as shown on the Future Land Use Guide” further states the following:

“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.”

The subject parcel is located within the identified Preferred Growth Area (PGA) for Route 9 and is shown on the Future Land Use Guide as Mixed Use Office/Commercial. Under the discussion of the PGAs (p.22), the *Plan* states that where the Route 9 PGA (between Kearneysville and the Jefferson/Berkeley County line) could be served by water, sewer, and natural gas services from Berkeley County, it recommends more intense business park/commercial uses to develop (along the County line), while the village of Kearneysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district. The proposed Mixed Use Office/Commercial future land use category is intended to encourage this business park/employment type development.

The criteria for evaluating zoning map amendments in a Preferred Growth Area are found within the Recommendations Section under “Urban Level Development” (p. 30-33).

## 2. Land Use Map Classifications

Appendix G (p. 235-239) of the *Envision Jefferson 2035 Comprehensive Plan* provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests).

- Appendix G states that the “Mixed Use Office/Commercial” land use category is proposed to “create an employment district primarily consisting of office and technology uses, with limited amounts of commercial uses. This will require the development of a new zoning category, intended to provide an opportunity for professional services and business offices, research and development, medical, technology and financial services which could be located where this category is shown on the Future Land Use Guide. A minimum of 80% of the site development is proposed for office uses, with a maximum of 20% commercial activity, intended to support the office uses.” [note: the OC District adopted in 2014 has not been modified to meet these recommended percentages]
- Appendix G states that the “General Commercial (GC)” land use category is proposed to “provide for general destination business uses which provide a broad range of commercial products and services necessary for large regions. The uses in this category may be characterized by larger buildings, more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district. This category is intended to for individual structures less

# STAFF REPORT

## Jefferson County Planning Commission Meeting

November 12, 2019

than 50,000 square feet and could include more than one structure.” [note: the GC District adopted in 2014 has not been modified to reflect this lower floor area]

The Mixed Use Office/Commercial future land use category which is recommended for this property is also recommended for the 124 acres across Charles Town Road, which were zoned Residential-Light Industrial-Commercial (RLIC) before the *Plan* was adopted. The *Plan* recommends not using RLIC for any future rezoning. It should be noted that a zoning district entitled “Office/Commercial (OC) Mixed Use District” was created in 2014, but has not yet been used in the County. The applicant is requesting General Commercial (GC) zoning.

### 3. Proposed Zoning District – General Commercial

The purpose of the General Commercial (GC) District (Section 5.12) is to “provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the Neighborhood Commercial District” (complete description attached).

As a point of reference, the purpose of the Office/Commercial (OC) Mixed Use District (Section 5.17) is to “allow for well-designed employment centers. Developments in the OC district contain a mix of land uses, primarily oriented to commercial and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district” (complete description attached). This District requires at least 50% of the gross floor area to be office uses.

### 4. Staff Discussion and Recommendation

While there is a zoning category that more closely relates to the proposed future land use of “Mixed Use Office/Commercial” depicted in the *Envision Jefferson 2035* Future Land Use Guide, it seems reasonable for an applicant to argue that other commercial zoning categories may better meet their intent for the property. During the development of the *Comprehensive Plan*, there was considerable interest in encouraging the creation of a concentrated employment district consisting primarily of office and technology uses, with limited supporting commercial uses, in order to provide a location to encourage professional services, business offices, research and development, medical, technology and financial services in addition to the more traditional industrial or retail commercial development. This concentrated area was generally shown within the Route 9 Planned Growth Area, particularly along the Berkeley county line, with access to utilities, the 4-lane Route 9 and WV 15 access.

In spite of the Future Mixed Use Office/Commercial recommendation on the Future Land Use Guide, staff finds the proposed General Commercial rezoning is reasonably **consistent** with the *Envision Jefferson 2035 Comprehensive Plan* and the identified Route 9 Preferred Growth Area.

### 5. Planning Commission Action

Article 12 of the Zoning Ordinance, in accordance with State Code, requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted *Comprehensive Plan*. Such recommendation

# STAFF REPORT

## Jefferson County Planning Commission Meeting

November 12, 2019

will be required to be sent to the County Commission prior to the County Commission's public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on November 7, 2019 and the required Public Hearing has been scheduled. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this meeting.

### **Attachments:**

- Section 5.12 General Commercial (GC) District excerpt
- Section 5.17 Office / Commercial (OC) Mixed-Use District
- Appendix C: Principal Permitted and Conditional Uses:
  - Yellow: General Commercial
  - Blue: Office/Commercial

# STAFF REPORT

## Jefferson County Planning Commission Meeting

November 12, 2019

### ATTACHMENTS:

#### Section 5.12 General Commercial (GC) District<sup>27, 32</sup>

- A. Purpose. The purpose of this district is to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district.
- B. Location. This zoning category is intended for use on properties:
1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>32</sup>
  2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>32</sup>
- D. Site Development Standards
1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
  2. A development that complies with all requirements of Section 5.11E may be developed in accordance with the requirements of Section 5.11D(2-6) and the front setback requirements for the Neighborhood Commercial District as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards.
- E. Additional Requirements
1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

November 12, 2019

### Section 5.17 Office / Commercial (OC) Mixed-Use District<sup>27, 32</sup>

- A. Purpose. The purpose of the OC district is to allow for well-designed employment centers. Developments in the OC district contain a mix of land uses, primarily oriented to commercial and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district.
- B. Location. This zoning category is intended for use on properties:
1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
  2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>32</sup>
- D. Site Development Standards
1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
  2. For a non-residential use abutting a commercial or industrial use at a side lot line:
    - a. No side yard building setback is required, unless required by the Building Code or other law or regulation.
    - b. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use.
  3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
    - a. A rear yard building setback may be reduced to 10 feet.
    - b. Section 4.11.A-B does not apply to the rear property line.
  4. Section 4.11.A-C does not apply to the front lot property line.
  5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this Ordinance.
  6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this Ordinance.
- E. Additional Requirements
1. Of the gross floor area of land uses in a development in this district, at least 75% shall be non-residential uses, and at least 50% shall be office uses.
  2. Buildings fronting a principal street must be at least 2 stories in height.

## STAFF REPORT

### Jefferson County Planning Commission Meeting

November 12, 2019

3. A minimum of 75% of the total gross floor area located on the ground floor of buildings in a development in this district shall be composed of non-residential space
4. Any off-street parking shall be located in the rear or on the side of buildings and may not be located between a street and the front façade of a building.
5. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent street curb) and five-foot-wide sidewalks. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail may be installed.
6. One bicycle parking space shall be provided for each ten vehicular parking spaces. Said bicycle spaces shall not be located within the required sidewalk or in a manner that impedes pedestrian access to the building and may be located within the landscape buffer area provided that it occupies less than 10% of the length of the required buffer, or may be located at the side or rear of the building.
7. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
8. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

# STAFF REPORT

Jefferson County Planning Commission Meeting  
November 12, 2019

## APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37</sup>

| Land Use                                    | NC | GC | HC | LI | MI | PND <sup>1</sup> | OC | R  | RG | RLIC | IC | V  | Additional Standards |
|---------------------------------------------|----|----|----|----|----|------------------|----|----|----|------|----|----|----------------------|
| <b>Residential Uses</b>                     |    |    |    |    |    |                  |    |    |    |      |    |    |                      |
| 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            |
| <b>Home Uses</b>                            |    |    |    |    |    |                  |    |    |    |      |    |    |                      |
| 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              |
| <b>Institutional Uses</b>                   |    |    |    |    |    |                  |    |    |    |      |    |    |                      |
| 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    | CU | 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 |                      |

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| Land Use                                                                         | NC | GC | HC | LI | MI              | PND <sup>1</sup> | OC | R  | RG       | RLIC | IC              | V  | Additional Standards   |
|----------------------------------------------------------------------------------|----|----|----|----|-----------------|------------------|----|----|----------|------|-----------------|----|------------------------|
| <b>Industrial</b>                                                                |    |    |    |    |                 |                  |    |    |          |      |                 |    | Sec. 8.9               |
| Heavy Equipment Repair                                                           | NP | NP | CU | CU | P               | NP               | NP | NP | NP       | NP   | P               | NP |                        |
| Heavy Industrial Uses                                                            | NP | NP | NP | NP | P               | NP               | NP | NP | NP       | NP   | P               | NP | Sec. 8.9               |
| Light Industrial Uses                                                            | NP | NP | NP | P  | P               | NP               | NP | NP | **<br>NP | P    | P               | NP | Sec. 8.9               |
| Manufacturing, Heavy                                                             | NP | NP | NP | CU | P               | NP               | NP | NP | NP       | NP   | P               | NP |                        |
| Manufacturing, Limited                                                           | NP | P  | P  | P  | P               | CU               | NP | NP | NP       | P    | P               | NP |                        |
| Printing and Publishing                                                          | NP | P  | P  | P  | P               | P                | P  | NP | NP       | P    | P               | NP |                        |
| Salvage Yards                                                                    | NP | NP | NP | NP | CU <sup>2</sup> | NP               | NP | NP | NP       | NP   | CU <sup>2</sup> | NP | Sec. 4.4L              |
| Shooting Range, Indoor                                                           | NP | CU | CU | P  | P               | NP               | NP | CU | NP       | CU   | P               | NP |                        |
| Shooting Range, Outdoor                                                          | NP | NP | NP | CU | CU              | NP               | NP | CU | NP       | NP   | CU              | NP |                        |
| Slaughterhouses, Stockyards                                                      | NP | NP | NP | NP | CU              | NP               | NP | CU | NP       | NP   | CU              | NP |                        |
| Transportation Terminal                                                          | NP | P  | P  | P  | P               | P                | P  | NP | NP       | CU   | P               | NP |                        |
| Vehicle Storage                                                                  | NP | NP | NP | P  | P               | NP               | NP | NP | NP       | NP   | P               | NP |                        |
| Warehousing and Distribution, General                                            | NP | NP | NP | CU | P               | NP               | NP | NP | NP       | CU   | P               | NP |                        |
| Warehousing and Distribution, Limited                                            | NP | P  | P  | P  | P               | CU               | P  | NP | NP       | P    | P               | NP |                        |
| <b>Industrial Manufacturing &amp; Processing</b>                                 |    |    |    |    |                 |                  |    |    |          |      |                 |    | Sec. 8.9               |
| Acid or heavy chemical manufacturer, processing or storage                       | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Bituminous concrete mixing and recycling plants                                  | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Cement or Lime Manufacture                                                       | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Commercial Sawmills                                                              | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Concrete and ceramic products manufacture, including ready mixed concrete plants | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Explosive manufacture or storage                                                 | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Foundries and/or casting facilities                                              | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Jails and Prisons                                                                | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP | Sec. 8.7               |
| Mineral extraction, mineral processing                                           | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Petroleum products refining or storage                                           | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP | Sec. 8.11              |
| <b>Adult Uses</b>                                                                |    |    |    |    |                 |                  |    |    |          |      |                 |    |                        |
| Adult Uses                                                                       | NP | NP | NP | NP | NP              | NP               | NP | NP | NP       | NP   | P               | NP | Sec. 4.4K,<br>Sec. 8.1 |
| <b>Recreational Uses</b>                                                         |    |    |    |    |                 |                  |    |    |          |      |                 |    |                        |
| Hunting, Shooting, Archery and Fishing Clubs, public or private                  | NP | NP | NP | CU | CU              | NP               | NP | P  | NP       | NP   | NP              | NP | Sec. 8.8               |
| <b>Commercial Uses</b>                                                           |    |    |    |    |                 |                  |    |    |          |      |                 |    | 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  |                        |

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| Bank with Drive-Through Facility      | CU | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
|---------------------------------------|----|----|----|----|----|------------------|----|----|----|------|----|----|-----------------------|
| Land Use                              | NC | GC | HC | LI | MI | PND <sup>1</sup> | OC | R  | RG | RLIC | IC | V  | Additional Standards  |
| <b>Commercial Uses continued</b>      |    |    |    |    |    |                  |    |    |    |      |    |    | <b>Sec. 8.9</b>       |
| 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 <sup>31</sup>              | 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 <sup>37</sup>        | NP | P  | NP | P  | NP | NP               | NP | P  | NP | P    | P  | CU | Sec. 8.19             |
| Custom Manufacturing                  | P  | P  | P  | P  | P  | P                | P  | CU | CU | P    | P  | CU |                       |
| Dry cleaning and Laundry Services     | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Dry cleaning and Laundry Facility     | NP | P  | P  | P  | P  | P                | P  | CU | CU | P    | P  | CU |                       |
| Equipment Rental, Sales, or Service   | NP | P  | P  | P  | P  | P                | NP | CU | CU | P    | P  | CU |                       |
| Exterminating Services                | NP | P  | P  | P  | P  | P                | P  | CU | CU | P    | P  | CU |                       |
| Florist                               | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | P  |                       |
| Food Preparation                      | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Hotel/Motel                           | NP | P  | P  | P  | NP | P                | P  | CU | CU | P    | P  | CU |                       |
| Gambling Facilities                   | NP | NP | NP | NP | CU | NP               | NP | NP | NP | NP   | CU | CU | Sec. 4.4G             |
| Gas Station, Limited                  | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Gas Station                           | NP | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Gas Station, Large                    | NP | CU | P  | P  | CU | CU               | CU | CU | CU | P    | P  | CU |                       |
| Golf Course                           | NP | P  | P  | P  | NP | P                | P  | CU | CU | P    | P  | CU |                       |
| Grocery Store                         | P  | P  | P  | P  | CU | P                | NP | CU | CU | P    | P  | CU |                       |
| Horse Racing Facility                 | NP | NP | NP | P  | NP | NP               | NP | CU | CU | P    | P  | CU |                       |
| Kennel                                | NP | P  | P  | P  | CU | P                | P  | P  | CU | P    | P  | CU | Sec. 8.4              |
| Medical/Dental/Optical Office, Small  | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | P  |                       |
| Medical/Dental/Optical Office         | NP | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Mobile Home, Boat and Trailer Sales   | NP | P  | P  | P  | CU | P                | NP | CU | CU | CU   | P  | CU |                       |
| Movie Theater                         | NP | P  | P  | P  | NP | P                | NP | CU | CU | P    | P  | CU |                       |
| Nightclub                             | NP | P  | P  | P  | NP | P                | NP | CU | CU | P    | P  | CU |                       |
| Non Profit Commercial Uses            | P  | P  | P  | P  | NP | P                | P  | CU | CU | P    | P  | CU |                       |
| Non-Profit Community Centers          | P  | P  | P  | P  | CU | P                | CU | P  | CU | P    | P  | CU |                       |
| Parking, Commercial Offsite Accessory | NP | P  | P  | P  | P  | P                | P  | CU | CU | P    | P  | CU |                       |
| Pawn Shop Services                    | NP | P  | P  | P  | NP | P                | NP | CU | CU | P    | P  | CU |                       |
| Personal Services                     | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Professional Office, Small            | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | P  |                       |
| Professional Office                   | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |

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|                                                                                                    |           |           |           |           |           |                        |           |          |           |             |           |          |                             |
|----------------------------------------------------------------------------------------------------|-----------|-----------|-----------|-----------|-----------|------------------------|-----------|----------|-----------|-------------|-----------|----------|-----------------------------|
| 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       |                             |
| <b>Land Use</b>                                                                                    | <b>NC</b> | <b>GC</b> | <b>HC</b> | <b>LI</b> | <b>MI</b> | <b>PND<sup>1</sup></b> | <b>OC</b> | <b>R</b> | <b>RG</b> | <b>RLIC</b> | <b>IC</b> | <b>V</b> | <b>Additional Standards</b> |
| <b>Commercial Uses continued</b>                                                                   |           |           |           |           |           |                        |           |          |           |             |           |          | <b>Sec. 8.9</b>             |
| Restaurant                                                                                         | P         | P         | P         | P         | CU        | P                      | P         | CU       | CU        | P           | P         | CU       |                             |
| Retail Sales Limited                                                                               | P         | P         | P         | P         | NP        | P                      | P         | CU       | CU        | P           | P         | CU       |                             |
| Retail Sales and Services, General                                                                 | NP        | P         | P         | P         | NP        | P                      | NP        | CU       | CU        | P           | P         | CU       |                             |
| Retail Store, Large                                                                                | NP        | CU        | P         | CU        | NP        | CU                     | NP        | CU       | CU        | CU          | CU        | CU       |                             |
| Shipping and Mailing Services                                                                      | P         | P         | P         | P         | CU        | P                      | P         | CU       | CU        | P           | P         | CU       |                             |
| Storage, Commercial                                                                                | NP        | P         | P         | P         | CU        | P                      | NP        | CU       | CU        | P           | P         | CU       |                             |
| Veterinary Services                                                                                | P         | P         | P         | P         | CU        | P                      | P         | P        | CU        | P           | P         | CU       |                             |
| Wireless Telecommunications Facilities                                                             | P         | P         | P         | P         | P         | P                      | P         | P        | P         | P           | P         | P        | Art. 4B                     |
| <b>Agricultural Uses*</b>                                                                          |           |           |           |           |           |                        |           |          |           |             |           |          |                             |
| 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 <sup>37</sup>                                                               | 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<br>Structure must have existed for 5 years | NP        | P         | P         | P         | P         | P                      | P         | P        | CU        | P           | P         | NP       |                             |
| <b>Accessory Uses</b>                                                                              |           |           |           |           |           |                        |           |          |           |             |           |          |                             |
| Accessory Uses                                                                                     | P         | P         | P         | P         | P         | P                      | P         | P        | P         | P           | P         | P        |                             |

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

P Permitted Uses

NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

\*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

OC Office / Commercial Mixed-Use

R Rural

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District





## JEFFERSON COUNTY, WEST VIRGINIA

### Office of Planning and Zoning

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### MEMO

**TO:** County Commission of Jefferson County  
**FROM:** Jennifer M. Brockman, AICP, County Planner  
**DATE:** November 13, 2019  
**RE:** Planning Commission Recommendation regarding Murall property (File # 19-1-Z)  
Zoning Map Amendment Request

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On Thursday, November 7, 2019, the Jefferson County Commission was presented with a petition for a Zoning Map Amendment by Murall Limited Partnership for a 5.68 acre property located at southeast corner of Coast Guard Road and Charles Town Road (WV 115) [Middleway (07) Tax District; Tax Map 2; Parcel 1.3] to rezone the property from Rural (R) to General Commercial (GC). A Public Hearing has been scheduled on this rezoning request by the County Commission for Thursday, December 19, 2019 at 7:00 PM. At the November 7<sup>th</sup> meeting, the County Commission, in accordance with WV Code 8A and the Jefferson County Zoning Ordinance Article 12, referred the petition to the Planning Commission for their review and recommendation as to whether the proposed amendment is consistent with the adopted Comprehensive Plan.

On Tuesday, November 12, 2019 at the Jefferson County Planning Commission meeting, the Planning Commission heard a presentation regarding the Zoning Map Amendment (#19-1-Z) petition by the applicant's consultant. Additionally, a staff report was presented which identified relevant portions of the *Envision Jefferson 2035 Comprehensive Plan* for the Planning Commission's consideration and review. This staff report is attached to this memo for the County Commission's information and consideration. Staff provided comments on the application and the relevant sections of the *Envision Jefferson 2035 Comprehensive*. Staff presented a finding to the Planning Commission that the proposed rezoning is reasonably consistent with the *Envision Jefferson 2035 Comprehensive Plan* because of its location within the Route 9 Preferred Growth Area (PGA) and its designation on the Future Land Use Guide as Future Mixed Use Office/ Commercial.

The Planning Commission found, with a 6-0 vote, that the proposed Zoning Map Amendment from Rural to General Commercial is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

**Attachment:**

- *Staff Report -- Zoning Map Amendment #19-1-Z for 11/12/19 Planning Commission Meeting*



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Received  
OCT 30 2019  
Jefferson County Commission

Name: Murall Limited Partnership

Department or Organization:

Estimation of amount of time needed for appointment: 5 Minutes

Date Requested – 1<sup>st</sup> Choice: **November 7, 2019**  
*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice: November 21, 2019

Subject (*Wording to be placed on agenda*): Request and Landowner Petition for Map Amendment for Murall Limited Partnership: Middleway District, Map 2, Parcel 1.3 containing 5.68+- Acres.

Please provide the County Commission with a description of your request or presentation, including any background information: Request for a Map Amendment for Murall Limited Partnership per Article 12, Section 12.3 of Jefferson County Zoning and Land Development Ordinance. Supporting and Background Attached.

Is this a funding request? Y/N **NO**  
If so, how much? \$  
Provide exact financial impact/request: \$0.00

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):  
Motion: Move to Accept Landowner Petition and Request for Map Amendment for Murall Limited Partnership, Parcel 1.3 on Map 2 in the Middleway Tax District, and schedule a Public Hearing at the County Commission Meeting on December 19, 2019 and to refer the application to the Planning Commission for advice on the request's consistency with the Jefferson County Comprehensive Plan.

Attach supporting documents for request, or request may be denied.  
If not attached, explain:

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

Contact information:  
Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable





**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning and Zoning**

116 East Washington Street, P.O. Box 338  
 Charles Town, WV 25414

File Number: \_\_\_\_\_  
 Staff Initials: \_\_\_\_\_  
 Application Fee: \$ \_\_\_\_\_

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Phone: (304) 728-3228  
 Fax: (304) 728-8126

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

**Property owner information**

Name: Murall Limited Partnership  
 Mailing Address: P.O. Box 575, Shepherdstown, WV 25443  
 Phone Number: c/o Paul 304/676-8256 Email: \_\_\_\_\_

**Applicant contact information**

Name: Ken Lowe, Partner  
 Mailing Address: above  
 Phone Number: above Email: \_\_\_\_\_

**Applicant representative**

Name: P. J. Raco Consulting, LLC Paul J Raco  
 Mailing Address: P.O. Box 548, Charles Town, WV 25414  
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

**Physical property details**

Physical Address: Vacant Route 115 (Old Route 115) at Berkeley/Jefferson County Line  
 City: Kearneysville State: WV Zip Code: 25425  
 Tax District: Middleway Map No: 2 Parcel No: 1.3  
 Parcel Size: 5.68 +/- Acres Deed Book: 542 Page No: 77

**Current Zoning District (please check one)**

|                                |                                  |                                     |                                                           |                             |                                                 |                                             |
|--------------------------------|----------------------------------|-------------------------------------|-----------------------------------------------------------|-----------------------------|-------------------------------------------------|---------------------------------------------|
| Residential<br>Growth<br>(RG)  | Industrial<br>Commercial<br>(IC) | Rural<br>(R)                        | Residential-<br>Light Industrial-<br>Commercial<br>(RLIC) | Village<br>(V)              | Neighborhood<br>Commercial<br>(NC)              | General<br>Commercial<br>(GC)               |
| <input type="checkbox"/>       | <input type="checkbox"/>         | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                  | <input type="checkbox"/>    | <input type="checkbox"/>                        | <input type="checkbox"/>                    |
|                                |                                  | Highway<br>Commercial<br>(HC)       | Light<br>Industrial<br>(LI)                               | Major<br>Industrial<br>(MI) | Planned<br>Neighborhood<br>Development<br>(PND) | Office/<br>Commercial<br>Mixed-Use<br>(O/C) |
| Place Received Date Stamp Here |                                  | <input type="checkbox"/>            | <input type="checkbox"/>                                  | <input type="checkbox"/>    | <input type="checkbox"/>                        | <input type="checkbox"/>                    |

**Proposed Zoning District (please check one)**

|                                     |                                  |                             |                                                           |                                                 |                                             |
|-------------------------------------|----------------------------------|-----------------------------|-----------------------------------------------------------|-------------------------------------------------|---------------------------------------------|
| Residential<br>Growth<br>(RG)       | Industrial<br>Commercial<br>(IC) | Rural<br>(R)                | Residential-<br>Light Industrial-<br>Commercial<br>(RLIC) | Village<br>(V)                                  | Neighborhood<br>Commercial<br>(NC)          |
| <input type="checkbox"/>            | <input type="checkbox"/>         | <input type="checkbox"/>    | <input type="checkbox"/>                                  | <input type="checkbox"/>                        | <input type="checkbox"/>                    |
| General<br>Commercial<br>(GC)       | Highway<br>Commercial<br>(HC)    | Light<br>Industrial<br>(LI) | Major<br>Industrial<br>(MI)                               | Planned<br>Neighborhood<br>Development<br>(PND) | Office/<br>Commercial<br>Mixed-Use<br>(O/C) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>         | <input type="checkbox"/>    | <input type="checkbox"/>                                  | <input type="checkbox"/>                        | <input type="checkbox"/>                    |

For a Zoning Map Amendment request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

**Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.**

N/A

**Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.**

Attached

**Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.**

Attached

**Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?**

- Yes, I request that the Planning and Zoning Staff present the petition
- No, I prefer to present the petition

**Plat or Sketch Plan (provide as an attachment to this application)**

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

**Is Plat or Sketch Plan attached?**

Yes     No

**Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).**

SEE Attached 

Signature of Property Owner

Date

Signature of Property Owner

Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

**The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

Recommended     Not Recommended

**The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

Approved     Disapproved

**Final Determination/Other Comments**

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Application:

Kenneth F. Lowe, Murall Limited Partnership  
Kenneth F. Lowe, Murall Limited Partnership

Oct 28, 2019  
Date

MAP AMENDMENT PETITION  
Article 12, Jefferson County Zoning Ordinance  
Murall Limited Partnership  
October 1, 2019

**Owners/Applicants:**

Murall Limited Partnership  
P.O. Box 575  
Shepherdstown, WV 25443

**Ordinance Citation:**

Article 12 of the Jefferson County Zoning and Development Review Ordinance

**Map Amendment Definition:**

“An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.”

**Request:**

Amend the Zoning Map for this 6.68 Acre Parcel to General Commercial, based on its Consistency with the Envision Jefferson 2035 Comprehensive Plan.

**Substantiation for the Request:**

1. The property is owned by Murall Limited Partnership and is currently zoned Rural and the Applicants are seeking a map amendment to the General Commercial District. The owners/applicants have owned the subject property since 1985. As explained in this Petition, the Applicants believe that this map change is consistent and compatible with the Envision Jefferson 2035 Comprehensive Plan. This area for development was also considered compatible with the 2004 Jefferson County Comprehensive Plan as evidenced by the County Commission’s rezoning of three properties across Route 115 (Hunter Family and Perkins/Lindburg Families) in 2014 for commercial and residential uses;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. These changes include the availability of Public Water and Sewer, several rezonings north of this property and across the street which were approved by the County Commission; and the additional growth in the area. These changes are addressed in this Petition;
3. The 2015 Envision Jefferson 2035 Comprehensive Plan shows this area to be in the Route 9 Preferred Growth Area in Jefferson County. This land is also located on the Future Land Use Map/Guide as Commercial. This Map, Growth Area and Plan was just approved in 2015 after years of work. The reasons for rezoning that are cited in this Petition are the same reasons that led to this area to be in the Preferred Growth Area in the Envision Jefferson Plan; and,
4. The Applicants believe that the current Rural Zoning classification is an error in the Jefferson County Zoning Map since the property is now shown located in one of the 6 primary growth areas of Jefferson County. The property is also located on a Principal Arterial Road (Route 115) in the County. A Principal Arterial Road is the highest rated road in the County and only three roads are identified as Principal Arterial Roads: Route 340, Route 9, and this road, Route 115.

**Tax District, Map and Parcel Number:**

Middleway Tax District, Map 2, Parcel 1.3

**Deed Book Reference:**

Deed Book 542 at Page 77

**Sketch Plat:**

Attached

**Tract Size:**

5.68 Acres

**Discussion on:**

Comprehensive Plan compatibility of the proposed change: Included in this Petition.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in this Petition.

**A. Comprehensive Plan Compatibility**

Among the many recommendations in the 2015, Envision Jefferson 2035 Comprehensive Plan, the following sections address items directly related to this map amendment.

As found on page 13 of the 2015 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcel is within the Route 9 PGA. The attached map shows the Route 9 PGA. The Comprehensive Plan was recently adopted in 2015 after several years of meetings throughout the County and after extensive work by the Staff, the Steering Committee, Planning Commission and County Commission. It is typical for communities that have a new Comprehensive Plan, to have requests for both text and map amendments for the map and ordinances to better reflect the Plan. In this case, both the 2004 Plan and the 2015 Plan show this property slated for growth around Route 9 and Kearneysville. The Envision Jefferson 2035 Plan is more specific in that it shows this property within the Preferred Growth Area and specifically identifies the property for Commercial and Office Development.

A main difference between the Envision Jefferson 2035 Comprehensive Plan and the previous versions of the Plans completed in the 80s, 90s, and 00s, is that this Plan has a Future Land Use Guide (Map) that specifically delineates properties for future uses and map amendments. The subject property is properly located on the Future Land Use map (Guide) as Commercial and/or Office in this 2015 Plan. The property has a large Electric Substation adjacent to the rear and it only makes sense to include this property in the General Commercial District. This map amendment will allow the property to pursue commercial and office opportunities. As shown on this guide, this requested change is consistent with the Future Land Use Guide. As described in other sections of this document, the residential development in the neighborhood will need some commercial development to provide services and to provide an increased tax base to supplement the residential tax base provided by the subdivisions in the area.

The Comprehensive Plan's maps and guides show that this property is ready for future development, especially commercial and office development due to its location. This type of use is what the Commission intended when it was added to the Preferred Growth Area and designated as Commercial and Office on the Future Land Use Guide.

Page 17 of the Comprehensive Plan describes the various categories of land, including PGAs as follows:

**“Land Use Activity Areas**

This Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035.

**Four Comprehensive Types of Land Use Activity within the Designated Areas**

Urban Growth Boundaries  
**Preferred Growth Areas (PGAs)**  
Villages  
Rural/Agricultural Areas

The first two area types addressed below, Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) (including one residential growth area), are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035.” Emphasis Added.

A further explanation of PGAs is found on Page 20 of the Plan:

**“The PGAs are not intended to be promoted in favor of the UGB for the municipalities. Both areas are expected to be viable areas for development and no policy decision is being made to favor one area over another. Each of the PGA Maps can be found in Appendix F – Maps” Emphasis Added.**

In this case, the subject property is in a Preferred Growth Area (PGA). Therefore, pursuant to the Comprehensive Plan, this location is prime for development since it is in this designated area, along with the fact that the property is next to a Substation and a Business Park and is close to both commercial development and residential subdivisions.

A definitive section of the Envision Jefferson 2035 that supports this map amendment is found on Page 22:

**“Route 9 PGA (between Kearneysville and the Jefferson/Berkeley County line) This area would be able to access water, sewer, and natural gas services from Berkeley County thereby allowing more intense business park/commercial uses to develop along the County line. The village of Kearneysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district. The intersection of Route 9 and County Road 1 (Leetown Pike) would be characteristic of a commercially oriented highway interchange.” Emphasis Added.**

It is clear that this section specifically recognizes the subject property as one of the primary properties that is slated for Urban Level Growth. Furthermore, it cannot be over developed since it is a narrow, 5.68-acre parcel. It is ideal for a small professional office or commercial center that will serve the immediate residential and business area. This type of project will provide for services, while keeping traffic to a minimum. It should provide an area that will be walkable from the Liberty Business Park and the newly approved (Concept Plan) Residential Townhouse Subdivision.

Finally, the following recommendation is found in the Urban Level Development Recommendations Table starting on **Page 30** of the Plan:

**"5. Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.**

The requested Map Amendment is also supported by the following Economic Development portions of the 2015 Comprehensive Plan:

**"Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas**

Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and Preferred Growth Areas, where the infrastructure is expected to be available to support these uses." (Page 69)

And on Page 70: Recommendations:

**"5. Create a business friendly environment in Jefferson County.**

**6. Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County."**

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, and the Route 9 PGA Map, this map amendment is consistent and compatible with the Plan. The Consistency with, and Compatibility to the existing Comprehensive Plan and the Future Land Use Guide are the two most important criteria to be used for a Map Amendment.

The importance of the Future Land Use Guide when making Map Amendment decisions is outlined on Page 15 of the Plan:

**"By creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on**

their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”

This section of the Plan allows for predictability of future land uses in Jefferson County. Based on the Map that was created in 2015 (after years of developing the Plan), both the Applicant and the Public were made aware of the land use anticipated on this property and in the neighborhood.

To carry through what the County adopted in 2015 in this Preferred Growth Area, the requested rezoning would allow the Applicants the flexibility of marketing the property to the business park developers to continue the commercial expansion of the area for other office buildings. From an economic development standpoint, Jefferson County would certainly benefit from allowing commercial growth in this County, as opposed to Berkeley County. As a matter of fact, this applicant is the developer of the Liberty Business Park. It would make sense to allow similar development on the Jefferson County portion. Since commercial and residential uses are being developed in the area, Jefferson County should start taking advantage of it.

Since there is very little vacant land in Jefferson County that is zoned just for commercial/office, the requested change to a commercial zone will provide commercial services to the proposed residential development in the neighborhood, as well as, to the office employees in the Liberty Business Park. These types of uses can stimulate economic development on Jefferson County’s side of the County line.

The Plan encourages growth and development in areas where infrastructure and public facilities are available. In this case, the property has access to Berkeley County’s Public Water and Wastewater Treatment Facilities. The property is also located within minutes of the Short Road interchange onto the new four lane Route 9. These qualities make the property an ideal candidate for a map amendment.

Finally, the Plan’s goals also support commercial activities in the County; in addition to the protection of private property rights. Both in the current Comprehensive Plan and the proposed zoning ordinance in 2008, this area was proposed to be zoned as a business center. This shows that the County planners believed that this property was prime land for economic development for quite some time. This is a unique area of the County. Since the 2004 Comprehensive Plan was adopted, this area has consistently been targeted for growth. This is evidenced by the several rezonings in the neighborhood, the rezoning of the area into a business park in the 2008 Zoning Ordinance and now by the inclusion of this area Route 9 Preferred Growth Area in the Envision 2035 Plan.

While the current Comprehensive Plan supports the map amendment request, the 2004 Comprehensive Plan includes several recommendations that support this rezoning request. This is important to note to show that the area being slated for growth hasn't changed from the old plan to the new plan.

2004 Comprehensive Plan Recommendations:

**Recommendation 3.01 on Page 24:**

“When adjusting the Zoning Ordinance and Map to conform with the recommendations of this Plan, the County should look closely at the adjacent jurisdictions permitted uses or their fringes...”

There is also a new large Sheetz Store and a new commercial center that were constructed to serve this neighborhood. These two commercial entities are just over the Berkeley border from the subject property. The County Line shouldn't be the limiting factor for commercial development on Jefferson County's side.

**Recommendation 3.18 on Page 64:**

“The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities in the workforce.”

Again, this area has been permitted to develop into residential subdivisions, a business park that contains good federal government jobs and commercial businesses that locate where growth is indicated. Jefferson County is adjacent to this growth and should capitalize on the economic gains that Berkeley County has enjoyed in the same area. This property should work well with the mixed-use development that was recently approved (Concept Plan) across Route 115.

According to the County, there is a very small percentage of land that is zoned for just commercial/office use in Jefferson County. It is very difficult to achieve the goal of pursuing new commercial development if the County doesn't create new areas for commercial development as recommended in the Envision Jefferson Plan. Because of the adjacent zoning in Jefferson County and the development in this area of Berkeley County, this property would be an ideal parcel of land to include in the new Commercial District. Besides the proximity to the adjacent development, it also has access to good infrastructure, including water, sewer and roads.

Based on the preceding recommendations from both the Envision Jefferson 2035 Comprehensive Plan and the previous 2004 Comprehensive Plan, this map amendment is extremely consistent and compatible with the development goals of the Plans.

**B. Change of Neighborhood**

This area of Jefferson County and the adjacent area on Berkeley County have changed significantly since the Zoning Ordinance was adopted in 1988. Again, these changes will be similar to those that were cited in the Hunter and Perkins Rezoning Petitions. The following are examples of these changes:

1. The Liberty Business Park was developed on the Berkeley County side of the line and contains the Coast Guard and IRS facilities. This park can be seen from this property.
2. With the development of the Liberty Business Park, Public Water and Sewer were extended into the area.
3. Several residential developments have been built in this area including Quail Ridge Subdivision (Final Section still under construction) and Chapel View Subdivision.
4. Quad/Graphics, a very large industrial printing and distribution facility, was built in Baker Heights in the 90s.
5. In 2005, the County Commission rezoned the 191-acre F.O. Day property which is in the same neighborhood. The Day property was zoned Rural and the County Commission approved a map amendment to Commercial/Industrial after finding that it was consistent with the Comprehensive Plan
6. The large Sheetz Store was just built in the neighborhood (less than ¼ mile away). Ironically, this Sheetz was relocated from Jefferson County.
7. A Food Lion (within eyesight just across Coast Guard Drive) was built adjacent to this property just on the Berkeley side of the line. The grocery store was sold since it opened.
8. The Comfort Suites Hotel was built very close to the subject property.
9. Hospice of the Panhandle has built its headquarters and a multi-bed in-house care facility in the neighborhood. The entrance to this facility is across the street to this property. This facility was a project that was

approved by both Jefferson and Berkeley Counties since it straddles the County line. The project includes over 25,000 square feet of office space and a very large inpatient center. This project has been built.

10. The new Route 9 was completed with direct four lane access to Route 81. This route is approximately one mile from the subject property and has a major interchange that services the area. Old Route 9 (Route 115), still considered a Primary Road by the Comprehensive Plan, services this property and leads into Short Road that has direct access to the new interchange. The property is nearly in between two major interchanges (Shepherdstown Exit and Short Road Exit) to the new four lane Route 9. This makes the property ideal for commercial development.
11. 2014, the County Commission unanimously approved two separate requested mixed-use rezonings for the three properties across the street owned by the Hunters and the Perkins Trust.
12. A 132 Unit Townhouse Residential Project with Mini-Storages was just approved at Concept Plan by the Planning Commission for the property across the street from the subject property.

The following are changes in the neighborhood that would specifically support the requested change from Residential Growth to the General Commercial District:

1. Availability of Public Utilities and Services:

Public Water and Sewer is now available in this neighborhood. The availability of this capacity is a change for this neighborhood since 1988. As stated earlier, one of the Comprehensive Plan's primary objectives is to funnel growth into areas already served by existing infrastructure such as sewer and water:

'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.' (Page 27)

The allowance of growth in this area because of both the sewer and water and location within the PGA is also supported by Recommendation 5a found on Page 30:

"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.”** (Emphasis added)

In this case, there is a need for commercial development to offset the residential developments that are recommended in the UGBs and the PGAs. This property is ideal to provide those needed commercial or office facilities since the Liberty Business Park is adjacent and the larger residential developments are already in or planned for the area

2. Growth in the Corridor:

Since the adoption of the original Zoning Ordinance in 1988, this area has grown considerably. The significant growth includes: Quail Ridge and Chapel View Subdivisions; Hospice Offices and Inpatient Campus; large Sheetz; Grocery Store; Quad/Graphics in Baker Heights, the Liberty Business Park and the approved (Concept Plan) townhouse development across the road. These types of developments along with the existing growth in the Kearneysville and Baker Heights area illustrate that commercial and office development along old Route 9 is very much consistent with the Comprehensive Plan; especially since most of these came after the Zoning Ordinance was adopted. The map amendment for the subject property would ideally fit into this neighborhood’s mixed use.

C. Change of Transportation Characteristics:

There have been positive changes in the transportation and traffic characteristics in this area since the time of the adoption of the Zoning Ordinance. Old Route 9 was very much enhanced just north of the property in Baker Heights. The road was widened and improved to accommodate the large volume of tractor trailer traffic associated with the industrial and commercial growth in the area.

However, the major change in transportation characteristics is the finished Route 9. It is the direct four lane link to Route 81 that Jefferson County supported. This road has opened both trade routes and commuter routes in and out of Jefferson County. As mentioned previously, this property has access via good roads (old Route 9 (Route 115)) to both the Short Road and Shepherdstown interchanges onto new Route 9. This property is located in between these interchanges. The new Route 9 and Public Water and Sewer in this area make this property an ideal property for further development.

These changes and improvements to the transportation system have taken place since 1988 when the Zoning Ordinance was adopted. Since the Comprehensive Plan was newly adopted in 2015, these road improvements have already been taken into consideration in the Envision Jefferson 2035 Comprehensive Plan. All

these improvements have had a very positive effect on the transportation characteristics and traffic flow in this area and neighborhood. The four lane Route 9 was recognized as a driving force for the creation of this Route 9 Preferred Growth Areas in the Plan. Accordingly, the Comprehensive Plan already acknowledges that these transportation changes have had a positive effect in this area, so much so, the County endorsed the creation of this area as a Preferred Growth Area and an area slated for future Commercial and Office development on the Future Land Use Map. These changes and improvements to both the Comprehensive Plan and the Transportation Characteristics support the rezoning of the subject property.

**D. Error in the Original Zoning Map**

The only real justification for a map amendment/rezoning in West Virginia is the consistency of the request with the Comprehensive Plan. This is the reason that the Comprehensive Plan is so thoroughly discussed in this Petition. However, in some states, an error in the original zoning map is also used as a good indicator for map amendments. Accordingly, this Petition will briefly touch on some of the reasons that this property should have been zoned for development when the original ordinance was adopted; and/or shortly after the Envision Jefferson 2035 Plan was adopted.

Listed below are several reasons why this property should have been zoned for development in 1988 when the original ordinance was adopted and after 2015 when the Envision Jefferson 2035 made it very clear that the property was ideal for growth. These reasons have already been discussed in detail in this Petition. These are some of the reasons that the Day property was rezoned in 2005 and that the Hunter and Perkins' properties were rezoned in 2014 in this neighborhood. These reasons alone would support the requested map amendment to the mixed-use classification:


1. The property is located on a Principal Arterial Road as defined by the Comprehensive Plan. There are only three roads defined as Principal Arterial Roads in Jefferson County (Route 340, Route 9, and Route 115);
2. The property has access to public water and public wastewater services;
3. The property is located between two unincorporated mixed-use communities (Baker Heights and Kearneysville); and,
4. The enhanced connection was made with Route 81 when the Route 9 Four Lane was completed.

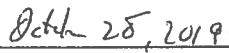
Once you combine these facts with the other compelling factors including: the Liberty Business Park; Residential Subdivisions; the large Sheetz store, the grocery store, Hospice of the Panhandle; the multiple rezonings; and, the new

Route 9, it makes this property and ideal candidate for the requested map amendment.

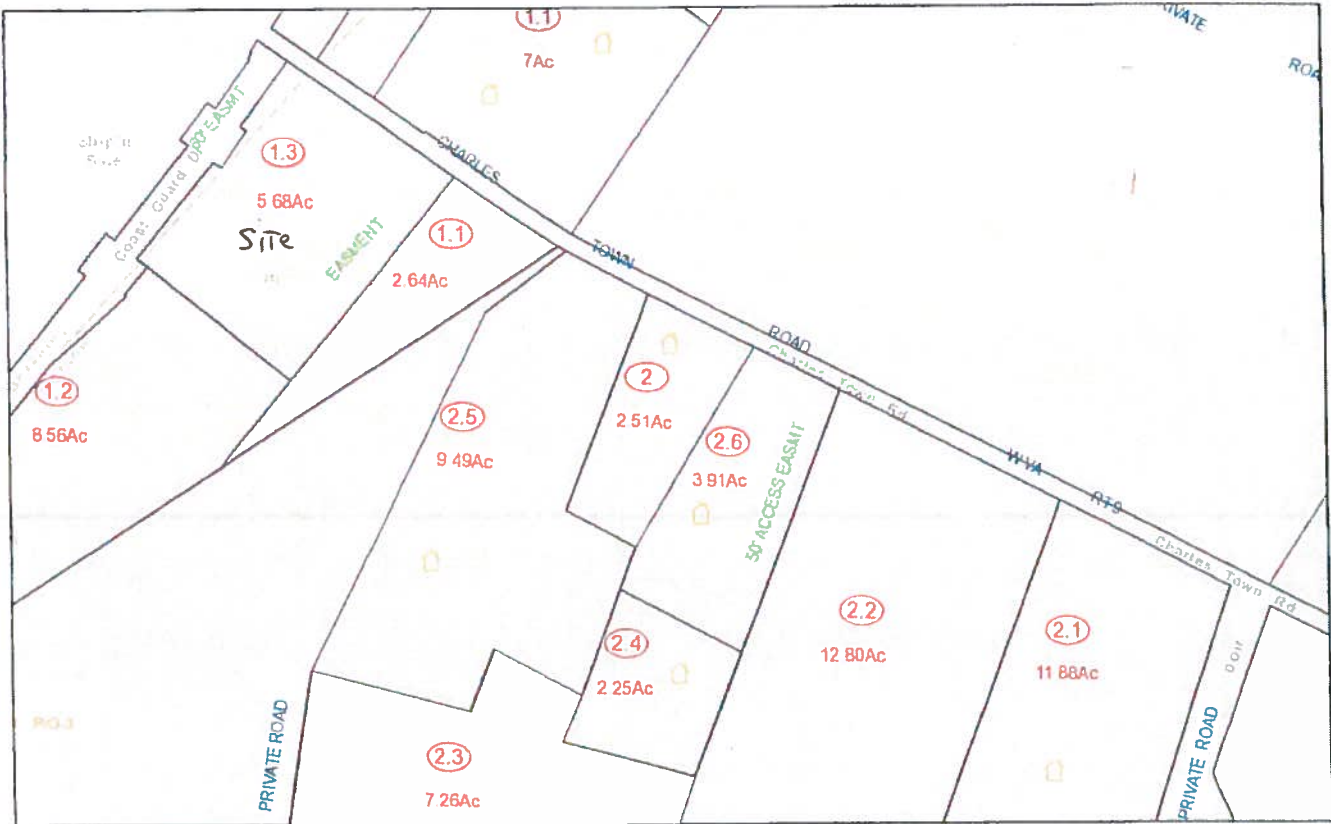
E. Conclusion:

Murall Limited Partnership respectfully request that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Petition cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the Envision Jefferson 2035 Comprehensive Plan, the 2004 Comprehensive Plan; the 2005 action of the County Commission regarding rezoning the Day property; the recent rezonings of the adjacent Hunter and Perkins' properties; the fact that the property should have been classified as a business, commercial, office, or mixed-use district in the original ordinance or at least during the 2015 approval of the Comprehensive Plan; the positive changes in the transportation characteristics in the area, especially the construction of Route 9; the changes in the neighborhood from when the original zoning ordinance was adopted (including the development of a business park across the street; the fact that the property and area is located in a Preferred Growth Area in the new Plan and is shown as Commercial/Office on the Plan's Future Land Use Guide (Map); and, the fact that the property has access to Public Water and Sewer and other services. This map amendment will change the zoning classification on the Applicant's property from the Rural District to the General Commercial District.

  
\_\_\_\_\_  
Kenneth F. Lowe, Murall Limited Partnership

  
\_\_\_\_\_  
Date

# Viewer Map



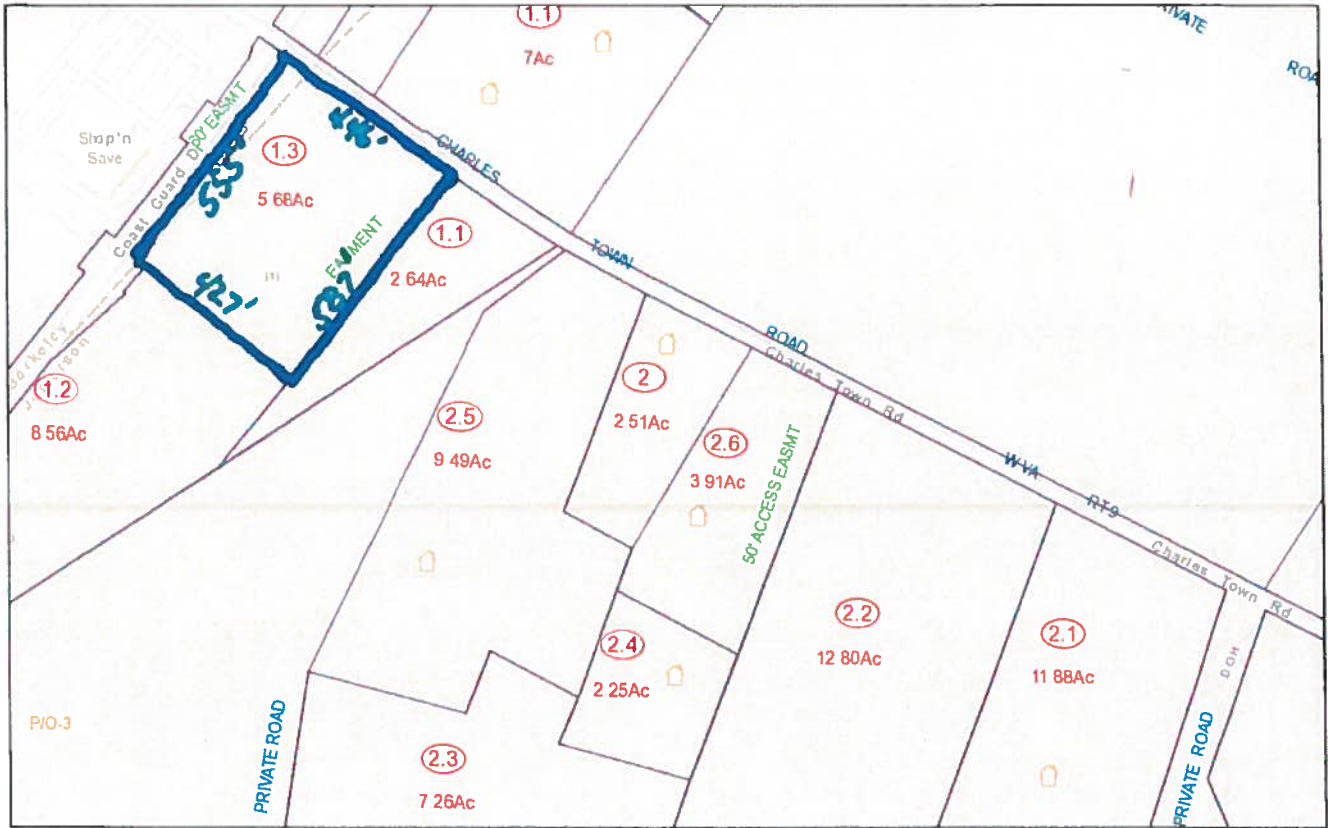
March 7, 2018



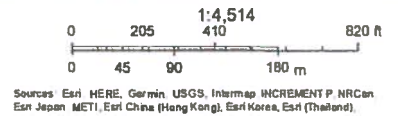
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Esri Korea, Esri (Thailand)

Map  
Copyright 2014

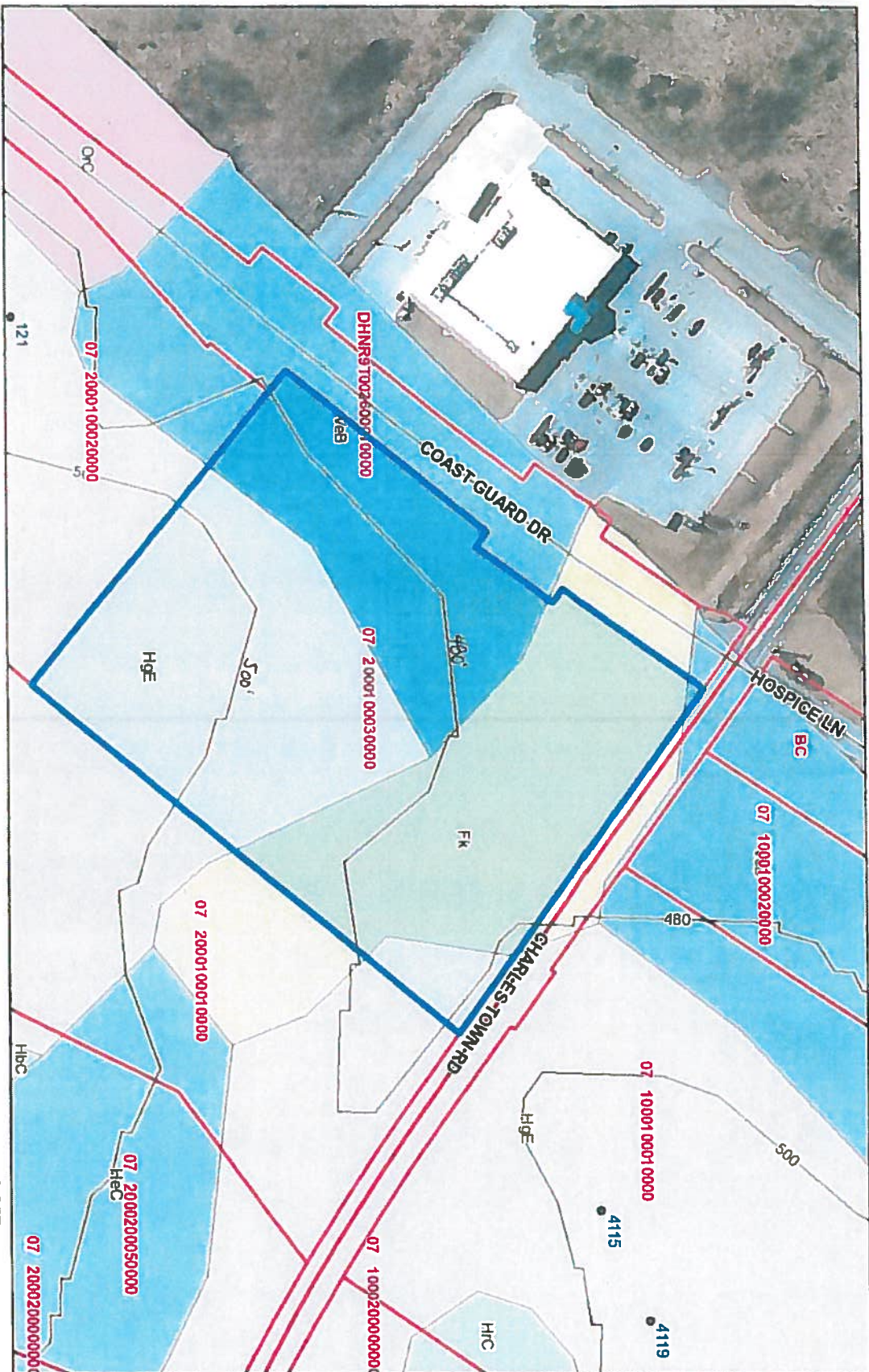
# Viewer Map



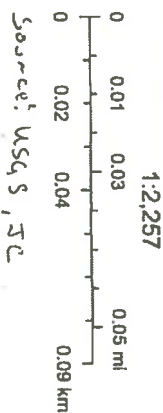
March 7, 2018



# Viewer Map



October 30, 2019



Copyright 2017

Murall Limited Partnership  
EXISTING LAND USE MAP  
Approx SCALE 1" = 200'



07000100010002

PROPOSED TH Subdiv

PROPOSED Mini-Storages

07000100010001

CHARLES-TOWN RD

Grocery STORE

Liberty Business PARK

COAST GUARD DR

568± ACRES

07000200010003  
VACANT

07000100020000

07000200010001

VACANT

POTOMAC Edison SUBSTATION

07000200020000

07000200020005

07000200020006

07000200020004

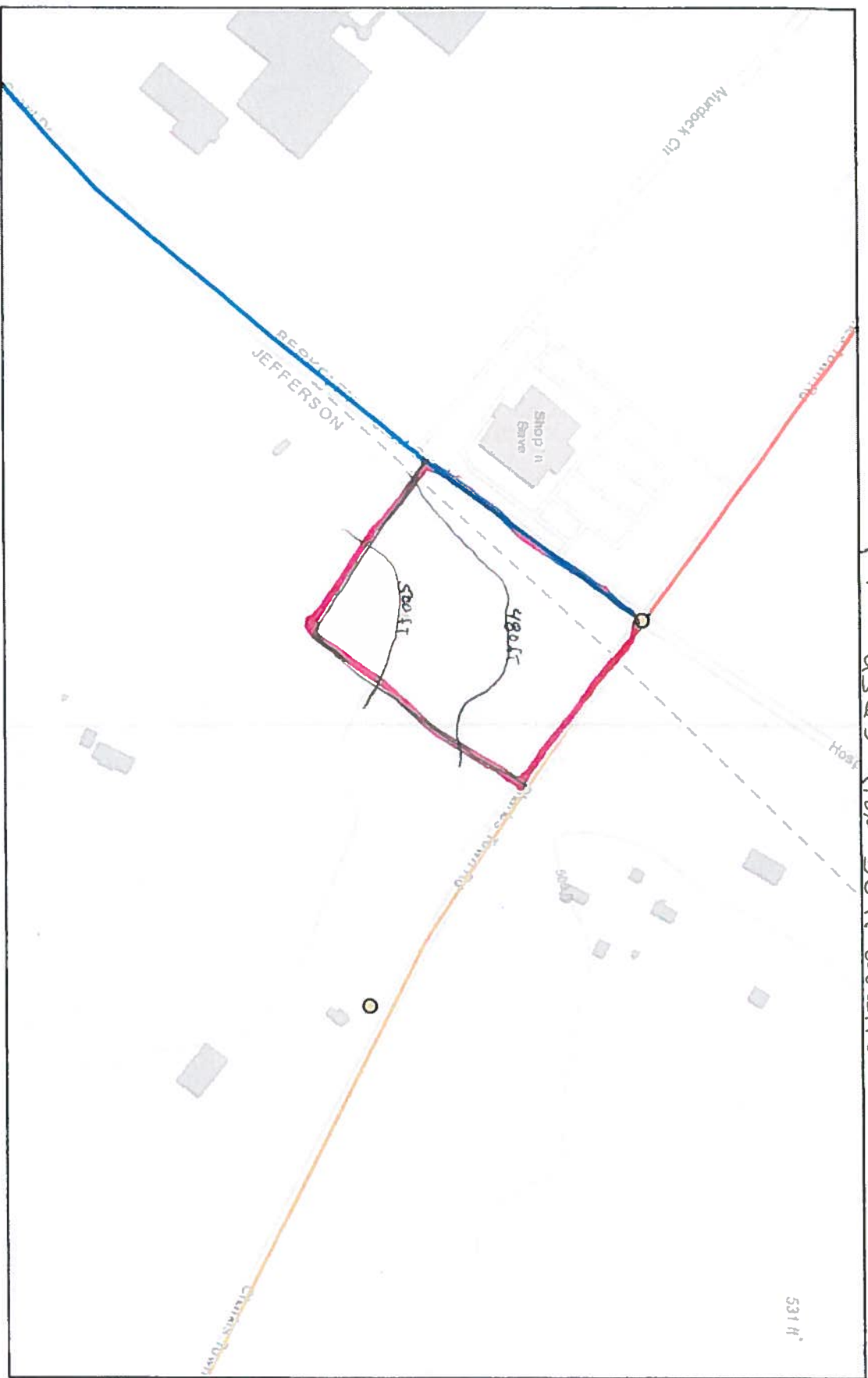
535±'

446±'

427±'

587±'

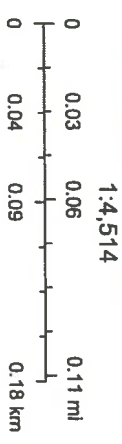
Topo: USGS from DoH website



October 30, 2019

- Station AADT
- 1,000 - 4,999
- Segment AADT
- 99 and Under Station AADT
- 1,000 - 4,999
- 5,000 - 49,999
- Segment AADT
- 99 and Under Station AADT
- 1,000 - 4,999
- 5,000 - 49,999
- Segment AADT
- 99 and Under Station AADT
- 1,000 - 4,999

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS.



Source DOH Natural Conditions: Vacuum with Tree cover and grass



October 30, 2019  
Station AADT      Segment AADT  
○ 1,000 - 4,999      — 99 and Under      — 1,000 - 4,999      — 5,000 - 49,999

Ent, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user

Murall Limited Partnership  
Zoning and Adjacent Properties

Berkeley County  
No Zoning

Berkeley County  
No Zoning

Henry Shingleton JR TRUS

Tax 07000100010002

Deed Book 1087 Page 6

Zoning: Residential [Light] Commercial

HOSPICE LN

Townhouse Rentals LLC

Book 1215 Page 142

Tax Ref 07000100010001

7 ac

Zoning Residential [Light Industrial] Commercial

CHARLES TOWN RD

\*  
SITE

07000200010003

Febrey /BST

Tax 07000200010001

Book 1151 Page 106

Zoning: Rural

07000100020000

COAST GUARD DR

Potomac Edison Co

DIST 7 Deed Book 852

MAP 2 Page 229

Parcel 1,2

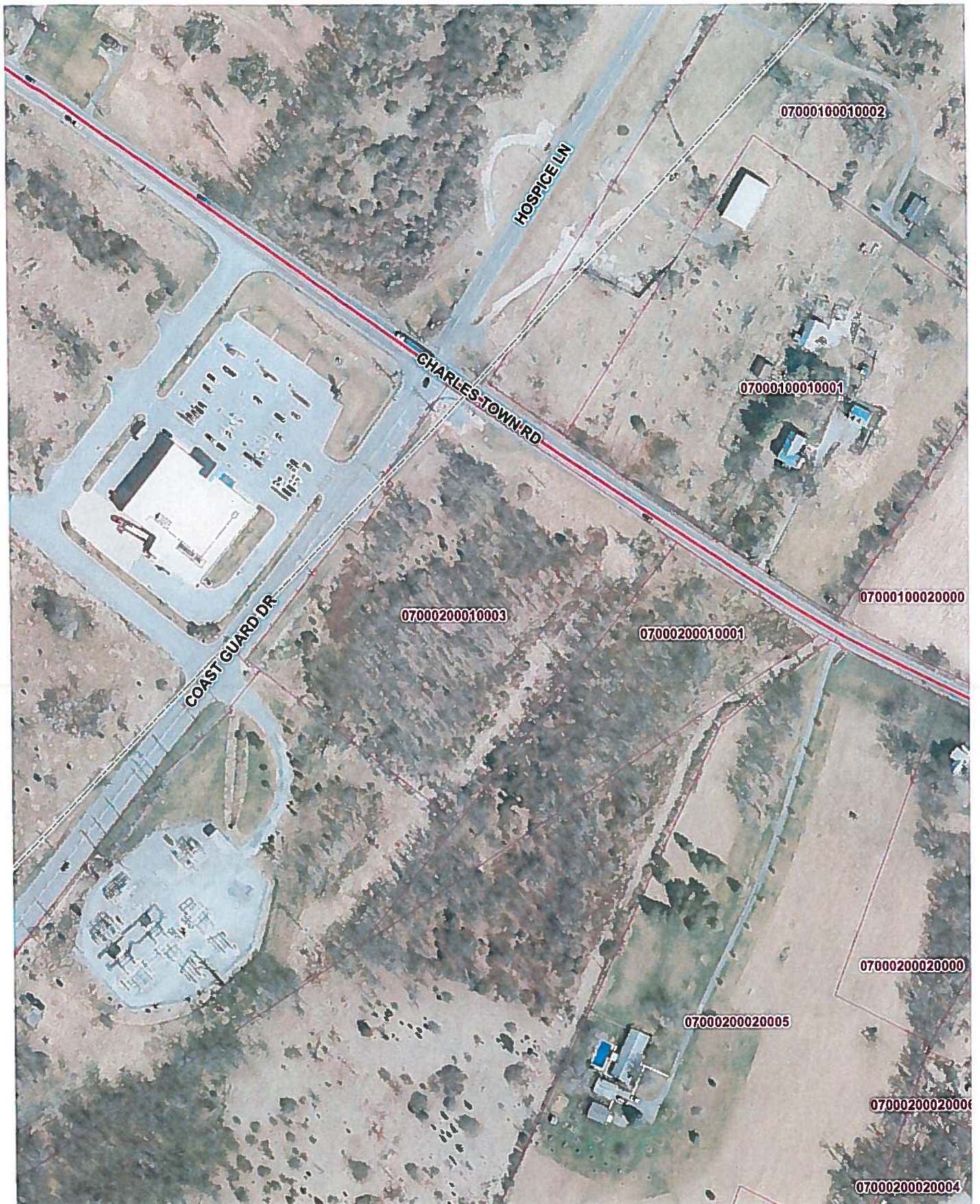
Zoning: Rural

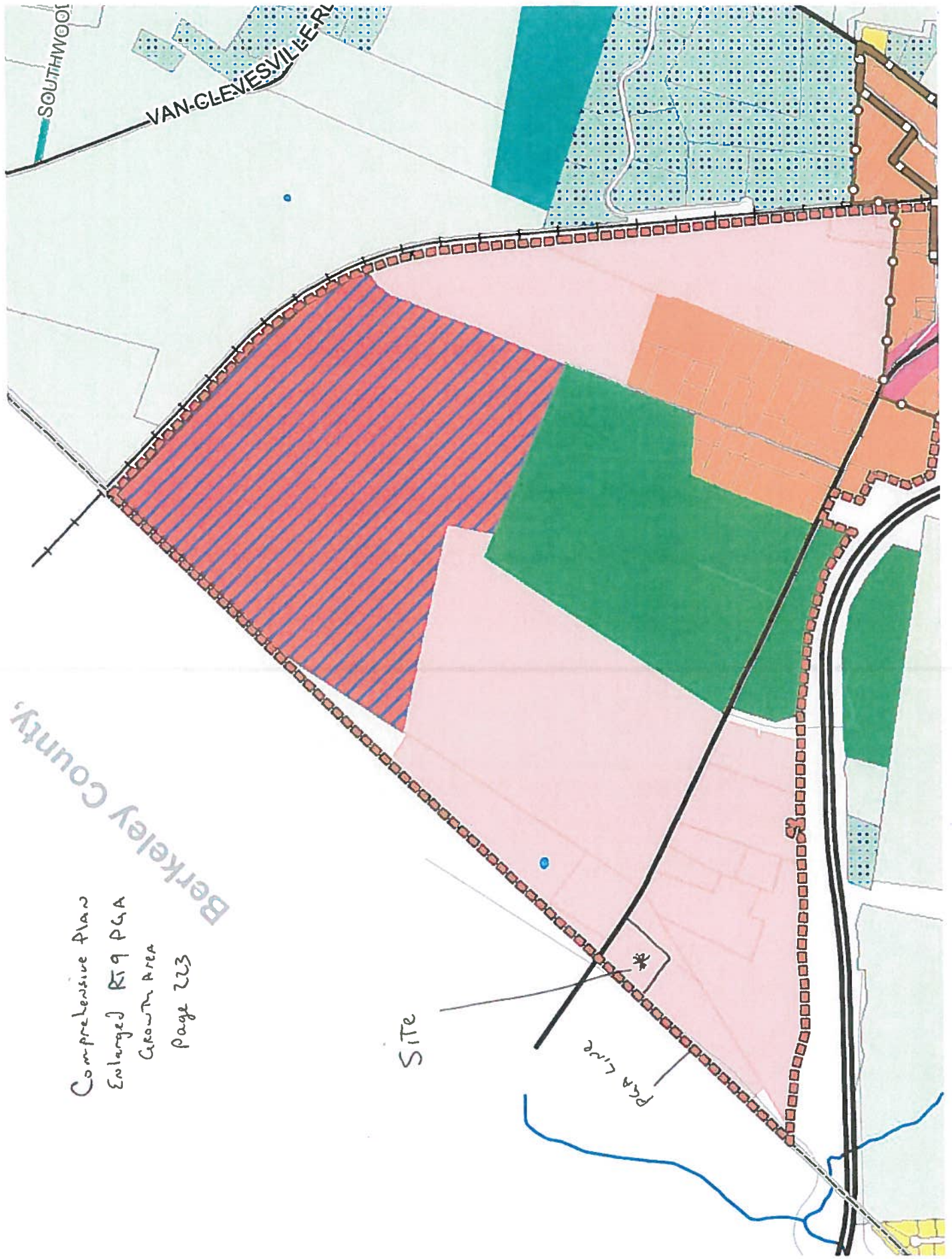
07000200020000

07000200020005

07000200020001

07000200020004





Berkeley County,

Comprehensive Plan  
Enlarged RT9 PGA  
Growth Area  
Page 223

Site

PGA Line





# Future Land Use Guide

## Jefferson County, WV

Envision Jefferson 2035 Comprehensive Plan\*

Enhanced Page 215

- Special Design Area
- Preferred Growth Area
- Quarry Redevelopment Area
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansion
- Village
- Village Expansion
- 2004 Growth Area

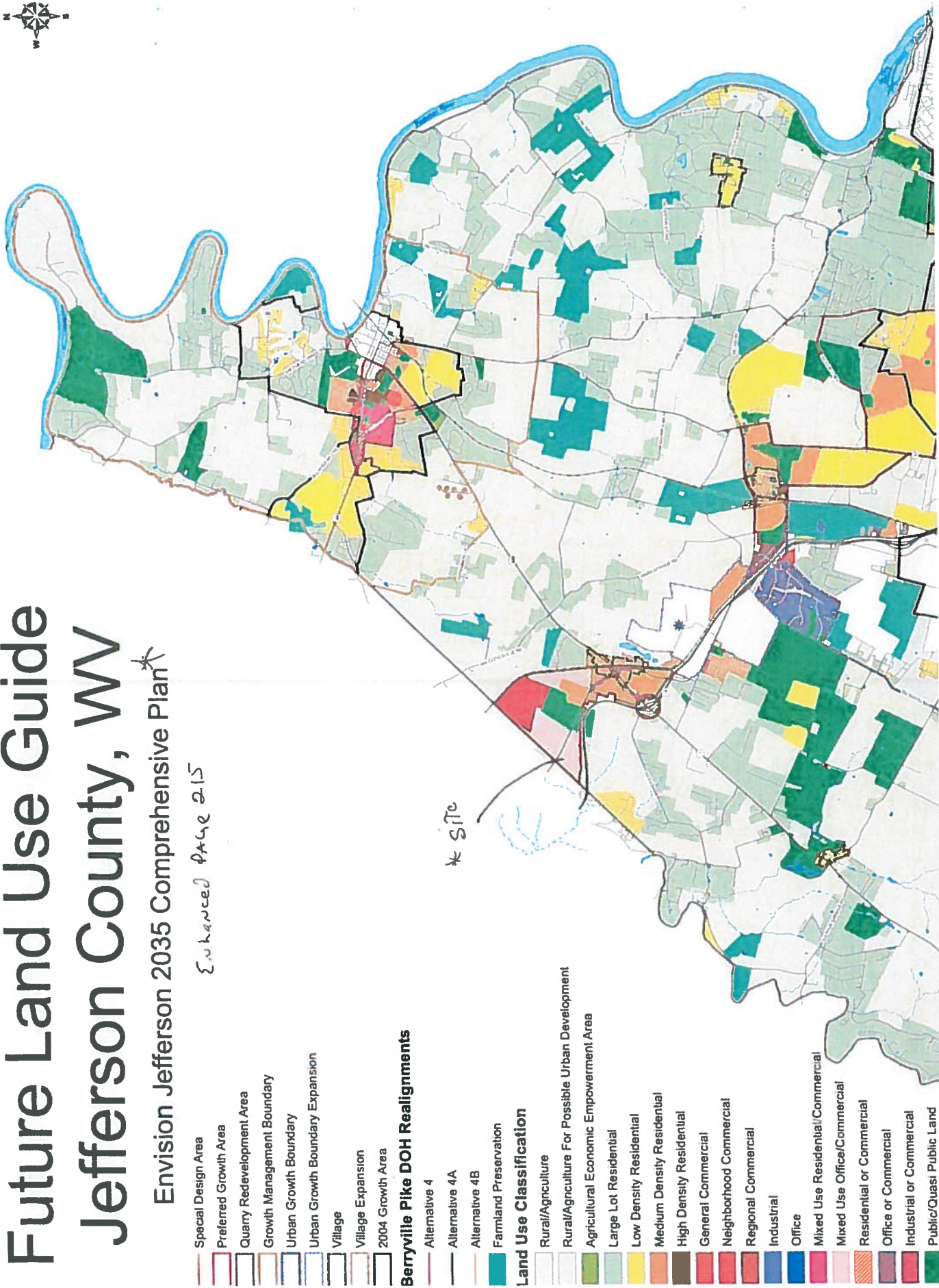
### Berryville Pike DOH Realignments

- Alternative 4
- Alternative 4A
- Alternative 4B

### Land Use Classification

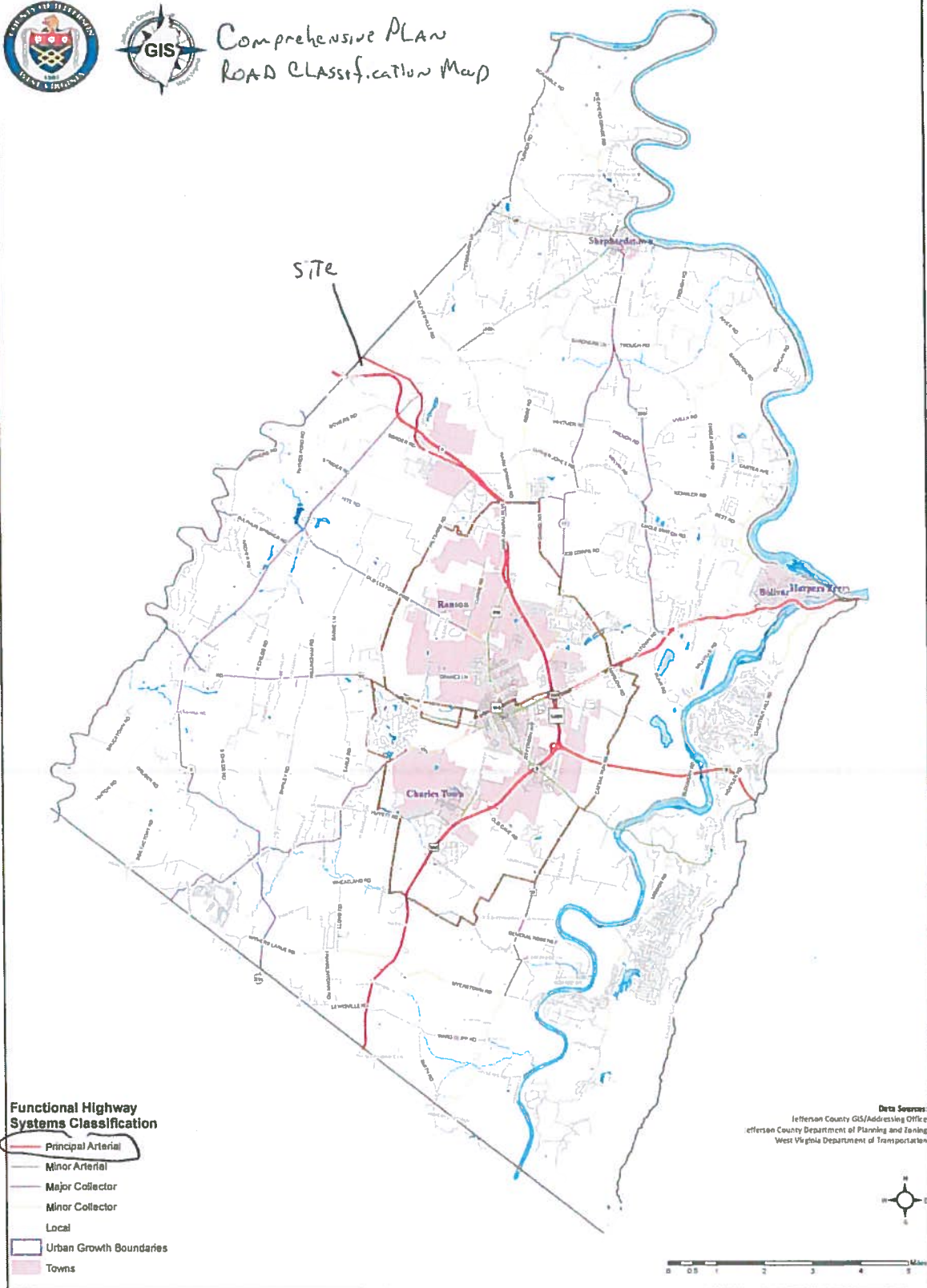
- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- General Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Office
- Mixed Use Residential/Commercial
- Mixed Use Office/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land

\* Site



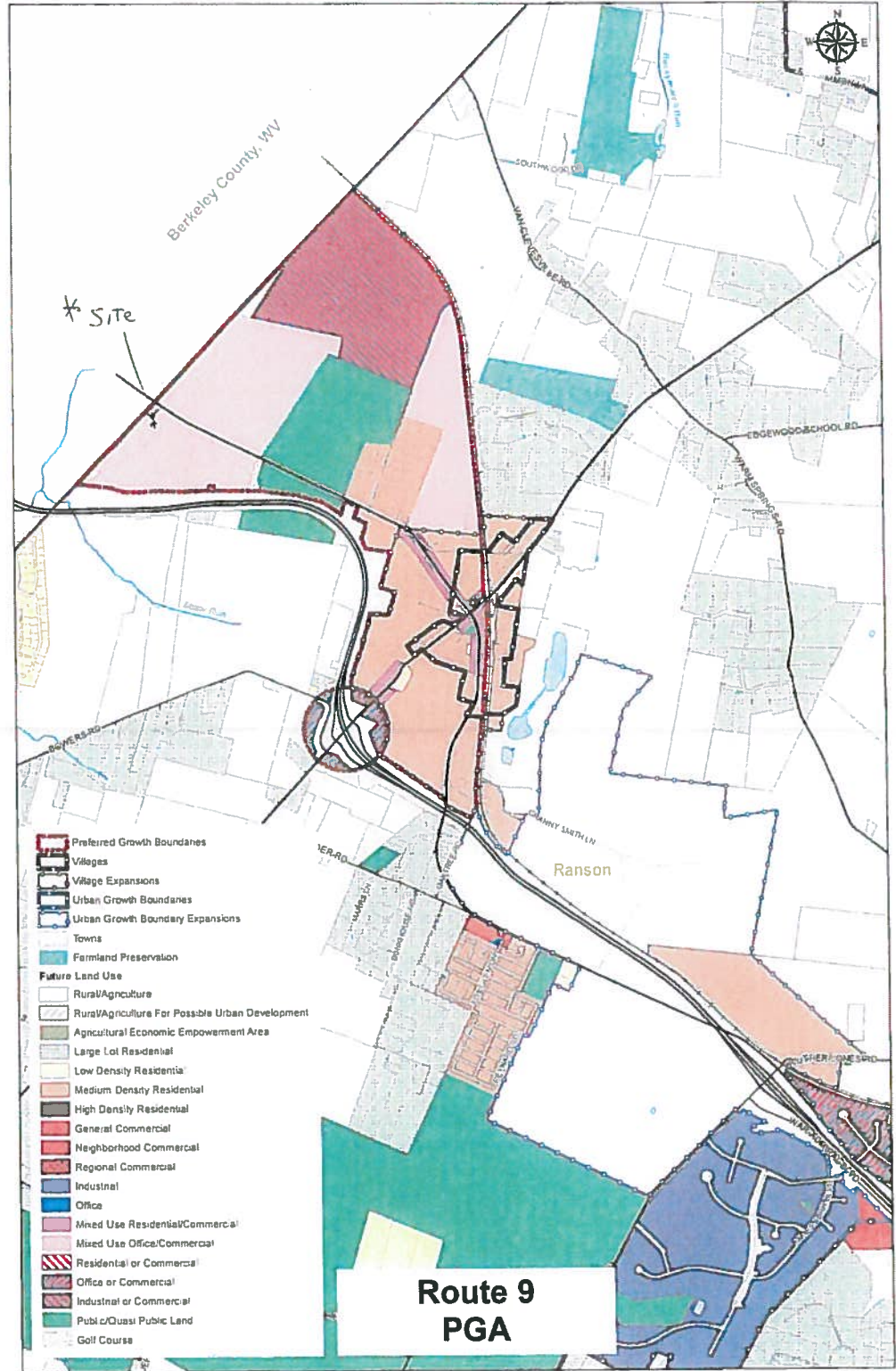


Comprehensive PLAN  
ROAD CLASSIFICATION Map



**Roadway Classification Map  
Envision Jefferson 2035**









**AGENDA REQUEST FORM**

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jane Tabb

Department or Organization: County Commission

Estimation of amount of time needed for appointment: . \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: Jan. 30, 2020

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject (Wording to be placed on agenda):

**Amendment to Emergency Services Ordinance to add an additional "citizen" voting member to JCESA Board.**

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

**To move amendment forward : update on legal review, draft ordinance then schedule a public hearing.**

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

Are documents attachments? Yes                      No

If not, explain:

Is a projector needed? Yes                      No X

Contact information:

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_





**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **January 30, 2020**

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

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

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

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

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

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

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

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

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

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

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

Contact information:

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

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

[Click here to enter text.](#)



**NOTICE  
Board of Review and  
Equalization**

The County Commission of Jefferson County will convene as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County, 100 E. Washington Street, Charles Town, WV on Thursday, January 30<sup>th</sup>, 2020, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the tax year 2020.

If you disagree with your appraisal, you may appeal by filing a written petition for an informal review with your county Assessor within eight (8) business days of receiving your Notice of Increase in Assessment.

Please be advised that questions of property tax class changes, questions of taxability or late filing requesting of farm use valuation shall not be addressed.

The Jefferson County Commission will continue to sit as a Board of Review and Equalization in February, 2020 and hold hearings at the Courthouse of said County, 100 E. Washington Street, Charles Town, WV on the following dates and times:

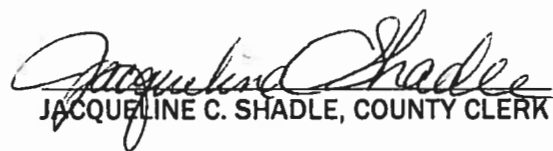
|          |                  |           |
|----------|------------------|-----------|
| Thursday | January 30, 2020 | 1:30 p.m. |
| Tuesday  | February 4, 2020 | 1:30 p.m. |
| Thursday | February 6, 2020 | 1:30 p.m. |
| Tuesday  | February         |           |
| Thursday | February         |           |
| Tuesday  | February         |           |

Persons wishing to appear before the office no later than Friday, February 7 to schedule a hearing date prior to the 18th, 2020.

In the alternative, you may also request the Clerk of the County Commission no later than your protest to be heard by the County Board of Assessment Appeals in October, 2020. If the Board of Assessment Appeals is not in session before February 20, 2020, and a Board of Assessment Appeals is filed no later than the County Commission, your appeal will be heard by the Board of Assessment Appeals in October.

BORE  
1:30 pm  
1-30-2020

Given under my hand this 19<sup>th</sup> day of December, 2019.

  
JACQUELINE C. SHADLE, COUNTY CLERK



**COUNTY COMMISSION OF JEFFERSON COUNTY  
NOTICE OF PUBLIC BUDGET FORUM  
BUDGET FY21**

The County Commission of Jefferson County will hold a public budget forum on Tuesday, February 4, 2020, at 7:00 p.m. in the County Commission Meeting Room located in the Old Charles Town Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the forum is to provide information regarding the upcoming FY21 budget and educate the public on the county budget process. There will be an opportunity for attendees to provide comment. Written comments can be sent to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org).

No decisions will be made during the forum.

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

# **ROCKWOOL'S STORMWATER POND DESIGN, CONSTRUCTION DEFICIENCIES AND GROUNDWATER CONTAMINATION**

G. A. Perry, Architect, LEED AP - gavarch@gmail.com – January 7, 2020.



**Sinkhole in Rockwool's Basin #1 – October, 2018**

## **CONTENTS**

**Introduction**

**Summary**

**Existing Site Conditions**

**Stormwater Pond Design Guidelines and Recommendations**

**Geomembrane Liner Information**

**Stormwater Pond Design and Construction Deficiencies**

**Monitoring Wells and Groundwater Contamination**

**Recommendations and Final Questions**

## **INTRODUCTION**

My name is Gavin Perry; I am an architect, LEED AP and live with my family approximately half a mile from the Rockwool factory. Like 80% of the County residents, businesses and farms, our only water source comes from our private well.

The Rockwool factory will include a number of above ground ponds, including Stormwater and Process Water ponds. The ponds will hold stormwater runoff and waste materials from the mineral wool manufacturing process.

**Of great concern to the residents of Jefferson County is that sinkholes will open up under the ponds, rupturing the lining and seams and allowing waste materials from the factory to drain into and contaminate the groundwater.**

Jefferson County geology consists primarily of karst (limestone) and includes large numbers of sinkholes. Karst is very susceptible to sinkhole formation and the sinkholes have direct connections to the groundwater.

For ten years I volunteered for the Land Trust of the Eastern Panhandle of WV and annually visited over 40 farms and saw the direct impact of sinkholes on water sources; from large farm ponds running dry because they had "sprung a leak", sinkhole; to Rattlesnake Run disappearing into a sink hole and resurfacing a couple of hundred yards downstream; to the Run disappearing totally as it drained in a sinkhole on its bank.

I am currently on the Board and Treasurer of the Jefferson County Farmland Protection Board, but views expressed here are my own.

## **SUMMARY**

West Virginia DEP must not issue the Rockwool Stormwater Permit until the identified design and construction deficiencies are corrected. Rockwool's stormwater pond design is **INADEQUATE AND INAPPROPRIATE** for karst terrain, located as it is, at the highest concentration of sinkholes in Jefferson County and at the headwaters of numerous local streams.

**ALL STORMWATER POND LINERS LEAK, BECAUSE OF HOLES, CRACKS AND RIPS IN THE MATERIAL AND SEAMS OR THROUGH A COMPLETE FAILURE CAUSED BY SINKHOLES OPENING UP UNDER THE LINER.**

**A LINER SYSTEM MUST BE INSTALLED WHICH WILL MINIMIZE THE LEAKAGE. THE QUESTIONS THEN BECOME:**

**HOW MUCH WILL LEAK?**

**WHAT IS CONTAINED IN THE PONDS THAT LEAK?**

**WHAT DAMAGE WILL THE LEAK CAUSE TO THE GROUND AND WATER BELOW?**

The design and construction deficiencies identified in the report are based on the recommendations contained in the **Chesapeake Stormwater Network, Technical Bulletin No. 1, Stormwater Design Guideless for Karst Terrain in the Chesapeake Bay Watershed**, and **recommendations of L. Everett & Associates** a leading national environmental consulting firm.




**The danger to the underground water supply is from SINKHOLES WHICH HAVE NOT YET FORMED. It is certain that sinkholes will form under the lagoons and the pond liners will be damaged and the seams opened up.** A dye test done in the 1990s showed that dye injected into the groundwater near the Rockwool site found its way to the **Morgan Spring, which feeds the Shepherdstown's Town Run, Elmwood Spring, which feeds Rattlesnake Run and the Duffield Spring- Elk Branch.**

## EXISTING SITE CONDITIONS

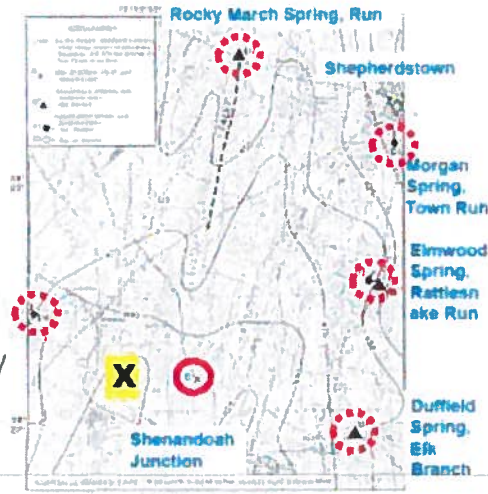
### LOCAL HYDROLOGY AT ROCKWOOL SITE

The local hydrology of Jefferson County consists of three Hydrogeologic Units, two of which meet at the location of the site of the Rockwool factory; creating ground faults, fractures and sinkholes through which pollutants can enter the groundwater and contaminate local wells and springs. **A spill, leaking sewer line or rupture of the stormwater ponds liners would result in water contamination and health and safety issues as the contaminated material will move rapidly underground. It will be very difficult to track and very expensive to clean up.**

Any chemical introduced into the groundwater near the Rockwool Factory will contaminate the water of the northern part of the county

-  Injection point
-  Proposed Rockwool Factory
-  Dye detected weeks later

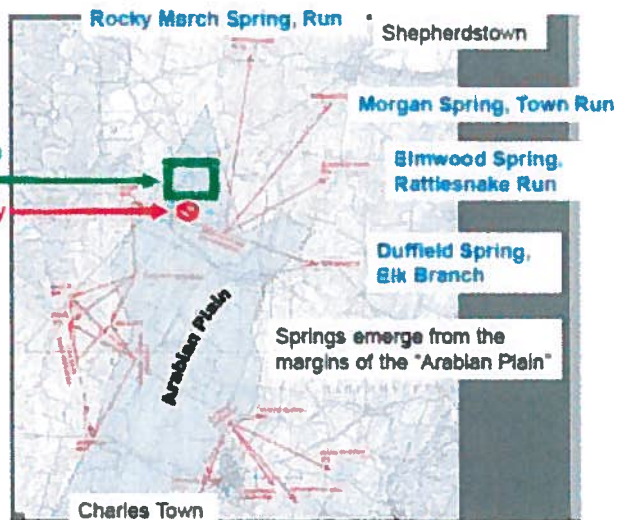
Detection 2 weeks later at Rocky Marsh and it takes 25 weeks to clear from all locations



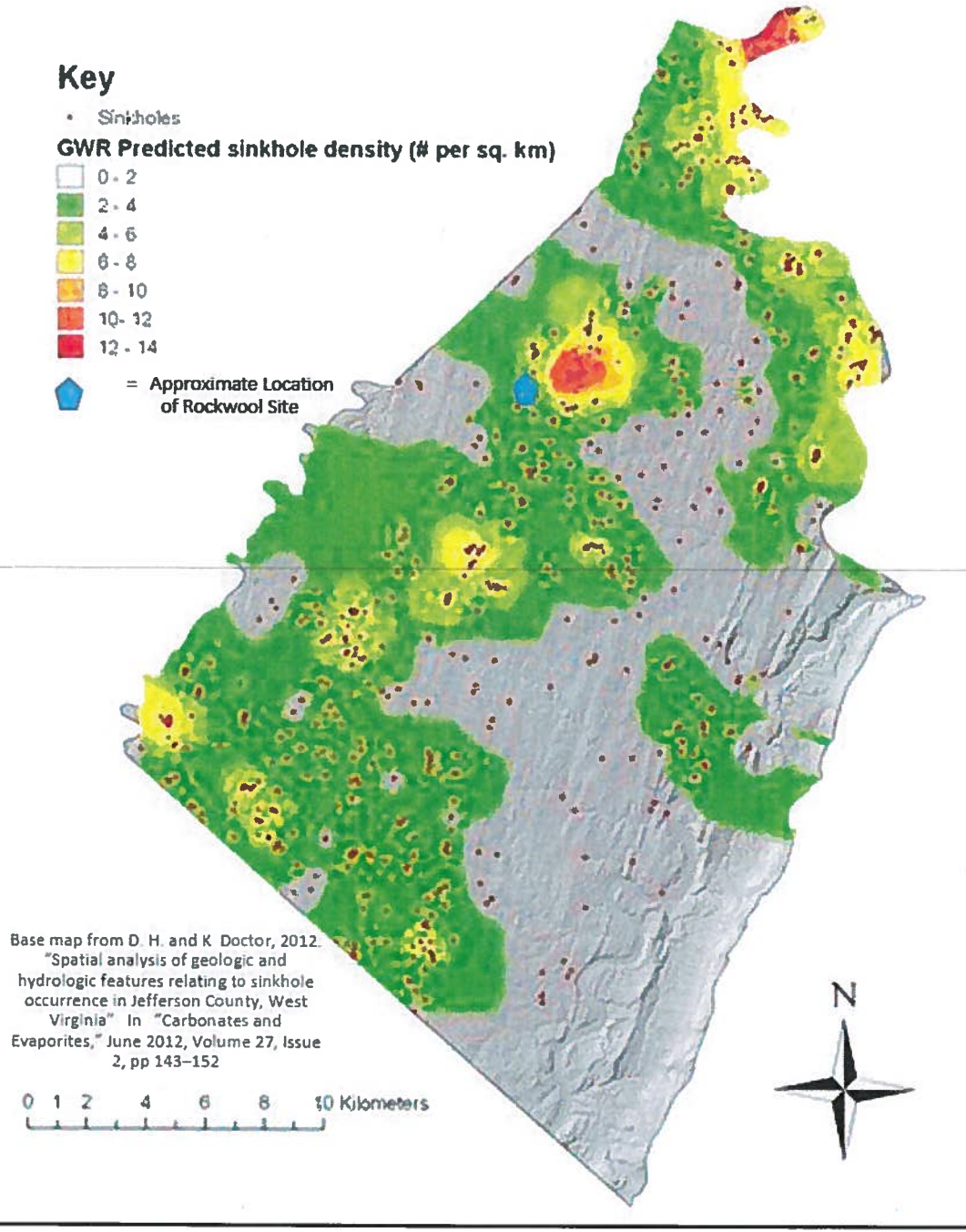
Water Pollution in the Arabian Plain impacts most of the county

Highest density of sinkholes in the county  
Proposed Rockwool Factory

Small red arrows rapid flow away from Arabian Plain to springs that feed our streams



## PONDS LOCATED AT THE HIGHEST CONCENTRATION OF SINKHLES



## ROCKWOOL'S GEOTECHNICAL RREPORT

Project Shuttle -New Industrial Site at the former Jefferson Orchard Kearneysville, Jefferson County,  
West Virginia Specialized Engineering Project No. 177164

Prepared for: Thrasher 600 White Oaks Blvd Bridgeport, WV 26330.

Prepared by: Specialized Engineering 4845 International Blvd, Suite 104 Frederick, MD 21703, July 11, 2017

### 1.0 EXECUTIVE SUMMARY

**The greatest difficulty in developing this site is expected to arise from dealing with the Karst terrain. Karst will likely have several effects on the project, which include the following:**

**• Dropouts may form during (and after) construction, and must be repaired;**

• Constructed ponds should include a synthetic liner to reduce the potential for infiltration from the ponds to the subsurface.

### 3.2 Area Geology

Limestone and dolomite are a bedrock type susceptible to solution by water. This solution creates voids in the bedrock, creates a highly irregular bedrock surface, and has the potential for sinkhole formation. Areas underlain by limestone/dolomite are known as karst terrain for the distinctive landform (i.e., sinkholes) found at the surface.

**The Project Site Is Located In An Area With The Potential For Sinkhole Formation.**

a) Sinkholes are formed in karst by either slow, downward solutioning or rapid collapse of the land surface. Sinkholes can occur naturally or can be induced by activities of man.

b) The stability of the residual soils that overlie limestone is a concern for long term stability and maintenance of structures located in karst terrain. **Voids or domes often form in the residual soil above rock cavities, and unless the thickness of the residual soil is sufficient to carry the imposed loads and for development of arching, the soil may collapse and sinkholes may form.**

c) **Some sinkholes failures can be induced by construction activities and are of significance because the sinkholes can directly affect the site being developed, either immediately or some years later. Construction activities that can trigger sinkholes include 1) diversion or impoundment of drainage or dewatering activities, 2) removal of overburden cover, 3) shock vibrations, such as blasting, and 4) increased loading.**

d) Prediction of sinkhole location or occurrence is difficult, if not impossible, and there is always a significant degree of uncertainty associated with the occurrence of future sinkholes. Structures built within the area of influence of a sinkhole can also be affected by sinkhole collapse or subsidence.

**By virtue of the underlying geologic formation, the Owner must acknowledge there is an inherent risk of potential ground subsidence or collapse associated with construction of structures in karst terrain. All sites in karst terrain have the potential for sinkhole formation. Specialized Engineering can provide no warranties or guarantees regarding future sinkhole or subsidence conditions.**

**ROCKWOOL HAS DONE NOTHING TO MITIGATE THE DANGERS CAUSED BY THE ACTUAL AND OF FUTURE SINKHOLE OPENING UP UNDER THE STORMWATER PONDS**

# **STORMWATER POND DESIGN GUIDELINES AND RECOMMENDATIONS**

## **STORMWATER POND DESIGN GUIDELINES**



### **CSN TECHNICAL BULLETIN No. 1**

### **STORMWATER DESIGN GUIDELINES FOR KARST TERRAIN IN THE CHESAPEAKE BAY WATERSHED, VERSION 2.0**



*(Sinkhole at the abandoned Tackley Mills subdivision at the intersection of Old 9 and Wiltshire Bld. The sinkhole grew large enough to threaten Old 9)*

**The stormwater design supplement has been prepared for engineers, plan reviewers, and public works officials to guide better stormwater decisions when land is developed in karst regions of the Chesapeake Bay watershed.** Until now, available local and state guidance on this topic has been uneven, sometimes conflicting and certainly not comprehensive. An informal working group has spent the last year developing this guide.

## Rockwool's Stormwater Pond Design Deficiencies, Groundwater Contamination

It is intended that the Technical Bulletin can be incorporated directly or by reference into local and state land development codes, ordinances, regulations, permits and engineering manuals in the Bay watershed that govern how stormwater is managed in karst terrain.

Several important caveats apply to this edition. **First, the effect of land development on karst terrain is complex and hard to predict, and requires professional analysis to reduce the risk of geological hazards, damage to infrastructure and groundwater contamination.** Second, the bulletin has been produced to respond to the recent growth pressures in many small communities in the Great Valley, Eastern Panhandle and South Central Pennsylvania. **The working group acknowledges that past approaches to stormwater and land development in karst terrain have been inadequate to safeguard the public and the environment.**

**It is Recommended That Stormwater Ponds Not Be Located In Karst Terrain. Rockwool Built Their Ponds In Karst Terrain.**

### **ROCKWOOL HAS BUILT ITS STORMWATER AND PROCESS WATER PONDS IN KARST TERRAIN**

"...while communities that incorporate this guidance into their development review process can reduce the incidence of infrastructure damage and groundwater contamination, there is always some inherent risk when development occurs on this sensitive terrain. **Consequently, the best local approach is to craft stronger comprehensive land use plans that direct new growth away from karst areas to more appropriate locations...**"

## KARST FEATURE PLAN

"Detailed site investigations are required in the design of all building, roads, stormwater conveyance and centralized stormwater facilities proposed within karst areas. **The purpose of the investigation is to develop a KARST FEATURE PLAN that identifies the location and elevation of subsurface voids, cavities, fractures and discontinuities. Presence of any of these features could pose a danger to groundwater quality, a construction hazard or an increased risk of sinkhole creation at a proposed centralized stormwater facility.**

Pertinent site data to collect includes:

- Bedrock characteristics (e.g., type, geologic contacts, faults, geologic structure).
- Soil characteristics (type, thickness, spatial variability, mapped unit, geologic parent/history, infiltration rate, depth to seasonally high water table)
- Identification/verification of geological contacts if present, especially between karst and non-karst formations
- Photo-geologic fracture trace map
- Bedrock outcrop areas
- Sinkholes, closed depressions, grikes and solution-enlarged voids
- Cave Openings
- Springs
- Perennial, intermittent and ephemeral streams and their flow behavior and surface or subsurface discharge points (e.g., losing or gaining streams), channels and surface drainage network
- Site-scale watershed boundaries based on large scale site topography (i.e., one foot or less contour intervals)

## Rockwool's Stormwater Pond Design Deficiencies, Groundwater Contamination

- Layout of proposed buildings, roads, and stormwater structures (and estimated site impervious and turf cover)
- Existing stormwater flow pattern

Stormwater designers should retain the services of a qualified consultant experienced in working in karst landscapes. There are many different techniques to reveal the nature of subsurface conditions in karst terrain, including:

- Electric resistivity tomography
- Seismic refraction
- Gravity surveys
- Electromagnetic (EM) inductance/conductivity surveys

Electric resistivity tomography has proven to be a particularly useful technique to identify subsurface anomalies at a scale that impacts stormwater design. These surveys provide a qualitative evaluation of the site area and may identify "suspect areas" to be further evaluated by borings. The use of these surveys may reduce the total number of soil borings by narrowing down the locations of suspect areas at the site".

**ROCKWOOL DID NOT DEVELOP A KARST FEATURE PLAN.**

## STORMWATER DESIGN PRINCIPLES FOR KARST TERRAIN

Treat runoff as sheet flow in a series of small runoff reduction practices before it becomes concentrated.

**Practices should be designed to disperse flows over the broadest area possible to avoid ponding, concentration or soil saturation.**

- **Small-scale low impact design (LID) practices work well in karst areas, although they should be shallow and sometimes use perforated under drains to prevent groundwater interaction.** For example, micro-bioretenion and infiltration practices are a key part of the treatment train.
- **Distributed treatment is recommended over centralized stormwater facilities,** which are defined as any practice that treats runoff from a contributing drainage area greater than 20,000 square feet IC, and/or has a surface ponding depth greater than three feet. Examples include wet ponds, dry extended detention (ED) ponds, and infiltration basins.
- **The use of centralized stormwater practices with large drainage areas is strongly discouraged even when liners are used.** Centralized treatment practices require more costly geotechnical investigations and design features than smaller, shallower distributed LID practices. In addition, distributed LID practices generally eliminate the need to obtain an underground injection permit
- **Designers should refer to the list of preferred and acceptable stormwater practices as outlined in Table 3.**
- **Designers must address both the flooding and water quality aspects of post development stormwater runoff.** In most localities, the sequence of stormwater practices should have the capacity to safely handle or bypass the 2- and 10- year design storm, following the methods outlined in Section 5.4.
- **Designers should maintain both the quality and quantity of runoff to predevelopment levels and minimize rerouting of stormwater from existing drainage.**

**ROCKWOOL DID NOT FOLLOW THE DESIGN PRINCIPLES WHEN IT DESIGNED ITS STORMWATER PONDS**



**L. Everett & Associates** is an environmental consulting firm, advising clients in the area of soil and groundwater remediation, vapor intrusion, water quality and environmental regulatory compliance. We are hydrogeologists, engineers and geologists who design and manage subsurface site characterization projects and soil and groundwater remediation programs. We also provide services to law firm clients, advising on technical aspects of environmental lawsuits and serving as expert witnesses.

**James T. Wells, PhD, PG** is an environmental geologist with 20 years of experience in hydrogeology and geochemistry and is a Professional Geologist, registered by the State of California. Dr. Wells is the Chief Operating Officer of L. Everett & Associates. He earned a BA in Earth Sciences from Dartmouth College and MS and PhD degrees in Geological Sciences from the University of Washington. He serves on the editorial board of the academic journal, Environmental Forensics. **His area of expertise includes groundwater hydrology, environmental forensics and fate and transport of contamination in soil and groundwater.**

Below are the recommendations from Dr. Wells detailing the best way to protect groundwater from contamination caused by leaks and the failure of the stormwater ponds.

*"Mr. Perry, We reviewed your write-up about the planned stormwater and waste lagoons at the proposed Rockwool plant in Ranson, WV. My colleague, Dr. Lorne Everett has done a lot of work over the years designing vapor zone and **groundwater monitoring systems** for all sorts of waste facilities like landfills and land treatment units. We recognize that one of the challenges at this site will be that it's probably not feasible to design a groundwater monitoring network since the karst geology makes it very difficult to understand where releases into the aquifer would go. **We are also not aware of any way to specifically monitor for sinkholes under the lagoons, once they are constructed.***

**One level of protection that is employed at hazardous waste sites and other types of landfills is:**

- **INSTALLATION OF A DOUBLE COMPOSITE LINER SYSTEM WITH TWO LAYERS OF LINERS WITH A LIQUID DETECTION SYSTEM BETWEEN THE LINERS. This might consist of a sand layer with perforated pipe (like a French drain) all leading to a centralized sump.**
- **INSTALLING MONITORING WELLS AND REGULARLY TESTING THE GROUNDWATER FOR CONTAMINATION.**
- **DETERMINING THE ACTIONS TO BE TAKEN BY ROCKWOOL WHEN GROUNDWATER CONTAMINATION IS DETECTED.**
  - **Will Rockwool Stop Production?**
  - Remove liquids from the pond(s);
  - Store or transport the liquids from the site;
  - Find the leak(s) in the pond residue;
  - Drive crane, trucks and equipment into pond to remove the damaged liner system;
  - Drive dump trucks and backhoe into the pond to repair the sinkhole(s);
  - Repair the damaged liner system using trucks, crane and welding equipment
  - Restart the production line,
  - **Or Continue To Operate And Continue To Contaminate The Groundwater?**

## GEOMEMBRANE LINER INFORMATION

(From the Fabricated Geomembrane Institute Webinar: Pre-Fabrication, Installation and Testing of Geomembranes. T.D. Start, December 10, 2019)

### GEOMEMBRANE LINER TERMINOLOGY AND TYPES

CSPE - Chlorosulphonated Polyethylene – (Can Be Pre-Fabricated)

EIA - Ethylene Interpolymer Alloy – (Can Be Pre-Fabricated)

EPDM - Ethylene Propylene Diene (EPDM) - (Can Be Pre-Fabricated)

EVOH - Ethylene Vinyl Alcohol – (Can Be Pre-Fabricated)

fPP - Flexible polypropylene – (Can Be Pre-Fabricated)

fPP-R - Reinforced flexible polypropylene – (Can Be Pre-Fabricated)

**HDPE - High density polyethylene – (Can Not Be Pre-Fabricated) – Used to build Rockwool's Ponds.**

LLDPE - Liner low density polyethylene – (Can Be Pre-Fabricated)

Polyurethane - Polyurethane – (Can Be Pre-Fabricated)

PVC - Polyvinyl chloride – (Can Be Pre-Fabricated)

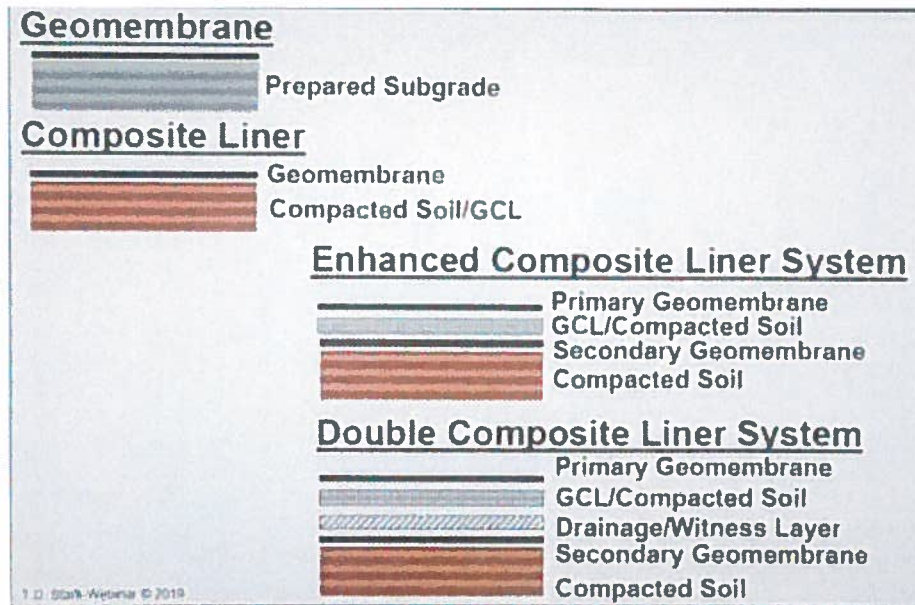
WCPE - Woven coated polyethylene – (Can Be Pre-Fabricated)

Scrim/reinforcement - Reinforcing fabric – (Can Be Pre-Fabricated)

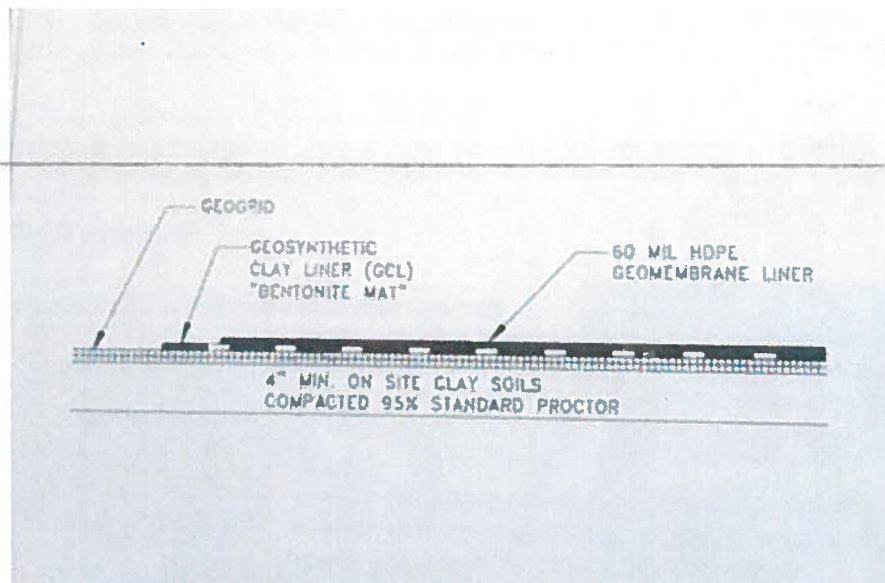
### CHEMICAL RESISTANCE

|                              | AIE | PVC | HDPE | LLDPE | WCPE | fPP |
|------------------------------|-----|-----|------|-------|------|-----|
| <u>Acids/Bases (General)</u> | A   | A   | A    | A     | A    | A   |
| <u>Naphtha</u>               | A   | B   | C    | C     | C    | B   |
| <u>Kerosene/Gasoline</u>     | A   | C   | B    | B     | B    | B   |
| <u>Jet Fuels</u>             | A   | C   | A    | A     | A    | B   |
| <u>Sulfuric Acid (30%)</u>   | A   | A   | A    | A     | A    | A   |
| <u>Nitric Acid (10%)</u>     | B   | B   | A    | A     | A    | B   |
| <u>Oils</u>                  | A   | B   | B    | B     | B    | B   |

Recommend for use: A – Prolonged Contact. B – Occasional Contact. C – Inappropriate Use.



**A DOUBLE COMPOSITE LINER SYSTEM IS REQUIRED TO MINIMIZE THE RISK OF CONTAMINATION OF THE GROUDWATER AND WATER WELLS**



**ROCKWOOL HAS BUILT THE STORMWATER AND PROCESS PONDS USING A FIELD FABRICATED HDPE GEOMEMBRANE LINER SYSTEM**

In order to select the correct liner system for Stormwater Ponds, information on the materials and quantities of the materials to be **DISCHARGED INTO THE PONDS** must be known. **ROCKWOOL HAS NOT PROVIDED THIS INFORMATION.**

From the Chemical Resistance chart above it appears that LLDPE and WCPE provide equal chemical resistance than HPDE and have the added advantage of being able to be Pre-Fabricated in the clean and controlled environment of a factory, while HDPE can only be Field Fabricated

## PRE-FABRICATED Vs FIELD FABRICATED



### PRE-FABRICATED

**(INSTALLATION METHOD FOR ALL GEOMEMBRANE, EXCEPT HDPE)**

- Clean, Controlled environment
- Large panels
- Up to 80% less field seams
- Consistent seam welds done in factory
- Non-destructive seams tested in factory
- Able to be installed in a single piece
- Few and smaller wrinkles
- Allows leak detection systems
- Only limiting factor is the shipping weight



**FIELD FABRICATED**

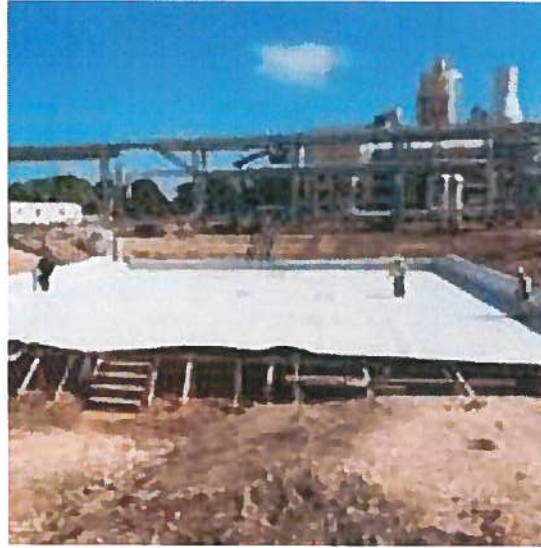
**(INSTALLATION METHOD FOR HDPE GEOMEMBRANE)**

- Dirty, Uncontrolled environment
- Small panels
- Seams welded in field
- Three times more seams required
- Destructive seam testing done in the field
- More and larger wrinkles
  - Causes localized stresses and stains
  - Interferes with drainage
  - Stress cracks form along wrinkles
  - Increased potential for construction damage
  - Clay migration if GCL used
  - Leak detection systems more difficult to install



**ROCKWOOL'S INSTALLED HDPE STORMWATER POND LINER SYSTEM WAS FIELD FABRICATED.**

## LINER INTEGRITY MONITORING SYSTEM



**THE LEAK LOCATION LINER SYSTEM** has proven to be the most effective method for locating and quickly repairing leaks before a facility is put into operation. **But once installation is complete, how will you demonstrate to regulators and others that the system is performing in order to minimize liability?**

### THE NEXT LEVEL OF ASSURANCE

The Liner Integrity Monitoring System is the newest advance in a long history of innovative products. It provides the next level of quality assurance and risk management: continuous, long-term monitoring of a Geomembrane system for early detection of leaks.

### LONG-TERM RELIABILITY

Consisting of Leak Location Liner, engineered sensors embedded in the liner, and a Central Monitoring Unit, the system works by measuring the electrical fields above and below the Geomembrane. If the liner is damaged, the system detects a change in the electrical field and signals a leak. This process is repeated in cycles to continuously monitor the site and provide real-time information to the operator.

### WHEN YOU NEED TO BE SURE

**The Liner Integrity Monitoring System will add another layer of protection to any application where you can't afford a leak. From mitigating environmental risks to helping prevent product or fresh water loss, if there is a critical need to guard against leaks, the Liner Integrity Monitoring System can do the job.**

**ROCKWOOL DID NOT FOLLOW THE LINER MANUFACTURES RECOMMENDATION TO INSTALL A LEAK DETECTION SYSTEM**

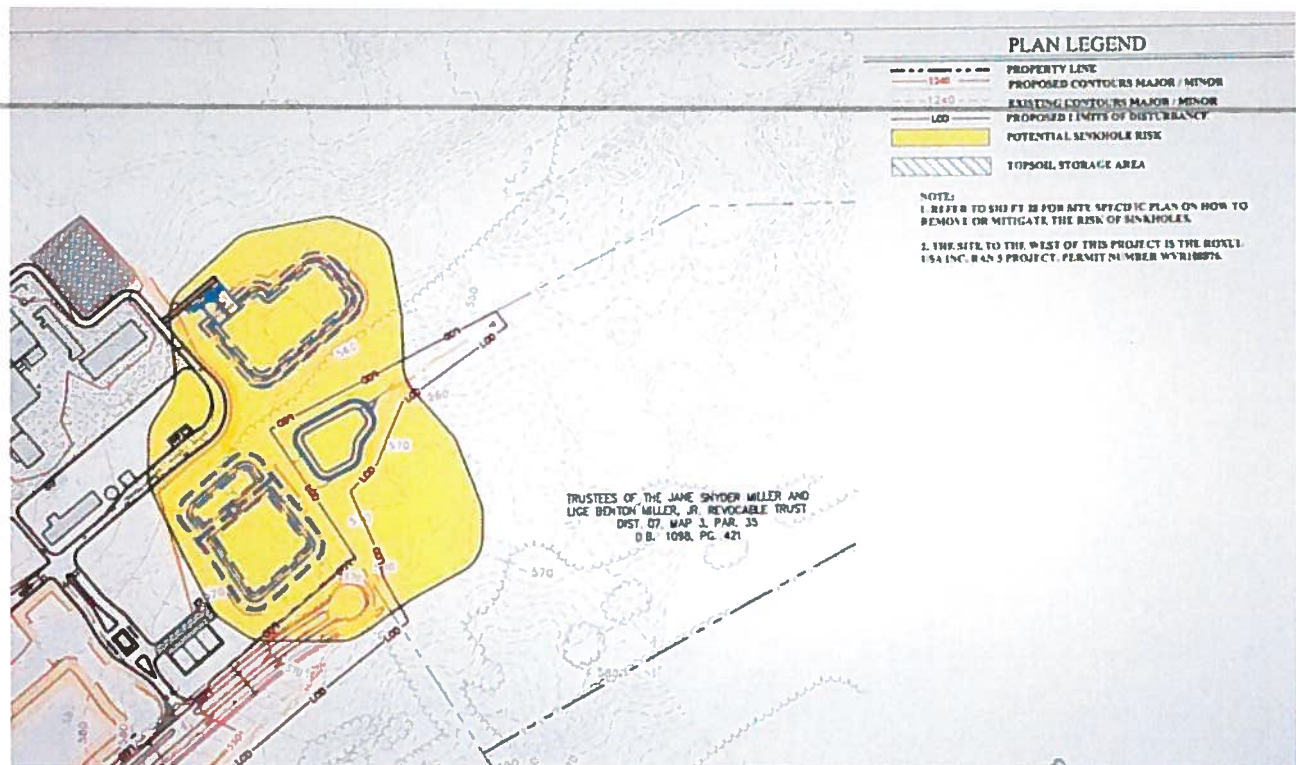
## STORMWATER POND DESIGN AND CONSTRUCTION DEFICIENCIES

### ROCKWOOL'S "POTENTIAL SINKHOLE RISK" MAP

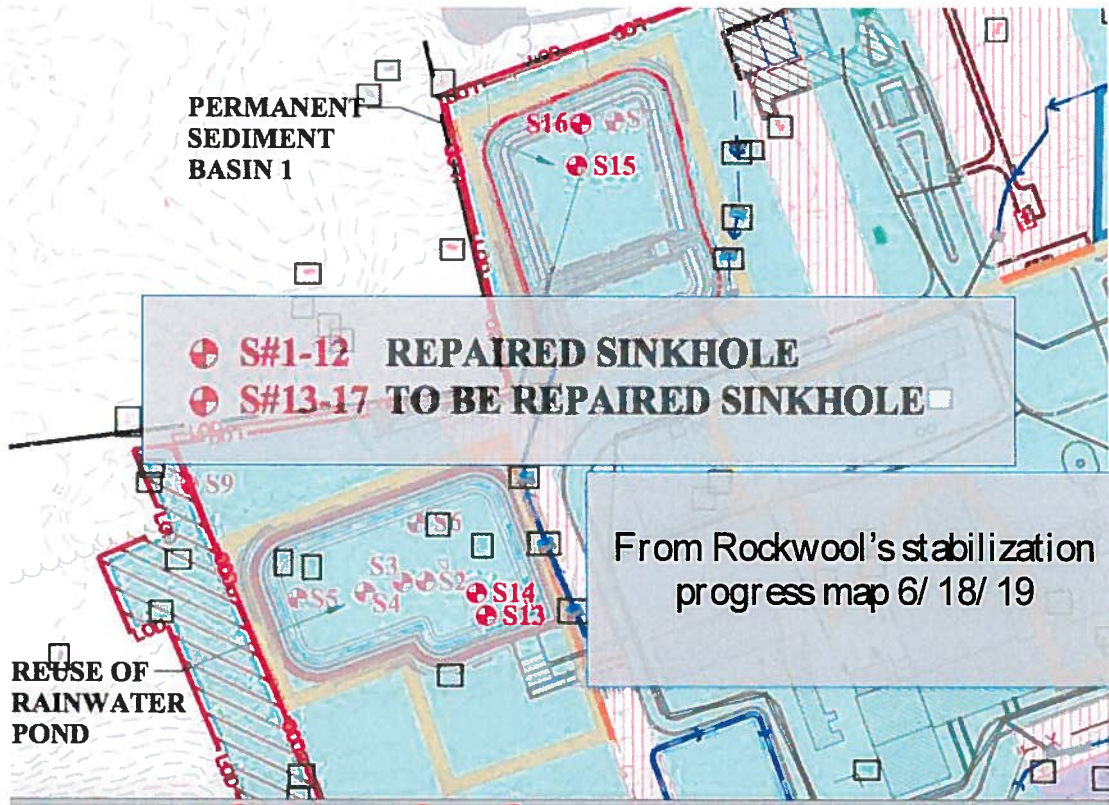
The Rockwool drawing below is titled Potential Sinkhole Risk Map and shows the location of the ponds. The drawing notes that the ponds are located in a **"POTENTIAL SINKHOLE RISK"** area.

- According to Rockwool's stabilization map dated 6/18/19, there are a total of **17 reported sinkholes within the site, including 7 in the Rainwater Reuse Pond**. Some of the sinkholes are many feet in diameter..
- The increase of **impervious surface** area due to roads, parking lots and buildings will produce a much greater rate and volume of runoff.
- **More runoff greatly increases the risk of new sinkhole formation.**
- It is **certain that more sinkholes will be formed**, caused by the excavation, blasting and pile driving required to construct the foundations of the smokestacks and the heavy equipment required to build the smokestacks.

**ROCKWOOL DID NOT MITIGATE THE RISKS OF SINKHOLES UNDER THE STORMWATER PONDS.**



Rockwool's Stormwater Pond Design Deficiencies, Groundwater Contamination

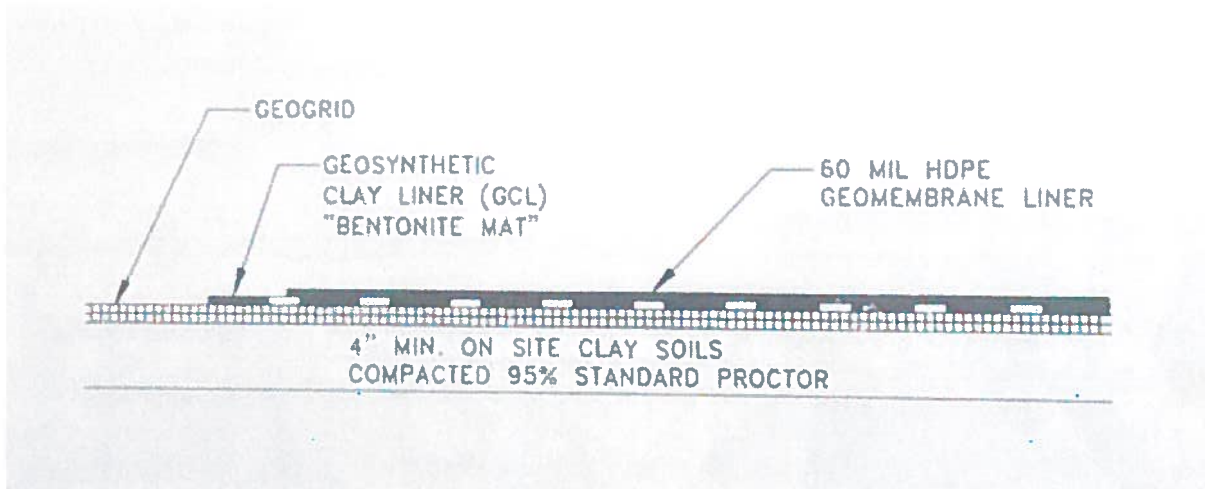


Rockwool's Stormwater Pond Design Deficiencies, Groundwater Contamination



## DESIGN COMMENTS ON ROCKWOOL'S POND LINER SYSTEM

The following design comments are based the Stormwater Pond's cross section below and ERM's Ran5, Pond Liner System, Rockwool USA, Inc's drawing and notes..



- Rockwool installed one layer of Field Fabricated HDPE (High Density Polyethylene) liner membrane in the ponds.
  - **A Double Composite Liner System is needed, with two layers of liner membrane and leak detection and a drainage system installed between the two layers of liner membrane.**
  - The plans do not show the liner joint layout. It is estimated for a 72,000 square foot stormwater pond using 12 foot wide rolls and field fabricated there will be **over 7,000 linear feet of on-site welded seams. The welded seams are the weakest part of liners and the most likely to fail.**
- Rockwool installed one layer of Geogrid liner.
  - Geogrid is an open plastic mesh material, like heavy duty deer netting. It is designed to allow liquids to easily pass through it.
- Rockwool installed one layer of Geosynthetic Clay Liner (GCL).
  - GCL has woven geotextile fabric at the top and bottom and in between the fabric layers it is filled with a **one quarter of an inch** of sodium bentonite clay between the fabric layers. **The 7,000 linear feet of un-welded seams will allow liquids to pass through..**
- Notes 2-5, shows a Compacted Clay Layer of 4 inches thick. Table 6 from the CSN Technical Bulletin recommends **24 inches of soil or clay**, depending on the depth to bedrock.
- Note 2 indicate soil oil requirements and properties which **vary from the information in Table 6.**
- Note 3 states "making several passes on vibratory mode". **The compaction of the soil under the liners can lead to formation of new sinkholes.**

Rockwool's Stormwater Pond Design Deficiencies, Groundwater Contamination

- The Notes states that the contractor or material installer shall be responsible for the installation. **Because of the critical nature of the pond liners in preventing groundwater contamination, it is necessary that an independent Quality Assurance Program** be implemented to ensure the lagoons are constructed as designed in the construction documents.
- The Stormwater Design Guideline notes that **60 mil is the minimum** thickness for liners. Because of the critical role liners play in preventing groundwater contamination, **the minimum should not be the standard that is used.**
- Rockwool did not install a **LEAK DETECTION SYSTEM** under the pond liner. It is critically important that leaks in the liner be detected as soon as possible so that remediation action can be taken as quickly as possible.
  - **HDPE IS AVAILABLE IN A LEAK LOCATION LINER SYSTEM.** The leak location system will demonstrate to the community and regulators that the system is performing in order to minimize groundwater contamination and liability. Sensors are embedded in the liner and a central monitoring unit. The system works by measuring the electrical fields above and below the HDPE liner. If the liner is damaged, the system detects a change in the electrical field and signals a leak. This process is repeated in cycles to continuously monitor the site and provide real-time information in order to detect leaks into the groundwater.

|                                                                                                                                                                                                                                                                                                   |                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Pond Excavated at least Three Feet Above Bedrock                                                                                                                                                                                                                                                  | <b>24 inches of soil</b> with maximum hydraulic conductivity of $1 \times 10^{-5}$ cm/sec             |
| Pond Excavated within Three Feet of Bedrock                                                                                                                                                                                                                                                       | <b>24 inches of clay<sup>1</sup></b> with maximum hydraulic conductivity of $1 \times 10^{-6}$ cm/sec |
| Pond Excavated Near Bedrock within wellhead protection area, in recharge area for domestic well or spring, or in area with high fracture density or significant geophysical anomalies.                                                                                                            | Synthetic liner with a <b>minimum thickness of 60 ml.</b>                                             |
| <sup>1</sup> <b>Clay properties as follows:</b><br>Plasticity Index of Clay: Not less than 15% (ASTM D-423/424) Liquid Limit of Clay: Not less than 30% (ASTM D-2216)<br>Clay Particles Passing: Not less than 30% (ASTM D-422)<br>Clay Compaction: 95% of standard proctor density (ASTM D-2216) |                                                                                                       |

## **MONITORING WELLS AND GROUNDWATER CONTAMINATION**

- Page 69 of the WVDEP stormwater management guidance document states: "Monitoring wells and groundwater sampling may be required by the Director for the assessment of the potential for or existence of groundwater contamination..."
  - 47 CSR 58 4.9C; states; "new facilities shall monitor groundwater upon order of the director if the director reasonably believes that an industrial establishment or activity has the potential to contaminate groundwater"
  - **The existing authority of the Director should be used to require Rockwool to install groundwater monitoring wells** along its property boundaries, especially northeast and northwest from the two Stormwater Outlets, as these are the directions towards existing surface water receptors at The Compound, Historic Nature Preserve Park (recharged by groundwater,) and the drinking water wells at residences along Warm Springs Road, Granny Smith Lane, Good Folks Road, Stubbs Road, Americana Lane and Vista Lane.

### **ROCKWOOL HAS NOT INSTALLED MONITORING DETECTION WELLS TO IDENTIFY CONTAMINATION OF THE GROUNDWATER**

## **RECOMMENDATIONS**

Because of the critical role Rockwool's stormwater ponds will play in protecting the safety of the groundwater from contamination, it is necessary that:

- Rockwool provide WVDEP with a **complete list of the ponds and the materials and quantities** of the materials which will be discharged into the ponds.
- Rockwool provide WVDEP with **As Built Plumbing Drawings** in order to determine which plumbing fixtures, floor drains, traps and other plumbing equipment discharge into the stormwater ponds.
- WV DEP require Rockwool to install a **Double Composite Liner System** and **engage a third party independent engineering firm**, experts in designing stormwater ponds in Karst terrain, to design and supervise the construction of the Stormwater Ponds.

## **FINAL QUESTIONS**

- Will Rockwool set aside dedicated funds to respond to and remediate the groundwater and private wells which have been contaminated by its operations?
  - Will Rockwool set aside dedicated funds to clean up the site contaminated by its operations at the end of the life of the factory?
  - **Who will be legally responsible and financially liable** when the groundwater and drinking wells are contaminated because of the **design deficiencies of Rockwool's stormwater ponds**; Rockwool, Thrasher engineering, ERM, the construction contractor, **or Jefferson County and the State of West Virginia?**

Rockwool's Stormwater Pond Design Deficiencies, Groundwater Contamination